

THE GAWSWORTH WILL CASE AND THE DUEL

AS recorded by Earwaker and Croston in their excellent monographs of Gawsworth, Sir Edward Fitton the second and last Baronet, who died in 1643 at the early age of 40, left no surviving issue, a circumstance which gave rise to almost endless contentions between the kinsmen of his name and their cousins—the Gerards. Lawsuit followed lawsuit; long and rancorous were the proceedings in the “Great Cheshire Will Case,” as it was called; and the fierce struggle, which began in one century with forgery, followed by seduction and divorce, was ended in the next, in the year 1712, when the husbands of the two ladies who claimed to be Gawsworth heiresses were slain by each other in a murderous duel in Hyde Park.¹ Immediately after the death of Sir Edward Fitton’s widow, who had only a life interest in the estates, his four sisters attempted to take possession of much of the estate. They were ejected, however, by William Fitton, son of Alexander, second surviving son of Sir Edward Fitton who died in Dublin in 1579, Treasurer of Ireland, settling the estates upon himself, with remainder in succession to his sons, Edward and Alexander, the latter of whom succeeded him in possession, and he obtained three verdicts in his favour.²

One of the sisters of Sir Edward Fitton—Penelope—had married Sir

¹ The account of the duel is derived from “Memorials of the Duttons” of Dutton in Cheshire, and notes respecting the Sherborne branch of the family published in 1901.

² Previous to Sir Edward Fitton’s death he had frequently expressed his desire that his estates should remain if possible in the Fitton family, and as he had no issue, had stated his intention of leaving them to his cousin, William Fitton, Esq., his nearest male kinsman of his own name, for his life, with remainder to his two sons, Edward Fitton and Alexander Fitton. And, accordingly, by an indenture dated 9 Nov. 1641, he did so settle them, but reserved to himself the right of revocation. This indenture, however, it is alleged, he confirmed by a deed-poll dated 3 April, 1642, and on the validity of this deed everything subsequently turned. After Sir Edward Fitton’s death at Bristol in August, 1643, his sisters entered into part of his estates, Aldford and Gawsworth Park, his widow enjoyed Gawsworth as her jointure for life, and Bosley and Siddington being mortgaged were occupied by the mortgagees. Mr. William Fitton commenced suits against these co-heirs (the sisters of Sir Edward Fitton), and had three verdicts given in his favour, evicted them, and after Lady Fitton’s death (in January 1654-5) enjoyed the whole estate. Alexander Fitton in 1655 had married Anne, daughter of Thomas Jolliffe or Jolly, of Cofton, co. Worcester, Esq., and with her dowry the mortgages were paid off, and the estates became unencumbered. (Earwaker).

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Charles Gerard, of Halsall, in Lancashire, and by him had a son, Sir Charles Gerard, created Lord Brandon in 1645, and Earl of Macclesfield in 1679. Lord Brandon was one of the notable gallants of the profligate Court of Charles II. He held the office of Gentleman of the Bed-chamber, and was also Captain of the Guards—the latter a commission which he relinquished for a *douceur* of £12,000 when the King wanted to bestow the dignity upon his illegitimate son, the Duke of Monmouth. He kept up a large establishment in London, surrounded by elegant gardens, the remembrance of which is perpetuated in the names of the streets that now occupy the site—Gerard Street and Macclesfield Street, in Soho. His wife, a French lady, brought herself into disfavour at Court through allowing her tongue to wag too freely in disparagement of the notorious courtesan, Lady Castlemaine. The following is an entry in Pepys' Diary.

1662-3. Creed told me how, for some words of my Lady Gerard's against my Lady Castlemaine to the Queene, the King did the other day apprehend her in going out to a dance with her at a ball, when she desired it as the ladies do, and is since forbid attending the Queen by the King; which is much talked of, my lord her husband being a great favourite.

On the restoration of the King, nineteen years after the death of Sir Edward Fitton, and thirty after the entail had been confirmed, as alleged by a deed-poll, Lord Gerard produced a will which would be looked for in vain in the Ecclesiastical Court at Chester, purporting to have been made in favour by his mother's brother, Sir Edward Fitton. Fierce litigation followed, and in 1663 a small volume was printed at the Hague, entitled "A True Narrative of the Proceedings in the several Suits-in-law that have been between the Right Honourable Charles, Lord Brandon, and Alexander Fitton, Esqr., published for general satisfaction, by a Lover of Truth." Fitton pleaded the deed-poll, but Gerard brought forward one Abraham Grainger, then confined in the Gate House, who made oath that he had forged the name of Sir Edward to the deed under a threat of mortal violence, whereupon the Court of Chancery directed a trial to determine whether the deed-poll was genuine or not. The forgery was admitted by Grainger, and corroborated by other witnesses, who deposed that they had heard Fitton confess that Grainger had forged a deed for him, for which he had paid him £40. The judgment of the Court was given in favour of Gerard, and the deed declared to be a forgery.

The strangest part of the story remains. Grainger, impelled either

An Excellent Ballad of the

Lord MOHUN and Duke HAMILTON.

With an Exact Account of their Melancholy Deaths.



COME all ye people far and near,
Of high and low degree,
So listen, I have brought ye good here,
And therefore an ear with me.

It was, sad unhappy chance,
It was, I need not say,
Two Nobles great, in passion bent,
Cleft both their lives away.

The one Duke Hamilton by name,
The other brave Lord Mohun,
Were both men of high and fine fame,
But O! they parted soon.

For men have got great daring souls,
And reason seems likewise;
For both the glass and swimming bowls,
Great quarels do arise.

Which ends with blood and death,
No second fight.

Life is but one short bubble of breath,
Here's two great Nobles slain.

If men of honour did but know,
That death would part their fry
And lay their lofty heads full low,
Till the great Judgment day.

They would their ruffians bridle sure,
And each one thinks himself secure,
Till he's beset with life.

It was a sad and sudden fall,
From ground unto death;
That three two Nobles here did fall,
And lost their mortal breath.

It was a sad and sudden fall,
That the Queen's purpose;
She was not two years full of age great,
And they have left their fry.

Which might have serv'd the government,
In many weighty things;
Which made them all with tears lament,
That wish such ruin brings.

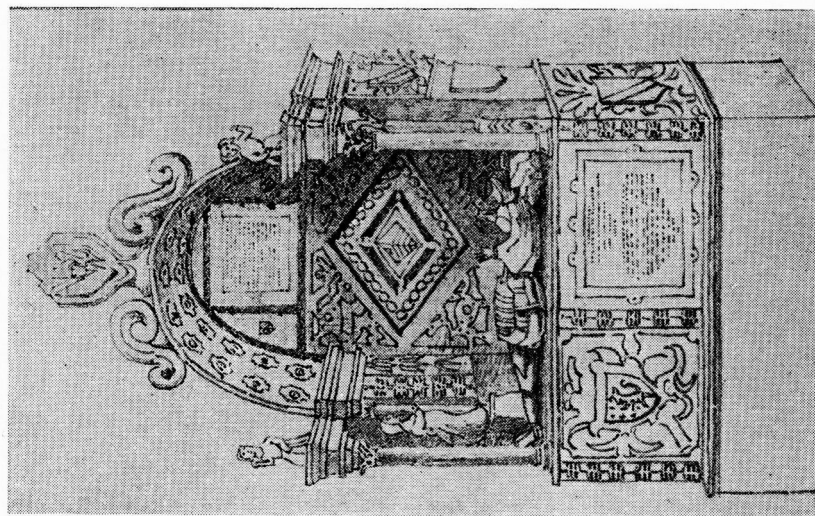
Ah! alas! I feel thought
Upon the other day,
The morning should be brought
So soon to beds of clay.

Instead of trumpets loud alarms,
In courtly form likewise,
In death's cold joys, and frozen arms,
This man of honour lies.

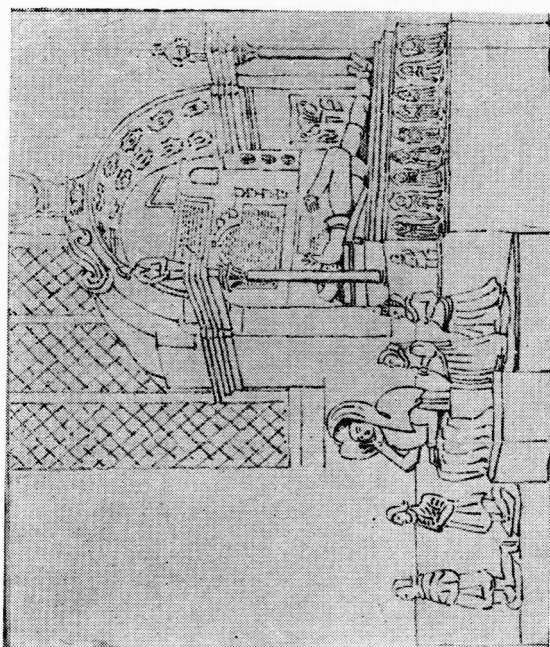
Great men will not flourish like
A quartet from a fiddle,
But like they that a challenge make,
And finally succumb.

Forbid them all in vain,
They press on, let them ill.

Facsimile of a portion of the ballad in celebration of the duel between the duke of Hamilton and lord Mohun in 1712. (From the British Museum copy).



Tomb to Sir Edward Fitton, second and last baronet, 1643, showing canopy before destruction.



Tomb to Sir Edward Fitton, the first baronet, 1619, before destruction of the canopy. Also in front, Tomb to Dame Alice Fitton, 1626.

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by remorse or the desire to escape a heavy penalty by acknowledging the smaller offence, made a written confession setting forth that he had perjured himself when he swore that he had forged the name of Sir Edward, and had been compelled to do so by the threats of Lord Gerard. Pepys, who had a strong dislike to Lord Gerard, refers to the circumstance in his Diary:—

“My cosen, Roger Pepys,” he says, “showed me Grainger’s written confession of his being forced by imprisonment, &c., by my Lord Gerard, most barbarously to confess his forging a deed in behalf of Fitton, in the great case between him and my Lord Gerard; which business is under examination, and is the foulest against my Lord Gerard that ever anything in the world was, and will, all do believe, ruine him; and I shall be glad of it.”

The anticipations of the gossiping diarist were not, however, realised. The confession, being unsupported by evidence, was discredited, and Fitton who was adjudged to be the real offender, was fined £500 and committed to the King’s Bench.

Alexander Fitton, who was thus dispossessed of the property, lingered in prison until the accession of James II, when, having become a Roman Catholic, he was released from confinement and taken into favour by the King, who made him Chancellor of Ireland, and subsequently after his abdication conferred upon him a knighthood and the empty title of Lord Gawsworth. Previously he sat in the Irish Parliament of 1689, where he appears to have been actively employed in passing Acts of forfeiture of Protestant property, and attainder of Protestant personages. On the abdication of James he accompanied him into exile, where he remained, and, dying, left descendants who deserved little benefit from the tutelar dignities his sovereign had vainly conferred upon him.

The whimsical finesse of the law, which wrested from Alexander Fitton the lands owned for so many generations by his progenitors and bestowed them upon the Gerards, though it added wealth, did not convey peace or contentment to the successful litigants. Charles Gerard on whom the barony of Brandon and the earldom of Macclesfield had been successively conferred, died in January, 1693-4, when the titles and estates devolved upon his eldest son, who bore the same baptismal name. Charles, the second earl, was the husband of the lady who, by her adulterous connection with Richard Savage, Earl Rivers, and as the heroine of the famous law case that followed upon the birth of the celebrated but unfortunate poet, Richard Savage, acquired an unenviable notoriety even in that age, when profligacy formed such a prominent characteristic of society.

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The Countess of Macclesfield, under the name of Madame Smith, and wearing a mask, was delivered of a male child in Fox Court, near Brook Street, Holborn, by Mrs. Wright, a midwife, on Saturday, the 16th January, 1697-8. The Earl denied the paternity, and satisfactorily proved the impossibility of his being the father of the son borne by his wife; who, on her side, narrated a stratagem she had devised, whereby the disputed paternity could not be denied. The stratagem was not unknown in the licentious comedies of the time, but no credit was given to it in this case; and thus the honour of Gerard was saved from being tainted by the bastard of Savage. A divorce was granted in 1698; but the law deemed the earl to be accountable, through his own profligacy, for the malpractices of his wife, and decreed that he should repay the portion he had received with her in marriage. With this amount she married Colonel Brett, the friend of Colley Cibber, by whom she had a daughter, Ann Brett, the impudent mistress of George I, her illegitimate offspring by Lord Rivers—Richard Savage, whom she disowned—being educated at the cost of her mother, Lady Mason. It has been alleged that Savage was an imposter, and this opinion was held by Boswell, the biographer of Dr. Johnson, who says: "In order to induce a belief that the Earl Rivers, on account of a criminal connection with whom Lady Macclesfield is said to have been divorced from her husband by Act of Parliament, had a peculiar anxiety about the child which she bore to him, it is alleged that his lordship gave him his own name, and had it duly recorded in the register of St. Andrew's, Holborn. "I have," he adds, "carefully inspected that register, and I cannot find it." That Boswell should have failed in the discovery is explained by a reference to "The Earl of Macclesfield's Cast," presented to the House of Lords in 1697-8, from which it appears that the child was registered by the name of Richard, the son of John Smith, and christened on Monday, January 18th, in Fox Court, and this statement is confirmed by the following entry in the register of St. Andrew's, Holborn:—

Jany., 1696-7. Richard, son of John Smith and Mary, in Fox Court, in Gray's Inn Lane, Baptized the 18th.

Notwithstanding the discredit that has been thrown upon Savage's story, there can be little doubt of its truth. It was universally believed at the time, and no attempt was ever made by the countess to contradict or to invalidate any of the statements contained in it. Moreover, he was openly recognised in the house of Lord Tyrconnell, a nephew of the Countess of Macclesfield, with whom he resided as a guest for two years,

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and he was also on terms of acquaintance with the Countess of Rochford, the illegitimate daughter of Earl Rivers by Mrs. Colydon.¹

The Earl of Macclesfield did not long survive the granting of his divorce. He was sent as Ambassador to Hanover, and died there, November 5, 1701, when the title devolved upon his younger brother, Fitton Gerard, who died unmarried the following year. The Earldom of Macclesfield then became extinct, the estates passing under the will of the second earl to his niece and co-heiress, the daughter of his sister, Charlotte Mainwaring, married to Charles, Lord Mohun, son of Warwick, Lord Mohun, by Phillippa, daughter of Arthur, Earl of Anglesey. The preference thus shown offended the Duke of Hamilton, who had married another niece, Elizabeth, daughter and sole heiress of Digby, Lord Gerard—by his wife, the Lady Elizabeth Gerard—the heir-general of the Macclesfield family, who felt himself injured by this disposition of the property. A lawsuit to determine the validity of Lord Macclesfield's will was commenced, much jealousy and heart-burning followed, and eventually on the morning of the 15th November, 1712, the two disputing husbands brought their feud to a sanguinary end in the memorable duel which proved fatal to both. From the very complete account of the famous duel described in the history of "The Duttons of Dutton," by an unknown author, it is recorded that the Duke of Hamilton, although badly wounded, succeeded in killing his opponent, and it was at the time represented that the duke would have survived had not colonel Maccartney (Lord Mohun's second), stabbed the duke as he lay wounded in his second's arms: but this is not proved by the evidence. Dean Swift, who was then living in London, and intimate with the duke and duchess, maintained not only in the account of it which he wrote for the newspapers, but also in his "History of the last four years of Queen Anne," that Maccartney had murdered the duke; but there was evidently a good deal of party feeling about it. The interesting account of the duel which Thackeray introduces into "Henry Esmond," conforms to the popular version of it at the time, but while closely following the historical details he strangely enlarges upon them with regard to the duke, by representing him as a widower and the accepted suitor of

¹ In a tavern brawl, in 1727, Savage had the misfortune to kill James Sinclair, for which he was tried and condemned to death. His relentless mother, it is said, endeavoured to intercept the royal mercy; but he was pardoned through the influence of Queen Caroline, and set at liberty. He afterwards addressed a birthday ode to the Queen, in acknowledgment of which she sent him £60, and continued the same sum to him every year.

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Beatrix Esmond; whereas, in fact, the duchess was then living; and it is one of the most pathetic passages in the dean's touching description of the duel, where he states that the duchess was in bed asleep, when the duke was brought home dead, at eight o'clock in the morning, to his house in St. James's Square. 'Her grief,' the dean adds, 'has moved my very soul.'

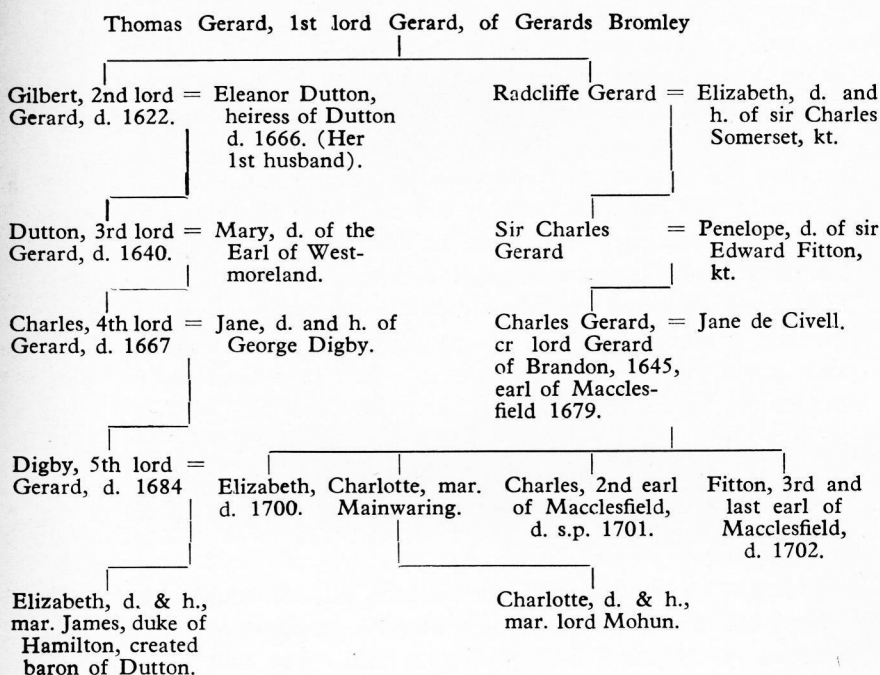
James Douglas, fourth duke of Hamilton, was created baron of Dutton by Queen Anne September 5, 1711, and at the same time duke of Brandon, in the peerage of Great Britain. The patents were challenged by the House of Lords, who resolved that no patent of honour granted to any peer of Great Britain who was a peer of Scotland at the time of the union could entitle such peer to a seat in the House. The writ of summons upon the creation was therefore refused. This resolution, as it gave offence to the Scottish peers, was amended to the effect that such a peer could sit in the House of Lords, but only at the request of the peers of Great Britain. The duke, however, continued as a Scottish representative peer only, and never sat in the House under his new dignities. Her Majesty conferred upon him not only the two peerages, but also the garter, though he already had the thistle; then said to be an unprecedented honour for a subject to possess both the blue and the green riband. When it was represented to the queen, she replied that the duke was worthy of every distinction, and that henceforth she would wear both orders herself.

The duke at the time of his marriage, in 1698, was a widower. It appears that he had the sum of £60,000 with the duchess; and that there had been a prenuptial agreement between himself and lady Gerard, his future mother-in-law, by which he had consented, in consideration of that amount, not to raise any question at law respecting any other property that her daughter might be entitled to; and he had entered into a bond for £10,000 for its fulfilment accordingly.

After his marriage the duke, understanding that by his agreement with his mother-in-law, he was depriving himself of an estate in right of his wife worth £5,000 yearly, declined to give the necessary release. He thereupon forfeited his bond, and exhibited a bill in chancery against it. His conduct is said to have broken his mother-in-law's heart and so hastened her end. Her brother, the second earl of Macclesfield, it is said, on account of the duke's behaviour, made his niece Charlotte, who had married lord Mohun, his sole heir, excepting what he left to his

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brother, the third and last earl, thus overlooking his other niece, the duchess of Hamilton. At the death of the last earl of Macclesfield, shortly after his brother, the whole of the Macclesfield estates passed to lord Mohun in right of his wife, which it seems the duke and duchess would have shared if the duke had fulfilled his agreement with his mother-in-law. The duke thereupon required lord Mohun to render an account of lady Gerard's trusteeship, which entailed a long suit in chancery. The following pedigree shows the relationship between the parties.



Although lord Mohun figures in history as a desperate character who fought several duels, was twice arraigned by his peers for murder, and generally has a bad name in the histories and romances of the period, it does not appear that he was any more to blame in this affair than his adversary.

It is generally admitted in the various published accounts of the fatal duel of 1712 that the incident which immediately occasioned it happened as follows: The duke and lord Mohun having met by appointment at

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the chambers of a master in chancery, after some argument between them, the duke remarked of one of lord Mohun's witnesses in the case, whose deposition it was proposed to read, that he had neither truth nor justice in him. Mohun thereupon retorted that he knew the witness to be an honest man, who had as much truth and justice in him as his grace. Nothing more was said and the duke departed, remaining for a few moments in the courtyard below, where lord Mohun passed him on his way out; but they took no notice of each other.

Graphic descriptions of the duel, which was fought in Hyde Park, London, on the morning of the 15th November, 1712, are to be found in the depositions of the various eye-witnesses of the occurrence taken after the event. The duke it is said was attended by a colonel John Hamilton (Jack), as his second; and lord Mohun had as second, a lieut.-general Maccartney, who possibly stabbed the duke as he lay wounded. The duke was not only conscious after receiving his wounds, but walked some steps and spoke to those about him, chiding an old servant who stood crying beside him; and he made no such charge against Maccartney, although immediately before the duke and Mohun drew, the duke is said to have told Maccartney that, 'let the event of this be what it will, you are the occasion of it.' Had there been any foul play, Maccartney should not have been allowed to leave the ground, whereas he afterwards passed the duke's coachman 'in grey clothes and silver-laced hat,' walking leisurely with his arms folded in his sleeves, and his cane hanging from his wrist, and the coachman saw him go out of the park gate towards Kensington.

It appears from the medical evidence that the duke's death was entirely owing to the severance of 'the great brachial artery of the right arm,' and no surgical assistance being at hand. The duke had, however, the previous evening sent to Mons. Bussiere, 'an eminent surgeon and professor in anatomy in Suffolk street near the Haymarket,' to make the necessary arrangements. Unfortunately, Bussiere was in bed, 'being somewhat indisposed and inclining to sweat,' so that neither party had any surgeon in attendance. The duke and Mohun each received four wounds, Mohun's wounds being mortal from the first; and, to glance for a moment at the medical details, the wound in his right groin was such that the surgeon's hands met in it from either side, while three of the fingers of his right hand had been nearly severed. The duke, it appears, on receiving the right arm thrust, passed his sword to his

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left hand, and, being 'ambidexter,' was able to inflict a fatal wound upon his adversary's unguarded right.

Maccartney, in a few days, left the country and went to Antwerp. Maccartney's flight cannot fairly be imputed to any foul play in connection with the duel, as represented at the time. He was himself a partisan of Marlborough's, under whom he had fought. He knew there would be a political outcry about it, as the duke was so highly regarded by the queen and court party, by whom he was about to be sent as Ambassador to Paris upon the peace. By the influence of dean Swift a proclamation was issued, and a reward offered both by the government and by the duchess, for the apprehension of Maccartney. An amusing story is told by the dean that, after the offer of the reward, a gentleman in Ireland, being stopped by highwaymen, represented himself as Maccartney, when they at once took him before a justice, to their own confusion.

A rather different account of the events which followed the tragic ending of the contest is given by the late Walter Smith of Macclesfield, who states that:

"After the stricken duelists had been carried away from the field in Hyde Park, the two seconds, General Maccartney and Col. Hamilton, made their escape. Hamilton, however, soon gave himself up and became a witness in the inquests upon the dead men—between November 15-22 inclusive, also before the Privy Council on the 17th. He was committed to prison on the 27th, and being indicted for murder was tried at the Old Bailey, December 12, 1712. Found not guilty of murder he was convicted of manslaughter, but pleading his clergy, i. e. exemption from sentence, for first conviction, enjoyed by all who could read, he was released.

Maccartney, when he left the Park, walked to Kensington, thence to Chelsea, where he was picked up by the Duke of Richmond, who took him to his own house on the day of the duel. He left the Duke's the next day (Sunday) and escaped to Belgium, where he was by December 4.

On November 24 the Queen issued a proclamation which recited how that Hamilton and Mohun "in high Contempt and open Defiance of our Laws, pursuing their private Animosities Fought a Duel in Hyde

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Park, . . . and the said Duke and Lord Mohun were kill'd," and how in the inquests it was found that the said Lord Mohun did murder the said Duke and the said Duke did murder the said Lord Mohun, George Maccartney and John Hamilton being present aiding and abetting, and that John Hamilton hath voluntarily surrendered himself in order to his trial. The Proclamation calls upon all concerned to use their utmost diligence to discover, seize and apprehend the said Maccartney, to carry him forthwith before the next Justice who shall commit him to the County gaol charged with the murder of the duke. Whosoever shall discover and apprehend the said Maccartney and bring him before such Justice of the Peace shall receive the reward of £500, and anyone concealing or harbouring Maccartney or assisting him in making his escape or preventing his arrest shall be prosecuted with the utmost severity of the law.

The Duchess of Hamilton offered £300 for the arrest of Maccartney: she had thought of offering £500, but not liking to be on a level with the Queen offered the lower reward. George Maccartney remained on the Continent, where he entered the service of the Elector of Hanover, who on the death of Queen Anne in 1714, came to England to be king in agreement with the terms of the settlement arrived at between him and Charles Gerard the Earl of Macclesfield in 1701. Shortly after his accession to the English throne as George I, some Hanoverian troops came to England and Maccartney with them. Here he desired a reversal of his outlawry and asked to be tried on the original indictment. This being granted, he was on June 13, 1716, tried at the King's Bench Bar before the Rt. Hon. the Lord Chief Justice Parker for the murder of the Duke of Hamilton on November 15, 1712, and found guilty only of manslaughter as a second to Lord Mohun.

One of the witnesses, a park keeper, said he was offered two handfuls of gold and a job worth £100 a year by the late Lord Bollinbroke, if he would swear that Maccartney killed the Duke of Hamilton: "so that a more villainous Contrivance to take away a man's life was scarce ever laid open in Westminster Hall." The evidence of Colonel Hamilton himself was inconsistent with his depositions made after the duel. The surgeons also who examined the bodies of the slain noblemen gave evidence; in their opinion Hamilton did not receive his death-wound from Maccartney's sword. Further, "the Lord Chief Justice Parker, with his usual Eloquence and Integrity summed up the Evidence, and took Notice that Colonel Hamilton's depositions were inconsistent, and therefore carried a Face of Unsincerity."

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Maccartney appeared at the court the next morning and received judgment of manslaughter. Then "The Formality of being burnst in the Hand was immediately executed upon him with a Cold Iron to prevent the late Duke's relations lodging an Appeal," and he was again a free man. He at once regained his military posts and served in the army until his death in London, July 3, 1730.

It is interesting to read of the Lord Chief Justice Parker summing up with his usual "eloquence and integrity." Eloquent he was: he was known as the "silver-tongued Parker," but alas! he retained not his integrity. He became one of the most corrupt of judges. This remarkable man was born in a house at the northern end of Leek market-place in 1666. The son of an attorney, he entered the profession of his father and by ability and ambition rose to the highest position. He became a barrister, then Member of Parliament, Knight, Lord Chief Justice, Baron Lord High Chancellor, and an Earl. When made an earl he chose the same title that had been the Gerards—Earl of Macclesfield—though why he chose MACCLESFIELD instead of LEEK does not appear. Although he drew a princely salary, augmented by large and ample revenues, and generous donations from the King, George I., with whom he was a favourite, he nevertheless "did illegally, corruptly, and extorsively take and receive to his own private use great sums of money." He was impeached by the House of Lords, found guilty and sentenced to pay £30,000; to remain a prisoner in the Tower until the fine was paid.

Lord Macclesfield remained in the Tower six weeks when the fine was paid. George I promised to pay the earl the whole amount out of his privy purse as fast as he could spare it, but only £1,000 reached him. After this disgrace Parker took no further part in public affairs. He died in 1732."

So far as the Gawsworth interests are concerned it only remains to be told that Lord Mohun, the "Noble Rake," having finished his course was buried in the church of St. Martin in the Fields on November 25, 1712—ten days after he expired following the duel in Hyde Park. According to contemporary records he was interred with great pomp under "the altar of the church near his Father's." No memorial marks the spot, which perhaps is not surprising as the church was rebuilt by Gibbs eight years after his untimely death. The Duke of Hamilton was first buried in the yard of the Collegiate Church at Hamilton, but

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in 1852 was removed to the family mausoleum.¹ His remains were again removed in 1921, to be re-interred in Bent Cemetery, Hamilton.

Thus ended the last phase of the great Gawsworth Will Case with all its tragic sequences.



Charles, Fifth Baron Mohun



James, Fourth Duke of Hamilton,
K.G., K.T.

Both killed in a duel fought in Hyde Park 1712.

From contemporary prints.

¹ When the tenth Duke of Hamilton Duke Alexander had largely completed the immense mausoleum he had erected in close proximity to Hamilton Palace in 1852, the bodies of those members of his family which rested in the old churchyard at Hamilton, were transferred to the vaults of the new mausoleum. Unfortunately, as a result of coal mining, the structure of the mausoleum has sunk no less than twenty feet since the time of its erection, and in 1921 the bodies were removed and re-interred in Bent Cemetery, Hamilton, with the exception of the bodies of the eleventh and twelfth Dukes, which were taken to Arran.