

William, fifth and last Earl of Nithsdale was a Jacobite supporter. He “came out” in the 1715 rebellion and was taken prisoner after the capitulation at Preston. He was imprisoned in the Tower of London and brought to trial for high treason in the House of Lords. After pleading guilty, he was sentenced to death by the Lord Chancellor. On the night before his scheduled execution he escaped from the Tower wearing women’s clothing, in a daring plan devised and carried out by his devoted wife. This was the only entirely successful escape from the Tower. He died in exile at the Jacobean court in Rome, in 1744. His only son was restored to the now heavily indebted estates, but not the dignities. When he died without male heirs in 1776, the chiefdom passed via the Maxwells of Breconside to a distant cousin, George Maxwell of Carruchan, whose line died out with his grandson William in 1863. Since then the Maxwells have remained a family without a chief.



Coat of arms of the last chief of Clan Maxwell – William Maxwell of Carruchan, who died in 1863.

## Clan Maxwell

The Clan Maxwell Society was organized in 1964 at Grandfather Mountain, North Carolina, by a few Maxwells who had been meeting informally each year at the Grandfather Mountain Highland Games. Our first President, prominent New Orleans architect Murvan M. (Scotty) Maxwell, put together the framework for what became a nationwide association of Maxwells and allied families.

Today the Society sponsors Clan Maxwell tents at Scottish festivals throughout the nation, publishes the House of Maxwell newsletter, maintains an information-packed website, and sponsors research into Maxwell-related history.

Applications for Clan Maxwell membership can be downloaded from our website and are available by mail on request from:

**Clan Maxwell**  
P.O. Box 4061  
Mount Holly, NJ 08060

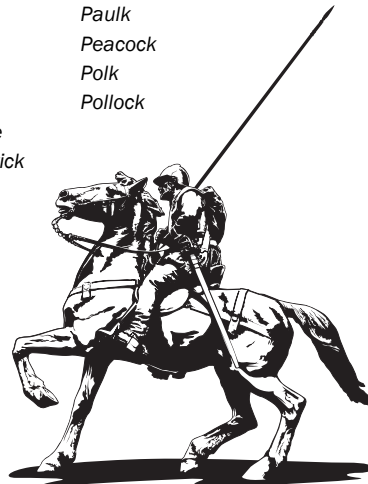
Or email [clan.maxwell.co@gmail.com](mailto:clan.maxwell.co@gmail.com)

For more information on Clan Maxwell, please visit [www.clanmaxwellusa.com](http://www.clanmaxwellusa.com)

## Our allied families

When the Maxwells were a powerful force on the western border between Scotland and England, they were aided by other families in the area, some that were dependent upon the Maxwells and others who simply chose to stand with them in battle. Clan Maxwell proudly includes these allied families, acknowledging their historical relationship with the Maxwells. Members of the allied families are eligible for full membership in the Clan Maxwell Society.

|             |           |          |
|-------------|-----------|----------|
| Adair       | Maxton    | Rawlins  |
| Blackstock  | Monreith  | Sturgeon |
| Dinwiddie   | Moss      | Wardlaw  |
| Dinwoodie   | Nithsdale |          |
| Edgar       | Paulk     |          |
| Herries     | Peacock   |          |
| Kirk        | Polk      |          |
| Kirkland    | Pollock   |          |
| Latimore    |           |          |
| MacKittrick |           |          |



Ruins of Caerlaverock Castle, Dumfriesshire, the seat of Maxwell power in the Western March.

## A brief history of the Maxwells

*The progenitor of the Maxwells, Herbert de Maccusweil, flourished under the Scots kings Malcolm IV and William I in the second half of the 12th century. He appears to have been Chancellor, either of the Abbey at Kelso or to the King himself at nearby Roxburgh Castle. The name “Maccusweil” is derived from “weil” (a fishing pool), and “Maccus,” a former owner of lands to the south of the river Tweed. While it is true that the sons of Maccus were living contemporaries of Herbert, there is no formal evidence to link them as being related. The family of Maccus appear to have borne names of Norse or Anglo-Scots origin while etymological evidence points to Herbert’s forebears being of Norman (or at least Anglo-Norman) stock.*

Herbert’s sons held high office in the courts of William and Alexander II, including that of Great Chamberlain of Scotland, Sheriff of Roxburgh, Teviotdale and Dumfriesshire, and Justiciary of Galloway. Their rewards for service were equally rich: the great barony of Caerlaverock on the Solway coast and the lands of Mearns and Nether Pollok in Renfrewshire and Dryps and Calderwood in Lanarkshire through a judicious marriage to the daughter and heiress of the highly favored Roland de Mearns.

From these estates sprang the two great branches of the Maxwell family. The northern branch was headed by the Maxwell’s of Pollok. Their cadets were Calderwood, Newark, Stainley and Auldhouse, and later, Farnham and Springkell. In the south, on the Gulf Stream kissed coast of the Solway Firth, stood the mighty Caerlaverock Castle, the principal seat of the Lords Maxwell, from whom all other branches of the noble name descend.

Throughout the perilous and trying times of the Wars of Independence, the Maxwells, like many other Scottish nobles repeatedly changed sides. In 1300, their great castle of Caerlaverock was besieged by a powerful English army under King Edward I, the event being recorded in great detail by a contemporary chronicler under the title “The Roll of Caerlaverock.” Sir Eustace Maxwell initially embraced the cause of John Balliol and received an allowance from King Edward II for “the more secure keeping of the Fortress [Caerlaverock].” Later he threw in his lot with the Bruce and dismantled Caerlaverock for the Scottish defense (so it could not be held by the English against the Scots), for which act he was liberally rewarded by Robert the Bruce. This knight also signed the Declaration of Arbroath in 1320 and went crusading under “The Good Sir James” Douglas with the heart of The Bruce after his death in 1329.

As was usual with border families, the chiefs of the Maxwells were by no means consistent in their course or steady in their allegiance to the Scottish crown; however, they contrived often enough to be on the winning side so that, and honors, offices and estates continued to accumulate in the family. They became hereditary Wardens of the West March, Stewards of Kirkcudbright and Annandale, Ambassadors to England and Provosts of Edinburgh. About 1445, Sir Herbert Maxwell of Caerlaverock was created a Lord of Parliament, and in 1455, on the forfeiture of the Douglasses, he was granted Eskdale and Carlisle, the second title being somewhat dubious as Carlisle remained steadfastly in English hands.



Battle of Flodden, by Angus McBride

In 1513, John, the fourth Lord Maxwell fell with three of his brothers and King James IV at Flodden. He was succeeded by his eldest son Robert who grew to become one of the most prominent and able men of his age. He certainly stood high in the esteem of King James V, for he was created an Extraordinary Lord of the Session in 1532. In 1536, he was appointed a member of the Council of Regency, and in the following year he was one of the Ambassadors to the French court who negotiated the marriage of James to Mary of Guise and for whom he espoused as proxy. It was this Lord Maxwell who introduced and secured the bill in the Scottish parliament of 1542 that gave the Scottish people the right to possess and read the Bible in the common tongue.

His eldest son was Robert, sixth Lord Maxwell, and it was during his time that the greatly ruinous feud between the Maxwells and their neighbors, the Johnstones, escalated. Johnstone was courted on all sides: by the English, fearful of Maxwells power on the border; by the Regent, who harbored a claim to the lands of Morton; and by the thieves and brigands of the West Marches whose activities were curtailed by Maxwell in his role as Warden. Under such pressure, Johnstone was finally induced to break his bond of manrent with Lord Maxwell and the feud intensified.

Lord Maxwell’s younger brother was Sir John Maxwell of Terregles, who, like his father, was a very able man and one of Scotland greatest nationalists. As a young man he had held Lochmaben castle against the English during Henry VIII’s “Rough Wooing.” Later, while holding true to the reformed church, he became one of Mary Queen of Scots staunchest supporters, which subsequently cost him dearly. Following his brother’s early death, he became tutor to his nephews, the infant sons of Lord Maxwell, and was then known by the title “Master of Maxwell,” wielding the mighty forces of the family. During the reign of Queen Mary and the regency that followed, Sir John called them to arms many times. He married Agnes Herries, eldest daughter and co-heiress of Lord Herries, and through her came the

vast estates of that family to the Maxwells. In 1566, Sir John became Lord Herries, and two years later Queen Mary spent her last days on Scottish soil under his protection.

Lord Maxwell, Sir John’s brother, had been married to Beatrice Douglas, granddaughter of James III, and daughter and co-heiress of the fourth Earl of Morton. From this alliance, the second (posthumous) son, John, eighth Lord Maxwell, was able to push home his legitimate claim to the earldom, which he secured in 1581. John Maxwell, Earl of Morton, was a less judicious man than his uncle and was often in trouble for his open defiance of the Regent, and later, King James VI. He was a devout Catholic at a time when most men of his persuasion were very discreet in their devotions. His untimely adherence to the popish cause led him to travel to the Low Countries and thence on to Spain, where great preparations were being made for the Armada. On his return to Scotland, he roused his loyal followers around his new banner, which now incorporated the double-headed imperial eagle of the Holy Roman Empire, it being his belief that Spain would attack England through Scotland and so re-establish the old faith in both kingdoms. Alas for Morton, King James did not share his views and summoned him to Edinburgh, where he was imprisoned in Blackness Castle. After the fiasco of the Armada, Morton was released to return home to the feud with the Johnstones, which cost him his life at the battle of Dryfe Sands.

His son, (also John), was even less disposed toward leading a quiet life than his father, and

greatly endangered the family’s estates by his relentless pursuit of revenge for his fathers death. This ultimately led him to murder the Johnstone chief, an capital offense for which he was executed. His younger brother, Robert, was restored in 1620 to the “lands, rents living, teinds, offices and dignities” that belonged to his predecessors. This last patent set forth that Maxwell should go by the title “Earl of Nithsdale.” Unlike his brother, who sought to stoke the fires of the feud between the Maxwells and Johnstones, Nithsdale ended the feud between the Maxwells and Johnstones when he “choppit hands” with Johnstone on the 17th of June 1623 before the Privy Council.

The Earl of Nithsdale zealously supported the royalist cause during the Civil War, and garrisoned his castles of Caerlaverock and Threave in the Kings name, holding out against the besieging forces for thirteen weeks in 1642. The extensive damage which can be seen today at both castles occurred at this time. When no relief could be sent, the earl, with King Charles’ approval, surrendered on very favorable terms. However, the nobleman was seized in 1643, and died in exile on the Isle of Man.

His son Robert, second Earl of Nithsdale, was restored in 1647 by an Act of Parliament, but the estates of the family were so heavily burdened from losses sustained during the Civil War that he was forced to sell parts of his vast inheritance. The second Earl had no children, and the earldom passed to his kinsman John Maxwell, Lord Herries, great-grandson of the first John, Maxwell, Lord Herries.



Battle of Dryfe Sands (Painting courtesy of Bill Ewart of Langholm)

#### The Johnstone - Maxwell feud

Probably the bitterest and bloodiest family quarrel in English and Scottish history – including even those in the Highlands – was that of the Johnstones (Johnsons – Johnstons) versus the Maxwells. The feud continued throughout most of the 1500s, and was often fueled by local political interests, finally ending in 1623.