

The Scottish Parliament, 1560-1707

PROFESSOR TERRY in his recent treatise has ably elucidated the form and working of the Scottish Parliament during the last century of its existence, and has traced the rise in earlier times of its burgh and shire members. He confines himself, however, to constitutional developments as they appear in the records, and does not include in his survey the external causes to which these effects were due. In this paper I propose to view the subject from without rather than from within, and to sketch in outline the action of political and ecclesiastical forces in moulding Parliament from the Reformation to the Union.

The Scottish Parliament was a feudal, not a national, legislature, and its three estates—prelates, barons, and burgesses—sat together in one House, as it was natural that they should, since till the reign of James VI. their right of attendance was one that was common to them all as the King's vassals. Lands held of a subject superior conferred no such right, and the only burghs represented were, in virtue of their charters, the 'free burghs royal.' The Reformation did not directly affect this system, but it set in motion certain tendencies which in the course of half a century were to alter materially both the constitution of Parliament and its relations to the Crown.

The barons, and not, as might have been supposed, the prelates, were the first of the Estates to be re-organised under the new conditions. All freeholders or tenants-in-chief had legally the right—it was regarded rather as an irksome obligation—to attend the King's court, but the privilege was exercised almost exclusively by those of their number whose fiefs, without altering their parliamentary status, had been erected into earldoms or lordships. James I., in order to keep the nobles in check, attempted without success to enforce a general muster of his vassals; and, influenced no doubt by what he had seen during his captivity in England, he sought to compass the same end by instituting a representation of shires as well as of burghs. According to an Act passed in 1427, prelates and temporal lords were henceforth to be

summoned by special writ, whilst 'the small barons' were released from attendance on condition that two or more of them, or one in the case of Clackmannan and Kinross, were elected as commissioners for each shire; and it was probably intended to establish two Houses on the English model, for the shire members, on behalf of the Commons, were to choose a 'speaker of the parliament.' No part of this scheme was ever put into force. The freeholders did not elect representatives—perhaps because they had to pay their expenses; and their reluctance to discharge the alternative duty of personal attendance is shown by the statutory exemption accorded in 1457 and 1503 to those of the poorer class. During the reign of James III. the small barons never mustered more than thirty; and, after the early years of James IV., when a dozen were occasionally present, they all but ceased to appear at all.¹ Their apathy was, however, dispelled by the Reformation, of which in its doctrinal aspect they and the burgesses were the most zealous friends. In 1558 the gentry of the west saved their preachers from a prosecution for heresy by appearing in arms at Holyrood; and in the Parliament of 1560, which abolished the old religion, the smaller freeholders asserted their right, which had almost been forgotten, to have voice and vote, and the names of no fewer than 106 are entered in the roll. Seven years later, when the Reformed Church was to be established, an unsuccessful attempt was made to revive the scheme of James I.; and this scheme was at last inaugurated in 1587 by an Act which assigned the county franchise to all freeholders of forty shillings' value and of less than noble rank. James VI. was no less interested than his ancestor in curbing the power of the nobles; but the gentry were now eager to be recognised as a separate order in the State; and this change in their temper must be ascribed to the effect of the Reformation in consolidating the middle class. 'Methinks,' wrote an English observer in 1572, 'I see the noblemen's great credit decay in that country, and the barons, boroughs, and such-like take more upon them.'

The admission of shire members did not in itself infringe the feudal constitution of Parliament, for these members, as we have seen, were to be elected by the royal vassals, but indirectly it produced this innovation through its effect on the nobles. Hitherto Crown tenure in one shape or another had been practically the sole qualification for a seat, and an earldom,

¹ Keith's *Church and State*, i. 316.

whatever its social pre-eminence, conferred no more political power than an ordinary fief. Now the common freeholder had the right only to be chosen, or to vote in choosing, a representative of his shire, and the privilege of sitting in Parliament without election depended on a title which was no longer inherent in the lands constituting an earldom or lordship, and might be retained though these were lost.² Parliamentary peerages had, in short, been introduced, honours, hitherto territorial, having become personal.³ The shire members, who now monopolised the term 'baron,' had a distinct place in Parliament and on the Committee of the Articles; but their original status as individuals was not altogether lost; and the best proof that lairds and nobles were still legally one Estate is that the former continued to serve on the jury which tried a peer.⁴

Meanwhile, despite its incompatibility with a Calvinistic Reformation, the spiritual Estate still remained nominally intact. Had the abbots and priors, who formed the great majority of that order, been genuine clerics and loyal Catholics, they could not have stood their ground, but they were mostly laymen of royal or noble birth, whose lucrative sinecures had eaten the heart out of the Church, and who had been the chief agents in overthrowing the papal power. The bishops were indeed Churchmen, and only four out of thirteen conformed; but more than half of them were scions of the aristocracy,⁵ in whose favour they had in many cases dilapidated their sees; and, as Parliament still required their services, Queen Mary had no difficulty in gaining assent to an ordinance which permitted prelates of all denominations to retain their dignities and two thirds of their revenues for life. When Mary had been deposed and the Reformed Church established, the bishops were exposed to attack; and several sees—the Isles, St. Andrews, Glasgow and Dunkeld—were soon

² Prof. Terry seems to overlook this point when he says (p. 53) that 'throughout its whole existence the Scottish Parliament remained rigidly feudal in its composition.' Lord Stair in 1701 put the matter more accurately when he said that 'the representation here was feudal.'—Hume of Crossrigg's *Diary*, p. 51.

³ Personal honours were known before 1587, and it has been suggested that men so ennobled may have sat in Parliament, even though they possessed no land—Wight's *Rise of Parliament in Scotland*, i. 55, note. But this argument, if valid, would prove no more than that certain nobles had anticipated the position occupied by the whole order after 1587.

⁴ Wallace's *Nature and Descent of Ancient Peerages*, 2nd edition, *passim*.

⁵ Keith's *Historical Catalogue of the Scottish Bishops*.

assigned to Protestant divines, who were to do duty in Parliament, whilst noble patrons enjoyed all but a portion of their rents. It was the anxiety of the Church to stop this abuse, and not, as so often asserted, the desire of the nobles to initiate it under legal sanction,⁶ which gave rise in 1572 to the Convention of Leith, providing that archbishops and bishops should have some ill-defined spiritual jurisdiction, and that even the abbot and prior should be recognised in so far at least as such a dignitary was needed to 'supply the place of one of the ecclesiastical estate in Parliament';⁷ for it was expressly stipulated that all 'feus, rentals or tacks' to the prejudice of spiritual livings should be void; and the temporalities of Dunkeld, which had been bestowed on the Earl of Argyll, were, after some delay, restored. In the teeth of this agreement, however, the 'Tulchan' scandals went on as before; Episcopacy, discredited in practice, was repudiated as unscriptural by the Church; and in 1592 it was abandoned by the civil power. But the ghosts of a defunct hierarchy continued to haunt the scene of its departed greatness; and in the Parliaments which met after Presbytery had been established we find, not only abbots and priors, but bishops 'voting in name of the kirk, contrare to the laws of the countrie.'

The Kirk was naturally indignant, and the words just quoted are taken from one of its many protests. Monastic superiors were dying out, no more bishops were to be appointed, and the temporalities of both had been annexed to the Crown; but neither King nor Church was prepared to see Parliament revolutionised through the extinction of its first Estate, and there could, therefore, be no reluctance to consider an alternative scheme. Such a scheme had been devised, or at all events prepared, by Lindsay of Balcarres, Lord Menmuir, a most able, accomplished, and patriotic statesman, who was anxious to assist the clergy in their efforts to procure a more substantial livelihood than the wretched pittance assigned to them at the Reformation. It was he who

⁶ A reference to Grub's *Ecclesiastical History*, ii. 226, would have prevented Mr. Gardiner and Prof. Hume Brown from giving their sanction to this popular error. The latter says that the Regent Morton showed 'how he meant to utilize the new arrangement' by nominating Douglas to the Archbishopric of St. Andrews, which had been vacant since the execution of Hamilton; but Douglas had not only been appointed Archbishop in the previous year, but had voted as such in the Stirling Parliament. He was now re-appointed in terms of the Convention, and admitted by the Church. See Botfield's *Original Letters of the Reign of James VI.* pp. x-xiii.

⁷ He was also to be eligible as a Lord of Session.

had drafted the Act of 1587 in favour of the small barons; and, applying the same representative principle, he proposed that the presbyteries should choose commissioners, that a sufficient number of these should be selected by Parliament to complete the spiritual Estate, and that, when the last prelate had died, they should constitute the whole. Consideration of this proposal was delayed, but not at all prejudiced, by the ecclesiastical crisis of 1596; for a strong reaction now set in against the extravagance of the Melville school, and the moderate spirit of the Church solicited attention to its claims. At the close of 1597 the clergy petitioned to be admitted to Parliament; but the nobles and surviving prelates, the former of whom had opposed the representation of shires, were not inclined to give way; and an Act was passed which provided merely that any minister whom the King might appoint a bishop, abbot or other prelate should be entitled to vote, and that bishoprics in future should be bestowed on actual preachers. The Church, on the other hand, stood equally firm. It agreed that its representatives should be 51, this apparently being the number of the ancient prelaties, and that the King should choose each of them out of a leet of six; but the representatives were to be chosen annually, were to propose nothing without consent of the Assembly, and were to be no more than ordinary pastors. James tried hard to relax the rigour of this decision, declaring that he could not dispense with one of his Estates, and insisting that the clerical commissioners should be called bishops, and should be elected for life; and he succeeded at last in practically carrying his point. The restrictions, indeed, were not withdrawn; but in a convention of delegates from the various synods he nominated three ministers to the sees of Caithness, Ross and Aberdeen; and the Assembly of 1602 endorsed this proceeding by choosing ministers 'to be adjoined to these,' and by recommending that all the prelaties should be filled.⁸ The King, however, had no intention of making Protestant divines abbots and priors; and the spiritual Estate, in its greatly reduced compass, was finally re-constituted

⁸ If this was a new scheme, as apparently it was, Gardiner (i. 305) is mistaken in saying that James appointed more bishops 'without the slightest pretence of conforming to the mode of election prescribed by the Assembly.' The bishops, when called to account by the Covenanters in 1638, repudiated the representative scheme—justly, I think: 'As for that Act at Montrose, let them answer to it that have their calling by that commission.'—Charles I.'s *Large Declaration*, p. 261.

in 1606, when the lands of bishoprics, so far as still held by the Crown, were restored, and seventeen prelaties were erected or confirmed as temporal lordships.

The constitutional importance of this change can be appreciated only in its effect on the committee known as the Lords of the Articles, or, more shortly, the Articles. This body comprising an equal number, usually eight, of each Estate and certain royal officials, whose number in 1617 was also fixed at eight, had long engrossed the whole process of legislation, and Parliament in ordinary times had no more to do than to elect the Committee and, having adjourned during its deliberations, to give a formal assent to its Acts. In 1612 the Lords of the Articles for each Estate were recommended by the Crown, and, though such dictation was resented by the nobles, who insisted on altering the royal list,⁹ the Committee was henceforth chosen—notably in 1633—in a manner which made its election a mere farce. The nobles chose eight bishops, these chose eight nobles, and the sixteen thus elected chose eight barons and eight burgesses.¹⁰ The method was only partially new, and the effect it now produced was due mainly to the transformation of the spiritual Estate. Before the Reformation the Crown had succeeded in obtaining the practical disposal of all great benefices, but it had still to reckon with some elements of ecclesiastical and papal power; and for many years after 1560 there were so many pseudo-ecclesiastics in Parliament that the nobles when called upon to choose eight prelates could easily find men of the same interest as their own. Now their choice lay between thirteen genuine bishops, appointed as such by the King;¹¹ and the eight on whom their votes fell, having the whole nobility to choose from, could hardly fail, as Mr. Gardiner observes, to find eight suitable peers. Moreover, the Act of 1587 had connected the

⁹ *Maitland Miscellany*, iii. 115.

¹⁰ Mr. Gardiner and Prof. Terry, following the records (*Acts*, v. 9) say that the barons and burgesses were chosen by the whole body of bishops and nobles. I submit that in this case the records are wrong; for, when the usage of 1633 was avowedly revived after the Restoration, the barons and burgesses were chosen by the eight bishops and eight nobles, and Balcanquhul's correspondent (*vide infra*) expressly says that this was the method in use. So, too, Hill Burton; but he cites as his authority the very passage in the Acts which supports the other view.

¹¹ In 1612, when the Crown submitted its list of nominees, the nobles 'by plurality of votes changed as many of the roll of the prelates as they had men to make change of.'—*Maitland Miscellany*, iii. 115.

nobles more closely with the Crown; and the King, having parliamentary peerages in his gift, could bestow them on Englishmen who voted by proxy, as in the case of Viscount Falkland, father of a more famous son.

It is possible, however, to exaggerate the extent to which Parliament at this period could be manipulated by the Crown. The functions of the legislature as a whole were rather dormant than obsolete, and anything in the nature of a crisis might recall them to life. Prof. Terry in his recent book (p. 156) has arrived at the startling conclusion that before 1640 the House, so far as not comprised in its Committee, did not vote at all. He points out that the shire members and burgesses had 'lost even the power to vote upon the election of the Articles'; that the bishops and nobles elected the Committee, and 'their sanction to its findings may therefore be held as given in advance'; and he refers to a case in 1639, when an Act was read in the Articles providing that every shire member should 'have a separate vote to be markit *per se*,' and the King's Commissioner opposed it as 'contraire to the perpetual custom inviolably observed. . . and never acclaimed before by the barons.' How we are to interpret this incident, which seems to imply merely that the barons had not hitherto voted as individuals, I do not pretend to know; but it is impossible to agree with Prof. Terry that the reasons alleged by the Commissioner 'entirely harmonise with ascertained facts.' The facts, indeed, point quite the other way. In Calderwood's *History of the Kirk*, vii. 498, will be found a complete division list showing how the members of all Estates in 1621 voted for or against the ritualistic innovations known as the Six Articles; and in the Parliament held by Charles I. in person during his visit to Scotland in 1633 the Government was once in such danger of defeat that the King and most of those who were present marked down the response of each member as he answered to the roll. The Opposition complained that they were allowed merely to vote, not to speak.¹²

The protests made in 1633 were the first mutterings of a storm which was to sweep away the whole machinery by which legislative freedom had hitherto been restrained. The causes of the Puritan revolution were mainly religious and social; but Balcanquhal, the author of the King's *Large Declaration*, was assured that nothing had been more fatal to the bishops than the invidious

¹² Charles I.'s *Large Declaration*, p. 12; Gardiner, vii. 294.

function assigned to them in Parliament.¹³ At the outset of his reign Charles had estranged the nobles by threatening to take away their monastic estates and by restricting their power as tithe-owners to coerce the gentry; their fears were revived in 1636 when a clergyman was presented (without effect) to the abbacy of Lindores; and they were therefore prepared to head the popular outbreak provoked in 1637 by the imposition of an Anglican prayer-book. In 1639, after a futile campaign in which there was no actual fighting, Charles assented to an Act of Assembly, deposing the bishops; and, before their places in Parliament had become legally vacant, the question was raised whether and how they should be filled. Charles wished to substitute Presbyterian ministers, but nobody would listen to this; and Montrose and others, in order to avert the development of an ecclesiastical, into a political, revolution, vainly urged that an equal number of laymen should be nominated by the Crown. It was at length agreed that the King's Commissioner should choose eight nobles as Lords of the Articles, who were to choose eight barons and eight burgesses, but that in future each Estate should make its own choice; and an Act to this effect was carried in the Committee, constituted in a manner so favourable to the Crown, by a bare majority of one. Charles prorogued Parliament, but in the following year it assembled in defiance of his prohibition, and adjusted in detail the new constitution. Nobles, barons and burgesses were henceforth to be the three Estates. Lords of the Articles might or might not be chosen, but, if they were, each Estate was to choose its own; and the Committee was required merely to give its advice with regard to measures which had originated in Parliament, and were there to be discussed and voted. 'No Reform Bill in our own day,' says Gardiner, 'has ever brought about anything like the political change which was the result of this decision.'¹⁴ The Crown had no longer the right to control Parliament, and the nobles, far from helping to choose the Lords of the Articles, were outnumbered in that body, so far as it survived, by the barons and burgesses.

This invasion of the royal prerogative occasioned what is known as the Second Bishops' War; and, the defeat of Charles in that contest having precipitated a revolution in England, he

¹³ Hailes's *Memorials of the Reign of Charles I.* p. 47.

¹⁴ *History*, ix. 53. The working of Parliament from 1640 to 1651 may be studied in Sir James Balfour's *Historical Works*, vols. ii.-iv. Business was prepared by temporary and specific committees drawn equally from the three Estates.

had to accept such terms of peace as the Long Parliament was able or willing to procure. Charles, however, was anxious—vainly, as it proved—to detach the Scots from their English allies; and he consented without much reluctance to accept the new constitution and even to choose his Ministers with the advice of Parliament—a concession which exposed him to much worry and humiliation during his second visit to Edinburgh in 1641. It was not from Charles, but from a much less likely quarter, that the legislature was to receive a fatal blow. The same religious movement which had emancipated Parliament had recalled to life the General Assembly of the Church, which had been in abeyance for twenty years, 1618-1638. So long as the struggle could be regarded as a defensive one against the Crown, Assembly and Parliament worked together in perfect accord; but when Charles had been practically deposed and the nation had committed itself to an aggressive war for the propagation of Presbytery in England, the superior fanaticism of the Church threatened to bring it into conflict with the State. A crisis arose in 1648 when Parliament resolved to send assistance to Charles, then a prisoner, in consideration of his promise to make trial of Presbytery in England for three years. The Assembly Commission denounced the 'Engagement' as a violation of the Covenant; but Parliament contrived to raise a large force, 'contrary,' wrote an astonished divine, 'to the utmost endeavours of the Church,' and the Duke of Hamilton invaded England. A disastrous campaign, culminating in the capture of Hamilton and most of his troops, enabled ultra-Presbyterianism to retrieve its defeat. Under the protection of Cromwell the fanatical minority, known as Anti-Engagers or Whiggamores, formed themselves into a Rump Parliament, and passed the notorious Act of Classes excluding all but themselves from power; and theocracy enjoyed a short-lived triumph till, having made a Covenanter of Charles II., it was itself overthrown by Cromwell at Dunbar. The Act of Classes was first ignored in practice, and then formally repealed, and Charles had the support of a really national legislature when he invaded England in the August of 1651. A few days before his defeat at Worcester, the Committee of Estates, appointed by Parliament to conduct the war at home, was captured by General Monk; and during the next nine years, extending through the Commonwealth and Protectorate, the history of the Scottish Parliament is an entire blank.

During all but one or two years of its Puritan epoch, 1639-1651, Parliament had practically supplanted the Crown, and, directly or through its Committee of Estates, had exercised executive as well as legislative functions. Monarchy reasserted its privileges at the Restoration; but the old system was not at once fully restored, chiefly for want of the bishops, who formed, as it were, the keystone of the constitutional arch. Parliament had no sooner assembled in January, 1661, than, with a view to making its proceedings 'as conform as conveniently may be to the ancient customs,' it repealed the Act of 1640 which required overtures to be brought directly before the House; but, as a temporary expedient, the Lords of the Articles were to consist—in addition to the King's Ministers¹⁶—of 36 persons chosen in equal numbers by nobles, barons and burgesses. In 1662, Episcopacy having been restored, nine bishops who had just taken their seats were added to the Committee; and in the following year the Estates acquiesced in an intimation of 'his Majesty's express pleasure' that the Lords of the Articles should then and henceforth be chosen in the order 'which had been used before these late troubles, especially in the Parliament of 1633.' The Crown thus recovered its power; and meanwhile the political legislation effected during ten years of its usurped authority had been repealed. It is a common but inaccurate expression to say that the so-called Act Recissory of 1661 expunged all parliamentary proceedings, except private Acts, from 1640 to that year. There were two Acts of this purport—the first annulled wholly the Whiggamore Parliament of 1649, the second, passed more than two months later, annulled for political purposes the Parliaments, 1640-1648; but nothing was or could be done against the Parliament, 1650-1651, which Charles II. had held in person, and the Committee of Estates appointed by which, and taken prisoners by Monk, had been revived at the Restoration.

When we turn from these outlines of the Restoration Settlement to its details, we realise at once that the ground gained by Parliament during the Puritan revolution had not been altogether lost. In resigning the initiative in legislation to the Lords of the Articles, the House had reserved the right to receive any overtures which the Committee might fail to present; and Prof. Terry, without going beyond the records, is able to show

¹⁶ These had been excluded in 1640, unless elected as individuals.

that Parliament was no longer the subservient body which James VI. and Charles I. had manipulated through their Episcopal nominees. He points out that, instead of being summoned only at the beginning and close of the session, it met several times a week; that it adopted rules of debate formulated in 1641; that it examined, voted, and even amended measures which the Articles had approved; and Mr. Porritt mentions as proof of a growing interest in politics that in 1678 persons not qualified by residence or profession were anxious to represent burghs, and that in that year a committee was appointed for the first time to determine controverted elections.¹⁷

These facts, however, afford but a faint indication of the independent, not to say mutinous, spirit disclosed in Sir George Mackenzie's *Memoirs*. The House, we find, is sometimes 'overawed,' sometimes 'gained to a compliance'; to interrupt a speaker and threaten him with the King's displeasure is denounced as a breach of privilege; Acts are passed 'after much debate'; the Commissioner, doubtful of success, prolongs a discussion, the motion is carried only by the Chancellor's casting vote, and the dissentients demand a recount. In 1673 the Duke of Hamilton formed a regular Opposition in Parliament, known as the Party, and made the startling proposal that the grievances of the nation should be considered, not by the Lords of the Articles, but by a special committee. The truth is that what one may call the modern phase of Parliament during the period under review began, not at the Revolution of 1689, but as soon as the ancient constitution was re-established under the new conditions introduced by the overthrow of theocracy at the battle of Dunbar. Material interests, fostered by Cromwell and imperilled by the English Navigation Act of 1660, were henceforth to be dominant in the national life. The ecclesiastical question was indeed revived by the fraudulent and summary imposition of Episcopacy in 1662; but the conflicts of Rullion Green, of Drumclog, and even of Bothwell Bridge, absorbed much less attention than is commonly supposed; and the Estates, intent on reviving decaying industries and trade, were roused to opposition by fiscal, not religious, grievances. 'It is the duty of every member of Parliament,' wrote Sir George Mackenzie, with unconscious humour, 'to oppose all impositions upon what commodity soever.'

¹⁷ *The Unreformed House of Commons*, ii. 46, 47.

It is usually assumed that the Lords of the Articles as at present constituted were no more than an instrument of the royal will; but the Governments of Charles II. met with considerable opposition even in this packed committee; and the religious crisis which preceded the Revolution is memorable for the signal defeat which both Articles and Parliament inflicted on the Crown. James VII. in 1686 was anxious to get rid of the anti-Catholic laws, and, as the price of this concession, he offered to the Estates a long list of commercial benefits, and assured them that he was endeavouring 'with all imaginable application' to open up the English and colonial trade. In a reply to this request, drafted by the Lords of the Articles and adopted only after a division by the House, Parliament declared that it would 'go as great lengths therein as our conscience will allow.' This answer was deemed so unsatisfactory at Court that it did not appear in the Gazette; and a conflict now began in which the King spared neither bribes nor intimidation to gain his end. The Lord Advocate, a Lord of Session, and three Privy Councillors were dismissed; one bishop was deprived, and another forbidden to preach; pensions were stopped; and a systematic attempt was made to break up the Opposition by challenging elections and by calling away members to civil or military posts. Nevertheless, Parliament stood firm. The Articles would consent only to a measure providing as a bare exception to the penal laws that Catholics should have the right of private worship; but this overture was rejected by the House, and the Articles amended it by inserting an express provision that the proposed Act should not release office-holders from the obligation to take the Test. The measure was then dropped.¹⁸ The venerable machinery for controlling Parliament was to disappear with the Stewart kings, and the last time it was employed was probably the first occasion on which it had publicly failed.

The Revolution of 1689 put an end to religion as a political issue and enabled Scotsmen to devote themselves unreservedly to those material interests which had been more or less dominant in Parliament for thirty years. William of Orange, on accepting the Crown, found that the Lords of the Articles had been voted a grievance; and, the Jacobitism of the bishops having frustrated his schemes for their retention, he was forced, after a vain attempt at compromise, to consent to the abolition of the Committee, of

¹⁸ For this incident, see Wodrow, and Fountainhall's *Historical Notices*.

which they formed the most essential part. It was impossible, however, that two fully independent legislatures, estranged by commercial antagonism, could exist under a common head; and William, anticipating the policy which was to be pursued by the British Government in Ireland after it had been deprived of the initiative in legislation through the repeal in 1782 of Poyning's Law, lost no time in devising, or rather in developing,¹⁰ a substitute for direct control. As early as 1690 he assured his Commissioner that he would make good 'what employment or other gratifications you think fit to promise'; and in the *Carstares State Papers* may be seen how extensive was the political traffic, sometimes in money, but more frequently in offices, sinecures and pensions. It was to arrest this corrupt influence of the English Court that Fletcher of Saltoun proposed his twelve 'limitations' of the royal power; and Nationalists more cool-headed than Fletcher were fain at last to give up legislative independence when they found that under such conditions it could never be more than a 'name.' Towards the close of the reign a Court party in Parliament had been so well organised by the Duke of Queensberry and Carstares that, after a temporary break-down, it was able to withstand the enormous pressure brought to bear upon it by the Darien agitation, and, had William lived a year or two longer, the Union, which was not then unpopular, might have been easily achieved. Queen Anne, the new sovereign, disliked the Whigs; and at the elections of 1703 Queensberry won an overwhelming but fatal victory over the Country Party, which was almost wholly Whig and Presbyterian, by appealing to the Jacobites. As might have been foreseen, a coalition of Jacobites and official Whigs proved unworkable; the former went into opposition, taking with them not a few of the Government corps; and Queensberry, having lost all control of the House, could only refuse the royal assent to the Act of Security, which provided that Scotland, unless its demands, political and commercial, were conceded, should become independent at the Queen's death.

With a view to retrieving its position in Parliament, the Crown now fell back on what remained of the original Country Party; and this group of about twenty members, popularly known as

¹⁰ Corrupt influence had already been employed in the two preceding reigns to check the growing independence of Parliament, and under James VII. attempts were made, particularly at Dundee, to manipulate the burgh franchise. See Porritt, ii. 55.

the Squadrone, agreed to form a Government in the interest of Sophia of Hanover, the English successor, on condition that, like Charles I. in 1641, she should choose her Ministers with the advice of Parliament. Such a change of policy, as it involved the dismissal of Queensberry, was extremely offensive to his friends; and the Crown, having lost as many votes as it had gained, was again confronted with the Act of Security, and ventured no longer to withhold its assent. Meanwhile, the Whigs in England had almost recovered their ascendancy, and, on the failure of the Squadrone Ministry to secure the Succession, they insisted on the recall of Queensberry, and set themselves in earnest to promote a Union. Jacobites and extreme Nationalists, such as Fletcher and Lord Belhaven, might be trusted to oppose this project, and placemen and pensioners to support it; and victory was assured to whichever side should be joined by the Squadrone. These men had hitherto been as strongly Nationalist as their Hanoverian sympathies would permit, and they could not reverse their policy without supporting Queensberry who had defeated them on the Darien question, and in the present reign had thwarted, and finally supplanted them, in office. Not till November 4, 1706, when they mustered all their available strength in support of the first article of the Union, was it known what course they had decided to pursue. The private correspondence of Lord Roxburgh, the real leader of the Squadrone, shows with what anxious deliberation, in how serious and disinterested a spirit, he addressed himself to this momentous issue; ²⁰ and the best proof that he and his friends were actuated by no sordid motives is the apprehension of an independent Unionist that their personal antipathies would cause them to vote against the Government. 'God be thanked,' wrote Lord Marchmont, 'they have not done so, for which all who wish well to our Queen and to Britain owe them thanks, kindness and esteem, for they have carried themselves and concurred, as became persons of honour, understanding, and lovers of their country, without the least appearance of resentment toward those who are now employed.'²¹

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²⁰ 'Roxburgh was never in so great anxiety as now: his thoughts have been entirely taken up these eight-and-forty hours about Union, and a torment to him which he has a mind you should have a part of.'—Roxburgh to Baillie of Jerviswood, in cipher, November 28, 1705; *Jerviswood Correspondence*, p. 137.

²¹ *Marchmont Papers*, iii. 309. See also Burnet, v. 287.

Glimpses of old Scots Parish Life

A PERUSAL of the eighteenth century books of the Kirk-session of Montrose raises a broad question of the value of such records in the story of Scots life and character. They hold nothing that enters into the national ideal; to look into them for exemplary martyrs to virtue and duty were idle; they are devoted to the sinful, and ignore the saintly. They are, in fact, chiefly concerned with the shadows that lend variety to parish life as reflected in the laws and usages of the Kirk.

Looking further, another limit is met. In one respect the Kirk minute-book resembles a diary to which the writer resorts after the manner of a sinner to the confessional. It tells at once too much and too little—too much of formal peccadilloes and breaches of Kirk discipline, too little of life's wider issues and more important interests. A cynic might find a subject for satire in the succession of microscopic sins and intrinsically innocent vices; but it is certain that, out of the archives of the Kirk, the typical Scot cannot be constructed. The fragmentary character-sketches they hold partially picture strictly parish figures, and, at the best, are a kind of antiquarian footnotes to the pages of history; or, like a border of archaic arabesques on an old manuscript, they may occasionally pertain to and illuminate a larger, more complete, and more enduring truth. The occasions, however, are rare upon which personal idiosyncrasy can be said to touch national character, and the local usage to illustrate an outstanding national trait.

The Kirk-session minutes furnish, amongst other things, convincing evidence that graver, more corroding sins, were begotten of the methods devised by the Kirk to suppress sin. To take one instance, the parishioners in the lower strata of the social scale were not above resorting to eavesdropping, and to the most despicable methods of playing the spy upon their neighbours. So, to substantiate an actual case of immorality, evidence was given, and received, which had avowedly been

obtained by 'keekin' through a chink in a partition.' Under such circumstances, in the matter of self-respect, the distinction becomes somewhat shadowy between Court, witness and panel. The following is a specimen of neighbourly informing:—'25th April, 1727, David Buchanan informs that Margt. Milne, spouse of James Peart, was yesterday, being the Lord's Day, betwixt nine and ten hours in the morning Walking along the back side of the town with a big kit in the one hand and a lapfull of peats held up with the other.'

This was judged scandalous, and the accused having confessed that she had done on the Sabbath that which she had forgotten to do on Saturday—gathered household fuel, to wit—and professed sorrow, and promised that she would never do so again, was dismissed with a rebuke. Turning men into informers was assuredly not conducive to the cultivation of the religious spirit. Yet it was part of the intolerable system of clerical espionage under which the Parish existed. In a hundred ways it is made clear that, men regarding their brother men with suspicion as perchance their special watchmen, few sins actual or suspected escaped the lynx eye of the Kirk: at what loss of Christian feeling may not be computed. The Kirk made the suppression of sin its first duty regardless alike of the degradation of its witnesses and of the feelings of a supposed sinner. It dragged sin into the light of day, and sent the sinner to 'the pillar,' or pillory, to be gazed at by men and women, perhaps only less openly impure. The practice familiarised the people with the sin it was intended to teach them to abhor.

The Kirk-session itself was practically a detective agency. Its members went after cases of Sunday drinking. On 4th April, 1774, they appointed 'the elders at the church door, with a Town officer, to go thro the Town between the Lecture and Sermon, and to take up the names of such disorderly persons as they shall find upon the streets, in order to be given in to the Magistrates, that they may be properly punished.' A similar instruction was issued in 1781, except that the plate-elders were to be accompanied by both a Town and a Kirk officer 'to observe and report such as shall be found breaking the Sabbath.' The discharge of such a function may have been helpful to the conservation of public morality, but it could hardly have been elevating to those who performed it. Any lowering effect it may have had upon

their status in public respect must needs, moreover, have been ultimately prejudicial to the authority of the Kirk.

That the system of church discipline had pernicious effects upon the character of the people goes without saying. To discuss the question whether they have been transient or permanent might, however, involve the assumption of their continued existence, and a critical analysis of Scots character is not here contemplated. Be its results what they may, the parish mechanism for securing the good morals of convention lasted long. It was not till after the middle of the eighteenth century that a more lenient spirit began to pervade the Session. The lesser sinners were rebuked and exhorted to repentance, and the earlier forms of 'discipline' were generally reserved for the more heinous order of offenders. Many instances also occur of kindly compassion and charitable generosity. At length came an unmistakable token of the incoming of a kindlier sense of justice. On 25th July, 1771, it is written: 'The Session appoint Alexander Smith, their Wright, to fill the vacant space where the Repentance Seat formerly was, with Pews, and that immediately.' The very memory of the 'stool' was best so committed to oblivion, that the place that had known it might know it no more. In the following month the Montrose Session further did well to shake off the mystery that had attached to some of its proceedings, by deciding neither to hold session in private houses, nor to take the confessions of scandalous persons in them: an exception was made only of 'extraordinary cases,' as to which the majority of the Session were to be consulted and to consent.

To show that there was room for improvement in both manners, and the methods taken by the Kirk to purify them, let us take a few of the cases occurring in the previous half-century. In August, 1728, Elizabeth Paul, spouse to Alexander Innes, Haberdasher, was found gathering keall upon the Lord's Day, and gave very rude language to one of the Elders who reproved her in the fact. For so doubly heinous an offence she was sharply rebuked. Some admitted 'the great sin of Sabbath breaking in going out to the country to visit friends and drinking ale unnecessarily in ale houses.' A singular case was that of John Milne, horsehirer, who, on 26th June, 1727, confessed the sin of shearing bear on the Lord's Day. His plea in extenuation was that his horse had come home

unexpectedly from a long journey, and 'he could not let him starve.' The Session thought differently, and judged that he ought to be taken engaged to abstain from the like in time coming. It may have been intended to give John a lesson in forethought and preparing for the unexpected. It may also have been that the Session deemed it better for him to let his horse starve, than to endanger his soul by breaking the Sabbath in getting it food.

The more completely sinners realised the small quantum of their sins, the more inclined were they either to defy the Kirk or to make a joke of its solemn rebuke. In no other respect did Burns more thoroughly represent his people. By driving petty faults under the surface, the Kirk-session went near to suggesting that hypocrisy be placed among the virtues. The hidden sin gave rise to no *fama*, and it came to be held that not the sin but the scandal it gave rise to composed the offence, and wrought the injury to morals and religion. Citation, however, followed upon the merest rumour, and if the person cited was guiltless, the judgment took some such form as this: you are dismissed; there is no evidence to convict you; but don't do it again. Here is a case in point: In 1732 the two parties to a charge of immorality, but against whom none was proven, 'were severely rebuckt and admonished to avoid each other's company and were dismiss'd.' An innocent girl who had an honest lover might, upon the vilest 'surmises and whisperings,' be dragged before the Court, and subjected to unspeakable degradation. Her innocence established, the only satisfaction she received was a Sessional testimonial signed by her clerical judge—sometimes her only accuser—to the effect that she was free of 'all publick scandall' and fit to be a member of any Christian congregation. It is, accordingly, not surprising to read of one contumacious young woman telling the Session that she would not return to it again unless carried in a cart!

The system led wronged virtue into vice, and gave opportunity to spiteful lying and perjury, to the bearing of false witness, and to the bringing of false accusations; nor was it successful in promoting Sabbath observance in any but a Scoto-Jewish sense.

To exemplify this:—About forty years ago two women were charged in the Police Court of Montrose with disorderly conduct on Sunday. One was found guilty of assault, but

the judge was lenient. It was shown in the course of the trial that she had cried out to the other—'An' gin it wasna the Sabbath day I would ca' in your skull.' The judge probably could not think her wholly wicked who showed so nice a feeling of respect for the Sabbath!

An incident of the same sort, though with slightly varying details, may be found in the folk-lore of many Scots parishes; in the following it is run to earth in the pages of authentic local history. In the Kirk-session records of Montrose, for 1725, a case appears in which that Court had sat four times upon two Sabbath-breakers, who had been brawling in the street. A witness stated that one of the accused had threatened the other 'with a pair of *tongues*, and said that *if it were not the Lord's Day* he would knock him down.' A woman made oath that she 'saw David Ogilvie with a pair of "tongues" in his hand, calling to John Reid, "Come here till I knock you, and heard him bid his Maker curse his blood he would beat him down were it not the Lord's Day, and called him beggarly lown and rascall and fairy-bitten toad, and would throw him down upon the street. To which he replied that he would not allow him, and that he would answer him upon a week-day.'" It prepares a reader for the climax. At a fifth diet they were rebuked, exhorted, and then they 'struck hands, giving mutual promises to live in peace and amity.' At the same time, the Sabbath was broken in many ways both open and secret. One was reprov'd for selling wilks, others for 'cutting of keall' and frequent absence from sermons. In the following the subject is generalised:—'25th February, 1734: This day the Session taking under their serious consideration how much the Sabbath Day is neglected and contemned by sheaving and Dressing of Wiggs, bearing of burdens, Drawing of Water unnecessarily, Drinking in Eale houses, buying and selling of snuff and other things, Idle walking in the streets and feilds, and many other such unlawful practices: The Session also Considering that the poor suffer greatly by giving in of bad money and Uncurrant coin at the Church Doors . . . enact and ordain that no bad money be given at the church door in charity to the prejudice of the poor, And moreover, unless the Sabbath day be more religiously observed, and people abstain from the unlawfull practices a-mentioned on that day, some more severe course will be taken to crubb these abuses of the Sabbath Day.'

From the context it would appear that putting 'uncurrent coin' into the plate was considered intentional. In 1733, in any view, it was deemed expedient to 'advertise to give into the plate nothing but good money.' The subject comes up so often in the Minutes that judgment and charity alike lean to the view that the offence was, at least sometimes, committed either through carelessness or ignorance. Under date 25th May, 1770, this occurs:—'In regard a number of bad half-pence are circulating thro' the town, the Session appoint an Intimation to be made over the pulpit Sabbath first that none of the congregation may give bad money at the Church door.' On 20th October, 1779, out of a sacrament collection of £21 11s. 7½d. stg. three shillings and one penny consisted of bad half-pence. In a collection for two foundling children, 'the sum collected amounted to £13 1s. 10½d. besides two bad shillings.' The evil fluctuated, apparently, according to the amount of base coin in circulation, for on 14th May, 1785, from a collection on a Sacrament Sunday of £20 12s. 11d., it was found necessary to deduct £2 3s. 4d. for bad half-pence. The extent of the annoyance may best be gathered from a report by the Treasurer on 7th September, 1780, 'that he has sixty-three pound weight of bad half-pence of the Poor's money on hand, and desired the advice of the Session how he should dispose of them. The Session order him to dispose of them to the best advantage for the behoof of the Poor, with this restriction that the Purchaser must oblige himself either to cut or run them down.' The prevailing carelessness of the interests of the poor is further evinced by the frequent difficulty the Kirk-session encountered in collecting sundry minor dues allotted to charitable purposes. In 1725, a decision is minuted to the effect that funeral charges be paid within fourteen days of interment, and those for children's burials before breaking of the ground. Three years later it was found necessary to appoint 'that in all time coming non shall have any bells rung in the steeple for their burrial without their friends give sufficient security to the Treasurer for paymt. of the Ordinary Dews.' Shortly afterwards the Kirk-session is found suing for the dues exigible upon the use of the 'mort cloath for childring.' After all the trouble, the legal destination of some of these fees became matter of dispute, and the point came up in a suit brought by the Magistrates of Montrose against the Kirk-session in 1730.

The Court of Session decided that burials in the church and bells at burials did not belong to the poor's fund, but were appropriated for the support of the church fabric, and that, if that fund was not sufficient, the Session 'may have recourse according to law for the deficiency without touching the poor's fund.' The suit suggests an interesting subject of investigation for the proposed Commission to enquire into the working of the poor law in Scotland—how much of the money collected for the poor has been spent in litigation.

To revert to the customs brought to light in connection with Sunday desecration, it appears that the brewers and barbers long held a bad pre-eminence as Sabbath-breakers. On one occasion there was a great outcry over two brewers who were found 'boiling worts between nine and ten o'clock in the morning' of the Lord's Day. To prevent the recurrence of such a 'scandal' all the brewers in the congregation were cautioned against brewing upon Saturday, lest they run the hazard of working upon the Lord's Day, and of being prosecuted as Sabbath-breakers. The warning did no good, as, twenty years later, it was repeated, and, on that occasion, the brewers were coupled as co-offenders with persons who haunt ale-houses, especially in time of divine worship, and the keepers of such houses where entertainment was given. There was obviously a good deal of Sunday drinking, and two instances may be given as illustrating the detective system. On 9th October, 1749, two elders reported having found two different companies drinking in an ale-house in time of divine service. The drinking does not appear to have been condemned, unless it interfered with the ordinances of the Kirk, or was carried to excess. On 10th May, 1758, the Session examined into a flagrant report concerning some persons, both men and women, sitting drinking in William Sandyman's on Sabbath afternoon, until 10 p.m. Those who appeared and confessed were sharply rebuked, and exhorted to 'circumspection.'

The barbers were more difficult to deal with, by reason probably of the burghers' tenacity in adhering to an old custom. It is more than likely that a presumably religious desire, on the citizens' part, to make a good appearance at Church brought about the barbers' breach of the commandment. Their offence is detailed under date 8th November, 1725: 'The Session, considering that the scandalous practice

of Shaving and Dressing Wigs on the Lord's Day is severely prosecute in other places, as being dishonourable to God, and contrary to the Law of the Land, therefore appoints all the Barbers in Town to be advertised by the Elders of the Several Quarters where they reside, that in case they be found guilty of such practice hereafter they will be rigorously prosecute according to Law.' On 6th February, 1727, six barbers appeared and promised to bind themselves under pains and penalties to shave no more and dress no wigs in all time coming, between midnight Saturday and midnight Sunday. This appears to have proved insufficient, as the Ministers next addressed the Magistrates as to obtaining 'an Act of Council for the Barbers associating themselves in a Bond for preventing breach of Sabbath by their Barbarizing on the Lord's Day.' On 12th July, 1731, the aid of the civil authority was again invoked, the Session having appointed the Moderator 'to apply to the Magistrates anent taking an effectuall course to prevent shaving and dressing of wiggs and selling of snuff on the Lord's Day.' For some reason not stated, the Magistrates were unwilling to interfere, and appear to have thought voluntary steps taken by the barbers more likely to be efficacious. In November, 1731, at all events, it was reported to the Session that the Magistrates 'seem to be of opinion that the barbers ought to enact themselves so as to pay a considerable fine for Sheaving and Dressing of wiggs upon Sabbath, as also that an Act of Council should be made to fine such as sell snuff or other commoditys unnecessarily upon Sabbath.' The truth, as already hinted, may have been that, while a Magistrate could replenish his snuff-mull on Saturday, it was below his dignity to appear in Church on Sunday without a properly dressed wig.

So years passed without any abatement of the evil. On 10th April, 1738, the Kirk-session admitted 'that the scandalous practice of sheaving and dressing and carrying wiggs through the streets upon the Lord's Day is as comon as ever.' It was accordingly decided to threaten the guilty with prosecution, and again to seek the concurrence of the Council. The latter was intimated towards the end of the year, but that it led to no improvement is shown by the records of 1741. On 14th December of that year, the Session decided that a more effectual restraint upon the barbers was necessary, and appointed elders to perambulate the streets, so that delinquents might be prosecuted forthwith. Two were detected, 'And the Session

finding that the Town Council upon a Representation from the Min^{rs} At their last meeting had appointed the whole Barber Trade to Enact themselves under the penalty of ten pound Scots for the first fault, and twenty for the second, that they should forbear Sheaving and Dressing wiggs on the Lord's Day. The Session therefore recomends it to [three of the Bailies] to apply the Council to see the said Act signed by all the barbers and made effectuell.' Meantime, the two culprits were to be reproved and admonished by a Committee of the Session. The Ministers accordingly had them up and, besides rebuke and admonition, laid upon them a strait injunction 'to be more cautious of their conduct in that particular for the time to come, to which they submitted and promised so to do.'

Attention to such matters could not be expected to conduce to breadth of view or sectarian charity. When the Roman Catholic Disabilities measure came before the Session on Christmas Day, 1778, the state of feeling towards it may be inferred from what followed. Within a month the Session ordered the publication of its views and decision. As an index to the toleration of the day, the resolution arrived at is here given verbatim :
 'Montrose, Jan^y 23rd, 1779. This day the Kirk Session of this Parish met to deliberate concerning an Act passed in last Session of Parliament, relieving Papists in England from certain Penalties and Disabilities therein specified, and which it is generally fear'd is proposed soon to be extended to Scotland. After mature deliberation the members of Session were unanimously of oppinion that an Act giving such unbounded Toleration to Papists, whose Principles and Practices have been long known and experienced to be Pernicious to Protestant States, would expose not only the Protestant interest but our civil and religious liberties to much danger; and that no asseverations nor even the most solem oaths, made by them, can be considered as sufficient security on account of the easiness with which Dispensations from Oaths are obtained in the Roman communion. As this is the oppinion of the Kirk Session and of the great body of the People consisting of more than 5000 inhabitants, they judged it incumbent on them as office-bearers in this church and friends both to the Established Religion of this kingdom and the Protestant succession, publickly to make known their sentiments with regard to this matter, and to declare that tho' they are no friends to Persecution for conscience sake, it is their sincere

desire that such an Act in favour of Papists may not be past into a Law, and their firm Resolution, if it shall be brought into Parliament, to oppose it by every Constitutional method in their Power, and they order this their Resolution to be published in the Edinburgh Advertiser and Mercury.'

The subject which the Session considered next was that of absence from its services. Its office-bearers were not always above reproach. In 1752 the Moderator was appointed to commune with those members of Session 'who have absented themselves for some years past from their meetings.' On 20th August, 1733, mention is made of some half-dozen elders whom it was found necessary to summon, by reason of their having absented themselves from the Session 'for a long time past, all of them more than a year.' Some were deposed, one upon the ground of contumacy and of refusing to have his child baptized. One elder was deposed in 1740, for vice practised within a month of his ordination. In 1759-60, another case ended in deposition by the Presbytery. The culprit was charged by his father-in-law with turning his motherless children out of doors 'almost in a naked condition' at ten o'clock at night, refusing either to give them their clothes or to do anything towards their maintenance. In yet another case, the circumstances were peculiar. On 15th November, 1769, George Cowie, Shipmaster, one of the Elders, was accused of entering 'sale cloth' under the name of 'sail cloth,' in order to secure the Government premium for transportation of the latter. It was seized and detained. Cowie admitted the charge, and resigned his eldership.

From the special instances quoted, the opening sentences of this paper may now be better understood. The contrast between the pages of the Session books and those of national history, say of Hill Burton and Hume Brown, is sometimes so strong as to be ludicrous. They might reflect two different races. The people of the one are seen in the other as marionnettes through an inverted telescope. It is impossible to identify the Lilliputians of the local register with the fighters in the great wars of political and religious independence. The reason, of course, is that the local records show only one facet of the varied life of a many-sided people. They focus vision mainly upon men as errant members of an alert and censorious kirk, and the Scot is neither always discernible, nor seen to advantage, in the Presbyterian under discipline.

EDWARD PINNINGTON.

Bishop Norie's Dundee Baptismal Register,
1722-26

IN December, 1904, when the library which had belonged to the Grahams of Duntrune was being arranged for sale, a MS. was found inserted loosely within a Note-book bearing the name of James Graham, dated 22nd May, 1666, and used first in that year for Memoranda as to the purchase and sale of yarn and cloth; afterwards, in 1675, as a record of sheep delivered to David Newall, shepherd in Claverhouse; and finally as the Family Register of David Graham of Duntrune (fifth Viscount Dundee, but for the attainder), and of his children and grandchildren, the dates being brought up in different hand-writings till 1824. The MS. within the Note-book is written on 8½ pp. measuring 9 inches by 4 inches, and is a holograph record of baptisms in Dundee by Robert Norie (afterwards Bishop Norie), covering the period from 21st June, 1722, till 8th October, 1726. This Record is important in various ways. It supplies genealogical particulars as to Forfarshire families which are not to be found elsewhere; and it also shows that the adherents to Episcopacy were more numerous in Dundee and its vicinity than one might imagine from the Presbyterian histories of the time. Notes as to the leading families might have been supplied, but it has been deemed advisable to print only the text of the Register. Among the families represented either as parents or sponsors are the following: Kid of Craigie, Kinloch of that Ilk, Fotheringham of Bandean, Hay of Murie, Crawford of Monorgan, Graham of Duntrune, Baron Gray of Gray, Balfour of Forret, Brown of West-Horn, Greenhills of Banchrie, Ogilvy of Newhall, Crichton of Crunan, Ogilvy of Templehall, Kinloch of Kilrie, Clayhills of Invergowrie, Wedderburn of Blackness, Forrester of Millhill, and Graham of Fintrie. The MS. is in the possession of Mrs. Ida Clementina Graham-Wigan, of Duntrune, with whose consent it has now been printed.

The writer of this MS. was a notable personage in his day. He was born about 1647, and was (probably) the son of Robert Norie, M.A., minister of Fearn and of Stracathro, 1607-10. He studied at St. Leonard's College, and graduated M.A. on 27th July, 1667, pursuing his studies in Divinity as a bursar of Brechin in 1669. On 30th May, 1678, he was licensed by the Presbytery of St. Andrews, was presented by Charles II. to the Parish of Dunfermline, and was admitted in September of that year. In May, 1681, he complained to the Privy Council against certain Justices of the Peace who sought to interfere with the fines taken by the Kirk Session. 'Being obnoxious to some of the more violent Presbyterians, who had intentions concerning him in December, 1684, not for his benefit, he had wisdom to keep out of their way' (Scott's *Fasti Eccles. Scot.* ii. p. 568). In 1686 he was translated to Dundee, and admitted as pastor of the South Church on 14th June. On 29th August, 1689, he was deprived by the Privy Council for not reading the Proclamation of the Estates, and refusing to pray for William and Mary; and on 26th December, 1716, he was formally deposed for disloyalty. In July, 1717, he was prosecuted before the Lords of Justiciary for intruding into parish churches, leasing-making, and 'praying for the Pretender'; but the Solicitor-General (Robert Dundas of Arniston) deserted the diet in respect of the Act of Grace. Norie continued to serve as Episcopal minister of Dundee, as is proved by the MS. Register, and took an active part in the affairs of the church even at his advanced age. In 1724 the Episcopal College recommended the consecration of four additional bishops, and, through Lockhart, obtained the consent of the exiled King James. Robert Norie was one of the four, and he was consecrated by the Primus (Dr. Fullarton, Bishop of Edinburgh) on 25th July, 1724. This is confirmed indirectly by the Register, for Norie describes himself as 'minister of Dundee' on 24th June, and as 'one of the Bishops of the Church of Scotland' on 15th August, 1724. He was appointed to the Episcopal charge of Angus and Mearns and part of Perthshire, but the Primus insisted that this should only be done by the clergy and laity of the district, and a majority objected to Norie's appointment, preferring Dr. Rattray of Craighall. A dispute arose, the cause of Rattray being supported by Lord Panmure and the majority, and that of Norie by the Earl of Strathmore and Lord Gray. Ultimately some of the

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votes of the majority were disallowed, and Norie retained the episcopate. His death took place in March, 1727, when he was in his 80th year (Grub, *Eccles. Hist. of Scotland*, iii. 395; Stephen, *Hist. of Scot. Church*, ii. 493; *Lockhart Papers*, ii. 124 *et seq.*)

A. H. MILLAR.

REGISTER OF BAPTISMS.

Clementina Dugalla Kid, daughter of Mr. George Kid, eldest son to the Laird of Craigie was baptised at Woodhill June 21, 1722, (The Laird of Craigie, her Grandfather stood God-father and Madam Maitland and The Lady Craigie her two grandmothers God-mothers) by Mr. Robert Norie min^r at Dundie.

John Grahame and Robert Grahame sons born at one birth to David Grahame vintener in Cowties Winde at Dundie, were baptised in his own house June 24—1722, by Mr. Robert Norie min^r at Dundie, Westhal and James Young, surgeon apothecary being witnesses.

Cicil Kinloch daughter to Doctor Kinloch, Dr. of medicine in Dundie was baptised June 20—1722, in his own house in Dundie by Mr. Robert Norie, min^r at Dundie. Mr. John fotheringham brother German to the late George fotheringham, laird of Banden, stood Godfather and Dr. fotheringame, his lady and Mrs. Bell Hay daughter to the late Sir John Hay of Moorie, God-mothers.

David Miller son to James Miller in Logie was baptised July 18—1722, by Mr. Robert Norie, min^r at Dundie in his house in Dundie befor witnesses.

Patrik Mathew son to David Mathew dyer in the Murray-gate was baptised August 14—1722 by Mr. Robert Norie min^r at Dundie in Mr. Norie's own house befor witnesses.

Thomas Speed son to James Speed merchant in Dundie was baptised October 20—1722 by Mr. Robert Norie min^r at Dundie in Mrs. White's house befor witnesses.

James Fife son to David Fife merchant in Dundie was baptised November 7—1722 by Mr. Robert Norie min^r at Dundie in his own house befor witnesses.

Robert Watson son to William Watson maltman in Dundie was baptised the 23 day of November, 1722, by Mr. Robert Norie min^r at Dundie in Mr. Norie his house befor witnesses.

Henry Crichton son to Mr. Thomas Crichton Chirurgeon apothecary in Dundie was baptised in his own house the 7 day of December 1722, James Kinloch of that ilk and Henry Crawford, Laird of Monorgan standing God-fathers and Lady [blank in MS.] Mr. Thomas Crichton's sister, God-mothers, by Mr. Robert Norie min^r at Dundie.

Alex. Grahame son to Walter Grahame merchant in Dundee was baptised the eleventh day of December 1722 years, Walter Grahame his two brothers Alex. and John Grahame standing Godfathers and Christian

Graham their sister God-mother, in his own house by Mr. Robert Norie min^r. at Dundie.

George Greenhill son to Mr. Patrick Greenhill indweller in Dundie was baptised December 19—1722 years in his own house befor witnesses by Mr. Robert Norie min^r. att Dundie.

Christian Miller daughter to William Miller in Whitfield was baptised januarij 12—1723—by Mr. Robert Norie min^r. at Dundie in Mr. Norie his house in Dundie befor witnesses.

James Guthrie son to John Guthrie merchant in Dundie was baptised in his own house in Dundie februarij 3—1723—by Mr. Robert Norie min^r. at Dundie befor witnesses.

Jean Maurice Daughter to William Maurice, weaver in the Seagate of Dundie was baptised februarij 25—1723—by Mr. Robert Norie min^r. att Dundie in Mr. Norie's house befor witnesses.

Charles David Grahame son to Mr. David Grahame in Duntrune was baptised att Duntrune the 27 day of March 1723 the Mr. of Gray and John Grahame merchand in Dundie being Godfathers, and the Mistress of Gray God-mother, by Mr. Robert Norie, min^r. at Dundie.

Margaret Bruce, Daughter to Patrick Bruce in the Seagate of Dundie was baptised March 27—1723—by Mr. Robert Norie min^r. at Dundie in Mr. Norie's house befor witnesses.

David Crichton son to Alex. Crichton in the Seagate of Dundie was baptised on Aprile 9th. 1723 years by Mr. Robert Norie min^r. of Dundie in Mr. Norie's house befor witnesses.

John Murray son to Henry Murray in Dundie was baptised in [erasure in MS.] May 8th. 1723 years, in his own house Westhal, And. Ogilvy of temple hall being God-father and the lady Westhall, God-mother, by Mr. Robert Norie, min^r. of Dundie.

Jean Donaldson daughter to William Donaldson merchant in Dundie was baptised in Walter Grahame merchant there his house on May 26—1723 years by Mr. Robert Norie min^r. of Dundie.

John Balfour son to [blank in MS.] Balfour younger of forret was baptised on June 5—1723 in the laird of Banden his house in Dundee by Mr. Robert Norie min^r. of Dundie befor witnesses.

Christian Low daughter to Abraham Low maison in the hill of Dundie was baptised on June the 6—1723 by Mr. Robert Norie min^r. of Dundie in Mr. Norie's house in Dundie befor witnesses.

Isobel Car daughter to John Car baker in the Murrygate in Dundie was baptised June 24—1723 years by Mr. Robert Norie min^r. of Dundie in Mr. Norie's house in Dundie befor witnesses.

Jean Martin daughter to William Martin in Logie was baptised July 3—1723 years by Mr. Robert Norie min^r. of Dundie in Mr. Norie's house in Dundie befor witnesses.

James Crawford son to the laird of Monorgan was baptised in Monorgan's house in Dundie by Mr. Robert Norie minister of Dundie on July 12—1723 Mr. James Paton minister of Catness and Mr. Thomas Crichton apothecary in Dundie being Godfathers, and Mr. Paton's wife Godmother.

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John Gib son to Robert Gib Taylour in the Neithergate of Dundie was baptised July 13—1723 in Thomas Davidson's house in the Neithergate of Dundie by Mr. Robert Norie min^r. of Dundie befor witnesses.

Agnes Zeaman daughter to James Zeaman in the parochin of Mains was baptised July 26—1723 by Mr. Robert Norie min^r. of Dundie in Mr. Norie's house in Dundie befor witnesses.

Barbara Goldman daughter to Mr. James Goldman min^r. of the Gospel in Dundie was baptised Aug. 13—1723 years in Mr. Goldman's house in Dundie, Dr. George Rait Dr. of Medicine in Dundie being Godfather and Barbara Rait, daughter to Mr. William Rait min^r. of Monikie, and Barbara Goldman daughter to Alex. Goldman in Dundie being God-mothers.

John Johnston son to James Johnston writer in Dundie was baptised in James Johnston his house in Dundie Agust 13—1723 years by Mr. Robert Norie min^r. of Dundee befor witnesses.

Grisel Brown Daughter to the Laird of Horn was baptised Agust 16—1723 years in Horn his house in Dundie by Mr. Robert Norie min^r. of Dundie befor witnesses.

Clementina Anna Margareta Crichton daughter to Thomas Crichton surgeon apothecary in Dundie was baptised in Mr. Crichton's house in Dundie November 28—1723 by Mr. Robert Norie min^r. of Dundie the Laird of Monorgan being Godfather, and Mr. Crichton his mother and Doctor fothringham his lady being God-mothers.

Christian Guthrie daughter to John Guthrie merchant in Dundie was baptised in John Guthrie his house on January 7—1724 years by Mr. Robert Norie min^r. att Dundie befor witnesses.

Robert fothringhame son to James fothringhame merchant in Dundie was Baptised in Master fothringhame's house on January the 19 day jmvijc and twentie four years by Mr. Robert Norie minister att Dundie Robert Graham eldest son to the laird of fintrie and James Clephan son to Colonel Clephan being Godfathers and the lady Balinshaw God-mother.

Elizabeth Grahame daughter to Walter Grahame merchant in Dundie was baptised in his house in Dundie february twentie fift day jmvijc and twentie four years by Mr. Robert Norie min^r. at Dundie John Grahame the said Walter Grahame his youngest brother being Godfather and Mrs. White and her daughter Provost Guthrie his lady being Godmothers.

Helen Greenhills daughter to Mr. Patrick Greenhills of Banchrie was baptised in his house in Dundie on february twentie-fifth day jmvijc and twentie four years by Mr. Robert Norie min^r. at Dundie befor witnesses.

William Moffat son to William Moffat in the ground of Balgay was baptised March 10 jmvijc and twentie four years by Mr. Robert Norie min^r. att Dundie in Mr. Norie's house in Dundie befor witnesses.

Margaret Ogilvy daughter to [blank in MS.] Ogilvy deceased son to Ogilvy of Newhall was baptised April the 9th. day jmvijc and twentie four years by Mr. Robert Norie min^r. att Dundie in the Lady Dowager of Monorgan her house in Dundie The Laird of Monorgan being Godfather and Mr. Thomas Crichton surgeon apothecarie in Dundie his Lady and

Mrs. James Pilmor daughter to the said Lady Dowager of Monorgan being Godmothers.

Alexander Fife son to David fife merchant in Dundie was baptised on April 14—1724 years in David fife his own house in Dundie by Mr. Robert Norie minister of the Gospel att Dundie befor witnesses.

Janet Mathew daughter to David Mathew dyer in the Murraygate in Dundie was baptised upon May 25th. day 1724 by Mr. Robert Norie minister of the Gospel at Dundie in the said Mr. Norie's house in Dundie befor witnesses.

Thomas Ogilvy Son to Henry Ogilvy of Temple hall was baptised in his own house in the Murraygate in Dundie on June 2nd. 1724 years by Mr. Norie minister of Dundie befor witnesses.

William Johnston son to Peter Johnston in the Murraygate baptised June 20—1724 by Mr. Robert Norie min^r of the Gospel at Dundie in Mr. Norie's house in Dundie befor witnesses.

John Kinloch son to Dr. John Kinloch Dr. of Medicin in Dundie was baptised June 24—1724 in his own house in Dundie by Mr. Robert Norie minister of Dundie Master Patrick Crichton of Crunan—and Mr. John fothringham brother German to the deceased George fothringham of Banden standing Godfathers and Dr. David fothringham Dr. of Medicin his Lady standing Godmother.

John Kinloch son to the Laird of Kilrie was baptised in Dr. John Kinloch brother germain to the Laird of Kilrie his house in Dundie Agust 15—1724 by Mr. Robert Norie one of the Bishops of the Church of Scotland Dr. John Kinloch and Dr. David fothringham standing Godfathers and Dr. John Kinloch his Lady Godmother.

David Crawford son to the Laird of Monorgan was baptised in Mr. James Paton minister of Catness his house in Dundie Agust 19—1724 by Bishop Norie one of the Bishops of Scotland the s^d Mr. Paton and Thomas Crichton Surgeon Apothecary in Dundie standing Godfathers and Mr. Paton's lady Godmother.

Clementina Grahame daughter to David Grahame in Duntrune was baptised in Duntrune September 3—1724 by Bishop Norie one of the Bishops of the Church of Scotland Alexander Grahame merchant in Dundie standing Godfather and my Lady Dundie and her Daughter Mrs. Alison Grahame standing Godmothers.

John Kiel son to Alex. Kiel in the hill of Mains was baptised September 27—1724 by Bishop Norie in Bishop Norie his house in Dundie befor witnesses.

Isobel Johnston daughter to James Johnston at the back of Powrie was baptised October the 13 day 1724 by Bishop Norie one of the Bishops of the Church of Scotland in Bishop Norie his house in Dundie befor witnesses.

Robert Miller son to James Miller in Logie was baptised October 15—1724 years by Bishop Norie in his house in Dundie befor witnesses.

Isobel fife daughter to Alex. Fife in Cadgertoun was baptised December 28—1724 years by Bishop Norie in his own house in Dundie befor witnesses.

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John Rait son to David Rait in Wallace of Craigie was baptised January 3^d 1725 years by Bishop Norie in his house in Dundie befor witnesses.

George Guthrie son to John Guthrie merchant in Dundie was baptised in his house on the 25th. day of January 1725 by Bishop Norie befor witnesses.

Margaret Brown daughter to the Laird of Horn was baptised in Horn's house in Dundie on the 28th. day of January 1725 by Bishop Norie befor witnesses.

Elizabeth Crichton daughter to Thomas Crichton Surgeon Apothecary in Dundie was baptised in Mr. Crichton's house in Dundie on the 3^d day of february jmvic and twentie five years by Bishop Norie the Laird of Monorgan standing Godfather and the Lady Kinloch and Mr. Crichton's mother Godmothers.

David fotheringham son to James fotheringham merchant in Dundie was baptised in James fotheringham's house in Dundie on february 15. 1725 by Bishop Norie Archibald fotheringham of Drumlochic and John Strachan merchant in Dundie standing Godfathers and Mrs Helen Miln daughter to the Laird of Milnfield Godmother.

Henry Couper son to James Couper in the cotter toun of Craigie was baptised by Bishop Norie in his own house in Dundie on february 28. 1725 befor witnesses.

David Cook son to James Cook dyer in Dundie was baptised by Bishop Norie in James Cook's house in the Murraygate in Dundie upon March 4—1725 befor witnesses.

Elizabeth Corsar daughter to Frederick Corsar merchant in Dundie was baptised in the Laird of Invergowrie his house on March 12. 1725 by Bishop Norie the Laird of Invergowrie standing Godfather and his Lady and Mrs Margaret Clayhills his daughter standing Godmothers.

James Goldman son to Mr James Goldman minr. of the Gospel in Dundie was baptised in his own house on Aprile 1. 1725 by Bishop Norie Dr. George Rait Dr. of medicine and George Dempster merchant in Dundie standing Godfathers and Dr. Rait his Lady Godmother.

James Gray son to James Gray in the Cottar-toun of Craigie was baptised by Bishop Norie in Bishop Norie's house in Dundie on June 27. 1725 years befor witnesses.

Robert Souter son to Robert Souter Tailour in Dundie was baptised by Bishop Norie in Bishop Norie his house in Dundie on July 27. 1725 years befor witnesses.

Elizabeth Grahame daughter to John Graham merchant in Dundie was baptised in his own house by Bishop Norie Walter Graham merchant in Dundie John Graham his brother standing God-father and Wallace of Craigie his Lady and Milnhil his Lady Godmothers on July 30. 1725 years.

Margaret Wedderburn daughter to John Wedderburn Eldest son to the Laird of Blackness was baptised at Blackness on the last day of Agust 1725 years by Bishop Norie John Wedderburn Doctor of medicine in Dundie standing Godfather and the Lady fullarton and the Lady blackness Godmothers.

James Tasker son to William Tasker Smith in cottar-toun of Craigie was baptised on the fourth day of Septembr by Bishop Norie in his house in Dundie befor witnesses 1725 years.

[A blank equal to nine lines of the MS. is left between above entry and the succeeding entry.]

James Craighead son to James Craighead in the parochin of the Mains was baptised on October the 15 day 1725 by Bishop Norie in his house in Dundie befor witnesses.

Agnes Robertson daughter to James Robertson in the hill of Dundie was baptised by Bishop Norie the first day of Novembr 1725 in Bishop Norie's house in Dundie befor witnesses.

Patrick Crichton son to Mr Patrick Crichton of Crunan was baptised in his own house in the seagate in Dundie Novembr. 20—1725 years by Bishop Norie Dr. David Fotheringham and Dr. Kinloch standing Godfathers and Mistress Landels Godmother.

George Graham son to Walter Graham merchant in Dundie was baptised in his own house in Dundie Decembr. 19 1725 years by Bishop Norie George Dempster and George Ramsay merchants in Dundie standing God-fathers and Mrs Grisel Graham sister German to Walter Graham God-mother.

James Kinloch son to Dr. John Kinloch Doctor of Medicine in Dundie was baptised January 1, 1726 in his house in Dundie by Bishop Norie the Laird of Kilrie and Dr. David fotheringham Doctor of Medicine in Dundie standing Godfathers and the said Doctor [erased in MS.] fotheringham his Lady God-mother.

John fife son to David fife merchant in Dundie was baptised in David fife his house January 13. 1726 by Bishop Norie befor witnesses.

Isobel Muffet daughter to William Muffet in the ground of Balgay was bap**t**ised [*sic*] January 21, 1726 by Bishop Norie in his house in Dundie befor witnesses.

Margaret Millar daughter to James Miller in the cottar-toun of Diddup was baptised by Bishop Norie in his own house in Dundie January 27. 1726 befor witnesses.

Grisel Rind daughter to David Rind in the ground of Balgay was baptised by Bishop Norie in his house in Dundie february 1. 1726 years befor witnesses.

John Crawford son to the Laird of Monorgan was Baptised in Mr James Patoñ minr. of Catness his house in Dundie by Bishop Norie on february 3d. 1726 Dr. John Blair and the Laird of Milnhill standing God-fathers and Thomas Crichton surgeon apothecary in Dundie his Lady God-mother.

Susanna Lyon daughter to James Lyon merchant in Dundie was baptised in his own house in the Neithergate of Dundie february 7th. 1726 by Bishop Norie Provost Douglas in forfar standing Godfather and Provost Douglas his Lady and Mistress Malcom God-mothers.

Peter Richie son to George Richie in pitcarrow was baptised March 23. 1726 by Bishop Norie in his house in Dundie befor witnesses.

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Margaret Burnet daughter to George Burnet wig-maker in Dundie was baptised March 24. 1726 by Bishop Norie in Bishop Norie his house in Dundie befor witnesses.

Robert Zeaman son to James Zeaman in the parochin of Mains was Baptised April 12. 1726 years by Bishop Norie in his house in Dundie befor witnesses.

Anna Crichton daughter to Thomas Crichton Surgeon apothecary in Dundie was baptised in his house by Bishop Norie May 5th. 1726 the Laird of Monorgan standing Godfather and the Lady Thomas Crichton's mother and Mrs Ogilvy Relict to [blank] Ogilvy of Newhall younger standing God-mothers.

Jean Johnston daughter to Patrick Johnston tenant in the Morrays was baptised June 25. 1726 by Bishop Norie in his house in Dundie befor witnesses

Margaret Ogilvy daughter to Henry Ogilvy of templehall and merchant in Dundie was baptised June 25, 1726 by Bishop Norie in Henry Ogilvy's own house in the Murraygate in Dundie befor witnesses.

Anna Grahame daughter to David Grahame in Duntrune was baptised att Duntrune June 28. 1726 by Bishop Norie James Ramesay Merchant in Dundie standing Godfather and the Lady Duager of Dundie and the Lady fintrie Godmothers.

Barbara Gib daughter to Robert Gib Taylour in Dundie was baptised by Bishop Norie in his own house in Dundie July 17. 1726 befor witnesses.

Thomas Madison son to Robert Madison at the miln of Mains was baptised by Bishop Norie in his house in Dundie July 18. 1726 years befor witnesses.

Anne Corsar daughter to Frederick Corsar merchant in Dundie was baptised by Bishop Norie in Mr Corsar his house July 18. 1726 the Laird of Invergoury standing Godfather and his Lady and his daughter Mrs an Clayhills standing Godmothers.

Helen Broun daughter to the Laird of Horn was baptised july 26. 1726 by Bishop Norie in Horn's house in Dundie befor witnesses.

John Henderson son to Thomas Henderson merchant in Dundie was Babtised [*sic*] Agust the 17 day 1726 by Bishop Norie in Thomas Henderson's house in Dundie befor witnesses.

John Towson son to John Towson Giager in Dundie was baptised Agust the 23 day 1726 by Bishop Norie in Bishop Norie's house befor witnesses.

Jean Hill daughter to Alexr. Hill in the Murrays Cordiner was baptised Septmbr. 23 day 1726 by Bishop Norie in his house in Dundie befor witnesses

David Rait son to David Rait in Wallace of Craigie was baptised by Bishop Norie October 4 day 1726 in Bishop Norie his house in Dundie befor witnesses.

John Maiden son to John Maiden weaver in the cottar-toun of Craigie was baptised Octobr. 7. 1726 by Bishop Norie in his house in Dundie befor witnesses.

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Alexander Crichton and Elizabeth Crichton two children born at one birth to Mr Patrick Crichton of [blank in MS.] were bapitized [*sic*] in his house in the Seagate of Dundie October 8. 1726 by Bishop Norie Mr James Fotheringham merchant in Dundie and James Johnston writer there standing Godfathers and Dr David fotheringham his Lady and Robert Man merchant in Dundie his wife standing God mothers.

[End of MS.]