

# The Persecution and Confession of Elenor Hay, Countess of Linlithgow

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Helen, or Helenor, Hay was the only daughter, by his first wife, of Andrew, eighth Earl of Errol. She had three elder brothers, Alexander who was deaf and dumb; Francis, destined to become the 9th Earl; and Thomas, who appears to have had much the same physical disabilities as Alexander (and indeed both were cognized to be mad in 1596 - Balfour 1906, 577). Helen's mother died before she was even three years old. The Earl's second marriage and subsequent family, two more sons and another daughter, introduced considerable rifts into the household. One consequence of this was that Helenor's prospects were considerably reduced, her share of the parental inheritance being next to nothing. Nevertheless, a good match in marriage was found for her in the shape of Alexander, Master of Livingston. He was the son of the sixth Lord Livingston of Callendar and thus belonged to a family that had been influential in Scottish affairs for some time. He was also substantially older than her. By 1582 the negotiations between the two families over the terms of the contract of marriage had been more or less finished. Lord Livingston, Alexander's father, was an old man in poor health and despite the fact that Helen was only about 15 years of age it was felt that the ceremony would soon take place.

However, 1582 proved to be a momentous year for the Livingston family for other reasons. The Earl of Gowrie, then at the pinnacle of his power and influence, contrived to have the Duke of Lennox banished from Scotland. Lennox was a particularly close friend of the Master of Livingston and there must have been some concern that the latter would also become the target of Gowrie's plotting. On 3 December the Duke spent the night at [Callendar House](#) before moving on to [Blackness Castle](#). In the prevailing air of suspicion it was thought that a counter plot might be being hatched (Bowes 1842, 267). A diplomatic exit was evidently called for and at considerable inconvenience to himself and his family, Master Alexander Livingston decided to accompany Lennox into exile in France. A short stay was envisaged. Before leaving the kingdom Lennox wrote a letter to King James VI, dated 18 December at Glasgow, asking as one of his 'last requests' that the King should "*sign the marriage contract of the Master of Livingston, in case his father should die while he is in France, because he only undertakes the journey out of friendship to me*" (CSP vi, p.224). Master Livingston's father remained in good health and Lennox's request did not require fulfilment. He remained with his friend in France until the following May, when he returned to his own country with the news that Lennox was dangerously ill. He carried with him a letter to the King in which Lennox expressed his dying wish to be allowed to return to Scotland. It was too late. Before he had even landed at North Berwick his friend was dead.

King James received the dutiful Master of Livingston favourably. The two were evidently friends and the monarch knew that he was to be trusted. After all, the Livingstons had been faithful servants to his mother, Mary Queen of Scots, throughout her adversities and despite extreme pressure to abandon her. Robert Bowes, the English ambassador at the Scottish court, was more wary in his acceptance of the ambitious young man's return. "*The home-coming of the master of Livingstone at this time and upon the King's remove to Faulkland, doth greatly increase the fear and suspicion generally conceived here of some sudden alteration to be wrought in this court and realm*" (Bowes, R 1842 p.454). Shortly afterwards, however, the King sent Master Alexander to France once again, to bring back the widow and son of the late Duke. For this service Livingston was rewarded with a third share of the confiscated benefice of Cambuskenneth Abbey (Livingstone 1920, 102). On his return from France the political situation did seem to have quietened down and towards the end of January 1584 the long anticipated contract of marriage between Master Alexander Livingston and Helenor Hay was finally signed. In order to afford the customary sum of money for the groom's family, Helen had to forfeit her lands to her brother:

*"That Maistres Helene may remane infeft as she dois for hir tochir, and she to mak resignatioun of the landis quhairin she is to be infeft in her bruther Frances favour, upon sufficient securitie maid be him for hir tocher, her marriage is to be exped, and the Kingis Majestie to contract in place of hir unnatural fader."* (Spalding Club ii, 330).

No sooner was the wedding over than the turbulent times re-emerged. Matters came to a head between Gowrie and the King following the 'Raid of Ruthven'. Gowrie's supporters soon took control of the strategic stronghold of Stirling. With the future of the kingdom in the balance Master Livingston acted promptly. Rapidly assembling his relatives, friends and retainers at Falkirk he unhesitatingly marched on Stirling. The rebels were taken by surprise at the speed of his response, their nerves failed them, and the castle and town were abandoned to the royalists. The Earl of Gowrie was captured soon afterwards. At his trial the Master of Livingston's father sat on the assize and in due course Gowrie was found guilty and executed. Lennox had been avenged. At the town of Falkirk extra measures were taken for the security of its occupants and in 1585 new gates were erected on some of the principal streets (Keir 1827).

Helenor Hay, now Mistress Livingston, must have wondered what kind of family she had become involved in. Constantly caught up in the political breezes which blew one way and then another according to aristocratic leanings and the machinations of individuals, the Livingstons had sailed the turbulent affairs of state with some success. It was, however, an unsettling experience. Given the recent events it was not surprising that the Master of Livingston and his new wife should find themselves in close companionship with the King and his consort. Indeed, the King's wife, Anne of Denmark, and Helenor became firm friends. But Mistress Livingston was quite capable of stirring the murky waters of state herself, albeit unintentionally. Helenor, like most of her family, was a staunch Roman Catholic despite the fact that her husband was professedly a Protestant. Naturally, therefore, the leaders of the Reformed Kirk did not regard her with the same favour as did the King. In their records of the state of the true religion in Scotland in 1587 "*Helen Hay, Mistress of*

*Levingstoun*," is noted as "a malicious Papist" (Bannatyne Club 1840, 721). For the moment the Kirk's attention was distracted from her by the conspiratorial actions of her brother, now the Earl of Errol. He actively strove to reintroduce the Catholic religion into his country, and to that end he even entered into treasonable correspondence with the King of Spain. On a charge of "*practice tending to the subversion of the trew religion*" he was denounced by the Privy Council as a rebel (RPC iv, 361). He broke out in rebellion and spent the next five years in and out of armed conflict with the crown. After many intrigues and failed plots he was excommunicated by the Kirk in September 1593, and banished from the country (Stephen & Lee 1891, 257).

For a while Mistress Helenor Livingston's religious observances, not being openly practiced, were overlooked. Then came a period during which the newly established church felt itself under threat from external influences. Lacking self confidence, the Kirk started a re-invigorated campaign to root out those Papists that had infiltrated the very heart of the secular government. Helenor Livingston, now Lady Livingston following the death in 1593 of her father-in-law, was near the top of their hit list due to the activities of her brother. She was named as one "*of chieftest known and professed Papists in Scotland*" (CSP xi, 473). Consequently, she was cited to appear before the Presbytery of Glasgow on the 13<sup>th</sup> April 1594. Despite the potential gravity of the situation she only sent a letter in reply. This was found to be insufficient and it was ordained that she should be summoned to attend eight days later. The minister of Monyabroch (Kilsyth), Alexander Livingston, was given the task of delivering the summons. He was a cousin of Lord Livingston and in March 1590 had been appointed by the Privy Council as one of the three clerical commissioners for the overseeing of the Protestant religion in Stirlingshire. He knew the case well, and no doubt wished it were otherwise.

*"Quhilk daye the kirk and presbiterie of Glasgw havinge ordenit Mr Alexander Levingstoun minister at Monyaburcht to summound personalie dame Helein Hay ladie Levingstoun to this daye, to compeir befor thame in Glasgw, according to the Act and ordinance of the first Synodall Assemblie haldin in Glasgw, as the said minister his executionis and indorsationis in the self beiris; And the said Ladie not compeirand personalie, but sendinge Williamme Callander fear of Banclocht beirair of hir ladieschipis lettir to the said presbiterie; in the quhilk lettir the said presbiterie finding na sufficient cause to stay thair process, ordanis to summound hir ladieschip to this daye viij dayes, to compeir befor thame to the effect contenit in the said Act and ordinance of the said last Synodall Assemblie, quhilk is to give the confessioun of hir faithe, vnder the pane of disobedience; as also that the said Mr Alexander summound hir ladieschip to the said daye, and be present himself the said daye, delyvering the said dewlie execut and indorsit be him, vnder the said pane of disobedience."* (Maitland Club 1840 i, 66).

The lady not deigning to take any notice either of the second summons, the minister of Kilsyth was, on the 23<sup>rd</sup> of the same month, ordered to wait upon her. At the same time two more hounds were set on her trail:

*"Apr: 23.- Quhilk daye the presbiterie ordenis Mr Alexander Levingstoun persone and minister at Monyburcht, to summound dame Eline Hay ladie Levingstoun to this daye xv dayes, to compeir befor thame vnder the pane of excommunicatioun. And that the said ladie may be winn to God, the said presbiterie ordenis Mr Patrik Scharp principall of the College of Glasgw and Mr Johnne Couper to pas to the*

*said ladie on Fryday this oulk, and confer with the said ladie anent the heidis of relligioun; and quhat thai sall find in the said ladie tuiching the groundis of relligioun, that thai report to the said presbiterie this daye xv dayes, na wayes prejudging the summounding of the said ladye to the said daye."* (Maitland Club 1840 i, 67).

Yet again these attempts to 'help' the lady were spurned and the trail seemed to go cold. Lord and Lady Livingston continued, despite the rumblings of the Kirk, to enjoy the King's company. When James VI's son, Prince Henry, was baptised by Protestant rites on 30th August 1594 it was Lord Livingston who had the honour of carrying the towel. The act was, however, tempered by the placement of the prince into the care of the Earl of Mar, as hereditary keeper of the monarch's eldest child. Livingston had wanted to share that honour, as his forebears had in the case of Mary Queen of Scots. A bitter feud between these two families had started some years earlier and only added further to the insult. Livingston had no right to the position of guardian and it was only his friendship with the King that led him to such hopes. His position was weakened by his wife's religious troubles, and indeed it appears that he too was believed to have Catholic tendencies (CSP ix, 703; xii, 104, 436, 461).

The Glasgow Presbytery had momentarily given up the chase. Two years later it was renewed by the Presbytery of Stirling. The cause first appears in their records on 7 July:

*"The qlk day the minister of Falkirk was desyrit to report my lady levingstones behaveor (gif she be in his parochie) and quhow she keipis the conditionis appointed be ye last generall assemble, he anseres that she hes neur keipit any ane of ye saids conditionis, Bot rather it appeiris that the delay of the kirk hes wrought in hir ane greatar obstinacie & contempt of ye evangell, Inrespect Rot diksone ane alledgit Jesuit & trafficquar was receavit in ye plaice of Callendar besyd falkirk quhair he remainit ane lang spaice expres contrar ye act of parliament, And on ye first day of his receaving yair quhilk was sonday my Lord Levingstone remainit all day fra the kirk. My lady hes as zit on ye ruif of hir bed monuments of Jdolatrie. haid a beanfyr biggit besyd ye plaice of Callendar on midsomer evin last. done be Christane hay hir gentill woman (as is reported). My lady prophanit ye last Sabboth quhair on the holie communione was ministrat & the new covenant maid in all the kirks within thir bounds be ryding to Edr. Off ye quhilks the brethrein thinks meit that ye presbytrie of Edr be advertesit and thair Judgment cravit quhat yai think meit salbe done with ye said lady."* (Fergusson 1906, 21).

Lord Livingston was at the same time ordered "to communicate on Sonday nixt with the remanent parochinars of falkirk that hes not zit communicat and to mak the new covenant with the rest of Gods pepill." (ibid). The communion was held on two successive Sabbaths at this time so as to take in all the people who were considered worthy of it. It also permitted an opportunity to gather in those whose faith might be suspected.

*"1596. July 28. Lady Livingston was summoned to this day to state why the sentence of excommunication should not be pronounced against her. There compeared David Murray in Stirling and Alexr Livingstone in Burnsyd who gave in some paltry excuse, such as ill health & c. The Presbytery ordained Mr Patrick Simsone (minister of Stirling) and Mr Adam Bellenden (minister of*

Falkirk) "to pass to my lord and lady Levingstone on the 2d August to try the trewth of the said excuse. 2. To admoneis my ladie for not keeping of ye conditionis Injonit to hir be the last generall assemblee ... and gif thay ar not keipit in tyme to cum the brethrein will proceid to excommunication against hir without any admonitionis. 3. To ask hir quhow she is resolut to thais four artickilis delyverit to hir an wret and confermit be testimoneis of holie scriptur and ancients. To desyr My lord to remove that monument of Idolatrie To wit, the piktar of ye crucifix at ye ruif of his ladeis bed. 2. admoneis his lo. for not hanting the preichings ilk sabbath in tymes bygane and that he amend ye samin in tymes coming. 3. Qwhy he cawsit men withdraw thame seljis from ye holie communione to ryd with him on ye Sabbath expres against gods law. 4. Qwhy he absented him self fra ye holie communione the last tyme of ye ministratioun yairof in his parochie kirk twa divers sondays. 5. Qwhen & quhair he last communicat. 6. Qwhy he sufferit ane beanfyr to be sett out besyd his lo. plaice on midsomer evin last to ye dishoner of god and evil exampill to all the cuntrie. 7. To confer with his lo. on ye points of religione mentionat in ye confessione of faith and finding his lo. fullie resolut in all by his great aith to receave his subscriptione yairto. 8. To desyr his lo. to present Robart diksone befor ye presbytrie according to his lo. promeis reported. And last to desyr his lo. quhat he will voluntarlie give to support ye Repairing of Allwn brig." (Fergusson 1906,22).  
The said Commissioners to report.

On 26th August Lady Livingston was discerned to be excommunicated: "as ane profest papist". On her behalf "compeired Thomas Callendar brother to Wm Callendar of Banclot procurator for ye said Ladie and alledgit in hir name that she was lyand seik and myt not travell to this plaice this day without dainger of hir lyf ... Andro miln chirugean in Linlythgow deponit ye samin be his great aith" and alleged farther that she had been continually sick since the last General Assembly. "In respect of the qlk alledgeance of Inhabilitie the brethrein appoints Mr Patrik Simsone, Mr Wm Stirling (minister of Kincardine ) and Mr Jone Millar (minister of Logie ) to pas to ye said Lady in ye plaice of Callendar at falkirk and thair to try quhow thais conditionis conteinit in ye said act ar keipit be the said Lady and confer with hir upone ye contraverted heads of Christiane religione" (ibid).

Her excommunication was postponed.

Patrick Simson, the minister of Stirling, had successfully converted several noble women, including Lady Mar and Lady Erskine, to the "true faith." Lady Livingston was more intransigent. Simson's biographer notes that "He dealt with my Lady Linlithgow, who was obstinate, and affirmed that the Pope might not err in matters of faith, as Caiaphas prophesied, being high priest that year. He said, did not Caiaphas err in the chief head of faith, when he rent his cloathes, and called it blasphemy that he was the Son of God? She replied, Let the Doctors of Sorbon answer that question." (Tweedie 1845, i 74).

The brethren reported on 4 November that they had passed as instructed, only to find "that the said Ladie was removit towards Edr on the day preceeding." The presbytery for Edinburgh was duly alerted to her presence. Her move brought her a temporary relief from the continual rhetoric and verbal abuse of the Stirling presbytery.

Her reason for attending the social milieu of Edinburgh was not merely to escape the attentions of the Stirling Presbytery. On 19 August the Queen had given birth to a daughter. *"This day at 2 hours in the morning the Queen was delivered of a daughter. Upon the advertisement thereof given to the King then at the Lord Livingstone's house at Callendar to honour the banquet at the marriage of the Earl of Orkney with the widow of Justice Clarck deceased, he returned to the Queen at Dunfermline"* (CSP xii, 306). It was an auspicious coincidence and Lord Livingston immediately started to canvass to have the infant entrusted to his care.

*"October 4th The Lord Livingstone makes earnest suit to have the custody of this chi/d, that thereby he may the better match the Earl of Mar now in quarrel with him and having the prince in his hands. But forasmuch as Livingstone's wife (sister to the Earl of Errol) is known to be a notorious papist and near the censure of excommunication, Livingstone's suit and desire will be impugned. It is looked that the Lord Seaton shall have the bringing up of this princess, for he is now accounted to be inclinable to the religion."* (CSP xii, p.336).

The decision was an important one for the King and was not to be rushed. By mid-November the result of this deliberation was known to many in the court. The Kirk was far from happy. On 9 November the Commissioners of the Kirk directed four of their number to put certain of their grievances before the King. On this list of immoral causes for dissent was the news *"That the said princesse was to be concredited and delivered in custodie to the Ladie Levingston, being a professed Papist, and at the point of excommunicatioun."* (Calderwood, D. 1845 v, 451; CSP xii, 359).

The King's answer was: *"That the Ladie Livingstoun sould ether yeeld to the religioun, and satisfie the kirk, or then she sould not come neere his daughter; but he could not refuse to concredit her to the Lord Livingston, who was a man known of good religioun."* (Calderwood 1845, 452).

The Commissioners persisted with the argument: *"That the putting of the princesse in the Lord Livingston's custodie, his ladie being as she is, would be esteemed of all a speciall pledge of his Majestie's affectioun to Papists."* (Calderwood 1845, 453).

On the 12<sup>th</sup> they resolved: *"That a letter sould be sent to the Prebyterie of Sterline, charging them to proceed to the sentence of excommunicatioun against the Ladie Livingstoun."* (Calderwood 1845, 454).

On 28 November 1596 the young princess was christened Elizabeth in honour of the English queen. Shortly thereafter, on 14 December, Robert Bowes dryly noted that *"In the heat of these griefs ... The princess is sent to Linlithgow to remain there for such time as shall be found convenient."* (CSP xii, 388).

Edinburgh 3 December 1596 *"The quhilk day, in presence of his Majestie and Lordis of Secreit Counsaill, the Lord Levingstoun oblist himselff to find sic cautioun for doing of his dewitie in keiping of the Princesse as my Lord of Mar hes found for keiping of the Prince, and that sa sone as he salbe requirit be his Majestie and Lordis of Co unsaill. The quhilk day, his Majestie, with avise foirsaid, hes gevin full pouer to the said Lord Levingstoun to putt oute and*

*ressave in all servandis necessair to the said Princeis, and that nane salbe ressavit to hir service nor remane thairin by {aside from, or without} his lordshippis plane consent and advise, becaus his Majestie hes concredited the keiping of hir to the said Lord, to be brocht up be him in his house and cumpany.” (RPC v, 343).*

Her added responsibilities probably brought Lady Livingston to the realisation that she could no longer postpone a confrontation with the church and on 15 December a deputation met her at Linlithgow. After a long discussion with her they were able to see signs of amendment. She was ordained *"to frequent the heiring of gods word prechit in ye Kirk of Linlithgow seing she dwells in the plaice yairof qlk is verie neir to ye kirk and that she have reiding of gods word ilk day in hir chambir."* (Fergusson 1906, 23).

Helen was not the only one having trouble with the arrogant ministers of the reformed church. On the 17<sup>th</sup> December the Protestant ministers even dared to harangue James VI in the Edinburgh tolbooth about the king's leniency in his dealings with the Catholic lords of his realm. Insulted and angered, the king threatened to remove the seat of government from that city, putting its financial future in jeopardy. To the magistrates horror the king quit Holyrood the next day for Linlithgow. Scottish parliaments had been held at the palace there during the plague earlier that year, and in the earlier plagues of 1585 and 1593. The worried populace of Edinburgh forced the impertinent ministers to flee to England and James returned (Hendrie 1989, 65).

Lady Livingston's tactics were doomed to failure. On 1 March 1597 the Glasgow Presbytery re-entered the fray, announcing her excommunication and forcing the evidently luke-warm minister of Kilsyth to toe the line.

*“Mar 1.- The presbiterie ordenis everie minister within this presbiterie to intimat the nixt Sondaye that dame Alinora Haye ladie Levingstoun is excommunicat, that Mr Alexander Levingstoun to do the same under the pane of depositioun.”* (Maitland Club 1840 i, 86).

Later that summer the Reverend Alexander Livingston was deposed from his rectorship *"for inhability to use discipline in the said kirk as becomes"* (Maitland Club 1840 i, 88). His successor at Kilsyth was his own son, William.

*“31 May 1597: The Lady Levingston, excommunicated and nevertheless attending on the young princess, craved by bill to be referred to the censure of Linlithgow in respect that she could not safely resort to Stirling her ordinary presbytery, in regard of the feud continuing betwixt the Earl of Mar and the Lord Livingstone her husband. This petition was granted, as the great excommunicates shall be thus absolved against the minds of some brethren impugned by the greater part at that Assembly.”* (CSP xii, 567).

Her excommunication completed there was little more that the kirk could do other than to ensure that the effect of this act was to isolate her from polite society. In this they signally failed and it was reported that *"she stands still to her papistry"* (CSP xiii, 292). By contrast her brother, Francis, was going through a process of reconciliation with the church. On the conditions that he abjured popery and

subscribed to the confession of faith he was, on 26 June 1597, granted absolution from his excommunication (Stephen & Lee 1891).

There were plenty of other things to occupy the minds of most people. That September a fresh outbreak of the plague in the east coast ports sent everyone scurrying for refuge. The Scottish court was scattered as the attendants tried to avoid the larger towns. Robert Bowes considered returning to Berwick, to be safe on English soil. For a while he had contemplated the haven of Linlithgow again but "*For the Lady Livingstone is so fearful for the Princess in Linlithgow as she mislikes my settling there as I had provided and as the King once well liked*" (CSP xiii 81). The Livingstons had been given the usage of Linlithgow Palace in order to bring the Princess Elizabeth up in the style to which she was entitled. To help Lord Livingston to afford this new life, and because he was conveniently on the spot, he was appointed Baillie of all the king's lands in the county of Linlithgow (Livingstone 1920, 109).



**Illus: View of Linlithgow by John Slezer 1693.**

There was now a large retinue at the royal palace of Linlithgow. Lady Mary Ochiltree had been appointed as an assistant to Lady Livingston. There was also a wet nurse; Alison Hay, Lady Dunkerran, became the mistress nurse; and Elizabeth Hay was 'keeper of the coffers', looking after the princess's wardrobe. Treasury accounts for this period are full of references to items of clothing for Elizabeth, and on several occasions to "Babies to play her with", or dolls (Green 1909, 3). Her doting parents wanted her to have a happy childhood.

Not only did the Princess Elizabeth remain with her Livingston guardians, but she was joined by her sister Margaret, born on 24 December 1598 and baptised on 15 April next (CSP xiii, 4 97, 507). In recognition of the extra burden placed upon him, Lord Livingston was made Keeper of Blackness Castle and of Linlithgow Palace that February. On the 28<sup>th</sup> May Livingston and his retainers were exempted from attending wars and gatherings on account of "*his magestie having pleased to burden Alexander, Lord Levingstoun, with the keiping, educatioun, and upbringing of the Princessis, his Heynes darrest dochters.*" He was also excused "*from all appearance at, or passing upon, assizes or inquests, during the time foresaid.*" (RPC v, 558).

Behind the scenes the Kirk beavered away to have the royal princesses removed from the influences of an "*enemy of the church*" (CSP xiii, 507).

*"12 August 1599 The ministers have so solicited the King as my Lord Livingstone is charged to remove his wife, the excommunicate from the King's daughters, as she must either recant or my Lord and she leave that charge, which may happily fall in the good Mistress of Ochiltree's hands."*  
(CSP xiii, 526).

Helen made placating noises to the church for the sake of her charges. These were sufficient to moderate their approach to her, though not everyone was convinced of her sincerity: *"My Lady Livingstone is to be relaxed excommunication for conference for her conversion, which I never look for"* (CSP xiii, 576). The following year saw further rewards for the Livingstons. The most important for the people of Falkirk was the grant of a crown charter on 13 March 1600, given...

*"in consideration of the great care, extreme diligence and solicitude of his trusty cousin and councillor, Alexander, Lord Livingston, and Lady Helenor Hay, his spouse, for several years bygone, in undertaking the education of the King's two lawful daughters still in their society, and understanding that he (King James VI) was justly indebted to them for the support and education of his said daughters in the sum of £10,000 (Scots), and seeing no method of recompensing the same that would be of less prejudice to his patrimony, than by granting the present infeftment; therefore, in full satisfaction of the said debt, and for long and honourable service done to the King and his progenitors by Lord Livingston and his predecessors, against all enemies, foreign and domestic, the King erects all Lord Livingston's lands and baronies into one whole and free barony, to be called the Barony of Callendar, and the town of Falkirk into a free burgh of barony, with all the rights thereof, in favour of the said lord; and also erects the whole foresaid lands and burgh into a free regality for ever, for one pair of gilt spurs to be rendered at the Castle of Callendar every year on Whitsunday in name of blench ferme."*

Then in December Lord Livingston was elevated to the Earldom of Linlithgow, and Helenor became a countess. The church viewed this promotion with a little alarm. Concern was turning to worry as more and more Papists were seen in the upper echelons of society. Even the queen was suspected of being a Roman Catholic at heart. For its own security the Kirk needed to purge the aristocracy of this menace. In the General Assembly which met at Burntisland in May 1601 one of the 'Causes of the defectioun' was entered as *"The educatione of their Majesties' children in the company of profest and obstinate Papists, sic as the Ladie Livingstone."* (Peterkin 1839, 492; Row 1842, 455; Bannatyne Club 1840, 965).

The solution was simple: *"That his Majestie be dealt earnestly with anent the removeing of his dochter out of the Lady Livingstone's company, in respect of her obstinate continuing in the professione of Papistry, for the qwhilk cause, his Majestie being requestit be the haill Assemblie, promised that his Heines' daughter should be transportit betwixt and Martimes next to come to his awne house."* (Peterkin 1839, 496; Row 1842, 457; Bannatyne Club 1840, 968; Calderwood 1845 vi, 119).

Princess Margaret, a sickly child from birth, died. In July 1601 her mother, Anne of Denmark, wrote to Cardinal Borghese to profess the Catholic Faith on her behalf in Rome. Anne had clearly been shocked by the sudden death of her

daughter whom she had hardly had chance to know. She wanted to spend more of her time with her remaining children, having been deprived of their company also.

*"6 November 1601 The Queen is fast preparing at Dunfermline a lodging for her children meaning to have her daughter from the Lord Livingstone. But my Lord of Mar is too strong to be disappointed of the Prince's keeping, which yet she will not reach for."* (CSP xiii, 895).

The king would not allow the royal children to be taken to Dunfermline and so the queen considered whether Princess Elizabeth could be moved elsewhere. In any case, as far as the Kirk was now concerned the Queen's household was little better than that of the Earl of Linlithgow. The church decided to take the grieving queen into hand:

*"May 1602 This last week there has been great brawling betwixt the Church and the Queen who should have the keeping of her daughter the Princess, for as the Puritans allege the Lady Livingstone who has the present keeping of her is a papist and so they think the Princess can do no good with her where she shall see nothing save papistry. The Queen to please them has put it to their choice whether they will be content the Princess remains with my Lady Livingstone who has her as yet or if they will my Lady Cassillis, wife to the last Chancellor, to have her (she is a lady without all religion). This matter is as yet in dispute."* (CSP xiii, 997).

Helenor Livingston was now inhabiting Linlithgow Palace, together with her husband, her five children and Princess Elizabeth. The Presbytery of Stirling therefore felt obliged to hand over the harassment of this noble lady to the Presbytery of Linlithgow in whose jurisdiction she now dwelt. She was duly summoned to appear before that presbytery in July 1602 to answer the usual charges as to the performing of superstitious practices, of not attending kirk, withdrawing her children from hearing the word, and lastly, of having dealings with midsummer fairies! The last two were readily refuted, but she was unable to satisfy the presbytery about her own beliefs. To make matters worse it came to light that she had been in correspondence with a Catholic priest by the name of Meldurm (CSP xiii, 1028). Once again she was threatened with excommunication unless she embraced the Reformed religion. In despair, Helenor and her husband were obliged to appeal to the king for protection. James VI then ordered the moderator of the presbytery, under pain of rebellion, to deliver up the necessary documents required by the countess so as to enable her to lay her case before the General Assembly (Livingstone 1920, 106). They did so, but on the appointed day she failed to turn up at Edinburgh. In her absence it was decided that she should be excommunicated.

*"Anent the summons raisit at the instance of the provinciall of Lothiane and Tweddall, against Dame Helenor Hay, Countess of Lithgow, makand mention, That in the proces of excommunicatione led and deducit against her, be the presbytrie of Lynlithgow, she had made appellatione from the said presbytrie unto this present Assemblie, and therefore ordayning her to be summoned to compeir before this Assemblie, the third day thereof, to prosecute her appellatione, with certificatione, and schoe failziet, the Assemblie wald allow of the proces led and deduced against her be the said presbytrie, as at mair lenth is contained in the saids summons, of the date, at Edinburgh, the 3d of Nov. 1602"* (Peterkin 1839, 508; Bannatyne Club 1840, 983).

Before the Assembly finally closed, her husband,  
*“Alexy. Earle of Linlithgow gave in a supplication, regrating that his Ladie, Dame Helenor Hay, had not obeyed quhat was enioyned her at the tyme of her relaxation from excommunication, so that he saw nothing but that shee deserved to be excommunicate againe. And seeing he resolved to abyde constantlie with the trueth, and to doe quhat he could for her rec/aming, he intreated that he might be pitied in sparing of her quhom he could not foirgoe or quyte, being his married wife: The Assemblie resolves to superceid her excommunication till the nixt Assemblie; provyding the King’s daughter be taken out of her companie, Papists haunt not that house, that she be catechized in the true Religion, and that his Lordship cause deale with her at all tymes carefullie, for her conversion. (Row 1842 ii, 467).*

*“Anent the supplicatione giuen in be ane Noble Lord, Alexander Earle of Lynlithgow, makand mentione, That qhwer it hes pleasit the brethren of the last Assemblie to relax Dame Helenor Hay, his spouse, from the sentence of excommunicatione, and to injoyne certaine particular conditiones to be observit be hir, qwhilks conditiones, albeit schoe, of the stubbornness of her heart. wold no wayes condescend unto, to his great grief and sorrow, nevertheless, the brethren sould have consideratione of his hard estate, who cannot. be no law, separate himself from her, notwithstanding that schoe refuses to hear and obey the wholsome voyce of the Kirk, calling her to grace in Jesus Christ; and that the rather because he himself, as he hes continuallie and constantly profest the truth and religione presently profest within this realme, so he hes used all means possible to bring his house to the trew knowledge of the same; Lykeas also he is ready in his power, be all good meanes to draw her to the truth; desyrand, therefore, the Assemblie to pity his dayly grief, and schaw him some favour in the mitigatione of her punishment, and staying of the censure of*



*excommunicatione against her, that he be not compellit to remaine in societie with her that shall be cutt off from the society of the Kirk; The Assemblie having considerit the supplicatione, continows the sentence of excommunicatione against her unto the nixt Generall Assemblie, provyding that the King’s Majestie remove his Hienes daughter out of her companie, and lykewise that his Lordship’s bairnes be catechised in the truth, and that his Majestie give command to him to debarre all Papists from his house, and that in the meantyme his Lordship cause deall with his said spouse, to sie if by any meanes she may be drawne to the knowledginge of the truth.”*

*(Peterkin 1839, 529; Bannatyne Club 1840, 1004).*

**Illus: Princess Elizabeth in 1603 (National Maritime Museum).**

On the accession of James VI to the English throne, the Princess Elizabeth was removed from the charge of the Earl and Countess of Linlithgow. The court was

to move down to London. By a warrant of the Privy Council, dated at Windsor 5 July 1603, these loyal guardians were discharged "*of the upbringing of the Princess and of thair dewtifull caire and service in that behalf*" (RPC vi 577). The couple escorted the little princess to Berwick, where there was a sad parting with the Countess of Linlithgow. Elizabeth is said to have declared, between sobs to her mother, that "*nothing can ever make me forget one I so tenderly loved*" and "*in whose house she had her first breeding*" (Rait 1902, 52). The Earl of Linlithgow saw his consort to London where he placed her into the king's own custody. The link between the princess and the Livingston family was not to be broken so easily. Anna Livingston, Helen's eldest daughter, stayed with the royal court as a lady of the queen's bedchamber (Livingstone 1920, 111: it is possible that she was the author of the 'Memoirs relating to the Queen of Bohemia' - Rait 1902, 162). In later years, as the Electress Palatine and Queen of Bohemia, Elizabeth always showed special favour to them. In particular to their third son, James, who entered her employ as a professional soldier and later became the first Earl of Callendar.

These events gave Helenor Livingston another temporary respite from the rantings of the church. Indeed, with the king's dependence on the church reduced, and the influence of the English increased, it was the church itself that was under pressure. In January 1606 six Presbyterian ministers were detained in Blackness Castle under the charge of High Treason for their refusal to recognise the jurisdiction of the Privy Council in ecclesiastical affairs. Early one morning they were escorted under guard to Linlithgow: "*and wer brought the hie-way to the Palace, quhair the Counsell wes most full and frequent sitting. The Erle of Lithgow, quho keipit hous in the Palace, and quhois wyf wes ane obstinat Papist, ressavit thame verie courteously, and caussit thame be convoyit into ane chalmer; quhair, eftir guid intertainement, thair assemblit a guid number of the Ministerie from all pairtis, and wer permittit to call to God, and to consult togidder with the prissouneris... but all in vaine*" (Pitcairn 1842, 619).

In Calderwood's version of this incident he says that it was "*The Countesse of Linlithquo, howbeit an obstinat Papist... receaved them verie courteouslie, and, after good interteanement, caused convoy them to a chamber*" (Calderwood 1845, 375).

However, even this act of kindness did not save her or her family from further persecution. The Kirk became even more extreme. In October 1608 the Earl of Errol was again excommunicated as it was found that he was a "*more obstinate and abdured*" papist than he had been before his so-called conversion (Stephen & Lee 1891).

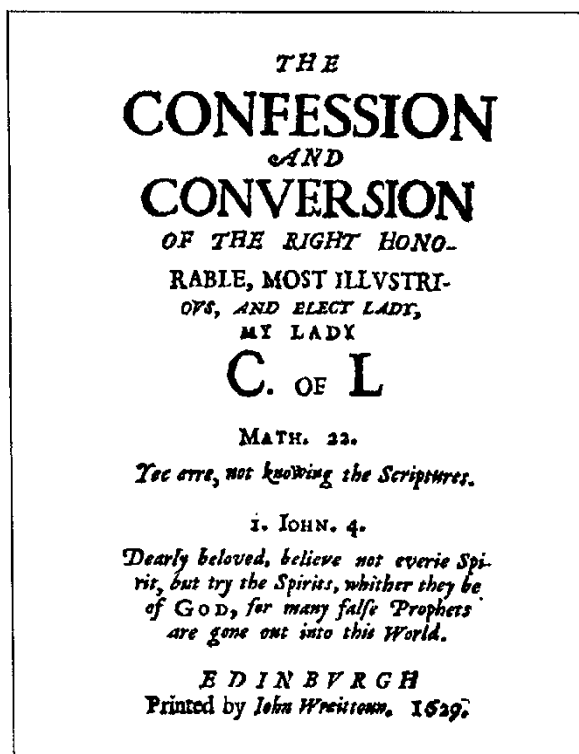
At the visitation, in July 1611, of the Kirk of Linlithgow to the Session, it was ascertained that in the parish there were "*na excommunicattis, na noncommunicants, nor Papists except my Lady Linlithgow.*" Proceedings were taken to remedy this situation: "*Her trial before the Presbytery began in 1612. The brethren had great difficulty in summoning her ladyship, as, like a hunted partridge, she contrived never to spend two Sundays in the same parish. At length they fell upon the device of enjoining all the brethren, if she appeared at any of their kirks, there and then to 'keep the ordinance and give her public admonition and. prayer.'*" (Records of the Presbytery of Linlithgow in Ferguson 1905, 166)

To strengthen her resolve, and to bring her comfort, the Catholic Church had given Helen the custody of the arm bone of St Ninian (Fereguson 1910, 284). Once again she wrote to the King:

*"PLEAS YOUR MOST SACRED MAIESTIE, I am compellit to seeke my releife when I am in truble, onder God, at your Maiestie. Being now of new hardlie put at and sumond be the Ministerrie heir, notwithstanding of the Act set doune in the last Assemblie haldin aft Halyrudhous in your Maiestes presens, wiche in all pointes 1 haue keipit, and also of your Maiestes fauorable letter wretten to the Bischep of Sanctandrois the last Simmer. So that now 1 am at the verrie point of Excommunicatioune, without your Maiestie be so gracious as to help it by your Hynes warrand to the Bischep to desist, seing 1 have appeallit to your Maieste, as 1 mone euer in my troubles now in my letter dayes. And if my healthe and onhabilitie had permitted, 1 shoulde haue cumit and latten your Maieste know how rigourously 1 am wsit be them, wherof 1 dout noht bot your Maieste will haue sune respect. Praying God to grant your Maieste many long dayes and lang to regne ouer us, 1 rest,*

*Your Maiestes most humble subiect and seruant,*

*ELEANOR HAY."* (Botfield 1851 ii, 464).



Illus: Title page from the 1629 leaflet.

"Illustrious, and Elect Lady C. of L." was printed at Edinburgh by John Wreittoun in 1629. Just how authentic the document is remains a matter of debate.

Helen's brother died in 1631, also ending a lifetime of persecution by the church. He had been absolved from excommunication a second time in 1617. In his will, however, he declared that he died, as he had lived, a true and sincere apostolic Roman Catholic. He even expressed the wish that his children and friends should embrace that faith (Balfour 1906). It was to be several centuries before the people of Scotland could enjoy such an open freedom.

Then, in October 1627, John Livingstone, minister of Ancrum and grandson of the 1627 Reverend Alexander Livingston of Kilsyth, "got letters from the Countess of Wigtoun from Camernald". This was Margaret, Helen's second daughter, with whom the widowed countess of Linlithgow was staying (the Earl had died on Christmas eve 1621 at Callendar House). "that I would come thither to be present with her mother, the Countess of Lithgow, who was a-dying, and had been all her dayes a Papist, but some while before had quit it." (Livingstone 1845, 137). He stayed with the family during her final months, occasionally preaching at Larbert and Kinneil. She died before the year passed away, worn down by a lifetime of struggle and at 60 years old she had apparently become "a zealous professour" (Calderwood 1845, 375). "The Confession and Conversion of the Right Honorable,

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