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THE

HISTORY

OF THE BURGH

Twenty Seven Gods

OF

LINLITHGOW;

Being an exact and true Account of a Famous Plea betwixt the Town-Council of the said Burgh, and Mr. Kirkwood Schoolmaster there.

SERIA MIXTA FOCIS.

*Diū majorum umbris tenuem, & sine pondere terram,
Spirantesque crocos, & in urna perpetuum ver,
Qui præceptorem sancti voluere parentis
Esse loco.*

JUVEN. Sat. 7. Vers. 207. &c.

Discipulos id unum moneo, ut præceptores suos non minus, quam ipsa studia ament; & parentes esse, non quidem corporum, sed mentium credant.

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Advertisements.

I. **P**RAY, good Reader, do not stumble at the odd kind of Title given this Book: It not being Mr: Kirkwood's Contrivance, but what the Members of the Town-Council assume to themselves, as you'll see Page 10, 50, and elsewhere.

II. 'Tis humbly begg'd these worthy Gentlemen, who are advanced to Places of higher Dignity, since this Business was in Agitation, may not take ill their former Designations are here retain'd, which the Author thinks he has done not without good Ground.

III. We are not nice in the Syllabication of Words, especially proper Names, doing it, as they are commonly now pronounced, Lithgo, or Lithgow; and not Linlithgow; Carrin, and not Carridden; Tho', and not Although.

IV. Mr. Kirkwood foreseeing a Storm from that very odd Rancounter he had with Pardivin and others in Ja: Johnston's, spoken of Page 5 and 6, wrote down every Thing immediately, as it fell out, else his Memory could not have retain'd the Thousand Part of what's in this Book, and his many other Papers, wherewith he has not thought fit to trouble the Press.

To Sir David Dalrymple of Hailes,
Baronet, Her Majesty's Advocate.

MY LORD,

AS Ingratitude makes a Blot in any Man's Scutcheon, so much more in mine, who ly under so many repeated Obligations to your Worthy and Noble Family, should I let slip this present Opportunity, so fairly offered, of testifying my grateful Acknowledgment. The Viscount of *Stairs*, your Lordship's Father, in my lowest Condition, some few Days after I was chas'd from *Lithgow*, was pleas'd to employ my Lord *Cardroux* to make narrow Enquiry for me, then living very privately, and to desire I should wait on the Committee of Schools and Colleges, to give my Advice in Matters belonging to my Employ. 'Twere both tedious and impertinent to relate here all I spoke before that Honourable Judicature: Yet I hope to be pardon'd, if I touch something more nearly relating to that Noble *Preses*. To pass all Debates about what Authors were to be publicly taught in Schools; when I was ask'd by his Lordship, what *Grammar* I thought fittest, I humbly beg'd Pardon, I could not give my Judgment in that Matter: For to have said mine own was the fittest, had been very absurd; and to recommend some other Man's, as the best, seem'd no less. What think you of *Despauter*, said my Lord? A very unfit Grammar, my Lord, in the Case it is, answered I; but by some Pains it might be made an excellent one. Several of the Members, particularly the Lord *Croft*, desired me to be more plain in that Point. My Lord *Preses*, said I, if its *Superfluities* were rescinded, the *Defects* supply'd, the *Intricacies* cleared, the *Errors* rectified, and the *Method* amended, it might well pass for an excellent Grammar. This Motion seem'd to please the whole Meeting. In short, within two or three Days the Viscount called me to his Chamber, and told me it was the De-

fire of that Judicature I should set about the Work; for they knew none fitter to do it. Immediately I put hand to Pen, and not without very much Labour, publisht *Despauter*, as now revis'd, dedicating it to their Lordships.

My Lord, your eldest Brother the late Earl of *Stairs*, not only sent his Son the present Earl, to my School at *Lithgow*, but tabled him in my House: And when I was chas'd to *Edinburgh*, he was pleased to put his Son Mr. *George* to me also.

I would be very faulty, if I should forget to name your Brother Sir *James*, a very knowing and learn'd Gentleman, especially in Matters of Antiquity, who at every Occasion is pleased to shew me a great deal of Respect, and did honour me with a Visit in my House at *Kelso*.

As to your Brother my Lord *President*, I could say very much; but I shall hold my self content with this, that, while Advocate, he was pleased frequently to appear at the Bar in my Cause; and particularly *February* 19. 1690, did put his Adversary so hard to it, that he made him fly back to his *old Holt*: So that the Judge the Lord *Philippaugh* said with a Smile, That's *Petitio Principii*. Page 40.

Now, my Lord, might not any one of these be a sufficient Motive for me to make this Address? And what will they all be, when added together? A Cord that cannot be broken. But even grant they were all laid aside, and no Respect had to any of them, so that I were forced to run thorow the whole Universe, seeking some fit Person, from under whose Wings this little Piece might venture to set out its Head, a fitter and more proper one I could not have fall'n on, than your Lordship. I shall add no more; but rest,

MY LORD,

Your Lordship's most humble
and most obedient Servant,

Edinburgh, 10.

April 1741.

JA. KIRKWOOD.

THE

(5)

T H E

P R E F A C E.

WE are told by History, that Democritus and Heraclitus, two ancient Philosophers, never sooner set Foot without their Door, but immediately the one fell a laughing, the other a weeping, at the Follies of Mankind. We are more inclined to laugh, than to weep : A small Matter, a very Trifle, yea, often nothing at all, gives occasion to that ; whereas we are not readily provock'd to the other, but with some difficulty, or in Matters mainly of our own Concern. Laughing and Weeping are look'd on, as contrary Passions, the one downright opposite to the other : But 'tis not altogether so in the present Case. Democritus's Laughing was much the same with the other's Weeping. He laugh'd, that is, he was astonish'd, yea, we may say, grieved, to see rational Men so eager in the pursuit of Trifles, and yet very remiss in Matters of great Value. He thought the Athenians, among whom he lived, a pack of Fools, tho' esteem'd the wisest People on Earth. They looked on him, as mad and distracted ; and therefore sent to him Hypocrates, a famous Physician, to cure his Distemper. After some Discourse 'twixt these two, Hypocrates return'd to the Athenians, telling them, Yon Man is not mad, as you alledge, but you are rather mad, that think so.

Perhaps you desire to know, what it was, that Democritus had so high Esteem of, and blam'd the rest of the World for slighting it, and setting their Affections on Things of much less Value, on his account. In a Word, 'twas Knowledge, such as that of Astronomy, &c. which he preferr'd to all the Riches, Honours, and

and other Earthly Pleasures in the World: For we read, that after his Father, who was so vastly rich, that he feasted Xerxes King of Persia, and all his numerous Army, consisting of many hundred Thousands; This Democritus, we say, after his Father had died, took up his Portion from his elder Brother, and travelled over the greater part of the Universe, seeking that precious Jewel of Knowledge.

Heracitus's Weeping at the Follies of the World, was much the same with the other's Laughing; for we've little ground to think their Thoughts reached higher than the Concerns of this Life. His Tears differ'd infinitely from these of our Blessed Saviour, when he wept o're Jerusalem, (Luke 19. 41.). Those had relation to things of this Life; These of that to come.

If these Men had lived in our Days, and been Eye-witnesses to the many extravagant and wild Pranks, the cruel and unjust Acts, committed in the Burgh of Lithgow, some Tears ago; certainly the one had split with excessive Laughter, the other would have made Furrows in his very Cheeks with Floods of Tears.

Matters, here given account of, are not Objects of Laughter, but far rather of Grief and Sorrow, whether you consider the Persons injured, or injuring, and the latter especially; for he that does an Injury, is more to be pitied, than he to whom 'tis done: Weep not for me, says our Saviour, but weep for yourselves, and for your Children. Luke 23: 28.

If these Heathens were so much concerned with the Welfare of Mankind, in Matters of this Life, What ought our Carriage to be, in Things of Eternal Concern?

We shall not trouble you with a long Preface, only we humbly beg you'll be pleas'd to read this little Piece, without Feed or Favour, no ways byass'd to this or that Side. We know, there are some so exceedingly stuffed with Prejudice, that, as soon as they hear 'tis come from such a Hand, they'll tell you, 'Tis all Lies. They Condemn, before they see; and Justify, what they do not know. We must confess, 'tis a mighty hard Business to be altogether free of a Byass; it being of a most subtile and insinuating Nature; yea, often so cunning and deceitful, that it can make you believe that to be your Duty, which truly is not: Neither shalt thou countenance a poor Man in his Cause, Exod: 23: 3. Pauperis non misereberis in Judicio, says the old Latin Translation; Thou shalt not have pity on a poor Man in the Matter of his Plea: Yet the best of Men are aptest to fall into that Snare; especially if he be also look'd on, as a good Man, and his adverse Party rich and wicked.

There's one only, a straight and even Path ; but Millions of By-roads and crooked Ways. 'Tis the most difficult thing in Nature, perfectly to keep this even Path, being so mighty narrow ; yet it ought to be our Endeavour to do it. You've seen some walking, yea, dancing upon a Rope. That's not easily done, nor without some Hazard ; but this Path, we speak of, is infinitely beyond that, both as to it's Narrowness, and the danger of turning out of it. There's infinite odds betwixt them ; Infinite, we say, in it's most proper Signification. 'Tis so narrow, and the Danger so great, that Words fail us to express it ; yea, even our Thoughts to reach it.

Ovid tells us, (2. Met.) That Phebus giving Injunctions to his Son Phaeton, who was to guide his Father's Chariot, one Day, round the World, bid him neither decline to the Right nor Left, but to hold straight on, warning him of the great Dangers on either Side : At last, he sums all up with these Words, Medio tutissimus ibis. The surest and safest way is to go straight forwards. But this fond, rash and foolish Youth, not following his Father's Directions, turn'd out of that straight Path into By-ways ; and after he had rambl'd for some time up and down, not knowing what to do, and looking down to the Earth, his Eyes began to reel, his Hands to tremble, his Knees to smite one upon another ; at last, tumbling down headlong, he falls into Padus, a great River in Italy, where he perish'd.

This, we confess, is but a Fable, a meer Fiction ; yet its Morality or Design, may be of great and singular Use, if we knew how to improve it.

We shall suppose the Sun to go round the Earth, and not the Earth the Sun, as some Philosophers assert.

Hence the Journey Phaeton undertook, is so vastly great, that 'tis almost beyond Expression. If he had gone round the Superfice of this Earth only, it had been about 22000 Miles.

But the Circuit or Journey the Sun makes every Day is so far beyond this, that we shall leave it to Persons, who are more knowing in them Things, than we are, to inform you : Only we dare venture to say, That the Motion of the Sun can be compared to nothing better, than that of a Musquet or Canon-Ball ; and yet we see it sliding by us so softy and sweetly, that we fancy it always to be, as 'twere, standing in the same Place. O how marvelous are the Works of the Almighty !

The fore-mentioned Journey undertaken by Phaeton, was wonderful great ; yet ours towards Eternity, does far exceed it. He could not finish that, but in 24 Hours ; we may do ours in the twinkling of an Eye.

His Fall indeed was very terrible, being, as is supposed, from some Place near the Meridian: But ours is infinitely more dreadful, being from the third Heaven, from that Place to which St. Paul was caught up, where he saw Things unutterable. 2 Cor: 12.

And further, he fell not amongst Crags and hard Rocks, where he might have dash'd out his Brains, and crush'd himself into pieces; but into a soft River, the safest and best place he could fall into. But, if we fall, it will be into the Depth of Hell, amongst fearful Flames and Burnings.

Lastly and chiefly, he fell, and perish'd: There's an end of him; he is, as if he had never been: If he has no Pleasure, he has no Pain. But our Fall is quite of another Nature; we not only fall into terrible and fearful Flames, but will burn there Eternally, for ever and ever; always a dying, but never dead; still burning, but never consumed. Oh, what a lamentable and doleful State will this be, to the far greatest part of the Children of Men!

St. Bernard, in his Meditations, speaking upon this Subject, words it thus, Quid pejus est, quam illud semper velle, quod nunquam erit; et illud semper nolle, quod semper erit? What can be worse, than still to be wishing for that, which shall never be; and always longing to be rid of that, which shall ever be? To this Purpose, is that place of Holy Scripture, with many others, Revel: 9: 6: And in those Days, shall Men seek Death, and shall not find it; and shall desire to die, and Death shall flee from them.

But let us apply this general Discourse to our present Case, which is, That you read this little Book, without Feed or Favour; justifying what deserves to be justified, and condemning what ought to be condemn'd. And the more to excite you to this most Christian and necessary Duty, 'tis your great Wisdom to consider and ponder well this Scripture, Prov: 17: 15: He, that justifieth the wicked, and he that condemneth the just, even they both are Abomination to the LORD.

THE
HISTORY
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Twenty Seven GODS of
Linlithgow, &c.

FOR the better understanding of this Plea, 'tis not amiss to give a brief Account of Things from their Beginning.
Be pleased then to know, that Mr. *Kirkwood* had the Offer of the School of *Linlithgow* made to him, *May 1674*, by Sir *Robert Miln* of *Barntoun*, Provost of the Burgh at that Time, who dealt very earnestly with him to accept the Offer, as may be seen by his Letter, dated *14. May 1674*.

SIR,
THE Knowledge I have of your Fitness for educating Children in the Latin Tongue, together with your Civil and Christian Carriage, induceth me to be solicitous to have you to be our Neighbour; especially considering the great Benefit My Lord Bruce has reaped by your Labours and Pains. These are therefore desiring to know, if I may propose you to this

Place to be their Schoolmaster: If you be not engaged to the Earl of Kincardin, I shall be very glad to do the Place so much Happiness, as to be the Instrument to bring you here, for promoting the Good of the Youth with us. I durst not adventure to send you a Call, or to propose your Name in publick, till I knew your own Inclination. Your Answer is earnestly expected by the first, &c.

But Mr. Kirkwood being then Governour to my Lord Bruce, at the College of Glasgow; and having a singular good Opportunity of improving himself by frequent Converse of many good and learned Men, and particularly with Doctor Burnet, Professor of Divinity there, advanced since to the Bishoprick of Sarum in England; with whom Lord Bruce and he were lodged, positively declin'd that Offer, as his Answer, had it been preserved, would instruct: And no wonder he did so, being in one of the most honourable and most profitable Services of that kind in the Kingdom; and in so great Favour with that Noble Family, that he was in a fair Way and in good Hopes of rising to a Place of more Credit and Advantage, than the School of Linlithgow.

About Six or Seven Months thereafter, Sir Robert, and his Nephew Alexander Miln of Carriden, spoke once and again to him at Edinburgh and Culross on that Head; and at length in January 1675, these two Gentlemen, and Mr. John Burnet, then Second Minister in that Burgh, prevailed with him to accept that Charge, promising all Encouragement lay in their Power, which he doth acknowledge they fail'd not to perform.

Know also, that he had at that Time several very considerable Offers elsewhere; particularly a Call to be Schoolmaster at Prestons; and was much solicited therein by Sir William Hamilton of Preston, Mr. William Colvil, Principal of the College of Edinburgh, and Mr. Patrick Cook Minister at the Place, all Patrons of that School, offering very great Encouragement if he would accept, as can be instructed by Sir William's Letter, 22d December 1674, and particularly exhorting him to prefer that Place, where he himself was bred at School with Sir William, to Linlithgow.

SIR,

SIR,

I Did see a Letter from Mr. William Colvil, Principal, wherein he told our Minister, that you had refused to be Schoolmaster of Prestonpans, which I did think strange. I pray you, Good Sir, let not any other Place draw you from that, in which you had much Contentment and Pleasure; and I will assure you, you shall have the same Occasion, both in Pleasure, Happiness and Contentment, which is all can be desired in this World. Wherefore it is the earnest Desire of all good Friends and old Acquaintances here, that you may accept, and especially of him who desires to remain, &c.

But, Sir Robert and Carridden being related to the Earl of Kincardin's Family, did engage him to embrace their Offer, with whom, at Edinburgh in Carridden's Chamber, he made an expresse and formal Compact for 400 Merks Yearly, as Salary, and to continue in that Office *ad vitam aut culpam*, refusing positively and *in terminis* to be limited or stinted to a definite Number of Years, as his Predecessors were by formal written Contracts for so many Years; whereas he told expressly, he would have his Call simple and absolute, without any Qualification or Restriction of Time, implying *ad vitam aut culpam*, as all Professors of Liberal Arts and Sciences are admitted to their Charge, and accordingly continue in it; unless it be otherways expressly provided, and consented to by both Parties. But these two Gentlemen were very glad of his Acceptation in the manner above related, and most willingly condescended thereto; and within 5 or 6 Days delivered him the following Act of Admission.

At Linlithgow, 23. January 1675.

THE which Day the Provost, Bailies and Council, having met anent the Affairs of the Burgh, and finding the Grammar-School of the samen vacant, they do unanimously call Mr. James Kirkwood, Governour to the Lord Brace, qualified to be a Schoolmaster, and the Council desires the Provost to speak to the said Mr. James to come and accept the Charge of Schoolmaster, at Canalemafs next without Delay. *Extractum per me, AND. KER.*

It was on these Conditions, above related, he accepted that Charge; and on that Consideration left so good a Service, and slighted other considerable Offers. 'Tis without all Question, had it been told him that either the present or succeeding Councils had still in their Power to diminish his Salary, or turn him off at Pleasure, he would not have accepted the Place, but rather stay'd where he was too well, or gone somewhere else, where he might have had better Conditions. And there is no Man, but he must acknowledge, if either of these two had been in the Town's Power, they should have been intimated, and made known to him at the Agreement, being the main and substantial Clauses and Points in the Contract, which ought not to be omitted and left to Discretion.

The Security therefore he has for his Office is,

1. The Custom and Practice of the Nation in the like Cases. 2. The Faith and Promise of these two Gentlemen. 3. An Act of the Town-Council, admitting him to be School master in general and absolute Terms, which Act gives the Provost a Power to commune with Mr. *Kirkwood*, and call him to the Place. 4. Four Hundred Merks, recorded in the Council-Book as his Salary. 5. Fifteen Years exact Payment thereof, without the least Doubt, Grudge or Debate about the Sum.

Who will deny but this is sufficient Security for one in an Office of such a Nature, which beyond all others whatsoever requires, for the more speedy and secure Progress of Learning, that Teachers and Trainers up of Youth have a fixed and continued Abode in one and the same Place, the Change of Masters being a very great Prejudice and Loss to Scholars; and certainly no fixed Residence can be expected for them, if Town Councils may turn them out at Pleasure; especially considering, they are made up for the most part of illiterate and ignorant Men, and yearly alter and change; who frequently are of such Humours, that they undo many Things their Predecessors settled, without any just Ground or Reason: And often one Leading Deacon or Member of the Council, for some private End or Quarrel, may so influence the rest, at least the *Major Part*, that the poor Schoolmaster must thrist for himself and his Family, in the Cold of Winter.

If

If therefore this Particular of turning out of School-masters at Pleasure, be tolerated, and the Burgh of *Lithgow* become a *Precedent* to others, it will make a pretty Reel amongst them thro' the Kingdom. There is a Copy cast already in that Burgh. At *Martinmas* 1689, the Town made a formal Agreement with *John Dunbar*, to be Doctor in their School, and on the 8th of *February* thereafter, turned him out, not giving him so much as one single Minute of Time to provide for himself, he not having heard of any such Design, till he was called in before the Council, without a Citation, and instantly laid aside. This was done to shew their absolute Power; for when *Dunbar* told the Provost, That, what they did, was contrary to Agreement. What, replied the other, do you not see what's done *Mr. Kirkwood*, who at that very Moment was lying in close Prison, as you will see in its place. If Men be thus used, or rather abused, they had better go keep Sheep, than be at vast Pains and Expence to fit themselves for training up of Youth.

But to proceed: Since the late Alteration of Affairs in this Kingdom, these that now bear Rule in the Burgh, are all exceeding forward in carrying on the Affairs of the Church; and most of them, before they came to govern, gave a very shrewd Specimen of what they would do, if once they got Power into their Hands; for on the 12th of *April* 1689, when some Hundreds of Burgesses and Town's People were drawn up in Rank and File at the Cross, all in Arms, they sent in a most tumultuous Manner, a Party of Musqueteers, with written Orders in the Hands of *Peter Gardiner*, to the Two regular Ministers of that Burgh, to command them to remove from their Office, that they might place better in their Room.

Is it not very strange, that private Men, especially of the meanest Rank, such as Websters, Sutors, Tailors, should assume to themselves Power to remove from that sacred Function, Persons settled by publick Law, and to place others in their Stead. Very competent Judges indeed, of the Qualifications of Ministers!

On the 13th of that Month, above 24 Persons of the Chiefest in Town, inclining that Way, went upon Occasion to the House of one *James Johnston* to take a Glass of Wine; and one or two of them, likely,

likely on design, inviting Mr. *Kirkwood* to a Share ; as he was entering the Room, *Walter Stuart* of *Pardivin*, the leading Man of that Club, tho' the youngest, rose off the Chair, and seemed very kindly to take him by the Hand, saying to the whole Company, *Here a Brother*, and desired them all to follow his Example. Mr. *Kirkwood* being a little surprized, and smelling a Design, was not very frank to salute the Brethren after that Manner; which made *Pardivin* take him again by the Hand, and lead him about from one to another, thrusting his Hand into theirs. In the next place, *Pardivin* told him he behoved to renounce the *Test*. That requires Time and Place convenient, replied the other. And you must also (continued *Pardivin*) forsake the Church, and go with us to the Meeting-House. Mr. *Kirkwood* endeavouring to wave that Discourse, with a Smile, said, He came there to get a Glass of Wine, and not to fall on these Points. Assure your self, replied the other in a very rude and austere manner, unless you desert the Church, and go alongst with us to the Meeting-House, you shall not be long School-master of *Lithgow*. I shall go there, answered Mr. *Kirkwood*, as soon as the Laws of the Land require; but not till then. Pack you immediately down Stairs, said *Pardivin*, in no less a boasting manner, than if he had been Emperor of the Universe. These were his express Words. Thus Mr. *Kirkwood* departed, without getting so much as one Glass of Wine. And may it not seem very odd, that *Pardivin* in another Man's House, and being yet but a private Person, should in so Lordly a Manner, command one, that had been many Years his Master and Teacher, to pack down Stairs, before so great a Multitude, for such a Reason? This fell out 14 Days before he was made Provost:

On the 25th of the same Month, he sent for Mr. *Kirkwood* to his Chamber, where they alone had a long and serious Discourse upon several Heads, especially relating to Church-Matters; the one most confidently asserting the *Jus Divinum* of Presbytery, and declaring all other kinds of Governments contrary to the Word of GOD; the other denying it had so sure Foundation. In a Word, this Conference had not its designed Conclusion, which was, That Mr. *Kirkwood* should

should promise to go to the Meeting-House on the *Sabbath* Day following, to countenance his Lordship's first Entry there. At parting, he desired him to consider the Thing till the next Day, and give an Answer, Mr. Kirkwood replied, He had thought on that Head many Years, and was not now to seek; and therefore he might expect the same he had now given him: Yet *Pardivin* still pressing his Request, Mr. Kirkwood thought fit to gratify him so far. This Night, Mr. Kirkwood's Thoughts were rack'd more about the way of answering, than the Answer it self: For altogether to slight the Business, or to send an Answer by another, he feared, might offend; and to go with it himself he was sure, they would not part good Friends; and therefore he thought it safest to send the following Letter.

SIR,

ON the confidence I have of your good Wishes to me and my Family, I have taken the Freedom to trouble you with this Line, shewing that I have seriously considered what past betwixt us Yesterday, about my going to the Meeting-House on Sabbath. Truly I have not the Freedom to gratify your Desire in this Matter, as yet, seeing that the Place I go to, is established by a legal Power; but, as soon as either our Convention of Estates or a Parliament has settled an Alteration, which is on the Wheels, and questionless will be e're long, I shall very cheerfully concur. Till then I hope and expect you will excuse me. I would not much value, tho', to speak the Truth, it has its own Effect on me, either what the Episcopal Party should think of so sudden and easy a Change; nor what the weaker and more ignorant sort of your Side should say, who certainly would infer, it were only to save my Place I came there. Sir, I know I need add no more: This is the Sum I would say on the Head, if it give not you and these Gentlemen I'm concerned with, Satisfaction, I can not help it, I resolve to cast my self and my Family into the Hands of Providence, and I hope GOD will provide for me. Mean while, I rest, &c.

Pardivin within two Hours sent this Return, which is little, or nothing to the Purpose.

SIR,

SIR,

I Cannot but admire of your Letter, which is only grounded upon uncertain Events, that you fancy just as come: You write to me, as if I were already elected Provost, which I believe may never come to pass. But however, in whatever Station Providence shall place me, you may expect my Kindness, and the former Respect I had for you shall be continued, &c.

Pardivin saith, Mr. Kirkwood wrote to him, as if he had been already elected Provost; whereas no such Inference can be made from his Letter: 'Tis true, he wrote, as to one, he doubted not was to be Provost; and that the very next Day: For *Pardivin* had shew'd him a List of all the Magistrates at that private Conference; and there was none to contradict what that Party did at that Time. And tho' he was not Provost, yet he carried as such, yea, some Degrees above any Provost ever was in that Place; as may be seen by that Rancounter in *James Johnston's*, where he made Mr. Kirkwood pack down Stairs, as if he had been his Footman.

It is very well known to all, that have had occasion to converse with Mr. Kirkwood, of how moderate Principles he is in these Things, so much under debate, in Church Matters. He blames no Man for being of this, or that Opinion, especially in Things that are of themselves not simply necessary to a Christian Life; and craves the like Favour of them: Humbly judging, private Persons are to keep within their Sphere, and for Peace's sake to submit to many things, and to comply with them, tho' inconvenient in their Judgment, yet not sinful, such as are most of these Things which make so great Stir in this Kingdom, and destroy the very Life of Christianity, which consisteth in Sobriety, Justice and Devotion; but these are eaten up and consumed by the Unchristian Management and Prosecution of small and inconsiderable Differences. *We tithe the Mint and Cummin, and omit the main and absolutely necessary Duties of our Religion.* Now, how kind and familiar, not to say bountiful, Mr. Kirkwood has been to Presbyterians in their lowest Condition, while lying in Prison, and in very great Straits, many in *Lithgow* can attest; and Hundreds in

that Country yet remember, what he did after that Fight at *Bothwell*, when about 1200 Prisoners, most of them naked, were carried thro' that Town to *Edinburgh*, he pitying these poor distressed People, went to the Captain, *Alexander Brown* of *Thornidike*, who commanded the Guards, being of his old Acquaintance and Condisciple, and got from him his Cane, as a token to the Souldiers, not to hinder him to do the Prisoners all the Kindness he could; for People were not easily permitted Access, some of the Prisoners having made their Escape, by the Means of these that went to them; and there from Three in the Morning, till Ten in the Forenoon, he alone stood on the Flesh-market Wall, and gave in over it above 300 Suits of Cloaths, and exceeding much Meat and Drink, not without hazard of his Person, being often like to follow the Cord, with which he let down the Barrels to these Prisoners, of whom many thereafter came back and thanked him heartily, for the Favour he had done them; particularly three Brothers of the Name of *Thomson*, in the Parish of *St. Ninian*. In a Word, such has been his Carriage in *Lithgow*, and elsewhere, that very many of both Sides have taken him for a through paced Presbyterian, tho' in Truth he is not. He acknowledges he can very freely submit to, and comply with that Government, when settled by Law; but to be forced to forsake the publick Place of Worship, establish'd by the supreme Powers of the Nation, and go to a private Meeting House (*Pardivin's* own Kitchen) then only connived at, or at most tolerated, neither Threats nor Allurements can prevail with him. He resolves to follow the Laws, and not to run before them in all Matters of that kind. And why should he be the only Man in the Kingdom picked out, either to lose his Place, or go to the Meeting-house. He is not very scrupulous in these Matters under Debate. He stands not much to hear Presbyterian or Episcopal, provided it give not Offence; and he was sure, his forsaking the Church would hugely have stumbled both Sides.

But to return more closely to our purpose, let us tell, That he was exceeding loath to divulge these Particulars, and to speak so of himself and others, till he was forced to it for his own Vindication, being represented to Persons of the highest Rank in the Kingdom, to

be a great *Malignant*, and opposite to the present Government ; and as its worded very strangely in the Town's Information to the Lords of Session, 28th of *November* 1689, he is called a *Reviler of the Gods of his People*. By *Gods* here they mean the 27 Members of the Town Council, the Provost, Four Bailies, Dean of Guild, Treasurer, Twelve Counsellors, Eight Deacons ; so that the Websters, Sutors, Tailors, are Gods in *Lithgow*. A very strange Expression, the like never any Mortal assumed to himself in such Circumstances. By the way, 'tis worth the Enquiry, to know the *Antecedent* or *Substantive* to the Word *His*, in this so singular a Phrase. At the reading of the Information, it was pretty warmly debated by Persons of Honour, whether it was *GOD*, *Provost*, or *Kirkwood*. A Reviler of the Gods of *GOD's* People, or the *Provost's* People, or *Kirkwood's* People. Some were for one, some for another, some for none of them, averring it was not good Grammar, considering the Context of the Information, and that instead of *His* it should be *The* ; A *Reviler of the Gods of the People*. Others cry'd out, it was the height of Blasphemy, to call any Webster or Tailor in the Kingdom, a God. As to the Occasion of the Phrase, you will hear in its place.

With pardon for this short Digression, know, That *Pardivin* being made Provost on the 27th of *April* 1689, did on every Occasion, private and publick, use all Methods and Arguments to perswade Mr. *Kirkwood* to forsake the Church, thinking, if he left it, many would follow his Example. Frequent Communing they had about it, but all in vain. No sooner the Convention of Estates had laid aside the Bishops, but immediately Mr. *Kirkwood* was sent for to get the News, the Provost then thinking he had now gain'd the Day. After a hot Dispute, Mr. *Kirkwood* told him, tho' the Bishops were laid aside, yet they that preach'd under them were not ; neither was Presbytery settled ; and therefore he resolv'd to keep where he was, till that was done. You have, replied the Provost, the most malignant Spirit of any Breathing, and ought not to be conversed with : And this in great Rage and Passion, on the high Street, in view of many People. I'm sorry, answered Mr. *Kirkwood*, my Converse is

so ungrateful; My Lord Provost, it shall be against my Will, you be much troubled with it hereafter.

Now he falls on far more severe Measures, and prosecutes his Design with the hight of Rigour, many Acts of Injustice and Oppression he did Mr. *Kirkwood*, of which at present, take these Two Instances.

On the Day of June 1689, *James Carmichael* of *Potishaw* brought his Son to Mr. *Kirkwood*'s House, in order to enter him to School; but it being nigh to 12 in the Clock on Saturday, it was thought fit to delay his Entry till Monday. In the Afternoon, *Potishaw*, with his two Cousins, *James Carmichael* Portioner of *Blackburn*, and *Peter Salmon* (who also were in Mr. *Kirkwood*'s House) met with the Provost in *James Borleans*'s, where *Potishaw* telling the Provost, he had been with Mr. *Kirkwood*, in order to put his Son to School. That were a great Act of Folly, replied the other, for within Ten Days he is to go from us; and we are to have a New Master; and therefore I advise you to carry back your Son; which was accordingly done. And with this he turned towards Lieutenant-Colonel *Cleland*, who was also sitting with them, saying, *Can you wish us to a good School-master; for we are vexed with this Man we have.*

This was not only an Act of great Injustice done to Mr. *Kirkwood*, as to his Purse, but also to his Good-name which he more regards; for *Potishaw* thinking, as he had just Ground, that Mr. *Kirkwood* could not but know he was to go from his Charge, it being to be within so few Days, looked on him as a most avaricious and disingenuous Man; because he had not let fall to him, that he was to go from his Place; whereas he knew nothing of the Business, and had never heard less or more of any such Design, else he had carried more candidly with these Gentlemen. What the Provost's Intention was in this Affair, let others conjecture. It seems a Mistrery. That he spoke a Lie, we will not say; but that he uttered a great Falshood, Time has put it beyond question. If he spoke by way of Prophecy, he is a false Prophet. If at that Time, he had a design within 10 or 12 Days to turn out Mr. *Kirkwood*, it was a most unjust one, twixt Terms to thrust a Man to the Door without Warning. If he had no Design,

it was the hight of Malice, to speak Lies, on purpose to deprive his Neighbour of what is justly his. It had been more lawful to have stolln it out of his Pocket; for that had been but one Fault, here a Mass of Iniquity. By this not only Mr. *Kirkwood* is wrong'd, but the Publick; the Common-Good is thereby impair'd: For 'tis here to be considered, That *Potifban's* Son being carried back upon this Head, stoppt all other Gentlemen to send their Children.

Th' other Act of Oppression, we dare not say is purely the Provost's, tho' he be the principal Cause of all the bad Usage Mr. *Kirkwood* met with; for his Rudeness made the rest of the Magistrates the more undiscreeet. On the 14th, 15th and 16th Days of September 1689, they quartered on Mrs. *Kirkwood* (her Husband being 40 Miles from Home, in time of School-Vacance) 4 Men and Horses. The like was never done to him, nor any of his Employ in that Burgh, tho' many more Souldiers have been in the Town: And it is very remarkable, that 13 Families next to his, had not so much as one Man or Horse. Yet it must not be here omitted, to tell, that the Gentlemen Mr. *Hay* and Mr. *Erret*, Officers in the Earl of *Leven's* Regiment, carried most discreetly, and were well satisfied with such Accommodation for their Horses, as her House could afford, viz. a Brew-house for a Stable, without Heck or Manger; a Room full of Household Furniture, which these Gentlemen with their own Hands were pleased to set aside. Had Mr. *Kirkwood* been at Home, he would have given them a better Stable in the middle of his School, and he was sure to furnish them with as many old Theams & Grammars, as their Horses could eat several Months.

He was also certainly informed, that there were Billets prepared for *Danes*, to be laid on him every Time they were to pass through that Town; but this was prevented by his being turned out of Doors, to quarter on some Neighbour himself, as will appear in its place.

When these former Methods were ineffectual, not answering their Design (and what Wonder) for they are not the Cords of Men, but Beasts; not rational Arguments to convince Men endued with Reason, but Whips and Rods to drive Brutes; the Provost contrived a new Mean further to vex Mr. *Kirkwood*: On the 12th of October 89, he

he so influenced the Town-Council, that they made an Act, reducing his Salary from 400 to 300 Merks a Year. Further, down they could not come at that time, for the Doctor of the School has 200, and they thought Shame to level the Master with the Doctor. But, as the Provost told Mr. *Kirkwood*, that Doctor was to be put away, and the other that has 48 Pounds *Scots* to be in his Room, and then they would have Ground enough to come and go on; and it was as lawful to reduce it to two, or one, as to three.

This Act, restricting his Salary, was made not only without his Consent, but altogether without his Knowledge: And think you it not very strange, that one Party should destroy and quite cancel a formal Compact, and neither directly nor indirectly acquaint the other; and make a new Agreement without his Knowledge or Consent. This is down-right repugnant to the very Nature of Contracts, which always implies a mutual Consent of two Parties.

On the 19th of that Month the Provost sent for Mr. *Kirkwood* to his Chamber, and there privately intimated to him the Town's Act; with which he being exceedingly surprized, said, He thought the Council should have first enquired, if he would accept of that Diminution of his Salary, before they had made the Act. If you will not accept, replied the Provost, you must be gone. That may be a Question, answered th'other. With this the Provost cries to his Servant, who was in the next Room: Go, saith he, bring me two Bailies and the Clerk, that I may take Instruments; he refuses to stand to the Council's Act. I have not yet refused, said Mr. *Kirkwood*. Do you then accept? replied the other. I ought to have some Time to think on that, answered Mr. *Kirkwood*. We have made an Act, and you must either stand to it, or sit at *Martinmas*, replied the Provost: There's to be no Deliberation in the Business. Go Boy, quickly bring me the two Bailies and the Clerk. In a Moment's Time all Three came together; for it seems they were ready waiting on.

As soon as they entered the Room, Mr. *Kirkwood* saith to the Clerk, I take Instruments in your Hands before these two Bailies, that the Provost this Day intimates to me an Act of Council made on the 12th

of this Month, restricting my Salary from 400 to 300 Merks: And further I here declare, that I am willing to serve in my Charge according to Agreement betwixt the Town and me. After this he turned towards Bailie *Turnbul*, saying, Bailie, suppose, (which I will not grant) that you could put me away at *Martmas* or any other Term, yet it must be done legally and according to the Practice and Custom of this Kingdom. You are Master of a Family, and an Heretor too; but can, or dare you thrust out after this manner any Tenent, Cotter, yea or the meanest Servant you are Master of? You are obliged to give them a legal Warning: You cannot either augment the one's Rent, nor diminish the others Fee at Pleasure. The Law of the Land will reach you, if you do amiss. With these and the like Words the Bailie stood mute, and the Provost forgot to take Instruments; and so Mr. *Kirkwood* took his Leave of them at that Time.

This was done on *Saturday* at Night after there had been a Council. On the *Monday* thereafter, being the 21st, at Night, these two Bailies sent for Mr. *Kirkwood* to the Dean of Guild's House, to see if they could make up the Peace; for they found themselves in the Mist. After they had reasoned pretty calmly some time, and were coming to a good Agreement; in comes the Provost, and being let in an Arm-chair, began thus to harangue: *Master Kirkwood, said he, you cannot but acknowledge that you are exceedingly obliged to the good Town, having gained in it all you are worth; and therefore you ought to do nothing that may any way tend to its Disadvantage. My Lord Provost, replied Mr. Kirkwood, May it please you to let me speak a Word or two to what you have said, and then you shall go on: for we may forget Particulars. That I am obliged to the good Town I will never deny, for I have met with very much Kindness from all that I have had to do with: Yet I hope you will give me leave to say the Obligation betwixt the Town and me is reciprocal; I am obliged to it, so is it to me: And if I have gain'd any thing, 'tis with the Sweat of my Brows, in a most honest and lawful manner. But this is not the Point I would speak to. You are pleased to tell me, that all I am worth I have got in or by the good Town. You are in a very great Mistake:*

I had a tolerable good Portion from my Parents about 30 Years ago, of which to this Day I never spent one Penny, nor (blessed be God) was I ever put to that Necessity as to need it; and you know by this time, if it be well managed, it may be four times as much. And besides I got considerably with my Wife; and there's a Gentleman, (pointing at Baillie Main) who knows I lifted Money once and again in *Holland*, as her Portion: You did indeed, said the Baillie. And lastly, to say nothing of other Services, I came from a very honourable and profitable one in the Earl of *Kincardin's* Family, where I gained both Gold and Silver. So you see I came not to this Place like a Beggar, as your Words import. But to end this Communing, the Provost it seems had prepared a Discourse; and having stumbled in the Entry, was never able again to recover his Feet, and after he had rambled up and down this whole Earth, he went down to Hell. For amongst many other odd Expressions to Mr. *Kirkwood*, he had this: *You would rake Hell for the 100 Merks we have taken from your Salary.* 'Tis the first time, replied th'other, I was called a Miser; many in this Place have said, I'm rather in the other extreme, too good a Fellow. In a Word, after some Expressions of this Nature, they parted not very good Friends.

That same Night the Provost wrote a Letter to *Robert Park* Writer in *Edinburgh*, to send out a Schoolmaster as soon as possible; which was accordingly done. Mr. *Park* received the Provost's Letter on the 22d or 23d, and sent out one Mr. *Binny* on the 25th, and on the 26th he was settled Schoolmaster by an Act of Council, and Mr. *Kirkwood* ordained to remove at *Martinmas* then next.

A very summary and illegal Warning, supposing the Town had Power to remove him at a Term without a Fault. But by the way 'tis to be observed, that *Martinmas* cannot be his Term, granting he had any, without a Fault: For he entered at *Candlemas*, the immediate Day after his Predecessor had received his *Candlemas* Offering; for his Generosity would not permit him, tho' he was seriously exhorted to come some Days before *Candlemas*. And supposing the Town had agreed with him for a distinct and certain Time, as they had done with his Predecessors; if that was for a Year, his Term

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was *Candlemas*, and that *inclusive*; if for half a Year, *Lambmas* or *Candlemas* is it; if for a Quarter only, *Belton* (the Beginning of May) or *Hallow tide* ought to be the Term, and never *Martinmas*. But it seems the Town's Term is, *Our Will and Pleasure*, and that without any legal Warning. This is a new Law never before practised in *Scotland*.

On the 25th of *October*, betwixt 9 and 10 at Night, (a little after his pretended Successor had come to Town) he was warned by an Officer, not personally (for he was not within) to compare before the Council the Day following. As soon as he entered within the Council-house, the Clerk read to him an Act made by the Council, whereby he was deprived of his Office, and ordained to sit and remove at *Martinmas* then next. At which he being very much surprized, knowing nothing that a new Master was come to Town, nor that they had a Design to put him away after this manner, took Instruments in their Clerk's Hands, in Face of Council, of the Unjustness of their Act and the Illegality of their Procedure; and also he protested that he was most willing to continue in his Office, according to the Agreement betwixt the Town and him. This Protestation did a little nip them, when they considered he had Law and Justice on his Side, which gave Occasion to the private Quarrel or Incidental Plea betwixt the Council and him; for which he was fin'd in 200 Merks. But of this Business hereafter.

On the 11th of *November* the Magistrates sent their Officers to the School in the Morning, and most violently extorted the Key from him, as Instruments then taken, at more length bear; and that same Day put another in his Place.

On the 16th of *November*, and not till then, they summoned him to remove out of his House: A very seasonable Time indeed, in the Cold of Winter, betwixt Terms to sit with a Family of many young Children. This did a little chaff him, and made him think upon some Remedy for these Evils: He had too just Ground to appeal from them, who were both Judge and Party, to a more impartial and legal Judicature. He went therefore to *Edinburgh*, and made Application to the Lords of Council and Session, by giving in one Bill

to suspend the Act of Deprivation from his Office; another the Amerciament or Fine; and a third to advocate the Cause of Removing from his House: And besides these three he gave in also a Petition, desiring their Lordships would be pleased to order the Plea to be discusst upon the Bill; which they granted, and recommended to the Lord *Aberuchal*, the Ordinary at that time, to hear both Parties, and in case of Difficulty to make Report to the whole Lords.

After the Cause was several times debated at the Bar, and Report made to the Lords, they found, That the Town could not remove Mr. *Kirkwood* either from his Charge, as Schoolmaster, or from his House *At that Time, upon that Ground, and after that manner*, as the Interlocutor at more length bears, of the Date the 12th of *December* 1689.

The Day following, being the 13th of *December*, the Town gave in a Petition to the Lords, reclaiming against their Sentence, and desiring a new Hearing upon other Grounds. The Lords, being most willing to do them all the Justice Law could allow, granted their Desire.

The Point the Town had to prove was, that he did dimit or quit his Charge: For when the Lords ask't them, Why they depriv'd him of his Office, they answered, They did it nor, but he refused to serve any longer in that Charge, and therefore they were necessitated to provide themselves of another Master. He acknowledged, he said he would not serve them, but with this Qualification, unless his 400 Merks were paid him: And the Lords found, That his refusing to serve upon Diminution of his Salary, was no Dimission. So that the Town was put to seek out new *Mediums* to prove a Dimission; and when none occurred, they invented Falsehoods and Lies, as you shall hear.

'Tis very fit here, you know, the Town did not so much as pretend the least shadow of any Fault against him, when another Master was brought from *Edinburgh*, and when they past the Act of Deprivation: For certainly had they known any, it would have been laid to his Charge. That Fault they now alledge of Reviling the Gods, had not then any Being or Existence, as you will hear in its Place.

At the next Hearing Mr. *Stuart*, the Town's Advocate, adduces two Arguments to prove Mr. *Kirkwood* did dimit. *imo.* Said he, Mr. *Kirkwood* took his Leave of his Scholars, and exhorted them to be obedient and submissive to their new Master; *Ergo* he dimitted. Mr. *Kirkwood* did acknowledge, that after the Key was violently taken from him, he took his Leave of his Scholars; for he thought perhaps he might never be suffered to speak to them again in that Place; and for half an hour, and more, recommended to them their Duty both to GOD and Man, particularly to all Supreme Powers, whom GOD in his Providence set over them; to all subordinate Magistrates and Rulers; to Parents and Masters, whomsoever they might have after him. The Lords found, this made for him and noways against him, being a very great Symptom and Mark of a peaceable Spirit.

The Second Argument Mr. *Stuart* adduced, was in these Words: Mr. *Kirkwood* went into the School, and welcomed the new Master, by taking him by the Hand and wishing him all Joy and Happiness in his Charge. This, said Mr. *Stuart*, is an undeniable Argument of his Dimission. And in truth it made Mr. *Kirkwood*'s Advocates look one to another: But it being a Matter of Fact, he was the fittest Man to answer for himself. My Lord, said he, *if it can be instructed that I did ever set my Foot within the School, since that Man, whom they call their School-master, entered into it, or did ever speak to him within or without the School, about that or any other Affair, I shall lose the Cause: I wonder, my Lord, how they who pretend so much Strictness in Matters of Religion, can have the confidence to invent and contrive meer Falshoods and Lies, to carry on an unjust Cause.* Mr. *Stuart*, said the Lord *Aberuchal*, speaks as he is informed; I'm sorry, replied Mr. *Kirkwood*, *such Informers should be our Reformers.*

Mr. *Kirkwood* earnestly begged Mr. *Patrick Crichton* Clerk, to insert in the *Minutes* this Argument, with all its Circumstances; and lest he should either forget, or alter any thing, he sat down beside him, in Sir *Alexander Gibson*'s Chamber, and wrote it down *verbatim*, which Mr. *Crichton* promised faithfully to record; and when

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thereafter he was challenged for not doing it, he said he had done it, but he was ordered to blot it out again.

This Hearing being reported to the Lords, they again confirm the former Interlocutor in Mr. *Kirkwood's* Favours; and besides, suspended the Fine, which before, upon a Mistake, was decided to the Town's Advantage.

By this last Interlocutor the Town lost all Hopes of gaining the Plea, unless they could produce under Mr. *Kirkwood's* Hand, that he had dimitted his Charge, or that he durst not swear he did it not; for the Interlocutor expressly bears they were to prove that Point, *scripto vel juramento* of the Suspender.

Now, they had it not under Mr. *Kirkwood's* Hand, and he was clear to swear he had not done it; for he had taken Instruments in their Clerk's Hand, in Face of Council, that very same Day, wherein they alledge he dimitted; Instruments, we say, expressly bearing he was willing to serve in the Terms agreed upon 'twixt the Town & him, and not otherwise.

He took also Instruments upon the same Head, in the Provost's Chamber, before two Bailies in the Hands of their Clerk, 19th of *October* 1689, as is above-mentioned page 13:

Before we proceed any further, 'tis not amiss, to relate here a very remarkable Passage; a deep Design, or (to give it a more proper Name, a hellish Plot, contrived by the Provost and others 'gainst Mr. *Kirkwood*, not his Person, but, which is worse, his Good-Name; for he hopes this shall live, when that's turn'd into Dust.

This Contrivance was to prove him perjur'd, and thereby to make him Infamous for ever.

The Business was, as follows. They caused cite him before their Council; being call'd in, the Provost spoke thus to him; You were cited to compear before us, that you might hear the Members of the Council judicially declare, that you dimitted your Charge in Face of Council, What say you to this? I positively deny it, answered Mr. *Kirkwood*. I said indeed, I would not serve, if ye diminish my Salary, and the Lords have found this to be no Dimission. Certainly, continued the Provost, the judicial Declaration of all the

but in the mean time, positively discharged any Execution to be used against the Suspender ; as the Deliverance of their Bill expressly bears.

This Hearing was to be on the 4th of *February*, and could not be sooner, that being *Tuesday* ; and yet on the 3d of that Month, contrary to the express Sentence of the Lords ; contrary to the very Import and Design of their own Petition ; contrary to the Rules of Honesty and Human Society : In a Word, contrary to all that is Sacred and Human ; all candid and sincere Dealing 'twixt Man and Man ; they clandestinely and most treacherously eject *Mistress Kirkwood*, with her Children and Servants, he being at *Edinburgh* attending the Plea.

We might be ashamed, thus to harp so long on one String, were it not that too much cannot be said of so treacherous and villainous an Action : You'll hear more of this deceitful Petition hereafter, when the Business is brought in before the Lords of their Majesties most honourable Privy-Council, where, by the Production of this Petition, the Town was quite baffled and defeat.

Again, on the said 4th Day, the Cause is debated at the Bar, neither Party (at least none of *Mr. Kirkwood's* Side) knowing what was done at *Lithgow* on the 3d. A Minute or two after the Debate was over, *Mr. Kirkwood* receives a Letter from his Wife, giving him an account of her being ejected : Immediately he acquaints his Advocates ; they being exceedingly astonished, bid him shew the Letter to the Lord *Philiphugh* : His Lordship no less amaz'd, promised to call both Parties to the Bar, without fail, next Day, tho' he had told them he was to report before any further Hearing ; nor was it his Turn to come out that Day to the Bar. But this so extraordinary Emergency falling out, he said he thought it his Duty to enquire after the Reasons of so enormous and foul an Act. Accordingly both Parties meet at the Bar, the Master of *Stairs*, then their Majesty's Advocate, and *Mr. Stuart*, for the Town ; *Sir Patrick Home*, Commissary *Dalrymple* and *Mr. William Monypenny*, for *Mr. Kirkwood* : Immediately *Mr. Kirkwood's* Advocates fall upon the Points, and severely challenge the Town's Act, saying it was the height of Injustice,

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an exceeding great Contempt of Authority, and an unparallelable Instance of a treacherous and deceitful Dealing with the Lords. *You gave in*, said they, *a Petition, desiring another Hearing*; and yet in the mean time were resolved, as the Event infallibly proves, to act as if you had gain'd the Cause. Mr. Stuart answered, He knew nothing of it; and for ought he could think, it was a meer Calumny, there being nothing to instruct the Verity of the Action, but Mrs. Kirkwood's Letter. *I'll hazard the Cause on the Truth of my Wife's Letter*, said Mr. Kirkwood. The Master of Stair stood amaz'd to hear the wild and extravagant Actings of his Clients; at length he said, they have hugely prejudged their own Cause; and so went from the Bar. This was all that was done that Day.

On the 6th of February, the Cause being reported, the Lords did further recommend to the Lord Philiphaugh, to discuss the Reasons of Suspension upon the Bill; and in the mean time stop'd all Execution, as the Interlocutor at more length bears. For in this Plea there are many Points and Heads to be discuss'd; such as, Whether or not 'tis in the Town's Power to deprive Mr. Kirkwood of his Office, without a Fault, giving him a fair and legal Warning? Whether or not 'tis in their Power to lessen his Salary, &c.

That they could not do any of these, after the manner they did, is already determined by the Lords in two several Interlocutors above-mentioned: So that he has absolutely carried this Plea, having never got a legal Warning; nor was his Salary legally lessned. And now the Town, by their Precipitancy, or rather by their wicked and foolish Actings, has made it impossible for ever to know, whether he or they would have gain'd the Plea.

As to the Business or Matter of Ejection above-mentioned, on the 3d of February, Mrs. Kirkwood, not well understanding the Nature of such an Action, had written to her Husband in French, so scrimply and overly, that the Lords thought the Town had only minted or aim'd to do such a Thing; tho' in Truth, all the Formalities due in a Business of that kind were used; Such as *Putting out the Fire, making Mrs. Kirkwood, her Children and Servants go out of the House, &c.* William Higging Bailie, was the Chief, if not the only Person that

acted with the Town-Officers in this Affair. And when Mrs. *Kirkwood* being very loath to go to the Door, humbly begged the Bailie to forbear a Day or two, till he came Home. No, no, Mistress, replied the Bailie, that I cannot do; to the Door you must go; you shall come in immediately; we must use, says he, the Formality of Law. O Heavens! O Earth! We must use, says he, the Formality of Law; and yet at the very Minute the Word is warm in his Mouth, he is trampling both Law and Gospel under his Feet, he goes over the Belly of Law, and certainly acts contrary to the Dictats of his own Conscience; for he and Mr. *Kirkwood* met together on the *Saturday* immediately preceeding this *Monday*, in the Chamber of Mr. *Stuart* the Town's Advocate, and spoke about the foresaid famous Petition, and of the Lords's Interlocutor upon it. This Bailie was looked on by all, as the only Wit of the whole Council; and truly if he had had Grace equal to his Wit, he would not have outwitted himself so far.

Some time after this famous Action, he retired into Holy Orders, and was settled Minister of the Gospel, some Place in *Tweeddale*: What his Carriage has been since, is out of our Road to enquire; only suffer us to tell, that he has altogether forgot that Precept of our Blessed Saviour, 5. *St. Matth.* 23, 24.

Thus we have given you a brief Account, how Mrs. *Kirkwood*, her Children and Servants, were thrust to the Door, contrary to Law and Justice; but have Patience for 5 or 6 Days, and you shall see stranger Work, the like neither you nor your Fore-fathers did ever see done by a Royal Burgh.

We therefore go on to tell, that after this Interlocutor, Mr. *Kirkwood* enquir'd at several of the Lords, Advocates, Clerks and Writers, if now there was any Hazard from the Town. All with one Voice said, There was no Ground or Cause of Fear: They were sure the Town durst not meddle in that Affair, till the Lords gave out Sentence. Mr. *Kirkwood* being still jealous of them, knowing their Malice and Cruelty thought fit to secure himself by all Means possible; and therefore went to the Lord *Philiphaugh*, and humbly begg'd his Lordship would be pleased to give subscribed under his Hand, the
In.

Interlocutor of the Lords, which he might intimate to the Town; and then he was sure they durst not move any further in that Affair. 'Tis not the Custom, replied my Lord, nor is there any need to give such a Paper; I assure you, Mr. Kirkwood they dare not medle with you. My dear Lord, said Mr. Kirkwood, I know them People better than your Lordship: Ignorance, Malice and Fury, what dare they not do? They are truly turn'd mad and distracted, because I have hitherto carried the Plea. A Paper, my Lord, under your Hand, questionless, if any thing can do it, will put a stop to their Rage. Grant me this one Request, for GOD's sake. Well Mr. Kirkwood, said my Lord, tho' I'm fully perswaded, 'tis a thing altogether needless, yet since abundance of Law breaks not Law, I will grant your Request: And so very frankly his Lordship gave under his Hand the following Stop, or Sift.

Whereas the Lords of Council and Session, by their Interlocutor this Day, upon a Report made by me, in the Bill of Suspension at the Instance of Mr. Kirkwood School-master of Lithgow, against the Town of Lithgow, anent suspending their Act of Deprivation pronounced by them against him, on the 25th of December last, did recommend to me to discuss the Reasons of Suspension upon the Bill, if the Chargers insist; and in that case stoped all Execution against the said Mr. James; and if they refuse to insist, that I should pass the Bill of Suspension. Therefore these are to stop all further Execution against the Suspender, until the Chargers make their Election, whether they will insist or not; that I may discuss the Reasons, or pass the Bill. In witness whereof, I have subscribed these Presents at Edinburgh, this Sixth of February 1690 Years.

Ja. Murray.

Thus Mr. Kirkwood returns Home to Lithgow, with this Protection in his Pocket, dreading no Hurt from the Town; as all the World will say he had just ground to think; and duly and legally makes Intimation to the Magistrates, by giving them an exact Double, and shewing the Principal, desiring they might be compared; which was done, Bailie Main looking on the Principal, while William Bell their

Clerk, read the Double, and Instruments taken thereon, of the date the 8th of *February* 1690.

Immediately the Provost caus'd ring the Council Bell, after a very short Deliberation, they send all the 4 Officers, without any Person with them, to Mr. *Kirkwood's* House, who, in a most violent manner broke up the Chamber-door wherein he was, and first take the Keys out of his Pocket, and then drag himself, Wife, and Six young Children, most barbarously down Stairs. Mr. *Kirkwood* thinking to save himself, by laying Hands on the Horns of the Altar, (for indeed a Man's own House is his Sanctuary) clasp'd his Arms closely round about the Stoup of a Bed; but these rude Fellows tug'd so lustily, that had he not quickly let go his grip, they had certainly carried away the Trunck of his Body, leaving the Arms in a very odd Posture.

Now, make Search into the Records of all the Burghs of *Scotland*, since their first Erection, you shall not parallel me this one Act: But this is not all, the best of it is yet to come.

Thus Mr. *Kirkwood* in a Moment's Time, was made poorer than *Job*; for he still kept his House, and had something to satisfy Hunger, but Mr. *Kirkwood* could not come by one Crum, as you shall presently hear. If there had been Fire in the House (so to speak) 'tis like he might have snatch'd something with him; but here he had not so much time as to look aside.

In a Word, so sudden and speedy was this Ejection, that Mistress *Kirkwood* being then busied in smoothing Linnens, was not permitted to take the one Iron out of the Fire, and forced to leave the other hot upon the Table: Nor would they suffer her to make fast any Chest or Coffer in the House, nor to lay aside the Linnens that were among her Hands, all lying in a Confusion up and down the House; and which is most amazing, neither would they themselves quench out the Fire, which was upon that occasion pretty great; nor suffer others to do it. And when Mistress *Kirkwood* earnestly begged, they would suffer her to cast a Mantle or any loose Cloath about herself, being in her Night-Cloaths, in the Morning, and to put Shoes on her Feet, or Gloves upon her Hands, these rude Fellows did flatly refuse

to give her a Minute's Time. She was in a Dress fit for the Work she was about, but not to be hurried out to the open Street, to become a Gazing-Stock to the World. And was it not a very dangerous thing, thus to terrify a Woman with Child? 'Tis not fit to relate here, what Effect this Fear had upon her, and what Risque of her Life she run; only know, That it made such a deep Impression upon her Spirit, that ever after, at the Sight of these Men, tho' at a Distance, a pannick Horror and Trembling seized her whole Body: Nor was she able to master that Passion, tho' her Husband used many Arguments to that Purpose: So that he was necessitated to send her into *Edinburgh*, staying himself at *Lithgow*, till he disposed of his Family

Any Wise Man will think, the Council ought to have sent one of their Number, to have commanded these barbarous Men to carry more discreetly to a Gentlewoman, a Stranger, one known by all in that Place, to be exceeding sickly and tender, and under Physicians Hands for a long time.

It might also have been expected, that some Regard should have been had to her on the account of her Brother, then Captain *Van Beest*, in Colonel *Ramfay's* Regiment, now Lieutenant-Colonel, who feared not to hazard his Life at *Killicranky*, was fore wounded, taken Prisoner, and lay long in the Blair of *Athol*. His very Mortal Enemies shewed him great Kindness, meerly on Mr. *Kirkwood's* account, particularly Alexander Robertson of Struan, having been his Scholar, carried most kindly to the Captain, while Prisoner, and acted very effectually for his Liberation, preferring him to his own Relations. But here's a *Nero*, and worse. That persecuted his Master for Treason, the Provost his for no Fault; unless to go to the House of GOD be one.

And besides, was it not a most cruel and barbarous Act, to thrust to the Door, after such a manner, Six innocent Children, almost naked; one poor Infant that never spake Good nor Evil, was hurried out with the rest. Another, a Step above that, run the same Fate: A Third, a Degree beyond these two, that had been a whole Year under the Cure of Physicians from *Edinburgh* and elsewhere, and

so extenuated, that it would have pitted an Heart of Stone, to see her sit by the Fire-side, was most violently thrust out of Doors, to bath in the frosty Air of the cold Winter. O the hight of Barbarity! When the Mother would have cast a Blanket about the Child, she was not permitted.

Nor can it be pretended, that the Condition of this Infant was unknown to the Council; for many of them had seen her, and it was represented to them in Council: And Bailie *Higgins*, who professes no little Skill in that Art, as in many others, had been seeing her a Day before, and not only prescribed, but gave some things for her Recovery. But GOD was pleased a little thereafter, otherwise to dispose of that innocent Babe, and to take her to Himself, far beyond the reach of such cruel and unjust Men, who would not suffer tender Hearted Parents to cast some of their own Cloaths about their own sick Child, snatched from a warm Fire out to the Cold of Winter.

When Mr. *Kirkwood*, his Spouse, Children and Servants, were all thus turned out; the Cruelty and Malice of the Magistrates did not rest there, but immediately commanded their Officers to hail him to close Prison, and to shut him up in a Room with a Country Webster. His Wife, poor distressed Woman, was left standing below a Stair, hiding herself from the gazing Multitude, with her six Children, not knowing whether to go for Shelter. But that which most troubled her, was, she knew not what length the Fury and Rage of these Lawless Men might lead them to do with her Husband; for if once Men pass the Bounds of Law and Reason, there's no end of their violent Actings, but to run whithersoever blind Passion leads them. She had heard of the Provost's threatening to turn him out of the Town by the Hand of the Hangman: Her Thoughts run on that, and worse too; When she came to the Prison Window, she saw him walking up and down with his Neighbour, the other Gentleman, the Webster, but could not get access, as if her Husband had been guilty of some atrocious Crime; which is contrary to the Custom of that Burgh; in case of Burgessees, such as Mr. *Kirkwood* is. Afterwards,

indeed, by the Intercession of a Gentleman, Friends were permitted to see him.

This violent and cruel Usage he and his Family met with, was not without a secret Design, as was known thereafter ; for the Officers, as they were dragging *Mistress Kirkwood* to the Door, when she most earnestly begg'd them to suffer her to put some Cloaths on herself and Children, told her she was presently to return again to her House. And Bailie *Higgins* also said to her the Day after, being *Sabbath*, lying in his Bed, in the Morning, when she went to him, and, with Tears, besought some Favour of him ; I did not think, said he, your Husband should have lyne in Prison a quarter of an Hour.

The Mystery is this, as will further appear from what they did on *Monday* thereafter ; they fancied their Violence and Cruelty would compel him to yield to their Desire, by subscribing a Dimission : Whereas this barbarous Usage and Club-law, had the contrary effect on him. It hardened his Heart, and made him abhor their Ways. One fair Word would have prevail'd more with him than all their Violence and Oppression.

After he had been some Hours in Prison, he sent for the Town Clerk, to enquire at him, who ordered his Imprisonment ; and wherefore it was done. I know not, replied the Clerk. What, said Mr. *Kirkwood*, Is a Business of this Nature done in Face of Council, and you their Clerk sitting with them, ignorant of it ? Is there nothing recorded in the Minutes ? Nothing at all of it in the Minutes, replied the other.

At Night Mrs. *Kirkwood* very earnestly did beseech the Magistrates to give her out of her own House some of the Meat that was a preparing for Dinner (no question overboil'd, and the Bishop's Foot, as we say in *Scotland*, at the Bottom of the Pot) and Cloaths for herself and Husband to ly on in Prison, and for her Children and Servants, who were separated into 4 several Houses, it being no very easy thing to get Cloaths for young Children. This so just and reasonable a Request was flatly denied by them, so inhumane and
cruel

cruel (for to call them unjust is too good an Epithet) were they. This is another little Instance of their Club-law.

Yet let us not rob them of that Justice, which is due to them, tho' it be but little, or rather a Shadow of it, if not Injustice it self. They sent indeed *Jerome Hunter* their Treasurer to Prison, to tell Mrs. *Kirkwood* that they refused to give either Meat or Cloaths out of the House on her Request; but if her Husband would petition for it, they were ready and willing to give as much as he pleased of any thing in the House. Mr. *Kirkwood* replied, he would do any thing of that kind, providing it did not prejudice his Cause depending before the Lords, nor wrong the Instruments he had taken, and desired a Notar might be sent for on that Head. And yet this so just and reasonable a Proposal was rejected; so that it is evident to all the World their Design was only to ensnare him.

'Tis not altogether unworthy the Relation to tell here, how he, tho' in no very merry Fit, dropt a little with the Treasurer, telling him, if the Magistrates would not take Pity on him and his Family, who were Rational Creatures, like themselves; yet they might shew some Mercy to the harmless Hens and Chickens he had in his House, that were no question starving for Hunger; he desired they would either kill and eat them, or else feed them, since they would not give him them.

Thus he and his Wife lay in a cold wide Room, on the Floor, all *Saturday* and *Sunday* Nights. On *Monday*, about 9 in the Morning, the Provost sent the Officers to tell him to provide an House within an Hour to put his Furniture in. My Furniture, said he to the Officers, is in my own House, and I have no mind to remove it.

When they had carried back this Answer to the Provost, he sends them again, with new Orders, that he should go out of Prison to see his Goods ejected. You may tell the Magistrates, said Mr. *Kirkwood*, that I refuse to go out of Prison, till I know wherefore I'm put in; and whether or not I'm free when I go out. The Officers carry back this Message, and return with a third, telling him, the Magistrates refuse to answer any of those Queries; and that they were now commanded

manded, if he would not come out willingly, to force him. On all which 4 Heads, he having a Notar by him, took Instruments.

Thus he was drag'd out of his own House to Prison, and out of it to his House again. This looks like a Romance than a Law-Plea; and would be a very fit Subject for a Comedy, if it could end well.

When they brought him to his own Door, he there sees 8 Men (of which the Deacon of the W-rights, a Member of the Council, was one) standing ready with Hammers, and other Instruments, fit for ejecting of his Goods. He told them, that what they were to do was against all Law and Justice; and contrary to the express Order and Sentence of the Lords of Session, duly intimated to the Town; that it was an high Crime and Riot, and that he would pursue both the Magistrates and them for such Injustice and Violence. With these and the like Words the poor Men were so terrified, that they returned back to the Provost and Bailies, and told what Mr. *Kirkwood* had said. Yet so little Respect had the Magistrates to the Laws of this Kingdom, that they both contemned the Authority of the Lords of Session, and feared not what Punishment the Lords of Their Majesties Secret Council might inflict upon them for so high a Riot. And therefore they sent them back with fresh Orders to break open what Doors, Presses and Trunks were fast in the House, and to throw out all the Furniture, not into the Closs, which was a Place of some Security, and not very nesty, but into the open Street, a dirty, unsecure and disgraceful Place, in View of the World.

Thus these 8 Men fell to Work, and pull'd down many fine Maps and Carts, (above 40) all well illuminated, of the newest and best sort; a great Number of rare Pictures of famous and learned Men; many curious Cuts of the Historical Part of the Scriptures; several Chronological Tables, shewing the memorable Persons and Actions from the Creation to our Days, with many other rare Inventions of that kind: Which not only were an Ornament to his House, but of great Use to his Scholars, and others. All these were pull'd down in a Moment's time, by ignorant and rude Fellows, design'dly abusing them, that Mr. *Kirkwood* might cede from his Right, as you shall presently hear. They threw out into the Streets 1800 Grammars in loose

loose Sheets, printed at *London*, and a great many Loam-Vessels of several sorts, much fine Porcelain, many Bottles and Glasses, and Things of that Nature, which could not but be all, or most of them broken, being hurried out in great haste, and thrown down in Heaps. It were needless to tell, how they pull'd from the Walls the Hangings of Beds and Chambers, and threw them out into the Streets; broke into Pieces fine *Dutch* Presses, and other good Furniture.

The preceding Magistrates use to boast, and have Reason so to do, that they built the best House in *Scotland* for their Schoolmaster, and the present may be ashamed they spoil'd it of the best Furniture. This *Mr. Kirkwood* dare say without Vanity, or speaking besides the Truth, that he had the best Furniture in his House of any of his Employ in the Kingdom, having almost all his Goods from *Holland* and *London*.

Mrs. Kirkwood sent twice to the Magistrates, earnestly begging they would give her some little Time (a Quarter, or half an Hour) to put up small Things into Chests or Coffers, (for the large Presses being carried out in Pieces, the Goods, that were in them, were also cast out in Parcels) and not getting any Return from them, at last she went her self to Bailie *Higgins*, and most humbly besought him to grant her some small Time to put her finest Things in Coffers. Go, saith the Bailie, to the Provost, for he does all Things. I cannot go to him, replied the other with Tears in her Eyes, for he is a furious Man. The Bailie having some Compassion on a poor distressed Woman, went himself and returned with this Answer, That he would not give her one Minute of Time, unless her Husband would oblige himself peaceably to remove from his House; which, if he would do, he should have sufficient Time to transport his Goods; not only Days, but Weeks or Months, if he pleased.

With how sad a Heart this Stranger returned home to her House, (her House according to Law and Justice; but to be hers only a Minute or two in Possession) let the World judge. And to comfort her a little, she being ashamed to pass through the publick Street in the Posture and Drels she was in, went and returned by a Loch-Side, where she wet her Feet and Legs too.

If this be not Arbitrary Government in its Vigour, or that which Lawiers call *Concussion*, and common People *Club-law* in its Rigour, let the World judge: On Design and of Purpose so to spoil and destroy Men's Goods, that you may force them to give you all your Will. It were a Pity but such a fine Passage, as this, were insert in all the Registers of the Kingdom, as a pertinent Instance to shew Posterity what *Concussion* is; for this will do it to the life: And that's a Law Term few well understand. The Word may import as much, as if you should take a Man by the two Shoulders, and shake him terribly, gazing, glowing, and grining in his Face, as if you would worry him, till he promise willingly to give you his Purse.

But to go on in our Relation: It can be instructed that some Goods were thrown out at the third and fourth Story; some into the Church Yard, which were carried away by People, and never afterwards seen: So that besides the great Hurt and Dammage the Goods sustained by this Ejection, the Embazlement and Stealing is very considerable. How can it be otherways? Either if you consider how easily this is to be done by the Ejectors themselves, being but poor Men, permitted to do what they pleased, in a Houle where all Things were lying open in a Confusion; or by these that came in, out of Curiosity, if not for worse; for there was none to look over them, except Mr. *Kirkwood*, who was there kept Prisoner in his own House; nor could he be in 3 or 4 Rooms at once: And tho' he had been always in the Room with these Men, and seen them go to the Door with Goods; yet he knew not whether they carried them to the Street, or put them into their Pockets by the Way. Or, if it be considered, how the Goods lay here and there in many little Parcels up and down the Street, not only all the Day, but a good part, if not most of the Night; and many People, as at such Occasions is ordinary, flocking to see Things of that kind: Nor can any particular Person be challenged for what is wanting, the Goods being carried thence by not a few into several Neighbour's Houses, and there thrown down in a Confusion. To mention no more, Mr. *Kirkwood*, at the Beginning of the Ejection seeing a Fellow carrying out his Night-Gown, askt him, what he had done with a Silver Clasp, or Buckle,

that was in its Belt. He said it had none when he took it up to carry it out. So whether he or another stole it, 'tis uncertain.

When these 8 Men had wrought from 10 Hours till about 6 at Night, and yet all the Goods were not carried out, (for Mr. Kirkwood's Study or Closet was that Day left entire, and reserved for a new Riot, as you shall hear in its Place) he enquired at the Officers, if he was yet their Prisoner? They told him, they did not know; but he was to wait there, until all the Goods were carried off the Street into Houses, and then they were ordered to go to the Provost to ask what to do with him. He and his Wife having fasted the whole Day, (for the Officers would not suffer him to go any where to get Meat) went into a Neighbour's House, hard by their own, to refresh themselves, and not finding Meat ready there, and the Officers having withdrawn a little from that House, he slip't out and went up to the Palace, about 20 or 30 Paces only distant, a Place of Security, being a Sanctuary, into which the Town's Officers dare not (at least ought not) set their Foot: Where he took the Freedom even in the Earl of *Lithgo's* Absence, not only to shelter himself, but to call for some Meat and Drink, and a Bed for some Hours. About 2 or 3 in the Morning, by the Help of the Moon, he came stepping through Dub and Mire (for he kept not the common Road, for fear the Provost's Hounds should have catcht him) into *Edinburgh*, without Coar, Cloak or Staff; for he knew not what was become of them, nor in what House to cause seek them.

Thus he escaped out of Prison, and yet did not break it; got from the Hands of the Officers, yet run not from them; for he saw none of them when he went up to the Palace. While he was very busy with a Dish of good Collops in the Earl's House, one of the Servants comes running, telling, the Officers were going up and down like distracted Men, crying, *What will we do? what will we do? the Provost will slay us.* Yea, such was the Boldness of these Fellows, that they came in to Mr. *Kirkwood*, saying, The Bailies would speak but one Word with you.

When he had come to *Edinburgh*, and given an Account to his Advocates and others, of the cruel Usage he and his Family had met with

with from the Town, they told him, it was a more atrocious Crime than the Lords of Session could punish, and properly belonged to the Secret Council. And therefore his Advocates advised him to seek back from the Clerk that Bill which was given in to the Lords of Session, complaining of the Riot committed on the *Saturday*; for he had written of it to his Advocates from Prison, and they had drawn up a Bill, and presented it to the Lords. And now it was thought fit to take it back, there being a new Ground of Complaint of the Riot done on the *Monday* thereafter, to be added to it.

Whether it was Matter of greater Astonishment to the Lords of Session, Advocates, and many Hundreds of other People (for the Report run through the City, as if it had been put by Tuck of Drum) in one Hour; yea to some less than a Minute, to hear that Mr. *Kirkwood* was lying in Prison in *Lithgo*; or in the next to see him walking at the Cross of *Edinburgh*, is not easy to tell. In his own Hearing one says to his Comrads, Poor Mr. *Kirkwood* is lying in Prison in *Lithgo*; for there's a Bill given in to the Lords about it this Day. The Words were not well out of his Mouth, when Mr. *Kirkwood* accosts them with, *Your Servant, Gentlemen*. At which they were no less terrified, than if they had seen his Ghost, fleeing backward; as if he would have devoured them. In a Word, had he return'd after 7 Years Captivity among the Turks, he could not have received a more hearty Welcome; and been more troubled with Questions: One asking, Wherefore was you put into Prison? Another, How got you out? And tho' all were very sorry to hear of the Barbarous Usage he and his Family had met with, yet the gravest of them, and his greatest Friends could not contain themselves from laughing at the odd Circumstances of the Story. The Lords, who had concluded for Certainty, that the Town durst not meddle with him about any thing that was tabled before them, when his Bill (about his Imprisonment only) was given in to them, thought either he had given them some provoking Language, or committed some extravagant Action. They could not imagine the Town would have been so distracted, as to act down-right contrary to their Sentence, subscribed by one of their own Number, and duly intimated to them. But he

was more cautious and circumspect, than to do or say any thing that might give them Advantage that Way. *Burnt Bairns Fire* dread, as we say. He was already fined in 200 Merks for a Word, of which in its Place; and therefore laid Bonds on himself, while he was before them at Court or Council, to keep a good Tongue; tho' very often he met with great Provocations, no question of Design to extort some Words from him. To pais all the rest, let us by the Way only mention these three.

On the 25th of *December* 1689 the Provost in Face of Council threatened to turn him out of the Town by the Hand of the *Hangman*.

Thus, when others were making merry with their fat Goose Pyes, and delicate Dishes, poor *Kirkwood* was amused with terrible Threats.

On the 28th of that Month, as he was going out of the Council-House, the Provost cry'd with a loud Voice, *Hurry him out, hurry him out*, tho' there were no Officers in the Room to do it) which made Mr. *Kirkwood* turn and say, Gentlemen, I take you all Witnesses, that the Provost without any Cause commands me to be hurried out of Council. But 'tis not done, said one *Robert Story*. No Thanks to the Provost, replied Mr. *Kirkwood*.

On the 4th of *January* 1690 the Provost speaking to Mr. *Kirkwood*, call'd him *Sirrah*. What Compellation (said the other) would you give a Boy, that should come in before you from keeping Sheep, with a Blanket and a Pair of *Hoggers* on his Legs? for lower you cannot go: And to use that Word, *Sirrah*, to one that has been so long your Master, and in such an Office in the Place 15 Years, is to rub a Stain on your self, and not on me. I taught you *English*, *Latin* and some *Greek*, and now 'tis not amiss I teach you some *Morals* also. It would seem your Lordship has forgot that Saying of the Heathen Philosopher, *Honor est in honorante*? He that giveth Honour, is the Person that truly deserves it.

A true Account of another very strange Riot committed by the Town, on the 5th of March 1690.

IF ever that *Scots Proverb*, *Once wood, and ay the worse*, was verified, you'll find it in this Business. Any Body would have thought that the Checks and Rebukes the Town met with from their Advocates and others, should have scarr'd them from falling into the like Acts thereafter. But, 'tis true, the wise Man saith, *Prov. 27. 22.*

For the better understanding of this so wild a Riot, be pleased to know, that, when Mr. *Kirkwood* wrote from Prison to his Advocates, he wrote to my Lord Advocate, tho' imploy'd by the Town, humbly representing to his Lordship, that tho' in Civil Pleas, he compear'd for them; yet now he behoved to turn Sail, and strike in with him in Matters of Rior. On the 12th of *February*, when Mr. *Kirkwood* was come to *Edinburgh*, he meets with his Lordship on the Stairs, as he was coming out of the Countels of *Kincardin's* Lodging: We are well met, saith my Lord, I received your Letter, I know your whole Affair; they are wild People you have to do with; I would advise you to leave them. Will you accept of 50 Pounds *Sterling*, and pass from this Riot of imprisoning you; and be pay'd up to this Day, of Salary, School-wages, and any thing else that is due you as School-master: And besides, they will pass the Fine, for now they fear you. You need not doubt, but you will get a Place. Alas, my Lord, replied Mr. *Kirkwood*, I find you know not all my Business. That they did on *Saturday*, is but Bairns-play, by what they did Yesterday. Fifty Pounds, my Lord! many Fifties will not repair my Loss. I'm ruined. They have thrown all I have, out into the open Street, broken and destroyed every thing. They are

certainly gone mad, said my Lord, lifting up both his Hands; and with that run away.

The Day following, Mr. *Kirkwood* went to the Session-house, and as he was entering within the Bar of the Outer-house, Mr. *Stuart* meets him with a Smile, and very cordially takes him by the Hand, saying, I wish this Business 'twixt the Town and you were taken away. It might have been taken away, before it came this length, replied Mr. *Kirkwood*, if you had not stood in the Gap. Will you now refer it to my Lord Advocate, said Mr. *Stuart*. When I did it at the Bar before the Judge, answered Mr. *Kirkwood*, you opposed it? With this he again takes him by the Hand, and leads him to my Lord Advocate, who was sitting at a very little Distance. Mr. *Kirkwood*, saith Mr. *Stuart*, will refer this Business betwixt the Town and him, to your Lordship. I have no will of such a Task, replied my Lord. Mr. *Stuart* said again to Mr. *Kirkwood*, will you refer your self absolutely to my Lord. Such is the Deference I bear to his Lordship, replied Mr. *Kirkwood*, that I would not fear to do it: In short, a Meeting is there appointed to be the next Day, in my Lord Advocate's Chamber, 'twixt 7 and 8 in the Morning; or, that failing, at 2 in the Afternoon: The Provost, first Bailie, and Town-Treasurer being then in *Edinburgh*.

There is you see a great Change in Mr. *Stuart*, by what there was some Weeks before. You know, when my Lord Advocate first compeared at the Bar, he advised the Judge to call both Parties to his Chamber, and take away this Plea in an amicable manner: But Mr. *Stuart* opposed it, and said it could not be taken away but by the Determination of the Lords, having come so great a length. And certainly Mr. *Kirkwood* had now by far juster Ground to have answered Mr. *Stuart* in his own Words, and told him that Things were now come to so great a hight, that they could not be taken away, but by the Determination and Sentence, not only of the Lords of Session, but also of the Lords of their Majesties Privy-Council. He is, it seems, convinced now, what an unjust Cause he is sustaining, and what sort of People, they are, that imploy him. He also

said

said (and 'tis a Wonder) they were mad, he was not able to bear them up any longer.

The Provost, it would seem, fearing to refer himself absolutely to my Lord Advocate, kept neither of the Appointments. All that this Business came to, was, that Mr. *Stuart* call'd Mr. *Kirkwood* to his Chamber; and offered him 500 Merks, and to pay all Bygones, and pass the Fine, if he would dimit. This Mr. *Kirkwood* positively refused; but said he would refer himself solely to my Lord Advocate; or if his Lordship should refuse to determine the Plea himself, to him and any of his own Advocates; and that either my Lord *Fountainhall* or *Philiphaugh* be O'rsman. The Provost, said Mr. *Stuart*, will not subscribe an absolute Submission, but here's one with some Qualifications; which if you please, you may hear me read. He was not well begun, when Mr. *Kirkwood* cried, stop, Mr. *Stuart*, I have enough of it: *Ex ungue Leonem*.

This Submission, the Town had drawn up, which Mr. *Kirkwood* was to subscribe, did contain such ridiculous and absurd Conditions, that he would as soon have his Finger cut off, as put his Hand to them. One was, That he should acknowledge that it was in the Town's Power to remove him at their Pleasure. This he positively denies to be in their Power, and yet they will have him confess it is; yea, and which is more, to give it under his Hand. Now, suppose he should play the Hypocrite, and both say it and subscribe it; it will not follow, that they have that Power, because he affirms it: 'Tis a far better Topick, (tho' not a Demonstration) The Fifteen Lords have declared by their Interlocutor, (12th of December) *The Town cannot remove Mr. Kirkwood from his Office, or his House, for that Cause, after that manner, and at that Time they have done it. And shall he give out an Interlocutor, contrary to that of the Lords?*

Mr. *Stuart* being convinced of the Absurdity of this Clause, desired to read on, saying the Town would pass from that Point. But Mr. *Kirkwood* seeing it to no purpose, unless the Town would subscribe an absolute Submission, in the same Terms he did, took his Leave, and went away. This was all the length that Appointment came to. Only Mr. *Kirkwood* delivered his Submission unsubscrib-

ed to his Lordship, telling him he would subscribe it in these, or any other Terms his Lordship pleased, providing the Town did the like.

On the 19th of February, the Cause is again debated at the Bar, Commissary Dalrymple beginning with these Words to Mr. Stuart, *Why did you eject me out of my House? Why did you imprison me? Why did you cast all my Goods out into the open Streets.* Mr. Stuart positively refused to answer to any of these Points, saying, he would only debate on that Head, the Lords in their last Interlocutor, had ordained to be discut, viz. *Whether or not it is in the Town's Power to remove Mr. Kirkwood at Pleasure?* That's not to be questioned; 'Tis in their Power, said the Commissary, with a Smile. *It is indeed, added, Mr. Kirkwood, In eorum potentia, sed non potestate:* They have a Natural, Over-mastering Power; but they have not a Civil, Legal and Just Power, to remove me at Pleasure.

It were tedious to set down here, all that was said *Pro* and *Con*. Only let us tell, that Mr. Stuart being sore pinch'd with the Commissary's Arguments, did acknowledge the Town had not Power to Deprive their School-master of his Office, but they had to *Dimit* him. Both the Judge and Advocates, said they did not understand that Distinction, 'twixt *deprivative* and *dimissive* Power. The Deprivative, said Mr. Stuart, is so to put him away, that he cannot serve elsewhere; this the Town has not. Dimissive is only to remove him from his Office in that particular Place, he still being capable of serving elsewhere. After a short Laughter at this Distinction, it was reply'd by the Judge himself, That it was *Petitio Principii*; a meer begging of the Question. They desired him to prove, the Town had that Dimissive Power; so that this Distinction was a meer Quibble about Words, and made nothing to the Purpose.

After the Debate was over, my Lord told both Parties, he would report the Cause on the 25th of that Month: But the Session being to rise on the 28th, no Report was made; only, as Custom is, his Lordship subscribed the Minutes: And here Matters stand 'twixt the Town and Mr. Kirkwood, on the last of February 1690, as to Civil Law; but as to Club-Law, it is, as follows.

After

After the Session was risen, on the last of *February*, Mr. *Kirkwood* returns Home to *Lithgow*, without any Fear from the Town; for my Lord Advocate had told him, he was sure they would meddle no more with him; that they were now fully convinced of their illegal and unjust Courses. Yet he was not well settled in *Lithgow*, when on the first of *March*, about 9 in the Morning, an Officer comes from the Council, about a quarter of an Hour after it met, with Orders he should come immediately to it. He expecting no such Message, was sitting in his Night-gown, trimming himself; he told the Officer he would wait on them within a little. The Fellow went to the Council, (for he had not 30 Paces to go) and returned in great haste, saying, The Provost and Bailies wonder you come not to them at their Call. 'Tis their Fault, replied Mr. *Kirkwood*, not mine. If I had been cited to compear before them, or acquainted a little sooner, I should have waited on them, and not they on me. Now, they must either let me stay here at *Jericho*, till that part of my Beard, which is taken off, grow like the rest, or give me Time to take off the whole. I hope, they mind not to affront me, as *Hanum* did *David's* Messengers. Did you not tell the Council what I was doing? I did so, said the Officer. Why do they wonder then, says Mr. *Kirkwood*; shall I for haste, make a Window in my Cheek, as the Man did: Perhaps 'tis for this they urge me so.

After he had tempted the Council's Patience a pretty while, at length he compears. As he was entering the Room, the Provost cried with a very loud Voice, Come forward Schoolmaster; for he had gotten such a check for saying *Sirrah* before, that he held off that; and as for *Sir*, it seems he thought him unworthy of it. School-master I am, replied Mr. *Kirkwood*; and ought so to be call'd, till the Lords of Session determine the contrary. The Council orders you, said the Provost, against *Tuesday* next, to remove all you have in your Study, and to deliver the Key to our Treasurer. This was on *Saturday*. The Study and whole House is mine, replied Mr. *Kirkwood*, as I am School-master, and still will be, until either the Lords decide the Plea 'twixt you and me; or I voluntarily dimit: You are not now Judges in this Plea, but Parties; 'tis before a higher Judicature,

to which you are no less subject, than I am in this Debate. The Lords have put a stop to any thing you can do : You are not to meddle with me in this Affair, unless you resolve to fight against them, and to trample their Authority under your Feet ; for 'tis not I you have to do with, but they, who have espoused my Quarrel, the supreme Judges of the Kingdom, the Lords of Council and Session, and the Authority by which they are settled. If you will not remove your Goods willingly, replied the Provost, we shall do it by Force. You may do that on your Hazard, said Mr. Kirkwood, and so left him.

On Tuesday thereafter, *John Smith* and *Thomas Main* Bailies, and *Jerom Hunter* Treasurer, with the Four Officers, went to the School-houte, and from thence sent *George Moorhead*, one of the Officers, to Mr. Kirkwood, being in his hired Houle, to require the Key of his Closet. He told the Officer, he had refused in Face of Council, on Saturday, to deliver up that Key ; and much less now, will he do it to the Bailies, for the Reasons he then gave. The Officer being returned back to them with this Answer, is sent back again with new Orders ; either to get the Key, or carry him to Prison. He took not much time to deliberate about this Matter, but very frankly told, he would far rather go to Prison, than deliver up the Key. While he is putting himself in a fit Posture for Prison, the Officer slips away, and tells the Bailies, that Mr. Kirkwood seem'd very willing to go to Prison. As he is going towards it (not being 10 Paces distant from it) he meets another Officer (*James Sawers*) with Orders to carry him to the Bailies. I'm going to Prison, said Mr. Kirkwood to the Officer. You must not go, said the other. I will go, replied Mr. Kirkwood. You shall not, said the other ; and with this they began to struggle. A very wonderful Scene of Affairs, to see an Officer drive a Man from Prison; and he to run to it, whether the other will or not. After a little Contest, he asks the Officer, if he had any Warrant from the Bailies for what he said, more than the other Officer, who had Orders to carry him to Prison, if he delivered not up the Key. Why was he obliged to believe the one more than the other, since both their Orders were but verbal. At last, Come Fellow,

low, saith he, I'll debate no more, let us go along to the Bailie's: Being come to them, they again require the Key. He refuses, upon the Reasons he gave in Council. Next, he ask'd them, whether by their own Order, or the Council's, they commanded the Officer to carry him to Prison: We gave no such Orders, said they. Your Officer, replied Mr. *Kirkwood*, brought them to me. He has done it of his own accord, say they. Did you not, saith Mr. *Kirkwood*, turning himself towards the Officer, bring me these Orders? I did so, replied the other. And did the Bailies command you so to do? saith Mr. *Kirkwood*. They did indeed, replied he, and that in their sight and audience.

This is a very odd Passage, and well deserves a Remark. Mr. *Kirkwood* has an Instrument to verify the Truth thereof. Whether the Bailies or Officer be guilty of the Breach of the Ninth Commandment, they know best themselves, and let others make conjecture. Nor was it a Mistake in the Officer, for three of them affirm'd the thing.

Next, he enquired at the Bailies, if they had any other thing to do with him. Nothing at all, said they, except that again we require you to deliver the Key of your Study. And I again refuse it, replied he. Be not stiff, saith the Treasurer. Be not you unjust, replied Mr. *Kirkwood*. Why call you me unjust, said he? Because you would force a Man to give you what's not yours. This House is mine, as the Town's Treasurer, said he. If you mean in Property, replied Mr. *Kirkwood*, I grant it; as a legal Possessor, I deny it; for in that Sense 'tis mine. Tho' we will not imprison you, said Bailie *Main*, yet you deserve it: Upon what ground, Bailie; answered Mr. *Kirkwood*: For your Pervicacy, said th' other. I was once your Master, replied Mr. *Kirkwood*, and I think I must be it again; for you seem not well to understand what Pervicacy is. If all things were rightly considered, it would be found you are rather Pervicacious in this Matter than I: For a Pervicacious Man is one, that is so wedded to a thing, that be it right, be it wrong, he will prosecute it. But I find, Gentlemen, this is a needless Debate; and therefore farewell.

He had not gone 10 Paces from them, when an Officer comes running up, and cites him to compear before their Council the Day following, under the Pain of 100 lib. *Scots*. Where is your Warrant, said he to the Officer; for now I'm not to take your Word, since you say one thing, the Bailies another. Enquire at them, replied the Officer, if you will not believe me.

About half an Hour after this, his Servant going to a Cellar in the School-House, of which he had still kept the Key, one of the Officers follows her in, by Order from a Bailie, and violently takes the Key from her; which gave them access to good Beef, Ale, and other Provision for their Houses. On this also he took an Instrument.

Before we go any further, 'tis not unfit here to give some short account of the great Trouble and Difficulty Mr. *Kirkwood* met with, in taking Instruments. There were none in the Council but Parties, and consequently Enemies; and it was not permitted him to carry in a Notar, or Witnesses; and the Town-Clerk either altogether refused to give him the Extract, or, if he did it, it was not in the Words he took them, as an Instrument taken against them, 19th *November* 1689, can instruct: And particularly on the 16th of that Month, when he was taking an Instrument, which made very much against the Town, and for him, the Provost cried to the Officers to carry him away: At which he said he took Instruments, that the Provost would not permit him to take them. The Council does not permit, said the Provost. Not the Council, but the Provost, replied Mr. *Kirkwood*; for there is not so much as one Word ask'd or given, nor one Word spoken on that Head, by any about the Table: Our Silence, cried one, is as good as our Vote. I cannot record your Silence, answered Mr. *Kirkwood*; for I know not how to spell it.

That Day he took 3 Instruments in Face of Council, but got out only the Extract of one, and that very lame; and therefore he thought fit to take a new Method, which was, to write two exact Doubles, both subscribed with his own Hand, before he went into the Council, and there he laid both down on the Table before them, desiring, if they pleased, to compare them, and gave their Clerk his Choice
of

of either of them, reserving the other to himself. This did his Turn bravely in all Cases, except present Emergencies, for which he knew no Remedy.

By this Means he nipt the Council so severely, that they durst not give out the Extracts. This forced them to make an Act, discharging their Clerk to give the Extracts of three of this kind, and any other he should take thereafter. That same Day he took an Instrument upon an Emergency, saying to their Clerk, *Mr. Bell* (for now at this present Juncture you must excuse me if I call you not Clerk) I take Instruments in your Hands, as Notar Publick, that, &c. Stand you to your Hazard, if you give me not out its Extract. And with this he thrusts Instrument Money into *Mr. Bell's* Hands; but he flatly refusing it, *Mr. Kirkwood* laid it down on the Table before him, which the Provost took up with his own Hand, and gave it to the Officers to drink. But *Mr. Kirkwood* needs not much care for the want of it, being pretty well stor'd with them Things, for he has 31, which forbids the Play.

November 2. 1689, there was a great Consultation amongst them, what to do with *Mr. Kirkwood*; some were for fining him, and that deeply; some for imprisoning him; others for milder Courses. The Result was, that *Bailie Smith* came in the Afternoon with a Notar and 4 Officers to *Mr. Kirkwood's* hired House, and first required the Key of his Study; then, on the Refusal, took Instruments, what Cost, Skaith or Dammage the Goods should sustain by being ejected, the Town might not to be liable to refund the same. *Mr. Kirkwood* answered, That the Plea 'twixt the Town and him, being now depending before the Lords, and several Stops put to any Execution in that Affair, the Town was not *in bonâ fide* to meddle in it, till their Lordships gave a Determination therein.

You may as lawfully go in with a Notar to your Neighbour's House, and take Instruments, that what Goods you carry out with you, you shall not be obliged to restore, and so leave him nothing.

After the Bailie had taken Instruments, *Mr. Kirkwood* for his better Security desired to do the same; but the Bailie would not stay one Minute for that. End. While this is adoin, the Provost is walking

ing at the Cross in a very odd manner, as many observed; and some advising Mr. *Kirkwood* to go to him and take Instruments against what they were doing: As he was going to him, being 9 or 10 Paces from him, *Christopher Bowman*, one of the Officers, comes up in great haste, saying, *By no means go nigh the Provost, for he is in a Fury.* With these Words he being a little surprized, turn'd aside, for he thought the Provost had a Sword by him, and he nothing in his Hand but a little Piece of Money to give the Notar. The Provost, it seems, was for Bloody War, Mr. *Kirkwood* only for Civil. But fore does he now repent he went not up to him, tho' he should have got a broken Head. And would it not, think you, have been a good Sport to see the old Master and young Provost lug each other at the Cross before so many Spectators?

However he thought, *if he could not catch Goose, he would take Gazeling*; and therefore from the Cross he pursues with a Notar *Baillie Smith*, who was gone to the School-house: There he finds the Bailie, *James Muckle Deacon* of the Wrights, and some others, battering at his Study-door. By what Authority, said he to the Bailie, dare you break open my Closet? At the Command of the Council, replied th'other; whereon Instruments were taken.

Thus all Mr. *Kirkwood's* Books, both what were bound and in Sheets (except the 1800 spoken of before) all his Papers, of which he had many Thousands, both of his own Composure, and done by others, with many other Things of very considerable Consequence and Worth, were thrown out into the open and dirty Street.

It can be instructed that the Bailie said, If the Windows had not been all fast with Nails, he should have caused the Goods been cast out at them, tho' it was the third Story.

The next Morning he went to *Edinburgh* and took a House, where he might live with his poor distressed Wife and Children, at some more Ease, without the Reach of these bloody *Canibals*.

The Conclusion.

THUS we have given you a true, tho' a very brief and imperfect Account of that Famous Plea betwixt the Town of *Lithgo* and Mr. *Kirkwood*.

Brief we call it in Compare of what it might be, if all the Particulars of every Action were related.

Imperfect also we confess it is, in regard Matters are not brought to a full Period before the Lords, nor likely will ever now be.

Lastly, that it well deserves the Name of a Famous Plea, none will deny that considers the vast Number of the most strange and aggravating Circumstances that ever were before seen or heard to accompany Matters of this kind.

Posterity no doubt will have much ado to believe, that such wild and extravagant Pranks could be done by a Society of People of that Character they bear: But the present Age can't win over the Faith of the many Thousands, that were Ear and Eye-witnesses to these Things.

For these most cruel and unjust Acts were not done in private, or in a Corner, but openly and avow'dly in Face of the Sun; not by a single Person, nor by a Rabble in a Fury, but by a Society of Men in publick Trust, Members of Council in an Ancient Royal Burgh, met in Judgment, a Company of Gods, as they call themselves; Men, whose Duty and Office is to protect others from Cruelty and Oppression, to be thus themselves guilty, is a most horrid Iniquity: Nor was it a single Act perpetrated once or twice, but reiterated again and again many times: Nor were they done rashly or inadvertently; but with the greatest Deliberation imaginable, even after these Gods were met in Council, and had maturely considered Matters, then they acted so and so. And all this was done not to a Stranger or Foreigner, but to their Door-Neighbour, their familiar Friend, and most intimate Acquaintance, yea to a Fellow Burghers and Gild-brother; and which is yet more considerable, these Things were done

to one who (if we may say it) has deserved so well of his Nation, by publishing to the World several very useful Works; such as, his *Animadversions* on our vulgar Rudiments and Grammar; his *Methodus Docendi*, three separate Grammars, one with the Rules in Prose, another in Verse; a third, *viz.* *Despauter* revised, and that at the Desire of the Committee of Schools and Colleges, to name no more. These *Animadversions*, which some are pleased to call the most useful Piece of all the rest, at least by Consequence, did so wonderfully allarm the Grammarians of *Scotland*, that hardly they knew what Way to look. To instance but one, and that a very learned and knowing Gentleman, Mr. *William Cumin* Professor of Humanity, and thereafter of Philosophy in the College of *Edinburgh*. This Book, we say, was scarcely come to his Hand, when even in Presence of some Gentlemen, he cried out, beating on his Breast, O the height of Blindness! Have I been teaching the *Latin* Tongue so many Years, and yet did never take Notice of such gross and palpable Escapes as these are; meaning, with many others, that about *utinam amatus ero*: Or that other ridiculous one, whereby a Boy is forced to say over again the same individual Word in stead of another. *Da alteram vocem*, says the Master. *Amemus*, again answers the Boy: With which the Master rests well satisfied, being sully, as 'twere perswaded, that *Amemus* & *Amemus* are two distinct Words. Nothing in Nature can be more absurd and ridiculous, than this is, tho' it seems but a Trifle.

If any desire to know these Things more fully and clearly, let him enquire for the said Book, printed at *Glasgow* 1674; for full Satisfaction in this Matter can't be expected here. He will also see there a very long Letter, directed to Schoolmasters and other learned Men in the Nation, written by the said Mr. *Cumin* in Favours of Mr. *Kirkwood* and his Works. Many Returns were made to this Letter; but how to come by them, may be found to be no easy Task. Mr. *Kirkwood* can produce not a few to these he wrote to most of the Schoolmasters of *Scotland*, all of them but too too much applauding his Labours.

A second Circumstance, which hugely aggravates the Town's Guilt;

Guilt, is, that those gross Enormities were not done out of Ignorance, or for want of good Counsel: No, no; they had the best the Nation could afford. The Master of *Stairs*, their Majesties Advocate, and the Town's also, did once and again sharply rebuke them for what they had done, and advised them to do so no more. He told them openly at the Bar, (19. February 1690) that they had exceedingly prejudged their Cause by their illegal Actings, You know what the Lord *Philiphugh* wrote to them; and who else in the World was so fit to give Advice as he, to whom the rest of the Lords had committed the Cause? Yea, it was more than an Advice; his Lordship sent them the express Sentence and Interlocutor of all the Lords; an Order, as 'twere, or Command, absolutely discharging them to meddle with Mr. *Kirkwood*: which was duly and solemnly intimated to the Town, and Instruments taken thereon; (Pag. 25) yet neither what the Lord Advocate said, nor what the Lords did, was able to prevail with that contumacious and stiff-necked People.

We might justly be ashamed thus still to be harping upon one String, were it not that too much cannot be said upon this Subject. However we humbly beg Liberty to add this one other Circumstance, which is worth all that can be said on this Head, and well deserves to be esteem'd the chief Corner-stone of this Building; and tends exceedingly to exaggerate the above-mentioned wild and unjust Acts of the Burgh.

In short, 'tis this; They were done to one, that was altogether innocent, as to what Man can lay to his Charge: He had lived 15 Years among them, without the least Stain whatsoever. They did not so much as pretend he was guilty of any Fault, when they thrust him out of his School: Yea, on the contrary, it was so far from being done on the account of any Misdemeanour, that upon just Ground we may say, that all the Evil, which has befallen him upon that Score, was because he would not commit a Fault; for certainly it had been a great Crime in him, especially considering his Principles, to have forsaken the Church, the publick Place of Worship, establish'd by the Supreme Powers of the Kingdom, and to go to a private House, a Place only connived at, or at most tolerated, to say nothing of

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the great Offence it would have given to Persons of both Sides.

We must not here omit to shew you, that after Mr. *Kirkwood* was turn'd out, and another Master settled in his Place, the Town Council found him guilty of a most horrid and dreadful Crime, the like perhaps was never heard of before this Time. It indeed made the Ears of some of the Lords to tingle, when they saw it in the Town's Informations.

The Crime is this: The Town-Council alledging Mr. *Kirkwood* said, *They had done him Injustice*, did thence infer, that he was a *Re-viler of the Gods of his People*: (of which Pag. 10.) For this Crime they fyn'd him in 200 Merks.

Now know, that they were due him the equivalent Sum; and so easily paid that Debt.

They *alledg'd*, we say, for it was never made out against him, nor was there any Process in the Matter. But let us suppose he said it, have not the Lords confirm'd it again and again in their Interlocutors? and why may not he say it? Yea he could swear before any Judge on Earth, that those Men, who take upon them the Title and Name of Gods, have done him many cruel Acts of Injustice.

Was it not, think you, a mighty lucky Hit of Providence, that the Town's Debt and Mr. *Kirkwood's* Crime jump't so nicely, that the very Thought of Man cannot discern a Difference. But what if the Debt had been triple, or quadruple more, than it was? That says nothing; a Crime committed against the Gods, being of an infinite Extent, can reach it, tho' never so high.

Yet, let those Gods know, that there are not a few very understanding and judicious Men, who think 'twas neither great Wit nor Prudence in them, to make the Fine *precisely* to pay their Debt; it not only palpably bewraying their want of Policy, but is a very shrew'd Evidence of Injustice.

We hope none will think it improper to shew here, that Mr. *Kirkwood* was not sooner gone from *Lithgo* to *Edinburgh* (March 1690) but immediately several Persons of Honour desired he would take their Sons under his Care; so that within a short Time he came to have a very
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frequent School, above Seventy of Noblemen and Gentlemen's Sons.

In the mean time he had Invitations to several Places, both within and without this Kingdom: One, to be Professor of Humanity in the University of *St. Andrew's*, and was earnestly prest to accept that Offer, by *Mr. Tullidaf* Principal in one of the Colleges there, tho' he knew very well that *Mr. Kirkwood's* Principles and his differ'd not a little.

The worthy Lady *Hilton* brought into his School a Call to *Dunce*, subscribed by the Heretors of that Parish; and seeing so great a Number of Scholars, and their Quality, said, *I fear, Mr. Kirkwood, all my Pains are in vain.*

He had also a Call to be Professor of *Greek and Latin*, in the College of *James-Town* in *Virginia*; and was much solicited thereto by Persons concerned, or their Agents, particularly by those of my Lord Bishop of *London*, Patron of the said College. The Encouragement was very considerable: But some Persons telling *Mrs. Kirkwood*, that it was ten to one if the whole Family should go there alive; and when they are arrived, commonly they are seiz'd on with a Fever, called a *Seasoning*, of which as many die as escape; and what if your Husband be one of them, said they, where are you? So that there was a kind of Necessity to lay aside the Thoughts of that Voyage.

He had a Call also (tho' some Time after this) to a free School at *Kimbolton* in *England*, upon very advantageous Terms. His Grace, the Primate, had no small hand in that Call.

The most worthy and Noble Lady the Countess of *Roxburgh* was pleated out of her own Mouth to call him to *Kelfo*; and her Ladyship's Father my Lord Marquis of *Tvedale*, then Lord High-Chancellor of *Scotland*, was very pressing for his accepting that Offer.

We could mention many other good Occasions offer'd him, were we not hastning to come to the main and chief one, which infinitely surpasses all the above-named, even tho' they were united in one.

This is a Call indeed, whereat all the World may stand and wonder. When it was first propos'd, he stood no less amaz'd, than if it had been told him, all the Rivers were running back again to their

Spring, from whence they came. We read of very many strange Things told us by *Ovid* in his *Metamorphosis*; how Men, yea Gods themselves were transformed into the Shape of Beasts: *Ateon*, he says, was for no very great Fault turned into a Hart, and devour'd by his own Dogs. *Jupiter* into a Bull, for his own carnal Ends. But those are nothing, if compar'd to what we can tell you. Here bloody and rampant Lions, wild and savage Boars, cruel and greedy Wolves, and Tygers are become harmless and innocent little Lambs. In a Word, Mr. *Kirkwood's* grand Enemies are now turn'd his greatest Friends: They, who some Months ago threatned to put him out of the Town by the Hand of the Hangman: They, we say, who lately told the Lords in their Informations, that he deserv'd to have his Ear fixt to the Tron, are now caressing him: Now they are sorry from their Hearts for the rude Treatment he met with from them: Now they would send most willingly Coaches to fetch back him and his Family, whom they lately banisht out of their Town.

In plain Terms, the Provost and others employ Mr. *Bell* Town-Clerk, ordering him to speak to Mr. *John Park* Minister of the Gospel at *Carrin*, and to desire him seriously to deal with Mr. *Kirkwood*, in order to get him back again to *Lithgo*, upon good Terms.

After several Communings upon this Head, at last Mr. *Park* wrote the following Letter, *Edinburgh*, June 26. 1691.

SIR,

PArdivin took Occasion to speak with me in the Forenoon this Day, and enquired anent the Success of what Will: Bell did communicate to me anent you; and if your self stand not in the Way, it will be no difficult Task to get you back to *Lithgo*, upon good Terms. The Provost is not willing to be reputed the first Addresser, because he thinks it will be to his Disbnoir, if you shall have that to say; and I know that you are a short Man. Therefore it is condescended on, that you shall be at the Cross before James Hamilton's Shop-door, this Afternoon after the Burial, and that the Provost shall be standing thereabout, and that I as Mediator shall offer a Meeting betwixt you, that ye may commune together. If this you hear-ken to, let him know who is Your Servant, JO. PARK.

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Mr.

Mr. *Kirkwood's* Circumstances being then very favourable, and so many good Occasions in his offer, made him a little shy and nice in this Matter ; but that which chiefly mov'd him to stand off, was, that he thought himself not only obliged in Justice, but bound in Duty, to seek for Reparation of many and great Dammmages he had sustained. In the mean time, he could not but under Sleeve, laugh very heartily at the Proposals Mr. *Park* made in the Town's Name, acting, he confesses, a little the Hypocrite, in order to expiscate from him the good Terms he speaks of in his Letter, by which the Town might prevail to get him back again to *Lithgow*, which in effect were very charming.

We shall say no more upon this Head, leaving to all the World to judge, whether this Carriage of the Town-Council be not a clear Evidence, that they confess the Injuries they did him:

Were it not that it would make this little Piece to swell far beyond what the Author designed, we could give you an Account of a vast number of very strange Passages, not impertinent to the Purpose in Hand, in regard they do yet more fully and evidently discover to the World the *Genius* and Humour of these People Mr. *Kirkwood* had to do with. We may say, they could agree with none, yea not among themselves, how then could it be expected, they should agree with Mr. *Kirkwood*.

Of some Hundreds of very strange Things, we shall briefly touch two or three, and little more than name a few more.

We begin with that very odd Passage which fell out among the Bailies.

A Debate about Neighbourhood arising betwixt Bailie *Smith* and one *Peebles*, came in before the Town-Court. That Day there sat Bailie *Turnbul*, the said Bailie *Smith* and Bailie *Main*. As soon as this Plea was called, *Smith* came off the Bench down to the Bar, to plead his own Cause, but with his Hat on ; whereupon *Main* (tho' the younger Bailie) minds him of his Duty, by telling him, he must behave himself with greater Respect, if he take on him to be a Protector. Then *Smith* discovers in part, hovering his Hat above his Head, as our Shepherds do, when spoke to by Gentlemen. *Main*

again plainly said to *Smith*, you must not think thus to mock your Superiors; either hold your Peace, or carry as other Proctors do. Then indeed *Smith* put his Hat under his Arm. *Main*, seeming to favour *Peebles*, spoke much in his Behalf, which made *Smith* tell him, he ought not to be both Judge and Party; if he plead for his Friend, he ought to come down to the Bar, and let Bailie *Turnbul* determine the Cause. What, cries *Main*, dare you, that are a Pannel at the Bar, speak at this Rate to a Judge on the Bench? Officer, Officer, carry him to Prison, hale him down Stairs. The poor Officer, who is no better than a Slave, fear'd to put Hand to his Lord and Master. And it fell luckily out, that That Officer properly belonged to *Smith*, two others being at that Time in Prison, a third absent. *Main* still continues crying, and threatning the Officer, *What*, says he, *Will you not obey me? You Slave, I'll cause tye you Neck and Heel.* At last, the Officer hales *Smith* down Stairs to Prison.

By chance, two or three very worthy Gentlemen were at that Time walking at the Cross, and seeing this strange sight, a Slave dragging his Lord to Prison, they come near to the Prison Door, and after the Bailie had inform'd them of the whole Businels, they call'd him a Fool and an Ass, who suffered himself to be treated after that manner. One Bailie, said they, has not Power to imprison another, *Par in parem non habet imperium*; and more especially, added they, since you have as much to lay to *Main*'s Charge, as he has to lay to yours. And further, these Gentlemen upbraided the Bailie, for suffering an Officer, especially his own Officer, to touch his Person.

With these Words, *Smith* breaks out of Prison, and flees up Stairs, to the no less Astonishment of all that were present, than if he had been risen from the Dead. By what Warrant, says *Smith* to *Main*, can you imprison me? I can do it as the King's Lieutenant, answered *Main*. I'm the King's Lieutenant. reply'd *Smith*, as well as you. Officer, Officer, cried *Main* again, Drag him to Prison, hale him, he shall be fined for breaking it.

Never, never, was any Man in the World more perplex'd, what to do, than this poor Officer. He fear'd again to put Hand to his
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own Bailie, who threatned to lay him in the Irons, if he offered to touch him. *Main* is still crying, What, you base Slave, unworthy Slave, will you rather obey him at the Bar, than me on the Bench? After a long and hot Bickering betwixt the two Bailies, grinning and irring one against the other, like two Mastiffs, and foaming (as was observed) at the Mouth, with Fury and Rage, up rises Bailie *Turnbul*, in no less heat than the other two, crying with a loud Voice, Officer, Officer, we command and charge you to carry Bailie *Smith* to Prison, hale him, drag him, if he will not go willingly. The poor Officer thinking it safer to obey two Bailies on the Bench, than one (tho' his own) at the Bar, put Hands to his Lord and Master; grips him hard: The other resists both with Tongue and Hands, not to say Feet. After no little Strugling, the Officer being a sturdy able Fellow, and having the advantage of the Ground, drags the old Man down Stairs, and shuts him up in Prison, to the great Amazement and Stumbling of many Hundreds of People, some crying, *Fy, fy, We are ashamed and affronted for ever*; others saying, *We never saw so good Sport all our Life.*

This fell out betwixt Eleven and Twelve in the Forenoon: *Smith* lyes in Prison till towards Night. Next Day being *Sabbath*, he goes to his own proper Seat in the Meeting-house, and not to that, where the Magistrates sit, which made People look sometimes to them, sometimes to him, and not seldom one to another. This gave great Offence to these that were more serious, especially when these who came from the Country, enter'd the Meeting, and beheld how the People were rounding and whispering one to another, they pretty audibly ask'd, What the Matter was? Did you not hear, replied the other, what odd Work was among our Bailies Yesterday? In a Word, most of this Day was spent in giving an account of the former Day's Exploit.

The Day following, *Smith* posts in to *Edinburgh*, suspends two Acts of the Town-Court, one in Favours of *Peebles*, on the East-side of his House, another in Favours of *Widow Batherston*, on the West-side.

Peebles.

(56)

Peebles also and the Widow flee to *Edinburgh*, and there get out *Briefes* & other things necessary, in order that 15 sworn Men might meet on the Ground, to determine Matters.

Both *Smith* and they made all haste to return Home; but lo, *Bailie Main*, that same Night *Smith* returned, took his Journey to Eternity; nor does any doubt, but the Heat he got *Saturday* preceding, was the occasion of the Fever, of which he died, and which is very sad, the living *Bailie*, tho' at Home, did not accompany the Corps of his Fellow-Bailie to his Burial-place. Some blame Friends on the Defunct's side; others *Smith* and his Relations.

We shall pass here, for Brevity's sake, that pretty odd Work, which was betwixt *Turnbul* and *Smith*, at the Intimations of the said Suspensions, and hasten to another Battel, nothing short of the former.

Smith thinking himself very much affronted and injured, by being imprison'd, had not been in Council from *Michaelmas* to this Day, (13th December 1690) and now coming in unexpected, took his Chair; at which, up rises *Turnbul* and his Faction, saying, *If Smith be permitted to sit here, We'll be gone.* *Bailie Higgins*, Brother-in-law to *Smith*, and Preses at that time, in the Provost's absence, endeavour'd to compose Matters, but all in vain.

After much debate and struggling on both sides, up rises *Bailie Beer*, and cries once and again with a loud Voice, (for such Confusion and Noise was amongst them, that he had much ado to get himself to be heard) *Gentlemen, Gentlemen, pray hear me speak one Word*; At which there was a perfect Calm; but endured hardly one Minute. I say, said *Beer*, that neither *Higgins* nor *Smith* ought to sit amongst us, because they are perjurd and mainsworn Men. Immediately there arose a most hideous and fearful Noise, far beyond that of Kail-wives, when they upbraid one another with *Filthy and vile Whore, common and native Thief.*

Next Day, *Higgins* and *Smith* flee in to *Edinburgh*, raise Criminal Letters, and cause cite *Beer* to compear. In he goes, Mr. *Kirkwood* meets with him (*January 1691*) in the Parliament-Clofs. After the ordinary Saluration; What's this, *Bailie*, now fallen out among you;

you ? said Mr. *Kirkwood* ; I hear of very horrid and dreadful Crimes laid to some of your Charges. You are pursuing one another to Death. I thought, if once I had been removed from amongst you, you would have agreed all like Lambs, whereas you are now worse than ever. If I had Time and Place convenient, answer'd the Bailie, I would give you a perfect account of all things. Let's step into the Old-Kirk, replied Mr. *Kirkwood*, With all my Heart, said the Bailie.

This Church was wont to stand open the whole Day, that People may go into it Morning and Evening, to shut up their Prayers to the Almighty.

Beer began with very reproachful Words against *Higgins* and *Smith*, and was like to forget to answer Mr. *Kirkwood*'s grand Query, which was, Upon what account he call'd those two Bailies main-sworn and perjured Men. Certainly, replied *Beer*, *Smith* is perjured : Because, when he was made Burges, he did swear, he would do nothing to the prejudice of the Good-Town ; and beside, he did confirm this Oath, when he enter'd Member of the Town-Council ; and now by suspending the Acts of his Fellow-Bailies, he has put the Good-Town to needless Expences ; and besides he has most basely reproach'd the two Bailies in his Suspensions, averring they are guilty of Partiality ; yea, gross and manifest Iniquity. And as to *Higgins*, said he, he is no less perjur'd than *Smith*, being Cautioner in the Suspensions ; and so art and part with the other.

Mr. *Kirkwood* heard this, and much more to this Purpose, with a great deal of Patience ; at last, Bailie, said he, you must excuse me to differ from you. I do not see, that these two Bailies are perjur'd upon that Head, having done nothing but what Law allows : For if you, or any Man think you are lesed by an inferior Court, you may seek redress either by Advocation or Suspension from the Lords of Council & Session, notwithstanding of your Burges-Oath.

But Bailie, (continued Mr. *Kirkwood*) What you say, strikes no less against me, than your Fellow-Bailies ; for I'm a Burges as well as they, sworn to do nothing in prejudice of the Good-Town, as well

as well as they: And you know, I've suspended again and again your Acts of Council, let be those of your Town-Court.

No, no, reply'd the Bailie, you are not perjur'd, you had too just ground to suspend our Acts. We are all now convinced you were hugely wronged, and wish with all our Hearts, that Things were yet to do, that are done. And indeed about this Time they were thinking upon bringing back Mr. *Kirkwood*, as is above-related, Page 52.

You have good reason, Bailie, answered Mr. *Kirkwood*, to say all that, and a thousand times more; for never before, were Men guilty of such wild Pranks as you are. Do you not remember, that immediately after the Lord *Philphaugh* had written to you, not to meddle with me, you caus'd ring the Council-Bell, and within two or three Minutes, sent your Officers to drag me, my Wife and Children out of my House, and shut me up in close Prison, &c. Bailie, Bailie, were it done to some of you, as was done to the unjust Judge, you would but get what you deserve. Pray, Mr. *Kirkwood*, said the Bailie, tell me what was done to that unjust Judge? The Skin, replied Mr. *Kirkwood*, was taken off him, and affix'd to the Bench where Sentence was past, to scare others from doing the like. At this the Bailie lifted up his Hands and Shoulders towards the very Heavens, saying, *Good Lord deliver us, Cou'd such a thing be done to a Judge?* And with this the honest old Man sunk down to the very Ground; so that Mr. *Kirkwood* was truly fear'd to be alone with him. After he was come again to himself; dear Mr. *Kirkwood*, said he, what advise you me to do in my Affair. I assure you, Bailie, (answered Mr. *Kirkwood*) such are your Circumstances, that I know not well what Advice to give you. The Crime you charge these Bailies with, is by Law capital, that is, deserves Death; you cannot make good what you say against them; and therefore by a Law call'd *Lex Talionis*, you ought to suffer the Punishment due to them; and Bailie, it exceedingly aggravates your Crime, that you accuse two Bailies both above your self, and that sitting in Judgment, one of them *Preses* at the time; yea, which is as the *Cape-stone, Higgins*

you know, is a present Member of Parliament, and to call him perjur'd, may draw deep.

At this the Bailie begins again to shrink and creep all together, his Leggs not being able to bear him; Death was painted on his Face. At this Sight, a panick Fear seizing on Mr. *Kirkwood*, he knew not whether to run away, or stay beside a dead Man; at last, as the Bailie was dropping down, he takes him in his Arms, and sets him upon one of the Seats of the Church. After three or four Breathings; and as many deep Sighs and heavy Groans, he again says, *Dear Mr. Kirkwood, what shall I do? Ah! what shall I do?* Mr. *Kirkwood* being very willing to be quit of him; and thinking he had sufficiently terrify'd the simple old Man, now at last spoke very kindly thus to him: Bailie, said he, my humble Advice to you is, that you go to Bailie *Higgins* and Bailie *Smith*, and casting your self (as 'twere) down at their Feet, acknowledge your Fault, and beg them pardon; tell them, That what you said, was out of meer Ignorance, you thought that what they did, was a true Violation of their Burges-Oath; but now you see and are convinced of your Error. The Bailie making a low bow, heartily thanked Mr. *Kirkwood*; and so they parted.

We have been too long upon this Passage, and therefore shall do little more than name a few more, excepting the last two, which we cannot so well get by; and even these we but name, deserve a more full account, if Conveniency would permit.

Such as that drol Business betwixt the Provost and *William Tenent* a Gardiner; of which hereafter.

Or that betwixt him and *George Bell* of *Conzynook*.

Or that about a Footman of the Earl of *Lithgow*.

Or that strange Debate, when *Bailie Turnbull* was made Provost.

Or that odd Work at the choice of a Proctor-Fiscal.

Or that most terrible and amazing Plea betwixt the Provost and Mr. *Bucknay*, then only a Counsellor, now a Bailie. This Business is so exceeding tedious, so mighty intricate and mysterious, and accompanied with so many most astonishing Circumstances, that it would require a full Volume by it self, to paint it out to the Life. And

therefore Mr. *Bucknay*, who has often desired Mr. *Kirkwood* to publish this Plea, must pardon him, if he pass it here with this short Touch, which is rather a bare *Stating* of the *Question*, than any true Account of the Matter. 'Tis as follows.

The Provost, in Face of Council, accuses Mr. *Bucknay* for reproaching the Magistrates, in a Letter he had written to Sir George *Hamilton* of *Binny*. *Bucknay* positively denies he wrote any thing tending that way. The Provost gave him the Lie, *in terminis*, laying, *Binny* had shew'd him the Letter. This was believed by the whole Council, as if it had come from the Oracle of *Delphos*. In short, the Provost commanded *Bucknay* to pack down Stairs. Immediately *Bucknay* writes to *Edinburgh*, informing *Binny* of what pass in Council, and earnestly begg'd him to send back his Letter, if it be preserved. By good Providence it was preserved, and sent back with another Letter from *Binny*. The Letter from *Binny* expressly bears, That neither the Provost, nor any other Person whatsoever had seen *Bucknay's* Letter. They were both presented to the Council, and read by their Clerk, being a full and clear Evidence and Demonstration of *Bucknay's* Innocence. The Provost took *Bucknay's* Letter out of the Clerk's Hand, and tore it into pieces.

Very strange Work followed upon the Back of this, of which we have no Time to give an Account.

We go on to name two or three more; and first, the turning out Mr. *Mair* School-Doctor, *brevi manu*, and settling another in his Place, without so much as directly or indirectly acquainting Mr. *Kirkwood* with the Matter, whose Right it was to do both. This Carriage of the present Magistrates doth infinitely differ from that of their Predecessors. The late Earl of *Lithgo*, the last Provost, when Mr. *Mair's* Friends spoke to his Lordship at *Edinburgh*, in order to get him settled School-Doctor, told them, he must have Mr. *Kirkwood's* Approbation before he can get in there. We shall write, my Lord, to *Lithgo* for Mr. *Kirkwood's* Consent, said the Friends. No, no, reply'd my Lord, Mr. *Mair* must go to Mr. *Kirkwood*, for I know he is in use to try his Doctors before he accepts of them, which accordingly was done.

As they took most unjust and illegal Methods of turning out People, so did they in putting them in. Thus *John Dunbar* above-mentioned (Page 5) was settled School-Doctor, Mr. *Kirkwood* never having heard the least Motion of it, till coming into the School Monday Morning, he saw him teaching the Boys; at which, you may be sure, he was not a little surpriz'd; and how illegally again they thrust the poor Man to the Door within a few Weeks thereafter, we shew'd you Page foresaid.

The second shall be the turning out of Mr. *Bizet* from being Session-Clerk, no less odd than the former. This Gentleman died 6 or 7 Days after he was thrust from his Office. And which is not unworthy of the Relation, both this Man, whom they put in Mr. *Bizet's* Place, and he who succeeded to Mr. *Mair*, were then living in Uncleaness with their Father's Servant Maids; and sometime thereafter slipt out of the Town in a Moon-light Night: Th'one after having suffered no little Hardship in *England*, return'd back to *Lithgo*, where he made Satisfaction for his Fault; of the other we never heard more. This is he, who was employ'd to carry the written Orders to the two regular Ministers, ordaining them to leave their Charges, that better might be put in their Place, as was told you Page 5.

Tho' we be truly wearied with this kind of Stuff, yet we shall add other two very singular Passages, which we doubt not but you will think well worth the Relation. The first relates to one *Cambel*, his Wife and Horse, not to mention his Children: Th'other to *William Tenent* Gardener.

This *Cambel*, a very honest but poor Man, having a Wife, lame and infirm in her Body, with many young Children, some whereof being infirm also, was by the former Magistrates, mainly out of Pity, made Town-Post, or Carrier, getting some small Allowance for his Pains; and now being turned out by the present, spoke, as they say, something to their Disadvantage in one Mr. *Liviston's* Shop, a Glover in *Edinburgh*; for which being cited before Bailie *Higgins*, a Sentence was pass'd to put him out of the Town by the Hand of the Hangman, never again to return.

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Most of the People, both in Town and Country about, especially of any Note, pitied the poor Man and his Family; among others was the Countess of *Lithgow*. This Noble Lady was so much concern'd for this Man and his Family, that she desired Mr. *Andrew Crawford* Sheriff-Clerk, to speak to the Bailie, in order to get the Sentence somewhat mitigated. Mr. *Crawford* not being then in good Terms with the Magistrates, they having also turned him out of his Place of Town-Clerk, likely never moved in this Affair. However, the Countess sent for Mr. *Kirkwood*, and very earnestly beseech'd him to do something in this Matter; he also would fain have wavy'd it, being look'd on with no very favourable Eye; but considering how much he was obliged to that Noble Family, he could not refuse that most worthy Lady.

Immediately he goes to the Bailie, tells him, if that Sentence he had past on *Cambel*, be put in Execution, he and his Family would certainly turn Beggars, and so become a Burden to the Town and Country Side, which would bring no little *Odium* upon the Magistrates, and especially on himself.

All this and much more to this Purpose seem'd to have no more Influence on the Bailie. than on a Flint-stone.

Then indeed Mr. *Kirkwood* fell roundly to Work, plainly telling the Bailie, his Sentence was most illegal and unjust; that, since *Cambel* denied what he was charged with, Witnesses ought to have been adduced to verify the Thing, either in *Edinburgh* or *Lithgo*: and that such a cruel Sentence should not have past upon *Hear-say*, none averring the Thing, but a Fellow Carrier, who was gaping for the poor Man's Place and Employment.

In a Word, the Bailie altered the Sentence, and the next Morning betime, causes two Officers carry him to the East-Port, giving him Liberty to return when he pleased.

A Day or two thereafter the Provost being informed of all that had past, sent early in the Morning two Officers to take *Cambel* out of his Bed, and carry him to Prison, where he lay till the Mercat-day, and then was set on the Cross, with a Paper on his Breast, for the space of an Hour; Thousands of People gazing on him. As they were going to
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take him off the Cross, the Hangman standing by, *Cambel's* Wife in great Rage and Fury, with a terrible Screech lifts up her Cloaths, and on her bare Knees curses the Provost to his very Face; for which she is drag'd to Prison, cursing all the Way she went. In Prison she runs up and down for a while like a mad and distracted Person; at last falls down dead, as appeared to them that were looking in at the Window. Then did arise a mighty Shout, especially among the Women, some crying, *Let's break open the Door*; others run with the News to the Provost and Bailies, asking for the Key in all haste. *Get it from the Officers*, replied they, *get it quickly*.

Now by this Time the Officers with the Hangman, (for they behoved to be with him, lest he should be torn into Pieces) poor *Cambel* and a Thousands besides Old and Young at their Tail, were near to the West-Port, not much less than an *Italian* Mile distant. He runs, and she runs, ten or twelve at least, with all the speed they could. When they were come to the Port, the Officer that had the Key being amissing, they run up and down like a Pack of Hounds, when they lose the Sent of their Prey; and one, again falling on't, warns the rest with a mighty loud and hoarse Cry: Immediately all running thither, found him sitting on his Throne at the back of a Dike, and pickt his Pockets very rudely and unmannerly, to say no worse.

Without any further Delay, these Messengers, with the whole Crowd that had accompanied the Hangman, came fleeing again East the Street, as if the Horn'd Devil had been chasing them; Hundreds of People on both Sides running some to their Doors, others to their Windows, crying, *What's the Fray? What's the Fray?* We've not time to tell you, replied some. Poor *Cambel's* Wife is dead in Prison, said others. Their Number increast and decreast every Minute, many from both Sides joining with them, and as many fainting and falling one upon another, *Heaps upon Heaps, Heaps upon Heaps*; double-ribb'd Wives smarting severely for their Pains. At last they came like a mighty Torrent upon those, that were selling Fruits & Sweetmeats at the Cross, overturning their Tables and Stands, to their great Loss and Confusion. When the Prison Door was open'd, *Cambel's* Wife was found dead on the Floor; she is carried Home to her House,

House, where, by God's Blessing the Means that were us'd, she recover'd. Some think her being with Child preserv'd her Life.

Seldom any great Disaster falls out, but it has some Advantage accompanying it. This Accident of *Cambel's* Wife brought back her Husband without being challeng'd.

Anent Cambel's Horse.

Much about this Time Bailie *Tarnbul* caus'd imprison within the Court-House, *Cambel's* Horse, a perfect Cadaver almost dead on his Feet. This Horse has much more to brag of than the Lady *Colinton's* Mare, of whose Testament there has been much talking these many Years in our Nation. It was within these Walls King *James* the VII. got a very Noble Treat a few Years before. The Bailie himself being Jailour, none had Access to this illustrious Prisoner; and which is very remarkable, when *Cambel* and his Wife went to him, and humbly begg'd he would let either of them ly in Prison instead of their Horse, he flatly refus'd it: And which is yet worse, when they again earnestly entreated him to suffer them to give their Horse a Peck of Grains or Draff, which they bought for his Supper, he would not hear of it. Thus the poor innocent Beast lay a Night, and most part of two Days in close Prison.

Tho' none got Access at his Door, yet Hundreds paid him their due Respects at his Window, pitying and lamenting his sad and deplorable Condition. Poor Beast, poor innocent Beast, said they, *what hast thou done; sure thou never did reproach the Magistrates. What can be thy Crime?* If this Horse had had the Tongue of *Balaam's* Ass, he would have told them, his Crime was, *Tasting a little Holy Grass in the Church-yard.* That's nothing, might they say, there's a Cow goes there frequently. *Ah that's my Lord Hackerston's Cow, and I'm poor Archy Cambel's Horse.*

Now, whether Bailie *Higgins*, who pass'd such an illegal Sentence, or the Provost, who put it into Execution, adding something of his own to it; or Bailie *Tarnbul*, for his Cruelty to the poor innocent and dumb Beast. be most to be blam'd, let the World judge.

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We shall conclude these Passages, with that which beset the above mentioned *William Tenent*, being a Business not only very Comical and Drol, but also somewhat Tragical and Bloody. 'Tis as follows.

The very first Day the Town-Council met, they issued out an Act, ordaining all the Inhabitants and others under their Jurisdiction, to give what Respect was due to every Member of the Council. This Act was published in a very solemn manner, by making the Drum go thro' the Town to that Effect. This never being done before, that any Man remembers, did exceedingly puzzle most part of People, not knowing well how to behave. Within a Day or two, several Persons were challenged for coming short of their Duty; particularly the fore-mentioned *George Bell* and the Earl of *Lithgow's* Footman. This Mr. *Bell*, a Gentleman, one of the most ancient Inhabitants of *Lithgow*, past by the Provost, standing amongst a number of People (above Twenty) at a good distance, without taking off his Hat; after he was gone to his House, he was brought back to the Cross, and there sharply rebuked before the whole Multitude, and threatned, if he did the like again, he might expect a more severe Punishment. As to the Earl's Footman, having a *Permission-Cape*, he thought not himself ty'd so strickly to the Rules of Civility, as that comes to. However, the Provost noticing that he past him without paying him due Respect, as he alledged, let after him all the Four Officers, which is contrary to the Laws of Hunting, to set off 4 Gray-Hounds at one Hare: But there was no Fear of his being catch'd, for he out-run them, as so many Cur-dogs.

Tenent, we say, being fore-warned by the Fall of others, resolv'd, if he fail'd, to sail in the safer Side. And therefore, seeing the Provost one Day coming East the Street, and he going West, when he comes about 30 Paces of him, he gave him a low Congee, putting his Head to the lower part of his Breast; then, advancing about 10 or 12 Paces, he bows again with his Head to his Knee; at last, coming within 5 or 6 Paces, he bows till he kiss'd the Ground, so that he had some Difficulty to set again his Head on his Shoulders.

The Provost said nothing, but seem'd to take this Salutation in
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very good part, till one in his Company said, *Certainly, my Lord, you Fellow, Tenent, was mocking your Lordship.* Think you so, answered the Provost. *There's no doubt of it, said a third.* Immediately he goes to Bailie Higgins, and informs him about the Business. What individual Words were betwixt them, we know not; but 'tis very easy to guess the Subject of their Discourse by the Event. They started two Doubts; one, Whether *Tenent* acted sincerely, or by way of Mockery: The other, if by Mockery, whether he did it of himself, or by the Instigation of another.

As soon as the Provost was gone, the Bailie sent for *Tenent*. As he enter'd the Room, he gave the Bailie a very low Congee, and after that another; yet short of what the Provost got in the Street. *Why so much Work; why so great Courtesy, what a bowing is this,* said the Bailie. Do you mock me, as you did the Provost in the High Street. Assure your self, we will make you smart for your Behaviour. I mock you, Sir Bailie, far be it from me to mock you, answered *Tenent*; Giving him a very low Bow. Do not deny it, reply'd the Bailie, I know you did mock the Provost, and you mock me also. But *Will*, continued the Bailie, I would have you to consider, what you are doing. The Provost, you know, can do you Good, and 'tis in his Power to do you Ill also; he can lay you in the Irons, he can banish you the Town, when he pleases. In a Word, he can do many things, which may ruin you and your Family. And he is able to do you Things, which may tend to your Advantage; and therefore you would be wary, lest you do any thing that may irritate him against you: And on the contrary, 'tis your great Wisdom to do every thing lyes in your Power to gratify him, providing it be lawful. I therefore in the Provost's Name, earnestly desire you to tell me, who it is, that sets you on saluting the Provost and others, after the manner you do it. And further, I in his Name promise, you shall not only be pardon'd for this Fault, but amply rewarded for what you do in this Matter.

Indeed, Sir Bailie, replied *Tenent*, no Person did set me on it. What I do, I do it of my self, in Obedience to the Act of Council: The Provost being the first and chief Member, I give his Lordship his

his Due; next you, Sir Bailie, yours; then the 2^d Bailie his, the 3^d his; and so to the end of the Chapter, till I come to the lowest Member, giving every one a Salutation according to their Degree. But, Bailie, continued *Tenant*, I am at a Stance in one thing, May I be so bold, as to ask your Honour this Question; Whether or not, all the 12 Merchant-Counsellors are equally to be respected? I know there are different Degrees amongst the Deacons, some must have a lower Congee, than others.

The Bailie was glad to be quit of him; for he could gain no Ground. Thus they parted.

Either this Night or the following, the Provost sent his Servant betwixt 11 and 12 to *Tenant's* House, to cause him come to him in all haste. The poor Man, having labour'd hard all Day in his Garden, was so sound asleep, that it was nigh to an Impossibility to awake him. After much ado, his Wife and the Provost's Servant got him dragg'd out of his Bed. Along he behoved to go, tho' very much against his Will. He went safe and sound out of his House, but returned with Twelve or Fourteen sore and bloody Wounds.

After he was brought to the Provost's Lodging, a great and old fashion'd House, he was carried to the top of it, and set at the Foot of a Bed. There he wonders and admires what they were to do with him, at last such a terrible Fear and Dread seizes on his whole Body, that he was like immediately to expire. This excessive Fear had its wonted Effect, making him do what he ought not to have done in the Provost's Chamber. While he is about this Natural Action, in comes the Provost: *Tenant* not forgetting his Duty, gives him a low Congee.

The Provost, after he had taken 2 or 3 turns thro' the Room, wheels about, as in a Surprize, towards *Tenant*, saying, *Knows thou, Fellow, where thou art.* This was so easy a Question, that *Tenant* could not Answer it. After this, the Provost takes another turn or two; and again wheels about in a sudden, saying, *I ask thee, Fellow, does thou know in whose Presence thou art.* With this, *Tenant* pulls by the Curtain of the Bed, thinking by the Provost's Question, there might be some Persons in it. At last, the Provost explains himself thus: Knows thou

thou not, said he, that I am the greatest Man in *Britain*, except King *William*, all the Dukes, Marquisses and Earls must give place to me, within the Jurisdiction of this Burgh.

By this time, *Tenant's* Fears vanish, and instead thereof, a wonderful Fit of Laughter seizes on him, so that lest he should be again accused for mocking the Provost, he in a most severe manner did bite his own Thumb on both Sides, in that part where it's joined to the Hand. This he did over and over, again and again, not being able otherwise to contain his Laughter, while the Provost is thus haranguing, and going up and down the Room, in no less majestick a manner, than did that great and mighty King *Ahasuerus* in his Palace at *Shushan*. *Est. 1 chap.* And thus *Tenant* received these bloody Wounds above-mentioned, so that for many Days he was not able to make use of his Spade, nor to handle his Lance, being a piece of a Doctor, as many Gardeners are.

After a few more Turns thro' his Chamber, the Provost wheeling about the 3d time, lays, Now thou knows in whose Presence thou art, and how great a Man I am; tell me, how thou dar'st mock me in the high Street: *I mock your Lordship, Far be it from me, my Lord, to mock your Lordship*, answered *Tenant*, bowing and bowing again and again.

I tell thee, Fellow, thou did mock me, Let me know, whether thou does it Sincerely, or out of Mockery; or whether thou does it of thy self, or art put on it by another. Thou may be assured, that I shall not only pardon what thou has done, but also liberally reward thee.

Tenant having returned the same Answer to the Provost, which he had given to the Bailie, immediately he calls his Servant, and bids him go, and bring quickly *Rea* the Officer to lay this Fellow in the Irons. *Rea* comes, *Carry this Fellow to Prison*, says the Provost, *Lay him fast in the Irons*. By this time (past 12 at Night) came also *Tenant's* Wife to see whether her Husband was dead or alive, leaving her poor Babies weeping in Bed. When she saw he was going to be carried to Prison, and to be laid in the Irons, she raised such a terrible Scream, that she was like to awake the whole Town.

In short, *Tenent* was then sent home to his House with his Wife, *Rea* to his Home, and the Provost and his Servant (none else being in the Family) had Liberty to go to their Beds.

Let's now draw near a Close, humbly beseeching the Reader not to think, that we have set out this Plea with hyperbolical and superlative Words, representing it to the World beyond what truly it is; yea, on the contrary, 'tis very far short of what it ought to be. It surpasses the Wit of Man to find out Words to express it to the Life: Had you been a Spectator, and seen how Things were acted, you would have had quite another Notion of them. 'Tis not possible Words can give you a true *Idea* of Matters of this kind; they can't make so deep and so lively an Impression upon the Spirit, as is got by the Eye, as the Moralist avers.

*Segnius irritant animos demissa per aurem,
Quam quæ sunt oculis subjecta fidelibus, et quæ
Ipse sibi tradit spectator.* Hor.

Things, by the Ear convey'd, do not so well,
Nor half so lively can affect the Mind,
As what we to our Eyes presented find.

Had you seen Mr. *Kirkwood* grasping hard by the Stoop of a Bed, and 4 lusty Fellows tugging at him: Had you seen him in a most violent manner dragg'd down Stairs, and shut up in close Prison for no Fault imaginable: Had you seen him again dragg'd out of Prison to his own House: Had you seen his Wife and 6 young Children all little better, than naked in the Morning hal'd down Stairs, and set in the open Street in the Cold of Winter: Especially had you seen one poor young Infant so exceeding sick, that there was more Ground to say he was dead, than living. Had you seen these Things, we say, you could not but have quite another Notion of them, than now you can have by our Relation.

And further, had you seen in what a sad and lamentable Condition poor *Cambel*, his Wife and Children were, they would have extorted Pity from you, tho' you had had a Heart of Flint.

But

But above all, had you been an Eye-witness to that wonderful Conflict, first betwixt two Bailies; next an Officer and a Bailly; and again renewed by the same 2 Bailies; and how the one could not prevail without the Help of a fresh Recruit, his Fellow Bailly. Lastly, had you seen what odd Struggling the Officer had to drag down Stairs to Prison his Lord and Master, you could not but have cry'd out with some, *Fie, Fie, we are all affronted*; or, with others, *The best Sport we ever saw in our Life*.

We read of very many strange Things, as done in our Neighbour Nation by the Wise Men of *Gottom*; but these come infinitely short of what are contain'd in this little Piece.

These are nothing but *Chimera's*, meer Fictions, Things that never had any Being; here real and sad Truths, which cannot but look the Actors in the Face with a very grim and hideous Countenance. In *Gottom* once a Year only happen'd, they say, one of these Fables; but in our Burgh of *Lithgow* you might have seen many Hundred strange and monstrous Things in one Month.

We must confess Bailly *Higgins* had no hand in that foremention'd droll Battel of the three Bailies, wherein appear'd very much Weakness, especially in the conquering Party: Ay but *Higgins* had a chief hand in ejecting Mrs. *Kirkwood* and her Children, as we shew'd you, (Page 22) which was an evident Demonstration, not only of great Weakness, but manifest and gross *Wickedness*.

We need not again tell you that black Character, two of the Bailies gave the other two, averring they were hugely guilty of manifest Partiality and gross Iniquity in the Acts past in Favours of *Peebles* and *Batherston*. And this they do not only assert by Word of Mouth, but give under their Hand; it is so.

By the Way, 'tis not unworthy the noticing to shew you that little Artifice these two Bailies make use of; for they do not design themselves *Bailies*, but *Merchants* in *Lithgow*, cunningly dazeling the Eyes of the Lords, that it might not be known, that two of the Bailies stigmatized and branded th' other two with so horrid and black Crimes.

The Magistrates of *Lithgow* have furnisht the World with an excellent Commentary on that no less true, than ancient Saying, *Magistratus*

stratus hominem probat: Make a Man a Magistrate, and you'll quickly discover what's in him, *Wisdom or Folly, Pride or Humility, &c.*

Were it not that generally all Comparisons are odious, we could take upon us to say, that there was more true and solid Judgment, more Discretion, yea, more Humility in the Earl of *Lithgow's* little Finger, than in the whole Bodies of all the Four foresaid Bailies.

What sort of Men they were, or are, you may clearly see, as in a Glass, from what's above related; nor is there any Ground left for doubting, whether Matters be so or not; since many Hundreds of People were Eye and Ear-Witnesses to most part of them.

'Tis of small or no Moment, tho' some Things cannot be legally instructed; such as what past in that private Conference betwixt Bailly Beer and Mr. *Kirkwood*, in the Old Kirk. 'Tis sufficient, you can clearly make good as many Crimes (yea were it but one) as can hang the Person you pursue to Death.

As to the Parts and Qualities of that Noble Earl, they are very far beyond what Mr. *Kirkwood* can say. Enquire at Members of Parliament, ask the Lords of Privy-Council, what Figure he made amongst them. They'll tell you, he spoke more like an Angel, than a Mortal; that as soon as he began to open his Mouth, there was a profound Silence; whereas at other times two or three often speak together.

In a Word, this Noble Earl wanted no kind of Qualification, no Property becoming a Person in publick Trust. To name no more, his Lordship was of so mighty easy Access, that, while the Burgh of *Lithgow* had the Honour and Happiness to have him to their Provost, the poorest and meanest Inhabitant had Access, as soon and as readily as the richest. This Mr. *Kirkwood* can say with the greater Confidence, because he was Ear and Eye-witness to it a hundred times, having had the Honour frequently to be desired to go to the Palace, especially in the long Winter Evenings, it not being above 20 or 30 Paces distant. There this worthy Nobleman was pleased to converse with him, as familiarly and kindly, as if he had been his Equal. Now and then they took a Game at Chess; and, if in the *Interim* any Town's Man, tho' never so poor, came to his Lordship with a Petition

tion or a Complaint, immediately he either call'd him in, or went to another Room, and most patiently and calmly heard all he had to say; and thereafter return'd, making, as 'twere, an Apology, by saying, *We ought, Mr. Kirkwood, to prefer our Duty to our Divertisement.* He was very far from bidding them wait on a while, or come again another time. And, which is very considerable, these Qualifications and Properties were but in their Bud, so to speak: Little more than beginning to appear, when it pleas'd God to remove him out of this World.

Now was it not, think you, a mad Act to shuffle out from being Provost this worthy and Noble Earl, a Person of vast Sense, profound Judgment, mighty discreet? In a Word, every way qualified for that, and many other Offices of a far higher Nature; and to place in his Room a young, raw Lad, hardly yet Major; one altogether unacquainted with Matters belonging to his Duty. Can any thing in Nature be more absurd, than that a Body or Society of People should give the Command of an Army to him, who never saw a Sword drawn; or make that Man Pilote of a Ship, that never set his Foot in one? This *Simile* is so pat, that he who runs may read it.

By the Way know, that the Election of Magistrates at that Time was not after the ordinary manner: Every Burgeß was to give his Vote, who should be Provost, &c. *Was to give it, we say;* but did it not, for many were not permitted, particularly Mr. *Kirkwood*, by what Law, we know not: The Reason you may easily guess.

At the Creation of our new Magistrates, many perswaded themselves that the *Golden Age* was again to return to the Place; but in stead of that, we saw nothing, but horrid *Confusion*, the hight of *Oppression*, manifest and palpable *Iniquity*; yea, such wild and cruel *Barbarity*, as hardly the very Heathens and Pagans can be guilty of.

A short Account of this Affair before the Lords of Their Majesties Privy- Council, June 1692.

TIS needless here to relate Word by Word all the Papers, that
past *Pro.* and *Con.* in this Matter; nor to repeat every thing
spoken at the Bar.

In short, Mr. *Kirkwood* caused cite before their Lordships the
whole Town-Council; gave in a Libel with an Information, being
the Sum of what you've just now heard. This was answered by
Mr. *Stuart*, and a Reply given by Mr. *Kirkwood*.

After the Advocates had debated a pretty while, and Things not
like to come to a Period; My Lord Chancellour, said Mr. *Kirkwood*, I
humbly beg your Lordship would be pleased to consider this one Point. On
the 28th of January 1690, the Lord Philiphaugh, after a full Hearing,
told both Parties he would make Report to the Lords on the last of that
Month; and therefore desired them to give in their Informations. Ac-
cordingly I did distribute mine amongst the Lords. The Town in stead of
theirs gave in a Petition, desiring a further Hearing upon new Grounds:
The Lords granted their Desire, expressly discharging them (as the Deliverance
on the Back of their Bill bears) to use any Execution against the Suspenders.
Now, my Lord Chancellour, continued Mr. *Kirkwood*, This was upon
Saturday: They could not at soonest be heard till Tuesday; and yet, my
Lord, contrary to the very Nature and Import of their own Petition; contrary
to the express Sentence of the Lords; contrary to Law and Justice, they eject me
on Monday. My Lord Chancellour, said Mr. *Stuart*, We gave in no
such Petition. Then, and not till then, Mr. *Kirkwood* thought fit to
give Check-mate, by saying, The Petition it self, the principal Paper,
subscribed by Mr. *Stuart*, is in my Pocket. At which the Lords lookt
one

one to another, several of them crying out, *Produce it, produce it:* Sir *Gilbert Eliot*, their Clerk, was not slow in coming to the Bar to receive it.

This Paper Mr. *Kirkwood* had got out of Sir *Alexander Gibson's* Chamber the very Day before, giving an Obligation under the Pain of 100 Pounds *Scots* to re-deliver it.

This is that most treacherous Petition frequently mentioned in the foregoing Papers, particularly Page 21; by Production whereof Mr. *Kirkwood* absolutely carried the Plea: So that the Town was quite defeat and baffled, and their Advocates rendred speechless, not one of them opening his Mouth.

The Lords immediately appoint the Lord *Fountainhall*, one of their own Number, to hear Mr. *Kirkwood* depone, what the Burgh of *Lithgow* was resting him at that Time; and what Loss he had sustain'd by the Riots, which was done very solemnly in the Parliament-house 30. *June* 1692; several Members of the Town-Council being present, starting such and such Questions to be put to Mr. *Kirkwood*.

The Heads or Articles, whereupon he depon'd, were these following.

	<i>lib. Scots</i>
1 ^{mo} . That he wanted of by-run Salaries preceeding <i>Whit-</i>	} 0800
<i>sunday</i> then last, three Years. <i>Inde</i>	
2 ^{do} . His Profits in the School two Years and a half, <i>viz.</i>	} 1800
Quarter-Wages and three <i>Candlemas</i> Offerings, with other Casualties.	
3 ^{io} . His House and Garden, with Consideration of his	} 0500
Advantage by Tablers	
4 ^{to} . The Spoiling of his Goods and their Imbazling;	} 1500
and the Loss by the Auction, and the transporting them to <i>Edinburgh</i> .	
5 ^{to} . The Expense of Plea before the Lords of Session - -	1200
	<hr/> Summa <u>5800</u> <hr/>

And this besides

1^{mo}. The *Pretium affectionis* of Things, which is very considerable.

2^{do}.

2^{do}. His own indefatigable Pains both of Body and Mind.

3^{tio}. There are several Goods yet remaining in his House at *Lithgow*, as Chimny's and other Things.

4^{to}. The Expenses before the Lords of Privy-Council, upon Advocates, and many printed Papers, &c. which already amount to about 100 Dollars. But he must acknowledge that his Advocates were mighty discreet.

This is the exact Double of his Depositions lying in the Hands of Mr. *Crichton* Under-Clerk; or in the Process before the Council, subscribed by Mr. *Kirkwood*.

Further know, that *Pardivin* for not compearing before the Lords, was denounced Rebel and put to the Horn; and all his moveable Goods and Geir made Escheat, and ordered to be brought in for their Majesty's Use. This was done over the Cross in *Lithgow*, the 11th of July 1692, by *George Cleland* Messenger.

Many advis'd Mr. *Kirkwood* to put in for *Pardivin*'s Escheat; but he absolutely refus'd, looking on it as an odious Thing.

Know also, that the Town was syn'd in 4000 Merks for the Riots, for Mr. *Kirkwood*'s Use; and the Earl of *Lithgow* appointed to make Enquiry, Whether only the sole Magistrates, (*viz.* the Provost and Bailies) or they with the Concurrence of the rest of the Members of the Town-Council were guilty of the said Riots.

No doubt by this time you are longing to hear the Conclusion of this tedious Affair, and to know what Reparation Mr. *Kirkwood* has got for the great Damages he has many ways sustain'd. Shall we tell you in a Word: To this Day, *viz.* the 10th April 1711, he has not receiv'd the Worth of a Farthing, neither for this Plea with the Town, nor for that with the Kirk; what he will get he knows not. However he still lives in good Hopes.

Wonderful! How can that be? The Lords of Council and Session past Sentence once and again in his Favours: And the Lords of their Majesty's Privy-Council found the Burgh guilty of high and notorious Riots, syn'd them for the same, and that for Mr. *Kirkwood*'s Behoof; appointed the Lord *Fountainhall* to hear him depone upon the Damages he sustain'd, and the Earl of *Lithgow* to make Enqui-

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ry about the Persons that were guilty of these horrid and cruel Riots. For what End, pray, was all this done? was it for nothing? why so much stir? why such a Work before the two Prime Judicatures of the Nation? is all to no Purpose? The like was never seen nor heard of before this Time.

We must confels 'tis not in our Power to give you a satisfying Answer. Be pleas'd to accept of such as we can give.

1^{mo}. The Earl of *Lithgow* died (if we be not mistaken) before he made Report.

X 2^{do}. *Mr. Kirkwood* going at that same time to be School-master at *Kelfo*, fell, you know, into a vast Ocean of Troubles, was tost as in a Blanket, hurried from Court to Court, from one Judicature to another for several Years; was before the Kirk-Session, Presbitery; 8 Synods, their Committees and Sub-committees, 2 General-Assemblies, a vast Number of their Committees, 2 Commissions of the General-Assembly, and their Committees; the Baron-Court, the Sheriff-Court, Commissary-Court, Lords of Council and Session, and at last happily ended before the Lords of Privy-Council.

X A full Account of all this Business, you have in a Book by it self, printed at *London* 1698, for *Mr. Kirkwood's* own Vindication, from the many black Aspersions cast upon his Good-Name, standing recorded in all the Registers of the Kirk of *Scotland*, now, he hopes, wipt off by the said Book.

Perhaps you desire to know, whether that Battel *Mr. Kirkwood* had with the Burgh, or that with the Kirk, was the most severe and bloody. Ingenuously, we cannot resolve you; but, pray, tell us, whether you mean severe and bloody, as to his Body, Mind or Purse.

If the First, we confels, 'tis mighty hard positively to determine, at which of the two Battels he suffered the greater Vexation of Body; many times at both he was reduced to that pass, that he could hardly move; was not able to stand without help: Being one time in *Sir Patrick Home's* Chamber, getting an Information drawn against the Burgh, he was so often interrupted by the incoming of Three or Four Noblemen, one after another, that he despaired to get his Information

tion in due time, he fainted in Presence of not a few, being wearied by running so frequently to the Writer's Chamber with parcels of the Information; for in these Days they were not printed. At another time, having come from *Kello* to *Edinburgh*, in the dead of Winter, to wait on the General-Assembly, on a weak uneasy Horse, went that same Night to the Countess of *Roxburgh's* Lodging, where, in Presence of that noble Lady, he was forced to sit down, without being desired, as Custom is. Her Ladyship seeing him in disorder, was not long wanting to cause get him a little of the best Liquor in the Lodging: Whether these and the like Disasters belong to the Body or Mind, or both, let the Reader judge.

If you mean the Second, that with the Kirk does infinitely surpass this with the Burgh. Mr. *Jacque*, in the very Front of the Battel, gave Mr. *Kirkwood*, in a Surprise, such a terrible Blow, that he thought he was struck down to the very Center of the Earth. Had it come out of the Mouth of *Munce-meg*, it could not have been more dreadful: *I'm informed*, said he to Mr. *Kirkwood*, *That you being in the House of Sir John Home of Blackader, did struggle so rudely with a young Woman, that you made her screech and cry so terribly, that Sir John overhearing, came running up Stairs, and with great difficulty got her rescued out of your Arms.*

Was not this, think you, a dreadful blow to Mr. *Kirkwood*, not dreaming of any such thing, and that given by one of such a Character, sitting in Judgment, with his Elders, especially to a Man in so publick a Station.

Mr. *Kirkwood* was almost struck dead, had much ado to get Home: Such, you know, is the *Simpathy* 'twixt Body and Mind, that when the one suffers, the other does also. This continued eight Days (for so long it was, before he could meet with Sir *John*) so that he did scarcely eat or drink all that Time, and if he fell asleep, he awak'd in a Fright. As soon indeed, as he met with Sir *John*, he got so wonderful a kind of Plaster, that it cured him before it was apply'd. The very next Day he appeared before the Synod, as brisk as an *Indian Cock*.

You

You have this Passage, with many Thousands of very strange things in that fore-mentioned Book, which is more than three times, as large as this. See page 41, 42, 43, and elsewhere.

But since we have here given you a particular Account of that bloody Wound Mr. *Jacque* gave to Mr. *Kirkwood*, we ought also to give a perfect Description of that admirable Plaister Sir *John* apply'd for its Cure, which is as follows, page 24. of the said Book.

X **I** Sir *John Home* of *Blakader*, being informed of a scandalous Report of *Mr. Ja. Kirkwood* School-master in *Kello*, his having behaved himself immodestly in my House; and it being incumbent on me, not only as a Christian, but as a Member of a civil Society, to endeavour the Preservation of my Neighbour's Good-Name, Do hereby testify and declare, That in my Life I never heard or saw any thing that might give the least Ground for any such Calumny, and particularly as to what he is accus'd to have been guilty of in my House. I do again renew my Declaration, that never any such thing pass'd; but that the whole Story, from the beginning to the end, in all its Circumstances, is a most ridiculous, impertinent and malicious Lie; which I shall declare on all Occasions, and do here give under my Hand and Subscription, at *Stitchel* the 18 Day of *March* 1695.

John Home.

This, not only that worthy Gentleman gave under his Hand, but confirm'd it by Word of Mouth, in Face of *Synod*, being himself a Member thereof. But too much of this here. Let's return again to our Purpose.

Lastly, If your Question run thus, Which of the two Battles did more empty Mr. *Kirkwood's* Purse. This, we assure you, is not easily answered. What this with the Burgh cost him, you may have a pretty good Guess, from what's above-related, which doubtless you'll find to amount to no little Sum; yet Mr. *Kirkwood* thinks that of the Kirk beyond it: There being one Grand Article which People take

take small notice of, to be added thereto, *viz.* The breaking of his School. He could instruct from his Compt-Books, that he has lost more than 20000 Merks upon that Score, besides Interest. In a Word, the one and the other Judicatures have so severely scratch'd and claw'd him, and razed him so closely, that 'tis a Wonder the very Skin is left on his Back. But blessed be GOD, who has carried him safe thro' so many Difficulties; given him Health and Strength to overcome so many monstrous-like Hardships, as he has met with: And, which is above all, preserved him in his right Judgment, in spite of all his wicked and malicious Enemies.

Mr. Kirkwood humbly begs the Powers of this Kingdom of Great-Britain, Supreme and Subordinate, may be pleas'd to take the Premisses into their serious Consideration, and not suffer him and his distressed Family to live under the heavy Yoke of Oppression, And they shall always Pray.

F I N I S.