

The Marr Claim Associations

Background

The Jacobite Rebellion was started in 1715 by Sir John Erskine, the 23rd Earl of Mar, in an attempt to return the former King James to the throne of England and Scotland. The Rebellion ended in 1716. Erskine fled to France, while his followers were imprisoned, tried for treason, and their lands confiscated. The Indemnity Act of 1717 released many of those prisoners still being held in English prisons, many of whom would either return home or resettle overseas. Erskine remained in France until his death in 1732. His title of nobility and his lands in Scotland were forfeit due to a "writ of attainder" passed in 1716. This writ would not be lifted until 1824 which again allowed the "Earl of Mar" title to be used. The title at that time passed to an heir of Sir John, John Francis Erskine, who was recognized as the 24th Earl of Mar. This inheritance went to a branch of the Erskine line that did not participate in the 1715 Rebellion and, having already purchased back some of the lost lands, now had a title to accompany their estate.

In September 1823, the *Evening Post* published the below notice. While the list of restored titles was released in 1823, the official recognition took place in 1824 once the claims by the heirs were sorted out.

From the Evening Post.

Scotch Peers.—The rebellion of 1715 and 45, caused many of the most honourable families in Scotland to lose their titles and estates. The estates in many cases have been restored, and the remainder will no doubt now be given up. After the King's late visit to Scotland, it was represented to him, that there was no act he could do would give such general satisfaction as his restoring to the ancient families their titles, forfeited in the rebellion—a representation was made on this subject, and a few months since these titles were ordered to be restored to the rightful heirs on proving their claims.—Many families during or immediately after the rebellion, fled to this country, and it is believed that several of these titles will devolve on persons now residing in the United States.

The following is a list of the forfeited Scotch titles, restored by a late order of George the Fourth.

Forfeited in 1715—Restored in 1823.

Sutherland—Lord Duffeis.
Keith—Lord Keith, Earl Marischal.
Erskine—Lord Erskine, Earl of Mar.
Drummond—Lord Drummond.
Maxwell—Lord Herries.
Maxwell—Lord Maxwell, Earl of Nithsdale.
Seaton—Lord Seaton, Earl of Winton.
Balfour—Lord Burleigh.
Balfour—Lord Kilwinning.
Livingstone—Lord Livingstone, Earl of Linlithgow.
Dalzell—Lord Dalzell.
Ogilvie—Lord Ogilvie, Earl of Airly.
Maule—Lord Maule, Earl of Panmure.
Livingstone—Earl of Calder.
Livingston—Lord Campsie, Viscount Kilsyth.
Keith Falconer—Earl of Kentore.
Livingston—Lord Livingston.
Nairne—Lord Nairne.
Forfeited in 1745—Restored in 1823.
McDonald—Earl of Ross.
Fraser—Lord Lovat.
Elphinstone—Lord Balmerino.
Forbes—Lord Peligo.
Mackenzie—Lord Macleod, Viscount Tarbot.
Drummond—Viscount Strathallan, Lord of Drummond and Cromlix.
Mackenzie—Earl of Cromartie.

In the 1870s, due to a death in the Erskine line, the Mar Peerage case was reopened in Scotland. The outcome of that dispute among local claimants to the title Earl of Mar was that two Earldoms were recognized, and that situation still exists.

1830s – Claims by descendants of John Marr of Maine

The immigrant ancestor of the Marr families in Maine was a John Erskine. He was born 6 January 1694 at Hilston Park near the small village of Newcastle in Monmouthshire, England. Family tradition says he was descended from the Erskines who were the Earls of Mar. Arriving at the port of Portsmouth, in what is now New Hampshire, he called himself John Erskine de Mar. He entered Portsmouth, perhaps as early as 1716, but not later than June 1717. The name of the ship on which he arrived is unknown, and nothing is recorded about him until he is found on the Maine side of the Piscataqua River in 1719. His name had

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changed over time to John Marr. He is said to have died in 1750 from exposure after being shipwrecked on Cape Cod. He left five sons and two daughters.

The formal recognition of John Francis Erskine as the 24th Earl of Mar in 1824 must have caught the attention of the Marrs in Maine. They apparently recalled that their ancestor John Marr had said he was the eldest son of the 23rd Earl of Mar. They must have wondered about their rights as such.

In about October 1832, some of the descendants of John Marr of Maine gathered to discuss an attempt to have the Earl of Mar estate returned to its "rightful heirs", i.e., themselves. One estimate says they paid their lawyers more than \$70,000 to fight the legal battle in England. Their claim was denied.

Jamison (see References) makes a convincing case that the claim was denied because John Marr of Maine was a "natural" son¹ of Sir John Erskine and, thus, not entitled to inherit.

Notice.

THE heirs of JOHN MARR are hereby requested to meet at the house of Mr. J. W. Appleton, Innkeeper, in the city of Portland, on THURSDAY, the 15th day of November next, at 10 o'clock, A. M. to take such measures as they shall think proper when convened, to obtain the legacy bequeathed to the said John Marr by his father in England.

A general attendance is requested, as the said Legacy, from recent information, is supposed to be very considerable.

ROBERT P. MARR,
DENNIS MARR.

Scarborough, Oct. 29, 1832. sw&w 8wn

Two of the notices; printed in the *Portland Daily Advertiser* on 5 Nov 1832 and on 25 Aug 1835.

NOTICE.

THE undersigned Committee for the heirs of JOHN MARR, late of Kittery, deceased, would give notice to said heirs, and all others having claims in said Marr's estate, to pay in to Robert P. Marr of Scarborough, or to Thomas Marr of Georgetown, or to Elihu Fernald of Portsmouth, or to C. H. P. McLellan of Portland, Treasurers for said heirs, their proportion of five thousand dollars, which sum was voted to be raised by said heirs at their late meeting in Gorham, for the further prosecution of their claim, on or before the twenty-first day of September next, to enable the undersigned to fit out an agent to proceed to England and prosecute their claim to a final issue.

DENNIS MARR,
ANDREW HOBSON, } Committee.
RANDALL SKILLIN, }

Buxton, July 29, 1835.

N. B. The Committee flatter themselves that there will be the strictest punctuality in all the heirs and claimants in paying in their several proportions by the time we have set, that there may be no delay in sending out an agent to prosecute their claim. J31.

1873 - The Marr Claim Association

As noted above, in the 1870s, due to a death in the Scottish Erskine family, two heirs fought to claim the title "Earl of Mar", both being descendants of Sir John Erskine (1675-1732). This action resulted in two Earldoms.

Subsequently, in March 1873, a Marr Claim Association was again formed, this time in Portland, Maine. They began raising money to send a representative to England to try and acquire their 'rightful property' as heirs. This time the property was in Scotland, on the River Dee. In the 1830's effort, the claimed property was in Newcastle-On-Tyne in England. The Association estimated the property to be worth upwards of \$60 million. This effort was reported in newspapers nationwide.

¹ In general, if the term "natural" is used to describe a child, then that child will be illegitimate.

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John Colby Marr [also a member of the earlier Claim Association], in his 1892 entry in *American Ancestry*, continued the claim that John Erskine De Mar (John Marr) of Kittery, Maine, was the son of Sir John Erskine.

A brief timeline based on newspaper notices:

- Met March 26, 1873 in Portland, ME. Association formed to press claims to the estate of Marr in Scotland. Estimated to be worth \$60M.
- June 27, 1873 meeting in Portland, ME. Association noted as not fully organized. No agent yet hired to press the claim. Probably would meet again in Sept. Small attendance.
- Notice Aug 3, 1874, Portland. Marr Claim Association to hold annual meeting on Aug 21.
- Oct 21, 1874. Meeting in Portland, ME.

In short, this second effort also failed. Jamison provides a lengthy and convincing discussion of the flaws in the claimed lineage to the Earl of Mar. Certainly the courts in Scotland did not accept the lineage claim.

1874 – The western Marr Association

In 1874, another claim association was started in Michigan by a different branch of the Marr family, one which claimed the estate was worth \$250 million. [See clippings on page 8 – 10](#). This Marr Association was formed by Daniel R. Marr of Dowagiac, Michigan, and Charles Marr of Battle Creek, Michigan.

[Marr Association – article about the proceedings](#). Sept 1874.

The Detroit Free Press (Detroit, Michigan), on Wed, Sep 2, 1874, provided this background about the Association's claims:

It is said the Earl of Mar who led the insurrection in 1715 was a bachelor, and left a fine property in the vicinity of Paisley, County of Renfrew; and it is said Lawrence [Marr, Sr.] was the only brother who married and had children. It is upon this condition of things that the descendants of Lawrence Marr base their expectations of receiving a fortune.

"A Genealogy of the Marr Family", provided by "a correspondent" was published along with the notice about the western Marr Association meeting. The genealogy that was published was as follows:

A Patrick Mahr, son of Thomas Mahr of Ireland, emigrated to the County of Argyle, Scotland. Patrick married Hannah McDonald. They had a daughter, Mary who married John Erskine, who assumed Mary's maiden name and changed it per Scottish dialect to "Marr".

John Erskine Marr was made Duke of Argyle, and later, Earl of Marr. He had a daughter Helen who married a 2nd cousin, Henry Erskine. This Henry Erskine assumed the surname Marr, as the Earl himself (John) had no sons, becoming Henry Erskine Marr.

Henry Erskine Marr had four sons, Henry, the eldest, succeeded his father. The other three brothers, Richard, James, and John sailed for America and landed at New York about 1750. They were the founders of the Maine, and a part of the Pennsylvania family of Marr.

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Henry, son of Henry Erskine, married Rachel Goodenough, and was the father of Henry and Lawrence. Henry succeeded his father in his possessions, while Lawrence came to New York and settled in New Jersey, near the Pennsylvania border, and was the father of Lawrence, Jr. and Thomas Marr, who resided at Eaton, Pennsylvania. Henry Marr, the last possessor of the estate, died about 1814 at Linlithgoon, in the County of Edinburgh, intestate, and without heirs.

What do we know about this claimed lineage?

- 1) The Scottish parish records available at ScotlandsPeople contain no records of Thomas Marh/Marr, or of Patrick Mahr/Marr or his wife Hannah McDonald.
- 2) The Duke of Argyll (Argyle is archaic) has accrued to the Campbell family for all of its existence. John Erskine Marr was never Duke of Argyll/Argyle.
- 3) The first of the Erskine family mentioned, from good authority, was Henricus, or Henry de Erskine, who was proprietor and lord of the barony of Erskine in Renfrewshire, and flourished in the reign of king Alexander II. In a donation of Amelick, brother of Maldwin, Earl of Lennox, of the patronage of the church of Roseneath, and tythes thereto belonging, to the monastery of Paisley, Henricus dominus de Erskine is a witness, in the year 1226. From there, the lineage is traced in records through the modern day. No connection is found to a Marh surname or to an immigrant ancestor from Ireland.
- 4) John Erskine Marr was the eldest son of Charles Erskine, 10th Earl of Mar, by his wife Lady Mary Maule. He thus became 11th Earl of Mar as Charles' eldest son. He had one son, Thomas, and one daughter, Lady Frances. There is no record of a daughter named Helen.
- 5) Lady Frances married her cousin, James Erskine, son of Lord Grange. They had two sons, and no son named Henry, Richard, or James. Their son, John Francis, was born much too recently to have been the grandfather of Lawrence Marr, Sr. Their two sons were:
 - a. Colonel James Erskine d. 5 Apr 1806
 - b. John Francis Erskine, 24th/7th Earl of Mar+ b. 1741, d. 20 Aug 1825

Burke's Peerage and Baronetage provides us with the lineage as follows. This description starts a few generations before the 23rd Earl of Mar:

John, 21st Earl of Mar, 13th Lord Garluch. K.B. P.C. (Scotland), gov of Edinburgh Castle 1615-1638, m. Jean Hay, dau of 9th Earl of Erroll, and d. 1653. He was the father of:

John, 21st Earl of Mar, 14th Lord Garloch, m. 1st 1641, Elizabeth (d.s.p.), dau. Of 1st Earl of Buccleuch. He m. 2nd, Jean, dau. of 2nd Earl of Seaforth, and d. Sept. 1668, leaving a son:

Charles, 22nd Earl of Mar, 15th Lord Garloch, P.C., raised the Royal Scots Fus., b. 19 Oct 1650, m. Mary Maule (who m. 2nd, 29 Apr 1697, Col. John Erskine), dau. of 2nd Earl of Panmure, and had issue:

1. **Sir John Erskine, 23rd Earl of Mar**, b. Feb 1675 at Alloa. b. May 1732 in France.
2. James, a Judge of the Court of Session by the title of Lord Grange, m. Rachel, dau. of John Chiesly, of Dalry, and d. 24 Jan 1754, having had issue with two other daughters. d. unmarried,
 - a. Charles, dsp. 1 Dec 1776
 - b. James, m. 1740 Lady Francis Erskine, dau. of his uncle, John, Earl of Mar, and had issue.
 - c. John, Dean of Cork.

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- d. Mary, m. 3rd Earl of Kintore, and without issue 19 Feb 1772.
3. Henry, Col. in the Army, killed at Almanza, 14 Apr 1707.
4. Jean, m. 21 Feb 1712, Sir Hugh Paterson, and d. 16 Nov 1763. He d. 23 Mar 1777, leaving issue.

Charles, the 22nd Earl of Mar d. 23 May 1689, and was succeeded by his elder son **John Erskine**.

John Erskine, 23rd Earl of Mar. 16th Lord Garloch, K.T., a Representative Peer 1707-1715, Sec. of State 1713, and was attainted for his share in the insurrection of 1715, when all his honours were forfeited. His forfeited lands were purchased by Lord Grange (John's brother James) and David Erskine of Dun, and what remained of the Mar estates was entailed 6 Jan 1739, on his son, Thomas, Lord Erskine, and his heirs, with remainder to Lady Frances Erskine and her heirs whomsoever. This entail provided that "in case the attainder shall be reversed the heirs male and female who succeed to the said lands and estates shall take the name of Erskine, and the title, dignities, and honours of Mar." He was created Duke of Mar, with remainder to his heirs-general, in 1715 by the titular KING JAMES III.

- **John Erskine** m. 1st, 6 Apr 1703, Margaret Hay (d. 25 Apr 1707), dau. of Thomas 7th Earl of Kinnoull, and had two sons, one, named John, died in infancy², the other was Thomas, Lord Erskine.
- **John Erskine** m. 2nd, 20 July 1714, Lady Frances Pierrepont (d. 4 Mar 1761), 3rd dau. of 1st Duke of Kingston, and died in Aix-la-Chapelle, France, in May 1732 leaving a daughter, Lady Frances, who married her cousin, James Erskine, son of Lord Grange.

Conclusions:

Jamison gives us a convincing case that the claims made by the Maine Marr Associations in 1832 and 1873, based on John Marr of Kittery, Maine, being the son of John Erskine, 23rd Earl of Mar, may have some validity. However, the son John the Maine Marr descendants believed was their ancestor in the 1830s claim died at the age of 3 months. John Erskine did not have a son by his 2nd wife. Jamison concludes that the son John must have been a "natural" son born to a woman not his wife, not uncommon in royal circles but not eligible as an heir. The claims of both Associations were denied in the Scottish courts. Jamison was unable to locate the documentation these Associations claimed to possess showing the validity of their claims.

The 1874 western Marr Association proposed an inheritance lineage to Lawrence Marr, Sr. that finds no basis in legitimate sources. We can find no source that identifies a Lawrence as a brother to John, the 23rd Earl of Mar, who was involved in the 1715 insurrection. In fact, no Lawrence Marr was found at all in legitimate histories of royal lineages in Scotland. No record could be found, either, of a Henry Erskine who married a Rachel Goodenough, supposedly Lawrence's parents in that lineage. Lawrence Sr.'s estimated date of birth cannot be reconciled with the probable dates of the parents and grandparents named in the newspaper report, even supposing a record of those people could be found.

² Sir James Paul in *The Scots Peerage* documents that this infant son John died at the age of three months.

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