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KIRKWALL IN THE ORKNEYS

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KIRKWALL IN THE ORKNEYS.

ST. MAGNUS CATHEDRAL.

83435.

Kirkwall

IN THE

Orkneys

BY

B. H. HOSSACK

CRAIGIEFIELD, KIRKWALL

With Maps and Illustrations

KIRKWALL

WILLIAM PEACE & SON

1900

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To his Wife,

with thanks for much help,

this Book is affectionately Inscribed

by

The Author.

PREFACE.

THE main object of this book is to keep alive the memories of some of the people whose names are associated with the history of our ancient Burgh, and who have left in its records a local reputation. To accomplish this end in a systematic manner, it has seemed best to associate the persons with the houses in which they lived.

In a few cases it is difficult to fix the site of an ancient dwelling. Long ago, with comparatively few inhabitants, Kirkwall could allow each house a kail-yard and a peat-brae; but, as population increased, these spaces were built upon, making it anything but easy to dissect out the position of the original dwelling.

In seeking information about our old tenements, the writer has persistently worried present proprietors, from the Shore to the Head of the town, and he has to thank them all for their courteous and kindly help.

Our Records of Sasine, which date from the middle of the seventeenth century, show the changes of ownership since that time, and in some instances, by the use of a name which "of old" was borne by a particular tenement, a ray of light is cast upon that house which enables us to go back upon its story, perhaps a century and a half previous to the event recorded.

Family papers, public documents, such as Town Council minutes, Session records, Sheriff Court books, and diaries, notably that of Thomas Brown, give us an insight into the lives and conduct of our forebears. In making use of such papers, a writer is often led to chronicle very small beer indeed; but, in a little community like ours, the authenticated gossip of two centuries ago forms to-day an important contribution to our social history.

In the following pages, with the exception of public buildings, the old part of the town alone is dealt with, and the very attractive period, where memory merges into tradition, is left untouched. Old memories are treacherous, and tradition unreliable.

The writer begs to thank the many friends, too numerous to name, in Orkney and in the South, who have kindly given him assistance.

CRAIGIEFIELD, *3rd December 1900.*

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* For use of block favoured by Rev. J. B. Craven.

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ABBREVIATIONS.

Acts—Scottish Acts of Parliament.
Ant. Mus.—Museum of the Scottish Society of Antiquaries.
C.R.—Town Council Records.
Fasti—Fasti Ecclesiæ Scoticanæ: The succession of ministers in the Parish Churches of Scotland, from the Reformation, 1560, to the present day, by Hew Scott, D.D.
H.L.—Henry Leask, Boardhouse.
North. Ant.—Mallet's Northern Antiquities.
Ork. and Zet. Chron.—Orkney and Zetland Chronicle.
Pet. Notes—Sheriff Peterkin's Notes on Orkney.
Pet. Rent.—Peterkin's Orkney Rentals.
Presb. Rec.—Presbytery Records.
Pund. Proc.—Pundlar Process.
Reg.—Registered.
Saga—Orkneyinga Saga.
S.R.—Session Records.
Sh. Ct. Reg.—Sheriff Court Registers.
T.B.—Thomas Brown or Brown's Diary.

KIRKWALL IN THE ORKNEYS.

CHAPTER I.

Introductory.

IN the introduction to the Life of Agricola, it is casually stated that the fleet sailing round by the northern coast discovered what had not been known, that Britain was an island, and found and annexed the Orcades. The name remained steadily in use, and is represented by the Orkneys of the present day.*

From the middle of the first century of the Christian era there are in European literature frequent references to the Orcades. Geographers and historians professed to fix the position and to state the number of the islands. Poets, trading on the romance which hangs round remote and imperfectly known places, used them to adorn their lines. Thus Claudian, towards the close of the fourth century, reciting the exploits of his imperial patron, Theodosius, saturates the Orkneys with Saxon gore.†

Before the islands had acquired any political recognition, ecclesiastical history shows that the Church had marked them out as a field of missionary effort.

About the year 429, Pope Celestinus consecrated Palladius and sent him to Scotland, "for before, the Scots were instructed in the faith by priests and monks without bishops. He is the first that created anie bishops in Scotland. He ordained Servanus bishop, and sent him to Orkney to preach the Gospell."‡

"Cormac, a soldier of Christ, attempted a second time to discover a desert in the ocean. After he set out under full sail from the land along the boundless ocean, Saint Columba, who was then staying beyond Drumalban (the Grampians), commended him to King Brude, in the presence of the ruler of the Orkneys, saying, 'Some of our brethren have lately set sail, desiring to find a desert in the pathless sea; should they chance after many wanderings to come to the Orkney Islands, do thou carefully commend them to this prince, whose hostages are in thy hand, that no evil may befall them within his territories.' The Saint spake thus because he foresaw in spirit that after a few months Cormac would arrive at the Orkneys. And so it came to pass; and to the aforesaid commendation of the holy man, Cormac owed his escape from impending death."

* Hill Burton, i. 20.
† Barry has noted 13 references from A.D. 45 to 657, p. 19, 2nd Ed.
‡ Calderwood, i. 40.

Whether Cormac, on his arrival, discovered any results of the teaching of Servanus does not appear, but the Columban mission, once begun, was maintained, and Christianity spread over Orkney.

A small collection of huts occupied the site of what was to become the chief town in the islands.

What the hamlet was during the Pictish occupation, we can from its position fairly conjecture. Drawing their sustenance chiefly from the water, the first settlers planted their dwellings along the shore of the bay, and by the edge of a large tidal basin known in later times as the Oyce, shut off from the open sea by a long stretch of stony beach, now called the Aire.*

Such a position was highly advantageous to the primitive community, for when the outer waters were too boisterous for their frail vessels, they could launch their coracles on the lagoon, ready at all times to yield a liberal return to their primitive modes of fishing.

Here for centuries generation had succeeded generation in submission to a patriarchal government, which has left no history, and in the practice of a religion of which nothing now is known.

In this place the Culdees established a mission. But this was not the only, nor indeed the principal, station of the Irish missionaries in Orkney. Such names as Papa and Paplay show that they had dotted themselves down all over the islands, while the round tower in Egilshay marks the site of the metropolitan church. John Hill Burton, the historian, who does not appear to have known of the Egilshay tower, says concerning such buildings:—"Most people have heard of those mysterious edifices, the Irish round towers. We have two specimens of the structure in Scotland; there are none in England or on the Continent. Buildings so exclusively peculiar could not but excite curiosity and wonder; and the more so that, while they stand beside churches, or are indeed actually part of them, yet it is clear that they were built at a different time and never formed any feature of the design on which the church might be built. Different in their general form and structure from the early Christian buildings, they were eccentric in this, that while the Irish ecclesiastics seemed to have built nothing else of stone or nothing of a lasting kind, they had raised these prodigious towers. Yet if we suppose their means to have been limited, this devotion of them would, keeping purely ecclesiastical purposes in view, be a good investment. The great difficulty they had to deal with was the sudden invasions of the Norsemen, who carried off what was ready to their hand, and burned what was destructible. One cannot suppose better fortresses of defence against enemies like these than the round towers. They had no stairs, and could only be scaled by ladders. Nowhere could the treasures of the church—the books, the relics, and the objects of more material value--be so safe as in one of these stone tubes, whether attended with a guard or not. It was impossible to attack them without a scaffolding of equal height; for to attempt to topple them down, by attacks from below, before the days of artillery, would have been destructive to the besiegers.

"It was natural that, as the practice of their parent Irish church, the raising of such buildings would find its way across to the ecclesiastics of Scotland."

Though destitute of a tower, our little village had its church, and the name Pabdale shows that the monks had fixed their abode on the bank of the stream that ran past the hamlet into the Oyce.

For a couple of centuries after Cormac's time the mission was left in undisturbed enjoyment of Christian ordinances.

* Norse, Eyer, a shore.

But now an intrusion of an alarming kind began to make itself seen and felt. An occasional galley put into the bay having on board a heathen crew, which feared not God nor regarded man, whose idea of the rights of property was the simplest—everything belonged to them which they had the opportunity to seize and the strength to hold.

And these rovers could appreciate to the full the advantages of the situation which the Pictish settlers had chosen for their home. The splendid bay could afford shelter for navies. It had communication on the west with the Atlantic and on the east with the North Sea. But it was not the magnificent bay or "hafn" that specially attracted the Norsemen; it was the Oyce, the convenient and commodious vagr*— the "Peerie Sea" of to-day. Here their galleys, beached or anchored, could in all seasons and in all weathers lie in perfect safety; and these advantages the vikings were not slow to utilise. From regarding the place as a port of occasional call, they soon came to make it the rendezvous for those annual piratical cruises which were the terror of the whole European sea-board.

One can easily imagine the scene, on a spring morning, as witnessed from the Aire, when, on the first of the ebb tide, galley after galley, following the long ship of the chief, filed through the mouth of the Oyce, sped across the bay, and disappeared down the String.

These wanderers, regarding home and country simply as head-quarters, or as a base of operations, instead of returning to Norway with their spoils, began to winter in the islands; and the number of settlers increased so rapidly that, before the end of the eighth century, Orkney had entirely fallen into the hands of Norse rovers, who held themselves independent alike of Scotland and of Norway, and who recognised no law but the law of the strongest.

As yet there was no King of Norway. The country was divided among a number of independent chiefs, not one of whom could assert any authority over the others.

Shortly after the middle of the ninth century one of these, Harald, surnamed the Fair-haired, resolved to make a dash for monarchy. This man "stands completely isolated from parentage and early history. The legend is that he had vowed to let his beautiful locks of golden hair grow unclipped until he should call himself monarch of all Norway." †

The Sagas throw around this episode in northern history the romance of a love story.

Harald, probably the son of one of the petty kings, asked Gyda, the daughter of another, to be his wife. She replied that she would give him his answer when he could make her Queen of all Norway.

Harald set himself to the task, and, mainly by the help of Rognwald of Moeri, was able to have himself proclaimed sole King, 872. Of necessity Gyda became Queen.

Harald's work in Norway gave a fresh departure to the history of our islands.

"Many men left Norway, fleeing the country, on account of King Harald, and went on viking cruises into the west sea. In winter they were in the Orkney Islands, but marauded in summer in Norway, and did great damage."‡

To crush those irritating pests, and perhaps to find employment for the more turbulent of his own chiefs, Harald set out with a powerful fleet, and sweeping aside all opposition, not only brought Orkney and Shetland under subjection, but extended his sway over the Hebrides and Man. The king offered the lordship of the northern isles to his friend and supporter, Earl Rognwald. Rognwald, however, preferred returning to Norway, but he secured the insular rule to his brother, Sigurd, who thus became first Earl of Orkney, A.D. 872. And so these islands, geographically Scottish, and which had been tributary to the northern Pictish kings, became politically attached to Norway. By this time the aboriginal Picts had died out or

* Rhymes with ogre. † Hill Burton, i. 325.
‡ Harald Harfager's Saga; Laing's Sea Kings, i. 289.

had become merged among the Norse invaders. Their religion died with them, and in its place came the hero worship of Odin and Thor.

In mound and monolith, so common in our islands, we have a voiceless history of the Viking period :—"Odin established by law that all dead men should be burned, and the ashes be cast into the sea or buried in the earth. For men of consequence a mound should be raised to their memory, and for all other warriors who had been distinguished for manhood, a standing stone, which custom remained long after Odin's time." *

At the close of the tenth century Christianity was re-established by the baptism of Earl Sigurd II. and his followers. The story is very simply related in the Saga :—"Olaf Tryggvison, returning from a viking expedition to the west, came to the Orkneys with his men, and seized Earl Sigurd in Osmundwall as he lay there with a single ship. King Olaf offered the Earl to ransom his life on condition that he should embrace the true faith and be baptized ; that he should become his man, and proclaim Christianity over all the Orkneys."

Under compulsion, Sigurd submitted, but his fealty and his religion sat equally lightly on him. The Saga continues :—"After that Earl Sigurd paid no allegiance to King Olaf. He married the daughter of Malcolm, King of Scots." And when he went forth to be slain in the battle of Clontarf, his raven banner was consecrated by the most potent spells of the old superstition.

On the death of Sigurd, his youngest son, Thorfinn, encouraged by his grandfather, Malcolm II. of Scotland, seized the earldom. But by a former marriage Sigurd had three sons. The eldest died in his bed. The two younger, Einar and Brusi, made a compact that the survivor should succeed to the estate of the other. Einar was killed by the followers of Thorfinn, and when Brusi died the grandson of the King of Scotland regarded himself as sole ruler of the Orkneys.

But Brusi's son, Rognwald, came from the east and claimed his portion—not only his father's share, but also that of his uncle, Einar.

Thorfinn was Earl of Caithness, and quite powerful enough to retain the position in Orkney which he had assumed, yet he quietly ceded this claim, and "thus eight winters passed that Earl Rognwald had two-thirds of the islands without any objection on the part of Thorfinn."

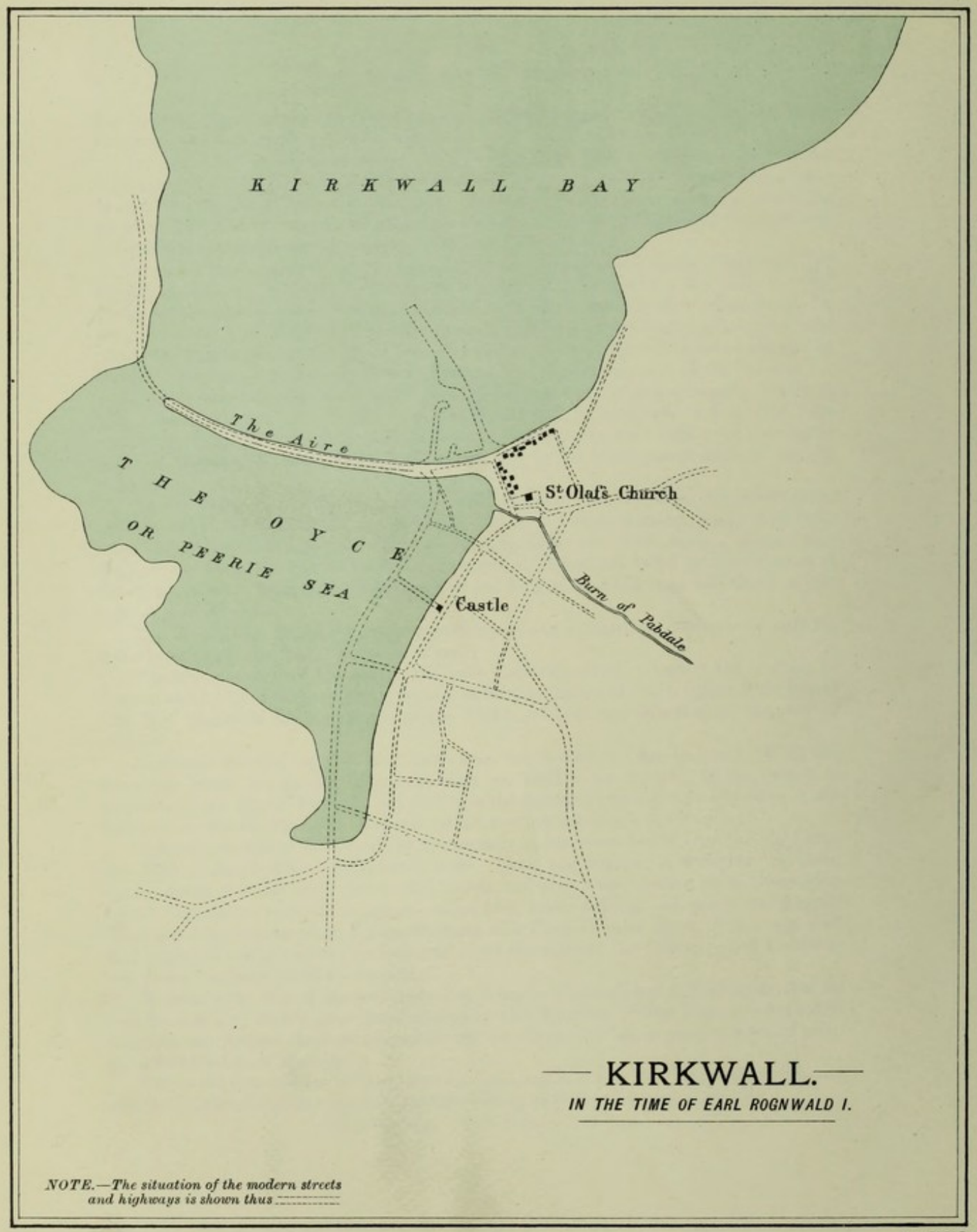
Rognwald Brusison erected the church from which Kirkwall has its name. What the Norsemen called the hamlet before the kirk was built is not known. In the Saga it is nameless till the days of Brusison, and even then the compound Kirkiu-vagr—the creek of the kirk—shows that the Oyce was what was valued, and not either kirk or village.

Rognwald dedicated his church to the memory of his foster-father, Olaf the Holy, who was killed in the battle of Sticklastadt, 1030. Uncle and nephew, in their joint earldom, agreed pretty well for eight years, but, "when bad men went between them, dissensions arose." Then came war—battles on sea and on land, heroic fighting, and marvellous escapes, till at last Rognwald was slain in Papa Stronsay, and Thorfinn ruled alone. "Men said that Earl Rognwald was one of the best-beloved of all the earls of the Orkneys ; and his death was greatly lamented by all the people." †

Brusison is the first of the earls named as living in Kirkwall, and it is probable that he built his hall here shortly after the arrangement with Thorfinn. "Earl Rognwald resided in Kirkwall, and brought there all necessaries for the winter ; he had a great number of men and entertained them liberally." ‡

This is the first mention of the village by name, and it is with Earl Rognwald I., presumably the builder of church and castle, that the history of Kirkwall begins, *circa* 1035.

* Yinglinga Saga. † Saga. ‡ Saga.



KIRKWALL.

IN THE TIME OF EARL ROGNWALD I.

NOTE.—The situation of the modern streets and highways is shown thus ----------

M. HEDDLE.

In Earl Rognwald's time the little town still consisted of two irregular rows of houses, one lying east and west on the shore of the bay, the other running southward at right angles to the sea front, and facing the Oyce. The southmost building then and for many years afterwards was St. Olaf's Church, attached to which was a space of consecrated ground extending to the Burn of Pabdale. The Hall or Castle was on the higher ground, a little to the southwest of the hamlet.

After the death of his nephew, "Earl Thorfinn took possession of the whole of the islands, and no one spoke against him. He left off making war expeditions, and turned his mind to the government of his land and his people, and to the making of laws." He made a pilgrimage to Rome, and received from the Pope absolution for all his sins. After his return he resided chiefly in Birsay, where he built Christ's Kirk, "a splendid church, and there was the first Bishop's see in the Orkneys." "Earl Thorfinn was five winters old when Malcolm, King of Scots, his mother's father, gave him the title of earl, and after that he was earl for seventy winters." "He was a man of very large stature, uncomely, sharp-featured, dark haired, and sallow and swarthy in his complexion. Yet he was a most martial-looking man and of great energy, greedy of wealth and of renown, bold and successful in war, and a great strategist. It is truly said that he was the most powerful of all the earls of the Orkneys. He is buried at Christ's Kirk, which he had built." *

Thorfinn and his wife, Ingibiorg, "the mother of earls," "had two sons who arrived at manhood; one was called Paul, the other Erlend. They were men of large stature, fine-looking, wise and gentle, resembling their mother's relations. They were much loved by the Earl and all the people. Now the sons of Earl Thorfinn succeeded him. Paul was the elder of the two, and he ruled for both of them. They did not divide their possessions, yet they almost always agreed in their dealings." "When the brothers, Paul and Erlend, ruled the Orkneys, King Magnus came from Norway with a large army. He seized the Earls Paul and Erlend and sent them east to Norway, where they died; placed his son Sigurd over the Isles, and gave him counsellors." †

"King Magnus went to the Sudreyar, accompanied by Magnus and Erlend, the sons of Earl Erlend, and Hakon, Paul's son. He fought a great battle in Anglesea Sound with two British chiefs. When the men took up their arms and buckled for the fight, Magnus, Erlend's son, sat down on the fore-deck and did not take his arms. The King asked why he did not do so. He said he had nothing against anyone there, and would not therefore fight. The King said, 'Go down below and do not lie among other people's feet if you dare not fight, for I do not believe that you do this from religious motives.' Magnus took a psalter and sang during the battle, and did not shelter himself." ‡

After the fight in Menai Strait, King Magnus Barefoot looked askance at Magnus, Erlend's son, so the young man stole away from the Norwegian Court and found refuge with the Scottish King.

"Then King Magnus married Gunnhild, the daughter of Earl Erlend, to Kol, Kali's son. Her dowry consisted of possessions in the Orkneys." Kol and Gunnhild had a son, Kali.

Sigurd, whom his father, Magnus Barefoot, had placed over Orkney, went, on the King's death, to take the throne of Norway, and Hakon, Paul's son, with Sigurd's consent, ruled the Orkneys.

After a time, Magnus, the son of Earl Erlend, came from Scotland and claimed his patrimony, which was reluctantly ceded by Hakon. "So long as their friendship continued there were good times and peace in the Orkneys."

"Magnus, Earl of the Islands, was a most excellent man. He was large of stature, a man

* Saga. † Saga. ‡ Saga.

of noble presence and intellectual countenance. He was of blameless life, victorious in battles, wise, eloquent, strong-minded, liberal, and magnanimous, sagacious in counsels, and more beloved than any other man." *

But Hakon became "very jealous of the popularity and greatness of his kinsman, Magnus. Through the slander of wicked men this enmity went so far that the earls gathered troops and went to meet each other. But as many well-disposed men joined themselves together to avert hostilities between them, and to assist neither of them against the other, they confirmed their reconciliation with oaths and shaking of hands."

"Some time after this, Earl Hakon, with hypocrisy and fair words, appointed a day of meeting with the blessed Earl Magnus. This meeting, which was to confirm their peace, should take place in Pasch week in Egilsey. Each of them should have two ships and an equal number of men. Earl Magnus arrived first with his men at Egilsey, and when they saw Earl Hakon coming they perceived that he had eight war ships." †

Hakon's object was apparent. Magnus was murdered in cold blood, and, as if he had been a criminal and deserved to be capitally punished, his body was denied honourable burial.‡

Thora, the mother of Magnus, had prepared a feast for the two Earls when they should return from the conference, and when Hakon came alone she readily understood the cause of her son's absence. Concealing her feelings, and waiting till "the drink began to have effect upon the Earl," she obtained permission to bury her son's body where she chose, and she selected Christ's Kirk at Birsay as its resting-place.§

Soon it was noticed that "above the grave was a beam of light, while a fragrant odour diffused around had marvellous healing virtues." ‖ "Then men who were placed in danger began to pray to him, and their prayers were heard." ¶

In the Magnus Saga a list of cures is chronicled, two of them being cases of leprosy from Shetland, whence most of the pilgrims came.* It was also observed that the place where Earl Magnus was slain, which was previously covered with moss and stones, became green sward, and at no time of the year could any one go thither without finding a flower in blossom.† "But people dared not make this known while Earl Hakon was alive." ‡ Hakon became a good ruler, and established peace throughout his dominions; he also made new laws for the Orkneys, which the landowners liked better than the old. He was pious, too, after the fashion of the times, for he made a pilgrimage to Rome and to Jerusalem, and cleansed himself from all physical and moral impurities in the waters of the Jordan.

After his return he built in Orphir a church, formed upon the plan of the church of the Holy Sepulchre, in Jerusalem, and "he became so popular that the Orkneymen desired no other rulers than Hakon and his issue." § So he reigned in peace over all Orkney during his lifetime, and died greatly mourned by his people. At Hakon's death his son, Paul, assumed the earldom.

Meanwhile Kali, the son of Gunnhild, sister of Earl Magnus, "grew up and was a most promising man. He was of middle size and very handsomely shaped. He was very affable, popular, and highly accomplished." To him Sigurd of Norway gave the half of the Orkneys. "He also gave him the name of Earl Rognwald because his mother, Gunnhild, said that Rognwald Brusison was the most accomplished of the Orkney Earls, and thought the name would bring good fortune." This youth now claimed the estate of his uncle, the murdered

* Saga. † Torfæus.

‡ The Aberdeen Breviary gives the date as 1104. The Bollandists suggest 1106. A recent thoughtful but anonymous writer makes it 1116. But Dr Anderson, in his introduction to the Orkneyinga Saga, gives good reasons for fixing it 1115.

§ Saga. ‖ Torfæus. ¶ Saga. * Anderson. † Saga. ‡ Saga. § Saga.

Magnus. But Paul would not cede any part of the earldom, and Rognwald in prosecuting his claim, while not actually defeated, was baffled and unsuccessful. Indeed there is no doubt that the islanders felt more restful and secure under one than under two earls, and this, with their memory of Hakon's beneficent reign, made them less than lukewarm in the cause of Rognwald. In these circumstances, Kol, the father of Rognwald, advised his son to invoke the aid of his sainted uncle. "Now it is my counsel to seek for help where it is likely to be had effectually, and to pray that he may permit you to enjoy these possessions to whom they rightly belong—namely, the holy Saint Magnus,* your mother's brother. It is my wish that you should make a vow to him that he may grant you your patrimony and his inheritance. You should promise one thing—that if you obtain these dominions you will build a stone minster at *Kirkwall, in the Orkneys*, more magnificent than any in these lands, dedicating it to your kinsman, Earl Magnus the Holy, endowing it with money so that it may be fitly established, and that his relics and the Bishop's See may be brought there." †

The vow was made. Rognwald was successful. Without bloodshed, Earl Paul ceded the half of the islands and went to live in Rousay, while Rognwald occupied the Hall at Kirkwall.

At this time there lived in Gairsay, Swein Asleif's son, perhaps the most daring and reckless of the viking leaders, but when Paul came to Rousay, Swein had gone "to Scotland to see his friends." Among others he visited Paul's sister, Margaret, who had married Maddad, Earl of Athol, and the three "had many secret consultations." ‡

Hearing of disturbances in Orkney, Swein came north with a single ship, surprised Earl Paul at an otter hunt in Rousay, and carried him away to Athol. Paul never returned to Orkney, but his nephew, Harald, Maddad's son, was admitted joint earl with Rognwald, the latter to be sole ruler.

Earl Rognwald II. found Kirkwall very much as Earl Rognwald I. had left it a century before; but the fulfilment of his vow transformed the hamlet into a town. The building of the Cathedral necessitated a palace for the bishops, residences for the dignitaries of the church, and dwellings for the numerous followers of these important personages.

In these changes Bishop William, who resided for the most part in Egilshay, was an important factor.

Buchanan, in his description of Kirkwall, 1582, gives the key to a proper interpretation of its history:—"In this town there are two Castles of moderate extent near to each other, the one the King's and the other the Bishop's. Between them is a Church which, for these regions, may be termed magnificent; and between the Church and the Castles there are some buildings on both sides which the inhabitants call two cities—the one the Royal, and the other the Episcopal."

James the Third's Charter, 31st March 1486, recognises this division, when it is proposed "to erect all and haill our said Burgh and City of Kirkwall, and that part thereof called the Laverock, in ane ffull Burgh Royal."

The Laverock was the Episcopal domain, and the boundary between the two "cities" was the lane which divides Broad Street into two nearly equal portions.

The rivalry between the youths of Burgh and Laverock always found ready vent in the trials of strength and skill afforded by the popular sports. Thus the fierce struggle which annualiy takes place round the "New Year's Ba'," and which always begins at the ancient boundary, is in its origin a tug-of-war between Crown and Mitre.

The building of the Cathedral progressed under Kol's supervision, and after it was

* Magnus was canonised 1135, and stands high in the Calendar, as the first regular canonization was that of Ulric, Bishop of Augsburg, by Pope John XV., in 993.

† Saga. ‡ Saga.

sufficiently advanced to allow of consecration, Rognwald and the Bishop set off on a pilgrimage to the Holy Land. They required, however, to live by the way, and piracy did not at all detract from the piety of these devotees ; on the contrary, it enabled them to be more liberal in the practice of Christian charity :—"Of the booty we obtain we shall give every fiftieth penny to the poor." *

Soon after Rognwald's departure, Erlend, Harald's cousin, aided by Swein of Gairsay, invaded Orkney.

In hereditary descent this claimant had a better right to the earldom than had Harald. They were both grandsons of Hakon, the slayer of Magnus, but Erlend's father was Earl Harald, Hakon's eldest son,† while the other was the son of Hakon's daughter, Margaret, Countess of Athol.

On Michaelmas evening, Harald and his men saw long ships approaching, and, suspecting them to be enemies, they ran from the ships at Scapa into the Castle. There was a man named Arni, Rafn's son, who ran from Harald's ship to Kirkiuvag. He was so frightened that he forgot that he had his shield at his shoulder until it stuck fast in the door. ‡ The width of the landward doorway is the only hint given in the Saga of any of the dimensions of the Earl's Hall.

That it was a place of considerable strength is shown in the context. "Earl Erlend and Swein ran from their ships and pursued Earl Harald to the Castle, and attacked them, both with arms and fire. The assailed defended themselves bravely, until night parted them. Many were wounded on both sides. Next morning the Boendr and their mutual friends arrived, and tried to make peace between them." The end was that Erlend dispossessed Harald and ruled all Orkney. However, "it was an agreement between Earl Erlend and the Boendr that he should not hinder Earl Rognwald from taking possession of that part of the islands which belonged to him if it should be granted him to come back" ; but if Earl Rognwald should demand more than one-half of the islands, they should help Earl Erlend to resist his claims.

Erlend, now sole ruler, did not at once take up his residence in the Castle of Kirkwall. Harald had gone over to Caithness, and might return. Swein, Asleif's son, cautioned Erlend not to trust the Scots. Accordingly, "the most part of the winter they were on board their ships, and had scouts on the look-out. Towards Yule-tide the weather began to grow boisterous, and Swein went home to his estate in Gairsay, and asked the Earl not to relax his vigilance though they parted. He remained on board his ships, and had nowhere a Yule feast prepared for him in the Islands."

After three years' absence, Rognwald returned and came straight to his Kirkwall residence.

The pilgrimage of the Earl and the Bishop had been successful throughout. They gathered booty, rode out a gale under Candia, arrived at Acre on a Friday morning, landed "with great pomp and splendour," visited Jerusalem, went to Jordan and bathed. Earl Rognwald swam across the river, and, finding a willow bush, twisted in its branches a memorial knot. §

On their return journey, they brightened up their ships and made them "look splendid" before visiting the Emperor Manuel at Constantinople. Here they were well received, and

* Saga. † Slettmali.

‡ "The shield was suspended by the Skialdurfettle, a shoulder belt or strap which went from the right side of the neck down under the left shoulder, and held the shield when not actually required. *Figures* of the shield so borne are not frequent. Such a figure is given in Cutt's Sepulchral Crosses, Lond., 1849, p. 21, from a gravestone of the 14th century in St. Magnus Cathedral, Kirkwall."—Stephen's Runic Monuments, iii. 54. § Saga.

had tempting offers made them to stay and join the Imperial Varangian bodyguard. After enjoying the gaieties of the capital of the Eastern Empire for half the winter, they set sail and came up the Adriatic to Apulia. Here the Earl and Bishop, with a few of their noblest men, procured horses and rode first to Rome, and then across the Continent of Europe to Denmark —a most remarkable feat for the brave old priest. No wonder the Saga adds :—"This journey became very famous, and all those who had made it were considered greater men afterwards than before."

As the result of Rognwald's return, a conference took place between the earls, and peace was confirmed, the Boendr insisting that their bargain with Erlend should be adhered to. Thus, there were three earls of Orkney—Rognwald, Erlend, and the ousted Harald. But the exile came back, and then there was war. At first it was each man for himself, but by and by Rognwald and Harald joined against Erlend. "Earl Erlend yielded to the persuasions of his men that they should go to Damsay, and in a large castle there they drank all day, but fastened the ships together every night and slept on board." Here "the Earls Rognwald and Harald surprised Earl Erlend." But Erlend personally was past surprise. "A man named Orm, and another Ufi, were in the forepart of the Earl's ship." When the assailants were boarding, "Ufi jumped up and tried to rouse the Earl, but could not, for he was dead-drunk. Then he took him in his arms and jumped overboard with him into a boat alongside the ship. There Earl Erlend was slain, and most of those on board." Harald returned to the Castle of Kirkwall, but Rognwald remained for a time in Damsay.

After Erlend's death, Swein of Gairsay made peace with the earls, both of whom were glad to have him as a friend. "When the Earls Harald and Rognwald had made peace with Swein, Asleif's son, they (the earls) were always together, and Earl Rognwald governed, but they agreed very well." "Earl Rognwald gave Earl Harald the ship which had belonged to Swein."

One day when Swein was staying with Rognwald in Kirkwall, the two had stepped over from the Castle to the Cathedral. About one hundred and fifty yards from the church door, where they stood, on the shore of the Vagr, lay Swein's galley preparing for sea. "The sail, which had been lying in Saint Magnus Church, was carried out, and Swein looked rather gloomy." He had no share in the preparations ; his ship was the property of another. But at the sight of her, old memories in swift recurrence crowded before him—all the vicissitudes of war, triumph and defeat, pursuit and flight ; the no less earnest struggle for life against winds and waves and tides, and in all, himself the chief on whose courage and tact his men relied for victory. No wonder that Swein looked gloomy.

Though on the whole fairly successful, the dual rule of Rognwald and Harald was sometimes the source of discords. Kirkwall at this time was a turbulent little village, some of the inhabitants regarding themselves as Harald's retainers, while others were devoted to Rognwald. Thus "Thorbiorn Klerk went to Earl Harald and became his counsellor. It was said that Thorbiorn did not improve the harmony between Earl Harald and Earl Rognwald."

"Thorarinn Killinef was one of Earl Rognwald's men, a great friend of his, and was always with the Earl. A man named Thorkell was one of Thorbiorn Klerk's followers, and a friend of his. Thorarinn and Thorkell quarrelled over their drink in Kirkwall, and Thorkell wounded Thorarinn. Thorarinn's companions pursued Thorkell, but Thorbiorn and his men defended themselves in a loft. The earls were informed of this, and they went to part them. Thorbiorn refused to leave the decision of the case to Earl Rognwald, as it was his men that were concerned in the pursuit. When Thorarinn had recovered from his wounds, he slew Thorkell as he was going to church (St. Olaf's). Thorarinn ran into the church, but Thorbiorn and his men pursued him. Earl Rognwald was told what was happening, and he went with

his men and asked Thorbiorn whether he was going to break the church open. Thorbiorn said the church ought not to shelter him who was within. Earl Rognwald said there should be no violation of the church at this time, and Thorbiorn was pushed away from it. No agreement was come to about this case." But out of it arose a vendetta, which only terminated in the deaths of the principal persons concerned. "Thorbiorn went over to Caithness, and was there for a while," behaving very badly both to men and women. After a time "he went out secretly to the Orkneys in a boat with thirty men, and landed at Scapa, and walked to Kirkwall with three men. In the evening he went alone into an inn where Thorarinn was drinking, and struck him a death-blow immediately. Then he ran out into the darkness and far away.*

"Every summer the earls were wont to go over to Caithness and up into the forests to hunt the red deer."

In 1158, "the earls went over to Caithness during the latter part of the summer as usual." At Thurso they learned that Thorbiorn, with a large following, meant to attack them if a favourable opportunity offered. Rognwald, with four others riding well in front of the main party, came to a house close by which a farmer was building a stack of grain. Seeing the Earl, "he saluted him by name and asked for news, speaking very loud so that he could be heard far away. This was a short distance from the sitting-room of the house." Thorbiorn, who was within, got quietly out at the back with his followers, and coming round, struck a treacherous blow at Rognwald. Asolf, one of his four companions, "warded off the blow with his hand, and it was cut off; and then the sword touched the Earl's chin, inflicting a great wound."

"On receiving the blow, Asolf said, 'Let them serve the Earl better who have to thank him for greater gifts.' He was then eighteen winters old, and had lately entered the Earl's service."

"Earl Rognwald was going to jump off his horse, and his foot stuck fast in the stirrup." In that plight he was slain.

"Earl Harald brought the body with a splendid following to the Orkneys." It was buried in St. Mary's Church, South Ronaldshay, "and there it rested until God manifested Rognwald's merits by many and great miracles. Then Bishop Bjarni had his holy remains exhumed with the permission of the Pope." They were deposited in the Cathedral, which he had built. A skeleton in the wall of the south choir aisle is supposed to be that of the chivalrous Earl Rognwald.

Rognvald was survived by a daughter and six grand-children, but none of these succeeded to the earldom.

"After Earl Rognwald's death, Earl Harald took possession of the whole of the islands, and became their sole ruler. He was a mighty chief, and a man of large stature and great strength."† But, deprived of Rognwald's judicious counsels, he sometimes behaved foolishly, and suffered in consequence. In 1194 an attempt to dethrone the King of Norway was organised in Orkney with Harald's connivance. The insurgents were defeated and nearly all slain by King Sverrir. For his share in the rebellion, the Earl was summoned to Norway.

Accompanied by Bishop Bjarni, he appeared before the King, laid his head at the Monarch's feet, and appealed for pardon. Possibly through the Bishop's influence, Sverrir allowed Harald to return to Orkney, but to mark his sense of the magnitude of the crime, the King deprived him of the whole of Shetland.

The Saga shows Earl Harald at the social board, and records some of his table talk.

* Saga. † Saga.

Harald and Swein, Asleif's son, were very friendly; indeed, the heroic chief of Gairsay undertook the training of one of the Earl's sons.

"Once it happened that Swein went out on a spring expedition, taking with him Hakon, the son of Harald. They had five rowing ships, all large. They went to Ireland and plundered there, but when they came to Dyflin (Dublin), two merchant ships came from England, laden with English cloth and other merchandise. Swein made for the vessels, and offered them battle. There was little resistance by the English, and Swein's party took every penny in the vessels, leaving to the Englishmen only what they stood in and a small quantity of provisions. They sailed from the west with great pomp."

"Swein used to reside at home in Gairsay in winter, keeping eighty men at his own expense. He had such a large drinking hall that there was none equal to it anywhere else in the Orkneys."

"He had taken a large quantity of wine and English mead from the vessels in Dublin Bay. When he had been at home a short time, he invited Earl Harald and prepared a splendid feast for him. When Earl Harald was at the feast a great deal was said of Swein's magnificence. The Earl said:—'I wish, Swein, you would leave off your marauding expeditions; it is good now to drive home a whole wagon. You know that your plundering has fed you and your men a long time, but to most men of violence it happens that they perish in their raiding if they do not leave it off in time.'"

Swein looked to the Earl, and replied, smiling, "This is well said, my lord; you have spoken like a friend, and it is good to take sound advice from you; but some complain that you are not an over just man yourself."

The Earl replied: "I must be responsible for my own acts, but I spoke as it occurred to me."

Swein answered: "Your intention is no doubt good, my lord; and it shall be so that I will discontinue my marauding expeditions, for I am getting old and my strength is wasting away in the wet work and the fighting. I am now going to make an autumn expedition, and I wish it to be not less glorious than the spring one. Then I shall leave off war-going."

Said the Earl: "It is difficult to know, comrade, which comes first, death or lasting fame."

Then their conversation ceased. When Earl Harald left the feast, honourable gifts were presented to him, and he and Swein parted very good friends.

Swein did not "drive home a whole wagon." He attacked Dublin and took it. After imposing conditions which the Dublin men swore to observe, the invaders returned to their ships for the night.

The Irishmen made good use of the darkness. They dug pits inside the gates and in the places where Swein and his lieutenants would be likely to lead their crews. These they covered with light material, strewing straw all over.

"Swein and his men, not being on their guard, fell into them. Some of the townsmen ran immediately to the gates, and others to the pits, and attacked Swein's men with weapons. It was difficult for them to defend themselves, and Swein perished there in the pit with all those who entered the town. It was said that he spoke these words before his fall: 'Know all men, whether I die to-day or not, that I am the holy Earl Rognwald's henchman, and my confidence is where he is, with God.' Here is the end of Swein's history; and it has been said that he was the greatest man in the western lands, either in old times or at the present day, of those who had not a higher title than he had."

Harald Maddadson became earl of half of Orkney in 1139. After the death of Earl Rognwald, in 1158, he was sole ruler till he died in 1206, a remarkable length of reign in such troublous times.

Two sons, David and John, now occupied Kirkwall Castle. These both died without male issue, but a daughter of the latter, or perhaps a sister, had married Gilbride, Earl of Angus, and their son, Magnus, became Earl of Orkney, 1231.

There were seven earls of the Angus line, the last of whom, Magnus V., was the greatest. As Caithness was included in his earldom, he owed allegiance equally to Norway and to Scotland, and at both Courts he was held in high esteem.

"It was in his time, and perhaps in his favour, that the King of Norway prohibited any within his kingdom to bear the title of earl except the King's sons and the Earls of Orkney."*

David, Bishop of Norway, a partisan of the Bruce, was excommunicated by the Papal Legate in England, Cardinal St. Sabinus, for condoning the sacrilegious slaughter of Comyn in the church of Dumfries. He found a refuge in Orkney, and Edward I. addressed a letter to King Haco of Norway calling for his arrest. The negotiations were proceeding when Edward died, 1307, and David returned to his See. The probability is, that had Haco yielded to Edward's desire, Magnus would have resisted the Bishop's extradition.

In 1312, Earl Magnus was at Inverness when King Robert the Bruce and Hakon V. of Norway renewed between their countries the treaty which had been concluded at Perth, 1266, between Alexander III. of Scotland and Magnus IV. of Norway. By this treaty the Hebrides and Man were ceded to Scotland, while Orkney and Shetland were retained by Norway. A very important term in that treaty was that Scotland should pay four thousand merks within four years, *and one hundred merks annually in perpetuity.* This yearly tribute, known as the Annual of Norway, was to be paid over in St. Magnus Cathedral into the hands of the Bishop of Orkney.

In 1314, Magnus, as liegeman of the Bruce, was one of "the warriors of the hardy North" who fought at Bannockburn.

To the men of Orkney this battle had no national interest, and those of them who were present were there as the Norse followers of this earl, a reinforcement of his Caithness contingent.

In 1320, Magnus was one of the eight earls who, along with thirty-one barons and others representing the whole community of Scotland, subscribed and sent the famous letter to the Pope, in which, while respectfully asserting the independence of their country, which the Pontiff had hitherto refused to acknowledge, they earnestly requested to be reconciled to the Romish See.† Before this time the Archbishop of York and the Bishops of London and Carlisle had standing orders from Rome to excommunicate Bruce and his accomplices on every Sabbath and festival day throughout the year.‡

The hostility of the Pope was no doubt purchased by England, but the excuse for it lay, not in the war of independence, but in the killing of Comyn in the Greyfriars' Church in Dumfries, February 1306.

* Barry. † Rymer, quoted by Tytler, i. 369.

‡ This famous letter was adopted by the Scottish Parliament sitting in Arbroath Abbey, 6th April 1320. It is a most powerful protest against the Pope's recognition of England's claim of supremacy. It acknowledges the great services which their beloved King had rendered in securing the independence of his country, but adds—"If this prince shall leave these principles he hath so nobly pursued, and consent that we or our kingdom be subjected to the king or people of England, we will immediately endeavour to expel him as our enemy." "For it is not glory, it is not riches, neither is it honour, but it is liberty alone that we fight for, which no honest man will lose but with his life." It pleads to the Pope, with all humility, "from bended knees and hearts." There is, however, no servility. "But if your Holiness shall be too credulous of the English misrepresentations, we must believe that the Most High will lay to your charge all the blood, loss of souls, and other calamities that shall follow." This memorial had a strong effect at Rome. The duplicate, which was retained, is still preserved in the Register House in Edinburgh.

Magnus left no son to succeed him, and the Angus line of earls became extinct; but a daughter, Isabella, had married Malise, Earl of Stratherne, and her son, Malise, was the first of the Stratherne line. In point of fact, he was the only one of his race that ruled Orkney. He was twice married, and had five daughters, but no son came to perpetuate his name.

On the death of Malise, Earl of Stratherne, the husband of his third daughter, Agnetta, a Swedish noble, Erngils Suneson, got the title of Earl of Orkney from Magnus III. of Norway, 1353. In 1357 he was deposed by the same monarch and his estates confiscated.

In 1364, Thomas St. Clair occupied Kirkwall Castle as representative of the King of Norway.

In 1379, Henry St. Clair, son of Elizabeth, youngest daughter of Malise of Stratherne, was preferred to the earldom, the first of an illustrious dynasty which lasted for ninety years.

"The St. Clairs are of Norman extraction, being descended from Williem de St. Clair, second son of Walderne Compte de St. Clair, and Margaret, daughter to Richard, Duke of Normandy. He was called for his fair deportment the Seemly St. Clair, and, settling in Scotland during the reign of Malcolm Caenmore, obtained large grants of land in Mid-Lothian."

"These domains were increased by the liberality of succeeding monarchs to the descendants of the family, and comprehended the baronies of Rosline, Pentland, Cowsland, Cardaine, and several others. It is said that a large addition was obtained from Robert Bruce on the following occasion. The King, in following the chase upon Pentland Hills, had often started a white faunch deer, which had always escaped from his hounds; and he asked the nobles, who were assembled around him, whether any of them had dogs which they thought would be more successful. No courtier would affirm that his hounds were fleeter than those of the King, until Sir William St. Clair of Rosline unceremoniously said he would wager his head that his two favourite dogs, Help and Hold, would kill the deer before she would cross the march burn. The King instantly caught at his unwary offer, and betted the forest of Pentland Moor against the life of Sir William St. Clair. All the hounds were tied up, except a few ratches or slow hounds to put up the deer; while Sir William St. Clair, posting himself in the best situation for slipping his dogs, prayed devoutly to Christ, the blessed Virgin, and St. Katherine. The deer was shortly after roused and the hounds slipped, Sir William following on a gallant steed to cheer his dogs. The hind, however, reached the middle of the brook, upon which the hunter threw himself from his horse in despair. At this critical moment, however, Hold stopped her in the brook, and Help coming up, turned her back and killed her on Sir William's side. The King descended from the hill, embraced Sir William, and bestowed on him the lands of Kirkton, Logan House, Earncraig, &c., in free forestrie."*

This adventurous huntsman married Elizabeth, daughter of Malise, Earl of Orkney and Stratherne, in whose right their son, Henry, was created Earl of Orkney.

"Although the Earls of Orkney had precedence of all the titled nobility of Norway, and their signatures to the national documents stand always after the Archbishops and before the Bishops and nobles, though the title was the only one permitted in Norway to a subject not of the blood royal, yet it was now declared to be subject to the royal option of investiture."†

Haco VI. of Norway, in investing Henry St. Clair in the earldom of Orkney, fully recognised the fact that the earls of Orkney were now liegemen of the Kings of Scotland, and that they had shown a disposition to be independent of both their suzerains.

Accordingly, this investiture was granted under very stringent conditions, among others, that the Earl should take no part with the Bishop of Orkney to the King's prejudice, or enter

* Father Hay. † Dr Anderson, Saga, Int., p. 64.

into any contract with him without the King's permission ; and that he should build no fort or castle within the precincts of the earldom without the Royal assent. In face of these conditions, Henry St. Clair, *circa* 1380, cleared away the old Hall of the Norse earls and built a stronghold suited to the military requirements of the time, and of a style fitting the occupation of one of the most important feudal barons of his day.

Seal of Burgh of Kirkwall, 1675.

CHAPTER II.

The Castle.

IF the Castle was built without permission of the King of Norway, Earl Henry had a ready excuse, that, as he could not make a league with the bishops, he required a place of residence, at least equal in strength to their palace, which had accommodation for a large garrison.

Evidently the King and the Bishop had not been on good terms, and possibly the churchman transferred his grudge from the King to the Earl. If he did so he was worsted, for in 1382, without any detail of circumstances, "there came the mournful tidings that Bishop William was slain in the Orkneys."

When St. Clair came to his earldom he found that the islands had suffered much, and were then suffering from the depredations of Scottish rovers. Accordingly, he used his influence at Court in favour of his new subjects, and obtained from the King a proclamation prohibiting, under heavy penalties, any Scotsman resorting to Orkney except for lawful trade, and this mandate, with the Earl's vigilance, had the desired effect.

During the rule of this earl the three Scandinavian kingdoms—Denmark, Norway, and Sweden—were joined under one crown.

Margaret, daughter of Waldemar of Denmark, a brave, clever, energetic woman, married Haco V. of Norway. Haco and Margaret had one son, Olaf, who succeeded his grandfather, Waldemar, on the throne of Denmark. Shortly afterwards Haco of Norway died, and Olaf would have become king, but the Norwegians, who did not want a boy ten years of age on the throne, placed the crown on Margaret's head. Shortly afterwards Olaf died, and in the absence of a male heir, Margaret became Queen of Denmark also. Then the Swedes, dissatisfied with their King, Albert of Mecklenburg, invited Margaret to depose him and take the throne. This she did, doubtless with much pleasure, and became Queen of the North. The union of the three kingdoms was sealed at Calmar, 1397, and Copenhagen became the capital. From this historic accident, Orkney and Shetland, which had hitherto belonged to Norway, came now to be regarded as pertaining to Denmark.

That such a union was possible, apart from conquest, was undoubtedly owing to the amount of popular literature common to the three countries.

Laing says—"It would be a curious subject for the political philosopher to examine what have been the effects of the literature of a people upon their social conditions. The literature of the Northmen kept alive the common feeling and mind—the common sense in matters of common interest which grow up into national institutions. They had a literature of their own, however barbarous, had laws, institutions, and social arrangements of their own, and all these, through a common language, influenced and formed a common mind in all." *

* Sea Kings of Norway, i. 66.

Henry, the castle builder, was succeeded in the earldom by his son, Henry II., a most accomplished nobleman. His "little Court of Orkney was the most elegant and refined in Europe, and adorned with the official services of many proud Scottish nobles. Half a century before Columbus commenced his baffling search for a patron among the sovereigns of Europe, the Venetian navigator, Zenoni, had been commissioned by Earl Henry to retrace the footsteps of the early Scandinavian discoverers of the western world." *

The Earl's neighbours, the Bishop of Orkney and the dignitaries of the Cathedral, represented the scholarship of the age, which, combined with the feudal splendour of the St. Clairs, made Kirkwall at the beginning of the fifteenth century the most brilliant capital in northern Europe.

To Earl Henry, Robert III. of Scotland committed the charge of his second son, Prince James, after the more than suspicious death at Falkland of the Crown Prince, David, Duke of Rothesay. Fearing lest the ambitious Albany should secure the crown for himself by the removal of his remaining son, the old King sent the youth off to France under the charge of the Earl of Orkney. But the voyage proved disastrous. Through the intrigues of Albany, Henry IV. of England was induced to send a vessel to intercept them, and their ship was captured off Flamborough Head by an armed merchantman belonging to the port of Wye. † The Prince and his retinue were carried prisoners to London. In security, if in captivity, the royal youth was for nineteen years detained in England, receiving meanwhile such a training as befitted the heir to Scotland's throne.

Earl Henry was allowed his freedom, on leaving his brother John a hostage for his return, and thus, in a manner bound to both courts, he made repeated journeys from one to the other. In his frequent absences from Kirkwall his grandmother held the castle and ruled the earldom.

He married Egidia, daughter of Lord William Douglas, grand-daughter of Robert II. of Scotland, and was succeeded by his son, William, the first of the family to give his name the form of Sinclair. Earl William found employment enough at the Scottish Court to make him careless of seeking infeftment at the hands of the King of Denmark. He visited Prince James in his captivity in England, and, when the young King returned to Scotland, was one of the splendid train that met him at Durham.

But King Eric became impatient, and felt himself bound to resent Earl William's carelessness in the matter of homage. He did so by raising a doubt as to the validity of the St. Clair title, and he only granted investiture when, in 1434, Bishop Tulloch and his clergy, after careful genealogical research, produced a "Diploma" showing the title to be unassailable.‡

In 1448, Christian I. ascended the Danish throne.

In 1455, Bishop Thomas died and was succeeded by his cousin, William Tulloch.

"Tulloch, Bishop of Orkney, a Scotsman and a prelate of high accomplishments and great suavity of manners, enjoyed the friendship and esteem of Christian, King of Denmark and Norway, and appears to have been entrusted by this northern potentate with a considerable share in the government of these islands." §

If Eric had been doubtful of the loyalty of the St. Clairs, Christian had no less reason to be dissatisfied. After this king had been thirteen years on the throne, Bishop William was good enough to apologise for the negligent earl on the ground that, having been appointed one of the regents of the kingdom during the minority of James III., his presence was required at

* Balfour Mem. for Ork., p. 27.
† Tytler quoting Walsingham and Winton, iii. 154. ‡ Barry. § Tytler, iv. 215.

the Scottish Court, and, therefore, he could not go to Copenhagen to take the oath of allegiance.

His attendance at Court necessarily prevented the Earl's residence in Orkney, but, after years of neglect, he at length sent his son to occupy Kirkwall Castle.

This young man, known in the family records as William the Waster, found a churchman exercising secular rule over his father's lands, and at once proceeded to make history, not merely for Orkney, but for Scotland and for Europe. Great must have been the excitement in Kirkwall when the reckless "Waster" carried the suave Bishop from the Palace to the Castle. Great also must have been the wrath of King Christian when the tidings reached Copenhagen that "the prelate had been seized and shut up in prison by a son of the Earl of Orkney, who showed no disposition to interfere for his liberation." *

A dignitary of the Scandinavian Church, the royal representative in the province, and an esteemed personal friend, incarcerated by a Scottish lordling, was a national and a personal insult which King Christian could not brook. He directed letters to the Scottish Court remonstrating against the treatment of the Bishop, demanding his immediate liberation, and intimating that he would not tolerate the oppression of his lieges in Orkney by any of the subjects of the King of Scotland. To add weight to his protest, he demanded payment of all arrears of the "Annual of Norway."

This tax, though only a hundred merks yearly, had remained unpaid for nearly a couple of centuries, so that the amount now due, principal and interest, formed a very embarrassing claim upon the never overflowing Scottish exchequer. In sending in his account, the royal creditor expressed the hope that the friendly relations of the two kingdoms might not be disturbed, but the very utterance of such a hope showed that Denmark contemplated a possible rupture.

In this complication both parties agreed to settle their differences by arbitration, and placed the case in the hands of Charles VII. of France. This monarch, valuing the alliance of Denmark and of Scotland, gave the weighty question his earnest consideration. His finding was that, as the young King of Scotland was of an age† to marry, and as the King of Denmark had a daughter of suitable years, international differences should be forgotten in the rejoicings of a royal wedding. The award was accepted, and James III. married Margaret of Denmark.

In the drawing of the marriage settlement, the Scottish ambassadors secured remarkably liberal terms for the bridegroom. Scotland's heavy debt to Denmark was cancelled, while the Princess brought with her a dowry of sixty thousand florins. Of this sum ten thousand were to be paid at once, and the Orkney Islands were to be held in pawn by Scotland till the remaining fifty thousand florins should be forthcoming.

But when it came to the payment of the ten thousand florins, Christian found that he could only disburse two thousand, and he gave Shetland in pledge for the balance. Thus Orkney and Shetland, which had been lost to Scotland in the ninth century by a process of Scandinavian immigration, were in 1468 restored by this impignoration ; for the question of their redemption has long since passed beyond the range of practical diplomacy. And it should not be forgotten that this restoration, and the wedding which brought it about, resulted from the rough play between Bishop Tulloch and young Sinclair on the streets of Kirkwall.

In 1471, William St. Clair exchanged his earldom of Orkney for a grant of the lands and castle of Ravenscraig in Fife, and an Act was passed annexing the islands to the Scottish

* Tytler, iv. 215.

† James had barely completed his eighteenth year, and Margaret was just sixteen.

Crown, "nocht to be given away in time to com to na persain or persainis excep alenarily to ane of the king's sonnis of lauchful bed." The exchange of Orkney for Ravenscraig was so unequal as to be really a confiscation, and as such it was regarded by the St. Clairs. In 1715, when John, Master of St. Clair, was passing into exile for his share in the rebellion, he made some stay in Kirkwall, and remarks :—"I had occasion to entertain myself at Kirkwall with the melancholy prospect of the ruins of an old castle, the seat of the old earls of Orkney, my ancestors ; and of a more melancholy reflection of so great and noble an estate as the Orkney and Shetland Isles being taken from one of them by James the Third for faultrie, after his brother Alexander, Duke of Albany, had married a daughter of my family, and for protecting and defending the said Alexander against the King, who wished to kill him as he had done his youngest brother, the Earl of Mar, and for which, after the forfaultrie, he gratefully divorced my forfaulted ancestor's sister ; though I cannot persuade myself that he had any misalliance to plead against a familie in whose veins the blood of Robert Bruce ran as fresh as in his own."

This not only proves the confiscation, but gives the cause.

William St. Clair, as Earl of Orkney, was sufficiently powerful to interfere in the private affairs of the royal family, and could uphold a member of that family whom the King had resolved to cast down ; but William St. Clair, as the Laird of Ravenscraig, was weak and as another man. Of the style this Earl maintained in Edinburgh we have a description :—

"In the Blackfriars Wynd the semi-royal house of Sinclair had a mansion.

"They were Princes and Earls of Orkney, Lords of Roslin, Dukes of Oldenburg, and had a list of titles that has been noted for its almost Spanish tediousness. In his magnificence Earl William—who built Roslin Chapel, was High Chancellor in 1453, and ambassador to England in the same year—far surpassed what has often sufficed for the Kings of Scotland.

"His Princess, Margaret Douglas, daughter of Archibald, Duke of Touraine, according to Father Hay in his 'Genealogie of the Sainte Claires of Rosslyn,' was waited upon by seventy-five gentlewomen, whereof fifty-three were daughters of noblemen, all clothed in velvets and silks with their chains of gold and other pertinents, together with two hundred riding gentlemen who accompanied her in all her journeys. She had carried before her when she went to Edinburgh eighty lighted torches, so that, in a word, none matched her in all the country save the Queen's Majesty." *

Father Hay tells us too that "Earl William kept a great court, and was royally served at his own table in vessels of gold and silver, Lord Dirleton being his master of the household, Lord Borthwick his cup bearer, and Lord Fleming his carver, in whose absence they had deputies, viz. :—Stewart, Laird of Drumlanrig ; Tweedie, Laird of Drumelzier ; and Sandilands, Laird of Calder. He had his halls and other apartments richly adorned with embroidered hangings."

That this magnificence was not exhibited to the full in Kirkwall Castle must be admitted ; but even on a deputy, and especially if that deputy were a son, there would be from the paternal centre a strong reflected splendour.

William Sinclair was the last of the hereditary earls of Orkney. Back through the Stratherne family, through the house of Angus, and through centuries of Norse ancestors, he could trace his descent from Sigurd the First, the liegeman of Harold Haarfager. He was also the last to hold the fief from a Scandinavian suzerain.

After the confiscation, the earldom lands were leased to Bishop Tulloch, and on his translation to the See of Moray the lease was continued to Andrew, the first prelate of Scottish appointment, and with the lands was given the keeping of the Castle of Kirkwall.

* "Edinburgh in the Olden Time," Wilson.

Barry refers to a stone in front of the building carved with arms and a mitre.* If such a stone existed it probably dated from the rule of one of these two churchmen.

In the absence, or rather in the non-existence, of an earl, Bishop Andrew secured for the bishopric a royal charter erecting it into a regality, thus making himself and his successors, in their civil jurisdiction, independent of the earldom courts. †

In thus procuring a separate right of "pit and gallows," he was doubtless simply restoring the bishopric to the position it had held under Scandinavian sway. This charter was confirmed by another eleven years later. Tudor says that the two bishops, during their leases, increased the estate of the bishopric at the expense of the earldom, and this is fully borne out by the rentals. The Bishop took to himself the scat which in many cases should have been paid to the King.

"I knaw nocht quha aw the land male hierof, bot the scats suld be the kingis, and thai ar withhaldin be the bischop in my time, xxij. yeiris bigane." ‡

"Langscale (Rousay) was evir to the Kingis scattis quhilk is haldin be the bischop (Andrew) in all my tyme bigane, and Bischop William, quhen he had our Soverane Lordis lands in tak, was the first that evier began to tak ony of the kingis scattis contenit in this buik." §

Many similar entries prove that these two pious churchmen added largely to their incomes by systematic frauds on the royal exchequer.

It is somewhat remarkable that, during the episcopate of a man of Andrew's influence, the King should, in the burgh charter, 1486, hand over to the newly-constituted corporation the care of the Cathedral building, and the appointment of parish schoolmaster, two matters which were certainly prerogatives of the Church, and which for a couple of centuries after the granting of the charter remained in the hands of the clergy unquestioned by the Town Council.

The charter marks the initiation of a new power in the town, the power of the people. Hitherto the Castle and the Palace, conjointly or separately, had ruled Kirkwall, but from this time the Town House loomed in the future as an institution of greater public importance than either. It is well to keep in mind what the burgh was when this charter was granted. It was still the triangular village situated between the Burn of Pabdale and the bay. What importance it had was gathered from its relations with the aristocratic suburban community, the Earl and his Court, the Bishop and his retinue, and the other dignitaries of the Church, with their necessary establishments. Many of these were immigrants, who brought with them from the outer world tastes which could only be gratified through a maritime trade with British and Continental ports. And the demand called forth the supply, bringing to the front quite a number of merchant sailors, many of whom, by commercial enterprise, acquired wealth; and when, long after the granting of the charter, the corporation assumed the conduct of burghal affairs, these were the kind of men who, as magistrates and councillors, came to the front and managed the affairs of the little town.

In 1488, James III. was killed at Sauchie Burn, and his successor entrusted the Crown lands in Orkney, with the keeping of the Castle of Kirkwall, to Lord Henry St. Clair, a son of the semi-royal William, late Earl of Orkney. By him the Castle was held and occupied till the fatal year, 1513, when he followed his king to England and fell with him at Flodden. "In the second year of Lady Sinclair's widowhood, 1515, the Orcadians elected James Sinclair, natural son of Sir William Sinclair of Wassater, Sanday, as their leader and virtual governor, the possessor, though illegitimate, of most of the wealth of the family, and the inheritor, as a born and bred Orkneyman, of all its popularity. On the plea of a general devas-

* p. 236. † 1490. ‡ Pet. Rent., p. 56. § p. 78.

tation of the islands by the English fleet, in Orkney they withheld Lady Margaret's rents for three years, 1523 to 1525, and forced her son, Lord William, to surrender the Castle. They slew thirty of Lord William's adherents who had taken sanctuary in St. Magnus Cathedral."* To recover possession of Orkney, Lord William raised a party, and, accompanied by his cousin, John, Earl of Caithness, crossed the Pentland Firth the following year. The Caithness men were defeated at Summerdale, in Stenness, and slaughtered almost to a man.†

Tradition is somewhat circumstantial in its memory of the first death in this invasion and the last at the close of the battle. The Caithness leaders held to the belief, "which spills the foremost foeman's life, that party conquers in the strife." Accordingly, soon after landing in Orphir, they came upon a lad herding cattle, and ruthlessly slew him. The victim, however, was not a foeman, but one of their own countrymen who had found employment on the north side of the Pentland.

The last to fall was an Orcadian, whose cottage was at Tuskerbister, quite near the battle-field. He had stripped one of the fallen, and had arrayed himself in gay apparel. He expected to surprise his mother, but the old lady surprised him. To protect her life and honour, she had, by way of weapon, put a stone in the foot of a long stocking, and as soon as the seeming stranger entered, she felled him to the ground and killed him.

Sir James Sinclair now remained governor of the Castle, and proceeded to acquire property. By representing that Sanday and Eday were holms used only for pasturing cattle, he received a grant of these islands. Sinclair died by his own hand at Stirling in 1539.‡

In the following year, James V. came to Orkney with a fleet of twelve ships.§ He was surprised to find the islands in such a state of civilization. Indeed, the town, with its Cathedral, its Palace, its Castle, and the handsome houses of the dignitaries of the Church, their gardens sloping to the Oyce, was well calculated to impress southern visitors; for, in architectural elegance, Kirkwall in the sixteenth century could have been surpassed by very few Scottish towns.

The King had with him a small army, and he "placed garrisons in two castles, the king's castle and the bishop's."‖

He evidently regarded Kirkwall Castle as a safe and commodious dwelling fit to be a royal residence, for he settled it on his Queen, Mary of Guise, should she survive him.

During the short time James remained in Orkney, his pilot, Lindsay, made good use of his opportunities in taking soundings and drawing a chart of the islands.

The lease of the earldom was now granted to Oliver Sinclair, the Court favourite for the time, and when, after the death of her husband, the Queen dowager desired to have possession of her castle, she was forced to have recourse to law, and after a somewhat tedious action, it was ordained by the Lords of Secret Council that Sinclair should give up the place within six days after receiving an order from the royal widow to that effect.

This unfortunate Oliver was the last Sinclair to bear rule in Orkney. In the wider history of Scotland his name is associated with the greatest national disgrace in the annals of our country's wars. At Solway Moss, an army, nominally under his command, but actually in a state of mutiny, was scattered to the winds by the dashing charge of a handful of English horse. The story of his life well illustrates the instability of Court favour. He had held the foremost place in the household of James V., yet he was personally unknown to James VI. and his Court. When the Earl of Arran had sole possession of this King's ear, we are told

* St. Clairs of the Isles.

† It was not till 1538, eleven years after the battle, that the King granted amnesty to those who had taken part in slaying the Earl, and in the Act of Oblivion he specially names Magnus Cromarte, Johne Cromarte, Magnus Garoch, and Edward Burness.

‡ Barry, p. 246, note. § Tytler, v. 276. ‖ Buchanan.

that "one day the favourite was bustling into the Court, when an old man, meanly dressed, chanced to stand in his way. As Arran pushed rudely past him, the man stopped him, and said—'Look at me, my lord, I am Oliver Sinclair.' In a short time, Arran, too, was living in obscurity and fear, and he died a violent death."*

Mary of Guise having ousted Sinclair, was, as Regent of Scotland, too much occupied with State affairs even to visit Kirkwall, and she gave the keeping of the Castle to one Bonot, a Frenchman, a choice which was far from popular.†

The Queen dowager died, 1560, and in 1564, Lord Robert Stewart, half-brother of Queen Mary, got a written title to "all and whole the lands of Orkney and Zetland, with all and sundry the isles pertaining thereto, with all and each of the castles, towers, fortalices, woods, mills, multures, fishings, tenents, service of free tenents, with the whole superiority of free tenents, advocation, donation of churches, and with the office of Sheriff of the Fouldrie of Zetland."‡ The feu was fixed at £2006 13s 4d ; Oliver Sinclair had paid £2000.

In 1567 this lease was cancelled, and the islands were given to James Hepburn, Earl of Bothwell, who was at the same time created Duke of Orkney. But the duke had a more restricted title than the earl had held. He did not get "all and whole the lands of Orkney and Zetland," but only "all and haill the earldom lands and isles," &c., "all erectit in ane haill and free dukry to be callit the dukry of Orknay for ever."

Here it would seem that the crown authority recognised the illegality of granting a title to the bishopric lands, which had been secured for the church and erected into a regality by the charter granted to Bishop Andrew. Mary, perhaps foreseeing the troubles that were sure to follow her ill-omened wedding with the Duke of Orkney, had given the keeping of the Castle of Kirkwall to one whom she had reason to regard as a friend. Gilbert Balfour had been Master of the Household to the Queen and her husband, Henry, Lord Darnley, and he was now Sheriff of Orkney and Governor of all its strongholds.

Mary's troubles came perhaps sooner than she anticipated. In exactly a month after this miserable marriage, Bothwell fled from the bloodless field of Carberry, and, seeking refuge in his island duchy, he hoped to find security in Kirkwall Castle. But the politic Balfour, refusing to treat with a broken man, turned the guns of the fortress upon him, and the fugitive hurried off to Shetland, hotly pursued by a squadron under command of Kirkaldy of Grange.

And now Lord Robert Stewart succeeded in recovering his former title, securing the bishopric as well as the earldom revenues. As to this, Bishop Graham says—"Robert, Erle of Orknay, sone to King James the Fyft, obteyned a few of Orknay and Shetland, and yair-upon intendit to stress the udillandis, and augment a rental on these their landis. He ceased fra it, and found out ane uther way to doe the turne. He was Abbot of Hallyrudehouse, and Adame Bothwell, then bishope of Orknay, they maid ane excambione, and Erle Robert became in these dayes bischope in omnibus, and set his rentall of teynds upon these udillands above the availe, yea, triple above the availe. This rentall stands to this day."§

On the other hand, Bishop Bothwell "denied that ever he dimitted to my Lord Robert his office or anie part thereof, but that the said Lord Robert violentlie intruded himself on his whole living."

Hitherto, the power of the Castle had been to a certain extent limited by the authority of the Palace ; but under Robert Stewart, the power of the earls and the authority of the bishops were the prerogative of one unscrupulous man.

The story of the tyrannous rule of the Stewart earls has often been told. Under them the

* Scott, Tales. † Peterkin, Notes, 100. ‡ Pet., Notes, 101. § Pet., Rent, iii. 20.

islanders became familiar with enforced labour of all kinds—field work, peat cutting, ferrying, quarrying, and building, receiving no return either in food or wages.

Rents being paid in kind, were left nominally untouched, but in reality, through altered standards, were increased all over the islands by one-fourth. Every thing thrown up by the sea or found floating off the shore became the property of the Earl. For venial crimes small proprietors were deprived of their lands, and where a pleasant bit of property tempted the eye, charges of witchcraft and sorcery were trumped up against the owner, to be immediately followed by confiscation.

The church was largely drawn upon to augment the revenue of the Earl. The teinds, as Bishop Graham showed, were set at triple their value. Benefices were allowed to remain vacant, and the stipends were appropriated by the Earl. Earl Robert suppressed the Burgh Council and destroyed what records had accumulated.

He built for himself a palace at Birsay, after the plan of the beautiful royal residence at Falkland. His vassals—a convenient and comprehensive designation including all ranks and conditions of the people—were forced to supply the labour.

To prevent as far as possible his high-handed rule becoming known beyond his earldom, no one was allowed to enter or depart without his permission.

In spite, however, of his precautions complaints reached the Court, and Earl Robert was summoned to Edinburgh. He was imprisoned in Linlithgow for a time, but on bail being found for him by two friends to the amount of £10,000, he was liberated, and returned to Orkney, where he died in 1591. He was succeeded by his eldest son, Patrick.

Of this earl's character and government, Scottish historians take different views. An almost contemporary writer says :—"The real crime of the unfortunate Earl was most probably his extensive possessions, the secular portion having attracted the avidity of the Royal favourite,* and the Episcopal revenues being as keenly eyed by the prelates.†

Peterkin calls his execution a judicial murder. But local tradition both in Orkney and in Shetland, the complaints of the Balfours, Ballendens, and others of his neighbours, and finally his indictment and trial, leave no doubt whatever of the injustice and tyranny of his rule.

He plundered those of his subjects whose wealth made it worth the trouble, and where resistance was offered he responded with imprisonment and torture.

Bellenden of Evie refused to part with some lands to the Earl, whereupon his eldest son was put in the "boots," another son was imprisoned, and the bedridden old laird himself was carried off to Kirkwall.

Besides the torture of the "boot," we hear of the "cashie laws," an iron stocking heated up by a moveable furnace ; of the penny winkies, the thumbscrew, and of the simple scourge applied with such hearty goodwill as to leave "neither skin nor hide" upon the unfortunate scourgee.

From these it may readily be believed that in his own domains the Earl had few friends.

With his neighbour of Caithness he was at constant feud. The rout at Summerdale was unforgotten and unforgiven on the other side of the Pentland Firth, and though the Stewarts had no finger in that pie, the Sinclairs seemed to regard the Orcadian earls as hereditary enemies. "The year of God 1608 there was some appearance of trouble between the Earls of Caithness and Orkney, by reason that upon some preceding discontent the Earl of Caithness had now caused apprehend some of the Earl of Orkney's servants who were forced to land in Caithness by a contrary wind and vehement storm of weather. First, the Earl of Caithness made them drunk, then, in a mocking jest, he caused shave the one side of their beards and

* Kerr, Earl of Somerset. † Aikman's Buchanan, iii., p. 336.

the one side of their heads, last of all he constrained them to take their vessel and go to sea in that stormy tempest." *

Earl Patrick complained to the King of this gratuitous indignity put upon his people, and both noblemen repaired to Edinburgh. There, however, "they agreed all their private quarrels by the mediation of friends lest they should reveal too much of each other's doings."

On the other hand, perhaps as a matter of policy, the Earl cultivated the friendship of the Sutherland family. "In the month of August 1602, John, Earl of Sutherland, accompanied by his brother, Sir Robert Gordon, Hutcheon MacKay, the Laird of Assynt, and other gentlemen went into Orkney to visit Earl Patrick. They shipped at Cromarty, in the Earl of Orkney's warship the Dunkirk, and landed at Kirkwall, where they were honourably received and heartily entertained by Patrick, Earl of Orkney." On such occasions his palace witnessed profuse display and prodigal expenditure. "His pomp was so great that he never went from his Castle to the Kirk without the convoy of fifty musketeers and other gentlemen of convoy and guard. And, before dinner and supper, there were three trumpeters that sounded till the meat of the first service was set at table, and sic like at the second service, and consequently after grace." †

Inheriting a strong love for architecture, he built for himself a residence on the bishopric lands. He selected a site close by the Place of the Yards, and erected what was called the New Wark in the Yards.

The Earl's Palace, when finished, must have been one of the finest examples of Scottish baronial architecture then existing, and the magnificent banqueting hall, the commodious withdrawing room, and the immense kitchen, with its capacious fire-place, go to show that the builder proposed to maintain the princely style becoming the grandson of a king and the ruler of a virtually independent province.

But in the erection of this lordly mansion the oppressions of the islanders culminated. It is charged against the Earl that he compelled the gentlemen tenants of Orkney and Zetland to work for him all manner of work by sea and land, in rowing and sailing his ships and boats, loading them with stones and lime and discharging the same, quarrying and carrying stones, building his walls and other sorts of servile and painful labour, without meat, drink, or hire. The islands were still under their old Norse laws, and in the Things justice should have been attainable even against an earl, but Patrick, adopting a course introduced by his father, packed the courts with creatures of his own, and thus could always secure a decision in his favour against any recalcitrant subject.

5th August 1602—"James Barnetson and Adam Cromartie baith proven in the Foldis buiks to have disobeyit to gang to my Lord's wark in Scalloway as they were decernit, thairfore ilk ane of them are decernit to pay 40 sh." ‡

This refers to the building of Scalloway Castle. In Kirkwall the Earl presided as provost in the burgh and as sheriff in the county courts, and carried matters his own way.

The building of the palace, together with his other extravagances, plunged Earl Patrick so hopelessly into debt that his principal creditor, Sir John Arnot, by way of security, was "infeft in the earldom," and Sir John had this infeftment subsequently ratified by Parliament, 9th July 1606.

With the candour of a creditor, he writes to the Earl, 9th April 1605 :—"It grieves me very meikle and piercis my hairt to hear your L. name bladdit out at the market croice as it is, for even when I was in wryting this letter your L. is chargit at the Gudeman of Ethay's instance to compair before the Counsel the 7th day of Junii or thereabout to answer to his complaints. There is as many complaints made upon your L. (and yet habile without caus)

* Peterkin, Notes, App. 55. † Macfarlane MSS. ‡ Pet., Notes, App. 32.

that your L. name is made odious to all the people of this country, baith great and small, every one ready to hem to their own evil word as occasion serves. Thomas Swinton,* James Annand, † and James Crawford can shew your L. enough heirof gif they please. I am feirit that it sall move his Majesty to extreme anger against your L., for his Highness is of another kind of disposition nor he has been in Scotland quhen he was hier." ‡

But a time was at hand when Earl Patrick should discover that in his own Orkney there was present a greater than himself.

In August 1606, the Parliament which met at Perth passed an Act "to restore the state of bishops to their ancient and accustomed honours, dignities, prerogatives, livings, lands, tithes, rents, and estates."

James Law, minister of Kirkliston, was installed Bishop of Orkney, and of all the Scottish prelates he was the fittest to cope with Patrick Stewart.

The Bishop, very soon after coming to Kirkwall, determined to get rid of the Earl. By pressing at Court the wrongs of the people he hoped to attain his end. He had ready access to the King's ear, and found it very willing to listen where the possible confiscation of an important fief was concerned. He wrought patiently and systematically. For three years he recorded the grievances of the people, arranging the cases for production when necessary, and in 1609 he had the Earl summoned before the Scottish Privy Council. An indictment under fourteen heads was drawn up, and the trial commenced 4th June 1610. §

Though the Lords of the Council were anxious to save the life of the peer, it was obvious that he could not be acquitted, so months and years passed away without sentence, Earl Patrick all the while a state prisoner. The King earnestly desired a compromise, and offered him a royal residence, with ample income, if he would give up Orkney and Zetland ; but, with the unreasoning obstinacy of his race, he refused all terms.

Lest his influence with the nobility should lead to plots in his favour, he was removed from Edinburgh to Dumbarton Castle. His income was now cut off, the merest pittance being allowed for his support—"22 June 1613, Four Pounds" (6/8 stg.) "daily allowed the Earl of Orkney, prisoner in the castle."

Meanwhile his natural son Robert,‖ perhaps inspired by filial affection, perhaps moved by the paternal reproaches, resolved to make a demonstration in favour of his father. On the plea of gathering arrears of rents he proceeded to Orkney, seized the Palace of Birsay, and there collected men. A lingering hope of release from Scottish rule, and a desire on the part of the bulk of the people to return to the old Norse laws and customs, gave what strength it had to this little rebellion. The Scottish friends and dependents of Earl Patrick gathered round his son, who, passing to Kirkwall, secured the castle, the palace, and the girnel house, the Cathedral tower being already in possession of Patrick Halcro, the most prominent of his supporters.

In all munitions of war the castle was well found, and was capable of standing a prolonged siege. We are told that Earl Patrick "had his ships directed to the sea to intercept pirates and collect tribute of uncouth fishers that came yearly to these seas, whereby he made

* Minister of Kirkwall, 1583 ; Member of the Secret Council, 1589 ; Commissioner for Orkney and Zetland for six years ending 1591.

† Minister of Westray, 1567 ; Commissioner of Orkney, 1580.

‡ Pet. Notes, App. 58. § See Appendix to this chapter.

‖ Robert Halcro of Cava, acting for Marjorie Sinclair, mother of Earl Patrick's natural son, Robert, prosecutes and obtains decree against Jasper Flett of Howbister for rents due to Earl Patrick to the amount of £686 2s 9d cash, 11 lasts, 11 meils, 1 setting, 14 merks flesh, 40 pair of cunnings, and 15 score of cunning skinnes for lands in Sanday, years 1601-2.—Sheriff Court Books, 6th Jan. 1625.

such collection of great guns and other weapons for war as no house, palace, nor castle, yea in all Scotland, was not furnished with the like." *

When news of this insurrection reached the Court there was a keen competition for the command of the expedition which should be dispatched to restore order.

Sir James Stewart, afterwards Lord Ochiltree, was at that time Sheriff of Orkney, and he offered to go personally and suppress the rising, if the Privy Council would grant him a commission to levy 500 men. Lord Lovat promised him "from 200 to 300 Hielandmen." Some gentlemen of Orkney, then in Edinburgh, dreading the consequences of such a Celtic invasion, prevailed on Robert Monteith of Egilshay to put in a proposal. He accordingly undertook to "appease the country" if he got sixty soldiers, a herald trumpeter, and one ship to transport them. He gave George, Earl of Caithness, as one of his cautioners. But the cautioner circumvented the principal and secured the command for himself.

Burning to wipe off the disgrace of Summerdale, Caithness appointed his own retainers to meet him in Orkney, and he himself embarked at Leith with sixty soldiers. For the destruction of the fortress and the Cathedral he had from Edinburgh Castle "ane great cannon callit Thrawn Mouthe, markit with the porcupine, and ane battering piece, markit with the salamander." His ammunition consisted of "three score bullets for each of the two battering pieces, four score and two stones of gunpowder, and two barrellis with cuttit iron for hail-shot."

He landed at Carness on the 23rd August 1614. With much labour he got a battering piece ashore, which then, "by great force of men and some difficulties through the depth of the soil, was with all possible diligence drawn near two miles towards the town, and the same day, about thrie afternoon, planted at Weyland, within ane half quarter of mile to the Castle."

"I commanded the cannoneers to shute at the Castle, who did their part so well that by the second shot one of the turrets upon the head of the House was pierced and almost beaten down, to the great terror of the traitors, and other three being shot, did all hit but not hurt so much."

The march to Kirkwall met with some show of resistance. It was charged against Robert Stewart at his trial that, "upon knowledge of the said Lieutenant's coming, ye maist treasonably convenit and musterit your hail forces, and for augmenting of your number drew in divers of the country people who were pressit and forceit by your tyranny to take part with you in your rebellion, making up in number an army of five hundred men for your guard and defence in so dampnable ane cause. With the quhilk number of armit soldiers ye marchit forth in battle array out of the town of Kirkwall towards the Car ness divers days of the month of August last, of purpose there to have withstood and resisted the said Lieutenant and his ship's landing. Likeas, after the said Lieutenant and his company war landed, ye, accompanied with the number above written, all bodin in feir of weir, with hagbuttis, muscattis, poulder, leid, ensignes displayid and sounding of drums, rankit yourselves in battle array at the Baw-field,† ane little frae the toun of Kirkwall, where ye, by the shutting of your muscattis, maist treasonably made resistance to the said Lieutenant being cled with His Majesty's authority."

Robert Stewart's five hundred men retreated somewhat ignominiously from the Ba'lea, but in the Castle they gave the Earl of Caithness more trouble than he had anticipated. The Earl's opinion of Henry St. Clair's fortress is interesting :—"It is one of the strongest houses in Britain, for I will bring with me to your Lordship cannon bullets broken like golf balls upon the Castle, and clovin in twa haffis."

* Macfarlane MSS. † The Ba'lea of Kirkwall at that time must have included the "Carters' Park."

He says again that, but for his securing the services of Patrick Halcro, "it would have been ane langsome siege; for I protest to God the house has never been biggit without the consent of the Divil, for it is one of the strongest houses in Britain—without fellow."

The townspeople, though not actually in rebellion, showed that they considered blood thicker than water. Caithness complains to the Secretary of State—"I cannot nor may not stop the inhabitants of this town from speaking with the traitors, giving them meat and drink, and making daily and nichtly advertisements of what I am doing. I will entreat your Lordship to mak me advertisit with diligence of the Council's mind what I sall do to them, baith men and women."

Though it had not been "ane langsome siege," the Earl found himself in somewhat straitened circumstances. "There is here no bread, nor drink, nor other victuals to be had for price, prayer, or command, so that I must seek present relief of some victuals from Caithness, or suffer the soldiers to starve for want. The hail powder, except ane half-barrel, is spent, and all the bullets for the cannon except nine. The soldiers want their pay for this month, and we cannot have the half or any pairt thereof advancit. The rebells are resolvit obstinately to indure and hold out; and this day, because the cannon played not on them (having intelligence of all our wants), they jested from the Castle in the morning, asking why our cannons did sleep so long."

Not many lives were lost during this siege. In thanking the Secretary of State for sending supplies, Caithness says—"I and all who are here with me have hot service with this most bluidie and barbarous rebels and traitors. They have killed four, and the last one is William Irvine,* ane Orkney gentleman, who, since his death, I have heard was ane great friend to the traitor. God is just in all his judgments, for amongst us all standing by him he is shot dead upon the nineteenth day of this month,† at two hours in the afternoon."

Marjorie Sinclair, Robert Stewart's mother, was with her son in the Castle, and got a musket bullet through her hand.

At length the Earl was able to report—"All is come to His Majesty's honour, praisit be God. I have six slain to me, many hurt. I shall not be slow to punish severely, to make example to others to play the lyk. Presently I am going to drink His Majesty's good health upon the Castle heid."

But for Halcro's treachery that toast would have been long deferred. "After four hours' conference, he and I hand in hand, I made him to yield that he would give it over and make the house to be in my hands upon condition that I should promise him his life, which I did." That promise Caithness hoped the Privy Council would disregard, and he writes—"I think my word and promeis given to Patrick Halcro shall not be fulfilled, before it wer I rather be in my grave."

To screen Halcro and make it appear that the desire for surrender came from within, a minister was sent into the Castle to admonish the garrison, and disunion was the result.

"After the Castell had been a whyle beseiged, and that many hundred shot of cannon had bein delashed at it in vain, without any effect, they which were within the fort fell at variance among themselves. Robert Stuart was resolved to hold out and not to render the house to the Earl of Cathynes. Patrick Hacro, the author of this rebellion, persuaded him to the contrary; whereupon Robert Stuart yielded at last, having discovered Patrick Hacro his treasone by means whereof he cud hold it no longer nor yet save himself; which when Robert Stuart perceived, though too late, he issued out the next morning with such as wold follow him, choosing rather to render himself than to be delivered up by Patrick Hacro."‡

* Of Sebay, whose tombstone is still in St. Magnus. † September 1614. ‡ Peterkin, Notes, App. 57.

But for the authority of Bishop Law, the victor would have wreaked his vengeance upon the vanquished by the destruction of the venerable Cathedral. Caithness fed fat his ancient grudge, however, by hanging twelve Orkneymen "at the Castle yett," and by carrying south with him in triumph the young commander and five of his comrades.

The news of the capture of Kirkwall Castle was received in Edinburgh with a joy that showed a very exaggerated idea of the importance of Robert Stewart's demonstration on his father's behalf. On the 23rd of November 1614, "the two cannons were brought up the street of Edinburgh, and the keys of the Castle of Kirkwall about their mouths, with drums, trumpets, and shotts of ordinance of the Castle, and layde in their own places within the castle. The Castle of Kirkwall was demolished at the king's command."*

The same authority states that, in the beginning of December, "sundry brasen pieces from the castle of Kirkwall were brought to the castle of Edinburgh," but omits to state that the brass guns carried away amounted in value to more than 20,000 merks, so well had the Stewarts fortified their stronghold.

Robert Stewart was hanged 6th Jan. 1615, along with his five companions—"the gentleman, not exceeding twenty-two yeirs of age, was pitied of the people for his tall stature and comlie countenance." †

Exactly a month later Earl Patrick, for his share in this rebellion, was beheaded at the Cross of Edinburgh, his execution having been postponed for a few days at the request of the ministers, who found him, and indeed left him, "so ignorant that he could scarce rehearse the Lord's prayer."

We get an idea of the weight of shot belched forth by "Thrawn Mouth":—"David Seater, belman in Kirkwall, searched the east syde of the Castle, there about the greatest breach thereof, and picked out a cannon ball, to the bigness of thirty pounds weight or thereby, shot thereat 74 yeires at the intaking of the said Castle. This was done upon a wage of 12/- scots betwixt the said David and Alexr. Sclaitter, officer in the said Brugh." ‡

An order for the demolition of Kirkwall Castle was issued 22nd Oct. 1614, but it was not at once carried into execution, for on 5th May 1615 a Sheriff Court was held "*apud Castram de Kirkwall.*" The final order, promulgated 18th April 1615, drove the Sheriff out, and 27th Oct. 1615 he sat "*in Nova Domo, prope palatium de Yardis.*" § Thus the destruction of the Castle was carried out between May and October 1615.

The last remnant of "fair Kirkwall's pride and sorrow" was cleared away thirty years ago under circumstances recorded on the front of the Castle Hotel:—"Near this spot, facing Broad Street, stood in the year 1865 the last remaining fragments of the ruins of the Castle of Kirkwall, a royal fortress of great antiquity and originally of vast strength, but of which, from the ravages of war and time, nearly every vestige had long previously disappeared. Its remains, consisting of a wall 55 feet long by 11 feet thick, and of irregular height, were removed by permission of the Earl of Zetland, on application of the Trustees acting in execution of the Kirkwall Harbour Act, 1859, in order to improve the access to the Harbour; and this stone was erected to mark the site. MDCCCLXVI."

The well from which the Castle had its water supply still exists, though covered over. It is lined with dressed freestone, and is under the road, about midway between the opposite houses at the head of Castle Street.

The history of the earldom, after the execution of Patrick Stewart, may be very briefly told.

* Calderwood, vii. 192. † Calderwood. ‡ T. B., 16th Feb. 1688.

§ Sh. Ct. Reg. quoted by Peterkin in a MS. memorial to the Crown craving the restoration of the Earl's Palace. This memorial in now in copy in the office of Mr Gold, Chamberlain of the Earldom.

Sir John Arnot, for a very large loan to that earl, had received infeftment in the earldom lands of Orkney and Zetland.

In 1612, James VI. bought up Sir John's right and annexed the whole to the Crown.

In 1614, a lease of the earldom was granted to Sir James Stewart of Kilsyth, afterwards Lord Ochiltree, as Farmer-General. For his oppressions, and for tampering with the weights, he was deprived and condemned to a long imprisonment.*

Ochiltree's lease was transferred to Napier of Merchiston and William Dick, merchant, Edinburgh.

In 1622, Sir John Buchanan got a lease, and in 1624 Sir George Hay of Kinfauns.†

Charles I., in 1633, gave a grant to the Earl of Morton, redeemable on payment of a fictitious debt of £30,000. Morton having been deprived under the Commonwealth, a lease was granted by Charles II., in 1662, to George, Viscount Grandison.

This lease was withdrawn, under Decree of Reduction, at the instance of Sir John Nisbet of Dirleton, Lord Advocate, and the earldom was again annexed to the Crown, 1669.

It was restored by Queen Anne to the Morton family in 1707 under redemption of £30,000 as formerly.

In 1742 it was vested in Morton irredeemably by Act of Parliament, and a charter passed on which the Earl was infeft.

In 1766, Sir Lawrence Dundas purchased from James, Earl of Morton, the earldom of Orkney and lordship of Zetland for £60,000, and obtained a charter from the Crown on which he was infeft. He was succeeded by his son, Sir Thomas, afterwards Lord Dundas, and he by his son Lawrence, who was created Earl of Zetland in 1838. Thomas, the second earl, was succeeded by his nephew, Lawrence, third Earl and first Marquis of Zetland, the latter dignity having been conferred upon him in 1892.

APPENDIX TO CHAPTER II.

In an "Act abrogating some Unlawful Acts within Orkney and Shetland," seven of the Earl's systematic modes of oppression are given. They are :—

1. The confiscation of the landis and goods of all such persons, who after they are sworn in the courtis whilks are yeirly holden through the parochies, shall happin to conceal any thing whilk may import either a personal or pecunial punishment.
2. The prohibition given to relieve ony shippis distresst be stormis or unseasonable wedder.
3. The prohibition to pursue ony action before ony judge outwith the bounds of Orknay and Zetland.
4. The prohibition and discharge of passage at the ferries without a passport, when as there is no necessair caus to seik the same.
5. The exacting of far greater taxations of the people nor the country is burdened with.
6. The confiscation of goods and gear of such personis who happins to meddle with wrake or weith casten up be the sea.
7. And the confiscation of the goods and gear of such personis who mark not their bestial and goods within the time prefixed.

* Pund. Proc., ii. 7.

† At this time the Cathedral was undergoing repairs rendered necessary by the damage done in Robert Stewart's rebellion, and Sir George Hay's interest in the work is shown by his arms above the west doorway.

CHAPTER III.

The Cathedral.

ORKNEY had been erected into a bishopric in 1136, and William the Old was already spiritual overseer of the islands. Birsay was the diocesan church, but the Bishop resided more frequently in Egilshay, where he had an older and statelier minster. But there was need for a better and more central church for the Bishop, and this gave point to Rognwald's vow that he would "build a stone minster at Kirkwall more magnificent than any other in these lands."

This is the church which Buchanan described as situated between the two castles.

The vow had been suggested to Rognwald by his father, Kol, husband of Gunhild, sister of Magnus the Martyr, and to Kol was entrusted the carrying out of the work.

In the choice of a site Kol was singularly happy, for, though the foundation is only a few feet above sea level, the church can be seen from a great distance over the sea, both north and south. From the southern side of the Pentland Firth St. Magnus' spire is visible any clear day.

"Kol ordered the materials and all other necessaries. He also planned out the dimensions of the church to the architects, and prescribed their task to every person; but when the building took up a long time, the Earl began to come short of money to finish the work, whereupon he consulted with his father, who advised him to repeal that law by which it was enacted that the earls of Orkney should succeed to the feus of all their vassals, which was a very hard case. Wherefore Earl Rognwald summoned a court and concurred in repealing that old law. Every man gladly embraced the benefit of the new law, and bought every plough-gang of land in all the country for a mark each plough-gang. By these means there was enough to finish the church very elegantly and with much magnificence." *

From this it would seem that a slight approach to feudal tenure had been made in Orkney, and in the above arrangement Rognwald restored udal holding. The main idea in udaller is the first cultivator of *waste* and hitherto unappropriated land. The tenure is very simple. Original possession is its essence, independent of title or superior. The udallers paid scat to the king in proportion to the extent of their lands, but only as a voluntary assessment towards the necessary expenses of a central government.†

"It is probable that, within three or four years of the foundation of the Cathedral, enough was built to allow of its consecration."‡ Then Bishop William had the relics of St. Magnus brought from Birsay and deposited beneath the high altar. The Bishop's See was removed to Kirkwall, and Rognwald's vow was fulfilled in its entirety.

In 1154, Cardinal Nicolas came from Rome to Norway, sent by the Pope, and he consecrated John Bergisson first Archbishop of Trondheim, placing Orkney in his province. §

* Torfœus. † See Appendix to this chapter. ‡ Dryden, p. 17.

§ This Cardinal was Nicolas Breakspeare, afterwards Pope Adrian IV., the only Englishman who has occupied the papal chair.

Though Kol "planned out the dimensions of the church to the architects," his plan has been widely departed from. The internal length of the Cathedral is 217½ feet, while the original plan gave about 130 feet, exclusive of the apse which terminated the choir. Architects read on its walls records of the works of different centuries, and are also able to tell of long intervals when all work was suspended.

Wallace, writing about 1688, says :—"Bishop Stewart, Bishop of Orkney, enlarged the Cathedral Kirk to the east all above the grees."* Again, with regard to Bishop Reid, he says :—"He greatly enlarged the Cathedral Kirk, adding three pillars to the former Fabrick, and decorating the entry with a magnificent porch."

Writing as he did, when the work of the latter prelate was almost within the memory of living men, it would be hard to believe that Wallace could be wrong ; yet some architects refuse to allow Stewart any share whatever in the work, and give Reid only a bit of outside wall and the doorway in the south aisle. But, whoever made the extensions, an uneducated eye can easily detect them both inside and outside the Cathedral.

The two transept chapels are said to belong to the latter half of the twelfth century. A narrow space was left between the chapels and the main building, and on the south side this space was walled up and roofed over. A window in the choir aisle, which looked into the apartment thus formed, was closed with masonry. Thus the place was shut off from external light. But from a room on the triforium level a communication was opened with the vaulted chamber below. This was a slit like the slide of a letter box, forming a shoot through which a human body could be projected. And the convenience of this arrangement is obvious. The clerical tribunal sat in the upper room, so when an unfortunate offender was sentenced to imprisonment he glided gently from the hall of justice directly into his cell. Once in, escape was impossible, and when the aperture was closed the unhappy occupant was in total darkness.

This would be quoted as another sample of Romish tyranny, but that the Protestant clergy regarded the structure with much approbation. They, however, overlooked the neatness, secrecy, and despatch of the ingenious contrivance, and did their work with what might be called characteristic clumsiness. They blocked the easy shoot, opened a door in the built-up window, and from the south transept chapel, where they sat, sent their prisoners round into the church and up a ladder to their cell. Many a time has the Cathedral echoed with the screams and imprecations of reluctant women and men on their way, short as it was, to the dreaded "Marwick's Hole." Who the Marwick was whose name has attached itself to this miniature "Bottle Dungeon" is not known. He may have been the builder, or the gaoler, or the first occupant of the uncanny place, but that "Marwick's Hole" was a name of terror to the most hardened transgressors we have abundant proof.

Sir Henry Dryden says it is not known when this chamber was formed. A recent writer on the Cathedral gives the date as 1540-1558.† If this be correct, the beneficent Bishop Reid has the credit of designing this ideal "Black Hole."

Though Kirkwall Cathedral is one of the smallest in Britain, it gives at first sight an impression of immense size. This arises partly from the comparatively puny surroundings, but largely from studied art. The length and height have been magnified and the width reduced to the narrowest possible limit. In the nave the height to the vaulting is seventy-one feet, while the width between the pillars is less than seventeen. One feature of St. Magnus, peculiarly its own, is the handling of different kinds of stone to produce colour effects. Unfortunately, however, the introduction of yellow necessitated the use of a stone which succumbed too readily to the influences of weather. Sir Henry Dryden says "the doorway in

* Altar steps. † Builder, Oct. 7, 1893.

the south transept and the three doorways in the west end are probably the finest examples in Great Britain of the use of stones in two different colours."

Of the much admired rose window in the east end of the choir, the same author says :— "There are many examples of wheel windows, but this use of a wheel extending from side to side over four lights in a pointed window is probably unique." Under this window are four carved stone ornaments. The outer two correspond in pattern, though the stone in the north spandrel is new, the old one having been worn away. The carvings on the other two are different arrangements of *fleurs-de-lis*, in each instance forming a cross within a circle.

"The capital of the central mullion has on it a figure with a cross in its right hand, sitting on a hideous beast and scourging it with his left hand, probably representing religion conquering sin."*

The whole floor is now paved with slates, but there is evidence to show that a part at least had been laid with tiles, some of which are still preserved.

On a work of such magnitude, artisans of different degrees of skill were employed, and it was necessary that each man should be responsible for his own work. In the case of the actual builders, careful supervision was all that was required, but with regard to the hewers it was a very different matter. These, for convenience and better choice of material, sometimes wrought at the quarry, away from the eye of architect and overseer, and some system was required by which a careless chisel could be traced to its owner's hand. For this purpose, from very early times, certainly in the great cathedral building period, hewers used certain "marks," equivalent to signatures, by which each man's work could be identified. Every stone cut by every individual sculptor had his mark incised on it, so that an error in curve or angle was at once brought home to its author, and, as such an error might not be noticeable till the stone was laid, the mark was put upon the outer surface.

Dryden counted thirty-four of these "masons' marks," and has preserved them, but time's effacing finger and the industrious tool of the renovator have obliterated most of them.†

The stones used in building Kirkwall Cathedral were brought from quarries widely distant from each other. They were boated up the Oyce, and were hewn opposite the west door, where some of the Broad Street houses now stand. In digging for foundations in that neighbourhood, builders still come upon the "redd" of Earl Rognwald's hewers.

In the case of St. Magnus, the "masons' marks" could have no disfiguring effect, the internal work having been finished by the laying on of a thin coating of plaster. This laid the ground for the brilliant fresco painting which made the old Cathedral so gorgeous to the Scandinavian eye. Some of the ancient colouring is still to be seen, and is easily noticed among the groinings in the roofs of the aisles.

These roofs, arched within, were designed to be externally flat, and four built-up arches where nave and choir join the transept show that their present sloping roofs were not in the architect's plan.

The Cathedral was completed by a lofty spire. What the original spire was like, unfortunately we can never know, but, from frequent references to it as a "steeple," we may conclude that it tapered up in slender symmetry to a height proportionate to the size of the building which it surmounted. Unfortunately, however, the spire was not a structure of stone and lime, but of wood, perhaps covered with lead.

* Dryden.

† In 1848, when some repairs were being executed by Government, one of the workmen, a native of Kirkliston, died, and was buried in the churchyard. The architect superintending the works designed a neat monument, which was executed by the comrades of the deceased, and their marks, eight in number, are still to be seen on the stone.

"The minister and elders aggried with John Auchinleck to mend the faults of the steiple and to put in a new jest ; and to pay him 20s in the day on his owen charges ; and likewayes they aggried with David Sinclair, 12s in the day for attending the work and serving him ; likewayes it is ordered that ane elder day about oversie the work." *

In 1671, the spire was struck by lightning, and the "fire brunt downwards until the steeple heid, three loftings, and all the timber work connected with the bells and knock house were consumed to ashes." On this occasion the people of the town were very active in their endeavours to save the old Cathedral and its belongings. They spread salted hides upon "the highest lofting of the steeple and the bells," and that the bells, if they did come down, might fall as softly as possible, they carried great quantities of earth into the centre of the transept. The bells did fall, but so effectual had been the precautions that only one, but that the largest, was cracked. Some idea of the quantity of stuff thus heaped on the floor may be formed by seeing the difficulty experienced in getting it removed. At a meeting of Session, present the Bishop, the minister, and twelve elders, "The magistrates are desired to tak ane speedie course that all the earth which was carried into the church for saving the bells wch fell downe to the church floore when the stepple was brunt by lightning upon the nynt of Januar last, and lykwise the redd which was thrown down from the steeple since, may be carried out of the church by the townse people *by turns* until the church be cleansed." †

The repairing of the church and the closing in of the tower were matters of necessity, but the rebuilding of the spire was beyond the means of the people of Kirkwall. So it was resolved that, since they could not compass a steeple, they would replace it by a pyramid.

The Kirk Session and Town Council, on the one part, contracted with Robert Pottinger and his cautioner, John Kennedie of Karminichie, on the other part, that among other repairs Pottinger should "sufficientlie mend the stone work of the said steeple under the platform, that it may be strong and able to support any sort of Pyramid that may be built upon it." ‡ When this was completed, St. Magnus stood as we see it to-day. The external dimensions of the Cathedral are :—Length, 234 feet 6½ inches ; transept, 101 feet 4 inches ; and height from the floor to the top of the present weather-cock, 133 feet 4 inches.

In the tower there are two chambers. "The Thesuarer gave in the accompts of what money Arthur Baikie had debursed for the mason work at the rose above the south kirk doore, and the vaults for men's safe passage, and likewayes to the men who cleansed the steeple and hoysed up the bells to the Cowper hall, and hanging up of the skellet bell, whilk compts were accepted after revising and allowed." The chamber to which the bells were hoisted, and which is still known by the old people as Cowper's Ha', is the apartment below that in which the bells are hung, and the floor of which, pierced for the passage of a bell rope, may be seen high above the centre of the transept.

Cowper of the "Hall," like Marwick of the "Hole," has left his name in the Cathedral, but no memory of what he was. He may have been an ancient bell-ringer who passed much of his time in this room, for under the old regime the bells had constant work.

From the Cowper's Ha' the bells were soon hoisted to their chamber above, and on Friday, 18th April 1679, "Ye bells of S. Magnus Kirk in Kirkwall, being 3 qch was fallen by burning of ye steeple head on Monday the 9th Jan. 1671, was houng and roung in ye kirk." §

These were the two smaller bells and the skellat. But the great bell was not hung till three years later. "Augt. 23 (1682), being Wednesday, Alexr. Geddes arrived at Kirkwall from Holland with his vessel or ship qrin was ye great bell of Kirkwall, returned after ye casting thereof at Rotterdam." ‖

* S. R., 21st July 1657. † S. R., 15th March 1671. ‡ S. R., 25th March 1679. § T. B. ‖ T. B.

Sir Henry Dryden gives a very full description of the bells, and the three still in use relate their own history. The skellat bell, 1 ft. 8 in. diameter, and 1 ft. 4 in. high, exclusive of canons, is plain.

In the olden time the skellat did all the duties which a single church bell could be called upon to perform. It tolled for the welfare of a parting soul ; it clattered cheerily on occasions of rejoicing ; and it boomed in slow solemnity over the mourners in the grave yard below. It was rung on any occasion of alarm, and, as the "Fire Bell," it summoned the townsfolk to render neighbourly help. Its hateful clang called many generations of unwilling school boys to their morning tasks. The skellat still hangs in the tower, but is cracked and silent. *

But Bishop Maxwell, who had already adorned the church by the erection of stalls, was not content with the clatter of the shrill little skellat, and he procured for his Cathedral its peal of three bells. These were cast in Edinburgh Castle by Robert Borthwick. Of this man it is known that he was master gunner—chief cannon founder—to James IV., that he was present at the battle of Flodden, and that he was one of the survivors of that bloody field is shown by the date of the casting of the bells, 1528, in the reign of James V.

The first bell, 2 ft. 9 in. diameter and 2 ft. 5 in. high, has in three lines of raised black letters :—"Maid be maister robert maxvel, byschop of Orknay, ye secund yier of his consecracion, in the year of god Im Vc XXVIII. yieris, ye XV. yier of Kyng James ye V., be robert borthvyk, maid al thre in ye castel of Edynbrugh."

The second bell has in two lines :—"Maid be maister robert maxvel, bischop of Orknay, in ye secund yeir of his consecration, in the yeir of god Im Vc XXVIII. yeiris, ye XV. yeir of ye reign of King James V."

The inscription on the third bell, belonging to a century and a half later than the others, is somewhat modernized, but it blunders in leaving out the year of the King's reign. It is in two lines :—"Made by master Robbert Maxvell, Bischop of Orkney, the yaer of God MDXXVIII., the year of the reign of King James the V., Robert Borthwik made me in the castle of Edinbrugh."

When this bell was sent to Holland to be recast, the instructions were "that there be ane special and diligent care had that the letters already about the bell be again reformed as the samin is conform to ane note thereof sent with it, together with the several arms already thereupon, viz., the arms of Scotland, being ane Lyon within the Shield, with the portrait of Sainct Magnus and the Maxwell's arms ; and that the samin be placed upon the said bell as the samin is at present. That there be added thereto underneath the said letters and arms, this line, viz. :—'This bell recastin at for Kirkwall in anno 1682, and to mark the weight thereof upon the bell.'"

Accordingly, in an oval medallion in seven lines is the following :—"Taken et brought againe heir by Alexander Geddus, Merchant in Kirkwa, and recasten at Amsterdam, Jully, 1682 years, by Claudius Fremy, city bell castor. It weighs 1450P."

The "portrait of Sainct Magnus and the Maxwell's arms" were also reproduced, the whole work costing 1303 merks. The weight of the bell and tongue is 1574 pounds avoirdupois.

"The second bell is used for the clock, and is struck by the clock hammer on the outside, giving when so struck a note lower than that given when struck by the tongue." †

The first cathedral clock was rude in construction, it had only one hand, and required daily winding. The chapters were inscribed on the wall of the tower. As far back as 1669 there are entries in the Session Records regarding the clock, and from the instructions given regarding it, the probability is that its history dates from that year. As no statement is made

* The name is probably derived from the Norse skyalla, to clash or clatter. † Sir H. Dryden.

of the original cost, it may be inferred that the Town Council put up the timepiece and laid the care of it upon the Session.

After invocation of the name of God, the Session appointed Harrie Grott "to wait upon the Knock and look diligently thereto." * In 1673 Harry died, and his place was taken by James Laughton. The diligence of these two men is proved by the fact that in May 1682, David Forbes, Town Clerk and Church Treasurer, had "several pairts of the old knock in his possession." These parts were given to David Seatter, church officer, at his own request, that he might do the necessary repairs, a job that apparently any person of ordinary intelligence might undertake. Seatter's business capacity was not of the highest order, for he bound himself to have the work completed before a day fixed by the Session, "under pain of tinsel of what shall be expended by him there upon." Seatter's work was completed in June of the following year, and a dial was procured. "The horologe broad for ye clock of Kirkwall was placed upon ye west side of ye steeple, which broad was painted by James Nicolson, chapman." †

So fallacious was it, however, as a timekeeper, that the Session in 1693, for the sake of accuracy, gave an order to Patrick Adamson, with a dollar in advance, for "the squaring of two stones for dials," and these dials were also painted by James Nicolson.

The old clock seems to have wagged along somehow till 1720, when Andrew Kilgour, watchmaker, Inverness, being in Kirkwall, contracted with the Session for £13 stg. to repair the clock, give it a larger dial, and make it go eight days. The Session agreed to furnish the necessary iron and wood and to pay the wright, Kilgour paying the smith. This was done, but within three years we learn that "the kirk clock is wholly useless as it presently stands." Then George Leith, watchmaker, undertook to put "her" right, and to ask no pay for a quarter of a year. The Session had lost by their bargain with Mr Kilgour, and now Mr Leith loses by the Session. The work occupied him six weeks, during which time he received one pound sterling for maintenance, and when the repairs were completed he got 20s as half of his pay, the other half being retained till it should be seen "how she would go."

Dec. 9th :—"Compeared before the Sess. George Leith, and acquainted the Sess. that he had righted the clock, and that he had put her up and that she was now going right, and craved that the Sess. might now order James Seater, bellman, to draw her seasonablie."

Thus renovated, the old clock was able to go till 1751, when the civic and ecclesiastical rulers agreed to have a new one. This was constructed by James Gordon, Aberdeen, and, besides the date and maker's name, bears the inscription, "Emptum per urbem et sessionem Kirkwall."

Among its few valuable belongings the Cathedral has two communion cups and two collection plates which demand notice.

In 1698, the Rev. Mr Wallace left one hundred merks for the use of the church, and "the Session appoint and ordain that two cups for the Sacrament should be bought, and Mr Wallace's name engraved on them."

The brazen collection plates are about two and a half feet in diameter, and are each adorned with figures of Adam and Eve, while one has an inscription, "Had adam gedaen Gods woort wys, soo vaer hy gebleven int paradys. Anno 1636." ‡ A facsimile of the inscribed plate has recently been presented by George Hunter Thoms, Esq., Sheriff of Orkney, to St. Giles' Cathedral in Edinburgh. Those plates were not made for the Cathedral, but were picked up in Rotterdam in 1692.§

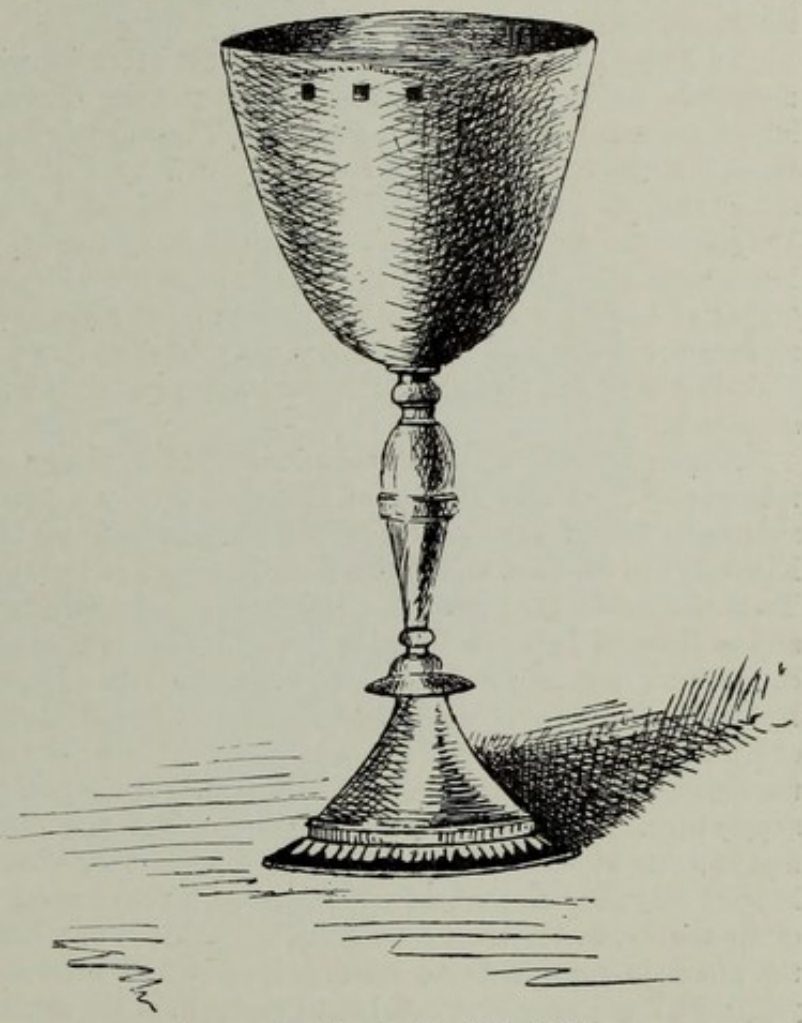
Under Romish rule the bishops were really the upholders of the fabric of the Cathedral,

* S. R., 20th Oct. 1669. † T. B.'s Diary.

‡ Had Adam done God's word, so had we then lived in paradise. § S. R., 19th Ap. 1692.

and, as has been seen, some of them contributed generously towards its enlargement and adornment. Under Protestant Episcopacy, Bishop Graham says :—" For ye fabrick off the kirk the Bishop upheld the quier and the Bishop's dwelling plaice, and there is ane Act of Parliament in anno 1633 for upholding off the bodie off ye kirk, and the Bishop himself has sundrie tymes demanded means from ye excheker." These demands could have been made only during the five years between the passing of the Act referred to and Bishop Graham's demission, 1638.

When the city of Edinburgh leased the bishopric lands the Corporation dealt kindly with the Cathedral :—" In presence of the ministers and elders of the kirk of Kirkwall convened for the tyme, Compeared Patrick Smith of Braco, and, in name and behalfe of the town of Edinburgh, delivered the sowme of two hundred pounds money into the Session of Kirkwall, to be employed for repairing of the fabrick of the quire of the said Kirk, together with the sowme of £20 for communion elements, and desired an act of Session upon the deliverie of the foresaid sum for his exoneration ; whilk was most willinglie granted, with many thanks, unto the said town of Edinburgh for their special care of the said kirk, hoping that they would continue the same in tyme coming." *



Communion Cup in the Cathedral.

In February 1658, the minister and elders memorialised the Justices of Peace on the subject :—" Whereas it is not unknown to the most part of this honorable meiting that in tymes past, speciallie in the late Bishope's tyme, it was provided That the great fabrick of our kirk suld be mentained and supported, partlie by the Bishop out of his revenues, and partlie by the fynes of all adulteries as occasion offred throughout the whole countrie, both main-land and yles : Likas, conforme to his order, it is of verity that the late Bishope did carefullie, upon his awen charges, mentain and uphold the most considerable part of the said fabrick commonlie called the quier, or the place where divine ordinances ar administered, and withal the foresaid fynes wer carefullie uplift and employed as said is ; but, since the reducing of Episcopacy, we have had no supplie, neither on way nor uther, for upholding the fabrick of our

* S. R., 7th Nov. 1647.

kirk, and being unable to manage the work of ourselves, off necessitie it must ruine unless some seisonable supplie be provided. May it therefor plese your Honors tak the premisses to serious consideration, and out of your spare fynes help to relieve our crying necessitie, both relating to the fabricke of our kirk and our numberous poore."

In 1717, the Session petitioned King George I. for an annual grant of £8 6s 8d sterling (£100 Scots) "to help and support the magnificent and antient fabrick of St. Magnus Church in Kirkwall, in use and wont to be payed out of the rents of the Bishopric in former tymes of the Presbyterian Government."

In July 1770, the Rev. John Yule reported that he, with the Provost, had drawn up two memorials, one to the Barons of Exchequer and the other to Sir Lawrence Dundas, supplicating aid towards the upkeep of the church. These memorials were accompanied by "perspective views" of the Cathedral, and were presented by Patrick Graham of Græmeshall. They state "that the said cathedral is a very large fabrick, built by Rognwald, Count of Orkney." They give the dimensions, number of pillars; number of couples, 151; half couples on the lower roofs, 238; slater-work, 68 roods; number of windows presently open, 28; shut up, 72. "That it has been supported for above these 70 years past by burials, mort-cloths, bells, marriages, and other small perquisites, not exceeding £10 a year communibus annis or thereby. That this fabric is very old, but is now like to become ruinous for want of a proper fund to support it."

But no permanent fund was obtained till 1805, when a private citizen gave what the Crown refused:—"I, Gilbert Meason of Moredun, hereby legate and bequeath the sum of £1000 sterling to Robert Yule and Hugh Stalker, the two present ministers of the town and parish of Kirkwall and St. Olla, and to the Kirk Treasurer of the said town and parish, and to Thomas Traill of Frotoft, Esq., provost, and Thomas Jameson, eldest baillie of the burgh of Kirkwall, and to Malcolm Laing of Strynzie, Esq., the Convener of the County of Orkney, during their continuance in office; and to the two ministers and kirk-treasurer of said town and parish of Kirkwall and St. Olla for the time, the provost and eldest bailie for the time of the said Burgh of Kirkwall, the convener of the county of Orkney for the time, and to a residing freeholder of the county of Orkney to be chosen annually by the heritors, freeholders, and commissioners of supply upon the 30th of April of each year; or if no meeting shall take place on that day, at the first meeting which shall be held during the following Kirkwall or Lammas market: But that in trust only in order that the two ministers, kirk-treasurer, provost, and eldest bailie, convener of the county, and residing freeholder, to be chosen in manner before mentioned, may lend out the aforesaid sum of £1000 sterling upon a first heritable security over a land and estate yielding a free yearly rent equal to 7½ per cent. of the said sum of £1000, and call up the same when necessary and relend it upon a similar heritable security; and that they may regularly uplift and each year apply the interest of the said sum of £1000 in keeping in repair the cathedral church of St. Magnus in the aforesaid burgh of Kirkwall, and in order that they may apply any annual surplus, above what is necessary for the said repairs, in opening up the windows of the said cathedral church that are now shut up, and in beautifying and restoring the fabric to its original state. And I hereby declare that the interest of the said one thousand pounds shall never be applied to any other purpose whatsoever than upholding and beautifying the said fabric; and in case of the said interest or any part thereof being applied to any other purpose, I hereby give full power and authority to any heritor of the county of Orkney, or burgess of the burgh of Kirkwall, to raise an action against any of my trustees for the recovery of the sum so misapplied, and that at any time within six years of the misapplication; and I direct the sum so recovered to be applied in the first place for payment of the expenses of the aforesaid prosecution, and the balance thereof that shall remain after payment of the said

expenses shall be applied, along with the following year's interest of the sum hereby mortified, for the preservation and restoration of the aforesaid cathedral church," &c.

The original trustees and their successors have very carefully carried out the testator's desire, and, besides keeping the old building weathertight, they have been able, on his suggestion, to open some of the built-up windows.*

Collection Plate in the Cathedral.

The Session was as reckless in knocking holes in the walls for the admission of lights as in closing up lights put in by the architects. Apparently any one who wished and would pay for it might have a window. The Session ordered a window "to be broken out of the north side for light to Patrick Traill and William Mudie's seat, 13th September 1686."

21st Oct. 1691, Patrick Adamson was instructed to open a window near the Stewarts' loft.

8th May 1693, Adamson was again instructed "to strike out a window at the back of Margaret Elphinston's seat for the better lighting of that place of the church."

It is a significant fact that in its direst distress, St. Magnus received no help from the Town Council. James the Third's charter, upon which the Burgh Corporation founds a claim of proprietorship in the Cathedral, grants with many other things, "particularly all and

* To Mr Meason's legacy there is now added a further sum of £1000, bequeathed in 1894 by Mr Francis Taylor, farmer and land surveyor. Mr Taylor belonged to an old Kirkwall family which for centuries held property in the Laverock. Many of his forebears lie buried in the Cathedral, and he himself had always a strong love for the grand old building.

haill the prebendary of St. John, and all and sundry lands, houses, farms, tiends, and tiend sheaves thereof, with full power to the said provost, baillies, and Council of the said burgh, and their successors, to intromit, uplift, and receive the same the duties of the said lands, and to sell and raise the same in all tyme coming, and that for to be always employed and bestowed upon repairing and upholding of the said kirk, called St. Magnus Kirk."

James, in right kingly fashion, gave away freely what did not belong to him ; but, while the Magistrates cheerfully accepted this gift of lands, not till nearly two hundred years later had they a say in Cathedral matters.

In May 1672, Bishop Honyman proposed to appoint his brother, George, minister of Kirkwall. The election was not popular, and Provost Patrick Craigie, along with Arthur Baikie, David Moncrieff, and John Spence, three of the bailies, "produced before the reverend father and remanent brethren convened for the tyme, their gift of Ratificatione and Corroboratione granted be our Sovraigne Lord the King's Matie to and in favours of the said brughe, in which was contained the right of Patronage."

Mr Honyman was set aside, and Mr Wallace, having accepted a joint call from the Bishop and Magistrates, was appointed. But the civic rulers, while asserting their joint right of patronage, conveniently forgot that the charter on which they founded this claim made them responsible "for the repairing and upholding" of the Cathedral for all time coming.

APPENDIX TO CHAPTER III.

It was in the middle of the seventeenth century, between 1648 and 1667, that most of the lands in Orkney passed from udal to feudal tenure, when Douglas of Spynie was Commissioner for Lord Morton.

The list of proprietors who paid feu duty at that time is a long one :—

Buchanan of Sandside, for lands in Deerness.
Smith of Rapness—Deerness and Westray.
Baikie of Tankerness—Deerness, St. Andrews, St. Ola.
Young of Castleyards—St. Ola.
William Sclaiter—Firth.
Halcro of Crook—Rendall.
Moir, Flett, Sinclair—Harray.
John Nisbet—Birsay.
Geo. Liddell and John Johnston—Birsay.
George Ritchie—Harray and Firth.
Thomas Sinclair—Camstone and lands in Rousay.
Thomas Craigie of Saviskaill—Rousay.
George Balfour of Pharay—Westray.
Thomas Traill—Westray and Papa.
Mitchell Rendall—Westray.
John and Alexander Read—Westray.
John Groat of Elsness—Sanday.
Nicol Rendall—Westray.
John Elphingston—Sanday.
James Traill—Sanday and Rousay.
David Moncrieff—Sanday and Birsay.
William Douglas—Stronsay.
Robert Scollay—Stronsay.
Magnus Boag—Deerness. *

* Ork. and Zet. Chron., July 1825.

CHAPTER IV.

The Church.

PRIOR to the Reformation, St. Olaf's was the parish church of Kirkwall, but the people were evidently negligent in attendance, and allowed the building to get into a state of decay. Bishop Reid marked his desire to keep the Cathedral services distinct from those of the parish kirk by repairing St. Olaf's. But two places of worship for members of one communion were more than Kirkwall required, and St. Olaf's again went to ruin.

For the requirements of worship under the old rule, St. Magnus was open from the west end of the nave to the east end of the choir. Dryden says :—"It appears there were never more than five altars." Probably this would mean there was architectural accommodation for five only, but old rentals and the burgh records of sasine prove that there were endowments for more than five. Possibly—and with all respect the suggestion is offered—several saints, or rather their officiating priests, might share a common altar. A mere superficial search brings out a list of fourteen prebends, chaplainries, and altars dedicated to so many separate saints, some of them handsomely endowed. *

To Saint Duthac, the wealthiest of them, was dedicated one of the chapels in the Cathedral.

The popularity of this obscure saint is not easily accounted for. The fact of his being a Scottish prelate and a friend of Alexander III. should not be expected to have weight with a Scandinavian people, but as he was Bishop of Ross, the record of his virtues had not far to travel from Dornoch to the Pentland Firth. Certain it is, however, that his shrine held property all over the Mainland.

St. Katherine's altar was supported by the rents of more than a score of farms, chiefly in St. Ola, Holm, and Shapinsay.

At the time of the Reformation, Malcolm Sinclair, afterwards of Quendale, Shetland, was chaplain to St. Ninian's altar in the Cathedral.†

To St. Barbara's altar belonged at least one house in Kirkwall.

St. Christopher had an altar endowed with land and a house in the Laverock ; while, of course, St. Magnus' altar was richly endowed. ‡

These six altars are specially referred to as such, but besides these we have dedications of lands to Saints Mary, Columba, John the Evangelist, Lawrence, Peter, Augustine, Salvator, James, and possibly others.

The prebendaries of St. Peter and St. Augustine were respectively masters of the Grammar School and the "Sang" School, so that their work lay outside the Church ; but all the other prebends, altarages, and chaplainries went to the support of the intramural worship. Thus there must have been under the rule of Rome a very large officiating staff to conduct the daily services.

* Pet., Rent., 35. † Baikie's parchments. ‡ Rent., ii. 152, i. 24, ii. 6.

Whether there were any paintings in the Cathedral cannot now be ascertained, as all that was beautiful or valuable was stolen at the time of the Reformation. There were, however, statues of saints, and two of these, being neither beautiful nor intrinsically valuable, are still preserved, and are easily recognised by hagiologists as representing Saints Olaf and Magnus.

Under Protestantism the sermon soon came to be regarded as the most important part of the service, and, for the convenience of speaker and audience, new arrangements had to be made. The whole congregation gathered themselves into the choir, which was shut off from the transept by a wooden screen. The first screen "was broken downe for feir of fyring when fyre fell downe there upon from the steeple head," 9th Jan. 1671.

On the fifteenth of March of the same year, George Mowat, wright, was ordered to put up "ane new partition, with deals having doores at the entering in of the quire as formerlie." In the new screen there were three doors, and over each an inscription. Above the central door was inscribed, "Faith cometh by hearing, and hearing by the word of God." The north aisle door had, "Enter into his courts with praise"; and the south aisle entrance, "My house shall be called ane house of prayer." *

This screen was removed in 1848 by workmen employed by the Government, and when the congregation returned to the Cathedral the present partition was put up.

The first gallery erected was the Graham's "Loft," in the south-east corner of the choir. It was, no doubt, comfortably furnished by the old Bishop, but the "Englishes" cleared out the seats, leaving nothing of it but the carved oak front and the floor.

It was again "compendiously fitted" for Bishop Honyman. But though this gallery continued to be occupied by the Bishops, the Grahams claimed it as family property. There was a meeting of Session, 20th Nov. 1721, "Whilk day Magnus Mason represented to the Session that Patrick Graham of Grahamshall desyred him to crave of the Session a liberty to rectify the Graham's Loft, which is altogether out of order. Whereupon the Session replied they were willing the said Loft should be rectified, and, for that effect, Stenhouse, Grahamshall, and Breckness had bein spoken to that they would repair the said Loft, they having all interest in the same, and the Session readily allows the same to be done, provyding always that the same be done without any alterations or incroachments on the Church Pillars or Walls, and that they pay to the treasurer nyne pounds Scotts due upon the said Loft for a privilege formerly granted, and ordains the treasurer to be present when that Loft begins to be repaired, that no incroachments be made."

But as Grahamshall, Breckness, and Ballenden respectively attended the churches of Holm, Stromness, and Evie, this gallery was set apart for the use of visitors. In September 1671, the key was handed over to the beadle, with strict injunctions that no idle boys were to be allowed in the fore seat, which was to be "reserved for gentlemen and strangers."

Next to his own loft, and between the two pillars on the south side of the choir, Bishop Graham granted permission, May 1630, to John Dick, Sheriff of Orkney, to erect a loft for himself "directly above that part where Bishop Tullo's tombe now stands." Andrew Dick, brother of the Sheriff, next got this loft, the Session ordaining him "to put ane lock and key thereupon for his better accommodation to hear God's Word."

In the bay next to the Dicks' loft, and "facing the pulpit, is a seat for the Provost and Magistrates, Town Council, &c. This seat is highly finished with paintings, carvings, &c." †

The Provost and Bailies insisted on being attended to church by the Councillors under penalty of a fine for absence. They all assembled in the Tolbooth before service, and were marshalled to church by the town officers carrying halberds. This attendance of the town officers was considered an extra duty requiring a special fee, but, as the money was always

* J. W. Cursiter's papers. † Fea, 1787.

spent on ale, it was decided, 23rd Dec. 1689, to pay on Monday, to prevent the burgh functionaries from drinking on Sunday.

The attendance of the halberdiers on church-going Provosts was continued to within the memory of living men, Provost Traill of Woodwick being the last to adhere to it. In the present days of dissent, the deserted magisterial pew, exactly opposite to what was Sheriff Dick's in the olden time, is recognisable by its facing of crimson cloth, but two hundred years ago a different taste prevailed. The Treasurer of the Burgh, 1719, was commissioned to bring from Edinburgh "ane ell and three-quarters of the best six-quarter broad green cloath, fitt for ane cloath to the magistrates' loft, the present cloth being moth-eaten; as also to by ane large, good printed Bible, to make up fyve Bibles to the Provost and Baillies, and to put ane handsome cover of rid yron."*

Along the south pier of the choir, back to the western pillar, stretched the Sailors' Loft, supported in front on wooden posts. From this gallery was suspended the picture of a ship as emblematic of the calling of the occupants. †

From Sailors' Loft, St. Magnus Cathedral.

In the care of wooden structures, sailors are a practical people, and we find that the ancient mariners of Kirkwall saw to the security of their gallery. In Jan. 1722, Thomas Louttit, James Newgair, and Thomas Spence, skippers, obtained permission, at their own expense, to support this loft with a new "stoup."

At right angles to the Sailors', and on a somewhat higher level, the Scholars' Loft stretched right across the screen.

It was part of the duty of the master of the Grammar School to attend church with his young folks on Sunday, making himself responsible for their good behaviour; and while we have frequent reference to idle and mischievous boys in other parts of the church behaving during service after the instincts of their species, we have not a single case of misconduct reported against the occupants of the Scholars' Loft.

Opposite the Sailors' Loft was the Strangers' Gallery, and opposite the Magistrates' Loft was that of the St. Clairs. "James Sinclair being cited for keeping the key of the Sinclair's loft in his owen custodie, and being desired to give up the same to the Session, that the church beddal might have the keeping thereof with other keyes, refused to deliver it until he had spoke with the gentlemen of the name whose predecessors caused build the sd loft. Recomends to the minister to speak my lord bishop what course shall be taken yranent."‡

* Burgh Records. † In J. W. Cursiter's possession. ‡ S. R., 31st May 1675.

My Lord Bishop probably managed the business quietly, for the key does not again appear in the minutes.

In the bay east of the Sinclairs' Loft, where the Magistrates' pew now is, was the Stewarts' Loft.

The pulpit was reared against the western of the two pillars, on the north side of the choir.

How long a pulpit should last, depends perhaps to some extent upon the powers of the preachers occuping it, but by April 1689 the Cathedral required a new one. For the making of it William Tait was to have fifty pounds Scots, but, if it gave satisfaction, "he was to be considered by and attour the paction." It exceeded expectation, and he received one hundred marks, with half a dollar to his man. *

The old pulpit had been very handsome, and was probably the gift of one of the earls. "In this Cathedral I found thrown aside a piece of carved wood, which attracted my notice. It is a board of a foot and five inches long. On this board are carved the hands and feet of our Saviour, in the form of a St. Andrew's cross. The upper part of the cross is composed of the hands, the lower of the feet, a foot being opposed to each hand. In the center, where the hands and feet meet, there is a crown of thorns ; in the center of the crown, a heart pierced on the left side. In the vacant space on one side are three nails and three dice ; on the other, a scourge. The whole was overtopped by an earl's coronet, but it is now broken off from the board, and the board itself is rent through the middle vertically. I was informed that this piece of carving stood formerly on the fore part of the old pulpit, which, falling to decay, a new one was erected in its place in 1689. How this remnant of the Roman Catholic religion escaped the zealous eyes of the first reformers is to me a mystery." †

On the south side of the choir, opposite the pulpit, was a handsome canopied throne. This, which in pre-Reformation times was probably the throne of the bishop, became under the Stewarts the seat of the earl.

When Lord Morton accused the Magistrates of having destroyed his seat in the church, they "denyed any breaking down of the same ; and if *any pairt* thereof was wronged it was by the Englishes, as the pulpit and the rest of the seats in the church was broken down and brunt."

Plainly only a part of the earl's seat was injured—possibly the soft wood fittings—and so with the pulpit, for it is a very remarkable fact that Cromwell's so-called fanatical saints spared all the old carved work of the Cathedral.

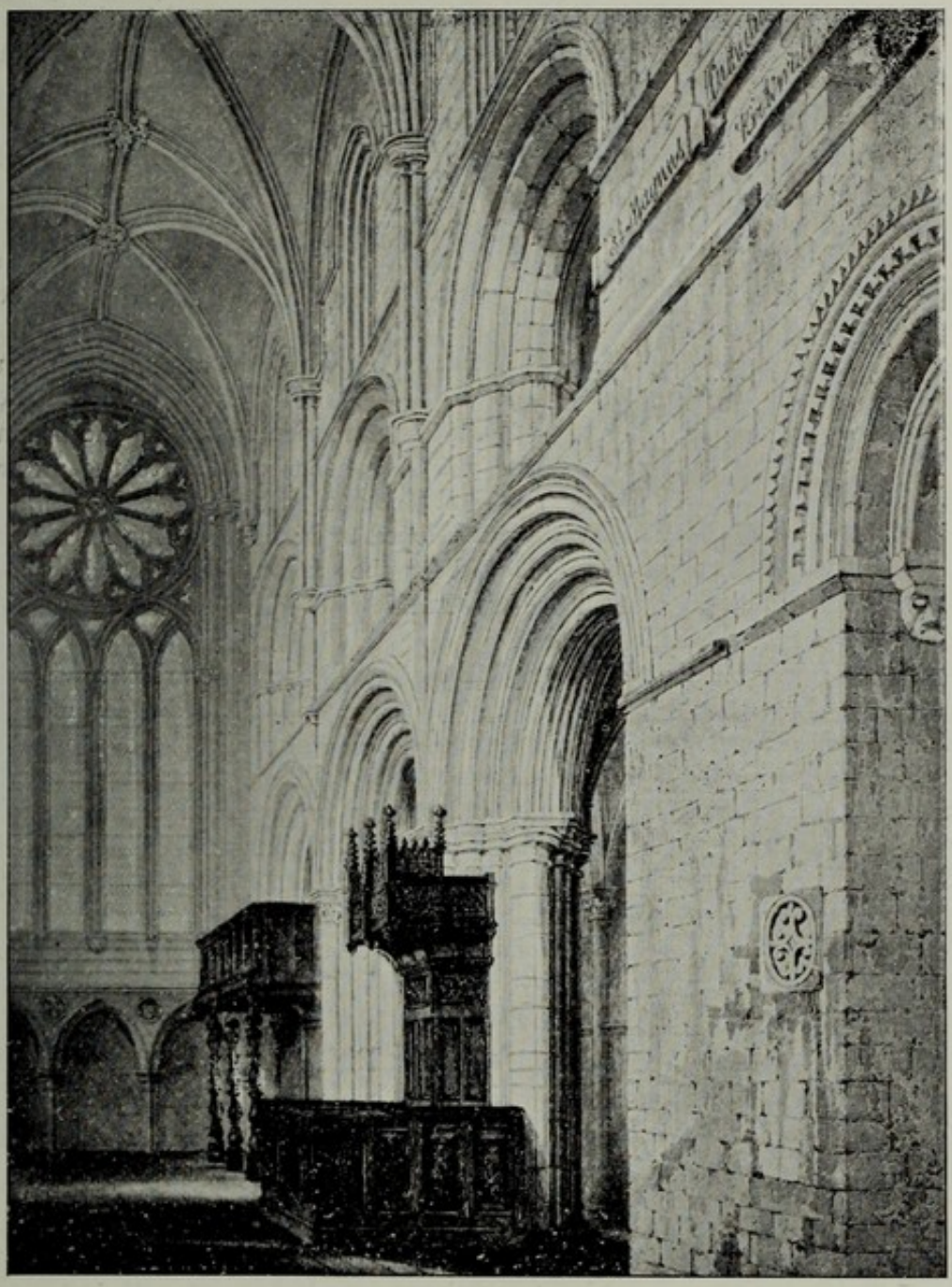
Private persons, for a consideration, were allowed to erect pews for the accommodation of their families, and at first these seem to have been planted without regard to system. This want of order resulted in frequent bickerings among neighbours and appeals to the Session for arbitration.

When once a pew had been erected, it was regarded as heritable property, and the right of the next-of-kin was generally acknowledged by the authorities, and this the more promptly if a donation accompanied the claim. On special occasions it was necessary that some of the pews should be moveable, as, for example, 11th March 1678, the Session "Ordains ane table to be sett upon the gries, and all the elders to be admitted next Lord's day are to sitt publicklie in decencie and order, wher they are to hear ane exhortation concerning ther duetie. And ordains Pennyland's seat to be removed *pro tempore* for the better accommodation."

The stalls erected by Bishop Maxwell at the east end of the choir were occupied by the Magistrates, with consent of the Session, when they laid aside official pomp and attended

* S. R., 21st Oct. 1689. † Principal Gordon.

church with their families. David Moncrieff, 19th May 1673, petitions for a seat in the stalls for "himselfe, bedfellow, their airs and successors," for which he will pay £20 Scots. This was granted, though David Covingtrie produced a heritable right to the seat, "which the



Choir, St. Magnus Cathedral, showing the Graham's Loft and Earl's Seat. The carved stone shown in pier to the right is *in situ* under the east window.

Session did repell in respect that the disponer possessed himself merely as one of the Bailies of Kirkwall."

On 8th July 1678, George Traill and his son-in-law, David Covingtrie, apply for seats in

the church for themselves and bedfellows, and get, at "the upper part of the stalls on the south side, two chair rowme, with power to them to reforme and repair the samen in the best forme they shall think expedient without prejudice of the comon passage, lights, or ordinar hearing of the people, with this special provision that, if it shall happen the stalls to be modellized and reformed into pewis together with ther seat, then and in that case the saids George and David and ther servands ar first to be preferred to ther owen seats or pewis to be erected in their rowme." This shows that the church court was paying special attention to the stalls at this time, and the Session at its meeting the week following "Ordains Robert Murray to permit no idle boys or prentises to sitt in the lower part of the stalls, but onlie to be possest be honest men in the parochin."

The elders on duty for the day also sat in the stalls.

The Corporation of Taylors got "five chairs' room," with power to put up a middle division with two leaning boards, "without altering, defacing, or demolishing any of the old work."*

James Baikie of Tankerness, evidently with the consent of the authorities, put up a pew for himself in the Stewarts' aisle under the Stewarts' loft.

Finding it too small for his family, he obtained permission to put up another in front of the first, if it could be "conveniently done without offence or stop to the service of the communion, to stay the entrie or passage to the table or pulpit."† But here Edward Stewart of Brugh interposed, alleging that he was commissioned by his brother, the Earl of Carrick, to see "that the Stewarts' yle might be made void for the said noble Earl and others of their name to build theirin what may be pleasing." Baikie would not stir, and the Session could take no steps, as the Bishop was from home.

Bishop Graham returned and went south again without venturing to deal with the troublesome pew. At length, when he could defer the case no longer, he assumed wrath and rated Baikie for not being "more carefull and foreseeing to prevent the danger in tyme, and not to incur the indignation of such noblemen as the Earl of Carrick and others of the worthie name of Stewart pretending right and title to that yle; for it would come to his Majestie's eares how such persone did sit there and trample upon his hieness graund-uncle's bellie,‡ being his burrall place, as the said noble Erle had written to my Lord Bishop himself in a particular letter."

Baikie remaining stubborn, the Bishop removed the woodwork "out of his owne authoritie," leaving the owner to "employ it to what he pleased."

The fact of Baikie having a seat in the Stewarts' aisle was probably the result of an edict of the Bishop and Session two years previously§ :—"Ordains intimation to be made to the Laird of Græmsay and to the name of Sinclair, that if their two seates be not completly builded betwix this and pasche day nixt to cum, the Session heirafter will dispose upon them, and outred them upon their charges as they shall find to be expedient both for easing of their awne congregation and likewise for strangers."

The same year Sir James Stewart and the Laird of Græmsay had another seat removed from the same aisle, leaving apparently only the pew of the Laird of Halcro. The Earl of Carrick's seat, if he chose to occupy it, was, as has been shown, the gallery above, the front seat of which is now set apart for the use of the Magistrates.

When Edward Stewart, who had begun the disturbance with Baikie, asked leave a few months later "to big a seat for his wife or a friend, with a foot gang before the same to his daughters to sit upon," in the space that had been cleared, it was refused till he should get written permission from the Earl of Carrick.

* S. R., April 1675. † 13th March 1631. ‡ Lord Robert. § 11th Jan. 1629.

By and by, however, we find the Session dealing with the spaces in this aisle as freely as if "the worthie name of Stewart" had become extinct.

They put up three new pews on the site from which Baikie's seat had been removed, and gave to David Sutherland of Windbreck the "midmost of the three."

This was for his services in procuring from the Treasury £200 for the repairing of the church.

Nearly one hundred years later this aisle was again the subject of disputes. Alexander Muat, "nearest heir in lyfe" to Hugh Halcro of that ilk, gave up his right to the Halcro's seat, "Lyand in the mid ysland on the east side of the pulpit, to his cusine, James McKenzie, Toune Clerk of Kirkwall." On this David Craigie of Gairsay wrote to Mr Baikie, minister :— "Reverend Sir, in answer to yours of the tenth instant, My Predicessors and I have bein in possession of that seat, which bears Halcro's name and armes and the Craigies and the Crightons, and I am resolved to maintain my pocession, yet I am well pleased that James McKenzie and his family have liberty therein, Provyding that I and my family have access thereto when in town. I salute you kindly and your spouse and family, and am, Sir, Your Humble Servant, David Craigie. Kirkl., 17th July 1721."

Seats, being regarded as heritable property, were turned into cash as freely as any other chattels, and persons having no right to sittings but what use and wont gave them, sold their claims without the least compunction. Accordingly, we have the Session and Bishop "taking to their consideration the greit abuse of severall persons in this congregation who tak upon them to sell, alienate, and dispone seats in the church as if they were their awen proper heritage," and passing an Act making such dispositions of no effect.*

This practice made them more careful in the disposal of seats. When David Moncrieff, bailie and elder, got for "himselfe, bedfellow, their airs and successors," a seat in the stalls, it was expressly stated that they should have no right to sell, but, as son succeeded father, "every new possessor shall pay a gratuitie to the satisfaction of the Session."

In 1721, Provost Covingtrie had the third seat back from the altar steps, while the fourth belonged to Baikie of Tankerness. Covingtrie got permission from the Session, with Baikie's consent, to turn both pews into one square seat with a table. Tankerness had removed from the middle of the church to a pew with a canopy in the east bay of the north aisle.

On a pew becoming vacant in a desirable part of the church, it was very quickly picked up by the person who could bring most influence to bear upon the Session.

Captain Peter Winchester had a very snug seat under the stair leading to the Dick's Loft, and he "disponed" it, May 1684, to the Rev. James Wallace, minister of Kirkwall. At such transfers the church, as superior, claimed a feu duty.

For lone women the Session put up pews, and let them to as many of that class as would take them.

"David Seatter, kirk officer, was ordained to intimate to the women who sits in the Women's Isle that their new pews (were) to be built under the Magistrates' Loft, and to know if they incline to farm any of them."

"After prayer, it was appointed that those who sitts in the women's pews, which were lately erected before the Earle's seat and the Latron of the pulpit, should be charged to exhibit their acts and rights why they sitt yr."†

The lectern was attached to the pillar opposite to that which supported the pulpit.

When there was in Kirkwall no earl to occupy the canopied seat of the Stewarts, the irrepressible boy took possession of it, so that the Session had it "nailed up and locked."

When Bishop Graham erected his loft in the south aisle of the choir, he kept the

* Oct. 19, 1670. † 4th April 1698.

corresponding space in the north aisle vacant; but on the floor of that bay Monteith of Egilshay put up a large pew with a canopy.

In 1767, the sitting accommodation in the church being found too limited, the Session proceeded to erect a gallery in the north-east bay. This called forth the following protest :— "At Kirkwall, and upon the High Street thereof, betwixt the hours of Twelve at mid day and one of the afternoon of the fourth day of May, in the year of our Lord One thousand seven hundred and sixty seven, and of his Majesty's Reign the seventh year, in presence of me, Nottary Publick, and witnesses after named and subscribing, and in presence of Mr Hugh Sutherland, one of the ministers of the Gospel at Kirkwall, and conjunct Moderator of the Kirk Sessions thereof, and of Andrew Liddle, Treasurer to the said Kirk of Kirkwall and acting Manager and Doer for the said Kirk Sessions; Compeared John Riddock, Esq., Provost of the Burgh of Kirkwall, as Pror. for and having commission from Robert Baikie, Esq. of Tankerness, heritable proprietor of that seat within the church of Kirkwall commonly called the seat of the Family of Egilshay; With the consent and concurrence of the said Robert Baikie's curators for their interests (whose power of Prory. was clearly known to me, Nottary Publick), and represented to the said Mr Hugh Sutherland and Andrew Liddle, That, Whereas They and the said Kirk Session were Erecting, and in the course of Building, a new Loft or seat within the said Kirk of Kirkwall, above the Burial place there belonging to the Earldom of Orkney, and which now belongs in property to the Honnble. Sir Lawrence Dundas, Bart., which new loft or seat they and the said Kirk Session have made to Project so far into the area of said church as to Darken and Eclipse the light and View of other seats therein, and particularly of the fore mentioned seat of Egilshay, now the property of his said constituent, a Minor; By which illegal and unwarrantable Invasion and Encroachment of Property, they and the said Kirk Session had also Debarred and Excluded his said Constituent from the use of his property in the ordinary Burial place of the said Family of Egilshay, Below or underneath his said seat, by rendering it Impracticable to shift or Remove said seat when he might have necessary occasion to Digg a Grave therein, without Greatly Dammaging the same. The said John Riddock, as Provost of the said Burgh of Kirkwall, and in name of the Ramanent Magistrates and community thereof, as also in name of his said Constituent, a principal and considerable heretor within the Parish of St. Ollay, within which the said Church stands, did also farther Represent to them and the said Kirk Session that the whole area of said Church belongs by Law to the Inhabitants of said Burgh, who are heretors of the said Parish, and That, tho' the heretors have permitted the Kirk Session to sett off and otherwise dispose of the seats within the Area for the better support of the fabrick, Yet any such Tacit permission or Tolerance can never Establish a Right of Property therein to the Kirk Session, far less can it authorize or justify them in the Arbitrary Disposal of said seats contrary to Law, which they have so long and so unwarrantably assumed to themselves, and still less can they be permitted or authorized to make any inconvenient encroachment on the property of others' seats as has been above Represented."

To this Mr Sutherland answered that from time immemorial the Kirk Session had let seats, and had by this means been able "in a surprising manner to keep up the large Fabrick of the Kirk allways in good Repair, as well as to supply the poor of Town and Parish, and no heretor or Inhabitant of Kirkwall or St. Ollay had ever paid or indeed been charged with a single farthing for that purpose."

He said that as complaints were constantly being "made to them for want of seats in the Kirk, and many were every Sunday kept at home in their houses upon that account, the Session thought it a duty highly incumbent on them to allow no part of the Kirk to remain unoccupied."

As to darkening the seat, he asserted "that the seat is as much and more darkened by the cover that is over it than it possibly can be by the loft. As affecting burials, the loft was not in any way attached to the seat, and, as to its projecting, it simply corresponded with the Græmes' Loft opposite, which it was intended to match." The protest was of no avail.

Many persons could not pay for sittings, and some of these would take possession of the highest seats in the synagogue :—* "Qlk day the minister and elders of the Session, having considered the great incivilitie and rudeness of the baser sort among the people of this congregation, who, being set downe in the chiefest seatis of the kirk, would not rise up to give place to their betters and superiors, Ordains that whosoever heirafter (due intimation being made out of the pulpit) shall sitt within the seatts commonly called the stals above the doores new made, except gentlemen, strangers, or elders of the Session, being elders at the tyme, shall pay to the boxe sixe shillings toties quoties."

The present use of the choir as a presbyterian place of worship does not give universal satisfaction.

"The choir, which is used as the parish church, has been rendered hideous by pews, gallaries, whitewashed, pinkwashed, or yellow-ochred pillars, and a tawdry deal screen which shuts off the choir from the nave." †

This arrangement is generally attributed to presbyterian taste, so utterly unappreciative of the beauties of the Cathedral. But the first screen, which there is no reason to suppose was any better than the last, was erected in the vain hope of protecting an episcopal congregation from discomforting western draughts ; the first gallery was hung between pillar and gable by an episcopal bishop "for his better hearing the word of God," and all the others were sanctioned by the same prelate. Even the white-wash is in its inception episcopal, dating from the days of good old Bishop MacKenzie. "Tuesday ‡—David Seatter, Belman, entered his work in whitening S. Magnus Kirk, within the choir thereof, with lime and other necessaries for that effect."

From the Reformation to the present day there have been sixteen ministers in the first charge, nine episcopal and seven presbyterian.

Gilbert Foulzie, the Romish Archdeacon under Bishop Bothwell, was the first protestant priest of Kirkwall. He was followed by Thomas Suenton, 1585 ; Patrick Inglis, 161— ; James Heind, 163— ; George Johnstowne, 1642 ; James Douglas, 1647, deposed 1659 and a presbyterian put in his place, re-instated 1662 ; James Wallace, 1672 ; John Wilson, 1689, deprived 1694.

The first presbyterian minister was Alexander Lennox, inserted for four years, 1659-1662, into the middle of Mr Douglas' ministry. The next was Thomas Baikie of Burness, 1697, followed by Edward Irving, 1741 ; John Yule, 1747 ; Robert Yule, 1789 ; William Logie, 1824 ; Wm. Spark, 1856 ; John Rutherford, 1883.

Before the second charge was recognised, the priest was assisted by a reader, who was vicar of St. Ola. David Watson, "reidar at the Kirk of Kirkwall," witnesses a deed, 18th Aug. 1624. This was in the incumbency of Mr Patrick Inglis, and possibly Watson was the first protestant vicar of St. Ola. The emoluments of this office were so small that the appointment would only be accepted in the hope of a speedy preferment to a better, yet Watson's successor, George Mudie, held the position for thirty-three years, during part of which time he acted as master of the Grammar School without any additional remuneration. "George Mudie, reidare at Kirkwall," sold, 2nd May 1626, "all and haill (his) haill viccarage buttire off the parochin of St. Allawis, extending to fyffe barrellis Orknay buttire." Bailie Thomas Lentron was the purchaser.

* 1629, April 29. † Tudor. ‡ T. B., 22nd Feb. 1687.

James Reid got the appointment in 1660, and, after holding it for three years, the Presbytery appealed to the congregation for an augmentation of his salary. But at a meeting of the Synod, 9th July 1663, the inhabitants of Kirkwall "declare that they are neither willing nor able to contribute anything towards the stipend of Mr Reid, and as to ane qualified reader for morning and evening prayers, they declair that the constant stipend and mortification belonging to the reader is now possest and lifted up by Mr James Reid, and they think, since he takes up the benefite and stipend dew to the reader, he sould serve the service of the reader. Or, if Mr James Reid will quyt that provision, they sall be content yt the Bp. provyd for ane qualifyed reader yt will doe the service. Oyr ansr they have none."

Mr Reid, no doubt to his great satisfaction, was translated to North Leith the same year. He was the last reader in the Cathedral, his successors to the present day being ministers of the second charge.

But while the title and status of the incumbents had been raised, the stipend remained small. In 1703 Alexander Nisbet was ordained, but within a year he accepted a call to Shapinsay, being, as he said, "obliged to leave for want of sustenance."

His successor, Mr Andrew Ker, a clerical Ishmael, succeeded in moving the General Assembly of 1705 to take action in the matter of stipend. The case was represented to Her Majesty, Queen Anne, and a sum of five hundred merks per annum out of the bishopric rents was set apart for the minister of the second charge.

Mr Ker, having secured a stipend, next began to agitate for a manse, but his translation to Rathven, in 1722, left this desirable object unattained. Mr Ker had, however, left the second charge a more confortable office than he had found it, and looking back over the list of incumbents, one effect of the improvement becomes apparent. In the forty-four years, 1660 to 1704, when "fyffe barrellis Orknay buttire" formed the bulk of the income, eleven ministers held the charge, giving an average pastorate of four years; while, during the hundred and ninety odd years which have elapsed since Queen Anne's grant, Mr Walker, the present incumbent, is only the thirteenth, an average of about fifteen years.

When the choir was shut in and set apart for worship, the nave soon came to be sadly desecrated:—1620, Dec. 3, "Qlk day my Lord Bishop wt the rest of the Sessione, having considerit the gryt abuse that hes bene usit in the kirk be working and sawing of tymber be anie Particklar man that dwellis within the towne of Kirkwall, hes, with ane consent, ordainit that quhatsomever person or persons presumis in the contrarie shall pay 20s. to his quoties as weil thame that sawis as thame that awis the tymber."

But the greatest scandal was the "more than barbarous practice of the town-guard of Kirkwall, at the time of the Lammas fair, their keeping guard within the church, shutting of guns, burning great fyres on the graves of the dead, drinking, fidling, pipeing, swearing and cursing night and day within the church." *

This desecration was only removed by the erection of a guard-house in 1702.

* S. R., 23rd Dec. 1690—James Laughton is to have two shillings Scots weekly "for cleaning out the ashes while the guard is in the Cathedral."

CHAPTER V.

Cathedral as Burial-Place.

IT has been seen that when Earl Magnus was murdered, 1115, his body was conveyed to Birsay and buried in Christ Church. It was afterwards disinterred, and with imposing ceremonial conveyed to Kirkwall. A series of standing stones, some of which are still to be seen, marked the spots where the sacred coffin rested.

In the relic-hunting rage of the Middle Ages, the absurdity of an obscure hamlet in a remote island possessing a whole saintly skeleton became widely apparent, and numerous claims were made upon Kirkwall. So many portions were taken abroad and deposited among the treasures of continental shrines that, in his own church, little was left of the mortal remains of St. Magnus. Prague and Rome have been named as possessing some of these relics.*

In a cavity in the west end of the north pier of the choir are some bones which have been concealed with pious care. These have been regarded as part of the body of St. Magnus, hidden away at the time of the Reformation to secure them from Protestant desecration. They were examined in 1867 by Lord Bute, Doctors Logie and Kirkpatrick, Mr Iverach, chemist, and Mr George Petrie ; and the last-named gentleman has recorded the fact that the jawbone did not belong to the skull beside which it lay.

This would only go to show that beside the relics of St. Magnus was deposited a fragment of some other saint. It certainly was religious zeal that placed these bones in their remarkable hiding-place. Their discovery came about through the careless stroke of a workman's hammer indicating a hollow in what appeared to be solid masonry.

Of Rognwald's contemporaries, Earl Erlend, who was slain at Damsay, 1155, was the first to be buried here.

In 1168, Bishop William the Old, who consecrated the Cathedral, was interred near the grave of St. Magnus. During the repairs by the Government in 1848, a chest, made of separate slabs of stone, was discovered between the two pillars of the Stewarts' aisle. "It was about 2 ft. 6 in. long, 1 ft. 3 in. wide, and 1 ft. 3 in. deep, put together with mortar. In it was a skeleton doubled up carefully, with the upper part of the body in the proper position. With it was an article of ivory, like the cross handle of a walking stick, with an iron pin fixed in it. On the breast, close to the chin, was a piece of lead, $7\frac{7}{8} \times 2\frac{1}{2}$ inches, inscribed, 'Hic requiescit Wilialmus felicis memoriæ,' and on the back, 'Pmus. Epis.' It is evident that this was a reinterment, and probably the bones were removed to their last position from the choir of the first church when the addition was made to the east part of it." †

In 1856, chest and bones were cleared out, and the dust of the venerable Bishop was mingled with the common clay of the churchyard.

* The Marquis of Bute has ascertained that at all events the Bohemian City has no relic of the Orcadian saint.

† Dryden.

When Earl Rognwald was slain in Caithness, 1158, "Earl Harald brought the body, with a splendid following, to the Orkneys, and it was buried at the Magnus Kirk; and there it rested until God manifested Rognwald's merits by many and great miracles. Then Bishop Bjarni had his holy remains exhumed with the permission of the Pope." *

The Saga rather crowds events together. Had Rognwald been buried by Harald in the Cathedral, the disinterment referred to would have been unnecessary, but his companions buried him in the first church they came to, Lady Kirk, in South Ronaldshay; hence this act of Bishop Bjarni.

A skeleton, supposed to be his, lies entombed in the wall of the south choir aisle, under the opening into Marwick's Hole.

Earl Rognwald was canonised, 1192.

During the winter of 1263, the body of the brave but hapless Haco of Norway lay under Cathedral consecration, but in the spring of the following year it was taken to Norway to be laid beside the remains of the old Norwegian kings.

Margaret, the Maid of Norway, grand-daughter of Alexander III. of Scotland, is often spoken of as being buried in the Cathedral, and her grave, according to tradition, was under a slab of grey marble near the south-east pier of the choir; but, dead or living, the poor princess was never in Kirkwall. She died at sea, 1290, and her body was taken back to Bergen under the charge, in addition to her Norwegian suite, of Bishop Dolgfinnr.†

A letter from the Bishop of Bergen, written twenty years after the event, relates the circumstances of the return voyage.

The tomb of Bishop Thomas Tulloch was between the two pillars on the south side of the choir. Sir Henry Dryden says:—"It had elaborate buttresses at the angles and seven niches on the face, and must have been a rich work of art, cut in greenish freestone not of the country." As late as 1848 the base of the north side was *in situ*. "From fragments it appears to have had a canopy. Under-ground was an arched tomb, in which the bishop lay, with a chalice and paten of beeswax and pastoral staff of oak." "These articles are now in the Museum at Edinburgh, and portions of this tomb are in the room over the south chapel."

This must have been the handsomest piece of monumental work within the Cathedral; but instead of its receiving any repair, the fragments, as they became detached, were carried away and utilised for other purposes. When the wall round the Town Hall was taken down, in 1890, large portions of this tomb were found embedded in the masonry.

Principal Gordon says that the tomb was covered to its full length with a plate of copper, and adds:—"A party of soldiers sent by Cromwell to Kirkwall, in order to be a check upon the inhabitants, robbed the tomb of the copper, as a shred of the whore of Babylon."

At this tomb it was customary to repay borrowed money and to cancel bonds. William Sinclair of Warsetter is held bound to pay Harie Aitken, Commissary, and Hugh Sinclair of Garth, 5000 merks "upon ane day betwixt the sun rysing and down going thairof, within the Cathedral Kirk of Orkney, callit St. Magnus Kirk, in Kirkwall, at the buriall place of umql. Bischop Thomas Tulloch." ‡

The whole floor of the choir having been, at the reseating of the church, raised to the evel of the top of the altar steps, many ancient monuments are lost to view. Perhaps one of the most interesting of these is on the east side of the north-east pillar of the choir. It is inscribed:—"Here Lyes Captain Patricio, of the Spanish Armada, who was wrecked on the Fair Isle, 1588." "Captain Patricio Antolinez commanded 243 soldiers on board El Gran Grifon, one of the ships of the Spanish Armada. This vessel, chartered from Rostock, was commanded by Juan Gomez de Medina, and was wrecked on the Fair Isle." §

* Saga. † Dr Anderson. ‡ Reg., 18th Aug. 1624. § Tudor, p. 434.

The wreck of such a large vessel, with so many men aboard, was a sore trial to the people of the Fair Isle and little pleasure to the poor Spaniards.

The story of their escape, as told by the commander, is recorded by Melville, minister of Anstruther, in his diary. He says that as many as escaped the cruel rocks and seas had for six or seven weeks suffered great hunger and cold, till, procuring a vessel from Orkney, they were able to get away. That they called at Kirkwall on their way south, this simple inscription records, and it furnishes a reason for their putting in, but undoubtedly there was a more pressing cause. They required to lay in provisions to take them to Calais, which then belonged to Spain. From their condition when they reached Anstruther, our townspeople had been either unable or unwilling to give them much assistance. Compelled to land in Fife, the Laird of Anstruther and some others of the county gentlemen entertained them for a day or two, while the commander repaired to Edinburgh and paid his respects to the King.

Melville gives the names of the principal officers as "Joan Gomez de Medina, Generalle of twentie houlkes, Capitan Patricio, Capitan de Logoretto, Capitan de Luffera, Capitan Mauritio, and Seignour Serrano."

Of soldiers and sailors, there were two hundred and sixty, chiefly "young beardless men."

It is touching to notice that, while these poor fellows bore their own misfortune bravely enough, believing theirs the only wreck of the fleet, when they learned the fate of their comrades all round the coasts of Scotland, Ireland, and England, they broke down entirely, Medina himself giving way to a passionate outburst of sobbing.

The Spaniards proved themselves not ungrateful to the men of Fife, for, some time afterwards, Don Gomez showed great kindness to an Anstruther crew whose ship was arrested at Calais. He took the men to his house, enquired for the Laird of Anstruther and the minister, and "sent home many commendations."

The remarkable style of knitting, peculiar to the Fair Isle, and some dark Spanish countenances, contrasting with the fair Scandinavian complexion of the bulk of the islanders, are regarded as memorials of this shipwreck.

Of the tombstones still open to inspection, the oldest is to the memory of William Henryson, Treasurer of Orkney, who died 10th Dec. 1582. His wife's initials, "M.B.," are also on the stone.

Another sixteenth century stone is recessed under the east window of the south nave aisle—"Heir lyis Ulliam Maine, Burgdis in Kirkwall, 1592; His spouse, Mariorie Thomsone, 1609; and NVNE of their children." Probably one of the survivors of this large family was Thomas Maine, who was a bailie of Kirkwall from 1619 to 1638.

Earl Robert Stewart was buried in the Stewart's aisle, 1590, and in a search for his grave that of his brother, Lord Adam Stewart, was discovered.* Earl Patrick was buried in Edinburgh, where he was beheaded.

In October, 1648, William Douglas, Earl of Morton, was buried here, and his son Robert, who succeeded, wished to erect a suitable monument. "My Lord Morton, his brother, Mr John Douglas, presented a desire in my Lord's name unto the Session, That seeing his Lordship had ane purpose to erect ane tomb upon the corp of his umquhile father in the best fashion he could have it: Tharefore, understanding that there were some stones of marble in the floore of the Kirk of Kirkwall, commonly called St. Magnus kirk, quhilk would be very suitable to the said tomb; therefore requested the favour of the session to uplift the said stones for the use foresaid: Whereunto the session condescended with this provision, that the places thereof be sufficiently filled up agane with hewen buriall stones."† While engaged in

* Petrie's Notes, Antiq. Museum. † S. R., 22nd April 1649.

raising troops for Montrose, Robert, Earl of Morton, died 12th Nov. 1649, and the Earl of Kinnoul a few days later, and the remains of both must have been laid in the Cathedral.

In 1676, Bishop Honyman was buried beside the tomb of Bishop Tulloch.

Bishop Mackenzie "was interred in S. Magnus Kirk in Kirkwall within the commone court place of the same, commonly called the counsel house, which no person hath been interred hitherto." *

As might be expected, the choir was reserved :—"My Lord Bishop and session discharges the beddal, or under officers, to breik any ground within the choir for burial quher the peiple sits and hiers the word without special libertie asked and given from my Lord Bishop, minister, and elders, and, that nane be permitted to be buried within the said quire except the persone related to the dead, pay somequhat more considerable than in any other place of the church." †

In Low's account of Kirkwall, 1774, the population of town and parish is given as 1500 souls, and one hundred years earlier it was, of course, much smaller. Thus, in the seventeenth century, the nave of the Cathedral served as the cemetery for all who would pay the necessary fees.

Heads of families claimed for themselves and their children spaces in the nave which had been the burial-places of their ancestors.

The Session had before them, 25th May 1670, a claim put in by David Craigie of Oversanday for the space between the third and fourth pillars on the south side, reckoning westwards from the transept, "in respect that his brother, the late Hugh Craigie of Gairsay, had left in legacy to the Kirk the sum of five pound sterling, and that his father, mother, and foresaid brother all lie buried there."

The claim was sustained on condition that he would "hold up the glasse window above the said burial-place."

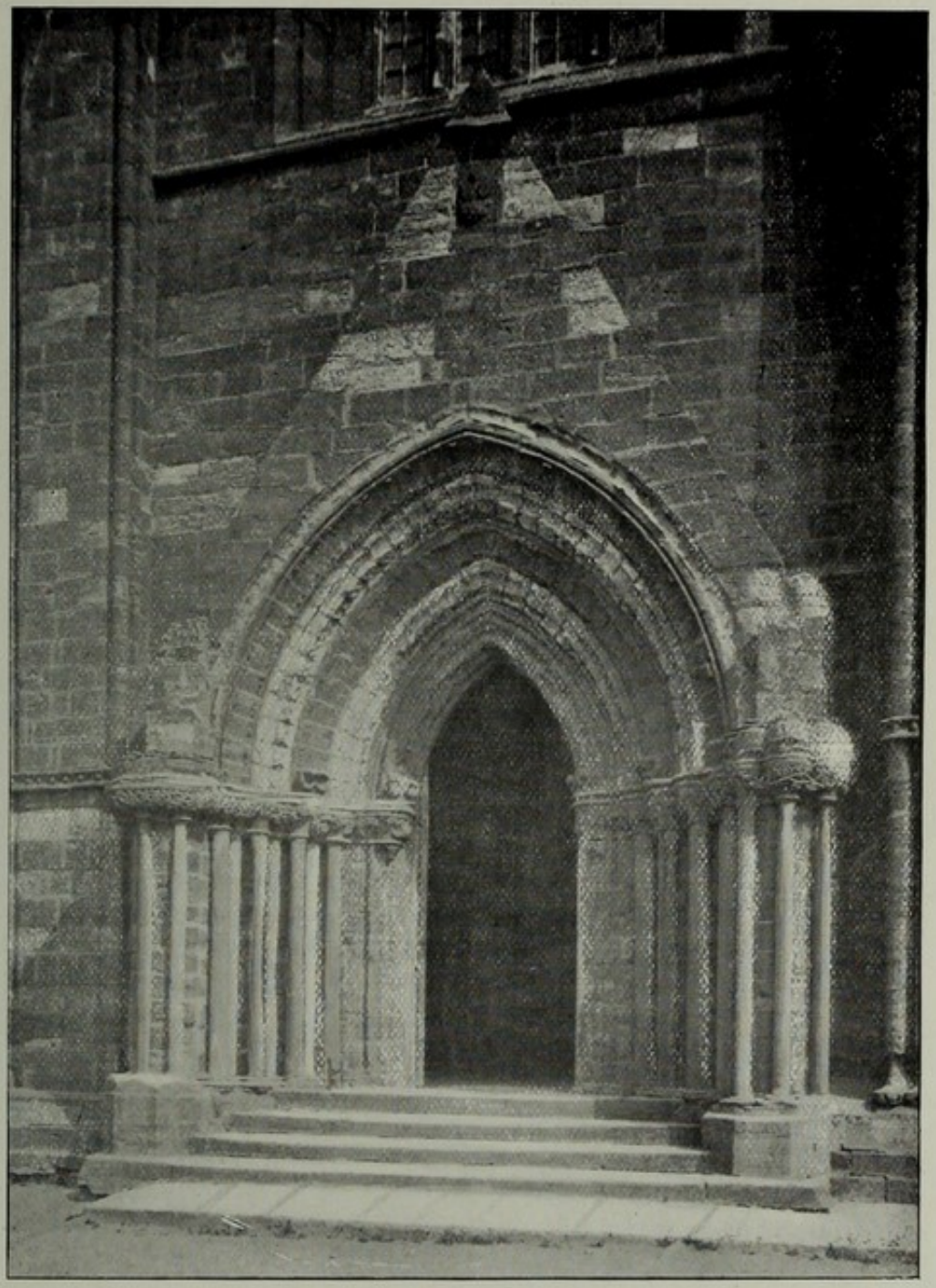
Tombstone Erected by John Covingtrie.

In 1721, John Covingtrie of Newark, then "Lord" Provost of Kirkwall, claimed the space "betwixt the second and the third pillars, reckoning downwards from the middle of the church, on the second pillar whereof stands his father's monument."

"The Session, having viewed the ground," granted him the space for which he asked, including the recessed arch in the south wall.

Concerning this arch, Sir Henry Dryden remarks :—"This had over it an effigy, or at least a carved slab. The arch is segmental, with angular impost and good mouldings, and is surmounted by a pediment. It is about the date of 1300. Close over the arch is a shield which appears to bear 3 guttes reversed (points downward) within a bordure of pearls. Under it is one line of inscription obliterated. To whom this was erected is uncertain." Sir Henry,

* T. B., 17th Feb. 1688. † S. R., 19th Oct. 1670.



Main Door, West Front of Cathedral.

however, regards it as probable that this tomb was prepared for some member of the Stratherne family.

The obliteration referred to was likely to be the work of one of the Session's lessees whose circumstances rendered the inscription inappropriate.

On the floor, between two pillars on the south side, are two elaborately carved stones, traditionally held to mark the last resting places of a bishop and an earl.

On the other side, we have a relic of Robert Stewart's rebellion. "Heir Lyis William Irving of Sebay, Schot out of the castil, in his Majesty's S.V., 1614." Though in his Majesty's service, his loyalty was more than doubtful, and Caithness regarded his death as a just judgment.

Of the seventeenth century names inscribed on wall and floor, in many instances nothing now is known but what is recorded upon the stone. Baikie of Burness, Drummond of Baloughie, Richan of Linklater, Louttit of Lyking, Covingtrie of Newark, Smith of Braco, Blair of Little Blair, Young of Castleyards, Traills of many places, Kaa, Prince, Cuthbert, Winchester, and Forbes were, however, men of mark and civic power in their day and generation.

After the fashion of the time, we have a few quaint rhymes. Under the names of Drummond of Baloughie and some of his grandchildren, we have :—

> "They did lye down with sighs and cries,
> To joy and Bliss they shall arise."

On the stone of Thomas Taylor, merchant, burgess of Kirkwall, we find :—

> "Corps rest in peace into this wormy clay,
> Till Christ shall raise the to a glorious day."

On Jared Black's tombstone we read :—

> "Corps rest in peace within this ground
> Until Archangel's trumpet sound ;
> Soul joy above till thy Creator's micht
> Both reunite to reign with saints in licht."

"John Kaa, somtym Baily of Kirkwall, was married with Agnes Louttit," and the widow records that

> "Agnes 9 children boor unto her mate,
> 6 died before their sir by cruel fate."

After giving the names of the six, the epitaph states that "James, George, and their dear sister Margaret survived to comfort their mother." And it is pleasant to record, even after two hundred years, that this "dear sister" made a good marriage. "Thursday, David Covingtrie, mercht., was married to Margaret Kaa, onlie daughter to umql. John Kaa and Anna Louttit, Spouse." *

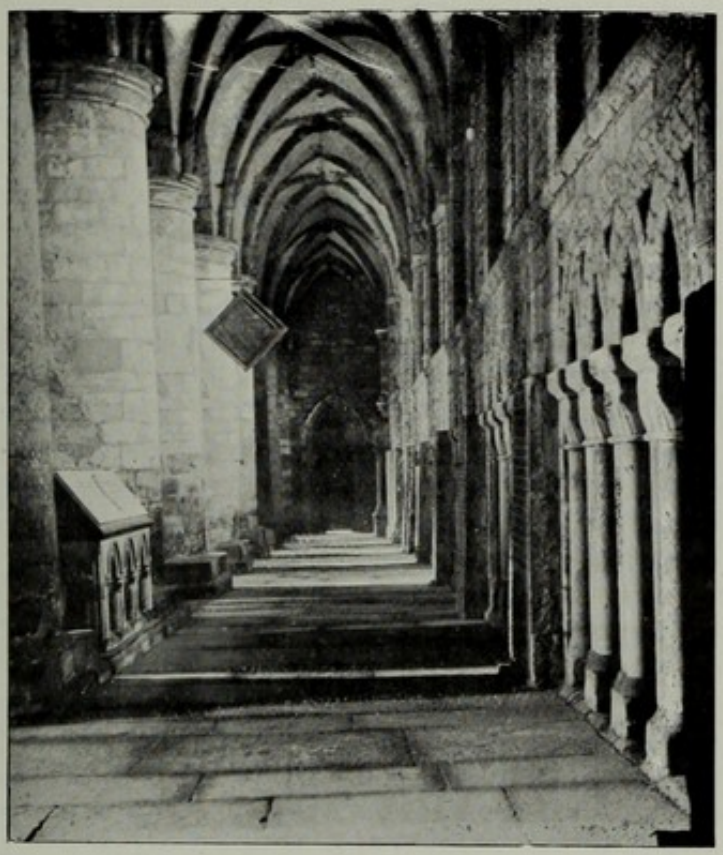
On a square board, hung cornerwise to represent an escutcheon, along with some queer devices and scriptural texts, we have :—"Below doth lye if ye wold Trye, come read upon this brod, The corps of on Robert Nicolsone, whose soul's alive with God. He being 70 years of age, ended this mortal life, And 50 of that he was married to Jean Davidson, his wife. Betwixt them 2, 12 children had, whereof 5 left behind. The other 7 with him's in Heaven, whose joy shall never end."

This quaint piece of work may almost with certainty be regarded as an act of filial duty on the part of James Nicolson, the painter of the "horologe brod and of the two sundials furnished by James Adamson.

* T. B., Oct. 10, 1689.

No work of human hands has a more monotonous existence than a tombstone. There it stands recording the name of the occupant of the grave below. The monuments of contemporaries and successors speedily crowd around it, and at length a generation arises to whom the epitaph conveys no information. The memory of the man has gone, and only his name remains. At last the old thing decays into illegibility and crumbles away or is removed. This is the natural history of tombstones.

But one stone on the north wall, eighth from the west door, has had a little experience out of the usual graveyard course. James Adamson, mason, petitioned for permission "to sett



North Aisle, Nave, St. Magnus Cathedral.

up ane hewen stone at the back of the pillar where his wife and her father lyes interred. But my Lord Bishop and Session would not permit him to sett it up at the pillar, lest the pillar sould be wronged thereby, but permitted him if he pleased to sett it up at the north wall, which was opposite to the said pillar."* There it was set up, and in due season James himself was laid below it. After it had stood for nineteen years, Patrick, the son of the man who carved it, removed the stone and sold it, "having hewen off the letters off it." This having come to the ears of the Session, the stone "was appointed to be arrested and Adamson to be charged against next day," when he was ordered to put up "the same stone and no other, and to have his father's and grandfather's names engraven on it." Patrick, seeing no help for it, restored the stone, but in the inscription which he carved he takes credit to himself for the filial act of putting up a monument to his father's memory. A son's attempt to raise money

* Oct. 1670.

by selling his father's tombstone is probably unique in the history of sepulture and of trade. And Patrick's conduct cannot be excused on the ground of youthful thoughtlessness, for at this time he had been five years married to Ursulla, one of the twelve children of Robert Nicolson, immortalised on the above-mentioned "brod."

The third stone east from this marks the grave of the amiable David Forbes, Notary Public, Town Clerk of Kirkwall, and Treasurer of St. Magnus Church, of which he was for many years an elder. Among the papers preserved in the Sheriff Court and Town Hall are many documents in the beautiful quaint old penmanship of this man. A determined foe to anything like jobbery in the handling of public business, he was yet a singularly retiring man, only coming to the front at the call of duty.

Under date 1st Dec. 1684, is entered in the Session records—"Whilk day, David Forbes being dead, my Lord Bishop, Minister, and Session gave a large testimonie of his faithfulness and diligence during the tyme of his service as Treasurer, and ordains that David Forbes have his burial free, in respect of his faithfulness to the church."

On this north wall there is a marble tablet to the memory of George Omond, of the Fair Isle. It is of comparatively recent date, 1813. Mr Omond, grandson of Mr Reid, master of Kirkwall Grammar School, and afterwards missionary in the Fair Isle, established himself in business in Kirkwall, and was a very successful merchant. His son, Robert, was for a time President of the College of Surgeons, Edinburgh, and John, Doctor of Divinity, was Free Church minister of Monzie. Some of his grandsons have distinguished themselves in science and others in literature.

Another mural tablet commemorates the services of Malcolm Laing, the historian.

On the floor is a monument to the memory of William Balfour Baikie, African explorer, son of Captain Baikie, R.N., banker, Kirkwall. "The monument is in the style of the thirteenth century, with three recessed arches in each side and one in each end. They contain shields of arms of England, Scotland, Orkney, Baikie, Traill, and Hutton. The main portion of the tomb is of Orkney freestone of two colours, and the detached shafts are of Shetland serpentine. The work was executed by Orkney sculptors from drawings by a Shetland architect." *

The epitaph, composed by his friend, the late Colonel David Balfour of Balfour and Trenabie, is a biography in miniature :—"William Balfour Baikie, M.D., R.N., F.R.S., F.S.A. Scot., born at Kirkwall, 27th August 1825. The Explorer of the Niger and Tchadda, the Translator of the Bible into the languages of Central Africa, and the pioneer of Education, Commerce, and Progress among its many nations. He devoted life, means, and talents to make the heathen savage and slave a free and Christian man. For Africa he opened up new paths to light, wealth, and liberty ; for Europe new fields of science, enterprise, and beneficence ; he won for Britain new honour and influence, and for himself the respect, affections, and confidence of the chiefs and people. He earned the love of those whom he commanded and the thanks of those whom he served, and left to all a brave example of humanity, perseverance, and self-sacrifice to duty. But the climate from which his care, skill, and kindness shielded so many, was fatal to himself, and when relieved at last, though too late, he died at Sierra Leone, 12th December 1864."

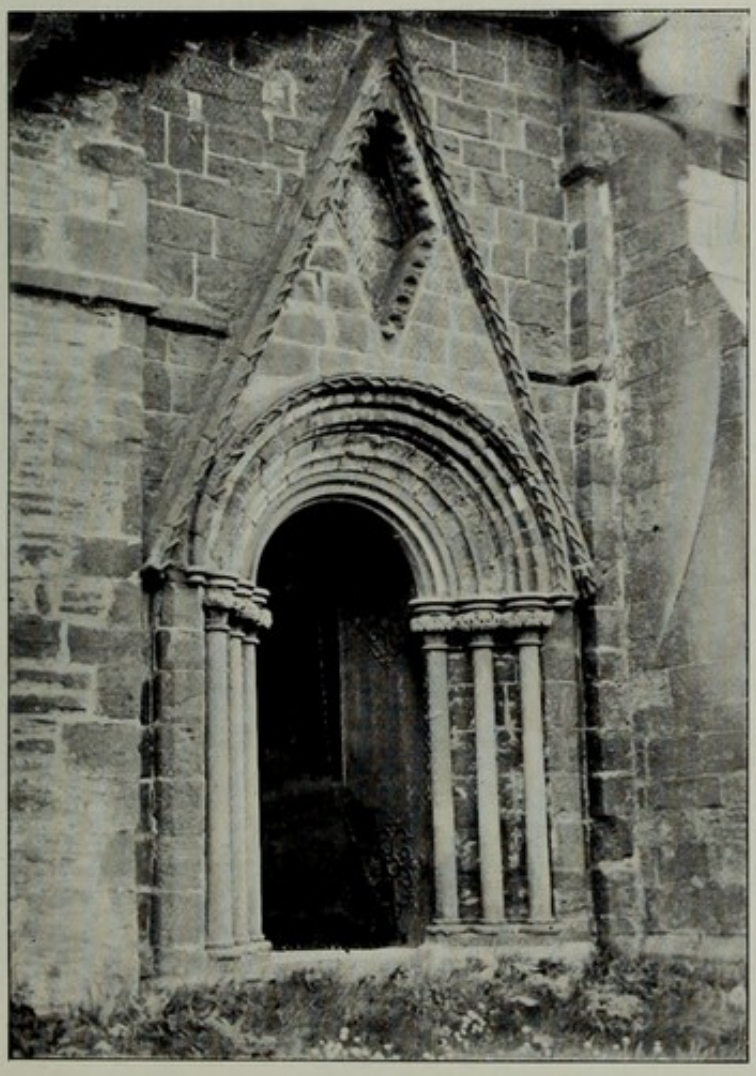
Across the nave from Dr Baikie's cenotaph is a monument to another Orcadian explorer, Dr Rae.

John Rae was born at the Hall of Clestrain, in Orphir, 30th September 1813. At the age of sixteen he entered the University as a student of medicine. After a successful curriculum, he joined the Hudson Bay Company's service. For ten years he had had the charge of Moose

* Dryden, p. 65.

Factory, when, in 1845, he was sent at the head of an expedition to explore the Arctic coast and connect the work of Sir E. Perry with that of Sir John Ross. The survey embraced seven hundred miles of coast line, and in two years it was successfully completed. While engaged in another coast survey, he came upon a party of Esquimaux, from whom he obtained information and relics which showed that the last of the Franklin expedition had perished of cold and hunger. On his return to England he found that he had unwittingly earned £10,000, which had been offered by Government for definite proof of the fate of Sir John Franklin and his men. A later explorer got from the Esquimaux the story of the last of that expedition. "We saw a band of weary white men travelling southward, and as they walked they fell, and where they fell they lay, and where they lay they died."

Rae was admirably adapted for the rough work in which he delighted. Possessed of a splended physique, indomitable courage, and thorough self-reliance, he was able to inspire those under his command with the confidence that their labours and hardships were certain to end in success. He traversed 1500 miles of previously unexplored country, often dragging his own sledge and supporting himself and his party by his gun. He died in London on the 22nd July 1893, and, in deference to his own wish, was buried in St. Magnus Churchyard.



Doorway, North Aisle, St. Magnus Cathedral.

CHAPTER VI.

The Bishop's Palace.

ONE of the two castles to which Buchanan refers in his description of Kirkwall is the Bishop's Palace.

Of the Bishops of Orkney before the See was removed to Kirkwall, with the exception of William the Old, the Sagas make no mention.

Earl Paul, son of Earl Thorfinn, sent to Lanfranc, Archbishop of Canterbury, a cleric whom he wished to be consecrated bishop. This was Bishop Ralph, concerning whom Lanfranc's successor, Anselm, "wrote to Earl Hakon, Paul's son, exhorting him and his people to obey the bishop whom now by the grace of God they had." *

Bishop Roger was consecrated by the Archbishop of York. Then came another Ralph, and in 1102 William the Old. Where those early bishops resided is not shown, but necessarily they had a residence at Birsay. Egilshay, too, was favoured by some of them as a place of abode. Here William the Old received Bishop Jon of Athol, and here also there came to the same venerable prelate his kinsman, Swein of Gairsay, a manslayer, seeking sanctuary.

But with the building of the Cathedral arose the need of an Episcopal Palace in Kirkwall.

Who the builder of the original palace was cannot now be ascertained. Probably William the Old, on the removal of the See from Birsay to Kirkwall, prepared, near his church, a dwelling for himself and his successors. This venerable priest, after the consecration of the Cathedral, 1152, accompanied Earl Rognwald to the Holy Land, and we may imagine, if we choose, that his house was erected in his absence, and that when his earthly pilgrimage was over, 1168, it was there that he died.

Of the next Bishop, William II., little is known but the date of his death, 1188.

"When Bishop William the Second was dead, Bjarni, the son of Kolbein Hruga, was made bishop after him. He was a very great man, and a dear friend of Earl Harald." †

Bjorn or Bjarni, the Skald, was a native Orcadian, born probably in the island of Wyre. His father's name is still preserved, if in a mutilated form, in the ruins of the stronghold which he built in that island, "Cobbie Rew's Castle."

This prelate wrote, among other poems, the "Lay of the Jomsburg Vikings," hence his title, the Skald.

Palnatoki, a celebrated sea rover, had established himself, somewhere between 941 and 991 A.D., in a stronghold named Jomsburg, on the southern shore of the Baltic. The laws under which he ruled his followers were very strict. No one was admitted into the community under fifteen or over fifty years of age. Every member must have shown that he did not fear to face two men equally as strong and well armed as himself. No one without their leader's permission could be absent more than one day from Jomsburg, into which no females were to be admitted.

* Anderson, Intro., 72. † Saga, 193.

Palnatoki's band became famous, and it was reckoned an honour to belong to it. But, in a rash expedition against Norway, under Palnatoki's successor, the Jomsburg vikings were cut to pieces. Thirty of them were taken prisoners by Earl Hakon, and the manner in which they faced death might well inspire our poet priest.

"The prisoners, being seated on a log of wood, with their legs bound together by a rope, withies or osier twigs were twisted in their hair. A slave was then placed behind each to keep his head steady by holding fast the withies twisted into a band for that purpose. The executioner was no less a personage than Thorkell Leire, one of the most renowned Norwegian chieftains.

"Thorkell began his sanguinary task by striking off the head of him who sat outmost on the log. After he had beheaded the next two, he asked the prisoners what they thought of death.

"'What happened to my father,' replied one, 'must happen to me. He died, so must I.'

"Another said that he remembered too well the laws of Jomsburg to fear dying; a third declared that a glorious death was ever welcome to him, and that such a death was preferable to an infamous life like Thorkell's.

"'I only beg of thee,' said a fourth, 'to be quick over thy work; for thou must know that it is a question often discussed at Jomsburg, whether or not a man feels anything after losing his head. I will therefore grasp this knife in my hand; if, after my head is cut off, I throw it at thee, it will show that I still retain some feeling; if I let it fall, it will prove just the contrary. Strike, therefore, and decide the question without further delay.' Thorkell struck off the man's head with a stroke of his battle-axe, but the knife instantly fell to the ground.

"'Strike the blow in my face,' said the next; 'I will sit still without flinching, and take notice whether I even wink my eyes; for we Jomsburg people know how to meet the stroke of death without betraying an emotion.'

"He kept his promise and received the blow without showing the least sign of fear, or so much as winking with his eyes.

"Sigurd, the son of Bui the Thick, a fine young man in the flower of his age, with long fair hair, as fine as silk, flowing in ringlets over his shoulders, said in answer to Thorkell's question—'I fear not death since I have fulfilled the greatest duty of my life, but I must pray thee not to let my hair be touched by a slave or stained with my blood.'

"One of Hakon's followers then stepped forward and held his hair instead of the slave, but when Thorkell struck the blow, Sigurd twitched his head forward so strongly that the warrior who was holding his hair had both his hands cut off."

This practical joke was so relished by Eirick, the son of Earl Hakon, that he secured from his father the lives of the remaining twelve Jomsburgers, one of whom was a Welshman.*

Bishop Bjarni's relish for such themes showed the churchman a true son of Kolbein the viking.

It was Bjarni who in all probability built the quaint little church in Wyre near his father's castle.

When Earl Harald was summoned to Norway to answer on a charge of conniving at treasonable practices, the Bishop accompanied his friend to the court of King Sverir.

It was in his days that "God manifested Rognwald's merits by many and great miracles," and, with consent of the Pope, he had the saint's "holy remains exhumed."

The Saga states regarding Bjarni that "he was well mannered as a youth," and the biographical facts which are preserved would show him to have been a courteous and cultured gentleman, beloved by the Earl, respected by the King, and trusted by the Pope. He was wealthy, too, and had possessions both in Orkney and in Norway. And he used his wealth

* Mallet, North. Ant.

towards completing the Cathedral, for, according to Sir Henry Dryden, this is the period of the "Second Style" in St. Magnus. "At this time the two chapels were built, and probably the transepts were roofed."

Bishop Bjarni died, 1223, and Bishop Jofreyr was consecrated. For years this prelate was never outside the walls of his palace, having been such an invalid as to necessitate the appointment of a "wise and prudent helper" to perform the duties of the episcopate. On his death, 1247, he was succeeded by Hervi, who was consecrated and died within a year.

Bishop Henry I., who followed, 1248-1269, was a man of mark.

Haco of Norway, on his expedition against Scotland, 1263, put into Elwick Bay. The King, leaving his fleet, became the guest of the Bishop in his Place of the Yards, and persuaded the prelate to accompany him on his ill-starred voyage.

"Ere he left these friendly islands there came a portent that might have disturbed a less resolute leader. At Ronaldsvo there fell a great darkness, so that there was only a thin bright ring instead of the round sun. It has been calculated by Sir D. Brewster that there was an eclipse of the sun, which, at twenty-four minutes past one on the 5th of August, was annular at Ronaldsvo." *

When the Norwegian Armada reached the Clyde it was seen to be so much stronger than any force which the Scots could at once raise to meet it, that King Alexander III. professed to desire a peace. In response to his overtures, five commissioners, of whom Henry, Bishop of Orkney, was one, were sent to the Scottish Court. They were honourably received and dismissed with a promise that terms would shortly be sent. With the Scots time was everything, for the autumnal gales were approaching; but neither Haco nor his ambassadors penetrated the Fabian policy of Alexander. Meanwhile the Norsemen gratified their instincts and wasted their strength in reckless piratical adventures. Bute was sadly wasted. "The habitations of men, the dwellings of the wretched, flamed. Fire, the devourer of halls, glowed in their granaries."

By and by a series of storms, so disastrous that the Norwegians attributed them to magic, wrecked Haco's fleet. "Now our deep enquiring sovereign encountered the horrid powers of enchantment. The troubled flood tore many fair galleys from their moorings and swept them anchorless before the waves. The roaring billows and stormy blast threw shielded companies of our adventurous nation on the Scottish strand."

This gale, so fateful to two countries, was on the second of October 1263.

To protect these "shielded companies" from the men of Kyle, Haco, under great disadvantage, was compelled to land a small force.

The struggle was fierce while it lasted—on one side a handful of men whose occupation and delight was war, and on the other an undisciplined, badly armed, but constantly increasing crowd of determined peasantry, with homes to defend and wrongs to avenge.

This is known in Scottish history as the battle of Largs. But "we hear in the earlier accounts of no commander to the Scots force, nor is it recorded that any of the great feudatories of the crown were present. This silence is made more emphatic by the eminence given to the rank and splendid equipment of Sir Pierce Curry, the only man whose name can be identified on the Scots side."†

Buchanan says that Haco "was defeated by Alexander Stewart, the grandfather of the first of that name who sat on the Scottish throne."

Torfæus tells that not more than eight hundred Norwegians were landed, who were instantly cut to pieces, and that Haco from on board his fleet beheld the disaster, but was prevented by the tempestuous weather from sending any assistance.

* Burton, ii. 32. † Burton, ii. 35.

Nevertheless, the affair at Largs was as fertile in results to the nations engaged as if it had been a pitched battle between two great armies.

With the shattered remains of his fleet, Haco sailed northward, death still following. A galley with all her crew was engulfed in the Pentland "Swelchie." The King and Bishop Henry landed on South Ronaldshay and crossed to Scapa, while what was left of the fleet found shelter in Houton Harbour. Having resolved to spend the winter in Kirkwall, Haco took for himself the upper storey of the Bishop's Palace. But his health had given way with his fortunes. While a measure of strength remained, he interested himself in the affairs of state and in the offices of religion, but, when he was fairly stricken down, the lessons of the priests and the stirring adventures of his own piratical ancestors divided the attention of the dying warrior, and the last sound of which he was conscious was the reading of the chronicle of King Sverir. *

For a short time the body lay in state in the Palace, after which it was removed to the Cathedral, where it was guarded during the winter by the nobles of the suite watching two by two in turn. In spring the remains were removed to Bergen and committed to the filial care of King Magnus.

Bishop Henry survived his royal friend for six years, and when he went to his final resting-place in the Cathedral he was succeeded in the Palace, 1270, by Peter.

This Bishop was one of the Commissioners appointed by King Eric to negotiate a marriage between him and Margaret, daughter of Alexander III. of Scotland.

Of Dolgfinnr, who followed, 1296, little is known but the name, though he occupied the Palace for over twenty years. In his time Margaret, the Maid of Norway, King Alexander's grandchild, died on her way to Scotland to assume the Crown, and it is probable that Dolgfinnr accompanied her remains to Bergen. The disturbances in Scotland which followed upon this untimely death may have attracted the attention of the historians of Norway to the neglect of the earldom and bishopric of Orkney. This was the time that witnessed the heroic struggle, the base betrayal, and the shameful death of the patriot Wallace, and which saw the gallant Bruce a fugitive in the wilds of the country which yet should hail him conqueror and king.

Of the public and private life of William III., who succeeded Dolgfinnr, 1310, somewhat more is known. In 1312, along with Earl Magnus, the last of the Angus line, we find him at Inverness renewing the treaty of Perth, which had been concluded between Alexander III. and Magnus Hakonson, 1266.

Some years after his accession, Bishop William got into trouble with his metropolitan, the Archbishop of Trondheim, on account of his reckless indulgence in certain uncanonical practices. A visitation of the diocese was appointed to inquire into his doings. It was found that as to his amours no guilt could be brought home to him since his elevation to the bishopric. It was shown, however, that he took more pleasure in such sport as Orkney afforded than consisted with the dignity of his episcopal position, and this to the neglect of the spiritual wants of his people. Thus, heretics practised idolatry and witchcraft in the very shadow of his Cathedral. Worse than this, his extravagant house-keeping caused him to appropriate to his own uses teinds which should have gone to Trondheim, and Peter's Pence, which were much wanted at Rome. Nor was he sufficiently strict in causing the people of Shetland to forward their annual dues to the shrine of St. Sunniva at Bergen.

When the Archbishop appointed a collector to look after his pecuniary interests, the collector found a lodging in the Palace dungeon.

From the fact that the last mention of him to be found is 1328, and the first mention of

* Torfæus.

his successor is 1369, it may be inferred that, though not deposed, he was suspended, and the management of the See given to another. But, though Archbishop Olaus regarded wilful William as but a prodigal son of the church, the bishop's character and habits were of a kind to make him highly popular among the islanders.

During this episcopate the independence of Scotland was finally established, and Bruce is said to have dedicated to St. Magnus Cathedral the sum of five pounds yearly, to be paid out of the customs of the port of Aberdeen.

The reason for this is given by Wallace :—"The day wherein King *Robert Bruce* gave that great and memorable defeat to the *English* at *Bannockburn*, there was seen rideing through Aberdeen a horseman in shining armour, who told them of the Victory, and thereafter was seen rideing on his horse over *Pightland firth:* whereupon it was concluded (sayeth Boetius, who tells this story) that it was Saint *Magnus*. And upon that account the King, after the victory, ordered that for ever after, five pound Sterling should be paid to St. *Magnus* Kirk in Kirkwall out of the customs payable by the Town of *Aberdeen*."

The same writer quotes a receipt showing that this tax was paid as late as 1593.

Bishop William IV. got the See somewhere about 1369. It may be remembered that when, in 1379, Henry St. Clair was invested in the earldom of Orkney, Haco of Norway made it a condition that he should "enter into no agreement with the bishop." As Bishop William had been in office long before Earl Henry came to Kirkwall, it is probable that the churchman had made himself obnoxious to the King. The next notice of the prelate is in 1382. "Then was heard the mournful tidings that Bishop William was slain in the Orkneys."

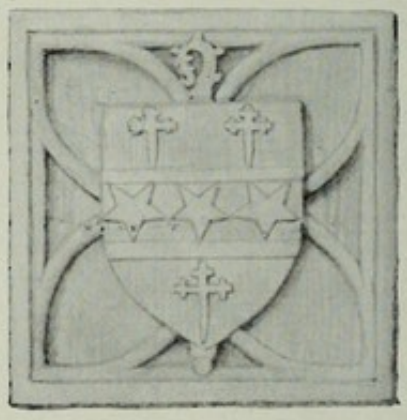
Another William, a Henry, a John, and a Patrick successively occupied the Palace, and joined their silent predecessors in the Cathedral, leaving behind no memory of their work.

After Bishop Patrick's death, Bishop Thomas Tulloch was presented to the See.

Eric the Pomeranian, who now ruled in Denmark, impatient of the neglect of the St. Clairs in the matter of homage, resolved to have a representative in the islands who should uphold Danish authority. Accordingly he appointed Bishop Tulloch his commissioner, 1420, giving him the Palace of Kirkwall with its pertinents.

The Bishop undertook to hold the Crown lands of Orkney for the Scandinavian kings, and promised to administer law and justice according to the ancient usages.*

He came to Orkney in 1422, and in the year following he was relieved of the secular rule, which was given to David Menzies of Wemyss.†



Arms of Bishop Thomas Tulloch, from Remains of Tomb, St. Magnus Cathedral.

The choice proved an unfortunate one, and, after five years of misrule and oppression, Menzies was compelled to abandon his office, and Tulloch was reinstated. The Bishop now had the task set him "to search the archives, records, and all other evidences," to see whether the claim of the St. Clairs to the Orkney earldom was valid.

This search he undertook and completed, tracing the descent of William St. Clair back to the very first of the earls, and publishing the results of the labours of himself and colleagues in a "Diploma, or Deduction, concerning the Genealogies of the Ancient Counts of Orkney, from their First Creation to the Fifteenth Century: Drawn up from the most authentic Records, by Thomas, Bishop of Orkney, with the assistance of his Clergy and others, in

* Anderson, intro., 79. † Ibid., 69.

consequence of an Order from Eric, King of Denmark, to investigate the Right of William Sinclair to the Earldom." *

Bishop Thomas was buried in the Cathedral, across the choir from the grave of William the Old, and his tomb is often referred to in contracts as a place agreed upon by parties for the repayment of debts and the cancelling of bonds.

Thomas was succeeded in the bishopric by his cousin, William Tulloch, of whom it may safely be said that no churchman ever enjoyed a greater share of Royal favour. In Orkney he was Vicegerent for the Scandinavian monarch, in Scotland he was Lord Privy Seal, and in Copenhagen, "Tulloch, Bishop of Orkney, a Scotsman and a prelate of high accomplishments and great suavity of manners, enjoyed the friendship and esteem of Christian, King of Denmark and Norway." †

If Eric had been doubtful of the loyalty of William St. Clair, Christian had no less reason to be dissatisfied. After this king had been thirteen years on the throne, Bishop William was good enough to apologise for the negligent Earl on the ground that, having been appointed one of the regents of the kingdom during the minority of James III., his presence was required at the Scottish Court, and therefore he could not come to take the oath of allegiance.

But the St. Clairs, if they ever knew of Bishop Tulloch's good offices on their behalf, forgot them, and as soon as one of the name came to reside in the Castle of Kirkwall, he shut up the amiable prelate in prison. This, as has been seen, was the first of a series of events which led to the marriage of Margaret, Princess of Denmark, to James III. of Scotland, and the impignoration of Orkney and Shetland, 1468. Thus William VI. was the last Bishop of Orkney under Norwegian consecration, and a papal bull, issued August 1472, placed this See under the jurisdiction of St. Andrews. In 1477, Bishop Tulloch was translated to the Scottish See of Moray.

Lord Sinclair's rental, 1497, affords many proofs that, if Bishop William looked after King Christian's interests, he did not neglect his own. "And the King and erle ever had the scattis of all the bischoppis land in this parrochinn,‡ quhill of lait that bischop William stoppit the samen." Again, in Sanday—"The forcop, the levis, the scattis that the bischop takis suld be the Kingis."

"Thairof § the bischop takis the full scattis, and nevir a word thairof in the auld rentale."

"Thairof || the kirk takis the scat quhilk is nocht in the bischoppis auld rentale."

Andrew, the first Bishop under Scottish rule, was a man of much influence at Court. To him Kirkwall probably owes her Charter of 1486 making the town a Royal Burgh under the Scottish Crown. The chief object of this charter "seems to have been to secure the preservation of the Cathedral by committing the charge of it, with funds for upholding it, to some local authority." ¶ In 1490, Bishop Andrew got a charter erecting the whole bishopric into a regality, thus making himself and his successors independent of the jurisdiction of the earldom. Eleven years later this charter was confirmed by another.

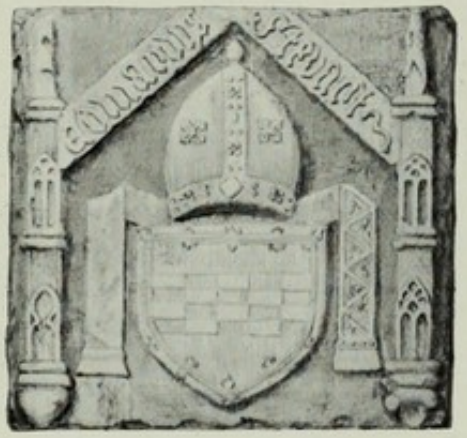
Edward Stewart, who succeeded in 1511, was a man of illustrious descent and high character. He was also a man of taste, with means sufficient to gratify the expensive pleasure of Cathedral building.

It is stated by Wallace that "he enlarged the Cathedral Kirk to the East all above the Grees."

Of his east window, Barry says :—"There is an elegant window in the same style, form, and proportions, though inferior in point of size, with that which has been so much and so justly admired in York minster in England."

* Barry, App. i., 399. † Tytler, iv. 215. ‡ Deerness. § Langta. || Lemsgarth. ¶ Peterkin.

Stewart's successor, Bishop Thomas, established an endowment for the support of choristers.*



Arms of Bishop Stewart, from St. Magnus Cathedral.

Bishop Maxwell was the next occupant of the Palace. "In the year 1536, when James V. made his famous progress through the islands belonging to his crown, his majesty was nobly entertained by this bishop at his own charges, and at this time the king was pleased to give the town of Kirkwall a confirmation of its royalty." †

Tradition points to a house on the west side of the Laverock as the dwelling of Bishop Maxwell at this time, and the bed in which His Majesty slept was long preserved. It might easily be proved that at the time of the royal visit there were no houses on that side of the street, the whole of which was occupied by the peat braes and kaill yards of the houses on the east side.

The old bed may have been used by the king, for in his time the royal wanderer was the more or less welcome occupant of many a bed, but the palace was his home. Barry, without quoting authority, says so, and Buchanan, who was almost contemporary, leaves no doubt as to its being not only habitable, but capable of accommodating a large retinue. "He (James V.) first sailed to the Orkneys, where he quieted the disorders and placed garrisons in two castles, the King's castle and the Bishop's."

Burton puts it :—"The fleet sailed along the east coast until it reached Orkney, where the hospitalities of the Bishop were welcome."

Peterkin says :—"During his stay in Kirkwall he was hospitably entertained in the Bishop's Palace."

That no other house in Kirkwall was ever known as the Bishop's Palace is abundantly proved by the records of sasine. These commence about one hundred years after the visit of James V., and they forget nothing in the early history of a tenement that can help towards its identification. The houses of the dignitaries are all noted as the house "of old called" the Provostrie, the Thesaurerie, etc., and had Bishop Maxwell ever possessed a house in the Laverock the fact would have been recorded in the sasines.

Arms of Bishop Maxwell, from Old Gateway in Victoria Street, Kirkwall.

Bishop Maxwell put up stalls for the clergy at the east end of the choir, and adorned them with curious carving. He also had a set of three bells hung in the Cathedral Tower.

Maxwell was succeeded by Robert Reid, in whose episcopate the splendour of Romish rule in Kirkwall culminated. He was born at Aykenhead in Morayshire, and was educated at St. Salvator's College, St. Andrews. His father, John Reid, was killed in the battle of Flodden.

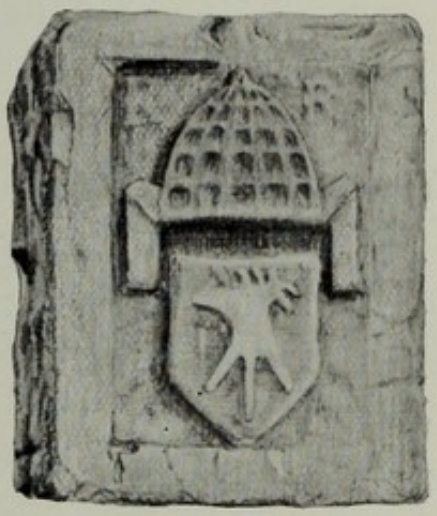
Before coming to Orkney, Reid had been Subdean of Moray, Abbot of Kinloss, and Prior of Beauly. In 1533 he was sent by James V., along with William Stewart, Bishop of Aberdeen, on an embassy to Henry VIII. to negotiate a peace, which was arranged. "On

* Keith. † Keith.

various occasions he received from King Henry gifts of silver vessels."* In 1535, and again in the following year, he was in France on missions concerning the marriage of James V. of Scotland to Magdalen, daughter of Francis I.

"The marriage was solemnized the first of Januar. (1537) in the church of Nostredame in Parise. They took their leave of the Frenche king about the end of Aprile, and landed at Leith the 26th of May. Frome thence they were conveyed with great pomp to the Abbey of Halyrudhous. But she, being consumed with an hecticke fever, ended her dayes the 7th. or 10th. of Julie immediately following. Her death was dolorous to men of all sorts. Then beganne first the use of mourning or doole weeds in Scotland."†

In his offices of Abbot and Prior, Robert Reid was active and generous. In 1538 he erected a spacious fireproof library at Kinloss, and in 1540 he built the nave of the church of Beauly. As Bishop of Orkney, he meditated vast designs for the good of his church and the benefit of his people, only some of which he was able to carry into effect. Architecture and horticulture were his hobbies. He brought from France a gardener, who had lost a foot in a naval engagement between the French and Spaniards near Marseilles. This man was an expert in the planting and grafting of fruit trees, and was also skilled in surgery.



Arms of Bishop Reid, from Old Gateway in Victoria Street, Kirkwall.

But public duties gave the Bishop little leisure for private enjoyments. Five years after his appointment to the bishopric he was made a judge in the Court of Session, and a few years later saw him Lord President. Yet he had the interests of his See always at heart, and, whether he himself were in Kirkwall or in the south, the improvements which he had designed were in constant progress. He extended the Cathedral westward, lengthening the nave by three arches, thus making the church take the form of a Latin cross, the western limb being in the eyes of severe critics a little too long. In making this extension, Bishop Reid showed such regard for the beautiful work of his predecessors, that he had the ancient doorways at the west taken down, stone by stone, and rebuilt in their present position. The gable having been removed westward, and the walls built, the roofing of this part of the fabric was in process when the work was stopped by the death of the builder, and his design was never thoroughly completed.

Contemporaneously with the enlargement of the Cathedral, the Bishop reorganised the whole ecclesiastical establishment, placing the several endowments on a clear and proper footing. He appointed seven dignitaries, seven prebendaries, thirteen chaplains, six choristers, and a sacristan. In filling up the various offices, if the names form any criterion, Reid seems to have encouraged native talent. The dignitaries were Malcolm Halcro, provost; John Tyrie, archdeacon; Nicholas Halcro, chantor; Alexander Scott, chancellor; Stephen Culross, treasurer; Peter Houston, sub-dean; Magnus Strang, sub-chantor; and for these he provided official residences near the Cathedral. With remarkable minuteness the careful Bishop laid down the duties and emoluments of all of them, evidently believing that the constitution he was giving his church would last for ages, but he was scarcely cold in his foreign grave when the Reformation reduced his grand design to ruin.

Perhaps more important, and certainly more enduring, were his efforts on behalf of the

* Shaw, Hist. of Moray. † Calderwood, i. 112.

youth of Kirkwall. Besides putting the Grammar School upon a proper footing, his educational schemes included a college, houses for which were erected close by his palace. "He was a great Builder, for he caused build a stately Tower to the North of the Bishop's Palace, where his Statue, engraven in stone, is as yet remaining set in the wall. He greatly enlarged the Cathedral Kirk, adding three Pillars to the former Fabrick, and decoring the Entry with a Magnificent Porch. He moreover built St. Olau's Kirk, in Kirkwall, and a large Court of Houses to be a Colledge for the Instructing of the Youth of this Countrey in Grammar and Philosophy." *

But the eighteen years of his episcopate were all too short to carry into execution his philanthropic wishes, and he left behind him much unfinished work.

Bishop Reid saw the beginning of the Reformation, and was one of those who believed that by vigorous action on the part of the Church the Lutheran heresy could be stamped out.

In 1550, we find our Bishop, with many of the nobility and clergy, in Blackfriars' Church, Edinburgh, sitting in judgment upon a poor heretic, Adam Wallace, who was condemned to be burned on the Castle Hill.†

This persecution had the usual result—some timid ones recanted, some went into exile, and some vindicated their principles at the stake, while every act of severity weakened the influence of the persecuting church. "Mr William Johnstoun, Advocat, fled out of the countrie. Reid, Bishop of Orkney, bought his houss, being confiscated, with a small summe."‡

In February 1558, Reid was one of eight Commissioners sent to Paris to witness the marriage of the young Queen Mary to the Dauphin of France. To more than one of the embassy this voyage was disastrous. "They losed two ships not farre frome the raid of Bulloigne. None of the passingers were safe, except the Erle of Rothes and the Bishop of Orkney, who were received into a fischer boate and convoyed to land. The marriage was solemnized in Parise with great magnificence in the church of Nostredame, the 24th of Aprile 1558. The Commissioners being dismissed frome Court, the Erle of Cassils, the Earle of Rothes, the Lord Fleming, the Bishop of Orkney, besides others of inferiour ranke, died in France, not without suspicion of poysoun. Lord James, Pryor of Sanct Andrews, had by all appearance licked of the same box which dispatched the rest; howbeit, he outwrastled by reasoun of the strong constitution of his body or vigour of his youth."§

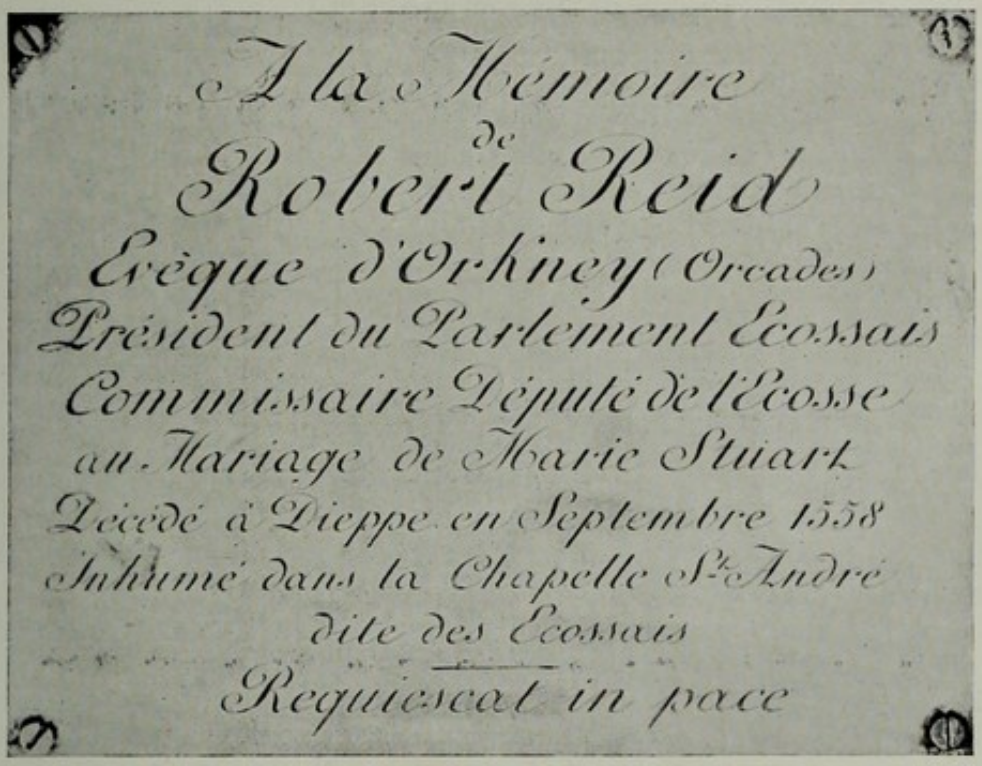
The Prior of St. Andrews was the Queen's half-brother, afterwards more famous in Scottish history as the Earl of Moray, leader of the Protestant party. Already the doctrines of the Reformation had taken hold of the young man, and many an argument he had with his venerable friend regarding the dogmas of the Romish Church. To these disputes the good Bishop on his death-bed refers with grim humour. "The Bishop of Orkney being driven backe by a contrarie winde, and forced to land again at Deepe, perceaving his sickness to increase, caused make his bed betwixt his two coffers. Lord James, who was ever at debate with him for maters of religioun, went to visite him. He, finding him to ly otherwise than the honour of the countrie required, said unto him, 'Fy, my Lord, how ly yee so heere in this commoun hous? Will yee goe to your chamber?' He answered, 'I am weill where I am, my lord, so long as I can tarie, for I am neere to my freinds,' meaning his coffers and the gold therin. 'My lord,' said he, 'how long have you and I beene in plea for purgatorie. I thinke I sall knowe ere it be long whether there be suche a place or not.' Whill Lord James exorted him to call to minde God his promises, and the vertue of Christ's death, he answered, 'Nay my lord, lett me alone; for you and I never agreed in our life, and I think we sall not agree

* Wallace. † Calderwood, i. 266. ‡ Calderwood, i. 108. § Calderwood, i. 331.

now at my death, therefore lett me alone.' The Lord James departed to his lodging, the other shortlie after out of this life."*

"Robert Reid, Bishop of Orkney, was a man far in advance of his time, and it is to him that Edinburgh owes the foundation of its famous university." He left 8000 merks wadset on the lands of Strathnaver "to build a college in Edinburgh, having three schools, one for bairns in grammar, another for those that learn poetry and oratory, with chambers for the regent's hall, and the third for the civil and canon law, and which is recorded by the Privy Council of Scotland (1569-1578) 'as greatly for the common weal and policy of the realm.'"†

He was buried in the chapel dedicated to St. Andrews, generally known as the Scots Chapel, in the Church of St. James in Dieppe, and in 1872 the French Inspector of Historical Monuments put up a brass tablet to his memory.‡



Tablet in Church in Dieppe to the memory of Bishop Reid.

Thus, in discomfort and in exile, died this excellent man, cut off in the midst of his work. Like his predecessors, he found delight in adorning the magnificent Christian temple committed to his charge; but of those who followed him no one was found magnanimous enough to complete the work on the Cathedral which he began. And though he was the founder of our most famous Scottish university, if we would see his monument we must seek it in the gloom of an obscure chapel, where a mural brass, put up at the expense of a foreign Government, marks his grave.§

Meanwhile, to show her displeasure at the marriage of Mary to the Dauphin, and perhaps recognising our Bishop's part in the function, England sent a fleet, under Sir John Clare, to harass the coasts of Scotland. "He sailed to the Orkneys to burn Kirkwall, an Episcopal See

* Calderwood, i. 331. † Old and New Edinburgh, iii. 26. ‡ Tudor, p. 251.
§ Photo. procured through the kindness of the late Father Henderson.

and the only town in that country, but when he had landed a considerable part of his force, a violent tempest suddenly arose and drove the fleet to sea, where, after contending a long time with the storm, he returned to England. All the men he disembarked on the island were slain by the natives." *

The mention of Kirkwall as an Episcopal See in connection with this invasion would show that the writer considered the destruction of our Cathedral as the primary object the English admiral had in view, and this may be regarded as one of the narrowest escapes the venerable pile has had during its long history.

Adam Bothwell, who succeeded Reid, was the son of Sir Francis Bothwell, one of the judges of the Court of Session. His sister, Janet, married Sir Alexander Napier of Merchiston, and became the mother of John Napier, the celebrated inventor of Logarithms.

Bothwell was the last of our Romish prelates. The Reformation, which had burst upon Scotland in a revolutionary storm, made little or no stir in Orkney, and this was largely due to the tact of the Bishop. He preserved the vested rights of the clergy then in office, and allowed them to make the most they could for themselves of the lands belonging to their respective churches:—"Thomas Richardson, prebendary of St. Catherine's Stouk, with consent of Adam, bishop of Orkney, gave and granted to Gilbert Balfour of Westray and his son, Archibald Balfour, the lands of Touquoy and others in Westray, and other lands in Sanday and Stronsay." † And so with the rest of them — Alexander Dick, provost; Hieronimus Tulloch, sub-chantor; Gilbert Foulzie, archdean—all "sett" their temporalities to the best advantage.

Thus he got the clergy with him to a man, and he was nearly as successful with the laity.

In his "Answers to the offences layed to his charge," "For the First he answered, That it is true, that, in the 58th year of God, before the reformation of religion, he was, according to the order then observed, provided to the bishopric of Orkney; and, when idolatrie and superstitioun were suppressed, he suppressed the same also in his bounds, preached the Word and ministered the sacraments; planted ministers in Orkney and Zetland, dispouned benefices, and gave stipends out of his rents to exhorters and readers; and, when he was commissioner, visited all kirks of Orkney and Zetland twise." ‡

To these visits, and his exhortations in every church in the diocese, must be largely attributed the quietness with which the islanders accepted the change.

That he was not able to convert every one to his views, a recent writer § on the subject shows us, but so nearly complete was his success that the Reformation in Orkney may be described as utterly eventless.

There must have been at this time a very general snapping up of unconsidered trifles by Bishop Bothwell and his subordinates.

Besides the lands, the revenues of which formed the proper support of the church, there were many special endowments of altars and chaplainries dedicated to particular saints. Saints Barbara, Catherine, Christopher, and John had houses in different parts of the town, but these fell to the Corporation, as does every ownerless tenement.

Within the Cathedral, however, the gorgeous ritual of the Church of Rome, under such prelates as Stewart and Maxwell and Reid, entailed a costly paraphernalia in gold and silver. Private bequests, too, can be traced. Alexander Sutherland of Dunbeath, by his will, dated at Roslin, 15th Nov. 1456, leaves a silver chalice "to Sanct Maunis altar in Kirkwall, and the chalys to be giltit."

Sir Alexander Sinclair, 1506, leaves his "red cote of welwote to the hie altar of the Kyrk of Orkney."

* Buchanan. † Peterkin. † Calderwood, ii. 530. ‡ Craven Hist., 1558-1662, p. 6.

Certainly those who had the opportunity, and could face the theft, would find such things interesting and valuable souvenirs of the ancient worship. However it went, the last ounce of the old Cathedral plate disappeared at the Reformation.

The opposition referred to by the historian of Episcopacy in Orkney is given by him in the Bishop's own words :—"quhen thai* wer all gathered, and inquyret be certain off my messingeris sent to thaime to that effek, giff yai wald be content off mutatioun off religion, quhilk thai reffussit, and that notwithstanding I cloisset my kirk dorris and hes thoild na mess to be said thairin sensyme, qhowbeit thai wer sua irritat thairbe that, efter thai haid requyret me sindrie tymes to let thaime in to that effek, at last gaderet together in gret multitude, brocht ane priest to ane chapell hard at the scheik of the schamber quhair I was lyand seik, and thair causset do mess and marye certaine paris in the auld maner. This was donne on Sonday last, quhilk I culd not stoppe without I wald haiff committet slauchter."

By allowing the Sinclairs to have their own way he disarmed their opposition.

It was this Bishop who, at four o'clock in the morning of the 15th of May 1567, in the great hall of Holyrood Palace, married Queen Mary of Scotland to James Hepburn, Earl of Bothwell. "The Bishop of Orkney alone could be found, who preferred the favour of the Court to truth, all the rest loudly exclaimed against the marriage." †

But when Bothwell fled before a nation's wrath, the Bishop joined in the pursuit. "On the eleventh of August a commission was issued to Murray of Tullibardine and Kirkaldy of Grange to pursue the earl and his accomplices by sea or land, with fire, sword, and all sort of hostility, and fence and hold courts of justice wheresoever they shall think good. The notorious Bishop of Orkney, who was also a Lord of Session, accompanied the expedition, to act no doubt as assessor in case of the capture of the fugitive."

"Kirkaldy and Tullibardine at length descried the object of their search on the eastern coast of Shetland. An exciting chase ensued, in which Bothwell's light vessels, filled with desperate men thoroughly acquainted with the navigation of those dangerous seas, had the decided advantage. At length, to lure their enemies to destruction, they dashed through the narrow and intricate channel of Bressa Sound. The manœuvre was successful. Kirkaldy, who led the pursuit in the largest ship belonging to the expedition, crowded all sail and followed the fugitives ; but, striking on a sunken rock, his vessel filled so rapidly that he and his companions had barely time to save their lives. The leap which the Bishop of Orkney, in particular, made from the deck of the sinking ship was long remembered as a feat of singular agility." ‡

"The Bishop, being last in the ship, and seeing the boat loosing, called to them to stay for him, but they, being sufficiently loaded, would not hear him, and seeing no other remedy, he leapt into the Boat, having on him a Corslet of proff, which was thought to be a strange jump, especially not to have overturned the Boat." §

It was Bishop Bothwell, too, who crowned Mary's son, James VI., at Stirling, 29th August 1657. "Mr. Knox made an excellent sermon before the coronation. After sermon, the Bishop of Orkney sett the crowne on his head. The erle of Morton and the Lord Hume tooke the oath for him that he sould maintain and defend the religioun then preached and professed in Scotland, and pursue all such as sould oppugne the same." ||

As has been seen, the Bishop twice visited all the kirks in the islands ; and he gives as his reason for leaving Orkney "infirmitie and sicknesse contracted through the aire of the countrie and travells in time of tempest."

It is commonly said that before his final departure he made an excambion of the

* Some of the Sinclairs instigat be the Justice Clerk (Craven, p. 6). † Buchanan.
‡ Hosack's Queen Mary, i. 371. § Wallace, p. 72. || Calderwood, ii. 384.

bishopric lands with Robert Stewart, natural son of James V., for the Abbacy of Holyrood. With regard to this, however, "He denyed that ever he dimitted to my Lord Robert his office or anie part thereof; but that the said Lord Robert violentlie intruded himself on his whole living with bloodshed and hurt of his servants; and, after he had craved justice, his and his servants' lives were sought in the verie eyes of justice in Edinburgh; and then was constrained of meere necessitie to tak the abbacie of Halyrudhous by advice of sundrie godlie men." *

Such a statement, coming from a bishop of the Scottish Church and judge in the Supreme Court of the realm, cannot be lightly set aside.

Bothwell was the last bishop in possession of the old Palace. His predecessor's unfinished work had left a large part of the building uninhabitable; he himself required to spend much of his time in Edinburgh, where he had a stately mansion; and Earl Robert, who next came into possession of the bishopric, preferring to build a palace for himself, left the Place of the Yards to go to ruin.

Bothwell's Edinburgh residence, which has a two-fold Orcadian connection, is thus described:—"A doorway on the east side of Byre's close affords access to a handsome, though now ruinous, stone stair, guarded by a neatly carved ballustrade, and leading to a garden terrace, on which stands a very beautiful old mansion that yields in interest to none of the private buildings of the capital. It presents a semi-hexagonal front to the north, each of the sides of which is surmounted by a richly carved dormer window, bearing inscriptions boldly cut in large Roman letters. That over the north window is:—'NIHIL. EST. EX. OMNI. PARTE. BEATUM.' The windows along the east side appear to have been originally similarly adorned; two of their carved tops are built into an outhouse below, on one of which is the inscription, 'Laus. Ubique. Deo.,' and on the other, 'Feliciter. Infelix.'"

"The name of the Bishop of Orkney appears at the bond granted by the nobility to the Earl of Bothwell immediately before he put in practice his ambitious scheme against Queen Mary; so that here, in all probability, the rude Earl and many of the leading nobles have met to discuss their daring plans. Here, too, we may believe both Mary and James to have been entertained as guests by father and son, while at the same board sat another lovely woman, whose wrongs are so touchingly recorded in the beautiful old ballad of 'Lady Ann Bothwell's Lament.'" †

Lady Ann was the grand-daughter of the Bishop, and her betrayer was Sir Alexander Erskine, son of the Earl of Mar.

Bishop Bothwell's Edinburgh mansion was afterwards the dwelling of Sir William Dick of Braid, Sheriff of Orkney, who farmed the bishopric rents from 1638 to 1646.

Bothwell married Margaret Murray of Touchadam, and his son, John, who succeeded him, was created Lord Holyroodhouse in the peerage of Scotland, 1607.

Adam Bothwell died in 1593, and was buried in Holyrood Chapel, where his tomb may still be seen. The very long epitaph begins:—"Hic reconditus jacet nobilissimus vir Dominus Adamus Bothuelius, Episcopus Orcadum et Zetlandiæ: Commendatorius Monasterii Sancti Crucis: Senator et Consiliarius Regius: qui obiit anno ætatis suae 67. 23 die Mensis Augusti Anno Domini 1593."

Eastward from the round tower of the Place of the Yards stood a square tower which belonged to the garrison side of the palace. This contained the Massy More or dungeon, and it has bequeathed its name to its surviving neighbour under the corrupted form, "Moosie Tooer." ‡

These two towers were joined by a wall pierced by an arched gateway, the entrance to the

* Calderwood, ii. 531. † Wilson's Memorials of Edinburgh, ii. 6. ‡ Marmion, Note 2 Z.

See Jam. Sect.

courtyard. This arch, known as the "Water Gate," was removed as an obstruction in 1877, and is now to be seen built into the east wall of the Palace, so that it appears as an integral part of the building to which it had formed the approach. From Low's description of the Palace, 1774, it will be seen that the square tower, which he nevertheless figures, had been demolished before his time :—"Near the Cathedral to the S., we see the ruins of what they call the round tower, or the old Bishop's Palace, said to be built by Bishop Reid, together with some other buildings which he designed for a college, in which the youth of the town were to be taught the branches of learning then in vogue, now turned into dwelling-houses."

There was no square tower then ; but in 1667, though going to ruin, it was still a place of strength, and the authorities, dreading invasion, turned it to account.

Copy of a document docketed :—

"Collectors nominat for collecting the Moneys for Ammunition and for regulating the church and castle, the 14th. May 1667."

"Kirkwall, the 14th. May 1667.

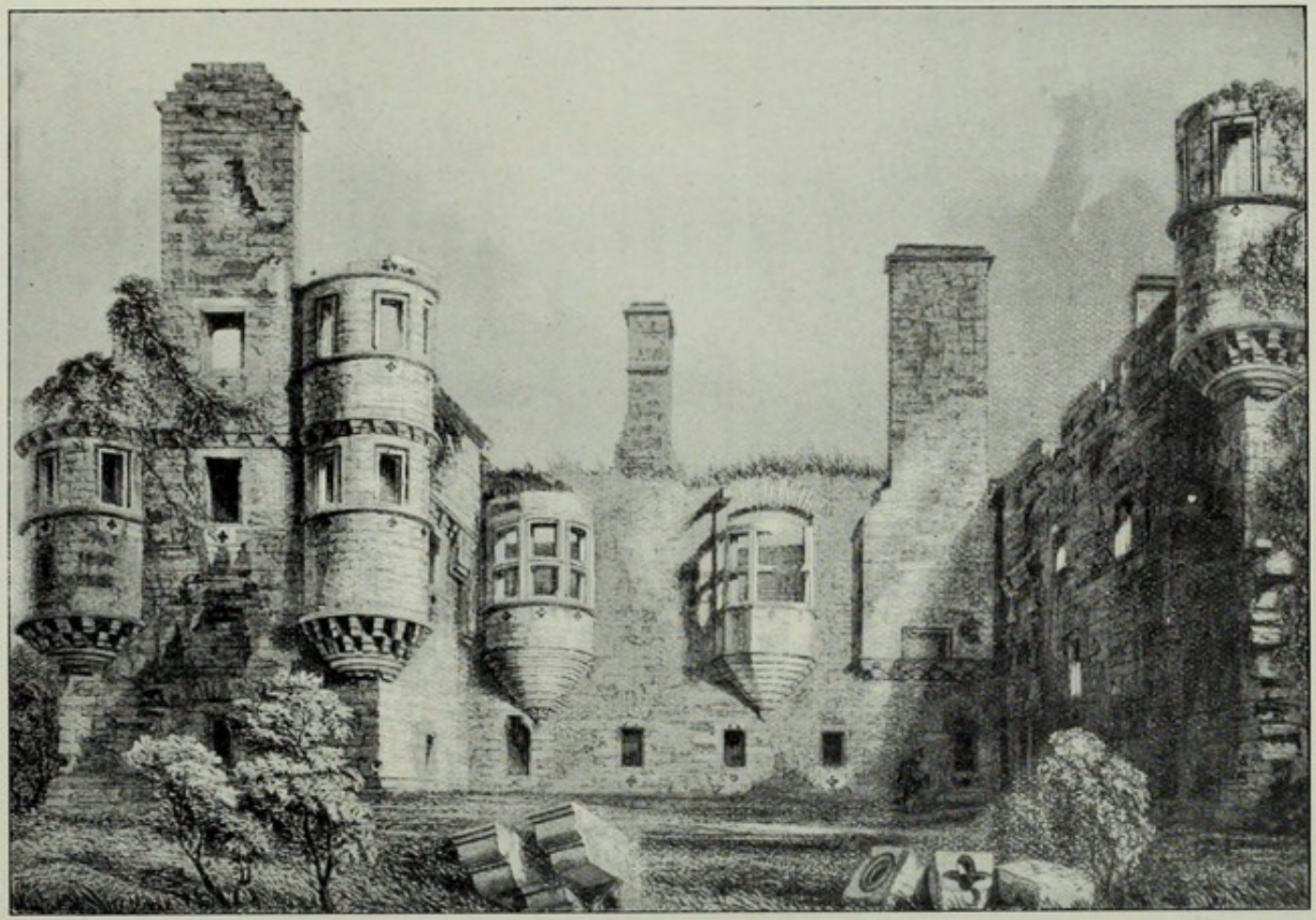
"The Commissioners and Justices appoint David forbes and David Halcro to be collectors above the Castle, Robert Richan and George Mowat to be Collectors be low the castle, and the collectors to go speedily about it, As they tender his Mastie's service and security of this place, And as they would not be proceeded against by the Commissioners in case of Refuseall.

"Item, they ordain those that have arms to fix them. And those that wants arms to provide them in arms before the 29th. of this Instant May, which is the day to be the Rendeyvous, ilk man under the paine of fourty shillings Scotts, and to be committed to prison while they pay the same, and ordains this to be published through the Toun by Touk of Drumn to-morrow. Sic like the Commissioners and Justices recommend it to the Commanders of the three Companies to sie the works at the shore and betwixt the Church and the Place and above the Toun head with fealls, and to view the Bishop's decayed house that the doores and windows may be secured, as also the Back gaite of the court, and to be carefull that the Cannon be mounted on the Square Tower.

"And for that effect that they condescend on some fitt person for overseeing the works, and to give him reasonable encouragement, etc., etc." *

Signed by Pa. Blair, James Murray, William Young.

* J. W. Cursiter's Papers.



The Earl's Palace.

CHAPTER VII.

The Earl's Palace.

PATRICK STEWART, who had succeeded to the earldom in 1591, obtained in 1600 a grant of the bishopric, and at once began to build what is now known as the Earl's Palace.

This, when finished, "formed, with the old bishops' towers and house, a complete square of buildings extending from east to west about 240 feet, and from south to north above 200, with an open area or close in the middle." *

The "Newark in the Yards" was an exceedingly handsome building. Sir Walter Scott, who visited the ruins in 1814, thus describes it:—"It is an elegant structure, partaking at once of the character of a palace and castle. The great hall must have been remarkably handsome, opening into two or three huge rounds or turrets, the lower part of which is divided by stone shafts into three windows.

"It has two immense chimneys, the lintels of which are formed by a flat arch, as in Crichton Castle. There is another very handsome apartment, communicating with the hall, like a modern drawing-room, and which has, like the former, its projecting turrets. The hall is lighted by a fine Gothic-shaped window at one end and by others at the sides. It is approached by a spacious and elegant staircase of three flights of steps. Any modern architect, wishing to emulate the real Gothic architecture, and apply it to the purposes of modern splendour, might derive excellent hints from this room.

"The exterior ornaments are also extremely elegant. Architecture seems to have been Earl Patrick's prevailing taste. Besides this castle and that of Scalloway, he enlarged the old Castle of Birsay.

"To accomplish these objects, he oppressed the people with severities unheard of even in that oppressive age, drew down on himself a shameful, though deserved, punishment, and left these dishonoured ruins to hand down to posterity the tale of his crimes and of his fall. We may adopt, though in another sense, his own presumptuous motto—'*Sic Fuit, Est, et Erit.*'"

Earl Patrick seems to have had a chapel in his palace. The Earl of Caithness reports:—"Upon the 29th we planted our battery against the New Wark, and ane tower thereof, callit the Chapel Tower, from whence they sent us many shots."

Splendid though he had made it, Earl Patrick's enjoyment of his palace was short-lived. Indeed, although it was built by an earl, the Newark in the Yards, except for a year or two, was, during its brief history, the abode of the bishops.

The General Assembly of 1580 was held at Dundee, and "in the fourth sessioun the office of bishops was damned, as followeth:—Forasmuche as the office of a bishop, as it is now used, and commounlie taken within this realme, hath no sure warrant, authoritie, nor good ground

* Peterkin.

out of the Booke and Scriptures of God, but brought in by the follie and corruption of men's inventioun, to the great overthrow of the true Kirk of God, the whole Assemblie of the Kirk, in one voice, after libertie given to all men to reasoun in the mater, none oppouning themselves in defence of the said pretended office, used and termed, as is above said, unlawfull in the self, as having nather fundament, ground, nor warrant in the Word of God ; and ordeaneth that all such persons as bruike, or hereafter sall bruike, the said office, to be charged *simpliciter* to dimitt, quite, and leave off the samine, as an office whereunto they are not called by God."*

In 1606, James VI. so managed the Scottish Parliament as to have the office restored. "His Majestie, with expresse advice and consent of the saids whole estate of Parliament, was careful to repone, and restore, and redintegrat the said estat of bishops to their ancient and accustomed honour, digniteis, prerogatives, privileges, livings, lands, tithes, rents, thrids, and estate, as the samine was in the reformed Kirk, most amplie and free, at any tyme before the Act of Annexatioun." †

But while an Act of Parliament had abolished the rule of bishops in Scotland, it takes more than an Act of Parliament to restore that rule. Nearly sixteen hundred years before the passing of the above Act, the Apostle Peter being then, as is said, Bishop of Rome, consecrated other bishops, laying his hands on them. These passed the apostle's touch on to others, and thus for fifteen hundred years the bishops of the Romish Church could trace their consecration back to the apostle. At the Reformation, apostolic succession still continued where Episcopacy remained the form of church government, as in England.

But, in Scotland, prelacy had been abolished for twenty-six years, and now, though bishops were nominated, bishops could not be ordained. In all the land there was no one who could "imprint that indefinable, indelible sanctity of character which is communicated by the imposition of a true bishop's hands."

In this juncture, the Archbishop of Glasgow and the Bishops of Brechin and Galloway went to London to procure the rivetting of the broken link in the mystic chain of apostolic succession.

In olden times the English primates had claimed spiritual supremacy over the Scottish Church, and to prevent any such encroachment on our national independence, the paternal touch of Canterbury or of York was dispensed with, and the fraternal hands of the Bishops of London, Ely, Rochester, and Worcester were imposed instead. ‡

This ceremony was conducted in the Bishop of London's Palace on Sunday the twenty-first day of October 1610.

Isaac Casaubon, one of the greatest scholars of the day, a native of Geneva, but at that time, by invitation of the king, resident in England, enters the event in his diary :—"This Lord's day, by God's blessing, was not ill spent. For I was invited to be present at the consecration of two bishops and an archbishop of Scotland. I witnessed that ceremony, and the imposition of hands, and the whole service. O God, how great was my delight! Do Thou, O Lord Jesus, preserve this Church, and give to our Puritans, who ridicule such things, a better mind." §

The three consecrated Scotsmen were then sent back to confer the like privilege upon their expectant brethren at home.

But by this time Presbyterianism had taken such hold in Scotland that the Episcopacy now introduced made very slight change. In St. Magnus Cathedral, the Bishop was little more than minister of the first charge. He presided at meetings of the Session, which con-

* Calderwood, iii. 469. † Calderwood, vi. 496. ‡ Aikman, iii. 333. § Calderwood, vii. 151.

sisted of my lord bishop, the minister, and elders. At the Sacrament of the Lord's Supper, which was taken by the members of the church seated at tables, the bishop and minister served alternately. In the Session records we do not read of any confirmations.

James Law, minister of Kirliston, was installed Bishop of Orkney. As a parish minister he had shown his brethren of the clergy that he was a man of ability. Once and again the General Assembly had placed him on commissions requiring tact and courage.

In 1589, some of the Catholic nobility in the north rose in arms against the king and in defence of the ancient church. "The erles Huntlie, Crawfurd, and Erroll came from Aberdeene to the Bridge of Dee, accompanied with three thousand men, and resolved to fight. The king was skarse accompanied with a thousand, yitt feare seazed upon the most part of Huntlie's factioun when they heard the king was in persoun in the fields. Huntlie had made manie to believe that he had a commissioun for gathering his forces. Erroll would have foughten ; Huntlie feared. Manie of the barons of the north left them." *

Mr James Law was appointed one of the commissioners who should "summon before them in Edinburgh the erles, lords, barons, freeholders, and speciall traffiguers and counsellers to the said noblemen."

In 1600, Law was named as one of those who should "give advice to his Majestie in all affaires concerning the weale of the Kirk." This placed him upon terms of intimacy with King James.

When he came to his diocese, the new bishop found the palace of his predecessors a ruin and the revenues of the church in secular hands. But he speedily brought Earl Patrick to terms. Their first recorded arrangement is a contract, dated 21st Jan. 1607, by which Patrick Stewart gives Law the Newark in the Yards, and binds himself to make "the said house water thight, and wind thight, and commodiously habitable," and to deliver it to the Bishop before "the first day of October nixt to come."

That it should take seven months to make this new house "commodiously habitable," would show that the building was not completed till 1607, though the Earl had occupied a part of it before that year.

By the same contract, Law resigned to Earl Patrick the whole bishopric lands and rents in Orkney and Zetland for an annual payment of four thousand merks.

As Bishop of Orkney, Law could not avoid seeing the oppressions of the islanders under Earl Patrick, and with quiet determination he set himself to compass the punishment of the Earl and his expulsion from Orkney. He accordingly collected, noted, and arranged for production, when necessary, Earl Patrick's acts of injustice. In November 1608, he presented to the king his "most humble and serious supplication in favor of this distressed and oppressed people." †

This led to enquiries, followed by the Earl's summons to Edinburgh in 1610, and his execution in 1614.

The earldom and bishopric had hitherto been so mixed as to cause confusion at times, but when the king confiscated Earl Patrick's estate, Law gave up to the Crown the old bishopric lands. As an equivalent for these, the King granted the Bishop, for himself and his successors in office, the parishes of Holm, Orphir, Stromness, Sandwick, Shapinsay, Walls, Hoy, and the half of St. Ola.

This was to guarantee the bishops an annual income of 8000 merks. If the revenue exceeded or came short of that sum, the bishop or the exchequer made good the difference.

"The bischop of Orknay, be his factors, sall haife his power to resave, intromitt, and uplift fra the tennentis of the grund, the haill rentis, dewties, fermes, tynds, customes dew for

* Calderwood, v. 55. † Pet. Notes, App., 59.

any pairt of the landis and rowmes laying within the haill parisches of Holme, etc., and he is to pay the difference, if any, betwixt the sum received and the sum of 8000 merks; and should the rental fall short, at the rates of payment therein mentioned, he is to get the deficiency made up." *

But Law's administrative genius did not limit itself to ecclesiastical matters.

The Stewart earls had abolished the Town Council of Kirkwall. In 1611, when Earl Patrick was a prisoner in Edinburgh, "his Majesty directit and appointit the Reverend Fadder in God, James, Bishop of Orkney, to repair to the saidis bounds, and hes establishit him with full power, commissioun, and authority to take trial and notice of the griefs of the saidis poor people, charging all and sundry, his Majesty's lieges and subjects within the bounds of Orknay and Zetland, to reverence, acknowledge, and obey the said Bishop." †

Accordingly, by virtue of his commission, "he elected and appointed the bailies of the town from a leet given in by the inhabitants." ‡

It was fortunate that Law was in Kirkwall at the time of Robert Stewart's little rebellion, 1614.

"The steiple of the church of Kirkway was first besieged, which after a little time was yielded; then the Earl of Cathyness went about to demolish and throw doun the church; but he was with great difficultie hindered by the Bishope of Orknay, who wold not suffer him to throw it down."§

Having placed Church and Council once more upon a secure footing, this astute prelate left Orkney to become Archbishop of Glasgow.

But while Law and a few others could well uphold the Episcopal status, the position of the Scottish bishops at this time was not one of dignity.

At a convention in Linlithgow, 1606, held by desire of the king, among other business, their place in the mongrel form of government under which the Church had fallen was laid down by the bishops themselves:—"Siclyke, the whole bishops declared, that it was not their intention to usurpe and exercise anie tyrannous or unlawfull jurisdiction or power over the brethrein, nor to engyre themselves anie wise unlawfullie in the kirk's government, or anie part thereof, farther nor sould be committed to them by the presbyteries, provinciall synods, and Generall Assemblies. And if it sould happen to fall out that they, or any of them, sould be found to do in the contrare, then, and in that cace, they were content to submitt themselves to the censures of the Kirk as humblie as anie other of their brethrein of the ministrie." ‖

"About the end of December, the Abbot of Halyrudhous and Mr James Law, Bishop of Orkney, were sent to the King with the proceedings of the Linlithquo convention sett down in writt. The King was not content that the bishops were not freed from the presbyteries and sett over the provinciall Synods.

"The Abbot layed all the blame upon the bishops, who *de novo* had voluntarlie submitted themselves to the presbyteries. Mr Law was sharpelie rebooked by the King." ¶

Law was succeeded in Orkney by George Graham, Bishop of Dunblane. *

* Pet. Rent., 1614, p. 149. † Pet. Notes, App., 65. ‡ In 1612, Pet. Rent., App., 42.
§ Pet. Notes, App., 57. ‖ Calderwood, vi. 616. ¶ Calderwood, vi. 629.

* "Graham was of the family of Inchbrakie, in Perthshire. The Grahams are of Anglo-Norman origin, and settled in Scotland during the twelfth century. Monkish writers, however, assert that they can trace their descent back to Græme, who is said to have commanded the army of Fergus II. in 404, was governor of the kingdom in the minority of Eugene, and who in 420 made a breach in the wall which the Emperor Severus had erected between the Forth and the Clyde, and which derived from the Scottish warrior the name of Græme's Dyke."—Dr Taylor, author of "Pictorial History of Scotland." Graham is very probably the Norse name Grim, which we have in Grimsby and

George Graham was born about 1565. He took his degree at St. Andrews, 1587. His first ministerial charge was Cluny, 1590, from which he was translated to Auchtergaven, 1595. Four years later he became minister of Scone; in 1606, he was made Bishop of Dunblane; and, 24th August 1615, got the See of Orkney.

It is interesting, in this time of transition, to notice how the utterances of some of the clergy were rendered absurdly anomalous by unforeseen changes of circumstances.

In 1604, at the Synod of Fife, Mr George Graham, then minister of Scone, said:—"I would he were hanged above all thieves, that presseth not to the uttermost to keep out of the Kirk the corruptions, pride, and tyranny of bishops"; and two years later he was Bishop of Dunblane. Mr Adam Bannatyne, minister of Falkirk, perhaps in surprise at his accepting this bishopric, said:—"Mr George Graham, the excrement of bishops, has licked up the excrement of bishoprics." Yet, when the Bishop of Dunblane was translated to Orkney, Mr Adam Bannatyne was very glad to "lick up" the vacant benefice.

Law had received the Earl's Palace from its builder by private contract, but in his successor's time an Act of Exchequer made it the Bishop's Palace. There is a lease of "the erledom of Orknay and Lordschip of Zetland, of the dait the fyftein day of May, the yeir of God, Im vic and twentie-twa yeiris, registrat in the buikis of Exchecker the samyn day and yeir foirsaid, quhairintill the reservatioun following is speciallie contenit, viz.:—Reserveing alwayes furth of the said tak to the Bischope of Orknay and his successors the landis and teyndis assignit to him, with the houses, manor-place, and biggings callit the Yardis, to be bruikit, joissit, and used be the Bischopes present and to cum yeirlie at thair pleasour."*

Graham got possession in 1615, and concerning its condition then, he says:—"Quhen I receivit the bishopric, I receivit the house, with some guid plenishing of beds and buirds, sick as the Earle hade."

Bishop Graham kept a garrison in the Palace:—"Before the Generall Assemblie at Glasgow, I keipit it with a companie as a non-covenantar, and, efter that, from non-covenantars."

This Bishop put up the first fixed private seat in the Cathedral. Sensible of the requirements of prelatical dignity, he erected a gallery for his family in the south-east corner of the choir, and adorned the front of it with carved work.

In 1638, Episcopacy was again disestablished, and Graham, no longer bishop, gave up his house. "I delyverit it againe, according to the inventar I receivit it by, *in omnibus* to Robert Tullo, upon a charge of the committee. I left it in better order than he receivit it, but now I heare it is both ruinated by the wether, and not weill used be him, qrof ye will pardone me to be sorrie, for I was more than carefull both of the kirk and that house."†

With regard to the last statement, it is explained that "for ye fabrick of the Kirk the Bishop upheld the quier‡ and the Bishop's dwelling-plaice, and ther is ane act off Parliament in anno 1633 for upholding off the bodie off ye Kirk."

Robert Tulloch of Langskaill, who got the keeping of the Palace, tried to carry matters with a high hand. "The kirk-officer complained upon Robert Tullo of Langskill for offering to strik him with a quhinger becaus he was taking out two of his horses this morning out of

in Græmsay. If so, Grim had been one of the followers of Rolf the Ganger, who conquered Normandy, and a descendant of his had come to England with William the Conqueror.

* Pet. Rent., App., 104. † Pet. Rent.

‡ Bishop Graham not only upheld the place of worship, but he was generous to the congregation. He gave them two communion cups (see *ante*, p. 34). The date, 1636, on one of the collection plates, has given rise to the tradition that the two were presented by him. Apart from the improbability of the Bishop ordering a plate with a Dutch inscription, the Session Records, as has been seen, give them a different history.

the kirk yard to put them in poynd." But Robert "refused that he offered any violence to the kirk-officer, but only to cut the horse halters."

At the change from prelacy to presbytery, in 1638, Bishop Graham complains :—"Altho I was not plundered, yitt my house was evil pycked by these that had the charge of the keeping of it." *

Concerning the same, Barry, quoting Keith, says :—"The General Assembly met at Glasgow, and, with rigour unsuitable to their office as ministers of a meek and benevolent Master, not only set aside, but excommunicated the episcopal order without mercy. This prelate, afraid of sharing the same fate, and dreading the penal consequences, resigned his office, which he declared to be unlawful, and that he was unfeignedly grieved at having held such an office so long in the church." On account of this submission, whether proceeding from conviction or from motives of prudence, he was only deposed by the Assembly, and "thereby saved his estate and money on bond, which would have been all forfeited had he, like any of the rest of his order, undergone excommunication."

George Graham, as a private gentleman, lived at Skaill, in Sandwick, but he was still a busy man. He had acquired wealth in spite of the hampering bargain which his predecessors made with the King, and which placed the later bishops at such a disadvantage compared with the former prelates. He states, in answer to a question put by the Magistrates of Edinburgh :—"Understand that the old Bishopric of Orkney was a greate thing, and lay sparsim thro'out the haill parochines of Orkney and Shetland. Besyde his lands, he had the teynds of auchtene kirks. His lands grew daylie, as adulteries and incests increased in the country." †

Although Graham's lands did not grow "daylie" through ecclesiastical mulcts, there is a tradition in the Melsetter family that the Bishop acquired Breckness in some such manner.

Captain James Moodie, writing to his uncle, Captain James Moodie, Stewart of Burray's victim, says :—"William Moodie, in anno 1563, entailed his estate upon his son, Adam, and his airs, to return to Gilbert Moodie, Brother German to the said William, which failing, to his nearest airs male bearing the surname and arms of Moodie."

"Yrafter, Francis, in anno 1628, grants several bonds upon the lands of Breckness for the behoove of George Graham, then Bishop of Orkney, but the Bishop not being willing to appear, the bonds were in the name of another person."

After stating that the reversion of these lands was secured to Marion Crichton, wife of the Bishop, and his son, John Graham, he concludes :—"The truth of the matter is, Francis Moodie was too great a libertine and kept more concubines than was convenient, for which Bishop Graham of Orkney did summon him to appear before him, but he not obeying, the Bishop threatened church censure. Francis, being willing to preserve his pleasure, and well knowing the Bishop, it seems, made an offer of agreement which was pleasing to the Bishop, for the Reverend Prelate, like a good Pastor, willing to bear with infirmities, allowed Francis to continue in the peaceable possession of his sins, in lieu of which the Bishop possessed part of his Estate. The whole of which was transacted so clandestinely as gives just reason to everybody to blame the Bishop. The truth is, Francis Moodie never received money or good deed either from the Bishop or any body else for these lands."

Bishop Graham, like every other moneyed man in Orkney at that time, put out his coin to usury, and Francis Moodie was a persistent borrower. In the year above mentioned, 1628, Moodie's affairs had got so desperate, that his wife, Marion Tulloch, widow of Arthur Sinclair, merchant, gave up to her husband's creditors her life-rent of lands in Deerness, St. Andrews, Holm, Stenness, and South Ronaldshay, with her house in Kirkwall.‡

* Pet. Rent., p. 259. † Pet. Rent., Bpric., 21. ‡ Sheriff Court Registers.

The first bond over Breckness, as James Moodie showed, was in 1628, and this did not conclude the money transactions between Moodie and Graham. On the 25th January 1634, Francis Moodie of Melsetter borrowed from the Bishop £400 Scots, granting bonds over some part of his remaining property. Regarding this :—"James Moodie, Fiar of Breckness, being now (20th April 1636) of 21 years, remembering that in the time of my Minority there were diverse Bands and Obligations maed by me to ane Father in God, George, Bischope of Orkney and Zetland, by Francis Moodie, my Father, as Principal, and me as Cautioner, for £400 Scots, of date 25th day of January 1634—Revokes the same at Kirkwall. Witnesses—Thomas Mayne, Merchant Burgess of Kirkwall ; Abraham Stevenson, indweller there ; Thomas Auchinleck, and Francis Auchinleck, his son."

This revocation on the part of young Moodie was of no avail, for within a year afterwards Breckness was in possession and occupation of the Bishop. "George, by the mercie of God, Bischop of Orknay and Zetland, grants discharge to Patrick Stewart of Gyre for arrears of Duties on his Lands of Gyre." "Witnesses at Breckness—David Graham of Gorthie ; John Graham, my youngest lawful son ; Mr George Graham, Minister of Sandwick and Stromness ; and Mr Patrick Graham, Br. German to George Graham of Drynie ; and Lawrence Graham, son lawfl. to Laurence Graham of Callandair, my servitor," * 22nd July 1637. †

The most distinguished in this the senior line of the Orkney Græmes were perhaps Sheriff Græme and Captain Alexander Græme, of the "Preston," afterwards Admiral Græme.

The Bishop's wife, Marion Crichton, died 1632, and was buried in St. Magnus Cathedral. He followed, 1647. They left four sons and three daughters.

David, the eldest son, had the estate of Gorthie, near Crieff ; Mungo died without issue, 1645, and left his property to his brother, Patrick. This Patrick, the third son, took his degree at St. Andrews, 1630. When he had finished his divinity curriculum, his father set aside all Presbytery trials, and at once caused him to preach in public.‡ He was appointed minister of Holm, 1635, and was deposed by the Assembly, 1649, for his sympathy with Montrose. In his retirement, Mr Patrick Graham of Rothiesholm did a large money business, and became very wealthy. Besides his property in Stronsay, he had Papdale, in St Ola, lands in Sandwick, and two farms in Shapinsay. These had all been church lands, and the Bishop, in granting the feus, did not at once convey them to his son. "There is fewed yairof, be ye lait Bischop, to ye said Williame Sincler of Sabay, the lands of Burwick, Torwall, and Soulsetter, qlk were of old udal lands, pay and conform the rental, qlk ar now in ye hands of Mr Patrick Grahame of Rothiesholme."

After the death of Patrick Smythe of Braco, Mr Graham of Rothiesholm bought from Patrick Smythe, merchant, Edinburgh, his father's extensive property in Holm, and changed Meall, the name of Braco's house, into Græmeshall. He married, first, Annas Stewart, and had six daughters, and, second, Margaret Sinclair, who survived him.§

"Mr Patrick Graham of Græmeshall died about the same time of night (midnight), and was interred in the tomb of the Kirk of St. John, 21 Jan." ‖

Feb. 25, 1681, "Margaret Sinclair, relict of Mr Patrick Grahame of Græmeshall, depd. this life."

John Graham, the youngest son, got Breckness, but in Sandwick "Thair is fewed yairof, be ye lait Bischop, to ye foresaid Patrick Smith, the lands of Southerquoy, comprehending

* Sheriff Court Books.

† If Bishop Graham did not rebuild the house of Breckness, he added to it, and a stone, carved with his arms and placed over the main entrance, was removed to Skaill by the present proprietor, William G. T. Watt, Esq.

‡ Fasti. § Fasti. ‖ T. B., Jan. 1675.

Skell and Gorne ; the lands of South Unigar, and fyve farthing land in Aithstoun, with ye hill of Kirfia and links yrof, with the heritable bailliarie of ye haill parochen of Sandwick, for payment, conforme to ye rentall ; qlk lands are now in ye possession of Johne Graham of Breckness."

In Stromness, "Thair is fewed yrof, be ye forsaid lait Bischop, to the forsaid Patrick Smith, 30 pennye land in Utter Stromness, twe pennye land and ane halfe in Inner Stromness, and ane pennye land and ane halfe in Quhome : qulk lands are all now in ye possessioune of Jon Grahme of Breckness."

John Graham of Breckness married Margaret, daughter of James Stewart of Græmsay, and their son, Harry, was perhaps the most prominent public man in Orkney in his day. He represented Orkney and Zetland in the Scottish Parliament, 1685-6. He built or enlarged the house of Skaill, and over the door, beside his monogram, he carved the lines—

> "Weak things grow strong by Unitie and Love,
> By discord, strong things weak and weaker prove."

He married Euphan, daughter of Bishop Honyman.

Long after Bishop Graham's death, his leases gave trouble to the church. At the Synod, 20th Nov. 1662, "Compeired the Laird of Halcrow, and produced ane take of the vicarage teinds of the Ile of Walles, subscryved by the Bischope of Orkney, and his seale appended yrto, desyreing likewayes the said take to be subscryved by the Deane and Chapt. Qlk the Chapt. refused to doe, in respect yt yr is fourscoir merks scotes money belonging to the stipend, and provision of the Kirk of Walles and the ministers serving the cure yrat."

At the same meeting, "Compeired" William Monteith of Belelly, as representing the heirs of Patrick Monteith of Egilshay, "and produced ane take of the vicarage teinds of the Isle of flotta, and oyr vicarage teinds yrin contained, the said take subscryved by the Bischope of Orkney, and his seale appended yrto, and desyred that this said take might be subscryved by the Deane and Chapt., as aforesaid. Qlk they refused to doe," for a similar reason.

Arthur Buchanan of Sound made a like request regarding the "teinds of Papla," but "the Bishop* had given an express countermand, aye, and whyle Patrick Smyth of Bracco, heritore of the saids lands, and the said Arthure Buchannane of Sound, were hard before himself."

"Compeired Archibald Stewart of Burray, and produced ane precept of Clare Constate, subscryved by the Bishop." On this occasion, the Dean, Mr Edward Richardson, as minister of South Ronaldshay and Burray, protested, on behalf of himself and his successors, that the subscribing of the precept might not prejudice their rights in "Lands of Leith, and houses belonging yrto, comonly called the Provest's lands."

Captain Robert Stewart of Eday had a lease of the teinds of Ireland and of Orphir, which the Dean and Chapter refused to sign, as injurious to the interests of the parish ministers.

After Graham's demission, there was a brief revival of Episcopacy, and, in 1639, Robert Baron, Professor of Divinity in Marischal College, Aberdeen, was appointed Bishop of Orkney, an honour which so alarmed the good man that he fled the country, and died at Berwick without consecration.†

As has been seen, the keeping of the Earl's Palace was for a time committed to Robert Tulloch, and it was "not weill used by him."

In 1641, a tack of the lands and revenues of the bishopric was granted by Charles I. to Robert Leslie, brother of Lord Lindores, with the right "to bruik and enjoy the haile Castles, Biggings, Yards, etc., whereof the late Bishop of Orkney was in possession."

* Sydserff. † Fasti.

In 1643, the earldom was granted to Lord Morton for a fictitious debt of £30,000 stg. In this grant it was insisted that the infeftment should "no ways be extended to any Lands, teinds, or any other whatsomever, belonging to the late Bishopric of Orkney at the late abolition."

Meanwhile the revenues of the bishopric had been assigned by Leslie to the Magistrates of Edinburgh, who now got a tack of the earldom rents from Morton, and thus the Town Council of that city had the whole county in their possession.

In 1647, Morton got a lease for nineteen years of the Earl's Palace from the Edinburgh Magistrates at a nominal rent of thirty-three shillings and fourpence Scots yearly.* Here Morton died, and was succeeded by his son, Robert, as tenant of the Palace.

To this palace, Robert Douglas, Earl of Morton, invited that glorious rebel, the Marquis of Montrose, when he was about to make his final effort on behalf of the Stuarts.

Some 200 men were sent over from Holland under command of the Earl of Kinnoul. In Kirkwall, Morton naturally regarded himself as supreme, an assumption which Kinnoul refused to admit. A serious rupture might have resulted, but both earls died within a few days of each other, in November 1649. Early the following year, Montrose came over and spent a month in preparation, during which time he occupied the Earl's Palace.† Then, having secured most of the boats to be found in the islands, he embarked at Holm, carrying with him 2000 men across the Pentland Firth. Very few of the gentlemen of Orkney joined Montrose. Smith of Braco, writing to his son, mentions Stewart of Burray, Mr Patrick Graham of Græmeshall, John Graham of Breckness, George Smyth of Rapness, Hew Halcro of that ilk, George Drummond of Blair, and Patrick Monteith of Egilshay, as friends who, along with himself, had submitted to Cromwell's rule. He wants the earliest information of the appearance of a change in the Government, "for I desyre nather to be first nor last in taking cours."

Bishop Graham's eldest son, David, is not in the above list, as he resided on his estate of Gorthie, in Perthshire. Total disaster overtook Montrose. At Corbiesdale, near Invershin, his little army was cut to pieces, and he found himself a fugitive in the wilds of Sutherlandshire. Macleod of Assynt, a former friend, found him in a state of starvation, and sold him to the Covenanters for 400 bolls of meal. He was, of course, condemned to death.‡

As part of the sentence, his head, "affixed on an iron pin, was to be set up on the west gavel of the new prison of Edinburgh, one hand to be set on the port of Perth, the other on the port of Stirling; one leg and foot on the port of Aberdeen, and the other on the port of Glasgow; the trunk of the body to be interred in the Boroughmuir, by the hangmen's men, under the gallows."

When Montrose heard his sentence read, he replied:—"I am beholden to you that, lest my loyalty should be forgotten, ye have appointed five of your most eminent towns to bear witness of it to posterity."§

"There is a chamber far away,
Where sleep the good and brave;
But a better place ye have named for me
Than by my father's grave.
For truth and right, 'gainst treason's might,
This hand hath always striven;
And ye raise it for a witness still
In the eye of earth and heaven.
Then nail my head on yonder tower,

* Pet. Notes, 51. † Pet. Notes, 52.
‡ Napier's Life of Montrose. § Wigton Papers, quoted by Ayton.

Give every town a limb,
And God who made shall gather them :
I go from you to Him !"

When the Restoration made it possible to collect these fragments and bury them in St. Giles Church, in Edinburgh, there was a great muster of the Graham clan, and Mungo of Gorthie, our Bishop's grandson, carried the head, still fixed on its "iron pin"—a fact which has received heraldic record in the Gorthie arms.

The clergy of Orkney were enthusiastic Royalists. They deputed James Atkine, minister of Harray and Birsay, to draw up a letter, addressed to Montrose, expressing their loyalty. For this they were all deposed, and Atkine was excommunicated. There were, however, two exceptions—James Morrison, of Evie and Rendall ; and Patrick Waterstoun, of Stronsay and Eday. When the Restoration came, the deposed ministers were reinstated, and were in a position to vent their spleen on the Cromwellians. In November 1662, "In presence of the Synod, Mr James Moreson, minister at Evie and Rendall, appoynted to appeare before the Deane and his assessors, eft the dissolving of the efternoone's dyet at the Deane's chamber, thair to give in his ansrs to this Queries, qlk ar to be layed to his charge, relaiting to his going forth of the place in the tyme of Montrose, his coming into Orkney, according to the eight article subscryved by the Bp. of Orkney,* for his tryall yranent. The said Mr James, appearing, reseaved all the charges, and did returne his ansrs yrto in wrett, and subscryved under his owen hands. All qlks wer sent to the Bp." After examination, the Bishop's finding was that, "if yr wer no further informatione, he might continew his ministrie upon good behavior."

But there was further information. "Thair wes produced ane Act of Parlt. in ffavors of Mr James Moresone and Mr Patrick Waterstoune, appoynting to them the sowme of ten thousand merkes Scotes for the causes contained in the said act. The tenor qroff followes :—At Edr., the twentie-nine day of May, sixteen hundred and ffyftie yeirs. The estaites of parliament now publiclie convened in this ffyft sessione of this sacond trienniall parlt. Taking to yr consideration the supplicatione given in to them by Mr James Moresone and Mr Patrick Waterstoune, distressed ministers of Orkney, hubly. schowing, That, qras the honorable Comissione of the General Assembly, taking to consideratione the excessive charges and expenses the saids supplicants have beene put to by the Presb. of Orkney, ever since the entrie of the Reformatione, for speaking in defence of the treuth and discovery of the enemyes' concerns from tyme to tyme, hath modefyed unto the saids supplicants as eft is devysed, viz. : —To the said Mr James Moresone, the sowme of sex thousand mks., and to the said Mr Patrick Waterstoune, the sowme of ffoure thousand mks. money, to be payed to them out of the stipends vacant within that presbytrie, without prejudice alwayes to the plantation of Kirks yr."†

A "perfyte and just double" of this Act was sent to the Bishop, but Morrison kept his pulpit till he was deposed for social offences three years after Sydserff's death.

Waterstoun was a man of more pronounced character than Morrison. When Charles II. came to the throne, the minister of Stronsay lifted up his voice and denounced the King and his ancestors. For this he was imprisoned in Kirkwall, but his offence was too heinous for local judgment, and he was sent to Edinburgh, being passed on "from Sheriff to Sheriff," till he reached the capital. He afterwards went to Holland, and died there, 1662.

Atkine, the writer of the letter to Montrose, had fled to Holland to escape the wrath of Cromwell, but at the Restoration he got from the Exchequer £100 stg. on account of his sufferings, was made rector of Winifrith, in the see of Winchester, and in 1667 was consecrated Bishop of Galloway.

* Sydserff. † Synod Records.

Cromwell did not overlook the fact that Kirkwall had welcomed, or at all events had harboured, the great Marquis, so he established here a strong garrison, to be maintained at the expense of the inhabitants, and erected military works to command the town and shipping.

In 1660, General Monk, who was at the head of the army, marched southward with the silent intention of placing Charles Stuart on the throne of his fathers. The Scottish Presbyterians, foreboding trouble, sent one of their number in Monk's train to attend to the interests of the Scottish Church. James Sharpe, minister of Craill, was an able man, and he possessed the full confidence of his party. Zealous for the cause he advocated, he crossed to Holland, and saw the Prince at Breda. Charles, to prevent opposition in Scotland, was ready to promise anything, and Sharpe's letters to his party were very encouraging.

But, in 1661, Episcopacy was re-established ; the broken chain of apostolic succession was again linked up by the consecration in Westminster Abbey of four ministers ; and Sharpe, the Presbyterian delegate, returned to Scotland Archbishop of St. Andrews. Great was the wrath of the Scottish ministers at the overthrow of their Church, and universal was the detestation in which the people held the perfidious prelate. "The great stain," says Sir Walter Scott, "will always remain, that Sharpe deserted and probably betrayed a cause which his brethren entrusted to him, and abused to his own purposes a mission which he ought not to have undertaken but with the determination of maintaining its principal object."

And now, Thomas Sydserff, who before the Commonwealth had been Bishop of Galloway, was promoted to the See of Orkney. Though eighty years of age, and unable to come north, he devoted himself with energy to the business of the diocese. From his correspondence, he appears to have been a liberal-minded man, endued with a spirit of toleration to differing sects, greatly in advance of his time, and, indeed, greatly in advance of the vast majority of the clergy of any time.

He appointed Mr Edward Richardson, minister of South Ronaldshay and Burray, his dean, and with his commission, dated 12th Sept. 1662, he sent him a list of "Instructions" under thirteen heads. "2nd Article. We ordaine and appoynt our Dean, Mr Edward Richardsone, at his meeting with the ministers of Orkney, to require them, and every ane of them, to tak and subscryve the oath of alleagance prescryved by the laite Act of Parlt., and yt they also acknowledge and declair under yr hands yr approbatione of the government of the church as it now stands, established by Archbps. and Bps., and this to be done before they be admitted to be members of this Commission."

During his year of office, the Dean kept Sydserff fully informed on ecclesiastical matters in the islands, and sought his advice in all cases of difficulty. The clergy had, without exception, taken the required oaths, and Mr Morrison, who had not subscribed the famous letter to Montrose, was dealt with in a spirit of judicial fairness, which surprised and disappointed most of the brethren. The Bishop must have felt it strange to issue instructions regarding parishes of which he knew nothing but the name.

He lived at Wright's Houses, a short half-mile from the West Port of Edinburgh.*

"Wrighouss, 1 Octr. 1662. To remember the Deane and his assosiates of Mr James Guild his payment to his predecessor ffor the Manse of Sandweck and gleib of Stromness, with the vicarage of the forsd. parisch of Stromness, be repayed to him ayr at his transportation or removall by any intrant qtsomever. *Sic subr.*, Thomas, Bp. of Orkney."

At his death, Sept. 1663, Bishop Sydserff left a sum of 400 merks to the Cathedral, which he had never seen. This money was held by his executor, Dr John Sydserff, till September

* Wright's Houses was a great rambling mansion belonging to a branch of the Napiers of Merchiston. Its site is occupied by what was Gillespie's Hospital, now one of the schools of the Edinburgh Merchant Company.

1669, when Arthur Baikie, having business in Edinburgh, got from the Kirk Session twelve rix-dollars to prosecute the claim.

In November, Baikie, who was an elder, was back in Kirkwall, and as he did not report to the Session the expenditure of the dollars, the probability is that he got the money from Dr Sydserff without an appeal to law. There is no further reference to this legacy in the Church records.

The Town Council had taken some sort of licence from the Lord Protector, and at the Restoration the Earl of Morton, making use of this fact, procured the disfranchisement of the Corporation. The Magistrates were declared rebels, and their goods and gear ordained to be confiscated. The civic rulers, however, did not defer to Morton, and in May 1662, in a petition to the Privy Council, the Earl states that "the inhabitants of Kirkwall doe still continow in their insolencies, and exercises the full liberty of a royall burgh, and as yett kepes up their pew or seat in the Kirk as Magestrattis"; and he craves that "the saidis inhabitants might be discharged to exerce the magistracy of a royal burgh, and ordained to demolish their seat in the Kirk."

Patrick Craigie was provost at the time, and on him devolved the responsibility of defending the rights of the burgh. He did so most loyally. "Patrick Craigie, pretended Provost, did, in ane hostile, seditious, and tumultuary manner, pass throw the town with tuo persons beating drums and proclaiming a fair to be holden at the said burgh, as a burgh royall." Accordingly, "the Lords of Privy Council ordains letters to be direct to messingers at arms to denunce the said Patrick Craigie rebell, and to put him to the horn, and to ordain all his movable goods and gear to be escheat for his contempt and disobedience." The struggle lasted for nine years, till at last, in August 1670, the Crown again recognised Kirkwall as a "royall burgh with seaport."

As has been seen, Lord Morton rented the Earl's Palace from the Magistrates of Edinburgh, and he held it during the time in which he was attempting the suppression of the Town Council of Kirkwall. But the city of Edinburgh had, in 1662, "freely surrendered to his Majesty the Bishopric of Orkney," receiving in compensation an impost of "8 pennies upon every pint of French wine, and 16 pennies upon every pint of Spanish and Rhenish wines, aquavitæ, and other strong liquors that shall happen to be vended or sold in all tyme coming within the Burgh of Edinburgh, liberties and privileges thereof, and lands holden of them."*

In spite of this, when Andrew Honyman, Bishop Sydserff's successor, came to Kirkwall, 1664, he was denied access to his official residence, which was occupied by Morton's adherents.

For seven years the intruders held the palace against its rightful owner, but in 1671 the Bishop obtained decree against the Earl of Morton, Buchanan of Sound, and others to cause them to remove.†

Andrew Honyman was born and educated in St. Andrews, and had been minister of the second charge in the College Kirk there. His colleague in the first charge was Robert Blair, and, as a solemn duty, we find the two of them attending a witch-burning at Craill. Honyman was afterwards Archdeacon in the Cathedral, and was thus brought into close contact with Archbishop Sharpe.‡

Among the Presbyterians there were some fanatics whose hatred of the Primate sought expression in murder, and an attempt at his assassination in Edinburgh nearly brought death to our Bishop. Honyman, while in the act of stepping into Sharpe's carriage, received in his arm a poisoned bullet which was intended for his friend, and though the wound was not immediately fatal, the effects of the poison were permanent.

In his time the spire of the Cathedral was burned, and it was largely by his exertions and

* Pet. Rent., App., 460. † W. D. Baikie's Papers. ‡ A. Lang's St. Andrews.

through his influence in stimulating the efforts of the townspeople that the building was saved.

"The Englishes," in the time of Cromwell's occupation, had wrought havoc among the fittings of the church, and we find this prelate petitioning the Session that his pew "may be transformed in a better forme, and repaired more compendiouslie after the first forme it had in his predecessor's, Bishop Graham's, time."

Bishop Honyman was the first to cause a register of the dead to be kept in Kirkwall. He died in 1676, and was buried in the Cathedral, "in the place where Bishop Tulloch's tomb had been erected." He was much loved and respected by all classes of the community. *

Sir William Honyman of Armadale, Bart., grandson of the Bishop's first wife, Euphan Cunningham, was afterwards Commissary of Orkney, and Robert, son of his second wife, Mary Stewart, heiress of Græmsay, became proprietor of the Stewart estates. †

Half a year after the death of Honyman, Murdoch Mackenzie was elected Bishop of Orkney, Sept. 1676. He was a scion of the Gairloch family, his father being a natural son of John Mackenzie of Gairloch. ‡

Another writer puts this somewhat differently :—"Murdo Mackenzie, D.D., successively Bishop of Moray and of Orkney and Zetland, died at his episcopal palace at Kirkwall in Feb. 1688, being near a hundred year old, and yet enjoyed the perfect use of all his faculties until the very last." §

"This, however, is evidently a mistake, as it is stated at p. 152 of the same work that he was born in the year 1600, descended from a younger branch of the house of Gairloch, in Ross-shire, his direct ancestor, Alexander (apparently grandfather), having been third son of John, second Baron of Gairloch, who died in 1550, by Agnes, only daughter of James Fraser of Foyers, in the same County.

"The following data of this venerable Prelate's ecclesiastical career, taken from a MS., 'Fasti Ecclesiæ Scoticanæ,' may prove interesting :—A.M. of King's College and University of Aberdeen, 1616 ; received episcopal ordination, it is said, from Bishop Maxwell of Ross. But I would place it at an earlier date, probably about 1624, as that Bishop was not consecrated till 1633, and Mr McKenzie is recorded to have been chaplain to a Scottish regiment under Gustavus Adolphus, King of Sweden, during the war in Germany, which must have been between June 1630 and Nov. 16th, 1632 (the period of his death in the battle of Lutzen, in Saxony).

"On his return to his native land, he was made Parson of Contin, a parish in Ross-shire, the exact year I have not ascertained, but it must have been between 1633 and 1638, as he was a member of the famous Glasgow Assembly (which met on Nov. 21st, 1638, and abolished the Established Church of Scotland), appearing on the roll as one of the clerical representatives of the Presbytery of Dingwall. Translated from Contin to Inverness, in 1640, as first minister of the collegiate charge of that town and parish. Admitted to the first charge of the town and parish of Elgin, April 17th, 1645, and retained that living after his elevation to the episcopate, having his residence there at the seat of the Cathedral and Chapter of the diocese of Moray, his successor as Parson of Elgin not having been appointed till July 1682. For nearly 24 years it is, therefore, evident that he conformed to Presbyterianism, and even at Christmas 1659 he is said to have been so zealous a Covenanter and 'precisian' as to have opposed the keeping of all holy days at Elgin, and to have searched the houses in that town for any 'Yule geese' as being superstitious !

"On the re-establishment of Episcopacy by King Charles II., the Parson of Elgin, however, readily complied with the new order of things in Church and State ; although, after all, it was only a return to the same form of Church government in which he had been originally

* Wallace, p. 77. † Fasti. ‡ Craven, p. 65. § Keith's Scottish Bishops, p. 228.

educated and ordained. He was nominated to the Bishopric of Moray by Royal Letters Patent, January 18th, 1662, and consecrated to that See on May 7th following, in the Abbey Church at Holyrood Palace at Edinburgh (together with five other Bishops elect) by the Archbishop of St. Andrews, primate and metropolitan, assisted by the Archbishop of Glasgow and the Bishop of Galloway. The form used was that in the English Ordinal, and the Consecration Sermon was preached by the Revd. James Gordon, Parson of Drumblade, in Aberdeenshire. Bishop McKenzie's signature to documents still in existence was as Bishop of Moray, 'Murdo. Maruien,' and also 'Murdo, B. of Moray.' And after an Episcopate then of nearly 15 years, he was translated to the more wealthy Bishopric of Orkney and Zetland on Feb. 14th, 1677, which he held for about 11 years, dying in the 89th year of his age and 26th of his Episcopate." *

Though Mackenzie was perhaps the most popular of the Orkney Bishops, as a Presbyterian minister he had had his troubles. "His settlement at Inverness was attended with such violent opposition as to call for the interference of the General Assembly. Again, at Elgin, the Town Council had a hard fight before they could induct him, and so bitter was the feeling, that after a couple of months of it he told the presbytery that he would not stay by reason of the troubles."

He was able, however, to live down the opposition. The story of the geese is given by the Rev. Mr Shaw† :—"He had been accounted a superstitiously zealous Presbyterian and Covenanter, and so much an enemy to the Keeping of holy days that it is commonly said at Elgin that at Christmas 1659 he searched the houses in that town that they might not have a Christmas goose. But Bishopric cured him of these blemishes, and he soon deposed some of his clergy for nonconformity."

There still lingers the tradition that on his landing at Scapa, when the "Bishop cup" was handed to him filled with strong ale, he drained it at a draught and asked for more.

The only trouble about the story is that, if ever this famous cup existed anywhere outside of Buchanan's pages, it had been lost to Orkney long before the advent of Bishop Murdoch.

The Rev. James Wallace, his contemporary, says :—"*Buchanan* tells a story which is still believed here and talked of as a Truth. That in *Scapa* (a place about a Mile from *Kirkwall* to the South) there was keept a large Cupp which, when any new Bishop landed there, they filled with strong Ale and offered it to him to drink; and if he happened to drink it off Cheerfully, they promised to themselves a Noble Bishop and many good years in his time."

The story, as Buchanan tells it, is this :—"They have an ancient goblet which, that they may have the higher authority for their revels, they pretend belonged to St. Magnus, who first introduced Christianity among them. Its amplitude so far surpasses the dimensions of common drinking-cups that it might pass for a relic of the feast of the Lapithæ.

"With this they prove their bishop upon his first appearance among them. He who empties the cup at one draught—which, however, rarely happens—they hail with the greatest applause, and from this, as from a joyful augury, they anticipate a prosperous ensuing year."

When Mr Wallace met Bishop Mackenzie at Scapa, he knew nothing of the Bishop cup but Buchanan's story.

Though Mackenzie had been a warrior in his youth, and even as Presbyterian minister had been somewhat bellicose, time had mellowed him down before he reached Kirkwall, and the text of his first sermon in the Cathedral, "Let the peace of God rule in your hearts," had become the rule of his life.

He was "a most worthy Bishop and greatly beloved for his hospitality, peaceful disposition, piety, brotherliness, and prudent government."

* Major-Gen. A. S. Allan, Notes and Queries No. 127, June 4th, 1864. † History of Moray.

Occasions for special display of hospitality sometimes occurred, as on the fourth of April 1678, when George Balfour of Pharay married Marjorie, second daughter of the Bishop, and again on the fifteenth of May in the same year, when John Kennedy of Kermunks married Jean, the eldest daughter. And it would be easy to furnish the great hall of the old Palace with guests, beginning with his nearest neighbours, Robert Honyman of Græmsay and William Buchanan of Rusland, who lived next door to each other in the "Long Tenement" next the round tower of the old Bishop's Palace. A very brilliant party the reverend old gentleman could gather round him on such occasions, and for the time the gentlemen would doubtless forget their private feuds. Mr Patrick Græme of Græmeshall was recently dead, and James, who succeeded him, could not meet Robert Baikie of Tankerness on the same side of the street without creating a breach of the peace; while Mudie of Melsetter would draw upon Douglas of Egilshay in the Cathedral itself.

The gifted historian of the Episcopal Church in Orkney tells of the vigour which this octogenarian overseer exhibited in visiting the scattered churches in the mainland and islands, and there is abundant proof that he took his full share of the Cathedral services.

When he might well have spared himself and allowed Mr James Wallace to preach, he sometimes preferred to occupy the pulpit himself.

On the 13th of July 1681, "Being Wednesday, Bishop Mackenzie preached a sermon in remembrance of a fast and humiliation for the threatening drought in the south of Scotland, and for a gracious determination of this ensuing Parliament in Scotland which is to be at Edinboro' the 28th July inst., wherein the Duke of York was to sit viceroy."

The text was very appropriate to the first part of his subject:—"If I shut up heaven that there be no rain," &c. It would be very interesting now to know what the preacher said in the second part of his discourse.

The peculiar graciousness of the Duke of York in Scotland is thus described by Sir Walter Scott:—"Blind to experience, the Duke of York continued to attempt the extirpation of the Cameronian sect. All usual forms of law, all the bulwarks by which the subjects of a country are protected against the violence of armed power were at once broken down, and officers and soldiers received commissions not only to apprehend but to interrogate and punish any persons whom they might suspect of fanatical principles; and if they thought proper they might put them to death on the spot."

But Bishop Mackenzie was far removed from those scenes of persecution, and no religious strife disturbed Orkney till some time after his death.

During the last year of his life he was in feeble condition, and his public appearances were so few that they were noted with interest by the townspeople.

Under date, 5th June 1687, Thomas Brown, N.P., records in his Diary—"Bishop Mackenzie came to hear sermon in the afternoon."

On the 18th of July, same year, he attended his last meeting of Session. The members had an important case before them. "Compeared Helen Paplay for imprecating Wm. Grimbister, who, since her imprecation is feebly, confessed that when he called her a witch she answered and said so might he thrive, and bruck his health."

"Friday, at six at night (17th Feb. 1688), Murdoch, Bp. of Orkney and Zetland, departed this life, being near ane hundred yearss of age or thereby,* and was interred in S. Magnus Kirk in Kirkwall, within the commone Court place of the same, commonly called the Counsel House, which no person had been interred hitherto." With great solemnity Mr James Wallace preached the funeral sermon, his text, 25 Gen. 8 v., "Then Abraham gave up the ghost and died in a good old age, ane old man full of yeires, and was gathered to his people."

* Probably 87.

In his last will the Bishop remembered his Cathedral—"9th Oct. 1693, Mr John Wilson, minister, delivered in face of Session the sum of two hundred merks in name of Sir Alexr. Mackenzie of Brownhill, eldest lawful son to the late Murdo, Lord Bishop of Orkney, left by the said Bishop for pious uses, for the which the Session tendered their hearty and humble thanks, and for the honour and respect they bear to the memory of the foresaid Reverend Father in God, they give and grant full liberty to his children and grandchildren and theirs to bury in the Session house of St. Magnus Church, where the corps of the foresaid Bishop lies."

Andrew Bruce, D.D., formerly of Dunkeld, was appointed to Orkney, 17th August of the same year. Though he never resided in his diocese, he exercised the functions of bishop and translated Mr Pitcairn from the second charge in Kirkwall to the charge of South Ronaldshay and Burray. Mr John Cobb, whom he nominated for the Cathedral and who was appointed 7th July 1689, was probably the last presentee in Scotland under Episcopacy as by law established. Bruce retired to his former parish, Kilrenny, where he died 1699.

Colonel Robert Elphingston of Lopness was now appointed Chamberlain of the bishopric at a yearly salary of £200.

He sent his family to Kirkwall before he came himself. "Monday, the 14th July 1690, Clara Van Overmear, spouse to Robert Elphingston of Lopness, with her retenew, came from Holm to Kirkwall and lodged in Anna Moncrieff's, being ten in number, herself, bairns, and servants." *

A month later the Chamberlain followed :—"Monday, at night between 10 and 11, the 18 Augt. 1690, Robt. Elphingston of Lopness came to Kirkwall from his journey from Edr., and entered his present dwelling house in the pallace within the yeards lately possest by Bp. McKenzie."

"John Elphinstone of Baberton, 3rd son of Robert, 3rd Lord Elphinstone and younger brother of James, 1st Lord Balmerino, left a son, Ronald Elphinstone, who married Janet Halcro of Brugh and settled in Orkney." His son, Robert, who in early life was page to Prince Henry, eldest son of James VI., left an only son, John Elphingston of Lopness, and it was John's son Robert, a Colonel of Militia, who now took possession of the Earl's Palace. †

This foolish, overbearing man, riding on his commission, issued the following circular to the gentlemen of Orkney within a week of his arrival :—

Kirkwall, 23rd Augt. 1690.

Sir,—It hath pleased their Majesties to appoint me by their commission under the Great Seal to be their Stewart and Justiciar of the ylands of Orkney and Zetland, as lykewayes of the Bishoprick now annexed by Act of Parliament to the Stewartrie, whairfore I desire that ye wold be pleased to be at Kirkwall upon Fryday nixt, being the 29th inst., to heir the intimation thairoff and attend what farder orders shall be delyvered by, Sir, your affectionate Servant, Robert Elphingston.

For his respected freinde.

Be pleased to cause intimation to all the persons concerned.

In the same autocratic manner he addresses the magistrates :—

"Provost and Bayles of the Brugh of Kirkwall, receave into your prisone house the person of John Hemiger. Keep and detaine him therein upon his owne proper expenses ontill my farder orders, and this shall be ane warrand subs. with my hand att Kirkwall the nynteen day of November 1690.

"Robert Elphingston."

Thomas Brown does not tells us who occupied Lopness at this time, but he shows how the tenant was treated :—"Monday ye 6 Oct. 1690, Robert Elphingston of Lopness his command his brethren, John and William, with Sebastian Henderson and the tenants upon the lands there, masterfullie entered the house of Lopness."

* Brown's Diary. † Burke.

Seeing that Episcopacy had been disestablished a year before Elphingston came north, it could not be expected that the Kirkwall ministers should escape his interference.

"Saty., Robert Elphingston caused Robt. Arskyne to make intimation to Mr John Wilson, minister, that he should cist from preaching the Word." *

As Chamberlain, Elphingston collected the bishopric rents, and his girnel house was part of the Palace, probably a part of which there are now no remains.

Under the girnel there was cellarage which could be turned to account for many purposes. In February 1691, during three days, horses from Stenness discharged their loaded panniers into this store room. On the twenty-second of January of the above year, "Providence ordered that ane hundred and two palaig whales were chased ashore betwixt the south of Ireland in Stenhous and the Bridge of Waith, which number or yrby was intromitted with by Robt. Elphingston of Lopness, and brought to Kirkwall—I mean ye spick of them—and put in the laigh house under the girnal house in the Palace of the Yeards possessed by him, the 3rd, 4th, and 5th of Feb. yrafter." †

In those days people made their own oil and candles, and the blubber of a hundred porpoises would illuminate the Palace for a considerable time, though Clara Van Overmear and her "retinew" would find the boiling of the "spick" rather smelly work.

After a time Elphingston's affairs became hopelessly involved, and he "fled the kingdom without ever accounting for a farthing." ‡

Elphingston and his family were probably the last occupants of the old Palace. In 1699, the University of Aberdeen got a tack of the bishopric, and appointed William Menzies of Raws, Writer to the Signet, their Chamberlain. This gentleman would appear to have managed the estate from his Edinburgh office, with the result that, in 1705, his clients had to prosecute for arrears a number of persons who would have paid regularly to a resident factor. The list of defaulters reads like a directory of Orkney :—

"Ann, by the grace of God, Queen of Great Brittain, France, and Ireland, Defender of the faith, to our Lovites, our Sheriffs in that part, Conlly. and Seally., Speally. constitute, greeting. Forasmuch as it is humbly meaned and shown to us by our Lovite, Mr George Fraser, Subprinll. of the Colledge of Aberdeen, and Mr George Gordone, professor of the Oriental Languages in ye said Colledge. That where upon the third day of May one thousand seven hundred and five years, George Baikie of Tankerness" (and some sixty others) "were orderly denunced Rebells and put to the Horne be vertue of Letters of Horning raised, used, and execute agtt. ym at ye saids Complrs. Instance as Tacksmen of the rents of the Bishoprick of Orkney, Conforme to the Tack made and putt Betwixt the Lords of Thesaury and Exchequer and ye sds. Complrs., dated the fourteenth Day of July, MDC. and nynty-nyne years, Regratt. in the Books of Thesaury and Exchequer the twenty-eight day of July yrafter, for not paytt. making to the sds. Complrs. of yr Seall. portiones yrof, Ilk ane of ym for yr own pairts, as is after divyded, viz. :—the sd. George Baikie of Tankernes, the sowme of two hundred and seventy-four pounds five shill. sixpennys ; the sd. Mr John Cobb, fourty-four pounds four shill. ; the sd. David Traill, five pd. eight shill. eight pennies ; Nicoll Voy, three pd. eighteen shill. eight pennies ; Patrick Kynaird, sixty-six pd. fourteen shill. three pennies ; James Couper, eight pd. seven shill. ; James Grahame of Grahameshall, nine hunder and seventy-five pd. sixteen shill. ten pennies ; John Pavis, in Lentoun, fyfteen pd. three shill. ; Thomas Heddell, thirty pound eighteen shill. four d. ; William Heddell, in Quoymerries, fifty pound four shill. four d. ; James Cuming, in Slae, for the aires of umqll Kaithorine Smith, sixty-one pound ten shill. ten pennys ; Marjory Beatone, eighty pd. thirteen shill. four pennys ; Wm. Mowatt, one hundred and sixty-nine pound twelve shill. four pennies ; Patrick Cromarty, twenty-five pd. eleven shill. two pennies ; Magnus Cromarty, five pd. twelve shill. ; William Louttit, fourteen pound thirteen shill. four pennies ; James Beatone, two pd. fourteen shill. eight pennys ; Patrick Monteath, two pd. six shill. eight pennys ; Edward Broun, fyve pd. ten shill. six pennys ; Adam Caird, in Kairstone, twenty-fyve pd. eight pennys ; David Broun of Don, eight pd. thirteen shill. seven pennys ; Kaithorine Louttit, three pound thirteen shill. four pennies ; George Johnstone, there, four pd. nine shill. two pennies ; Patrick Irving, nine pd. four shill. four pennies ; John Couper, three pound nyne shill. seven pennies ; George Leask, nine pound eight shill. ten pennys ; the sd. Wm. Louttit, thirty-seven pd.

* T. B., 25th Oct. 1690. † T. B. ‡ Pund Process, Part II., p. 51.

eleven shill. fyve pennies ; John Duncan, one pound seventeen shill. six d. ; John Cursitor, nynteen pd. eleven shill. two pennies ; James Gordone of Kairstone, one hundored and fourteen pd. ten shill. six pennies ; John Broun, four pound five shill. seven pennies ; Magnus Irving, sixteen pd. two shill. three pennies ; David Irving, six pd. seventeen shill. two pennies ; Thomas Irving, seven pd. ten shill. ten pen. ; and the sd. John Irving, in Burwick, eight pd. nine shill. eight pen. ; Wm. Moar, twenty pd. twelve shill. eight pennies ; more be him, eight pound eighteen shill. ; Hary Irving, one pd. nine shill. ; Pat. Irving, fourteen pd. seven shill. ; Adam Kirknes, twenty-nine pd. six shill. two pennies ; Margtt. Randell, one pd. ninteen shill. ; Magnus Baikie, nine pd. four shill. four pennies ; Hugh Kirkness, nine pd. seventeen shill. ; Magnus Marwick, three pd. eight shill. ; David Kirkness, twenty-two pd. twelve shill. two pen. ; Adam Kirknes, twenty-fyve pd. seventeen shill. six pen. ; Oliver Linklattor, seven pd. eight shill. four pen. ; John Sabistone, one pd. six shill. ten pen. ; James Moar, one pd. fyfteen shill. six pen. ; Alexr. Johnstone, fyve pd. nine shill. ten pen. ; Alexr. Hourstone, twelve pd. thirteen shill. ; Wm. Hourstone, four pd. thirteen shill. two d. ; and the sd. Hugh Baikie of Barnes, three hundered and twenty-eight pound ; Captt. James Moody, six hundered and seventeen pd. nine shill. ; Jean Halcro, Relict of umqll. Mowatt of Swenzie, thirty-nine pd. thirteen nynteen* shill. eleven pen. ; David Ærskyne, mertt. in Kirkll., twenty-three pound six shill. eight pennys ; John Covingtree, Bailly in Kirkll., Fifty-four pd. twelve shill. two d. ; Andrew Young, Comysr. of Orkney, for George and Hugh Redlands, sixty-one pd. ten shill. ; Andrew Young of Castleyairds, ninty-three pd. fyve shill. six pennys ; John Spence, thirty-two pd. four shill. ; Wm. Traill, mertt. in Kirkll., twenty-six pd. eleven shill. six d. ; Margaret Elphistone, eight pound three shill. ; and the sd. Barbara Hendersone, Relict of umqll. Gilbert Measone, in Kirkll., twenty-one pd. three shill. ten pennies."

All these persons were to be apprehended and imprisoned till payment should be forthcoming.

In 1705, Sir Alexander Douglas of Egilshay got a tack of the bishopric and farmed the rents for nine years. As he did not live in the Palace, it may be fairly assumed that the building was no longer habitable.

Thus this beautiful mansion, Earl Patrick's pride, has from the time of its foundation till it stands a tenantless ruin, a history of less than one hundred years.

Douglas of Egilshay was followed in succession as farmers of the bishopric revenues by Graham of Breckness, Captain Moodie of Melsetter, Robert Honyman of Græmsay, John Covingtrie of Newark, John Hay of Balbethan, Andrew Ross, and Lord Dundas.

The rent generally ran about £200 till the Dundas family got it in 1775 at a rent of £50, to continue during His Majesty's pleasure.

This lease, at a mere nominal rent, was granted by George III. on the condition that the lessee held the income of the bishopric in trust for public improvements.†

The lease continued till 1825, since which time the bishopric revenues have been collected by Chamberlains of the Crown.

A recent author ‡ expresses righteous indignation at the unroofing of the Palace and the sale of the slates by the Chamberlain, Andrew Ross, and he has his information from an account still preserved in the office of Andrew Gold, Esq., the present Chamberlain of the earldom :—

"Accompt of Sclates Taken off My Lord Morton's House in Kirkwall :—

1745, March.—To 3400 Sclate, at £8 per thous., is, Scots	£27	4
To 103 foot rigging, at 3/ per foot	15	9
	£42	13

"Kirkwall, 1st June 1745.—Received payment of the above forty-two pounds thirteen shillings Scots from Dr Hugh Sutherland.—ANDREW ROSS."

The writer proceeds, "Other houses in the town are said to have been unroofed in a similar fashion."

Some of the Earls of Morton had been occupants of the Palace, and then, as has been

* This error is in the manuscript. † Balfour, Odal Rights and Feudal Wrongs, p. 77. ‡ Tudor.

shown, they rented it; but in no other sense could the Newark in the Yards ever have been called Lord Morton's House. Lord Morton's House was the large tenement on the east side of Albert Street, built by Buchanan of Sound, and the last sentence quoted above explains the whole transaction. This house, then known as Lord Morton's Great Lodging, having become ruinous, Dr Hugh Sutherland, Town Treasurer, bought from the Earl's factor some of the material to be applied to the building of the Town Hall.

Lord Morton, at the request of the Town Council, granted stones for the same building from the old Castle, which was earldom property, but the Palace was bishopric and beyond his control.

In 1849, Government was approached concerning the disposal of the ruined Palace :—

"Unto the Right Honourable The Lords Commissioners of Her Majesty's Treasury, The Memorial of the Commissioners of Supply, Justices of the Peace, and Landed Proprietors of the County of Orkney, and of the Magistrates and Town Council of the Burgh of Kirkwall.

"The Crown is possessed of three extensive public buildings in the town of Kirkwall, all situated within a short distance of one another.

"The first of these is the Cathedral of St. Magnus, which is justly considered to be one of the finest and most interesting relics of Ecclesiastical Architecture in Great Britain. It is now in course of being repaired with great skill and judgment by Mr Mathison, the Architect of the Board of Woods and Forests in Scotland, under whose superintendence it promises to become a lasting ornament to this part of the kingdom. The second is the Castle of the Bishops of Orkney, an ancient and massive structure, which, with the exception of one castellated round tower resembling that of Aymer de Valence at Bothwell, is completely ruinous. The third is the Earl's Palace, or 'Place,' once the residence of the family of Stewart, Earls of Orkney, which have been extinct for about 250 years. This last is an exceedingly beautiful building. Sir Walter Scott, both in his Diary and in the Novel of the Pirate, describes it with much admiration, and suggests that its peculiar style might be successfully adopted by the Architects of the day for purposes of modern splendour. Several eminent architects have examined it since Sir Walter Scott visited Orkney, and all of them warmly concur in his opinion. Your Memorialists would beg specially to name Mr Bryce, Mr Billings, and the late Mr Nixon, and they might also refer to many Noblemen and Gentlemen, distinguished for their taste for the fine arts, who have lately visited this part of the country and expressed equal admiration of the Building.

"The work now publishing by Messrs Billings and Burn on the Baronial and Ecclesiastical Antiquities of Scotland (part xv.) contains a description and an illustration of it, to which your Memorialists respectfully beg leave to refer.

"The Earl's Palace is now stripped of its roof, but the walls remain almost entire, and being uncommonly strong, and the masonry of the best and most solid description, the building could be restored without incurring much expense or trouble if the works were commenced soon. Should they be delayed for any considerable time, this will be rendered much more difficult, or perhaps impossible, realising the description of Sir Walter Scott—

'Where nods their Palace to its fall,
Thy pride and sorrow, fair Kirkwall.'

It is with a view to prevent the fall of this noble pile, and to secure the more complete restoration of St. Magnus, that your Memorialists now address themselves to your Lordships.

"It has already been noticed that the neighbouring Cathedral of St. Magnus is in course of being repaired, and it is important to observe that there is only one serious obstacle to the attainment of that most desirable object. Within ten yards of the front of the Cathedral, and between it and the principal street of Kirkwall, there is situated the County Jail and Court-house, a strong and sufficient, but at the same time most unsightly, modern building, and the General Prison Board for Scotland are urgently pressing upon the County the necessity of erecting an addition to it. In the event of this being done, the prison, which even at present interferes with the Cathedral, will nearly altogether exclude the view of the principal or western front from the opposite street. Now, in order that the ground in front may be wholly cleared, and that the Earl's Palace may be restored and preserved, your Memorialists would respectfully propose to give up the Jail and Court-house, with the surrounding ground, to the Crown, and also to give a considerable sum of money for restoring the Earl's Palace, on condition that your Lordships will convert the latter building into a County Hall, Court-house, and Jail, according to the plans and elevations prepared by Mr Mathison, and which accompany this Memorial. The dimensions of these plans were taken by Mr Mathison upon the spot, and the walls being nearly complete, the most part of the chimneys entire, and the raglets of the gables

clearly marked, your Memorialists are satisfied, from personal knowledge and inspection of the building, that the elevations exhibit a faithful representation of the palace as it originally existed.

"The expense of restoring and fitting up the Earl's Palace in the manner proposed is estimated at about £2500, and the rent of the Earl's Palace and the piece of enclosed ground in which it is situated is £7 per annum. With a view to meet this expense, your Memorialists are prepared to contribute the value of the present Jail and County Buildings, to be given up by them to the Crown, which is estimated at £600, together with a further sum of £1000. There will then remain only a sum of £900 to be provided by your Lordships. By entertaining this proposal, therefore, you will, at an expense of less than £1000, obtain the complete restoration of a very beautiful national building, remarkable for the historical associations connected with it; and it is important to observe that the mere operation of putting the building in a state of permanent repair would cost the County £1000, and that once restored and converted into public offices, the County of Orkney will undertake to maintain and preserve it in perpetuity free of expense to the Crown. Farther, the present proposal will enable your Lordships, for the trifling additional sum of £500 or £600, to get an ample space of clear ground in front of the Cathedral, so that its magnificent proportions may be seen in every direction and to the best advantage.

"Your Memorialists place implicit confidence in the experience, ability, and good taste of the professional Gentlemen employed by the Commissioners of Woods and Forests, and are willing to leave the repairing of the Earl's Palace and fitting up of the Jail and Public Offices entirely in their hands; and they venture to hope that, under the circumstances, your Lordships will be pleased to give your early and favourable consideration to the present proposal."

This was signed, in name of the memorialists, by James Baikie, Convener of the County.

At a "Special meeting of Commissioners of Supply, Justices of the Peace, and Landed Proprietors of the County of Orkney and Magistrates of Kirkwall, held at Kirkwall, 22nd Jany. 1849, James Baikie of Tankerness, Convener of the County, in the Chair,

"Mr Robertson read to the meeting a Memorial of the Lords of the Treasury praying for the restoration of the Earl's Palace at Kirkwall, and that it might be converted into a County Hall, Court House, Public Offices, and Jail.

"Mr John Baikie moved that the Memorial should be adopted, and that the Convener of the County should transmit it to His Grace the Duke of Sutherland with a request that he will be pleased, in addition to the great services he has already rendered to this County, to present it to the Lords of the Treasury and to give it his support. Mr Scarth seconded the motion, and it was unanimously adopted."

For some reason, good or bad, the Commissioners of Woods and Forests refused to listen to the prayer of the memorialists. And this seems to be a convenient place for stating a strong grievance which our county has against the British Government.

The old bishopric lands were not granted by the Crown for the support of the church. They had been given to the church, piece by piece and time after time, by pious, or, as some would say, superstitious adherents. Earl Rognwald's endowment† was doubtless the largest.

The bulk of these dedications are so much older than our oldest rentals that the gifts cannot be traced to the donors, but one or two of the most recent are recorded.

In "The coppie of My Lord Sinclairis Rentale that deit at Flowdin," under the heading "Insula de Hoy," we read, "Benith the hill was ane uris terre of the quhilk the first erle henrie gaif to the vicar iiijd-terre for the uphald of ane mess in hoy a day ilk oulk for ever."*

Of Garth in Evie it is recorded "the quhilk Johne of Quendaleis gransire callit guidbrand aucht, and gave the said iiijd-terre to the kirk of Evie for a mess to be said ilk fryday."

Thus the bishopric lands belonged to the church in absolute right as fully as any property can belong to a private citizen. But circumstances favouring, the Crown confiscated the whole, selling portions now and then when money was wanted for such a purpose as the laying out of a public park for the people of London. And yet Government remains persistently deaf to any appeal for assistance that comes from Orkney.

* Pet. Rent., i. 31. † Saga, chap. lxii.

"While Britain parades her maternal care and lavish liberality even to her distant dependencies, Orkney has been neglected by every public officer except the tax gatherer. Twice has its right to the income of its own State Property been officially recognised; once by a lease from George III. in trust for its public improvements, 27th July 1775, and again by a Treasury Warrant for the same purpose from George IV., 3rd March 1825; but the first was diverted to the sole use of the lessee; and the second was evaded by a shuffle of Government Offices, and repudiated on the lawyerly quibble that the British Commissioners of Woods and Forests are not bound by the obligations of the Scottish Exchequer. Instead of due protection in return for the taxation and duty of subjects, a County which contributed 5000 seamen to the British Navy, was denied one gunboat to guard its own shores from the repeated insolence of privateers.

"Conscious that Orkney was but a pawn which might some day be redeemed by the rightful owner, Scotland, like a temporary tenant, scourged the precarious holding with unfair cropping and stinted outlay; and Britain, her assignee, discovering its capacity to produce and to endure, has followed the same profitable precedent of chronic hard usage. Even though Scotland may have reduced Orkney to 'the skeleton of a departed country,' Britain has still found profit in gnawing the bones."*

APPENDICES TO CHAPTER VII.

I.—Government of Orkney after the Impignoration.

In 1468, Orkney and Shetland were given to James III. in pledge for the payment of his bride's dowry.

Three years afterwards, James, by an Act of Parliament, united the islands to the Crown. This was a mere formality, seeing that they still belonged to Denmark; but the King evidently looked upon the earldom as personal property, as he decreed that it should not henceforth be given to any one but a lawful son of the sovereign.

In 1489, Henry, Lord Sinclair, a son of William, the last of the St. Clair Earls, got a commission for collecting the King's rents, and in 1501 this commission expanded into a nineteen years' lease. Lord Sinclair died at Flodden, 1513, and the lease was continued to his widow.

In 1530 the islands were given in feu to James, Earl of Moray, but ten years afterwards they were again annexed to the Crown.

In 1542 they were conferred by the Regent Arran upon the Earl of Huntly, who kept them for thirteen years, when he was deprived by Queen Mary.

In 1565 Mary gave a grant of the earldom to her natural brother, Lord Robert Stewart, but revoked it two years later and gave it, with the title of Duke, to James Hepburn, Earl of Bothwell.

In 1580 Earl Robert Stewart was reinstated by James VI., but on account of his oppressive rule, and for disloyalty to the King, he was deprived in 1585.

In 1587 Sir John Maitland of Thirlstane, Chancellor of Scotland, and Sir Ludovic Ballenden, Lord Justice-Clerk, got a tack of the earldom revenues, but in 1591 the irrepressible Lord Robert was again in possession, and shortly afterwards he got a separate grant of the bishopric lands. This was continued to his son, Patrick, in 1600.

In 1606 the bishopric was given to James Law, who, for the Earl's Palace, the patronage of all the churches, and a certain fixed revenue, compounded with Patrick Stewart for the bishopric rents.

Meanwhile Earl Patrick had borrowed large sums of money from Sir John Arnot, who for security had himself infeft in the earldom, and this infeftment was ratified by Parliament, 1606.

* Balfour's Odal Rights and Feudal Wrongs, p. 76.

In 1612 the King bought up Sir John Arnot's right, and again the earldom was annexed to the Crown, Bishop Law having the management as Commissioner.

In 1614 a Contract of Excambion passed between the King and the Bishop, the latter resigning the whole of the old bishopric to the Crown, while James guaranteed Law and his successors an annual revenue of 8000 merks out of the rents of seven and a half parishes.

II.—The New Earldom.

In 1614, a lease of the earldom was granted to Sir James Stewart of Kilsyth, afterwards Lord Ochiltree. "For his oppressive rule and for tampering with the weights he was deprived and condemned to a long imprisonment."*

In 1622, Sir John Buchanan of Scotscraig was Farmer-General; in 1624, Sir George Hay of Kinfauns, who was followed by Napier of Merchiston and William Dick of Braid.

In 1643, "King Charles the First, in the midst of his troubles, granted these islands to William, Earl of Morton, under the name or in the form of a Mortgage redeemable by the Crown on payment of thirty thousand pounds sterling."†

Under the Commonwealth, Morton was deprived; but, in 1662, Charles II. renewed the grant to George, Viscount Grandison, as trustee for the Morton family.

In 1669 this grant was *reduced* in an action raised by the Lord Advocate, Sir John Nisbet of Dirleton, and the earldom was again annexed to the Crown.

In 1707 it was restored to Morton by Queen Anne, under redemption, for £30,000 as formerly.

By Act of Parliament, 1742, the right of redemption was withdrawn, and a charter was passed under which Morton was infeft.

In 1766, Sir Lawrence Dundas, for £60,000, purchased from James, Earl of Morton, the Earldom of Orkney and Lordship of Zetland, obtaining at the same time a charter from the Crown.

III.—New Bishopric.

Bishop Graham succeeded Law, 1615, and held the see till 1638, when Episcopacy was disestablished. The rents were then farmed by Sir William Dick. In 1641, Robert Leslie got a nineteen years' lease. The year following, Leslie assigned his lease to the Magistrates of Edinburgh, who procured a charter from the Crown, which was subsequently ratified by Act of Parliament.

Baikie of Tankerness and Buchanan of Sound farmed the rents under the Town Council of Edinburgh from 1652 to 1656, when the latter died, and the former continued tacksman till 1660.

1662, Episcopacy re-established.

1688, Revolution followed by the final disestablishment of Episcopacy in Scotland.

1689, Robert Elphingston of Lopness collects the rents at a salary of £200.

1702-4, William Menzies of Raws was Chamberlain of the bishopric for the University of Aberdeen, which had got a lease in 1699.

1705-14, Sir Alexander Douglas of Egilshay farmed the rents.

1715 and 16, Graham of Breckness.

1717-21, Captain James Moodie of Melsetter.

1722-26, Robert Honyman of Græmsay.

1727-31, John Covingtrie of Newark.

1732-41, John Hay of Balbethan.

1742-60, Andrew Ross. In 1760 the lease was renewed to Mr Ross during His Majesty's pleasure.

1775, the Dundas family got the bishopric at a rent of £50, and held it till 1825, since when it has been retained by the Crown.

* Pund Process, ii. 7. † Barry.

CHAPTER VIII.

Town Hall.

IT is impossible now to show when municipal government became effective in Kirkwall, but till it did become effective there was no such thing as personal freedom enjoyed or even understood by the inhabitants. In the old Norse days every man was bound to have a master, the Earl himself acknowledging the superiority of the Norwegian King. Service on the part of the man secured the protection of the master, who, possibly himself a despot, suffered no one else to oppress his adherents. A masterless man became an outlaw and an exile.

After the building of the Cathedral, the double town was ruled by the Earl and the Bishop. Every man residing between the Castle and the Shore was the Earl's man, and all above were vassals of the Church. Thus the division of the townspeople into "Up-the-gates" and "Down-the-gates" dates from the twelfth century.

The charter creating the little town a Royal Burgh, and therefore giving it a municipal constitution, was granted in 1486, but then and long afterwards the occupants of the Castle and of the Palace were too strong to tolerate popular government.

There is documentary evidence, however, to show that there was "Ane Burrow court holden at the said Burgh be Henry Sinclair, Proveist ; James Reidpest and Gilbert Sclaitter, two of the Baillies," 21st. Oct. 1549.

"Letters of Horning be Queene Marie, daitit at Edinr. the 17 Feb. 1565," were sent to Patrick Bellenden, "Proveist of the said Burgh."

The Stewart Earls, Robert and Patrick, sat as Provosts in the Burgh Courts with the Bailies and Councillors.

We know of "ane burrow court holden be Lord Robert Stewart, Proveist ; David Scollay, Jon. Sklaitter, Thomas Cumming, and William Bothwell, Baillies ; Nicol Sinclair, Deanagill ; Archibald Chalmers, Thesaurer ; with the Counsall and Magnus Paplay, Clerk ; at which tyme Gaivein Tailyeor was admitted Burgess and Gillbrother be ym, 22 Sept. 1567."

We have also a sitting of "Patrick, Earl of Orkney, Proveist," with the Bailies and Council, 20th Jan. 1604.

There is no direct evidence to show where those old provosts held their meetings. A house at the Shore still bears the name Tounigar, and possibly it may have been the Town Hall, the quarters of the Town Guard, and the prison. In the days, not very long gone by, when criminals were whipped through the town, the scourge was first applied at the corner of Shore Street, a few paces from "the House called Tounigar."

But the Parliament House of the Stewart Earls occupied the site of the present Commercial Bank, and as late as 1648 we find official work being transacted there. "James Baikie, for a protestation in the Parliament Cloase, one Pound Scots."*

* Sheriff Court Books.

Nearly two centuries had elapsed from the granting of the charter before Kirkwall asserted her position among the Scottish towns by sending a Commissioner to the Convention of Royal Burghs. This was a kind of burghal parliament. Hill Burton says :—"When we first make acquaintance with it, it is called the Court of the Four Burghs, Edinburgh, Berwick, Sterling, and Roxburgh, and it seemed to have retained its old name when other burghs joined. The laws of the Four Burghs are more complete and compact than any other fragment of ancient legislation in Scotland. The power which this body had is attested by its marvellous tenacity of life. By degrees it absorbed all the royal burghs of Scotland. Under the name, 'Convention of Royal Burghs,' it continued to adjust questions about the internal constitution of the separate corporations. This function was superseded by the Burgh Reform Act of 1833 ; but the Convention still duly meets every year in Edinburgh, as if to keep the institution alive and ready for action should old powers ever revisit it."*

One reason, doubtless, for Kirkwall's delay in joining the Convention is to be found in the fact that, down to the year 1611, Orkney continued to "bruicke its awen lawes" as a dependency of Denmark. It was during the proceedings against Earl Patrick Stewart that the Privy Council "took upon itself to abrogate the Scandinavian laws and usages and to declare that the law of Scotland only should be tolerated in Orkney and Zetland." †

"Forsameikle as the Kingis Majesty and his predecessors of famous memory, with the consent and authority of thair Estates of Parliament, has statute and ordainit that all and sundry the subjects of this Kingdom sould live and be governit under the lawis and statutes of this realm allenarly, and be no law of foreign countries as in the actis maid thairanent at length is conteinit ; nochtwithstanding, it is of verity that some persons bearing power of Magistracy within the boundis of Orknay and Zetland has thir divers yeirs bygane maist unlauchfully tane upon thame, for thair own private gain and commodity, to judge the inhabitants of the said countries be foreyne lawis ; Thairfoir the Lordis of secret-council has dischargit, and by the tennor hereof discharges the said foreign lawis to be no further usit within the said countries of Orknay and Zetland, bot to use the proper laws of this Kingdom to His Majesty's subjects in all thair actions and causes as thai and ilk ane of thame will answer upon the contrair at thair heichest perril." ‡

This Act of the Privy Council was practically an assertion that the impignoration of 1468 was now beyond redemption on the part of Denmark, and that Scotland had finally annexed the islands.

At a meeting of the Convention of Royal Burghs, held in Edinburgh, July 1669, James Moncrieff, Commissioner from Kirkwall, represented that the town was created a Royal Burgh by James III., that this was ratified by James V., and that their charter was renewed by Charles II., 1661, but, through the oppression of the Earls and the poverty of the place, they could not till now attend "the burrowes meetings." Kirkwall was then enrolled a free Royal Burgh.

Perhaps the Town Council was emboldened to join the Convention of Royal Burghs by their having recently acquired a Tolbooth with accommodation for Council chambers and prison.

In 1669, Arthur Baikie of Tankerness, Burgh Treasurer, took from George Linay, only son of Oliver Linay, a lease of "the house at the foot of the Strynd with its yaird stretching to the lane§ leading to Pabdale, togidder with the haill beds, buirds, ambries, presses, furmes, locks, keyes, and others presentlie within the said house." ||

* The historian refers the student of municipal history to Sir James Marwick's valuable work, "Records of the Convention of Royal Burghs, with Extracts from other Records relating to the affairs of the Burghs of Scotland."—History of Scotland, ii. 90.

† Pet. Notes, App., 92. ‡ Pet. Notes, App., 63. § Now King Street.

|| On the sill of a back window of Dr Logie's house we have the initial letters, O. L.

In a sasine of Arthur Buchanan of Sound, dated 13th July 1659, this house is described as "the Tenement of land of old callit the Ridgeland, sometyme pertaining to George Smyth of Rapness, now to Oliver Linay, merchant." It formed the southern boundary of Buchanan's property.

The new Tolbooth was first taken for a year and a half, at an annual rent of "fyftie merk guid and sufficient money of this Realme of Scotland," Baikie undertaking to "uphold the ruiff of the said house water thight during the said space, and at the expyreing of the said tak to have the said tenement in als guid condition, at the sight of honest newtrall men, as at his entrie thereto, and shall flitt and remove therefra without any proces of law."

This was the first of many bargains which the Council made with the Linay family about this house.

What business Oliver Linay carried on does not appear. Alexander Linay, barber, and therefore, in a rough way, surgeon, witnesses a deed, 19th March 1631.

From George Linay this house passed to his sister Anna, wife of Patrick Murray, N.P. "Thursday, about five in morning, Anna Linay, spouse to Patrick Murray, Notr. Publick, was delivered of a man child, who was baptised Francis." *

16th Dec. 1709.—"The Magistrates and Council appoynts Bailly Richan, James M'Kenzie, Robert Pottinger, and David Strang to treat with Marion Ritchie, relict of umqll. Francis Murray, anent what she will take for her life rent of the Tolbooth."

In four months the committee were able to report that they had purchased from Mrs Murray her liferent interest in the Tolbooth for one hundred merks Scots, and quitting her of Cess on the double tenement of land occupied by her a little below the Broad Sands." †

For holding Council meetings and Burgh Courts the dwelling-house of a Kirkwall merchant might be suitable enough ; but as a prison it proved a sad failure, as witness the numerous escapes recorded. Thomas Brown tells that on a Sabbath afternoon in time of sermon, two men, Read and Gorne, imprisoned for theft, "made their escape out of the Tolbooth of Kirkwall. Read was that same afternoon apprehended and placed therein in the langirons. Gorne went over the Ferrie."‡

The langirons of the Kirkwall Tolbooth have not been preserved, and possibly no description of them exists, but we may form some idea of the difficulty of flight with such encumbrances when we read that the langirons used by Earl Patrick Stewart were stated at the trial of Alyson Balfour, "ane Wich," to be fifty stone weight.

From the insanitary condition of prisons generally, "jail fever" was known as a specific malady all over Europe, and deaths in our Tolbooth were not uncommon.

"About the latter end of March 1678, Alexander Mowat of Lynzie was captured and put in the Tolbooth of Kirkwall for the payment of 200 merks or thereby, and upon Saturday abt. 4 in the afternoon he departed this life in the Tolbooth, being the 13th April, and was buried in St. Magnus Kirk on Tuesday yrafter." §

In Brown's diary, 3rd Sept. 1681, we have a reference to Patrick Craigie of Wasdale as being a prisoner in the Tolbooth, and on 26th Feb. 1682, "Sabbath morning, about 7 or yrby, Pat. Craigie, sometyme Provost of Kirkwall, depd. this life in the Tolbooth of the said Burgh."

On the other hand, Baikie of Tankerness chose to remain a year in the Tolbooth on a question of debt, and was seemingly none the worse for his incarceration. ||

"The Magistrates and Council appoynts the Clerk of Court to writt a letter to Robert Baikie of Tankerness, to see what course he would fall upon for payment of George Baikie, his

* T. B., 23rd May 1678. † C. R., 13th Ap. 1710. ‡ May 1687.
§ T. B. || C. R., 28th Augt. 1710.

father, his tolbuith mealls,* in regard his said father has been neer a year in prison, and no part of his Tolbuith mealls payed, nor no oblidgement granted therefor, and to demand ane ansr. from ye sd. Tankerness, Yr., in writt, so yt. the Magsts. and Councill may be satisfied."

In 1703, on the 23rd of April, George Richan of Linklater placed in the hands of Mungo Buchanan, N.P., "The Bill eftermentionate, qreof the tennor followes :—10£ Star. Edr., 16 March 1703. Upon thrie dayes sight of this my only bill, pay to George Richane of Linklater, or ordour, Ten pound Starling value on accompt with him," &c. This bill was not met. But it was a mere flea-bite compared with another debt incurred the same year.

In 1709, the year of the imprisonment, there is an acknowledgment given by Robert Baikie, beginning, "Forsameikle as George Baikie of Tankerness, my father, and I, by Bond 19 Jany. 1703, to Sir Samuel McLellan of Edr. or to Robert McLellan of Bavelay, then Stewart of Orkney, for £2961 Scots," &c. Baikie offers, by way of security, to infeft "in Holland in Stronsay, Skelwick and Gairth in Westray, and Saverock and Quoys in St. Olla."

Doubtless it was in this connection that Tankerness went to prison, and as the assets were undoubtedly good, the confinement must have been made necessary by the laird's obstinacy in connection with some obnoxious point in the transaction. This seems all the more probable seeing that he refused to pay his Tolbooth fees. There would be no charge for board, as his meals would be supplied from his own house.

The longest period of imprisonment recorded in Kirkwall is that of Sir James Sinclair of Mey, who died in the Tolbooth after nine years' residence within its walls.

When such prolonged terms of confinement were possible, prison regulations† required to be judiciously framed and carefully attended to.

Under these rules the gaoler could add to his pay pretty substantially by his perquisites ; while in the Tolbooth a prisoner who could afford to pay for it was allowed an amount of luxury which nowadays would not be tolerated.

"11th March 1680.—It being complained to the said Magistrates and Counsell that ther is ane great abuse done in the tolbuith by these quha are imprisoned ther, by keeping women and men-servants both night and day in with them as if it were ther owen dwelling-houses, and in keeping and making use of pots, pans, speets, raxies and utheris as if the same were ane comon cooke's hous, far beyond the order kept in oyer Jayls or tolbuiths, qch, if not prevented, may rise to ane greater prejudice to the place. Therefore, these are discharging the Jaylor to suffer any persone or persones to stay in ye sd tolbuith after 8 hours in the evening (except these quham are prisoners), and to suffer none to enter into ye sd tolbuith to make visites before 8 hours in the morning or efter 8 hours in ye evening."

On the other hand, it was not at all an uncommon thing for a prisoner to appeal to the Council to be set at liberty, as he had no means of supporting himself and his family. When the prisoner's offence was not heinous, such a petition was usually granted, but even then some unfortunates left the gaol burdened with debt to their keeper.

The Tolbooth yard was used by privileged burgesses for storing lumber. "Oct. 14th, Tuesday, Thomas Brown (Town Clerk) delivered the key of the Tolbuith to James Baikie of Tankerness for putting in some Timber of the pryse broken up at the aire of Kirkwall."

But the Council Chamber was naturally the most interesting part of the Tolbooth. In the seventeenth and eighteenth centuries cases were taken up and adjusted by the Burgh Courts which now would inevitably go to the Court of Session. At the ordinary meetings of Council, matters of very grave public importance often cropped up ; and for the orderly conduct of business a table of strict standing orders and general regulations of tedious length was prepared.‡

One of the most important functions of Royal Burghs was the regulation of trade by the granting of licenses to all classes of traffickers. This lay in the hands of the Merchant Guild,

* Fees. † See Appendix I. ‡ See Appendix II.

a corporation within the corporation having its own Dean and Councillors. The Guild drew a sharp line between trading and mechanical pursuits, and where the two would tend to combine, insisted on having them separated. Thus three classes of handworkers—dyers, butchers, and shoemakers—could only be admitted Guild brethren by leaving the mechanical part of their business entirely to hired operatives, themselves attending solely to buying and selling.*

The Kirkwall Dean of Guild granted trading licenses to all the merchants of Orkney, and without his "ticket" no man might sell any kind of commodity. Infringements of this law were smartly dealt with, and the buyer was liable to punishment where the seller could not be got at. The treatment of offenders sometimes passed the verge of oppression.

A Kirkwall doctor purchased, for surgical uses, from a foreign vessel, some caddis (lint), and he was severely fined, the captain having no ticket from the Guild Court.

The "unfree-traders" gave great trouble to the Royal burghs individually, and to the Convention. This Court assessed each of the towns in its membership, and the Corporation of Kirkwall was expected to recoup itself from the fines of the unfree traders.

In 1698 our burgh was groaning under an assessment of twelve shillings per pound, which could not be collected, and after the manner of the time a party of soldiers was quartered on the town's folk. In the circumstances they lay their case before their Member of Parliament, Sir Alexander Hume:—

Kirkwall, 18 August 1698.

Right Honourable,—We did presume, at the advice of our good and trustie friend, Sir William Craigie of Gairsay, to Imploy your Hon. to be Commissioner for our Brugh to this present Current Parliament, and we hear to our great satisfactione that you have accept of the same, for which we doe render due and heartie thanks: We desyre to Informe Yor. Hon. what past at the last Convention in Pearth, anno 1697, concerning this poor brugh, that it was at 12 sh. in the taxt roll, for which there is a partie lyeing upon us now, and yet we are not able to pay the third pairt of that taxatioune: And at that tyme there was condescension made betwixt the royal Burrows & Mr John Buchan, agent for them, for the unfrie traders. Efter which tyme he wrotte to us to take ane subtack from him, and to Improve the unfrie traders for our best use for the sowme of two thousand twentie thrie pounds ten shillings six pennies, and that for Orkney and Zetland, which sum we were not able to undergoe, sieing we ly at sutch a distance from Zetland, neither did we accept of any tack at that time or since; And now ther is a partie come to quarter for sixteen pounds starling upon the account of unfrie traders due since Lambes 1697, and we have no Inclinatione to Ingadge with the unfrie traders upon that acct. unless we get a seperatione of the sowmes betwixt Orkney and Zetland, Because its notourlie knowen by the travillers to both countreys that Zetland may pay the two part of the sowme, and that we doe not resolve upon any accompt to middle with Zetland's proportione in regard to the distance of place. But, Hon. Sir, it is or desyre that our proportione for Orkney may be separat from Zetland's proportione and modified proportionablie to the esteate and conditione of the small number and poor unfrie traders within this countrey. And then we shall endevour as farre as we can to gett quarterlie payment to the agent of the Burrowes of the proportione for Orkney as it shall be modified, but for Zetland we resolve not to meddle with it upon any termes. My Lord, this our earnest desyre is recommendit to your care, and expects you will be myndfull in this affair which is our present concernment, And we shall ever wish all prosperitie and happines to you and all yours, and shall continew Your Most Humble and Obedient Servants.

Honourable Sir, if ther be not a reasonable ease grantit to us for the unfrie traders within this countrey, we cannot upon any accompt meddle with the same, And in the meantyme, for our better Informatione, crave your Hon. advyce heirin with the first occasion how we shall walk.

Printed forms intimating what the Convention required from individual burghs were issued, and subjoined is the subject of the above complaint:—

I, Mr *John Buchan*, Agent to the *Royal Burrows*, In Obedience to an Act of *General Convention* of *Burrows*, holden at *Edinburgh* the 18th of *November* 1697 years, Ordaining me to grant Subtacks to the *Royal Burrows*, and then to accept of the same in the Terms and upon the Conditions mentioned in the said Act, Do therefore hereby Assign and Dispone to and their Successors in Office, the whole Fines and Compositions payable by the Unfree-Traders and others having Benefite by Trade within Orknay & Zetland, as also, the Fynes of Free Men, Loading and Livering at Unfree

* Hill Burton, ii. 93.

ports, and Partners with Unfree Men in ships, or loadning, Conform to the Acts of the *General Convention* at *Dundee* in *July* 1692, The Act of Communication of Trade in *anno* 1693, several Decreers of the Lords of Session, Proclamation of Privy Council (upon a Taxt Roll of the Unfree Traders of the respective Shires), and Act of the late Convention at *Perth* in *July* last 1697, And to the said Acts, Decreets, and Proclamation as far as the samen can be extended to the said Stewartrie. For the which Causes, The said and their foresaids are oblieged by the said Act, 18 November 1697, to pay to me, my Heirs, Executors, or Assignies the Summ of Eightie-four Punds Scots Money quarterly, beginning at *Lammess* last, Aye and until the summ of Two Thousand and Twentie-thrie Punds Ten Shilling and Six Pennies Money foresaid, resting be the Unfree Traders within the said Shire for Cess and Missive Dues, from *Lambmess* One thousand six hundred and ninety-two to *Whitesunday* 1697, inclusive, be payed in to me and my foresaids, with Annual rents, from the Term of *Martinmass* last; As also (for the Term of *Lambmess* last, and in time coming, dureing the last Tack set to me at *Perth*,) They and their foresaids are oblieged to pay the cess and Missive Dues, Corresponding to the Taxt Roll of the said Shire, in manner specified in said Act of *Burrows*, Consenting to the Registration hereof in the Books of Council and Session, or any other Judges Competent, therein to remain *ad futuram rei memoriam*, and Constitutes My Procurators. In Witness Whereof, I have Subscribed these presents at Edinburgh, the Elleventh day of January One thousand six hundred and ninety-eight years, before thir Witnesses, George Buchan, my son, and Alx. J. Paterson, my Servitour. (Signed) Jo. Buchan.

(Signed) Geo. Buchan, Witnes.
(Signed) Alx. J. Paterson, Witnes.

If Kirkwall was punished by having a party of soldiers quartered on it, the Dean of Guild and his Court were sometimes able to turn the men to account. A list of unfree traders was given to the officer in command, and he sent his men to take free quarters in the houses of the delinquents :—"Sergeant Blair, by warrant from the Magistrats of Kirkwall, you are heirby ordered to quarter upon the forenamed persones, unfree traders, qll further order. Subt. at Kirkwall the sixteen day of Septr. 1698.—Geo. Spence, Clk."

A party had been sent to South Ronaldshay, and Sir Archibald Stewart of Burray put in a protest addressed to "William Young, Bailie, or in his absence, ane of the Magistrats upon the place":—

Sir,—I am told by my tennants in Southronaldshaw that your brough hath ordered quartering on them as unfree traders. This is to advais you that ther is non of them hath any tred farther than to sell what oylle and fishes they tack with ther own hands out of the seas and then sells them whear they can get the best price, or then giveth it to me for ther land dewty, and I know no law forbids me to dispose of my rents any place I pleas. If ther be one of them have any further tred I am weell pleased all the extremity of the law be used against them, but you'll excus me not to suffer my tennants to meet with injustice from any body if I can help it. If ye proseed to pound I shall not opos you, but expects reparation from the Counsell, to whom (cost what it will) I will mean my selfe befor the least of them suffer wrong. I desire ye will communicat this to the rest of your number and let me have your answer by this berer, which will oblidj,—Sir, your reall friend and Servant,

(Signed) Arch. Stewart.

Burray, the last day of Agust 1698.

The answer returned by bearer was :—

Kirkwall, Last Augt. 1698.

Honourable Sir,—Wee receaved yours wherein ye wrotte to us anent some of your tenents in Southronaldshay. Yesterday ther came four or fyve men of that ylle to toune and spoak to us (whose tennents they were wee know not), and desyres to be admittit friemen within our brugh. But, efter comouning with them, they and wee could not aggrie as to ther friedome, so that we desyred them to goe home and take ther hazard as others, and as to what traide they have, whether export or import, wee are strangers to itt as yet. But, if they be found to come within the compass of unfrie tredders, they will be liable according to law. This, with or. humble service to yorself, Lady, and famallie, is all from, Honourable Sir, yor most humble Servants.

The separate burghs being controlled by the Convention, the Dean-of-Guild and his Court were not altogether free agents in dealing with these unlicensed merchants.

4th Oct. 1714.—"There was presented in Council by John Covingtrie, Bailie, their late Commissioner to the Convention of Royal Burrows held in Edinburgh in July last, ane act of

the said Royal Burrows in favours of this Burgh, containing ane gift of the Unfree Traders of Orkney and Zetland for three years preceding the said Act and four years thereafter, and Impouring the Magistrates of this Burgh to pursue the Unfree Traders in Orkney and Zetland for their Unfree Trading, and to compone, transact, and agree with them thereanent for the foresaid space, and apply what shall be recovered for behoove of the said Burgh."

The trading licenses varied in degree from the humble Chapman's ticket, which was much the same as the hawker's license of the present day, to the double qualification of Burgess' and Guild Brother's ticket, which gave all the liberty in trade that the burgh could bestow.

The cost of the licenses varied not only according to the kind of ticket granted, but also according to the means of the applicant, who generally assessed himself.

On the 17th August 1698, William Halcro, merchant in Orphir, offered £50 Scots for his "freedom"—£36 "in hand," and a bond for fourteen to be paid at Candlemas. Two days later, James Millar, merchant in Birsay, offers 10 rix-dollars down, which was accepted ; John Stewart, Orphir, £48 ; David Flett of Gruthay, £40 ; John Flett, his brother, £30. Alexander Sutherland, St. Margaret's "Houp," offered £20, and "the Magistrates and counsill (having taken the sd. Alexr. his mean conditione to their consideratione with the offer made) they accept of his sd. offer in respect of his mean stock."

While the Council was willing to consider the poor man's case, they dealt smartly with anything like uppishness. At a Court held 11th March 1670, John Richan, who came of a wealthy family of dyers, "declared he was not frie to declare whate trade he would take him to, which being considered, the saids Magistrats gave him till Lambes to give his positive answer, and ordained him to give fourtie pound Scots, ayr be bond or money."

One clause in the burgess oath points to what might have been an easy evasion of a Guild Brother's duty—"I shall not colour unfreeman's goods under colour of my own."

These tickets had reference in some degree to the geographical range of a merchant's business. 4th Nov. 1709, "Those who have trade only to Inverness or Zetland should have only chopman's ticquets, and for a lesser sum than those who pack and peill in foreign commodities to Leith or further, and have guild brothers' ticquets."

Complimentary tickets were also granted.

The clerk was instructed to write for "Harrie Moncrieff a gentleman Burgess ticket in Latin," 18th March 1702.

"The quhilk day,* the pnts. abovenamed† doth enact and ordaine that no persone or persones be admitted frieman burges efter the date heirof gratis, ay, and whill the brugh be outred and fred from their publick debt, and that becaus of the great burden and debts the brugh is now resting, and yt. uther weightie concerns to be exped, which by all appearance will stand great expenses.—*Sic Sub.*, Tho. Wilsone, bailie ; A. Baikie, bailie ; D. Moncrieff, bailyie."

The rule was not adhered to.

The freedom of the burgh has been given to many illustrious visitors, including one member of the Royal Family, Alfred, Duke of Edinburgh.

Among distinguished names of recent date, there are enrolled, W. E. Gladstone, Alfred Tennyson, W. H. Smith, First Lord of the Treasury ; Viscount Peel, and Lord Wolseley.

The most magnificent presentation recorded was that to Sir Lawrence Dundas in 1768, when the burgess ticket was given in a silver box "made upon the town's expense."

At the election of a member of Parliament for the Northern Burghs, each of the others sent a Commissioner to that burgh in which the election was to take place. In June 1709, Andrew Young of Castleyards, one of the bailies, was sent to Tain as Commissioner from

* 19th March 1670. † Bailies and Councillors.

Kirkwall, taking with him a blank burgess ticket to be filled in with the name of the successful candidate.

In April 1784, during the civic reign of Provost Riddoch, Kirkwall was the returning burgh, and here the Commissioners for the Burghs of Kirkwall, Tain, Dingwall, Dornoch, and Wick did "freely and indifferently elect and choose the Right Honourable Charles James Fox, a burgess of the Borough of Kirkwall, to attend and serve in the ensuing Parliament of Great Britain for the said class or district of Boroughs above-mentioned."

In this remarkable election there were two candidates, Fox and John Sinclair of Ulbster. Fox was proposed by Provost Riddoch, who was supported by Colonel Ross as representing Tain, and Duncan Munro from Dingwall; while John Sutherland, Wick, and John Gordon, from Dornoch, voted for Ulbster; consequently Fox got in by three to two.

The state of public feeling in Kirkwall over this contest, as shown by the public records, has been given at length by a recent writer,* but it may not be out of place to notice here the political necessity that made Fox contest the burghs.

Lord North, whose arbitrary dealings with the American colonies had brought on the War of Independence, was at the time the most unpopular man in England, and it was feared that Fox, who had lately been in coalition with North, would share that unpopularity, and so find himself without a seat in the new Parliament.

In Westminster, three candidates—Lord Hood, Mr Fox, and Sir Cecil Wray—competed for two seats. Admiral Hood and Sir Cecil Wray were on the Ministerial side; Fox represented the Opposition. The polling began on the first day of April, and continued till the seventeenth of May. It was the longest and fiercest election contest that ever took place in England, and the history of its progress from day to day has been preserved. The Ministerial candidates had not only the sympathy but the active support of the King, George the Third. All the Court servants were ordered to vote for Hood and Wray; every tradesman patronised by the King was compelled to take the same side, and a body of two hundred and eighty Guards was marched down to poll for the King's friends.

On the other hand, the Prince of Wales exerted all his influence in favour of Fox. Ladies took part in the work. The beautiful Duchess of Devonshire canvassed for Fox.

"Arrayed in matchless beauty, Devon's fair
In Fox's favour takes a zealous part;
But oh! where'er the pilferer comes, beware,
She supplicates a vote and steals a heart."

Lady Buckinghamshire took the field for Hood and Wray. She had more weight—avoirdupois—than the Duchess, and the opposite side had the bad taste to call her Madam Blubber. Her successes are also recorded:—

"A certain lady I won't name,
Must take an active part, sir,
To show that Devon's beauteous dame
Should not engage each heart, sir.
She canvassed all, both great and small,
And thundered at each door, sir;
She rummaged every shop and stall,
But the Duchess was still before, sir."

Lord Hood brought up a party of sailors to protect his voters, which they did by knocking down those on the other side. This was very effective for a day or two, but the Duchess was equal to the occasion. At that time the Sedan chair was the most fashionable mode of conveyance for short distances, and there was in the West End of London a small

* Mackintosh, Curious Incidents, 244.

army of chairmen, mostly Irish. These were easily induced by a beautiful, fashionable, and liberal patroness to favour her cause, and, falling upon the sailors with their chair poles, they drove them from the field. From this time faction fights became a daily feature in the struggle. When at length the poll was declared, Fox stood next to Hood, and though by Provost Riddoch's influence he had already been elected for the Wick Burghs, he naturally preferred to sit for the constituency which had fought so hard for him.

George Ross of Cromarty was elected 1786, and was followed the same year by Sir Charles Ross of Balnagowan.

Some of the demands of the Royal Burghs seem not only unreasonable, but unworkable, looked at under modern light. "The Council appoint to be published through the town, by tuck of Drumb to-morrow, that Act concerning traders and merchants having trade to reside with their family within Royal Burrows at least eight months of the year."*

"As far back as the year 1719," a definite proportion of the cess imposed upon Kirkwall by the Convention of Royal Burghs was collected from Stromness. The proportion was one-third, amounting, one year with another, to about £200 Scots—£16 13s 4d stg.†

The excuse for this assessment was that "the inhabitants of Stromness reap great benefit from foreign trade," which was by statute the exclusive privilege of the Royal Burghs. For twenty-three years Stromness paid this tax, the Convention rating Kirkwall a third higher than would otherwise have been done. "In 1742, Alexander Graham, a public-spirited man, with two or three more of the traders of Stromness, thought fit to refuse to pay their shares of the cess laid on for that year, which encouraged the other inhabitants in like manner to withdraw their payment."

"Upon this the Burrow of Kirkwall, having brought an Action against the *Recusants* before the *Stewart* Court for the payment of the Stent imposed upon them respectively, they obtained Decreet against them."

The defenders went to the Court of Session, where it was decided that "the Burrow of Kirkwall could not by Law impose any part of the Cess on the inhabitants of Stromness."

Kirkwall, now suffering under excessive taxation in having to pay the third imposed upon Stromness, appealed in 1745 to the Convention of Royal Burghs. On this the Convention ordered their agent to join with the Magistrates of Kirkwall in pursuing the inhabitants of Stromness, "concluding for Payment of the Values of the Goods which had been imported or exported by them unlawfully" since 1742.

All Scotland was interested in the struggle. The only parallel case had been a futile attempt on the part of Greenock to escape from the tyranny of Glasgow.‡

The Convention, by their agent, having gone into Court, this became really the test case on which depended the retention or the loss of the peculiar privileges of the Royal Burghs. They asserted that "the Law still continues as it did before the Union, that the privilege of foreign trade belongs to the Royal Burrows only, and to such as have purchased a Communication of Trade from them. And as it is impossible to conceive any thing more unjust than it would have been for the Legislature to have deprived the Royal Burrows of their privileges, and at the same time to leave them subject to the heavy burdens to which they had been formerly liable; so it is to be observed that it is expressly provided by the 21st Act of the Union that the rights and privileges of the Royal Burrows in Scotland as they now are shall remain intire after the Union, and notwithstanding thereof."

* C. R., 9th Oct. 1717.

† Case for Stromness, Court of Session, favoured by J. W. Cursiter, Esq.

‡ Not only Burghs of Regality and of Barony, but merchants and shipowners all over the country, were deeply interested in having the monopoly of the foreign trade taken from the Royal Burghs.

The position of Stromness, as stated for Alexander Graham and those who adhered to him, was :—

"The inhabitants of Stromness, by their position upon the Pentland Firth, have been frequently under a kind of necessity of dealing in foreign commodities, upon occasion of ships putting into their harbour for want of provisions and other necessaries, which the crews of these ships could not purchase in any other way than by barter or exchange of such commodities as they have on board. And as it would have been barbarous and inhumane in the respondents to have refused such commerce, they came under the necessity of disposing of such inconsiderable quantities of foreign commodities as came into their hands.

"These trifling and accidental purchases long since afforded a handle to the Magistrates of Kirkwall, under the colour of the statutes made against unfree traders, to oppress and harass the inhabitants of Stromness. To be freed from these vexations, the inhabitants of this village were induced, in the 1719, to undertake a considerable proportion of the annual taxation laid upon the Burgh of Kirkwall, in order to have a Communication of Trade ; which taxation, though unable, they continued to pay till the 1742.

"But at last, finding this taxation, which was above £200 *Scots* yearly, to be a burden too heavy, and quite unequal to any profit they had upon the occasional traffick they had before mentioned, they withdrew the payment thereof.

"This offended the Burgh of Kirkwall to a great degree, and provoked them to vex and harass the respondents in various shapes, particularly by two processes before this Court, from which the respondents were relieved by your Lordships' justice.

"But though the respondents gained the law, the expences of their defence made them rather chuse to submit to reasonable terms, if such could be had, than to be longer subjected to an unequal fight with the Common Good of a Royal Borough. And, therefore, in the 1751, they made proposals to the Convention of Boroughs that they were willing to pay for the Communication of Trade a sixth part of the taxation of the Burgh of Kirkwall, providing that should be their fixed proportion in time to come, and that they should not be subject to the caprice of the Burgh of Kirkwall, or to the influence that Burgh might have on the Convention of Boroughs, to alter or increase that proportion at their pleasure. But these reasonable terms were not listened to ; and the Convention would grant to the respondents the Communication of Trade upon these two conditions only :—1st. The respondents paying up all bygones to the Burgh of Kirkwall from the year 1742, at the rate they paid that year. And, 2dly, that they should relieve the Town of Kirkwall of one-third of what was then charged on them or might be charged upon them afterwards in the Tax-Roll ; with power to the Convention to increase or diminish this proportion accordingly, as trade should increase or decrease in their respective places.

"These conditions were so severe as to be equal to an explicit denial of the Communication of Trade. For how could it be expected that the respondents, who were no body corporate, could undertake to pay several years' bygones for a trade which others who were now dead and gone had the benefit of, and which amounted to a sum too considerable for the pockets of these villagers? Or, 2dly, how could the respondents, who have no representative or vote in the Convention of Boroughs, as Kirkwall has, submit to an arbitrary increase of their proportion of the taxation at the pleasure of the Convention? And thus the respondents were unjustly debarred from the Communication of Trade."

The Court of Session decided in favour of Stromness, and the Convention of Royal Burghs, now fighting for dear life, took the case to the House of Lords. It was heard on Monday the 16th of January 1758, and the finding was practically that Kirkwall must henceforth cease from taxing Stromness. In point of fact, and freely admitted by counsel for Stromness, the cess was laid on, not by Kirkwall, but by the Convention of Royal Burghs.

It is worthy of notice that Stromness, in resisting taxation by the Convention of Royal Burghs because she had no representative in that Council, was asserting the principle on which, some twenty years later, the American colonists took their stand, and inspired by which they fought their way to independence.

Though the ordinary duties of a Town Council are not generally interesting, there were occasions when the Magisterial work of Kirkwall was stirring, and even picturesque. Such an imposing function as the riding of the marches occasioned some excitement in the town :—

"Kirkwall, the twentie-fourth day of Juli, One Thousand Seven Hundred and Six yeires.

"Sederunt—David Traill of Sabay, provist, with three bailies and eight councillors.

"The quhilk Day the Magistrates and Council, with a great many of the respective Burgesses and several others of the communitie, having all met and convened at the Tolbooth of the foresaid Burgh, in obedience to their sederunt of the 12th instant, and proclamation following thereon appointing and ordaining the haill Council, Burgesses, and others respective persons within Burgh to meet and be in readiness and furnished with horses and furniture to attend the Magistrates for riding and viewing the Town's Marches this day. And after meeting in Council, the saids Magistrates, Council, and Community convened, went from the Tolbooth of the said Burgh to the Market Cross of the same. And having their horses in readiness standing there, they did all mount at the said Cross, and did ride from that forward through the North Common loan about both the quoys called St. Katherine's Quoys, and from that to the House of Weyland, where they halted a while on horseback; at which House of Weyland, George Spence, Clerk of the said Burgh, held forth to the Provost, Bailies, and Council that the barn of Weyland was built upon the freedom of the said Burgh, and thereby encroachment was made upon the foresaid privileges, to which it was answered by the said David Traill of Sabay. Provost, that it was well enough known that the said barn was built upon the privileges foresaid, but that those who had built the said barn, and had thereby encroached as said is, had long before now agreed with the Town therefor.

"And thereafter the saids Provost, Bailies, Council, and Community did all of them ride forward to the shore of Carness northward, being beyond the holm called Thievesholm, and went beneath the floodmark of the said Ness and fenced an Admiral Court there in Her Majesty's name and in name of the Provost and Bailies of Kirkwall there present as admirals of that bounds, as having rights thereto by several charters under the Great Seal, two of which charters was produced and publicly read with a ratification of the same, and of two other charters in favours of the said Burgh by the parliament, which ratification is dated the day of sixteen hundred three score ten years. And caused search (after fencing the said Court) if there were any wreck goods there. And thereafter the saids Provost, Bailies, Council, Burgesses, and Community did all of them again mount their horses and did ride along the Marches belonging to their Burgh Southward to the outer dyke of Pabdale; on the east side thereof there the said George Spence, Clerk, did hold forth that encroachment was made upon the privileges of the said Town there by flitting out of the head dyke a great way from the old bow or old head dyke eastward. Whereupon the Magistrates and Council caused the officers of Court break down a part of the said divot and feal of the said dyke so built upon their privileges, and appointed Alexander Baikie of Pabdale, who being then and there present, to remove that dyke which he or his predecessors had encroached upon the Town's privileges, and discharged the said Alexander from any farther encroaching upon the privileges of Kirkwall in any time coming. Whereunto it was answered by the said Alexander Baikie that he craved a certain day might be assigned him for production of his charters to the effect his bounding might be known. The Magistrates assigned the said Alexander the day of for that effect. And after the saids Magistrates and Council their interruption at the dyke upon the east side of Pabdale, they all went forward to the dykes of Whiteford southeastward, and from that southwards to the Meadows of Laires, and southward from that to that part of the hill called Daillspott, being near to the extremest part of the hill called Kirkwall Hill, belonging to the Burgh of Kirkwall, towards the South, and did there cause their said clerk fence ane Town Court in Her Majesty's name and authority and in name and authority of the saids Provost and Bailies. And immediately after fencing, the said Court went forward on horseback to the outfreedom of Fea, Cannagill, Clova, and the lands of Scapa, which bounds westward from the south bounding of the said hill called Kirkwall Hill, and thence back again northward to the dykes of Cannagill, Fea, Clova, the lands of Scapa and the Parish, riding along the east side of the said dykes to the Burn of Aesdaill. And from that about the Lands of Quoybanks, and about the three quoys or crofts called* Rouisquoy, Buttquoy, and Quoyangrie, belonging to the said Burgh, and from that down the South loan to the Broad Sands of Kirkwall. And from thence down the street to the Market Cross of the said Burgh. There the saids Provost, Bailies, Council, Burgesses, and Community did light from their horses, and went up to the Cross and did drink Her Majesty's health, and after drinking thereof, the Magistrates, Council, Burgesses, and Community went to the Tolbooth of the said Burgh, and there continued their meeting as to their riding of their marches of the West Hill, called Whytefuird Hill, with the Marches of the other lands belonging to the Burgh lying to the south-west and north-west thereof, till to-morrow, being the twentyfifth instant, and appoints the whole Council, Burgesses, and Community of the said Burgh to wait and attend the saids Magistrates the said twenty-fifth instant with horses in good order, at the said Market Cross, at ten of the clock, at the tuck of drum.

"Kirkwall, 25th July 1706, the quhilk day the Magistrates, Council, Burgesses, with a great many others of the Community of the said Burgh, did meet and convene in obedience to their Sederunt yesterday anent riding of their marches to the south-west and north-west of their Burgh. And having their horses in readiness, all saddled, standing at the Cross, they did all mount their horses at the Mercat Cross, and rode forward up the street to the Head of the Town. And from that south-

* Now Brandiequoy.

ward to the quoy called Hornersquoy, where is a part of the lands belonging to the Burgh and is included in the charters thereof there. The Magistrates and Council appointed their officers of court to make interrogation there by down casting a part of the south dyke thereof, and thereafter rode from that northward to the lands of Glaitness, also a part of the Burgh's privileges. And from that westward to the Slapp of Cross,* and from that westward a little to the eastward of the Meadow of Rossmyre. And from that northward to the dykes of Ranibuster. And from that eastward along the shore to the dykes of the quoys, where they dismounted their horses, and where they did cause fence ane Town Court in Her Majesty's name and anthority and in name and authority of the Provost and Bailies of the said Burgh.

"And having mounted their horses, they went forward Southward along the dykes of quoys Saverock, Hatstain, Yairfey, and Gren, and southward to the Slapp of Muddisquoy, and from that to the east and north-east to the aire of Kirkwall, and forward to the Town, and up the street to the Cross, where they did all dismount their horses and went up to the Cross and drank Her Majesty's health there, and thereafter went into the Tolbooth and caused call the roll of the Burgesses within Burgh, and did fine and amerciat such of them as were found absent who did not give attendance upon the Magistrates this day in riding the marches foresaid, ilk ane of them in the sum of ten pounds Scots money."

But there were other occasions on which the Magistrates called for a muster of the community. In time of war the burgesses were liable to be frequently summoned to a weapon show at the Ba'lea, to have their arms and accoutrements inspected, and absentees were apt to be regarded and treated as outlaws.

In cases of sudden alarm the Council took measures for the protection of the town :—"Kirkwall, 11th Feb. 1725, the which day the Magistrates and Council, considering that John Gow, now taking upon him the name of Smith, has been for thir severall days in Karston Roads, Commander of a ship carrying thirty-two Guns, and that yesternight he had robbed and plundered the house of Mr Robert Honeyman of Græmsay, judge it necessary to put themselves in the best pouster of defence they can for the safety of the town and country, and for that end they doe appoint that this night the Town Officers appointed at last Lambas Mercate order twenty-four men, furnished with Good and Sufficient Arms, to keep guard this night at the Tolbooth, and in time coming as long as the Magistrates and Council shall think fitt."

The Magistrates and Council are particular as to the pirate's name—"John Gow, now taking upon him the name of Smith"—because the rover was known to them, being the son of one of their guild brethren.

"17th April 1710, compeired in Council William Gow, merchant in Stromness paroch, and desyred to be admitted Burgess and Guild Brother of this Burgh, and referred himself to the Magistrates and Councill anent what he should pay for his freedome. The Magistrates and Councill appoints the said William Gow to pay for his freedome the sowm of Thretty Pounds Scots money, and appoints him presently to grant bond therefor to the Thesaurer or his successors, payable at Martinmas nixt, and they have presently subct. ane Burgess and Guild Brother Ticquet in his favours."

The phrase "Merchant in Stromness paroch" is interesting as supporting the tradition that Gow's house was not in the town of Stromness, but on the other side of the harbour, where part of Messrs Copland's shipbuilding yard is still known as "Gow's Garden."

In adopting the *alias* Smith, the pirate simply used the English translation of the Gaelic name Gow.

The "Greyhound" man-of-war conveyed the crew of the "Revenge" to London, and the Council, by way of thanks, conferred the freedom of the burgh on Captain Peter Solguard, Lieutenant Edward Smith, and Doctor Hendry Swan of that ship, "and appoint the Clerk to have ane Honorary Ticket ready for each of them, to be delivered at Six of the Clock afternoon at a Glass of Wine in the Dean of Guild's house."

* Corse.

9th March 1725, the Council signed a declaration as to the manner of the capture of the "Revenge," "recommending the captor, Fea of Clestrain, to the Government for the premium allowed by law in such a case." They also request Colonel Munro, M.P. for the Northern Burghs, to "petition the Government for about Two Hundred Stand of Small Arms with Amonition and some Ball for the use of the Burgh."

After seventy years of service as Council Chambers and prison, it occurred to the Earl of Morton that the old Tolbooth was out of date. He thought that "prisoners could not be securely warded without appearance of hardship or cruelty." Accordingly, 2nd June 1740, he "ordered two hundred pound sterling of the fine decreed by the Lords of Justiciary to be payd by Sir James Stewart of Burray to the said Earle, to be applied towards building a new Tolbooth or Prison in the Town of Kirkwall."*

The fine is said to have been imposed on Sir James for pursuing and firing into a boat in which Lord Morton was crossing Holm Sound. Vedder tells how the Provost of Kirkwall, with a party of four men, went over to Burray in search of a deserter, whom they found and hurried into their boat, thinking they had escaped the notice of the laird. But Sir James saw them and gave chase. Not able to overtake, but having them within range, he took a flying shot at them with a musket charged with slugs, and "lodged its contents in the civic dignitary's seat of honour." The person struck was John Riddoch, but fortunately the distance was too great for serious injury. But the Earl of Morton was crossing Holm Sound at the time, and making out that Stewart fired at *him*, prosecuted the irascible laird of Burray and got substantial damages.

In thanking the Earl for his munificence, the Magistrates and Council ask the further favour of "liberty to win some stons out of the old ruinous Castle for building said Tolbooth." This also was granted, but the condition was added "that you, by an act of your Town Council, declare the princll. hall in this intended building to belong equally to the Sheriff for keeping his Courts as to the Magistrates and Council for holding theirs."

After some discussion, and with much reluctance, the Council accepted Morton's gift of money and stones, and ceded his condition.

They drew up "a Memorandum to Mr Andrew Ross, Sheriff-Depute of Orkney, who intends for Edinburgh, that he get a draught or model of such a house as will not exceed £300 sterling."

Thus the Town Hall, a fine building in its day, was erected on the Kirk Green.

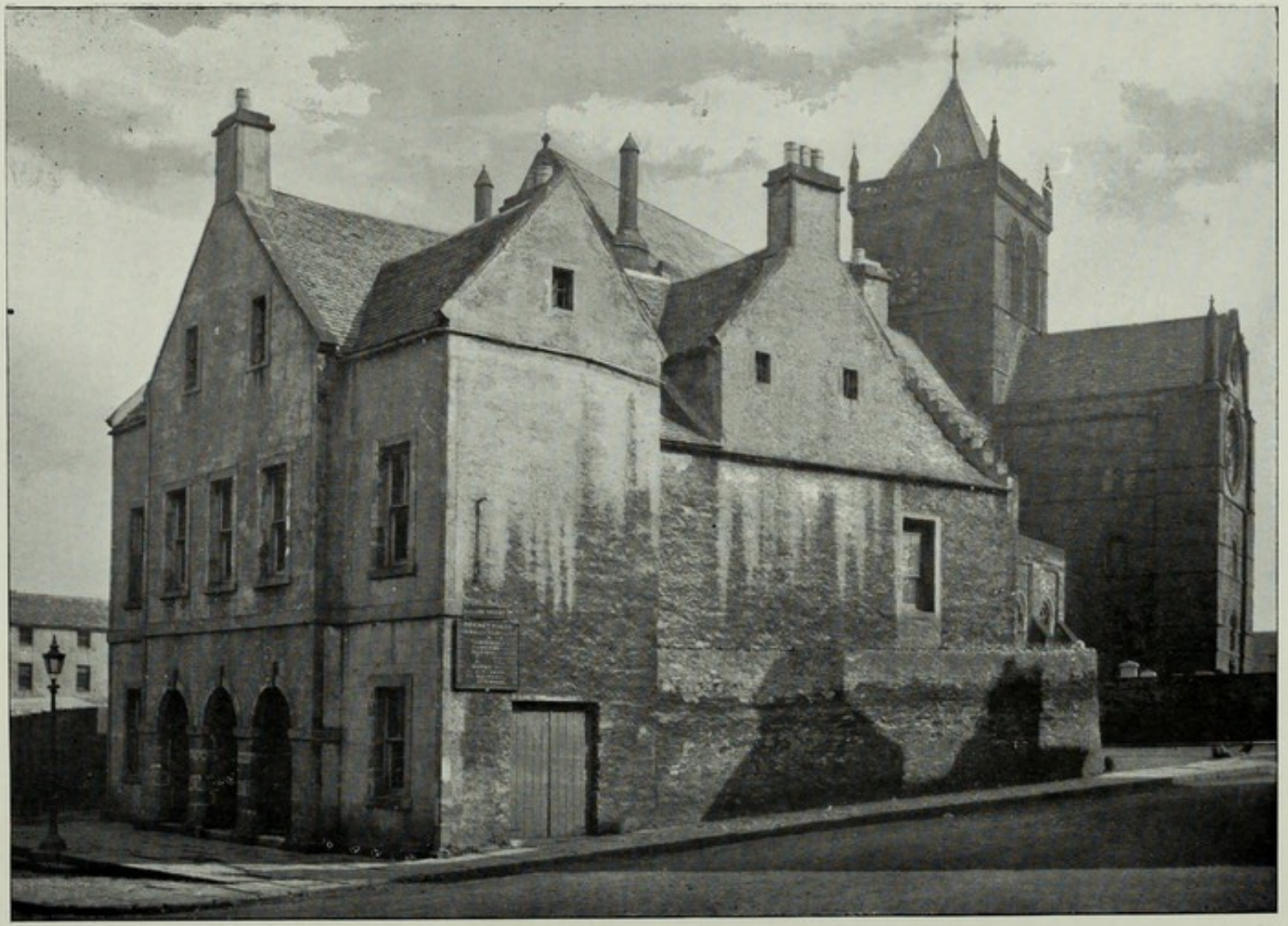
After the demolition of the Castle, 1615, the Sheriff Courts sat for three years in the Earl's Palace, the last of them there dating 3rd November 1618.† They were then transferred to the Cathedral, where they were held till the Earl of Morton made this new provision for them.

The ground floor of the new building was used as a prison and guard-house, above which was the Court-room, used also as an Assembly-room, with a retiring room off it, afterwards used as a Public Library, and in the third storey was the Masonic Hall.

The Court-room and prison were ancient institutions, but the Assembly Hall was a new feature, and is an important landmark in the social history of Kirkwall.

Fea, writing in 1775, says :—"Here we have perhaps as brilliant an appearance of Ladies as any of an equal number in Britain, without exception, both as to figure, education, virtue, and every other amiable qualification which adorns our neighbouring Ladies of a more Southerly Latitude, notwithstanding their boasted superior advantages. Neither are our Gentlemen, especially those who have seen a little of the world, at all inferior, either in mental or bodily qualifications, to any of their Southerly neighbours."

* Tudor, p. 233. † Peterkin, Memorial, 1818.



Old Town Hall, Demolished 1890.

Malcolm tells how the gentlemen came in late in scarlet vests and top boots, and whence they adjourned to those heavy suppers, where rounds of boiled beef smothered in cabbage, smoked geese, mutton hams, roasts of pork, dishes of dog-fish and welsh rabbits, were washed down with strong home-brewed ale and etherealised by several large bowls of rum-punch.

With such a supper in prospect, the outlay for the Assembly would be comparatively light. The bill for a ball, Dec. 1784, is :—30 bottles punch, £1 10s ; to 6 bottles white wine negus, 15s ; ten dozen apples for the ladies, 3s 4d ; and for three musicians, 10s.

John Malcolm, who gives the above description, was a son of the Rev. Mr Malcolm, of Firth and Stenness. He joined the army, and at Waterloo was lieutenant in the 42nd Highlanders. When peace came he retired. After a long absence, Malcolm revisited the Kirkwall ball-room :—

"About the centre of the Broad Street stands a quaint-looking building, containing a masonic lodge, the county jail, and the town hall, which also serves for a ball-room. Ascending the well-known stair, I hear the inspiring strains of the violin. With what strange and mingled feelings of pleasure and pain do I once more enter the old hall, the scene of so many happy nights in my early youth ! It is still the same as of yore, though to my eyes it does not now appear a place of such *vast* dimension as it then did. At the very first glance over the room I behold some of my old sweethearts or Lammas sisters ; but the rogues have got the start of me, and are all married. But what have we here? As I live, the identical old ladies who were old ladies twenty years ago, still blooming like perennial roses, occupying the same favourite corner which they occupied then, while so many of the young had passed away.

"But the night wears apace, the matrons adjust their shawls and arise to depart, the younger nymphs follow in their train, the music ceases, the sound of their foot-falls die away, and their voices wax faint in the night. One group only lingers behind the rest, and urge me to be one of their party at supper ; but, no, no ; excuse me, dear ladies ; I am well acquaint with the excellence of your tables, of the matchless ales brewed and bottled by your fair selves, of your delicious smoked geese and cabbage and your exquisite tempting mutton hams ; but though these elegant luxuries might tempt an angel from his sphere, I must forswear them all if I would not ensure the nocturnal visitations of troubled dreams."

Many a happy evening was spent in that old hall, and many a lively flirtation enjoyed in its dark staircase and dusky nooks.

The old ladies, also in their "favourite corner," had their pleasure and excitement. Whist and brag were the favourite games, and, if tradition is to be credited, much money changed hands.

In Kirkwall at this time play often ran high, and it is very generally believed that the Fair Isle passed from Sinclair of Quendale to Stewart of Brugh over a game of "brag." But Stewart of Brugh bought the Fair Isle as part of the bankrupt estate of Quendale, sequestrated 1750.

Malcolm, along with Sheriff Peterkin, conducted the *Orkney and Shetland Chronicle*, a very able but short-lived magazine, extending only to nineteen numbers. In one of these, Malcolm treats the card-playing and supper parties of Kirkwall to satire and parody :—

"Know ye the land where the goose and the grunter
Are emblems of some who inhabit the clime,
Where the natives contrive, through a long dreary winter,
With cards and with cramming to pass away time ?
Know ye the land of seceders and swine,*
Where the flowers never blossom, the beams never shine ;
Where potatoes and cabbage are fairest of fruit,
And the tongue of the tale-bearer never is mute ?"

* As to "seceders and swine," it is interesting to note that Malcolm's brother William, who had succeeded his father as minister of Firth and Stenness in 1807, seceded from the Established Church at the Disruption, 1843.

One reason for the freedom with which money was staked in those days lay in the fact that a journey to the south was, especially with ladies, a very rare event, and people spent at home the surplus coin which is now disbursed abroad. The probability also is that an annual balance of profit and loss over their games of chance would show but a small margin on either side. The assemblies ceased about 1840.

The ancient gaiety of our little town is shown by the variety of trades and professions formerly pursued which could not now exist. The slowness and general difficulty of southern traffic served as an effectual protection for all home-made goods, and whatever could be produced found a ready sale. All the cloth for ordinary purposes, linen or woollen, worn in Orkney, was woven in Orkney, and we hear of many prosperous weavers. These were, properly speaking, manufacturers, proprietors of numerous looms and employers of journeymen and apprentices. Fortunes were made by dyers. In 1691, Wiiliam Farquhar, glover, purchased a house in town, and not merely sold but made gloves. When the peruke was the fashion of the day, Kirkwall had three "Pieriewig Makers"—William Watt, at the foot of the Strynd; Thomas Dishington, at the Bridge; and Alexander McRae, in the Anchor Close. And these did not interfere with the business of James Sinclair, barber, who made a competency out of the razor and scissors. In 1689, we have David Ferguson, now designated hat maker, and again hat dresser.

For dancing and deportment, William Troup and his popular daughter, Mally, held classes in their own house in the Laverock; and the young bloods had actually a French fencing-master. He, however, turned out an impostor. In 1708, Louis Deupaig, fencing-master, summoned Andrew Young of Castle Yards and James Nisbet of Swannay for fees. The defence set up was that Deupaig was unable to do the teaching which he had undertaken.

Many of our old trades and professions have disappeared from among us. Changes in fashion have abolished some, while easy and rapid communication with the great commercial centres has rendered others unremunerative. The click of the loom is no longer heard, and our litsters have departed; the salter belongs to a far past age, and the heckler has become extinct; hats and gloves are imported, and the man who wants a wig must go south for it. The fencing-master is an impossibility, and even the teacher of dancing finds the ground cut from beheath his feet by a successful system of co-operation in the form of mutual improvement quadrille parties.

When the old Town Hall had served the community for almost a century and a half, its accommodation was found to be too limited for the business requirements of the day, and new County Buildings, containing a spacious Court-room with all the offices requisite for the proper administration and the conduct of county affairs, were erected in 1877.

As a prison, the old Hall had been from the first a distinct failure. Sheriff Maconnochie, before leaving Kirkwall, 1827, writing to Provost Laing, states that he himself had seen gingerbread handed in through the windows, and adds that he has no doubt that spirits and other prohibited articles were also supplied to the prisoners.

He suggests that a wall should be built to shut in the south and east sides.

"A wretched woman, who was accused of poisoning her husband in Westray, and had been confined in the jail of Kirkwall since last autumn, put a period to her existence by strangling herself in the night betwixt the 17th and 18th of January. She effected her purpose by means of some small cord which most probably had been handed to her through the grate of her prison window. She had been rendered desperate, partly no doubt by a sense of guilt, but doubtless also by the unwearied annoyance of people from without, who, having access to the window of her dungeon, tormented her incessantly with intimations that she was to be hanged, etc., and the unhappy wretch sank under this mental torture. The jail is a

disgrace to the county; it is neither fit for confinement with security, nor as a place of punishment to the guilty; and the jailor is nearly as good as the jail, for he did not visit his charge the day after the woman had strangled herself till one o'clock afternoon."*

About fifty years ago an unfortunate woman, Jeannie Thomson, who went periodically insane, was, when the attack came on, confined in this prison, and it was one of the horrors of the town to see through the barred gates the raving maniac pacing up and down like a caged hyena.

One prisoner, who had observed the jailor's careless habit of leaving the key in the lock, stood behind the door until his keeper had advanced into the middle of the room, then slipped out, locked the door and went off a free man, the astonished jailor being left a prisoner.

Even the grated windows in the upper storey could be negotiated. A hawker, known as "Cheap Tea," bent a bar in a window on the east end of the building, tied a blanket and coverlet together, slid down to the window sill below, swung himself to the top of the wall and escaped.

The difficulty was not to get out, but to keep out, for re-capture was almost inevitable.

In the early part of the present century, Robert Millar was gaoler, bellman, and lamplighter.

A petition from this pluralist to the Council will serve to show the state of the prison and the kind of bargains the civic rulers made with their officials :—

"5th Augt. 1837, Unto the Honourable the Lord Provost, Magistrates, and Town Council of the Burgh of Kirkwall, the Petition of Robert Millar, Jailor of that Burgh,

"Most respectfully and humbly sheweth that it is with extreme reluctance the Petitioner submits to your gracious and favourable consideration the following brief statement wherewith he would not trouble your Honours but from dire necessity.

"The Petitioner has long been and officiated as Jailor of Kirkwall, an office attended with much danger, risk, and responsibility, besides a vast deal of slavish drudgery from the situation of and want of suitable conveniences for the Prison, at the very inadequate Salary of no more than the trifling sum of Five Pounds Sterling merely, a rate much below that paid in other places, where Jailors have not only assistants but the whole work performed within the Jail or Walls surrounding it, from which small allowance falls to be deducted, at least such has been hitherto done, £2 12s 6d Sterling, for his using a hand Bell through the Streets of the Burgh in the way of serving the Public by advertisement, so that the whole that he is in receipt of from the Burgh in this way amounts to no more than £2 7s 6d, which, with £3 as Town Officer salary, almost the whole of which duty he uniformly fulfils, makes his emoluments extend to no more than £5 7s 6d, which can do but very little indeed to the support of his Bedrid Mother, 94 years of age and closely confined to bed for the last four years, his wife, and five helpless children and himself; while, tho' a Sheriff Officer and Constable, and, thank God, blessed with health and strength, he cannot avail himself of employment in either of these capacities, whether in Town or Country, his situation of Jailor requiring his close and undivided attention.

"That the Petitioner trusts your Honors will take his very clamant case into your serious consideration, and allow him a suitable remuneration for his services by extending his Salary adequately, and dispensing with any charge for his using a Bell, a recent Exaction which is but very trifling of itself, and in no way interferes with his other duty; for he feels that without a considerable addition to his Salary he would be sacrificing his own and his family's interest were he to continue to hold office longer.

"May it therefore please your Honors to consider what is above set forth to enlarge the Petitioner's Salary, so as to make it of suitable and adequate amount, and to dispense with any tax or charge against him for his trouble in advertising with a Bell through the streets of the Burgh. According to Justice & your Wisdoms answer, &c. (Signed) ROBERT MILLAR."

This petition gives a strange insight into the insanitary condition of Kirkwall Jail so late as 1837. The jailor's work was made so much heavier because there was no surrounding wall to furnish a corner into which he could scrape the filth of the place. At length the Council

* Ork. and Zet. Chron., Jan. 1826.

put up a wall, gathering stones wherever they could most easily be found, even from the broken monuments in the Cathedral.

With his petition Millar sent in an account, and the Council appointed a committee to consider and report on both.

One charge was £1 9s for straw for the prison for 14½ years. On this the committee remarked :—"The Petitioner may have *procured* straw occasionally for prisoners' beds, but that he paid out money for any is not very probable, and these claims are entitled to no favour."

The low salary given to the jailor was a relic of the old style of prison management. Some corporations gave their jailor no salary at all, and yet found keen competition when a vacancy occurred.

In the good old days when the gentlemen of Kirkwall adjusted their quarrels in the open street with sword, walking cane, or fist, the Tolbooth was a fashionable resort, where the jailor was host and the inmates were paying guests. They had their table supplied each according to his taste. The charges were possibly higher than in ordinary hotels, but the exclusiveness was worth paying for.

In those days the jailor made a good thing out of his boarders. But poor Millar, with ancient pay, had to put up with modern charges, for instance :—"8 July, To bording and attendance on Henrietta Cormack or Sinclair, from this date up to the end of the 21 Augt., being 44 dayes, at 6d per day, £1 0s 2d." "To Apprehending and Boarding Jean Thomson when She was last Lewnatick and confined to Jaill, 6s."

As has been seen, the jailor procured straw for the prisoners' beds, but even if, as the Council suspected, he did not pay for it, his profits must have been small indeed off board at sixpence per day.

But what of the boarders? Imagine a poor lunatic prisoner locked up in a cell with no comfort but some straw in a corner, and her guardian or keeper, home for the night, half-a-mile away from his charge. And in this connection the following comes from a gentleman holding high office in the prison department of our Local Government.

After Millar's time, an Inspector visited Kirkwall prison, and, shocked to find no one present in charge, sought out the jailor in his own house. He knocked loudly on the door. A window above was immediately opened, and a wrathful face looked down on the visitor with "——, —— it, what the —— do you want?"

"I am the Inspector of Prisons."

"And how the —— am I to know whether you're a —— Inspector or not?"

Down went the window, and thus ended the interview.

At first sight it seems hard that Millar should have to pay such a tax as £2 12s 6d for his bell, but the answer of the committee explains this :—"It has somehow or other altogether escaped the Petitioner to notice that, as a compensation for any extra services about the town, he was allowed the exclusive privilege of the hand bell at the very low rate of £2 12s 6d per annum, when it could have been let by auction for more than double that sum, and it is certainly the source of considerable emolument to him. The hand bell of the Town of Stromness is let for £5 a year, and the same privilege ought to be more productive in this Burgh."

After the Sheriff Courts and general county business had been for years established in the new and commodious County Buildings, the Burgh Courts and Council meetings were still held in the old Town Hall. But, in 1884, it was resolved to provide more suitable accommodation, and on the 20th August of that year the foundation stone of the new Town Hall was laid with Masonic honours by the Grand Master of Scotland, the Earl of Mar and Kellie.

The Municipal Buildings in Broad Street are in the Scottish baronial style, and were built by Messrs Samuel Baikie & Sons, from plans by Mr T. S. Peace, architect.

When these were finished, the old Hall, which had outlived its usefulness, was cleared away, and its site and that of the old Guard House, which had preceded it, is marked by a granite shaft and a drinking fountain.

For centuries the Town Council was a close corporation. The Councillors elected the Bailies. When the Provost's term of office expired, if he cared for re-election and if he were popular, he might sit for many years. Should a section of the Council desire a change, the names of two of the Magistrates, "added" to that of the sitting Provost, formed a leet of three, on which the votes were taken. When a vacancy occurred at the Board, the place was filled by the admission of a fresh member on the invitation of the majority of the Council.

The only representative members were the Deacons of the four incorporated trades, each of whom had a seat in the Council *ex officio*.

The elections in Kirkwall, and in most other burghs, took place on the 29th day of September. This was a relic of mediæval times, when tutelary saints and guardian angels were universally recognised, and as the Councillors are the guardian angels of the town, they were and are elected on the festival of St. Michael and All Angels.*

In keeping with this idea, down to time well within the memories of living men, the election of the Magistrates of Kirkwall always took place in the nave of the Cathedral.

But, in 1852, during the provostship of James Spence, Esq., of the Commercial Bank, the Council, by an Act of Parliament, was put upon a new footing. The Provost, the four Bailies, and twelve Councillors resigned, and twelve in all were elected to form the new Municipal Court.

Those polled in were Messrs John Mitchell, Peter Cursiter, James Spence, Alexander Bain, William Sinclair, David Warren, James Walls, James Baikie, David Marwick, George Robertson, George Petrie, and John Dinnison. The Council being thus formed, Mr Spence was unanimously re-elected Provost; Mr Mitchell, first Bailie; Mr Bain, second Bailie; Mr Cursiter, Dean-of-Guild; and Mr Warren, Treasurer; and the Act of 1852 is still the constitutional basis of the Council.

APPENDICES TO CHAPTER VIII.

I.—Some certain Instructions for the Keeper of the Tolbooth to be seen Revised, put in Order, Rectified, and Authorised by the Provost, Bailies, and Council of Kirkwall.

1. Imprimis, that the said Keeper have all the rooms therein, either Magistrates', wherein Court or Council sits, or where civil prisoners remain incarcerated, with their tables, forms, and other plenishing, neat and cleanly kept.

2. Item, that the said Keeper, by himself or another in his name, for whom he and his cautioner shall be answerable, be ready at all times and upon all occasions, as well by night as by day, with the keys of the foresaid Tolbooth, to answer the Magistrates as need shall require.

3. Item for regulating the said Keeper his attendance of the said Tolbooth, having prisoners therein, upon days whereon neither Court nor Council is holden, he shall be only

* Book of Days, ii. 389.

obliged to attend with the keys from the hour of eight in the morning to nine, and from eleven to twelve in the midday, and from four o'clock to eight in the afternoon, except upon extraordinary incident, absolutely necessary and most urgent occasions, or by a particular order from a Magistrate.

4. Item, that while the Council is sitting the keeper remove all persons, as well prisoners as others, from the chamber perpendicular above the Council Chambers into the next room, for so long time as the Council sits, returning the prisoner or prisoners thereafter to their room again.

5. Item, that the keeper, by himself and his servants, for whom he is to be answerable, as said is, attend the said Tolbooth door at the passage foot, from the opening thereof to the closing of the same, that no person or persons enter the said Tolbooth with any weapons offensive and visible.

6. Item, that the like attendance be given that neither ale, beer, or any other liquor whatsoever enter the Tolbooth but what is bought from the Keeper, he always affording the same as good and at the same rate as others do, as also pipes and tobacco by pennyworths as the Magistrates shall enjoin, either by weight or measure.

7. Item, that at whatever hour of the day the Keeper shall happen to receive, by order or mittimus, any prisoner, burgher, or stranger, he shall not book him with the clerk until four o'clock in the afternoon passes, and before the chap of five he shall not fail but book him or them peremptorily, that the booking money may be paid without any question, although the prisoner should that same night be set at liberty.

8. Item, that an inhabitant burgher, being prisoner, shall have liberty to bring in his own meat and drink from his own house, but not so to a stranger, the Keeper being able to furnish in manner foresaid.

9. Item, that the Keeper, from each prisoner once committed, booked or not booked, for turning of the key, shall have from a burgher six shillings and eightpence Scots, and from a stranger thirteen shillings and fourpence money foresaid, and that he shall exact no more except who pleases gratuitously to give the same.

10. Item, when any prisoner is suspected, by assistance and compliance with any person or persons, to be endeavouring his escape, immediately the Keeper shall the more closely keep up the said prisoner, and incontinently acquaint the Magistrates or Magistrate to the effect he may receive order how to carry and deal with such a prisoner upon such an attempt.

11. Item, that the Keeper have in his dwelling-house, for the serving of the Tolbooth, sufficient beer or ale, or any other necessary above nominated whereof he craves to have the benefit of selling within the said Tolbooth, if he pleases to undertake the same.

12. Item, that the said keeper demean himself pleasantly and circumspectly to all prisoners entering the said Tolbooth, according to their civil deportments, under pain of deprivation, with what mulct or punishment the Magistrates shall farther please to impose.

13. Item, that the said Keeper shall each Sabbath day diligently attend the said Tolbooth door by the first knock or toll of the first bell, both forenoon and afternoon, for receiving of the Magistrates and Council under pains foresaid.

14. Item, that the said Keeper, under the pains foresaid, presume not nor take upon him to receive any prisoner or prisoners whatsoever within this said gaol, by any mittimus from any other judge, or from the hands of any Messenger-at-Arms, without the authority and special Warrants of one of the Magistrates of the Burgh interponed for that effect.

15. Item, that if the said Keeper shall happen at any time to meet with any accident of prisoners to make breach either of doors, windows, stachelis, or any other part of the said Tolbooth, for making escape, that so soon as he shall know of the same that he acquaint the provost or any of the bailies, dean of guild, or treasurer, that the same may be remedied with all convenience under the pain aforesaid.

16. Item, that no women shall be permitted to bide in the Tolbooth with their husband or husbands after eight o'clock in the evening, except upon the case of sickness or such like, and that such women when they come in be rancelled before they come near to their husbands, that they have nothing that may further the escape of the prisoner.*

* Favoured by J. W. Cursiter, Esq.

II.—Standing Orders of the Town Council.

Imprimis, that the Magistrates and Councillors meet punctually at and within the Tolbooth every Sabbath Day before the third bell, both forenoon and afternoon, that they may go to the church in order accordingly.

2. Item, that the Council day be Friday in each week, and that the Council diet of meeting the said day be betwixt and eleven, and to continue till twelve and no longer, except upon extraordinary occasions, and the Court diets upon Tuesday and Saturday be accordingly.

3. Item, that none of the Magistrates, Dean of Guild, Thesaurer, and Councillors absent themselves willfully upon the said Council days, being in town and in health, without a relevant excuse sent by themselves, either in writing or by one for them, showing the necessity of their absence, without any advertisement to be given to them to that effect.

4. Item. Likewise that whensoever any accidental Council Meeting shall happen upon any extraordinary day, that the said Magistrates and whole Council meet in like manner upon advertisement given to them.

5. Item. After meeting at the Council table, that neither Magistrate nor Councillor take occasion of discussing about their own proper affairs, neither yet talk loudly nor confer upon impertinent discourse, but to attend to the public affair in hand for the time, and to give their best judgment thereanent.

6. Item. Also that, upon meeting at Council table, none remove without giving notice and getting liberty from the table.

7. It., that if either Magistrate or Councillor be concerned in any particular at the said table, that he remove himself till the matter be debated among the rest.

8. It., that none of the Magistrates or Councillors offer to take speech in hand at the said Council table to any person that shall happen to appear, but the provost or the Clerk, or as the said provost shall appoint it.

9. It., that none of the officers, nor no person else, except Magistrates and Councillors, be permitted to be within the Council chamber while the Council is a sitting.

10. It., that no money be received upon the account of the public, but what is delivered to the Thesaurer and disbursed by him accordingly, and booked by the Clerk as well as by him.

11. Item, that all bonds, as they are received by the Clerk or by any others in his name, the same shall be likewise delivered to the Thesaurer for recovering payment thereof, and that the Clerk keep a particular double thereof, subscribed under the Thesaurer his hand, till he deliver the principal, and that the Clerk keep an account accordingly as with the money.

12. It., that the Clerk and Thesaurer sit and compare their accounts, both of money and bonds, in presence of the said Magistrates and Council, publickly, quarterly if required, that the same may be approven of and attested accordingly.

13. It., that the Dean of Guild and his Council deliver up what bonds and money they happen to decern and receive to the said Thesaurer, and that the Clerk keep an account thereof accordingly.

14. It., that the Dean and his said Council produce their books of Acts and accounts upon demand to the great Council, being required thereby that the same may be revised, considered, and approven accordingly.

15. Item, that the Dean of Guild act nothing of himself without his Council, and that neither he nor his Council act nor do anything of concernment or importance without the advice of the great Council, otherwise the same to be null.

16. It., in all baillie courts within Burgh, where there are business of concernment or importance, that nothing be done there anent as to the decernitor thereof, as also as said decernitor of such decreets or any other decreets, no extract to be given forth till the Council be acquainted therewith.

17. It., that no bailie give judgment to any person within Burgh until first the Magistrates be acquainted thereof and allow the same.

18. It., that no infeftment be given, except by the Clerk of the said Court, otherwise the same to be null, and that the Clerk keep a register for that effect, and that he make the reddendo of each charter ready when required.

19. It., that no apprentice within Burgh, either merchant apprentice or handicraft, have

any benefit of their indentures, except their indentures be booked in the Dean of Guild books and make payment therefore in manner aftermentioned. Item for each wright apprentice, Joiner or Carpenter.

It. for each tailor and glover and saddler.

It. for each shoemaker.

It. for each mason, slater and glazier.

It. for each weaver.

It. for every baxter, hatmaker and pewterer.*

20. It., that all burgess tickets formerly granted either to guild brothers or simple burgess be called in and made forth conform to the said Magistrates, whereby the same may be subscribed by the provost, bailies, and guilds whereof they are guild brothers, and other burgess tickets be subscribed only by the present bailies and Clerk for the Council, the disobeyes against lawful dictates be holden and repute as no burges and liable to the fine contained in their ticket.

21. It., also that all burgess tickets to be granted hereafter be subscribed accordingly, and the town's small seal set thereto, but where guild brothers' tickets are, the great seal to be appended if required.

22. It., that no residenter or stranger be made freeman and guild brother until first he reside and abide in the place actually within burgh for the space of two years or one at least.

23. It., that no burgess be admitted or chosen Councillor before he has been a year or two residenter and actually trafficking as a made burgess.

24. It., that none be put upon leet to be a Magistrate without he has been two years a Councillor, and actually trafficking and residing within burgh.

25. It., that none be put upon leet to be chosen Provost or Dean of Guild without he has been a year a bailie.

26. It., that none be leeted, chosen, or admitted as provost, bailie, or Dean of Guild without he actually reside and traffic within burgh.

27. It., that no clerk be chosen within burgh but he which actually resides and gives bond and surety for his fidelity, and the said bond lie amongst the town's evidents, and that he be obliged to keep such books and registers as are or shall be delivered to him without blots or blanks in year and day, and that he keep a minute book.

28. It., that this present Magistrates, Dean of Guild and Council approve of, allow and corroborate, all the markets made by their predecessors until the same be revised and corrected, unless what has been unwarrantably done without the public consent of the Magistrates then in office.

29. It., that the month before elected yearly all books and accounts be called in and cleared, sustained and subscribed, to be ready to be delivered to the succeeding officiants when elected.

30. It., that no heritor, by servitors or tacksmen, of any tenements within burgh shall build or repair the houses of the old streets or enlarge the same until the Magistrates or Dean of Guild be advertised thereof, that so his Majesty's high street, loan, or other free passages be not encroached upon.

31. It., that all inhabitants within burgh, that any mechanic work be wrought, that they employ none except those who are mechanic free workmen within burgh.

32. It., that no heritor set houses to incomers without the Magistrates' special consent.†

* The charges were not fixed. They varied according to the ability to pay.

† Favoured by J. W. Cursiter, Esq.

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M. HEDDLE.

CHAPTER IX.

The Streets—Shore and Ramparts.

KING JAMES the Third's Charter represents the town as consisting of two parts, the Burgh and Laverock. These were divided by the narrow vennel, in the middle of Broad Street, which bounded the property of the Earl on the south and that of the Church on the north. But the Records of Sasine, dating from 1682, make a threefold division :—the Burgh, from the Shore to the Bridge ; the Midtown, from the Bridge upward till it includes the houses surrounding the old Palace garden ; and the Laverock, up to the new Scapa Road.

In 1677, eighty-three persons in Kirkwall held burgess tickets, and were all engaged in business. There were ninety-four ratepayers, and the rating value of the town was £2393* Scots on a gross rental of £3190. On an assessment of two shillings per pound in the above year, the largest ratepayer was Arthur Buchanan of Sound, £14 14s, followed by Arthur Baikie, over £11 ; Margaret Grott, widow of Patrick Prince, £10 ; and Robert Richan, £9. Then there is a drop to six pounds paid by two householders ; three paid £5 ; four paid £4 ; eight paid £3 ; sixteen paid £2 ; thirty-one paid £1 ; and the rest paid in shillings.

In the earliest valuation rolls the houses of the wealthier burgesses are generally described as being "under sclait ruiff," but the greater number were "under thack ruiff," while many are described as "partly ruinous," and some as "ruinous, without ruiff." The larger dwellings had offices at the back, such as kitchen, brew-house, and byre, which were always thatched, and every habitation required its kail-yard and peat brae. These open spaces secured the ventilation that saved the undrained, unscavengered streets and closes from endemic disease.

The Burgh, the oldest part of the town, occupies the site of the ancient Pictish hamlet.

The Shore was the gateway to the town, and in the viking days it saw some rude entrances. In autumn, when the galleys returned from their yearly cruise, wild scenes were witnessed. As soon as the keels touched the strand, discipline yielded to nature, and the men, so long cribbed, cabined, and confined, broke loose and spread themselves all through the hamlet. Mothers, wives, and sweethearts had their first attention ; then came the inevitable carousal. Longfellow† gives two life-like pictures, afloat and ashore :—

> "In the forehold, Biorn and Borck
> Watched the sailors at their work—
> Heavens ! how they swore.
> Thirty men they each commanded,
> Iron-sinewed, horny-handed,
> Shoulders broad and chests expanded,
> Tugging at the oar."

* £199 8s 4d stg. † Saga of King Olaf.

" When they landed from the fleet,
How they roared along the street,
Boisterous as the gale.
How they laughed and stamped and pounded,
Till the tavern roof resounded,
And the host looked on astounded,
As they drank the ale."

Shore Street was bounded on the east by Weyland, or rather by a lane which ran inland between the Burgh and that farm, giving Pabdale access to the beach. At the corner of this lane, on the site now occupied by the North of Scotland Company's cattle sheds, stood, in 1677, a house belonging to Robert Nicolson, glazier, which was let out to a number of tenants. Since then this site has had several owners, and at least one odd transfer. In 1827, Janet Flett sold it to William Balfour, Esq. of Elwick, for an annuity of £5 stg., and in this case the annuitant had not the best of the bargain.

The double tenement west of Nicolson's house, now belonging to Messrs Flett & Sons, merchants, was owned and occupied by the Rev. James Douglas. It was "of old called Scollay's Land," having belonged to the Scollays of Tofts. When Barbara, daughter of James Scollay, married Mr Douglas, this house was part of her tochergood.

The manse adjoined the Bishop's Palace, but the minister had let it to Governor Watson, Cromwell's representative in Orkney, who paid Mr Douglas a yearly rent of £48 Scots.

Mr Douglas had a somewhat chequered career. He was the son of Archibald Douglas, minister of Glenbervie,* and had the parish of Douglas before coming to Kirkwall in 1648. In 1650, along with the rest of the Orkney ministers, he was deposed by the General Assembly for subscribing an address to the chivalrous Marquis of Montrose. In 1659 the sentence was taken off, and he was settled in Lady Parish, Sanday.† A pension of "fifty merks allowed by Parliament, 21st June 1661, on account of his sufferings and losses," rewarded his loyalty ; and his re-translation to Kirkwall the same year restored him and his wife to "Scollay's Land" on the Shore.

Mr Douglas died 27th August 1678, and was buried in the Cathedral.‡

After the death of Mr Douglas, this property reverted to the Scollays.

On end with "Scollay's Land," southward, were two houses belonging to William Davidson, writer, Commissary Depute.

Davidson lived in Albert Street, and, judged by his church-going—the recognised test in Kirkwall—was a good man. In July 1678, the Lord Bishop and Session grant "for himself, bedfellow, and family," the front seat under the Magistrates' loft, charging for it a yearly rent of £4 Scots.

Like many another good man, he sometimes lost command of his temper, and suffered accordingly. "Wm. Davidson, writer, was put to the Tolbooth of Kirkwall for not finding caution to underli the law for ryving a discharge of ye superior dewtie granted by Capt. Andrew Dick to Margaret Scollay, relict of Wm. Douglas of Midgarth, anent her different lands in Stronsay."§

Davidson left Kirkwall in 1687 under circumstances suggestive of flight. On the second of January 1688, George Traill of Quendale applied for "the seat under the Magistrates' Loft now vacant through Wm. Davidson's away going."‖

He was evidently in such haste that he had not time to dispose of his property, and these houses were seized by Robert Scollay, merchant, on the ground that he was heir to the man who sold the houses to Davidson.

But "by stat. 1663, c. 6, the provost and bailies of royal burghs have power to value and

* Craven's Hist. Ch. in Orkney, p. 69. † Fasti. ‡ T. B. § T. B., 15th July 1678. ‖ S. R.

sell ruinous houses when the proprietors refuse to rebuild or repair them," * and the Magistrates, stretching this statute to its utmost limit, ousted Scollay and took possession of Davidson's houses.

Next to Scollay's land, westward, was the tenement "of old called Cant's Land."

Cant is an old name in Kirkwall, though it never was common. In "My Lord Sinclairis Rentale that deit at Flowdin," David Cant appears as one of four burgesses witnessing James Craigie's lease of the island of Wyre, 1504. John Cant appears as cautioner in a money transaction for Magnus Tait, 10th April 1617.†

In 1671 this house was owned and occupied by Margaret and Isobel Cant. With a change of ownership, the north part of Cant's land came to be known as Kirkness' land.

On 27th April 1799, Alexander Stewart, merchant, bought that "tenement under thatch roof, being the southermost part of the land called Cant's Land."

On end with Cant's land, southward, was Sandison's land. This house was built by John Sandison, weaver, from whom it passed to his son Walter. Christian Fea, widow of Walter Sandison, married John Irvine, smith, and died 1670. Irvine thought to have retained quiet possession of the house, but the Magistrates interposed. "Seeing yr is no laughfull air appearing aither after John or Walter Sandisons' instructing or producing ane reall right to the said house or tenement, therefore the saids provost and bailyies, as thir incumbencie and dewtie alloweth thame, quher such lands or tenements are within thir precinct, not haveing laughful air or successor to enter pntlie or imediatlie after the decease of the former heritor, to be careful in securing the samen to any quha shall happin to appear as air or successor to the real heretor thereof."

In point of fact, the Burgh remained in possession of Sandison's land and the adjoining Davidson's houses until the present century, when these properties were sold by the Town Council to Mr David Drever.

Still westward, on a site which had previously belonged to Sinclair of Clumlie, was the "Great Lodging" of the Rendalls of Breck. This commodious family mansion stood on the east side of Long Close. Between the "Great Lodging" and the sea was a smaller house, "without a yard," which in 1677 belonged to Provost Arthur Baikie.

The Sheriff Court books show that there have long been Rendalls in Rendall, and for many years this family took a very active part, as councillors and bailies, in conducting the municipal business of Kirkwall.

Mitchell Rendall, the first of the family who can be traced as connected with this house, and who probably built it, brought home his newly wedded wife, Margaret Moncrieff, relict of Edward Elphingston, skipper, 2nd August 1686, and here their eldest son, William, was born, 14th October same year.

Above the Rendall's "Great Lodging," and forming the north-west corner of the Thwart Close, was the house of Edward Scollay, skipper, and his wife, Marjorie Rendall, daughter of the next-door neighbour, the Laird of Breck. After the death of Marjorie Rendall, Scollay married Mary Baikie, relict of John Smith, merchant, and granted her life-rent of this house; and so it happened that, two hundred years ago, the Thwart Close was known as Mary Baikie's Close.

In the life of Edward Scollay, two mishaps are recorded. "Oct. 9th, Thursday morning, about two or three, there was a great stress of wind, whereby the ship whereof Ed. Scollay is skipper drave with her anchors in Papa Stronsay on the shore." In December of the same year, in a severe northerly gale, "Patrick Fea's ship and Edward Scollay's, lying in the track of the Oyce, they were both blown very near to Pickaquoy." ‡

* Bell's Dict. and Digest, under Burgh, Royal. † Sheriff Court books. ‡ T. B.

On the shore, west from Provost Baikie's small house, and forming the north-west corner of the Long Close, stood a "double tenement of land" belonging to Captain Buchanan of Rusland. Still westward, two houses retain old names—the Butter Storehouse and the "house called Tounigar." The former of these, as the name implies, was the depôt for the butter *skatt* paid as superior duty by the owners of land within the earldom. Orkney butter, two hundred and fifty years ago, was not famous for its excellence, and *skatt* butter was simply sold as grease. Take a description of it by one of Cromwell's garrison :—

"Have you ever been
Downe in a Tanner's yard, and have you seene
His lime-pits, when the filthy muck and haire
Of twenty hides is washed and scrapt off there?
'Tis Orknay milk in colour, thicknesse, smell,
Every ingredient, and itt eates as well.
Take from the bottom up an handful on't,
And that's good Orknay butter, fie upon't."

It afterwards became one of the grievances of the *skatt*-payers that, while their ancestors sent in stuff somewhat like that described above, they had to pay, weight for weight, in good butter.

Tounigar, containing within it the ideas *town* and *guard*, may perhaps occupy the site of the first Tolbooth of the burgh. The history of the house, as far as ownership is concerned, can be traced back into the sixteenth century, but the origin of the name seems to be beyond reach. In 1665 it was sold by Douglas of Spynie to Mitchell Rendall of Breck, and the sasine shows that it had been "aired be Nicoll Hardie, cordonr., Edinr., efter the decease of Thomas Hardie, his father, and Catherine Dundas, his mother, and was conqueist be them from umql Pat. Sinclair and Marion Flett, his spouse, who acquired the same from certaine brethren and sisters of the Cursetters." *

Behind the Butter Storehouse and Tounigar stood the house "of old called Gockhall," which, in 1677, belonged to Thomas Dishington, precentor. A hundred years earlier it had belonged to John Dishington, Sheriff of Orkney and Zetland. There is no record of the family which "of old" built or first occupied this house. They and their dwelling may or may not have called forth the old rhyme—

"Befa', befa', whate'er befa',
They'll aye be gowks in yonder ha'."

Gockhall had attached to it a large yard, which came into the possession of the late Samuel Laing, Esq. From him the western portion was bought by John Heddle, who sold it to Captain Thomas Heddle, grain merchant.

West from the yard of Gockhall was a house which had belonged to John Pottinger, skipper and chief owner of the "bark Sampsone." In September 1637, Pottinger, along with Thomas Drever, became cautioners that William Paplay of Neirhouse "shall not molest ane noble and potent Lord John, Earle of Carrick." In 1677 this house belonged to William Buchanan of Rusland.

Next to this, and now forming part of the Queen's Hotel, was the house of "Jonet Cursetter, relict of umql Thomas Johnstoun, sailler."

These two tenements had for the southern boundary the "gallerie yairds." The house of old called the Gallery is represented by the house of the Traills of Woodwick, now the property of Mr Robert Garden, merchant ; so that Jonet Cursetter's ground, reaching back to the north wall of the Gallery, left very small kail-yards for the houses on the east side of Bridge Street.

* Sheriff Court books.

The Queen's Hotel has long been an inn. In 1803 it was occupied by Robert Sinclair, vintner, who borrowed from George Shearer, tacksman of Rothiesholm, £120 on a bond over this property. In 1824 it fell into Shearer's hands, and it was bought from him by Benjamin Hewison, in whose family it still remains.

The three tenements at the west end of Shore Street are built on the peat brae of Traill of Sabay, whose house was at the corner of Harbour Street. This space remained vacant till about 1820, when George Omond, merchant, put up the place afterwards known as Kelday's Tavern.

At the foot of what is now Bridge Street, the Shore met the Aire—the long spit of shingly beach which shut off the Oyce from the open waters of the bay.

The sea front of what is now Harbour Street was anciently known as the Ramparts, and the name gives the history. Here fortifications were constructed for the defence of the burgh against "the common enemy." As to the structure of these bulwarks we are not left in ignorance, and the provision for maintaining them is frequently referred to in the burgh records.

In 1703, when the Duke of Marlborough was busy with the French in the Low Countries, the Town Council were also busy in their preparations to resist foreign invasion. The Provost, David Traill, was living out at Sabay when, on an alarm, he was summoned to town. George Spence, town treasurer, enters :—"Item to Hairie Delday's sonne for goeing to Sabay and Grahamshall with two letters for getting carriadges to the guns, 6s."

The Provost came to town, and immediately took action.

"The Magistrates and Counsill present, taking to their consideratione that the rampart or bulwark at the shoar of Kirkwall is almost ruinous, and that the great guns or Cannons lying there thir Carriadges are old, rotten, and useless, and that fitt and necessar it is that the said rampart or bulwark, with the great guns and thir cariadges, be repaired and looked to, so as that this Brugh may be in a better posture of defence against the comon enemie in caice of invasion: Therefore the saids Magistrates and Counsill present finds it convenient, and statuts, enacts, and appoynts that this efternoone the said rampart or bulwark, and the saids great guns with thir Cariadges, be viewed and inspected as to what conditione they ar for the present, to the effect speidie and tymous course may be taken for repareing of the rampart or bulwark, and for repareing of the cariadges of the great guns both att the shoar and Mount, and for that effect appoynts the Magistratts and Counsill present to attend this efternoone with two wrights for viewing the said rampart, guns and cariadges, and that the Stewart depute of Orkney be supplicat presentlie for his giving ordour to the tennents withn the parish of St. Olla and the nixt adjecent paroches for giving thir assistance for cutting and carrieing feall and divott to the said rampart and bulwark for repareing thereof, conforme to use and wount.

"12th June 1703. (Signed) DAVID TRAILL."

After St. Ola, the neighbouring parishes were called upon to do their share :—

"Paid to Joseph Jack, officer, for going through the parish of Firth with the Stewart depute's ordour for Inbringing the parishioners there with spaids, shovells, and horses to repare the rampart, 14s 6d."

"Item to Joseph Jack when he went to Holme to bring in that paroch with horses to help the rampart, 8s."

"Item to the pyners, officers, and others that helped to bigg and level the ramper the day the Holme people carried the feale, to buy 6 pynts aille, 12s."

"Item paid for 8 pynts aille to the pyners, officers, and wrights at dismounting the great guns at the ramparts, 12s."

"Item given for a pynt of aille to Thomas Foubister and John Sabiston, wrights, when they were appointed to view the timber for the carriadges, 2s."

"Item to John Nisbet, Dean of Guild, for two pieces of oak to be Tumblers to the great guns, and for a piece of oak to be ane axeltrie, £13 6s 8d."

"Item paid to John Nisbet, Dean of Guild, for a piece of oak to be a Cariadge to the great gun at the Mount, 16s."

Anything that could be made useful in the defence of the good town the Magistrates regarded, not as public property perhaps, but as at the service of the Council, its owner receiving for it market value. Francis Halcro, dyer, had in his possession a piece of oak, "lyeing besyde him useless," which he would not sell. The oak was seized, and Halcro, along with a reprimand, got the price put upon it by two wrights sworn to do justly.

The Magistrates were often badly off for ammunition, and we find many applications to persons of influence to get supplies from Government.

The price of gunpowder in Kirkwall in 1672 was 2s sterling per pound. In July of that year, Wm. Laughton sold to Bailies Thomas Wilson, Patrick Traill, and David Moncrieff, probably for the use of the guard at the approaching market, 4 lbs. of "pouther," which came to £4 16s Scots.

For the defence of the Burgh, in addition to the great guns at the Rampart and the gun at the Mount, small arms were freely distributed among the townsmen, and in time of war a special tax was imposed "by consent of the indwellers, which stent is to be employed for buying ammunition and other necessary charges for defending this town against the comon enemie." In 1666, when the Dutch were the "comon enemie," the order was issued :— "Therefore, this is ordaining all within the town to make reddie payt. of thir proportions to Patrick Traill and John Kaa, collectors above the Castel, and to John Caldell and Thomas Dishington, collectors appoynted below the Castell." The stent was collected and the powder was bought.

"On ye 11 of May 66, the ball. of pouder yt was received from peitter winchister was weighed ; neat weight of pouder, seventie-two pound half-pound ; qlk pouder and weight was taken out and weighed at the sight of Harie Erbry, Thomas bakie, and Arthur bakie, and qlk we doe Heirby attest, dait and place forsd." Then follow the three signatures and :—"Ye half ball. or emptie cask, qlk we had wt. ye pouder, wyed 13p. 14oz. just."

Patrick Traill got it in charge, and accounts for it thus :—

"Charge of puther bought and recead wt. ye money yt belonged to the inhabitants of Kirkwall since May 66. It., at ye sight of harie Erborey and tho. baikie, ye said day, viz., ye 11 March 66, yr was delyt. me, from peitter Winchister, ane half ball. of pouther, wyed just 72 punds ; also, on the 10 of Aprill yrafter, I bought and recead 38 punds weight of pouther, 110p.

Disch. on the day of May 66, two guns fired...	004p ½p
Also on the 29 of May,* 3 guns fyred, spent	006p
also yrafter, ye nixt month, at severall tymes, uthr 3 guns fired, qlk spent uthr 6 pund	006p
also, on ye 2 of August 66, delyt. tho. dishingtone, pr. order, to keep ye gaurd, 4p pouther	004p
also, on ye 11 of August, yr was fyred two guns	004p
being qn peitter winchister's frigate came in.	
qrafter ded. to pat. craigie for his companie	006p
at first 4p., yrafter 2p.	
delyt. to James baikie's company, 4p	004p
to tho. wilson's company, 4p	4p
	038p
Yrafter sent to the Mount ane half firkin of pouther, containand about 20 or 22p weight	022p
qlk was not spent	060p
Sua remains to compt for to make up the above wreatten charge, 50p pouther	50p

but I have at psnt. remaining upwards of 60p pouther, because I preserved carthages of pouther that belonged to peitter winchister."

In 1703 the muskets distributed among the townspeople belonged to the Earl of Morton, and were got from him on a petition being sent requesting the use of them :—

* King's birthday.

"For the Right Honorabill the Earle of Mortoune, etc., the humble desyre of the Inhabitants of the toune of Kirkwall unto your Lo/,

"Humblie Sheweth,—It is not unknowine unto yor Lo/ the great dainger that we have beene at this many yeires bygone by pirosie, as also our great sufferings by taiking our ships by sea by the comoune enemie, and plundering your Lo/ Houses, Islands, and Lands, quhairein we ar concerned of our haill stocks, stuff, and furniture, appropriating it to the comoune enemie the samyn at thair disposal, to our great damage and Loss, qch rendares us now not aible to serve his Ma'tie nor defend our selves as then we war, etc.

"Thairfore we humblie Begg that yor Lo/ wold be graciouslie pleased to suffer yor depute heire and give power to him to deteine in his keeping, for the defence of his Ma'tie, the countrey, and this poore toune qrin we are present inhabitants, the small guns that yor Lo/ left within the samyne toune, qrby we may be ay the more aible to serve his Ma'tie and to defend our selves, etc."

Following upon this we have "Ane list of the Inhabitants within the Brugh of Kirkwall who are presently to receave from Mr Henry Leggat, Stewart and Justitiar Deput of Orkney, the muskets or small arms aftermentioned, which armes are presently in the custodie of the said Mr Leggat, to be keeped by the saids Inhabitants, and to be cleared and dressed by them, and accordingly restored back to the said Stewart deput when requyred."

Sixty-three were given out, seven persons receiving two, one presumably for a grown-up son or a man-servant. One of those who received two was Alexander Fraser, gunsmith.

And this defence of the town was not ineffective, for at least on one occasion the guns of the Rampart and Mount put to flight one of the ships of the "common enemy" which had put into the bay for hostile purposes. "In his* time, warrs being betwixt our King and the Hollanders, a Hollands Privateer came and assaulted the town of Kirkwall: shooting many Guns at it; but, by the providence of God, none was killed or hurt, though, by the Guns from the Town and Mount, the ship of the Enemie was much damnified and had several of their men slain." †

Thoughtless people were not sufficiently careful of the Burgh bulwark. It was recommended to the Magistrates "to take notice of such as carrie off muck from the town, espeacially from the Rampart, which exceedingly weakens the same." ‡

The first house on the Rampart was built by Sir David Sinclair of Swinbrucht, son of William, Earl of Orkney, and brother of Henry, Lord Sinclair, who got a lease of the earldom in 1501. It was in the middle of what is now Harbour Street, and it dates from the latter half of the fifteenth century. When Sir David was in Orkney, this was his town house. In the sasines it is entered as "of old called the Inns." §

"The Testament of Sir David Sincler of Swynbrucht. In the name of God, Amen, be it kend til al men and be knawin yat I, David Sincler of Swynbrucht, knyt, seik in my bodye, nevir ye less hail into my mynde, maks my testament in manr. and form as efter followis:—Item in ye fyrst, I leif and commendis my saule to God Almychtie, in quhaiis protection and defenss I do cal ye blyssit virgen Mare and al ye sancts in hevin. Item, I leif my bodye to be erdit in Sanct Magnus Kyrk of Tyngwell. Item, to protec and defend my Testament, I chuse and order descreit men, yt is to say, Richard Lesk and Thorrold of Brucht veray executors of this testament, the qlks sal dispone my geir, bayth wrettin and ounvrettin, as yai vil answer befor God. Item, I leif nathing to my Lorde Sincler bot ye of Zetland for this year pnt., to the qlk Lorde I geive and leiffe all ye lands yat I poscessit after my fadir deide, in Zetland, and my best silver stope, wyt twelfe stoppis incluseit in ye same, wt my schipe callit ye calvill, wt hir ptinents and twa saddelis. Item, I leife to my Ladye Sincler my myd stope of silver, wt twelft stoppis incluseit in ye samen. Item, I leife to ye sone and aire of Henry, Lord Sincler, my best silver stope, wt sex stoppis incluseit in ye samen, and wt all the moveabill bests yt are contenit in ye lands aftir assignit to my Lord his fadir. Item, I leife to my Bruder, Sir Wm. Sincler, Erle of Cathtness, my Innes in Edinbrucht wt ye pertinents. Item, I leife to Sir Willliam Sincler, ye knycht, my Doublet of clotht of gold and my gray satin gownde, wt thre ostreche feddirs. Item, I leife to Ollave ortsone my blak gownde of dames wt silver buttones. Item, I give

* Bishop Honyman's. † Wallace. ‡ C. R., 5th May 1724.

§ English county families were content to call their town house their "Inn," as Lincoln's Inn, Grey's Inn; but Scottish lairds made the most of small things, and dubbed theirs "Inns."

and leife to Gertrude my gret silver belt and ane pece of clotht of gold ye lyntht of ane flanders ellin. I leif to Wm. Flete and his Bruder, Christe Flete, my littill schipe, wt al geir, and al my lands in Orknay, wt *my Inns* in *Kirkwall*, etc."

Among other bequests, he leaves to James Sinclair, "Capitaine for ye tyme in Dingvill," all his moveable property in Ross, "excep my red cote of welwote, ye qlk I leife to ye hie altar of ye Cathedral Kyrk of Orknay."

He leaves to each of his sons one hundred merks land, and each of his daughters fifty.

His executors are well left. Thorrold gets Glaitness, Lingrow, Pabdale, and Brucht; Richard Lesk gets twenty merks land and "my Inglis schipe wt al geir." There must have been something unusual about the purchase of that ship, for one item is—"xv. merks I ordaine to be paiet to ye Inglisman yat saulde me ye schipe."

"Item, I leife to Magnus Sincler my blew doublet, ye breist set wt preciouss standis; and my hude, set wt precious standis; and my golden chenye, ye qlk I weirr dailly."

He leaves a chalice to St. Magnus in Dingwall.

"Item, I give and leife to my sister dwelland in Orknay all my guds yat are in Pappay and Housbe."

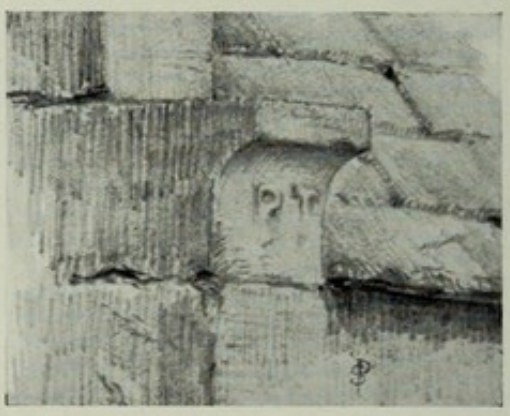
"Item, I lefe to Sr. Magnus Halcrowe, twa nobills and ye boke of gude maidess."

"Item, I give to St. George's alter in Rosskryill* my golden chenye, ye qlk is callit ane collar, ye qlk chenye ye Kying of Denmark gave me."

He leaves all his "brutal bests that is in Oxvoe" to his nephew, "Henre Sincler."

"Item, I leife ye fructs of my lands of this yeir's cropt to ye puir folks."

There are many other bequests, both of money and goods, showing great wealth; and the will concludes:—"Giffin at Tyngwell, ye yeir of God MD. and sex yeiris, ye aucht day of ye visitation of our Ladye."



Putt Stone at back of St Ola Hotel.

Sir David Sinclair's Inns was a large mansion, and, next to the Castle and Palace, must have been the most important house in the town.

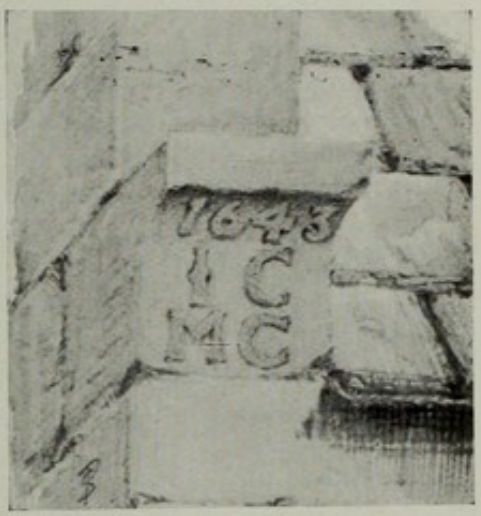
From 1506, when by bequest it became the property of William and Christopher Flett, we know nothing of the Inns for more than one hundred years. It was too large for any ordinary family, so it was divided into two parts, each being enough for the requirements of a wealthy burgess.

Some of the occupants of the Inns have been leading men in the town. On a putt stone at the back of the St. Ola Hotel are the initials P.T., with the date 1639. In his will, Alexander Taylor, 1629, refers to his brother Peter as owner of the house called the Inns, and Peter Taylor must have rebuilt or repaired the eastern portion of the old mansion.

Meantime, three generations of the Grotts of Odness—Nicol, William, and Hew—had owned the other half, when, in 1647, the last-named sold it to John Cuthbert and Margaret Chalmers, his spouse. Cuthbert put up a new house on the site, and for his western boundary he had the Girnell "newly built." A putt stone from this tenement, inscribed "I.C., M.C., 1643"—John Cuthbert, Margaret Chalmers—is preserved in the house now called the Store-house, but where the latter stands there was, in Cuthbert's time, a passage between his dwelling and the Girnell-house.

* Roskilde.

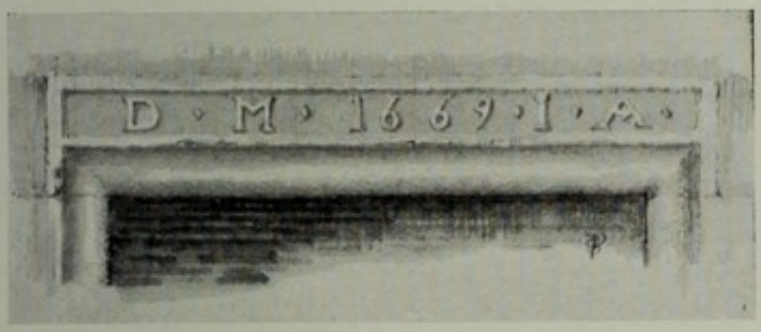
Of John Cuthbert we know a good deal, and we can surmise more. He was Girnell-keeper to Sir William Dick of Braid. He was probably the father-in-law of the Rev. Mr Wallace, and he certainly was much respected in the church. He got from the Session a seat in the stalls for "himself and bed-fellow, their heirs and successors." His monument is in the north nave aisle.



Putt Stone preserved in Storehouse.

A carved lintel stone over a doorway at the back of the Inns is inscribed "D.M. 1669. I.A." The persons indicated here are David Moncrieff, skipper, and Isobel Anderson, his wife, widow of Patrick Smith of Braco. Having made a competency and retired from the sea, Moncrieff was successively Councillor, Bailie, and Dean-of-Guild. The Orkney Moncrieffs were a branch of the Perthshire family, Moncrieff of Moncrieff.

The Bailie had a brother, Harry, also a Kirkwall skipper, and on a failure in the direct line of the Perthshire Moncrieffs, Harry's son, Thomas, succeeded to the baronetcy. The former Sir Thomas seems to have at one time intended to mark his connection with Kirkwall by doing something for the church. At a meeting of Session, 6th Sept. 1710,* "Mr Baikie reported that the Lady Moncrief, elder, had told him that her husband, Sir Thomas Moncrief of that ilk, had mortified 500 merks to the Kirk of Kirkwall, and that the said Sir Thomas, being present, confirmed it and desired to cause speak to his nephew thereanent. The Session appoints a letter to be written to Moncrief, yor., and appoints to write to Nicol Spence, agent for the Church, to inform himself anent the nature of that mortification, and to take care that it be made effectual."



Lintel Stone over a Doorway at the back of the Inns.

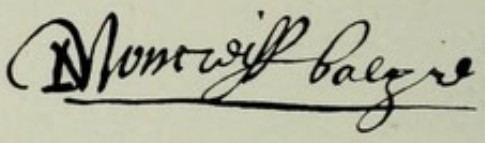
Apparently, however, it had not been made effectual, for, nearly five years later,† "the Session, considering that Sir Thomas Moncrief, who mortified some (money?) to this church, as we are informed, is now departed this life, Therefore appoints a letter to be written to his heir, this present Laird of Moncrief, to know what it is, and if it so be to receive it, and appoints to speak to his brother, Harie Moncrief of Rapness, that he may please to write alongst to his said brother in favours of this Session." In a week there was a reply from Rapness that he would forward the letter "under his own cover"; and there the matter ends. There is no trace of the money ever having been received by the church.

Bailie Moncrieff of the Inns was a member of the Orkney Golf Club. James Dickson, writing from Kirkwall, 1685, says:—"Ye will remember to bring with you one dozen of common golf ballis to me and David Moncrieff."‡ The Ba'lea seems at that time to have been the home green of the Kirkwall players:—"Gentlemen of Kirkwall have been in the use of diverting themselves, when they thought proper, on a piece of ground called the

* S. R. † S. R., 13th April 1715.
‡ "Golf," by Horace G. Hutchison, Badminton Series, p. 15.

Balley of Kirkwall, adjacent to the lands of South Pabdale, at the golf or other diversions."* But for a week's outing, the Kirkwall players resorted to Sanday, and had their foursomes over the plain of Fidge. Their yearly festival was held on the sixteenth of April, St. Magnus Day. As there were then no hotels in Sanday, the annual dinner of the club would take the circuit of Stove and Elsness, Newark and Lopness, and round the hospitable board of Fea or Traill, Stewart or Elphingston, the members would fight their battles over again as long as they could see each other.† There were many of his name in Kirkwall in David Moncrieff's time—Anna, wife of Harie Erburie, merchant, Broad Street; Jean, wife of Andrew Young of Castleyards; Margaret, who married Edward Elphingston, skipper, and afterwards Mitchel Rendall of Breck; Thomas, merchant, Kirkwall; and William, student of Divinity.

David's only daughter, Barbara, married Alexander Hunter of Nearhouse, and went south with her husband.‡



After Bailie Moncrieff's death, 13th Jan. 1691, his house passed into the hands of Alexr. Dalmahoy, Collector of Customs.

In taking down a house in 1891 for the erection of the Orkney Club, a lintel above a fireplace was found with the initials, "H.N., A.T., 1760."§ These refer to Harry Nisbet, who married Anna Traill, daughter of George Traill of Holland, 1751. Harry was for a time keeper of the Girnell, in succession to his father, John Nisbet.

In the account of the pundlar process, a high tribute is paid to the memory of John Nisbet as a just man. He was the first Girnell-man who dispensed with the old weighing instruments and bought and sold by beam and scale.

Harry's son, William, desired to go to Jamaica, and on the security of this house he borrowed from James Stewart, merchant in Kirkwall, a sum of £100 stg. Under this bond Nisbet sold his house to "John Scollay, of Kingston, in the County of Surry and Island of Jamaica."

In the Scollay titles, 1788, the southern boundary is given as the Little Sea, perhaps the first time the Oyce is so named in a legal document.

In 1810, Peter Scollay, weaver, Kirkwall, succeeded his elder brother in this property, and still the Peerie Sea was its southern boundary.

The eastern part of the Inns, as we have seen, belonged in 1629 to Peter Taylor, and it remained in possession of this family for a considerable time. In 1695, James Baikie of Tankerness had it, and sold it to Marjorie Halcro. At that date it is described as "being ane sclaite house, build and biggit upon ane pairt of the ground and Land of old called the Inns."

Marjory Halcro, relict of George Spence of Overscapa, with her son, John, grant sasine to Thomas Linay, carpenter, of the "Tenement of Land and odal yaird and peit yaird belonging thereto," and it remained in possession of this family for over a hundred and twenty-five years. In 1695 the southern boundary was the Pottinger's yaird, "of old called the Cursetter's yaird." Down to the beginning of the present century, the whole of Harbour Street was

* Mackintosh's "Curious Incidents," p. 242, from Burgh Records, 1783.

† Golf on the Ba'lea had been long a thing of the past, and the reference to it on the occasion of the sale of Pabdale in 1783 was simply with a view to guard public rights. After having been extinct in Orkney probably since "the Forty-five," the game was revived in Kirkwall in 1884 by Angus Buchanan, Esq., of the National Bank. His enthusiasm attracted players, and his energy rendered golf possible by creating a course out of a piece of marshy ground lying conveniently near the town.

‡ T. B., 8th Sept. 1687.

§ The stone was so saturated with soot and smoke that it could not be again used for building purposes.

occupied by four tenements, two of them occupying the site of the Inns. But as time passed and population increased, the peat braes between the houses were built upon.

In 1895, the whole of "the Ground and Land of old called the Inns" was in the hands of one proprietrix, Mrs John Geddes, of hospitable fame, and the space contained an hotel, a steamboat-office, a club-house, and a dwelling-house.

The Ramparts terminated eastward in the Girnell. In John Cuthbert's titles, 1647, his western boundary is given as "the King's *New* house or Girnell,"* and here we have an approximation to the date of its erection. On the east end a dwelling-house was built about the beginning of the present century.

Nearly in front of the Girnell is the jetty known as the Corn-slip, a name which commemorates the time when the grain rents were landed here. For the proper handling of the corn, a kiln was erected on the west end of the Girnell.

In 1818, the Town Council "of new" ratified, approved, and confirmed John Traill Urquhart's right to the piece of waste ground lying at the west end of the shore of Kirkwall, "commencing at a point at a distance of 40 feet of rule from the covered way leading into the Kiln-hogy of the Girnel House belonging to Lord Dundas."

The Girnell was one of the most important institutions in the county. There were two, the Earl's or King's as the case might be, and the Bishop's. When rents and scatt were paid in kind, the Girnell was the receptacle for the oats, bere, meal, and malt that were annually brought in by the tenants. The oil and butter payments were, as has been seen, rendered at the Butter Storehouse. The keeper of the King's Girnell was Chamberlain of the Earldom, and the duties of his office were not light. He received the rents, and what he could not turn into money in Orkney he shipped and sold in southern markets. But bad years were of frequent recurrence, and these gave the Girnell-man much trouble. He could not see people starve while he had provisions; yet, in a place where money was scarce and the means of procuring it limited, bad debts, for which he was responsible, were numerous, and prosecutions were frequent and often fruitless. "Att Kirkwall, the Day of Apryll, One Thousand Seven Hundred and Thrie years, The quhilk day ffor sameikle as William Liddell, William Fea, and John Covingtrie, three of the present Baillies of the said Burgh, did, by their decreit of the date aftermentioned, Decerne and Ordaine the persons after exprest to make payment and satisfactione to Andrew Young of Castleyards, receiver of Her Ma'tie's rents of the Stewartrie of Orkney, of the soums of money underwritten as the pryces of malt and meall taken up be them out of her Ma'tie's Girnell crops, Jajvij.† and One years, ilk ane of them for their own parts in manner after devysed." Then follows a list of ten debtors, ranging in the Girnell books from £6 to £56, and representing a total of £264 3s 2d. To cover the costs, Mr Young got decree for "two shillings in ilk pound for expenses of plea."

The price of meal and malt paid into the Girnell was fixed in the Fiars' Court, but the price of what was given out depended upon the state of the markets, which might vary between the times of the paying in and the selling out. And in the dealings of private individuals this distinction required to be observed. In 1629 two burgesses bought a quantity of malt from James Baikie of Tankerness, who prosecuted for girnel price, when "The defenders, being deeplie and solemnlie sworn, They depone both of them that what malt they received was all taken out upon payment of the fiar pryce of the Countray, without ever mentioning the girnell pryce."

The Bishopric Girnell, which in the days of the later prelates was in the Palace, had experiences similar to that of the Earldom. "Forsameikle as it is humblie meant and showen To us Be William Young, Keeper of the girnell of the Bishopric of Orkney, that the persones

* Sheriff Court Books. † MDCC.

after named ar Justlie resting awing and adebted to the purs'r the particular sowmes of money underwritten, and that for malt taiken up be them out of the said girnall," and decree was granted.

The year 1699 seems to have been very severe upon the poorer inhabitants of Kirkwall, and we find the Town Council and the Kirk Session purchasing grain, for distribution, from Sir William Craigie of Gairsay, who then farmed the Crown rents. Sir William, on the 6th May, grants receipt of £300 Scots, and on the 12th June of the same year, his wife, in her husband's absence, acknowledges receipt of £199 15s Scots, to account "of ane quantitie of Bear and Meall received by saids Magistratts, minister, and Counsell of Kirkwall."

The year 1730 was a bad one in Orkney, and we find the Council taking a sum of £300 out of the charter chest to buy in a stock of meal for winter.

In 1731 times were still hard, and the Earl of Morton's Girnel-man had orders to sell meal to the inhabitants of Kirkwall at half a merk per boll below the fiars' prices. The years 1739, 1740, and 1741 were bad years in Orkney, and many died of want. In 1765, a "year of great famine," the Free Masons subscribed largely towards buying meal for the poor.

That corn riots were not unknown in times of scarcity, the following petition goes to prove :—

"10th February 1800.

"Unto the Honble. His Majesty's Justices of the Peace for the County of Orkney, the Humble Petition of the Deacons of the Four Incorporations of the Burgh of Kirkwall, for themselves, and in name and by desire of the respective Freemen and Members thereof,

"Most Respectfully Sheweth that at no time is the Interposition of Magistrates so necessary as during Public Scarcity.

"That at present there is a great dearth of Oat and Corn Meall in the Country, the little to be got advancing in the price and attended with difficulty in procuring it, whereby, if it is of any long continuance, our Trade and Manufactures will be ruined.

"Notwithstanding whereof, the Petitioners are very certain that vast quantities of Grain are now hoarded up and Monopolized in Orkney by different persons, which is Wicked in the time of Calamity, and is intended by them to be Shipped immediately to other parts beyond this jurisdiction for the gain of an additional price, thereby taking the Bread out of the mouths of their own Laborious Poor at Home and sending it to the Inhabitants of Another Country for filthy lucre, which is a sin.

"That the Petitioners are informed that the Legislature has vested your Honours with Authority on such an Emergency to prevent the Exportation of Victual beyond your own jurisdiction, or to provide remedy against Dearth.

"That the Petitioners are anxious to prevent any combinations or rising of the people on this occasion, and consider it to be their duty to Entreat and Beseech of your Honours, with all convenient speed, to take such measures for preventing the Exportation aforesaid, or for supplying the Necessity of the Poor, or otherwise as to your Wisdoms shall seem proper.

"And your Petitioners shall ever Pray.

(Signed) Oliver Scott.
James Cobban.
Lawrence Shanon.
James Fraser."

There is a tradition that on one occasion, when the Girnell-man was holding on for higher prices, George Eunson, Extraordinary Officer of Excise, headed a crowd, broke open the door of the Girnell-house, sold meal to those who could pay for it, placed the money where it would be found by the Girnell-man, secured the door, and came away.

In such times the exportation of grain from the county was prohibited, and the transportation of grain from one port to another was carefully watched.

"Forsameikle as be his Majestie's proclamation,* Intituled proclamatione Dischargeing export and allowing Import of victuall, Dated at Edinr. the nynth day of November last bypast, All kynds of victuall, either mealle, whyt, ryes, oats, pease, barley, or bear, malted or not malted, or any other graine or victuall whatsomever, Is most strictly prohibited and discharged to be exported furth of

* 19th April 1699.

this Kingdome by any persones whatsomever, either by Land or Sea, efter the date forsaid of the said proclamation, under the paines therein and eftermentioned, viz., the forfaulture of the victuall offered to be exported for the use of the poore of the bounds where the samen shall be attached and seased, or the value thereof where the same is proven to be exported, and Lykeways of the forefalture of the horse, shipe, boat, or other veshell whereby the same shall be attempted to be exported, and also of the value of ten pounds Scots money over and above for each boll that shall be found to be exported or offered to be exported, and proven or attached and saisd as said is, to be payed by the awner, skipper, or exporter; And that such as shall be found transgressing, and have not to pay the foresaid paine, shall be punished in their bodies by imprisonment, to be fedde with bread and watter or scourgeing at the discretione of the Judge."

The above is the opening and about a fifth part of the petition of "John Stewart of Burgh, in the Illeand of Sanday," for permission "to transport the quantitie of two hundreth and eightie bolls beare from the ylleand of Sanday, in Orkney, upon ane bark or veshell, to some port or ports within this Kingdome, to be sold for the use of His Majestie's subjects within the samen allenarlie."

The tenement at the east end of the Ramparts, bounded westward by the Inns, belonged, as far back as can be traced, to Patrick Smith of Braco, son-in-law of Bishop Graham. It afterwards came into possession of Patrick Traill of Elsness, who, in 1677, had upon that site "twa large double tenements under sclaitt roof, pntlie possest be himself, betwixt the king's hie street towards the *pier* and shoir on the north, the king's hie street on the east, &c."

Patrick Traill, skipper, is his familiar title before 1668, in which year he bought Elsness from John Grott. He married, 1654, Elspeth Pottinger. Traill had been for some time in partnership with his father-in-law, for in 1656 the two of them sold a ship "for their common interest."

A part of Patrick's journal,* still extant, shows that a good business man needs not be trammelled by conventional modes of spelling. On the 9th of January 1677, Traill engaged John Mitchell to quarry stones for the building of the House of Elsness, and enters the contract:—"I agredit wt John mechell to brak as may stones as will Bowld my houss at ellsnes, and I ame to geve hymes 18 lib.; geiven hym in hand 12 shelling in arnsest. He is to entor his wark the 6 of febuarie nixt."

"The 6 Apryll 1676, Shiptte aboard of the good fortton, of Kirkwall, Pat. Traill, mester, Item from the leday sound,† twentie barall of bowtter and twall barall of oyll," &c.

Besides the "Good Fortune," which he himself commanded, he had a half share of the sloop Elizabeth, under the charge of John Dishington.

Patrick Traill was a man of strong family affection. His note-book has many references to wife and children. Mrs Traill took advantage of her husband's foreign voyages to get some of her home-spun cloths dyed abroad. "17 Apryll 1676, I reseivit from my wyf 36 elles of whyt stouff to be dayed, and 4 elles of whyt stouff to be dayed skarlott." He never made a voyage without bringing nice presents home with him. "For ane night gowne and 3 night capess of selk, seven rix Dolleres; for 2 par showes to John, £2 12s; for 2 par to barbra,‡ 15s; for 1 hatt to John, £1 16s; for 1 pond tobaka, 8s; for 3 pond suger, £1 10s; for ane shieft to my wyf, £7; for ane par of gloves to my wyff, 12s; for ane par to my doughter, 8s; for ane houd to my wyff, £4 3s." "Remember to bring hom to hellen stewart§ 2 elles of grein say."

Like other wealthy men, he advanced money on mortgages. In 1688, Patrick Traill of Elsness obtained "decreit against Marjorie Halcro, relict of George Spence of Overscapa, to flitt therefrom that he may enter thereto."‖

He was a member of the Orkney Golf Club, and many a festive night the old House of Elsness witnessed when the jovial skipper and his guests returned from the plain of Fidge.

* Favoured by J. Barnett, Esq. † Margaret Buxtoun, widow of Arthur Buchanan of Sound.
‡ Married, 1686, James Fea of Clestrain. § Daughter-in-law. ‖ H. L.

He died, October 1690, and his tenement on the Ramparts passed to his second son, David.

In 1684, David Traill married Catherine Skene, widow of James Sinclair of Sabay, and became known as Traill of Sabay.

In 1690, he cleared away his father's "twa double tenements," and built one large house on their site. From its size, or from some peculiarity of style, it was regarded with disfavour by the townspeople. Thomas Brown records* :—"Monday, betwixt 11 and 12 of the day, there was a storm of wind at the north which beat in the new built house on the shore done at direction of David Traill, called his Folly, and whereof, with that stress, there was almost the whole north side of that house broke down."

Having got the Sabay estate, Traill naturally claimed the Sabay pew in the Cathedral—the St. Clair's loft, "on the right side of the pulpit"—but the claim was opposed by some of the numerous Sinclair clan, and was refused. He, however, got the Dick's loft, on the opposite side of the choir.

David Traill of Sabay was in Edinburgh, in 1714, with a purpose of marriage ; and Nicol Spence, agent for the Kirkwall Presbytery, certified, for the proclamation of the banns, that he was single, his wife having died seven years previously. The second Mrs Traill was Jean, daughter of Robert Bruce of Auchinlay, and she, poor lady, died at sea, between Orkney and Leith, 25th June 1722. Undeterred by two bereavements, he took to himself a third wife, Barbara, daughter of Robert Baikie of Tankerness. Like all the other Traills, Sabay took an active interest in municipal affairs, and was Provost of Kirkwall from 1712-1718. We learn incidentally that he enjoyed his pipe, as he writes to his "Cussine," William Traill, Dean-of-Guild, to send him "ane pound of good Tobacco, and an quarter pound white soap."

David Traill died at Leith, 1726, and a letter from a friend of the family records the fact that in sickness and in burial he had been "well seen to."

After David's death, the Sabay estates got into difficulties. Peter Blair, writer, Edinburgh, directs a letter to Patrick Traill of Sabay requesting payment of £40 stg., and asking for further instructions. Traill replies, stating that his affairs are at a crisis, and he unnerved and distressed.

In this connection, but whether as cause or effect of poor Sabay's distress, we notice a letter from Thomas Mackenzie, April 1736, to James Traill, yr. of Sabay. † Mackenzie purposed coming out with his brother on some business, but he is "afraid their coming out may prove an April errand if his (J. T.'s) father be not sober."

In 1767, John Baikie was appointed, by the Court of Session, factor on the estate of Sabay for Andrew Young of Castleyards and his lady, at whose instance, as creditors, the roup of the estate was proclaimed at the Mercat Cross, 25th September, by James Spence, writer.‡

In the following February, Sabay was purchased by Sir Lawrence Dundas, who engaged himself to allow Elizabeth Douglas, relict of Andrew Young, an annuity of 400 merks.

In 1769, Traill's Folly was sold by public roup in Edinburgh, and was knocked down to the bid of Samuel Mitchelson for William Groat, merchant, Kirkwall.

Nothing can better illustrate the advance in the value of house property in the Burgh than the history of this place. Groat paid £55 for Sabay's house ; his grandson sold it to Thomas Balfour of Elwick for £220. In 1802, the property, "partly ruinous or waste, lying at the shore of Kirkwall, commonly called Sabay's houses," was bought by David Drever, farmer, Newark, at the price of £375 ; and in 1888, Drever's heirs got from Mr Dunnet, the present proprietor, £1550 for the site.

As has been seen, the northern boundary of this tenement was, in 1677, "the king's hie

* 8th Dec. 1690. † H. L. papers. ‡ H. L., 27.

street, towards the pier and shore." This pier could only have been a boat landing ; the little trading vessels, of which at that time Kirkwall possessed a considerable fleet, could make no use of it. From recorded lawsuits, we learn something of the handling of cargo in those days.

In 1678, Edward Elphingston, as factor for Patrick Traill, merchant, shipped on board "the good shippe called the Howcare, of Kirkwall, Edward Maxwell, master, ane sufficient punchione or hogshead" of sack. It was packed in sand in the hold, but when it came to be hoisted up to be sent ashore, the sand round the cask was found to be wet. A hole had been pierced in the end of the cask and had not been properly plugged. Mr Traill was on the beach when his wine was landed, and having been told what had been observed on board the ship, he called a cooper and summoned one of the Bailies and the Dean-of-Guild as witnesses. John Knight gauged the cask, and found that it wanted eighteen pints of being full, whereupon proceedings were taken against Arthur Baikie, John Kaa, and others, owners of the vessel.

In their charter parties, the ancient mariners of Kirkwall sometimes got considerable licence as to the port of discharge.

Alexander Thomson, skipper and part owner of the "Bark Sampsone," chartered her for a voyage, 16th November 1624, her destination being "the Port in Norrowaye, wind and weather serving, where the vessell can lie at ane laidberrie."*

"William M'Kindlay, Master and part owner of the ship James, of Kirkwall, freights the said ship to James Laing, Mercht. in Eday."

The "James" was to lie in Calfsound "three work weather days for receiving on board her full loddening of Meall, Bere, or other Victual, and therewith first conveniency of wind and weather to sail to the ports of Arundall and Fleckry in Norway, and in each of these ports to ly 6 work weather days for unloadening the outwards cargo and reloadening with Oak Timber or other merchandise."

Some of Kirkwall's old time ships had rather odd names. In 1631, Francis Mudie of Melsetter paid Thomas Lindsay of Crail 1000 merks for the bark "Godsend."

"William Flett, skipper of the bark callit the flying heart," undertakes to bring from Staxigoe, in Caithness, 5000 slates for James Baikie of Tankerness, and to deliver them on the shore of Kirkwall for 40 merks, March 1634.

The "bark callit the gift of God," Magnus Flett, skipper, was chartered by John Linklater, merchant, to run a cargo to Leith from "the Port of Papa Sound or Linga, as the weather shall serve, reserving to the skipper to carry four bolls victual of his own, and all passengers having but their kists," February 1638.

David M'Lelland, who came to Kirkwall as "servitor to Mr John Dick," and afterwards became proprietor of Woodwick, bought one-third of "the bark callit the Lamb of God, for 176 rix dollars, at 58 shillings Scots money the piece," March 1637.

William Gordon, merchant, Kirkwall, chartered "the bark callit the blessing," Thomas Midhous, master, to load at Papa Sound, and go to any port in Scotland or Norway that he may fix, for £146 Scots, 20th January 1638.

On the 28th May 1633, Harie Henrysone chartered "the bark callit the James, of Kirkwall, to come to the most convenient port of North Ronaldsay and lie four wark wetherly dayes for the taking in of twentie chalder of beir." After that the "James" was to go to Papa Sound to be loaded up by Harie's brother, and thus freighted to proceed to Bergen and lie eight days to discharge. For this the brothers were to pay £210 Scots "within the space of fortie aucht houres efter the delyverie of the same loading."

Quite a considerable list of seventeenth century shipping might be made up—the "Robert," Cuthbert Wilson, skipper ; "Jonas," Edward Pottinger ; "Nicolas," John Pottinger ;

* A loudberrie is a rock, with one side perpendicular, forming a natural pier.

"Elizabeth," Patrick Traill; "David of Sabay," Patrick Traill, younger. Besides these there are references to many vessels, the names of which are not given.

On the 10th June 1690, "Tuesday morning, Patrick Fea's ship was chased ashore at the east side of Deerness, near to the house of Skeall yr, bi a ship alleged to belong to the French King, and great skeath sustained yrby to the passengers, especiallie bi James Morisone and others."*

Besides war risk and sea risk, there were other dangers attending the southern voyage. Mr John Watt, "practioner of physick," was in 1689 prevented from going south on account of "Pirates at sea." This made it necessary even for peaceful traders to carry arms. "The Three Brethren, of Kirkwall, lately built for William Traill, mercht.," was sold by him to Archibald Stewart of Brugh, † "with her haill tows, anchors, sails, masts, roes, oars, float-boat, compasses, glasses, and other furniture and appurtenances, with all moveables on board the said ship except two pieces of cannon," 19th August 1740.‡

The pier opposite Traill's Folly, poor as it was, served Kirkwall till the beginning of the present century, when a determined and successful effort was made to get proper wharfage accommodation for the local shipping. Subscriptions were asked, and Malcolm Laing headed the list with £100.§ The guineas poured in, and, with over £1800 in hand, the Trustees felt themselves entitled to proceed with the work.

The laying of the foundation stone, 11th April 1809, was a function of high Masonic ceremonial, and Major West, who commanded a party of soldiers in Kirkwall, was asked to line the street. The pier was finished in 1811 and formally opened, as is shown by a short minute in the Masonic books:—"Brethren to dine at brother Eunson's, first walking in procession to the new erected pier."

In 1812 the first harbour-master, Skipper John Laughton, was appointed at a salary of £25, and it was agreed that the office could be held only by a person of sea-going experience.

The West Pier was begun in 1813, the money being raised partly by feuing portions of what were known as Kirkwall Hill and the East Hill.

The lengthening of the pier, and indeed all the harbour works, have been carried out without Government aid. One result of this is a direct injustice on the part of the Treasury, which, on any appeal for a grant for local purposes, uses Kirkwall's spirit of self-help as an argument for tightening the purse-strings, while, on the other hand, it lavishes money on districts in Scotland and Ireland where the people are too indolent to use piers and boats built for them at the public expense.

The south wall of the harbour, or the face of the "Rampart," was built by private enterprise. The older inhabitants of Kirkwall remember woodyards and buildings along the sea front. On the 22nd of August 1812, William Traill, merchant, bought at public roup from the Town Council the frontage from the new pier to the "corn slip," with a width of twenty-four feet, "computed from a distance of twenty-two feet on an average from the front of the buildings"—the houses of Harbour Street. "The said William Traill is Bound and Obliged to have substantial outside walls built and raised next to the said Harbour, equal in height to the top of the New Pier, against the term of Lammas next to come in the year 1813."

* T. B. † S. R. ‡ Sheriff Court Books.
§ For a full list of subscribers see Mackintosh "Glimpses," p. 319.

CHAPTER X.

Bridge Street.

THAT part of the main thoroughfare of Kirkwall now known as Bridge Street was, with the Shore, the oldest part of the town.

On the west side of the street, the tenements were bounded by the Sands and Oyce. Counting southward from "Traill's Folly," at the corner, the neighbours were, in 1677, Craigie of Oversanday, Halcro of Crook, Mowat of Pow, Pottinger of Hobbister, Covingtrie of Newark, "the airis of John Baikie, skipper," and Craigie of Gairsay.

In 1698, Oversanday having removed to Broad Street, the Rev. George Spence, on his retirement or dismissal from the united parishes of Birsay and Harray, took Craigie's house in Bridge Street. He was a son of George Spence of Overscapa, and in the troubles that followed upon the disestablishment of Episcopacy, he became somewhat conspicuous.

He was ordained in 1682. "Mr George Spence, Student in Divinitie, was admitted to the function of the ministry by Murdoch, Bishop of Orkney, with the Reverend brethrene of the Presbitrie thereof, for the united kirks of Firth and Stanehouse."*

"He deserted the charge, and transported himself to Birsay, for a better stipend, about 1692"; "and entered (Intruder), 10th July. On being declared an intruder by the Committee of Visitation, and accused of immorality, neglect of ministerial duty, and partiality in discipline, he demitted, 14th June 1698, and lived privately till the Rebellion in 1715, when he proclaimed the Pretender; for doing this, and on other accusations, he was deposed, 11th Jan. 1717."†

He was a man of violent temper, and had to appear before the Presbytery charged with a very aggravated assault on John Nisbet, merchant, Birsay, an old man and a kind friend.

Though deposed, Mr Spence helped to keep the fragments of the Episcopal congregation in Kirkwall together till his death in 1720.

During the latter part of his life, his own means had become exhausted, and he drew upon a fund provided by the Scottish Episcopal Church to meet such cases. His wife, a daughter of George Ritchie, Chamberlain of Orkney, got £20 for her husband's funeral, and his annuity was continued to her.‡

Spence's neighbour southward, William Halcro of Crook, was a "son of Harie Halcro of Aikers. He bought Crook, in Rendall, from William Craigie of Gairsay, 1676."§

When Mr Spence was tried for rebellious practices, Halcro was one of the witnesses.

An arch still spans the entrance to the close which formed the passage to these two houses. In former times such arches were very common in Kirkwall, but they have, one by one, been removed, till now very few remain.

In the beginning of the present century, Halcro's house was the Ship Inn, kept by William Scollay. Here Sir Walter Scott dined on the 12th of August 1814.

* T. B., 7th June 1682. † Fasti. ‡ Craven. § H. L.

The party, which had come in the Lighthouse yacht, consisted of Robert Hamilton, Sheriff of Lanarkshire ; William Erskine, Sheriff of Orkney and Zetland ; Adam Duff, Sheriff of Forfarshire, Commissioners of Northern Lights. Of "non-Commissioners," besides Scott, were Mr David Marjoribanks, son of the Provost of Edinburgh ; and the Rev. Mr Turnbull, minister of Tingwall. "But the official chief of the expedition is Mr Stevenson, the Surveyor—Viceroy over the Commissioners—a most gentleman-like and modest man, and well known by his scientific skill."*

On the day above indicated, the four lawyers called on Mr Malcolm Laing at Pabdale, and afterwards visited the Castle, the Bishop's Palace, the Earl's Palace, and the Cathedral, "which greeted the Sheriff's approach with a merry peal."

After all this, "we dine at the inn and drink the Prince Regent's health, being that of the day ; Mr Baikie of Tankerness dines with us."

It is still believed in Orkney that Scott was disappointed because he received little or no attention from the Orcadians. From his journal it would appear that the only hospitality extended to him was at Clestrain, in Orphir, by Mr Rae, Lord Armidale's factor. In Shetland, on the other hand, the party from the yacht had been honoured guests in many houses. 8th August, "We go to pay our farewell visits of thanks to the hospitable Lerwegians and at the Fort." Besides enjoying the pleasure of private dinner parties, the visitors had a public banquet given them, to which Sir Walter looks forward with evident zest. "We are now going to dress for dinner with the Notables of Lerwick, who give us an entertainment in their Town-hall. Oho." "Are hospitably received and entertained by the Lerwick gentlemen. They are a quick, intelligent race."

In Kirkwall, on the other hand, there was no private hospitality, no Town-hall banquet, and the only entertainment of which a record is left was given in Scollay's Inn at the visitors' expense. It is almost reasonable to infer that Scollay's cuisine was too much for the Wizard's digestion, for on the very next day, in a rhyming epistle to the Duke of Buccleuch, he gives his well-known ludicrous description of the town :—

> "We have now got to Kirkwall, and needs I must stare,
> When I think that in verse I have once called it *fair* ;
> 'Tis a base little borough, both dirty and mean—
> There is nothing to hear, and there's nought to be seen,
> Save a church where, of old times, a prelate harangued,
> And a palace that's built by an earl who was hanged."

But Erskine was busy that day—trouble with his substitute, Mr Maconnochie ; Hamilton was gouty ; Scott was solitary ; and these little things undoubtedly affected the tone of the epistle.

If Kirkwall was bad, Stromness was worse ; Scott could find no beauty even in the picturesque situation of the capital of the West Mainland. "Stromness is a little, dirty, straggling town, which cannot be traversed by a cart or even by a horse, for there are stairs up and down, even in the principal streets. We paraded its whole length, like turkeys, in a string, I suppose to satisfy ourselves that there was a worse town than the metropolis, Kirkwall."

The yacht party stayed ashore the night of the 12th, and next day young Marjoribanks went shooting on Wideford Hill. The bag was a good one, though the visitor's share is not recorded. "Marchie goes to shoot on a hill called Whiteford, which slopes away about two or three miles from Kirkwall. The grouse is abundant, for the gentleman who chaperons Marchie killed thirteen brace and a-half, with a snipe."

* Scott's Diary.

"I have little to add, except that the Orkney people have some odd superstitions about a stone on which they take oaths to Odin. Lovers often perform this ceremony in pledge of mutual faith, and are said to account it a sacred engagement. It is agreed that we go on board after dinner, and sail with the next tide.* The Magistrates of Kirkwall present us with the freedom of their ancient burgh." With regard to this presentation, and the reception generally of Mr Scott, it must be remembered that as yet he was not known as the author of the Waverley Novels.

South of the Ship Inn is the house which of old belonged to Patrick Mowat of Pow.

Mowat of Pow's neighbour on the south was Robert Pottinger of Hobbister, one of the bailies of Kirkwall. His house is described as "under sclaitt roofe except the kitchie." Hobbister had as a tenant George Hardie, chirurgeon. Little is known of this surgeon, and that little is shady. Provost Arthur Baikie had his eye upon him on account of a queer lawsuit in which he had contrived to involve, along with himself, Margaret Buxtoun, Lady Sound, widow of Arthur Buchanan.

In the beginning of the present century Bailie Pottinger's house belonged to Captain Henry Leask, who was married to a daughter of Alexander Logie, merchant.

"Henry Leask, Shipmaster," London, thereafter residing in Kirkwall and thereafter in Portobello, "with consent of Isabella Logie, his spouse," disponed this house to the Rev. William Logie. And by and by it proved a welcome refuge when the reverend gentleman fled, with his family, from a burning manse.

In the old valuation roll the next house southward belonged to David Covingtrie, merchant, who, with his stepmother, Helen Kircaldie, occupied part of it, while part was let to James Murray of Pennylands, Commissary or Sheriff of the Bishopric. "The earlier Covingtries belong to a time of which we can get very little accurate history. William Covingtrie settled in Orkney in 1613, and married Jane Taylour."†

Covingtrie introduced what must at that time have been a new business in Kirkwall. "William Covingtrie, baxter," witnesses a deed, 1st December 1616. Baikie of Tankerness was evidently interested in the new speculation, and about this time Tankerness Lane is sometimes referred to as the "Baxter's Close."

In its beginning the baking business was not a financial success, and William Covingtrie frequently appears in the Court books as a borrower.

His eldest son, John, however, brought up in Baikie's warehouse, laid the foundation of the family fortune. "John Covingtrie, Servitor to James Baikie, Mercht.," witnesses a deed at North Strynzie, registered 1st June 1631, the other witness being Wm. Cargill, "Master of the gramer scoole of Kirkwaa." But still the baking business went on, for, 24th May 1663, Edward Sanders, baker, married Catherine Covingtrie.

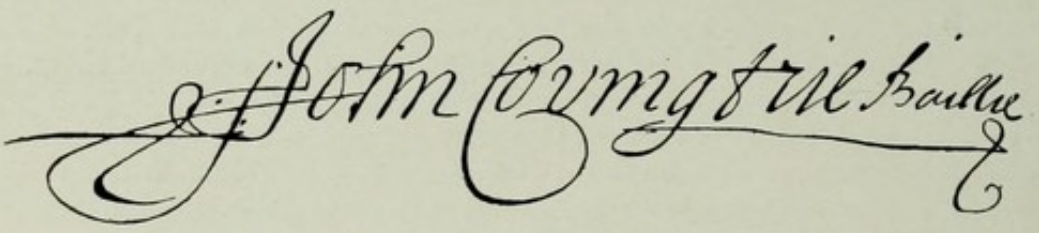
John Covingtrie married Jane Kirkness, and had an only son, David, afterwards of Enhallow. John married again Helen Kircaldie, who survived him and died in her stepson's house.‡ David Covingtrie of Enhallow was Chamberlain to Murdoch, Bishop of Orkney.

His son, John Covingtrie of Newark, was Provost of Kirkwall from 1718 to 1730. By way of enlarging his property in the town, he got an Act,§ July 1724, from the Dean-of-Guild, allowing him to extend his back yard into the Oyce as far as he thought fit, and to make it the same width at the west as at the east. He also got permission to take some rubbish, which obstructed the passage to the Long-gutter, to help to fill up his yard. On the 18th April 1730, he reported that he had extended his yard and built his dyke, and that he had got permission from the Dean-of-Guild to put "a large door upon the south dyke of said

* This was on the 13th. † Burke's History of the Commons. ‡ T. B., 7th June 1681.
§ Date of Act, 9th June; registered 25th July 1724.

yeard for the convenience of taking in horses with loads of peats and other carriages." In making this extension he was opposed by William Liddell of Hammer, whose property lay on the other side of "the running burn called the Hempow." Liddell's interference was resented by the Dean-of-Guild, Wm. Traill, who brought a complaint before the Council. The Dean's action was sustained; the Council "doe not only homologate and approve of the said Act sua past by him, in the haill heads, articles, and clauses thereof, but also promise and agree to redress the said affronte and indignity done to the said dean of Guild and their authority."

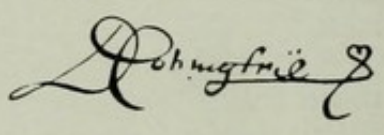
On the 30th August 1727, the Magistrates and Council signed a Commission appointing Covingtrie to go to Tain to elect a member of Parliament for the Northern Burghs. "The Provost is not to Charge the Council with anything for his pains and Trouble as their Delegate, but is to do the same and goe to Tain upon his own charges. They appoynt Donald Groat, one of the Councillors, to goe alongest with and attend the Provost, for which they are to Gratify him for his pains and Trouble upon his return." Colonel Robert Monro* of Foulis was elected, and the Kirkwall delegates returned, the Provost bringing with him a bill drawn by him and accepted by the new member, "payable to the said John Covingtrie at the terme of Whitsunday next following the date† of the said Bill, within his own dwelling-house in Kirkwall, for the sum of Three Hundred and fifty Pounds Sterling, with ane note subjoyned to the foot of the said bill, subscrived by the said John Covingtrie, of the tenor following :— Kirkwall, 23rd Septr. 1727. The above accepted Bill of 350£ Str., altho payable to me, is for the use and behoof of the Burgh of Kirkwall and common good thereof." This was signed by John Covingtrie, and as witnesses by James Traill, Patrick Traill, George Traill, Wm. Traill,



Wm. Liddell, Wm. Traill, And. Young. There was thus no intention to appropriate the money. This was duly paid to Covingtrie, who remained indebted to the town for several years till principal and interest amounted to £430 5s 10d. ‡

It was in the civic reign of John Covingtrie—Provost Torfe of the "Pirate"—that Gow came to Orkney and plundered the Hall of Clestrain, and the Novelist gives our Chief Magistrate, possibly by accident, a character for prompt and fearless action which he well deserved.

John Covingtrie was succeeded by his son, David, who did not add to the wealth of the family. In November 1760, inhibition, at the instance of Sir Lawrence Dundas of Kerse, was served on David Covingtrie that he should not dispone or wadset any of his property in consequence of his debt of £1415 13s 2d Scots due to Sir Lawrence.



About this time he did dispone to Thomas Traill of Frotoft the yard which his father had reclaimed from the Peerie Sea, "having the Sands or Oyce

* Colonel Monro was killed at Falkirk, 17th January 1746, and his body was brought to Novar for burial. The tombstone was supplied from the grounds of a neighbouring laird on the opposite side in politics. This gentleman, on being twitted by a friend for his inconsistency in erecting a monument to his political opponent, replied that he would be glad to lay tombstones over Novar and all of his way of thinking.

† 7th September 1727. ‡ For a history of this transaction, see Mackintosh's "Glimpses."

north and west, and the passage or footpath between my gardens and the said yard on the east."

David Covingtrie of Newark was succeeded by his brother, Thomas, minister of Cross and Burness, the last of the Orkney Covingtries. The minister's daughter, Elizabeth, married John Balfour of Trenabie, and their son, John, came into possession, May 1797. In June of the same year the Covingtrie mansion in Bridge Street was purchased by Alexander Logie, merchant.

In the seventeenth and eighteenth centuries, houses of any importance in Kirkwall had their kitchens built among the office houses at the back; and while much of the property under consideration has been rebuilt, the old Provost's kitchen, with its capacious fireplace, suggestive of lavish hospitality, still remains.

Logie, the new proprietor, entered into partnership with James Spence, and the Logie-Spence firm, as general merchants, became one of the most important in the town.

About this time Mr Logie also acquired the tenement to the south of Covingtrie's land, which in 1677 had belonged to "ye airis of John Baikie, skipper."

Alexander Logie died in 1817, but the business was retained by the junior partner, who in 1826 purchased Skipper Baikie's house from Logie's heirs and added it to his premises. The necessity for this extension lay in the fact that Spence, finding his capital accumulating, had begun to advance money on interest. The old Covingtrie dwelling continued to be the shop, and the house of "ye airis of John Baikie" was the bank. The bank was a success, but it had to be prudently conducted. On one occasion Mr Spence advanced to a gentleman in town the sum of £1000 sterling, but when the same gentleman returned for a further loan of £5000, though the security was good, the amount was large, and Spence placed his client in the hands of the Manager of the Commercial Bank of Scotland. Then Mr Spence was appointed agent in Kirkwall for that bank, 1826. He died at Eastbank, April 1864, aged seventy-eight years. His son and grandson, both Jameses, successively held the agency.

The southern boundary of the bank is given in 1826 as "the close and house which formerly pertained to David Craigie of Gairsay, and which was afterwards rebuilt by William Paterson, Surgeon, or by Alexander Paterson, Banker in Thurso, and which now belong to William Watt Bain."

Craigie's house, with its yard, extended south to the Bridge. "William Craigie of Gairsay hath ane double tenement qrof ye north side of the close is ruinous, and sua much as is built under sclaitt roofe, p'ntlie possest be Captaine Peter Winchester, is worth in yeirlie rent fourtie pound."

When this house was entire it must have been one of the finest in Kirkwall, seeing that a time-worn half of it was let at a rent of forty pounds per annum.

The first of the Craigies appearing in the Court books is Magnus Craigie, merchant, Kirkwall, who married Elizabeth Paplay. The old merchant had evidently a lucrative business, and having made money, he knew how to use it. In 1616 he lent Captain Thomas Knightson £1400, and this would go to show that his son had a good start in life. William, following in his father's footsteps, increased his patrimony by money lending. In 1622 he bought Pabdale, to which, two years later, he brought home his wife, Margaret, daughter of Hew Halcro of that ilk, with a tocher of 2000 merks. Among the witnesses of the marriage contract was Thomas Traill, "son lawful to George Traill of Wasnes."

In 1640 he bought Gairsay, and was dead before 1652, when his son, Hugh, then of Gairsay, along with Arthur Buchanan of Sound, was returned as Member of Cromwell's Scottish Parliament.

This Parliament, which anticipated by more than half a century Queen Anne's Act of

Union, is quite ignored by that zealous Royalist, Peterkin, who says :—"The election of 1617 was the first which took place in Orkney, and there is no evidence on record, as far as yet discovered, that there was another during the troubled times which followed in the reign of Charles I., until the Restoration in 1660."

Craigie and Buchanan were detained by bad weather, and were unable to hear the debate on the Union question. They only reached Edinburgh the day after the vote had been taken, but their names were added to the list of those who held that the Scottish and English Parliaments should be united. "The which Union was subscribed by the Deputies of Orkney and Zetland, who, by storm at sea, came not to Edinburgh till a day after the election."*

Having represented Kirkwall under the Commonwealth, Hugh Craigie was returned Commissioner to Charles the Second's first Scottish Parliament, 3rd December 1660.

An election in those days was not the expensive and troublesome business that it is in these. Twenty-nine of the "Barons," one a deputy from Shetland, met in Kirkwall. "The which day, George Smith of Rapness wes chosen preses, and five of their number being present upon the lite, Hugh Craigie of Gairsay was chosen Commissioner for His Majesty's Parliament.

"It was ordained by the unanimous vote of the table, after report made by the committee of their number appointed for ye effect underwritten, that their Commissioner, Hugh Craigie of Gairsay, shall have allowed to him, for his charges and expenses in prosecuting his commission, ilk day, ten shillings sterling, compting from the day of his transport over Penthland frith untill the day of his return over ye said ffrith. As also for ye better enabling him to render himself in a condition suitable to other members of Parliament of his rank, there is hereby ten pounds sterling allowed him for helping to defray ye expenses of his apparell requisite for that effect; and yt by and attoure oyr contingent charges which our said Commissioner shall be put to after compt given in to us by him. (*Sic subscr.*) GEO. SMITH, Preses."

That a Member should have from his constituency an allowance for dress seems at first sight somewhat peculiar, but in the old Scottish Parliament a Commissioner could not appear in ordinary attire. Lords, Commons, and Clergy sat in one hall, and consequently required distinguishing robes.

As early as 1455, in the reign of James II., an Act was passed concerning "The manner of arrayments for the Parliament":—

"Item. As touching the habites of the Earles, Lordes of Parliament, Commissioners of Burrowes, and Advocates sall have and use at all Parliamentis and General Council-times: it is statute and ordained, that all Earles sall use mantilles of browne grained, open before, furred with quhite lyning, and lyned before, outwith ane hande breadth to the belt stude, with the samin furring, with little hudes of the samin claith, and to be used upon their shoulders. And the other Lordes of Parliament to have ane mantil of reide richt-swa opened before and lyned with silke or furred with cristie, gray, griece, or purray, togidder with ane hude of the samin claith, furred as said is. And all Commissioners of Burrowes, ilk ane, to have ane pair of Clokes of blew, furred fute side, open on the richt shoulder, furred as effeires, and with ane hude of the samin, as said is. And quhat Erle, Lord of Parliament, Commissioner of Burrowes, that enters in Parliament or General Councel, but the said habite furred, sall forth-with pay there-after ten pound to the King, un-forgiven."

In 1659, Hugh Craigie bought the island of Wyre from David M'Lellan of Woodwick.

William Craigie, who succeeded, maintained his father's dignity and followed up his usefulness, both in the municipal and in the national councils. He was twice returned to Parliament, 1681 and 1689. He farmed the bishopric rents. "Sabbath, William Craigie of Gairsay arrived at Kirkwall from his journey from Edinburgh, who had been there from the middle of Oct. last past, who has a commission for being Stewart principal and tacksman of

* Scottish Acts, vol. vi., part 2, p. 794.

this county, and also the excise and customs of ye same, for five yeiris space, the sd. yeir being the first." *

In 1690, he received the honour of knighthood. Craigie was thrice married. His first wife, Margaret Honyman, died while her husband was in Edinburgh attending Parliament. On the 18th of March 1689, as a preparation for going south, Gairsay made a settlement of his affairs. His eldest son, William, inherits the estate ; David has 3000 merks ; Andrew, 2000 ; Hugh, 1500 ; Henry, 1500 ; Margaret, 4000 ; Eupham, 2000—in all, 14,000 merks ; the interest meanwhile to be paid to Margaret Honyman, spouse, for their education and upbringing. Lady Gairsay's own tocher was 7000 merks. She died, 3rd May 1689 ; and on 1st Feb. 1690,† "William Craigie of Gairsay was married to Anna Grahame, relict of John Buchanan of Sandsyde, at the kirk of St. Andrews, and the brydal holden at the said house, and in respect that it is observed bi traditions, no persones that is married in the kirk of Deerness hath any good success or thriving, and therefore they went and was married in the sd. kirk of St. Andrews by Mr John Shilpes, minister at the said united kirks."

The tradition was that couples married in the Deerness kirk were never blessed with progeny ; but the probable reason why Anna Graham chose to go to St. Andrews was that only three months had elapsed since she had deposited the mortal remains of her late husband under the floor of the kirk of Deerness.

Anna Graham died, 21st April 1692 ; and on the 8th of September, the same year, Thomas Brown records that "Gairsay, with his Lady, Margt. Hamilton, came to Kirkwall upon Thursday."

Here, strangely enough, Brown is wrong in the name. She was Anne Hamilton, daughter of Sir Robert Hamilton of Silvertonhill and his wife, the Hon. Anne Hamilton.‡

On 12th June 1699, in the absence of her husband, she grants a receipt to the Town Treasurer for payment of the price of meal purchased from the Girnell-house. It begins :— "I dam Anna Hamilton, Lady Gairsay, grants me to have receaved, in name of Sir William Craigie of Gairsay, my husband, and as having commission from him, from James Kaa, one of the baillies of Kirkwall, in name of the Magistrates, Minister, and Counsell of Kirkwall, The sowme of Ane hundreth nyntie nyne pounds fyveteen shilling Scots," etc. And it is boldly and beautifully signed, "A. Hamilton."

Whether Gairsay was unfortunate in business speculations does not appear, but in January 1703 he found himself in prison on letters of caption procured against him before the Lords of Council and Session by Sir Archibald Stewart of Burray. The amount of his obligation was "nine hundred eightie-one pounds threttein shills. elleven penneyes Scotts money."

Stewart had Craigie arrested in Kirkwall ; and about this arrest the Laird of Burray complains that, though he had "delyvered him as prisoner to William Fea, ane of the pnts. Baillies of this Burgh, Nevertheless, by Collusion betwixt the sd. Gairsey and William Fea, the sd. William Fea let the sd. Gairsey slip away and goe home to his owen house."

Whatever caused this trouble, it did not affect Sir William Craigie's character, for he was appointed to go with Mr Baikie, minister, to the General Assembly in March 1704—the first elder of Assembly sent from Kirkwall.

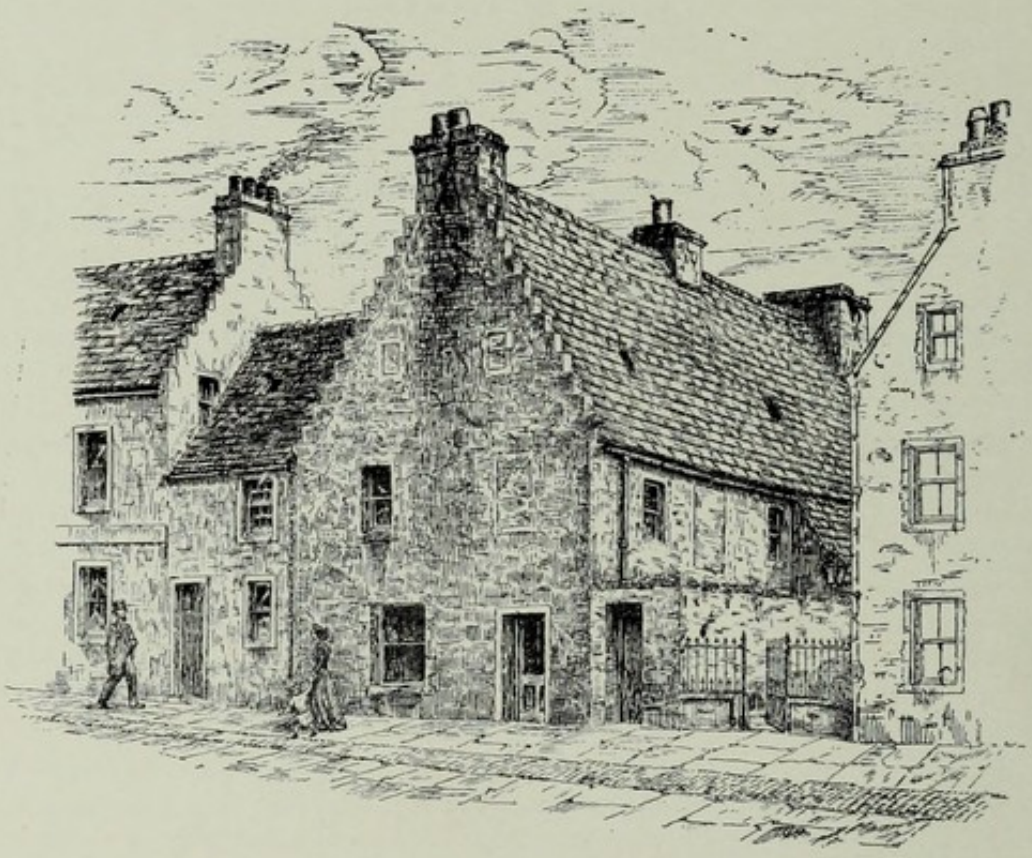
The Craigies, living as they did in Pabdale, or Gairsay, or Broad Street, allowed the Bridge Street house to go to ruin, and in 1733 David Craigie of Gairsay "Sett in Tack," to William Liddell of Hammer, "Fifty foot in length of ground, on the end of the said David Craigie his yeard in Kirkwall." The Council grant liberty to enclose this ground, "the samen

* T. B., 14th April 1686. † T. B. ‡ Foster's M.P.'s for Scotland.

being first sighted by the Magestrates, the samen not to be don any ways prejudiciall to the watter race from the Bridge of the Burgh to the oyce."

Liddell of Hammer was now Dean-of-Guild, and was able to secure for himself such an extension as he had opposed when the applicant was John Covingtrie of Newark. Straining his Act to its limit, he built close up to Covingtrie's yard, blocking his south door.

These old encroachments on the Peerie Sea are the buildings separated from the walls of the gardens of the Bridge Street houses by the footpath leading from the Lane of Mounthoolie down to the West Pier.



Houses on South of Craigie's Close, demolished 1882.

Sir William Craigie's tenant, Captain Peter Winchester, was probably the son of Peter Winchester who, in 1638, was Collector of Excise in Kirkwall.

The name comes from the southern shore of the Moray Firth, where it has been well established for four centuries and a half. John Winchester, an Englishman, came to Scotland in the train of James I., and was Bishop of Moray from 1438 to 1453.* The Bishop's sons or nephews established themselves in the neighbourhood of Elgin.

When Peter Winchester came to Orkney a young man, he had some odd experiences. A laughing fiend, under cover of friendly guidance, told him that when he accepted hospitality from an Orcadian he must eat all that was offered him or be prepared to fight his host, who would take any refusal of food or drink as an insult. Under this belief he one day found his feet under the mahogany of a kindly Stromness family, and continued eating on and on as he

* Shaw, History of Moray.

was asked. His entertainers, no doubt very much surprised at his voracity, kept plying him with viands till at last, on a fresh helping being offered him, he alarmed the household with an angry shout—"O, damn it, no more ; I *must* fight him."

Captain Winchester was a devout churchman, and had a seat "under the stair leading to Capt. Dick's loft." In 1669, on returning from a long voyage, he was brought before the Session under somewhat peculiar circumstances. Patrick Stewart, one of his sailors, on going home was somewhat puzzled to find his wife nursing a very young baby. The wife assured her husband that everything was correct. The credulous mariner was quite satisfied till that disagreeable creature, a good-natured friend, told him to go and look for a father to his child. Stewart did not do so, but had the slanderer up before the Session. The captain of the St.

Large Fireplace in House on South of Craigie's Close.

Peter, being cited as a witness, swore that Stewart sailed with him from Elwick Bay on the last day of March 1668. As the baby was born 9th March 1669, the ecclesiastical court imposed a fine on the sailor for leaving home too soon, and placed his wife on the stool of repentance.

The St. Peter was a trader in times of peace and a privateer during war ; thus each return to Kirkwall was hailed by the Town Council as an opportunity for replenishing the Burgh's stock of gunpowder.

Captain Winchester was twice married. His first wife was a daughter of James Baikie of Tankerness. A handsome memorial stone, perhaps the finest monumental work in the Cathedral, erected to her memory, is still to be seen on the wall of the south nave aisle.

In March 1676, Winchester married Helen, daughter of Walter Stewart, minister of South Ronaldshay, and widow of the Rev. William Cochrane, minister of Cross and Burness, and they had a daughter, Sibilla. In September of the following year, Captain Peter Winchester, Richard Dennison, skipper, and over fourteen others were drowned about two miles off Fraserburgh. *

From an entry in the note-book of Patrick Traill of Elsness, skipper, it would appear that, after her husband's death, Mrs Winchester had the disposal of some of the stores of the St. Peter frigate. "23 of may 1678, bought from hellen stewart 105 ells of french canfes at 17 shelling per ell, geven her in money 63lbs.; and brandie, seven pyntes at 30sh. the pynt, 10lb. 10sh.; summa is 73lb. 10sh."

Helen Stewart, the second Mrs Winchester, after four lonely years, married John Traill of Elsness.

When the north side of Craigie's Close became utterly ruinous, it was acquired by William Patterson, † surgeon in Kirkwall, who built on it the present house. Patterson granted a bond over his house to his nephew, Alexander Patterson, banker, Thurso, who by-and-by became proprietor, and who sold it to James Stewart of Brugh. There had been a passage to the Oyce between Covingtrie's yard and Gairsay's, and right-of-way was claimed by the owners or tenants of the house on each side of it, but, in 1814, Peter Maxwell, owner of the southmost house on Covingtrie's ground, sold his "right of servitude of the said passage" for £24 to Marion Strong, relict of James Stewart.

William Watt Bain, writer and procurator-fiscal, and Janet Scarth, his wife, next acquired this property.

The death of Mr Bain renders somewhat interesting a dream of Mr Clouston, at that time occupant of Caldale. Awaking from his first sleep, he told Mrs Clouston that he had seen a ship come sailing up to the house, and out of it came Mr Bain. He said, too, that he had seen Dr Duguid and the Rev. Mr Logie in the house. In Orcadian dream-lore, to see a ship sailing on the land portends death.

The previous afternoon Mr Bain had gone out to have a shot, and did not return. Search parties went to look for him, and in the early morning one of these parties came upon Mr Bain, alive they at first thought, as the body was in a sitting position, his gun lying beside him. They carried the body into Caldale House, and sent for the minister and the doctor, and thus, in a couple of hours, the three persons dreamt of were in the dreamer's presence.

Mr Bain's son, Alexander, succeeded to the business and the house. He was a long time

* Craven's History of the Church, p. 67.

† Mr Patterson dispensed his own medicines and supplied other practitioners. From an account sent in to Mrs Allan, evidently a nurse and herself occasionally a patient under treatment of the surgeon, the medicines commonly in use in 1775, and their prices, may be seen :—"English Saffron, 2 Drops yrself, 6d; Palm Oil, 6d; A Glass of Cephalic Drops, 8d; A Vomiting Draught, 6d; A Cardiac Draught, 6d; A Glass Nitrous Drops, 8d; Honey, 1½ lbs., 1s; A Blistering plaister for yr side, 6d; A Box of Cerate, 6d; A Pectoral Mixture for a woman in Egalshay; Bitter Stomachic Ingredients for ale, 1s 8d; Stomachic laxative Ingredients for ale, 2s; Stomachic Ingredients for Spirits, 1s; A pot of Conserve of Roses, 1s 3d; Volatile Camphorated Liniment, 1s 3d; Balsamic Linctus, 1s; A glass of healing Solution for your hand, 8d; Peruvian Bark, 8d; Camphorated Spirit of Wine, 6d; Cream of Tartar, 1 oz., 3d; Cordial Julep, 1s; Stomachic laxative Pills, 1s; Cardiac Anodyne Mixture for David Spence child, ——; Healing Ointment for Child in Pabdeall, ——; Two Purging Powders, D. Spence, ——; Four Fever Powders for do., ——, &c., &c." These, many times repeated, made up a bill of £4 11s 4d. It shows that in some cases Mr Patterson made no charge.

Provost of Kirkwall. After his death the business was continued and the house occupied by his partner, the late Mr John Macrae, who succeeded Mr Bain as procurator-fiscal.

Monogram, 25 Bridge Street.*

The south side of Craigie's Close had early gone to ruin. A house was built on the site by Robert Garrioch, wright, and afterwards rebuilt as business premises. Some of the old Craigie monograms are preserved in the walls of the new building.

The space southward to the burn was acquired by Captain John Gibson of Corse, whose brother George, dyer in Kirkwall, succeeded to it in 1811, and the following year sold it to Alexander Russell, merchant, Shapinsay, one of the leaders of the Secession party in Kirkwall. In 1815 the whole area was occupied by a dwelling-house, office-houses, and small garden. The houses presently standing have been built since that date.

Monogram, 25 Bridge Street.*

* Favoured by Mr Gibson, draper.

CHAPTER XI.

Bridge Street, East Side.

TILL the beginning of the present century, there was no house at the corner of Bridge Street and Shore Street, and the space where the corner house now stands was the peat-brae of the house opposite.

The next house southward had belonged to John Cuthbert before he built his new dwelling on the Ramparts. In 1677, it was liferented by Helen Scollay, "sometyme relict of umqule Thomas Baikie, now spous to James Maxwell, skipper." Its boundaries then were "the street on the west, the tenement p'ntlie possest be Jonet Cursetter on the east, Patrick Traill of Elsness' peat-yard on the north, and the houss pertaneing to Magnus Paplay on the south. The late Mr John Cursiter, who built the house now on this site, thought he had good ground for his opinion that this was the old "Clickimin." Hemmed in as it was, without the possibility of expansion, the only extension of premises practicable was the erection of fresh buildings elsewhere. Thus, on the roadway between the corner of Shore Street and the present Harbour Office, stood the Storehouse of Clickimin, long since cleared away as an obstruction.

At the beginning of the present century, Clickimin belonged to Barbara and Helen Fea, daughters of Patrick Fea of Airey, who "mortified" this tenement, along with their property in Stronsay, for the educational and parochial requirements of that island.

These ladies, who may be termed the last of their race, had in their youth seen their kinsmen holding a position and exerting an influence second to none in the islands.

Perhaps the best known branch of the Feas is the Clestrain family.

In May 1720, James Fea of Clestrain, "late Lieut. in 73rd Regt. foot," has an action for divorce against Ann Jane Maria Harriet Corbet.*

By disposition, dated Egilshay, 22nd August 1720, James Fea of Clestrain dispones in favour of James, his eldest son, his lands of Clestrain, with houses, &c., in Stronsay. At the same time he provides for his other son, John, and his daughters, Elizabeth, Barbara, Helen, Isobel, Jennet, and Ann Feas.

In 1725, James Fea, younger of Clestrain, was living in Carrick, in Eday, when Gow's ship, the "Revenge," went ashore on the Calf Holm. There is little doubt that, but for this accident, the pirate would have paid his old schoolfellow such a professional visit as he had recently made at Clestrain, in Orphir. Fea quite understood this, and laid his plans accordingly. It was a case of strategy *versus* strength. At first he had only James Laing, merchant, Calfsound, and William Scollay, skipper, on whom he could rely for active assistance. Accordingly he temporised, and even sought consideration at Gow's hands:—"Carrick, Saturday, 13th, 1725. Sir,—I have sent this bearer† on board, intreating that, upon old acquaintance, you'll be pleased to forbear the usual compliment of a salutation because of my

* H. L. † Laing.

wife's indisposition. Had she been well, I should have come on board myself." And the letter concludes :—"No more, but that I am your old school commerad. *(Sic subscribitur)* JAMES FEA."

When Fea had succeeded in decoying ashore and securing the best part of the buccaneer crew, and when his own friends had gathered in force, the letters from Carrick assumed a different tone :—"17th, 8 of the clock, Mattin. Sir,—I received yours from on board the 'Revenge,' dated 16th instant, 1725. I am surprised that a youth of your education should not have better manners than to chalenge me upon a lye. You confidently assert, what I have already refused, that they are carpenters here. Your informer is certainly a rogue. I am sorry I ever wrote you ; but I thought you had been such a man as a boy. I pray you seriously to consider qt a thing it is to burn everlastingly." He goes on to exhort the pirate and his crew to seek "forgiveness by the merits of a crucified Saviour," and winds up :—"This is the last you may expect from me. *(Sic subscribitur)* JAMES FEA. You'll be a prize this night or nixt day to those that will treat you more harshly."

As showing how promptly the islands mustered for the capture of these miscreants, it has only to be noticed that, on the 13th of February, Fea wrote asking forbearance at the hands of Gow, and on the 18th, "Clestrain went on board, and several of his friends with him, to congratulate his success, and to witness his possession. The late commander, Mr Gow Smith, was brought alongst with them, who, in presence of these honourable gentlemen, viz., Sir James Stewart of Burray, Barronate ; Captain Archibald Drumand ; Robert Stewart, eldest son to Robert Stewart of Eday ; William Fea of Milnfield ; James Fea of Whitehall ; Mr Archibald Pitcairne, merchant ; Mr Francis Wilson, Comptroller of the Customs ; Mr Thomas Baikie, land-waiter ; James Traill of Westove, and several oyrs, declared that the said Clestrain was the man whose prisoner he was, and wished the said Clestrain an happy enjoyment of the said ship, and more contentment than ever he had into her. Whereupon the said James Fea took instruments in the hands of Alex. Mowate, nottar-publict, craveing the benefite of the law made anent apprehending of pyrates may be extended to him because of the reasons foresaid." *

With regard to the "benefite," Tudor says :—"Fea, for the capture of Gow, is said to have received £1100 from Government, £300 for salvage, and £400 from the merchants of London for relieving them of such a pest." He adds, however—"Fea is said to have been ruined through the numerous suits that were trumped up against him in the courts for his share in Gow's capture."

"In 1739, Feb. 20, James Fea of Clestrain and Janet Buchanan, spouse, let all their lands in Eday for seven years at £30 stg."

In the Rebellion of 1745, Fea acted as go-between, in the interest of Prince Charles, with the Orcadians. Captain Moodie of Melsetter writes to his agent in Edinburgh :—"I believe, if you'll enquire concerning Robert Strange or Strang, ingraver, late apprentice to Mr Cooper, at Edinburgh, which Strange was an engineer in the Rebel army, it can be proved by him and others that Clestrain was at the Pretender's son's camp at Falkirk, establishing his credit with the Pretender's son, and managing the Orkney affairs." †

Fea was enthusiastic, but unsucccessful. He collected arms in his house of Sound, and sent them to the Aire of Kirkwall, whence they were carried off by the rebels. He gave them a quantity of brandy, which had been seized by Mr Baikie, officer of Excise, and which Clestrain had compelled Baikie to retain till Ardloch's arrival in Kirkwall. Mackenzie of Ardloch was sent by the Prince, at Fea's instigation, with a party to raise men and money. They landed in Walls, and looted Melsetter, the laird being a Hanoverian captain.

* Pet. Notes, 222. † G. Petrie's Notes, Ant. Mus.

After Culloden, Captains Lloyd and Williams landed in Shapinsay, and burned the house of Sound, which Fea had through his wife, Janet Buchanan. The party entered the chamber of Mrs Fea, Lady Sound, allowing her to throw on a petticoat and loose gown—no time for more—placed her in a chair under guard of some of the crew, one of whom held a naked cutlass to her breast. There she was forced to sit and see her house burned, and her effects carried off or destroyed. Personally, she was roughly handled, and her ankle was dislocated.

She raised an action against the parties on the ground that the house was her own.

As to the ankle, it was stated for the defence that Mrs Fea was a "very stout, heavy woman," and that her ankle was dislocated by her own weight while they were helping her to the manse of Shapinsay after her own house was burned.

It appears that after the Jacobite troubles were over, Government did intend to do something for Fea and his wife.

The Barons of Exchequer, writing from Edinburgh to the Lords Commissioners of His Majesty's Treasury, 23rd January 1756, say* :—

"May it please your Lordships,

"In obedience to your Lordships' Commands, signified to us by Mr Hardinge in his Letter dated the 26th of June last past, we did, on the 6th day of August, inform your Lops. that, in order to make effectual the Sum of £1582 pounds thirteen shillings which his Majesty, out of his Royal Grace and Favour, intended to grant to James Fea of Clestron and Janet, his wife, to pay the arrear of Few dutys due from the estates of Sound and Claistron, it would be necessary to order them payment out of the Produce of Crown Rents and Casualties, and not out of the Compositions of Few duties; and as to that part of the said Letter where in your Lops. were pleased to Refer to our Consideration a proposal made by the late Lord Advocate in his Supplemental memorial therein mentioned, That the said James Fea and Janet, his wife, should Resign the Lands therein mentioned, which hold of the Bishopric of Orkney, and that a New Grant thereof should be made to them and their heirs of the said Lands, subject to the yearly payment of such Reasonable and moderate Few-duties as the said Lands may be able to affoard."

The Barons farther report that, after careful examination "of all facts and circumstances which might serve to give light into this affair," they would recommend "the payment yearly of twenty-five Pounds Sterling for the Lands of Clestron, Sound, Eday, and Sandside, and twelve Pounds Sterling yearly for the Lands of Miness and Waltness as contained in a Sasine granted to Arthur Buchanan of Sound, anno 1666, which Few-duties are in our oppinion reasonable and moderate, and such as the Lands can afford."†

This was in 1756, and Fea died the same year. His brother, John, who succeeded, resigned to his sisters all his lands, and gave them life-rent of the third part of 12,000 merks Scots, the other two-thirds to go to his natural sons, Alexander and Henry, of whose upbringing the ladies were to take charge.

Another Fea, James, of Whitehall, kinsman and contemporary of Clestrain, was one of Orkney's benefactors.

In his evidence in the great Pundlar Process, "George Traill of Hobbister depones that James Fea of Whitehall was the first that began to burn Kelp in the Country, and brought a Man from Peterhead‡ for that purpose, and that he thinks that the kelp Trade brings in a great deal of Money to Orkney, and that the Gentlemen and tenants would have been very poor if that Trade had not been."

Valuable as this industry has proved, its introduction met with considerable opposition. In every age and place people are to be found who feel themselves impelled to resist all progressive movements, and, in 1722, such hide-bound obstructionists were not wanting in

* Papers in possession of Mrs Skae, *nee* Traill of Westove.
† Mrs Skae's papers. ‡ In 1722.

Orkney. "They were certain that the suffocating smoke which issued from the kelp-kilns would sicken or kill every species of fish on the coast, or drive them out to the ocean far beyond the reach of fishermen; blast the corn and grass on their farms; introduce diseases among the human species, and smite with barrenness all sorts of animals." *

For some years Whitehall was the sole kelp-burner in Orkney, but when his neighbours saw that there was money in the business, some of the more enterprising of them followed his example, till to the eye of the passing mariner the smoke from the kilns distinguished Stronsay from the other islands, and gave it the appearance of an active volcano.

After forty years' suppression, conservative wrath burst out in what is traditionally known as the Kelp Riot.

"On the 28th Oct. 1762, At an adjourned Session of Court, Sentence was given against Patrick Fea, Dinnatoun, in Stronsay, and John Fea in Cleat there, in a criminal prosecution by William Spence, Procurator-Fiscal, upon complaint of Thomas Balfour of Huip. That the said Patrick Fea had upon Sunday, 16 May last, at Church door of Stronsay, caused call a meeting of the inhabitants of Stronsay at Millfield on Monday following, the 17th May, at 9 o'clock A.M., and, headed by sd. Patrick Fea, had destroyed the Tang and Kelp upon the shores, and the Tang and Kelp instruments belonging to Thomas Balfour, Br. German to William Balfour of Trenaby and others; and upon the 20th May, the Stewart Depute having granted warrant to the Stewart and Baillie officers to apprehend and bring before him the said Patrick Fea and the other rioters, that the said officers were deforced; that the sd. Shf. Depute, upon 22nd May, granted warrant to John Riddoch, Stewart Substitute, to proceed to Stronsay with such a number of men in arms as necessary to execute said warrant, who, having proceeded to Stronsay with such party of men to execute said warrant, and come to the house of sd. Patrick Fea about 11 o'clock at night of said day, and knocking at doors and getting no access, the doors were opened and the said Patrick Fea apprehended; but the prisoner's wife fainting, and other disorder in the house, he had given him liberty on the promise of presenting himself where and when he should be called for in the Island. That next day, 23rd May, having apprehended four or five more prisoners and carried them to the ground of Holland, on his way to apprehend the other persons contained in his warrant, that when the said John Riddoch came to the sd. ground of Holland, they observed a body of men and women at some distance, to the number of 60 or thereby, all armed with batons, upon which the sd. Stewart Substitute desired the sd. William Balfour of Trenaby and the sd. Sh. Substitute's party to remain with the prisoners, and he, John Riddoch, and the Baillie of the Island went towards the mob to persuade them to disperse, and read his warrant before them and the Act of Parlt. against such mobs, and commanded them in H.M. name to disperse, but they refused. He then ordered William Balfour and the party with the prisoners to proceed to the house of Holland for their safety, which they did, he, John Riddoch, keeping before the mob to keep them back; while so occupied he observed Patrick Fea, at the head of another mob armed with batons, etc., running towards the Sh. Substitute's party, said Patrick Fea crying to the mob to follow him and spare none; that though called on to stop in the King's name, and reminded of his, John Riddoch's lenity, and his, Patrick Fea's promise, the sd. Patrick Fea said he had come, and those with him, to revenge the treatment his wife and family had got from him and his party last night; that the said Patrick Fea grappled with him, the said John Riddoch, and struck him with his baton twice over the head, by which he was wounded to the effusion of blood, and several of his party struck to the ground by the said Patrick Fea and others of the mob, and the prisoners rescued; and although he, John Riddoch, had a cocked pistol in his hand, loaded, and a small sword by his side, and his whole party arms, yet neither did he fire his pistol nor draw his sword, nor did he allow any of his party to fire when they cried out for his orders to fire in their own defence.

"In mitigation, it was pleaded that the sd. John Riddoch and his party had transgressed their power by beating and cutting the sd. Patrick Fea in the head, and the said John Fea in the hand, to the effusion of blood, and so it was lawful to resist them; and, Moreover, for the sd. Peter and John Fea, 'it is added that it is the common opinion of Orkney and others that the burning of Tang in this Country has not only been the cause of bad crops of corn these three years past, but also that the same has been prejudicial to their persons and cattle when in a sickly condition, and made them in a worse condition, and some of the cattle dyed by the smoke thereof, and for want of wair the fish have gone from the shores, and the lempods growing upon the rocks, being sometimes the food of the poor, for want of wair blades, their covering, have fallen from the said rocks by the heat of the sun, so that the poor people were deprived of that part of their food, and the generality of the farmers in this country conceived that they had a right to preserve their own interest by opposing their burning of kelp; and if the said Peter and John Fea have done anything against the burning of kelp, it was

* Percy Anecdotes—Industries.

from no ill-will, but for the preservation of their interest, which they thought the Law allowed them to defend, and they deny that they were assembled riotously and tumultuously to the disturbance of the public peace before Mr Riddoch came to the Island, but when they were informed of his intent there, the said John Fea came to him and offered to come with him to Kirkwall as his prisoner, and desired to know the time; and all that the said Patrick and John Feas further intended was to defend themselves against Thomas Balfour, Brother to William Balfour of Trenaby, who threatened to shoot three or four of the Inhabitants of Stronsay, and said that then the rest would drive before him and his party like sheep.' "

It came out in evidence that William Balfour had struck Richard Angus, who had Thomas Balfour under him on the ground, that Thomas Balfour had met Richard Angus on his way to the crowd with a cocked pistol presented to him in one hand and a drawn sword in the other, whereupon he, Richard Angus, had disarmed him.

One witness deponed that while Patrick Fea and Mr Riddoch were striking at each other with staves, he saw William Balfour make a stroke at Patrick Fea with a sword, and it was that stroke which drew blood.

"The jury found it proven that the said Peter and John Feas were guilty, art and part, in tumultuously and riotously assembling with a number of other persons, and in sloaking some kelp kilns and carrying away the kelp instruments, and likewise unanimously found that the said Peter and John Feas were riotously assembled, with a number of other persons, on the ground of Holland, and that Patrick Fea did attack and invade the person of John Riddoch, Stewart Substitute, by taking him by the breast and beating him over the head with a staff, but found it not proven that the said John Fea was guilty of any act of violence, and lastly found that the persons who were apprehended by order of Mr Riddoch were rescued, but not proven by whom.

(Signed) JAMES BAIKIE, Chanc'or."

"Peter Fea was sentenced to pay £140 Scots, and John Fea £60 Scots, and to remain in the Tolbooth of Kirkwall till paid, and on payment of his fine by John Fea, and finding caution to keep the peace for three years under penalty of 300 merks, to be set at liberty; but Patrick Fea, on payment of the sum, to be taken and remain in custody of an officer of court, aye and while he shall stand for the space of an hour bare headed, and having an extract of the above mentioned verdict and this present sentence festened to his breast, at the most patent door of the church of Kirkwall, the church of St. Andrews, the church of Deerness, the church of Firth, the church of Orphir, and the church of Stronsay, and that immediately before Divine Service, and as the congregation shall be convening at each of the said Churches, and ordains the said Peter Fea, before 1st March next to come, to lodge in the hands of the Clerk of Court execution under the hand of the officer who shall have him in custody, and who shall be witness to the fulfilling of this sentence, bearing that he has so performed the same upon the oath of the officer, with certification; that if he shall fail in lodging such execution he shall be banished the Islands of Orkney for 3 years, and in the case aforesaid he is hereby declared and adjudged to be banished accordingly, under the pain of being whipt by the common Hangman if, within the space of 3 years from sd. 1st March, he shall be found within the Islands. And this is pronounced for doom. (Signed) ANDREW ROSS."

In the wretched state of Orcadian agriculture in the eighteenth century, little money could be made by farming; but after the introduction of the kelp trade, places on the coast where tang could be cut or gathered became valuable. It is said that some favourably situated farms rose from £40 of rent to £300.

As to the price from year to year, Tudor says:—"Between the years 1740 and 1760, the price was about 45s a ton, and about £2000 yearly brought into the islands; 1760-70, £4 4s a ton, and £6000 yearly; 1770-80, £5 a ton, and £10,000 yearly; 1780-91, nearly £6 a ton, and £17,000. During the long French war the price rose as high as £20 a ton; and even as late as 1826, 3500 tons, the largest ever produced in one year, were made in the islands, and sold at £7 a ton."

The following table* shows the quantity of kelp shipped from Kirkwall, and the ports of destination, during half-a-dozen years of the French war, when the trade was coming to its best:—

* Favoured by T. W. Ranken, Esq.

"ACCOUNT OF KELP SHIPT FROM KIRKWALL IN THE FOLLOWING PERIODS, VIZ. :—

"FOR WHAT PORTS SENT, AND QUANTITIES.

Periods.	Glasgow.	Dundee.	Leith.	Newcastle.	Sunderl'd.	Whitby.	Stretton.	London.	Bristol.	Liverpool.	Hull.	Totals.
1789	296	—	155	1455	140	—	—	—	—	—	110	2156 Tons
1790	199	—	162	1050	90	60	75	55	60	170	394	2315
1791	303	266	239	1079	—	105	135	40	—	—	365	2532
1792	479	95	309	1480	70	213	30	—	60	—	342	2128
1793	275	25	199	1179	—	100	40	—	—	50	247	2115
1794	333	—	224	1484	78	104	39	36	—	60	—	2504
1795 ...	486	—	250	976	70	114	62	—	—	—	60	2018

"Highland kelp is preferred at Liverpool; but at Newcastle, and on the east coast of England, the Orkney kelp is preferred."—*Stat. Acct.*

It was probably to facilitate the transport of kelp that carts came into use in the islands. In 1793, there were thirty-seven in Sanday.

South from Clickimin was a house which, in 1677, belonged to Magnus Paplay, weaver. It afterwards came into the possession of the Burgh, and part of it was at one time occupied by Peter Wick, town piper; thus it is still popularly known as the Piper's House. The chief duty of this official was to traverse the whole length of Kirkwall every morning before six o'clock, and rouse the sleepers with the skirl of his pipes.

The last of our pipers, James Wallace, felt that in his bargain with the Council he had been to some extent outwitted :—

"Unto the Hounourable the Magistrates and Town Council of Kirkwall, the petition of James Wallace, Town piper in Kirkwall,

"Humbly Sheweth,—That at the time of the petitioner's agrement with the Hounourable Magistrats and Councile of Kirkwall as piper, which was in Augus 1812, Did not agree for a Pair of Shoes, nor was it Ever thought on or meintoned; But I have been often Told by the Leat piper's sons that he got a pair of shoes anualy, and it is very well knowen to your Honours that I have as great need of a pair of Shoes as He had; for I am Shure that I go out Many a Dark morning, and coms in with weet feet.

"May it therefor please your Hounours to take this petition into consideration, and grant your petitioner's Request; and your petitioner Shall Ever pray. JAMES WALLACE."

South of the Piper's House was the town residence of the Irvines of Sabay, an offshoot of the Irvines of Drum. As early as 1369, William de Irvine, son of the Laird of Drum, was resident in Kirkwall.*

Among the charges in the indictment of Earl Patrick is this :—

"Also, the said Patrick, Erle of Orknay, tressonabillie persuadet, induced, counsallit, and commandit William Sinclair of Etha, Henrie Sinclair of Touquhy, Mr Robert Hendersoun, William Irving of Sabay, and many uther gentilmen of the saidis countries of Orknay and Zeitland, to subscryve and delyver to him ane band, callit band mutus, and thairby obleise thame selffis and thair airis, that they sould serve and manteine him aganis all and quhatsumeuir persones, without any reservatioun of ws, and that they sould nevir heir nor knaw his hurt or skaith, bot sould reveill it within twentie-foure houres without ony exceptioun of impossibilitie or distance of place, contrarietie of wind, wedder, or vther impediment, vnder the pane of tynsell of lyfe, landis, and guidis; conteining also this clause, 'that gif it hapned that the contravening of this band be ony of the saidis subscryveris sould nocht cum to the Erle's knawledge, quhile efter the committeeis decease, it sould be liesum to him to try the samyn, efter thair daithe, aganis thair airis, and pwneise thair saidis airis, as he mycht haif done the principall offendour; and that the said probation of thair contravening of the said band sould be sufficient be tua witnessis,' byndand lykwayis the saidis gentilmen and vthers of the cuntrie

* "The St. Clairs of the Isles," by Ronald St. Clair.

to be judged by the said Erle, and nevir to seik to King, counsell, nor session ; quhilk band the said Erle hes debaited to be lauchfull, and has confest the ressaving and haveing thairof, althocht it be maist vnnaturall, iniust, tyrannical, impossible, and tressonable, bindand men to impossibilities, and inioyneing to them in caice of contraventionn the paynes of treasone."

This charge was brought against Patrick Stewart in 1610, but poor William Irving did not live to see the end of the trial. His death, in 1614, added a fresh clause to the indictment :— "Dureing the tyme of the quhilk assault maid to the said castell be the said leutennent, James Richiesone, William Irving, Andro Adameson, and William Robertson, his Maiestei's faithfull subiectis, war maist tressonabillie slane."* Irving was buried in the Cathedral, where his tombstone still records the nature of his death :—"Heir lyis Villiam Vrving, Sone to Vmql. Villiam Virving of Sabay, Being Schott out of ye Castel, In His Maiestie's S.V.S."

In 1616, William Irving's widow, Elizabeth Thomson, borrowed from her daughter, Elizabeth, one hundred merks. In 1617, William Irving of Sabay owes his father-in-law, William Sinclair of Tolhop,† 700 merks, and gives Sabay as security. In 1619, disputes, raised by Robert Bannatyne of Groundwater, husband of William Irving's daughter, Barbara, and involving James Stewart of Græmsay, crippled the estate. In 1622, William Irving, now of Sabay, revokes grants made in his minority to Magnus Sinclair and Marjorie Irving, his spouse.

This William died without issue, and Sabay passed to his sister, Marjorie, and her husband, Magnus Sinclair.

The Sinclairs were at that time undoubtedly the most extensive landowners in Orkney outside the pale of earldom and bishopric. They held the greater part of Deerness, much of St. Andrews and of Holm, Orphir from Coubister to Smoogro, Clumlie, and properties in the north and south isles. They mated with the highest in the land. Upon the seventeenth day of May 1580, "compeired personally Magnus Sinclair, in the Close of the Yards, wtin the towne of Kirkwall, for observing and fulfilling of ye heids of ane contract of marriage betwixt John Sinclair, eldest son to the said Magnus and Marie Stewart, Brother Dochter to ane nobill and potent Lord Robert Stewart, fewar of Orkney and Zetland" ; and Magnus gave the young couple the lands of Braebuster and Tolhop.

Magnus Sinclair and Marjorie Irving seemed to have preferred Sabay to their town house, which was in a ruinous condition before it came into possession of their heirs. "Robert and James Sinclairs of Sabay hath ane great ludgeing, sometyme pertaining to the Sinclairs of Sabay (the twa pt. qrof is without roofe, and the rest qrof p'tlie under theack roof and p'tlie under sclaitt roofe), p'ntlie possest by James Linay, cordiner, and uthers."

The Sinclairs disponed the old house to Hutcheon Cromarty and his wife, a daughter of Bessie Irving, younger sister of William, who was "schott," and from them the Sabay mansion passed to their daughter, Margaret Cromarty, and her husband, Walter Fearne, litster.

The term "litster," for dyer, has become obsolete in Orkney, but in the Fair Isle we still have a trace of it ; the pot in which the women mix their pigments for dyeing their home-spun yarn is still called the lit-pot. Robert Monteith of Egilshay, in his "Description of Orkney and Zetland," mentions a lichen which the Shetlanders "scrape off the stone to make the Lit they call the Corker Litt." The litsters of Kirkwall, in the seventeenth century, were a very important class, and many of them acquired wealth.

In the old days, when trades had special privileges secured to them by law, they were more exclusive and jealous of each other than they now are. The litsters, it would seem, sometimes bought webs straight from the loom, dyed them to their own taste, and then sold

* Pet. Notes, App., p. 51. † Toab.

them, perhaps by retail. Hence an Act of the Scottish Parliament, 1457 :—"It is seen speedefull that lit be cryed up and used as it wont to be. And that na Litster be Draper, nor bye claith to sell againe under the paine of escheit."

Walter Fearne, a ferrylouper, was not much of a man. His wife may not have been the most prudent of women, but he should not have driven her to the Session for redress of undoubted wrongs.

"Compeired Margaret Cromartie, spous to Walter fernes, litster, and complained upon her husband for abusing her, and sometymes in his rage beating her, and giving her nothing of his wining, neither suffering her to live in peace with him, nor bedded with her since lambes, and permitting his servants to vex her, keeping them against hir will," "and desyred my lord bishop to bring them to reconciliation again."

"Compeired the said Walter, and declared that her deportment and carriage was the onlie cause of thir variance, and that he was sorrie therfor, neither did he allow his servants in the least to speak roughlie to her or abuse her."

"My Lord Bishop and Session, having heard them both and considered the matter : Therefore My Lord Bishop admonished them of their dewtie, and exhorted them to live more peaceablie, and to continue in love and amitie, as becomes married persons. Wherupon the sd. Walter took his wife by the hand, and each of them promised not to be heard any more in publick anent that particular." *

In part of the Sabay mansion, Fearne had as a tenant Alexander M'Rae, peruker, whom he had to summon for rent in 1689.

In 1692, the Rev. John Wilson and Isobel Traill, his wife, acquired this property from Walter Fearne.

Mr Wilson came to Kirkwall from Aberdeen, May 1683, and was appointed minister of the Second Charge in January of the following year. Within three months he was translated to Stronsay and Eday, and in two years was recalled to St. Magnus. "The whilk day,† Mr Wilson was admitted second minr. of Kirkwall, with the special advice and consent of My Lord Bishop, who was patron thereof." In 1689, he was appointed minister of the First Charge, in succession to Mr Wallace. By this time Presbyterianism had been established, but Mr Wilson remained a staunch prelatist ; so, on Saturday, 25th October 1690, "Robert Elphinston caused Robert Arskyne to make intimation to Mr John Wilson, minister, that he should cist preaching the Word, and for so doing God in his ain time will visit him with some signal judgment." ‡ Mr Wilson, however, kept his pulpit for some time longer, suffering much annoyance and some indignity at the hands of the local representative of secular authority. "The proclamation for a fast was proclaimed by Lopness, to be published in the kirk of Kirkwall, without enquiring the consent of Mr Wilsone." §

Elphingston's object, apparently, was to show that the Episcopal clergyman was a disaffected person. But "Mr John Wilson went (5th Jan. 1691)‖ to the house of Robert Areskine, clerk for the pnt. to Robert Elphiston of Lopness, now Stewart of Orkney and Zetland, and demanded ane copy of the Act of Assembly and Counsell anent the forsds. fast, which he would not have, and protested in the hands of Thomas Brown, notar publict, that he might be free of all inconveniency that might follow yrupon, in regard he was ready to comply wt. authoritie."

This irritating interference was unceasing, Colonel Elphingston stretching his authority to the utmost. The minister of the second charge obeyed the order of the Steward, and resigned ; but, finding that the petty tyrant was exceeding his powers, he applied to the Privy Council, who "reponed him" to his charge.¶ But the struggle still continued, and Mr Cobb, lacking the courage of Mr Wilson, gave up the contest, and retired, 1692. Four years later he was re-ordained by the Presbytery of Glasgow, and was appointed to Stronsay and Eday. Mr Cobb's settlement in the Cathedral by Bishop Bruce had been the last appointment in

* S. R., 21st Sept. 1689. † S. R., 20th Dec. 1687. ‡ T. B. § T. B., 18th Jan. 1691. ‖ S. R. ¶ Fasti.

Scotland under an established Episcopacy, and in his North Isles' charge he was the first minister inducted in Orkney under the new regime.

As his successor in the second charge, the Kirk-Session and heritors, now bishopless, chose Mr James Young, still an Episcopalian.

In June 1694, Mr Wilson was deprived of his charge by the Privy Council, and ceased officiating in St. Magnus. Mr Young continued in office till September of that year, when he also was removed, and went as chaplain on board one of William and Mary's ships of war.*

For eight years Mr Wilson, as a preacher, kept silence—a silence which he told the Presbytery was to him worse than death. On Sunday, 3rd January 1703, he surreptitiously entered the Cathedral pulpit, of which he still claimed half, but was forcibly ejected by Mr Baikie, then high priest of Kirkwall, ably assisted by his wife. On this occasion it is evident that Mr Wilson made no effort to hold the fort, or he might have given his assailants some trouble, and perhaps have created a diversion in his favour by an appeal to the pews. Nothing could more clearly bring out the meekness of Mr Wilson's character than his conduct in this fracas.

But, unable any longer to keep silence, he next month opened his own house to an Episcopalian congregation, and for a few years this little conventicle was a very prickly thorn in the side of the presbytery. He left Kirkwall before 1707, for in January of that year he had a meeting-house in Edinburgh† ; and, in 1712, he presided over a congregation in Haddington.

As a clergyman, Mr Wilson is worthy of the admiration of all denominations. True to his own party, he was able to give credit to opponents for at least honesty of conviction, and for working along with his church towards a common end. In a poetic effusion, referring to sectarian troubles, he says :—

> "These contraries will last but for a while ;
> There is a land beyond that azure sky
> Where none lament, all are in melody."

Mr Wilson's widow was alive and in Kirkwall in 1721, an annuitant on the fund provided by the Scottish Episcopal Church for indigent clergy and their widows.‡

We incidentally learn something of the condition of the Sabay mansion in the Burgh Records, 20th April 1711 :—"In obedience to ane Act of Parliat. Lately come to this Countrey, granting new Duties upon houses haveing twentty windows or more, wee fynd the House of Mr John Wilson, Late Minister, hath twenty-ffyve windows, a pt. of which haveing yrin ffyftein windows, is possest by James ffea of Clestren ; a pt. yrof, haveing eight windows, standing waste ; and a pt. yrof, haveing two windows, is possest by John Millar."

The next owner of this house was William Traill, Town Treasurer. Mr Traill, a grandson of the first Thomas Traill of Holland, was a prosperous merchant and a thoroughly representative burgh official of the early part of the eighteenth century.

The business of the town was as well done then as it is now. The work of the Council, and especially of the Magistrates, was much harder and vastly more responsible then than at the present day.

The Provost, or, as he is designated in the old records, the Lord Provost, and Bailies were constantly called upon to decide cases which would nowadays certainly go to the Court of Session, and their equity was seldom impugned. Yet the Council's transactions, read by the light of the Treasurer's accounts, are more like the records of a convivial club than the minutes of a municipal corporation.

* Fasti. † Fasti. ‡ Craven's Ep Ch. in Ork., pp. 44 and 45.

Business, however, went pleasantly ; there were full attendances at the weekly Council board ; and when special business called for evening committees, it was always a case of "happy to meet."

It is perhaps somewhat in keeping with what we know of Treasurer Traill's warm-hearted character that we find the following entry in the Session records* :—

"After prayer, William Traill, called, compeared, and being asked if he was the father of Ann Sabiston's child, wt. whom he was now contracted, acknowledged he was the father of her child ; being exhorted, was appointed to make satisfaction, conforme to the order of the Church ; promised obedience, and craved that, in regard he was contracted in order to marriage wt. the said Ann, they might be absolved upon their first public appearance ; he being removed, the Session thought it reasonable, upon the account of their being to be married shortlie, as foresaid, to grant the request of their being absolved upon their first appearance, if they be found penitent, and appoints them to appear publicklie next Lord's day before the congregation ; and he being called in, gave, *in pios usus*, to the Sess. a guinea."

In those days, a man who came with a guinea in his hand generally made a better bargain than Traill did, but evidently the rebuke from the pulpit had no terrors for him. He was married within a fortnight of his censure.

A glance at Treasurer Traill's disbursements shows the jovial manner in which the work of the Burgh was conducted in the brave days of old. The municipal year began on the 29th of September ; and, in 1731, the expenditure from that time till the end of December is given below :—

Sept. 29th.	—By 9 bottles Rum, 6 bottles Clearet, 3 bottles brandie, 3 Mutchings lime Joyce, two pound Eight unce Suggar, & Six Bisket, Given the Magistrats & Councell the Election day—all is	£15	6	0
	By 40 pints ale & 4 bottles brandie, given the Deacons & treads said day —all is	6	8	0
Oct. 6th.	—By two bottles white wine & ane bottle of Brandie, to the Magistrats when they made William Johnston burges	1	16	0
	By six bottles Rum, ane bottle brandy, 1 pd. 12 once Suggar to them, with a choping lime Joyce & 2 bottles white wine, when Windbreck was made Burges—all is	8	6	0
9th.	—By cash given John & Thomas Stewarts, conforme to the Provost's warrand	2	8	0
15th.	—By a bottle brandy to the Magistrates the day Baillie Fea came to present Clestran's letters, is	0	12	0
16th.	—By 31 bottles Rum punch, one bottle Clearet, & one pynt ale, when Mr Gillon & Collector Drummond were made Burgesses	10	0	0
Nov. 19th.	—By a bottle brandy to the Magistrats & Councell the day Foulis† letter was read	0	12	0
20th.	—By 13 bottles Rum punch, 5 bottles white wine, 8 ounce Suggar, ane bottle Brandy, and 3 pints milk, to the Magistrats, to treat Mr Hay when he came home from the Convention of Burrows—all is	8	1	0
	By cash to the officers, on Baillie Geo. Traill's warrand	1	10	0
Dec. 17th.	—By ane bottle brandy, to the Magistrats & Councell, when Stenes & Cha. Grame was sent for to Councell	0	12	0
18th.	—By cash to the officers, on Baillie Geo. Liddell's warrand	0	12	0
	By 32 Bottles Rum punch, 4 bottles white wine, 6 unce Suggar, & 3 pints milk, to the Magistrats the day Stenes, Charles Græme, & Hans Heilman were made burgesses	12	9	0

Six "Bisket" is the amount of solid food which accompanied all this liquor.

There are two interesting entries in the next year's accounts :—

March 2nd.	—By 8 bottles Rum punch, to the Magistrates and Councell, when they gott Sir James Sinclair's obligation for his tolbooth mealls‡	£2	8	0
April 3rd.	—By a bottle brandy, to give Sir James Sinclair of May & the Magistrats in Hugh Gyer's house	0	12	0

* 23rd Aug. 1711. † Colonel Monro of Foulis, M.P. ‡ Dues.

Hugh Gyer was Town Clerk at this time, and the Magistrates had taken Sir James Sinclair out of prison to enjoy an evening's sociality in a private dwelling.

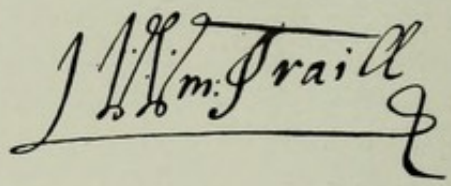
The entry under 2nd March 1732 refers to this :—

"Sir James Sinclair of Mey, Bart., grants obligation to the Magistrats of Kirkwall and their Gaoler, for Tolbooth Meils, from the 24 August 1723 to 24 Febr. this Instant, Year 1732, the sum of £1051 5s Scots of Gaol Fees, at 10s Scots per diem, for my extraordinary accommidation within the Tolbooth of Kirkwall, use of the Council Room there, with diverse easements for £1095 Scots thereof, my Bills, dated 31 Dec. 1729, drawn upon Patrick Dunbar of Bowermadden, 1st and 2nd, payable to Robert Kaa, Treasurer of the Burgh of Kirkwall, for my gaol fees, from 24 Augt. 1723 to 24 Augt. 1729, inclusive, were protested for non-acceptance. Therefore, but any prejudice to the foresaid Bills, I bind and oblige myself, my Heirs, etc., not only to pay to the Magistrates of Kirkwall or assignees the foresaid sum of £1095 Scots, but also £456 5s Scots, as my gaol fees from said 24th day of August 1729 to 24 Feb. this inst., year 1732, extending both the said sums to the sum of £1551 5s, and that betwixt this and the Term of Lambas next, with the sum of £310 Scots of Liq. Expenses, in case of failure with @ rent from this date till paid."

In the case of Sir James Sinclair of Mey, the sins of the fathers were visited on the son. His grandfather, Sir William, had burdened his estates very heavily, and in this condition left them to posterity. Sir James, the father of our prisoner, could do nothing to relieve them, and in 1694, by order of the Court of Session, they were put up to roup. Only the Ross-shire property sold—Cadboll and others—and Sir James's cousin, the Earl of Cromarty, compounded with the creditors for Mey by paying £1000 stg. to clear off their claims on the land. For this, however, he held a bond over the property, which, thus burdened, came to Sir James of the Tolbooth. Beginning life in an utterly impecunious condition, and inheriting the extravagant tastes of his family, he added to his troubles by marrying the tocherless daughter of Lord Duffus, a lady of expensive habits, by whom he had four children. In 1719, he borrowed £6300 Scots from Sir Patrick Dunbar of Bowermadden, who, at the same time, bought the Earl of Cromarty's bond of £1000 stg., with accumulated interest. On the 23rd August 1723, Sinclair and Dunbar signed an agreement in Kirkwall as to repayment, and the day following, poor Sir James entered the Tolbooth, to remain till his death, fifteen years afterwards.

But the author of "Ye Towne of Wick in ye Oldene Tymes" throws a lurid light upon the prisoner in Kirkwall jail :—"In 1721, the sister of the Laird of Stirkoke was pregnant to the Laird of Mey, a married man ; and the minister, fearing designs against the child, called a special meeting of the Session in order to take her judicial confession. It came out that the Laird had provided a nurse to attend her, and also a man-servant to carry off the child as soon as it was born. The nurse was ordered out of the parish ; and when search was made for the man, it was found that he had taken flight to Orkney. The Laird was also discovered in another county in close custody for debt."

For six long years after this evening in Hugh Gyer's house, Sir James remained a prisoner in Kirkwall Tolbooth, his bills still unpaid. On 16th September 1738, his son and successor, Sir James Sinclair of Mey, took on himself the obligation granted by the deceased prisoner, "my said father being now dead, and his corps decently taken care of, from the 26th March last to this day, within the Tolbooth of Kirkwall."



The Corporation of Kirkwall found constant occasion for conviviality, and Treasurer Traill records their bouts with the most circumstantial honesty. After the election of 1732, "34 bottles Rum Punch, 10 bottles white wine, and a bottle of Brandy" were consumed by the Council at a cost of £17 16s 6d, while the Deacons and Trades were allowed £7 11s, and the officers, £1 10s.

Then there was "a bottle brandy to the Magistrats and Councell the first day the provost met after he was choisen."

As already seen, the festive gathering was sometimes held in a private house.

"By cash, paid Baillie Fea's wife for wine drunk by the Magistrats when they made Sir James Stewart and Clestran burgesses, £28 4s."

"By cash, paid David Strang for honny and aquavitey drunk by the Magistrats, conforme to warrand, £1 6s."

"By 4 bottles wine to the Magistrats, which was drunk in Donald Groat's house, £4 8s."

That such lavish expenditure could be tolerated is at first sight surprising, but it must be borne in mind that the accounts were not published, that the people looked on it as use and wont, and that in those days the Council contributed the bulk of the rates.

The Council's liquor bill for less than three months, 29th September to 18th December, came to £48 12s Scots. This is only £5 14s 4d stg., but in those days a pound Scots could go farther in the purchase of exciseable liquors than a pound sterling can now. Take, for instance, the following entry in Treasurer Traill's accounts:—"34 bottles rum punch, 10 bottles white wine, and a bottle of brandy—all for £17 16s 6d Scots"—£1 9s 8½d sterling.

The keeping of the Burgh accounts was more troublesome then than now, and there was no remuneration for the work. It was not till December 1838 that the Council saw fit to grant the inadequate sum now attached to the office, which is simply a recognition of service, ot a salary.

After passing through several hands, Samuel Laing's among others, the mansion of the Irvings of Sabay was, in 1837, sold by Thomas Smith, Laing's factor, to Thomas Flett, junior, vintner, in whose family it still remains. The sign of the hostelry then established was an anchor, and the passage from the street to the back court of this house is still popularly known as the "Anchor Close."

The tenement south of Sabay's land had been in early times a stately dwelling. It was the town house of the Sinclairs of Brugh, and from the description it would appear to have been a square enclosing a court overlooked by a balcony.

In 1677, it was already in a ruinous condition. "John Kennedie of Stroma hath the fabrick or ludgeing called the gallerie, sometyme pertaining to the Sinclairs of Brugh, sua much as is habitable yrof, p'ntlie possest by John Johnstone, betwixt the king's hie street on the west, the loan towards St. Catherine's quoyis on the east, the great ludgeing pertaining to the Sabays on the north, and the ruinous land pertaining to Arthur Sinclair's air on the south."

The Kennedies were hereditary constables of Aberdeen for more than two centuries, dating from 1413, and held extensive lands in that county. In 1652, an unfortunate dispute arose between John Kennedy of Carmunck and a neighbour, Forbes of Waterton. The tenantry on both sides took up the quarrel, and Forbes was killed. Kennedy then sold his house and lands in Aberdeen, came north to Caithness, and, in 1659, got from the Earl of Caithness a wadset of Stroma, which became the principal residence of the family. The "Gallery" was held by John of Carmunck on a charter from the Town Council. In Kirkwall, Kennedy soon came to be a trusted public man. In 1677, Arthur Baikie of Tankerness and John Kennedy of Carmunck were appointed arbiters in a division of the estate of Halcro between the two daughters of Hugh Halcro of that ilk—Jean, who married Alexander Mowat of Swinzie, and Sibilla, wife of James Baikie of Burness.

In 1678, John Kennedy, yr. of Carmunck, married Jean, eldest daughter of Bishop M'Kenzie. Some of their descendants are still to be found in the South Isles, particularly in South Ronaldshay, where they had property.

The traditions in Stroma as to the arrival of the Kennedies and their final departure are somewhat remarkable.

Among a community which regarded a house as sufficiently furnished if it contained a couple of box beds, a table, and some "creepies," the amount of carefully packed household stuff brought by the new-comers caused much astonishment.

The strangers were at once set down as pirates, bringing the spoils of many years to the lonely island for the secrecy and security they could not find elsewhere.

Even when they came to be recognised as reasonably honest, they were still regarded as a peculiar people. Instead of going to a decent grave when they died, and being buried out of sight like other folk, they must needs build a tomb for themselves, that their dust might not mingle with the common clay. Of this mausoleum, Pope, minister of Reay, writes :—" In this island there is a vault built by one Kennedy of Carmunks. The coffins are laid on stools above the ground ; but the vaults being on the sea edge, and the rapid tides of the Pentland running by it, there is such a saltish air continually as has converted the bodies into mummies—inasmuch, that Murdo Kennedy is said to have beat the drum on his father's belly." *

In 1721, William Sinclair of Freswick acquired Stroma, and to this day the islanders are clear as to the nature of the transaction.

William Sinclair, with a document ready prepared, having a tracing of the last deceased Kennedy's signature appended, went with two witnesses to the burial vault. Putting a pen into the dead man's hand, Sinclair guided it over the tracing on the deed.

Sinclair's two friends conscientiously witnessed the signature, and Stroma became the property of the Laird of Freswick.

To complete the tradition, it is stated that one of the witnesses, after years of remorse, finding his life utterly unendurable, committed suicide, and the other on his deathbed told the ugly story.

Kennedy sold the Gallery to David Drummond, one of the Bailies of Kirkwall, and Christian Graham, his spouse. In 1683, Drummond granted liferent of this house to his second wife, Janet Forbes.

In the days of Drummond's magistracy, the town had a difficulty with that troublesome person, Captain Andrew Dick, Chamberlain of the Stewartry ; and, 3rd February 1681, " David Drummond, Baillie, and David Craigie, Provost, took the journey from Kirkwall to Edinburgh, upon ye complaint given in bi Capt. Dick against them before the Privy Counsall, their day of compearance being 24th Feb. 1681." †

It is satisfactory to know that Dick was expelled from Orkney shortly afterwards.

From David Drummond the Gallery passed to George Drummond of Blair-Drummond and his wife, Marjorie Graham. The Drummonds were Perthshire men, and probably came north with Bishop Graham, who was very clever in providing for those of his household.

George Drummond, having money at command, increased his wealth in the usual easy manner. In March 1650, we find him and Marjorie Graham lending money to Mudie of Snelsetter.

In 1707, the Gallery was in possession of James Burdon of Feddell, another Perthshire man, who had married Mary Drummond.

In 1718, the old house was bought by James Traill, writer, Edinburgh, who the same year purchased Woodwick and North Ronaldshay. He had married Margaret, daughter of John Traill of Elsness, and when, in 1730, he retired from business, he rebuilt the Gallery, and settled down in Kirkwall.

The feu-duty was £5 16s 8d Scots, " with the service of the Burgh, used and wont, by

* Calder. † T. B.

Scotting, Lotting, Taxing, Stenting, Watching, and Warding with others the inhabitants and neighbours within the samen, conform to the practice and custom of the samen Burgh."

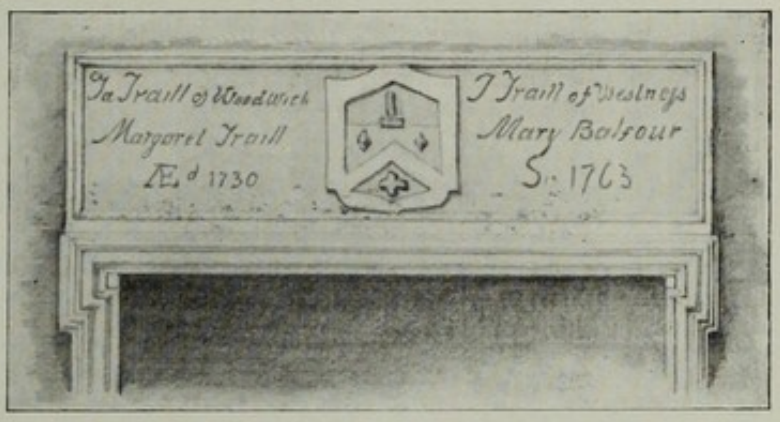
Mr Traill entered the Council, September 1730, and was made Provost the same year.

In the conduct of municipal business, as shown by the Burgh Records, the Traills have far outnumbered any other family name. Indeed, there were sometimes so many of them in the Council that it became difficult to bring out their several identities in recording the sederunts. The Traills upon this Council were :—"James Traill of Woodwick, Provost ; Patrick Traill, Bailie ; William Traill, Dean-of-Guild ; William Traill, Thesaurer ; and William Traill, brother to Woodwick."

Sharing the fate of all unsalaried servants of the community, the Traills experienced the ups and downs of public favour. A local rhymster records a time of unpopularity :—

> "Traills up the town, Traills down the town, Traills in the middle ;
> De'il tak' the Traills' guts for strings to his fiddle."

At the back of his house, Mr Traill planted trees and made a large garden. This garden was for about a century the finest in our islands. His trees, being sheltered, grew to be the best in Orkney, but the exigencies of commerce have caused their removal. He erected a little summer house of undrest stones. A mere glance shows that these do not belong to the neighbourhood.



Lintel over Front Door of Gallery.

It was now just five years since the capture of Gow the Pirate, and it was Mr Traill's whim to procure some of the ballast of Gow's ship, the "Revenge" ; so, with consent of the Laird of Eday, he had them brought from the Calf Holm. They are still preserved by the present proprietor of the Gallery.

Mr Traill was an excellent business man, and, though retired from professional work, engaged actively in commercial dealings with the Continent, especially with Holland and Norway.

A letter, bearing slightly on the building of his house, may be given here :—

"18th April 1730.

"To Mr Thomas Bell.

"Sir,—I desire the favour, if you goe to Holland this summer, you'll buy and bring home with you, for my wife, the following particulars, viz. :—half piece of Hollands for Shifts, 26 Ells, at 24 or 25 Styvers per ell ; 6 pound weight of Bohea tea, at 3 Guilders or thereabout ; 2 pound unspun cutton, half a pound good cinnamon, one hundred weight good head lint, and two iron potts, one of 20 pynts and the other of 12 pynts ; and if you do not Goe yourself, you'll commission the above for me to be brought home along with your own goods. I herewith deliver you Eight Guineas of Gold for purchasing the same, and if they arise to more or less, we shall cleir at meeting. Wishing you a safe voyage and a happy return,—I ever am, Dear Sir, your obliged Comrad and Humble Servt.,

(Signed) JAS. TRAILL.

"Sir,—You'll please further to bring home in your ship, for my own use, six wanscott planks of 2 in. thick, and six of 1½ in., being for window casements ; this is the commission I mostly regard.

JA. TRAILL."

Like a lady's letter, the postscript is the most important part.

James Traill died, 1733. His only son had long predeceased him, and now the Gallery passed to a nephew, John, son of George Traill of Westness and Margaret Ballenden of Stenness. John Traill married Mary, daughter of John Balfour of Trenaby. He wrought great changes on his uncle's house, probably built the wings, and certainly put up the lintel over the front door, on which he recorded the date of his alterations, 1763.

One of the Westness Traills, William, married, 1789, Mary, eldest daughter of Sir George Colebrook, Baronet, and widow of Count Adrien de Peyron. Their son, George William Traill, entered the Indian Civil Service.

A biography of Brian Hodgson,* who joined the service as Traill's assistant, gives much insight into the character of the senior :—

"Few influences exercise a more permanent effect on a young Indian civilian than the character and conduct of the first officer under whom he serves. The new-comer's standards of work and his conceptions of duty to the people around him receive an impress at starting which is seldom afterwards effaced."

This held especially true "eighty years ago, when civilians joined their first appointment as mere lads."

"A working District Officer turned out a series of working assistants ; a sporting District Officer made sporting assistants ; a District Officer with a taste for revenue administration trained the men who were destined to conduct the land-settlement of provinces ; while a District Officer who did what was right in his own eyes, with as little regard as possible to the central control, produced a useful, stubborn breed, who were prepared to fight for their own measures, or mistakes, against all the authority of district Secretariats and Boards.

"Brian Hodgson was fortunate in his first master. George William Traill, then Commissioner of Kumaun, formed one of the group of strong-handed administrators whom Lord Hastings' conquests developed.

"It was a time that called forth strong men. Lord Hastings had remade the map of India, and he needed civilians with courage and independence of resource, to convert his disorderly conquests into peaceful British provinces. Among these administrators of the transition stage, Traill occupied a foremost place. One of the first fruits of the Haileybury system,† he arrived in India in 1810, and, after five years' service, was appointed, in 1815, assistant to the Honourable E. Gardener, the political officer with the Nepal expedition. In 1816, Gardener was promoted to be first Resident at the Court of Nepal, and Traill succeeded him as Commissioner of Kumaun.

"George William Traill looked upon Kumaun as a principality of his own, to which he had succeeded by conquest. He had been on the spot when it had been taken over from its previous rulers. During twenty years, one Governor-General after another let him have his own way, for on the whole it was a way of righteousness ; and he set an example of personal government to succeeding Commissioners of Kumaun which was only broken down in our own day. The Governor-General might be ruler of India, but Traill was 'King of Kumaun.' The stamp of personal independence which he gave to its administration survived for seventy years, and its last great Commissioner, General Ramsay, was still known as 'King of Kumaun,' even under strong Viceroys like Lord Mayo and Lord Northbrook. Traill ruled absolutely till 1835, and he trained up successive assistants in the habit of thinking that a frontier administrator knew what was good for his territory much better than any distant central authorities.

"Traill spoke and wrote the local language, dispensed with all formalities, settled cases in court like the father of a family, and encouraged every one who had a complaint to put it in writing and drop it into a slit in the court door, of which he kept the key. Answered *viva voce*, in court or out. He was of active habits, and went everywhere throughout the province, hearing and seeing all for himself. His cheerful, simple manners and liking for the people made him justly popular."

In 1823, Traill published a Report on Kumaun, which was re-published in 1851 by order of the Lieutenant-Governor of the North-Western Province.

He retired from the service in 1836, and, returning home with ample means, purchased Wyre and Rousay, except a small portion which was not in the market. He died unmarried,

* "Life of Brian Houghton Hodgson, British Resident at the Court of Nepal," by Sir William Wilson Hunter, K.C.S.I., M.A., LL.D., &c., &c.

† Entered Haileybury, 1808.

1847, leaving his property to Lieutenant-General F. W. Traill Burroughs, whose mother was daughter of Chev. de Peyron and Mary Colebrook.

General Burroughs entered the army as a youth, and did heroic service in the Crimean War and in the Indian Mutiny, service which has not been sufficiently recognised. It cannot but be galling to the man who entered by the breach and opened the gates to see comrades who entered by the door wearing the Victoria Cross, while the hero who admitted them remains undecorated. The story of the storming of the Sikandarbagh, by Colonel W. Gordon Alexander,* places General Burroughs' work in a true and proper light :—"Burroughs, my Captain, *would* stand up close to the edge of the bank, behind which, as it had a gentle slope, the rest of No. 6 Company obtained some shelter ; but he drew a continuous fire by that manœuvre, not only on himself, but on all in his neighbourhood, for as I was kneeling a little to his right rear, I was in a position to judge, and kept on telling him so. As I afterwards discovered, Burroughs had made up his mind to be first in, when we began to see that the breach was being driven through that face of the south-east bastion exactly opposite where we were. As he persisted in standing up and I continued to remonstrate, he waxed very short-tempered, and so did I. When Burroughs and I saw the hole getting slowly practicable, we kept watching Sir Colin and Colonel Ewart for the signal to storm. When the signal was given Burroughs had only to jump down on to the level ground, whilst I had to rise off one knee, and the rest of No. 6 Company, being all stretched out on their faces, took a little longer to rise. Burroughs thus got a start of a dozen yards. On reaching the hole he had bent his head and actually succeeded in jumping in, knocking his feather bonnet off in performing this harlequin's feat. Private Dunlay and two, or perhaps three, more men of No. 6 Company were pushed up after Burroughs. Colonel Ewart now came up, and I and a private gave him a leg in, for, with the exception of Burroughs, every one was helped in. I followed Ewart."

Captain Burroughs, with his followers, opened the gates for the army to enter ; but he was severely wounded, and though he was recommended for the Victoria Cross, he never got it. Colonel Gordon Alexander adds :—"I do not believe that there was another officer there who could have performed the same feat ; where such a leap merely knocked off Burroughs' bonnet, either Cooper or I would have knocked out our brains had we tried it."

Mary Traill, of the Westness family, married Dr Keith Spence, and went with him to America. Their daughter Harriet married the Rev. Charles Lowell, and was the mother of James Russell Lowell, American Ambassador in England, and author of the "Biglow Papers."

After serving the Traills as a town house for more than a century, the old Gallery was converted into an hotel ; and though the rooms were small and the conveniences limited, it was a huge improvement upon any hostelry that Kirkwall had previously possessed. In 1890, with extensive additions, it was turned into business premises by its present proprietor, Mr Robert Garden.

The site to the south of the Gallery, now the property of Mr William Slater, wine merchant, belonged, in 1677, to "Margaret Cromartie, relict of umql. George Coupar, smyth, ane great pairt yrof is without roof, the rest, under a sclaitt roof, is possest be hir selfe."

George Cooper was dead in 1678, and Patrick Traill of Elsness purchased from the widow some part of the stock of the late smith, as the following extract from the skipper's note-book shows :—"August the 16, 1678.—Item, bought from Margret Cromartie, in Kirkwall, nyn moskets. Item, 3 Stokes, and ane littell barrall off ane gon ; paid to her for them twall pond scottes ; thay ar lying in my ouper Lafft."

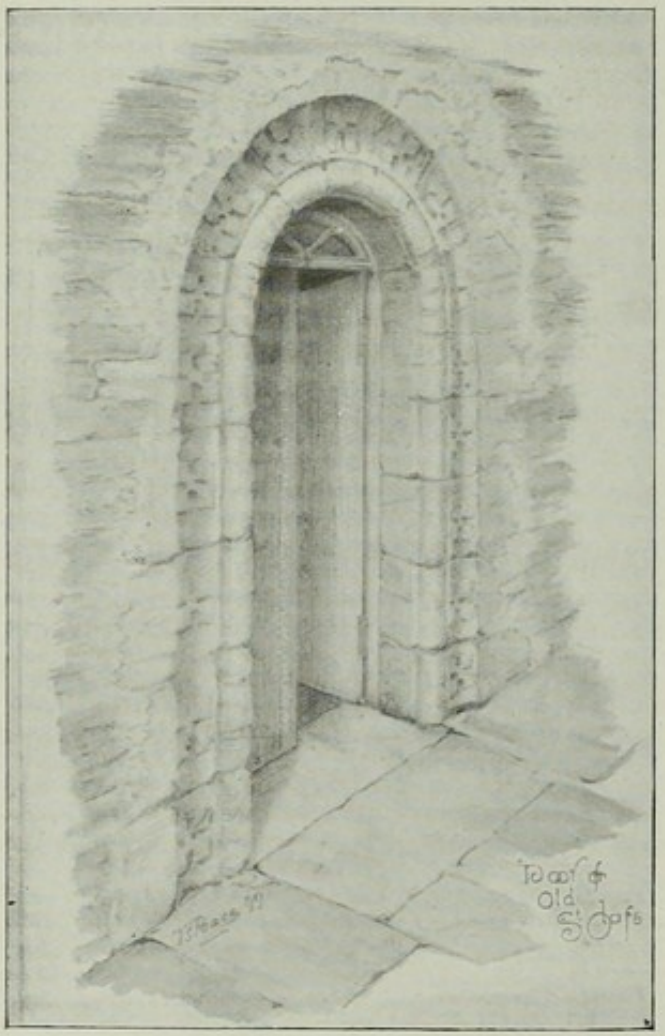
Margaret Cromartie's property passed through several hands, and in the beginning of the present century it had fallen into the possession of the Town Council, from which body it was

* Recollections of a Highland Subaltern.

purchased in 1818 by Patrick Gorie and Elizabeth Drever, his spouse. It is described as "that piece of ground and houses lately built thereon, being part of the Poor House yard betwixt the Poor House and the property belonging to Wm. Traill, Esq. of Woodwick."

In 1677, the southern boundary of this property is given as St. Ola's church and churchyard, which had formerly occupied the whole space between the "Gallerie" and the Bridge.

The church was built by Rognwald Brusison in honour of his uncle, Olaf the Holy, killed at the battle of Sticklastadt, 1030. It was the first Christian church erected in the little town after the Norse occupation of the islands, and it is only after Rognwald's building was put up that the name Kirkwall appears in history.



Doorway of old St. Olaf's.*

Near the little Pictish hamlet there had been, before the Norse immigration, a Culdee chapel, and it is just possible that on this ancient site Brusison built his church. Be that as it may, taking the date of the building as somewhere about 1040, we have here the oldest site and the oldest erection in Kirkwall of which a definite history exists, and this history has now been continuous for eight centuries and a-half.

After it had been for a hundred years the only church in town, Rognwald II. began the building of the Cathedral. St. Olaf's was possibly a wooden structure, now falling into disrepair; and this would give point to Rognwald's vow to "build a stone minster at *Kirkwall in the Orkneys.*" It was to St. Olaf's that the exhumed coffin of St. Magnus was brought till the new building was ready to receive it. In this church Bishop William the Old officiated, and from this church, in solemn procession, priests, warriors, and villagers followed the sainted remains of the murdered Earl to their resting-place in the magnificent pile dedicated to his memory.

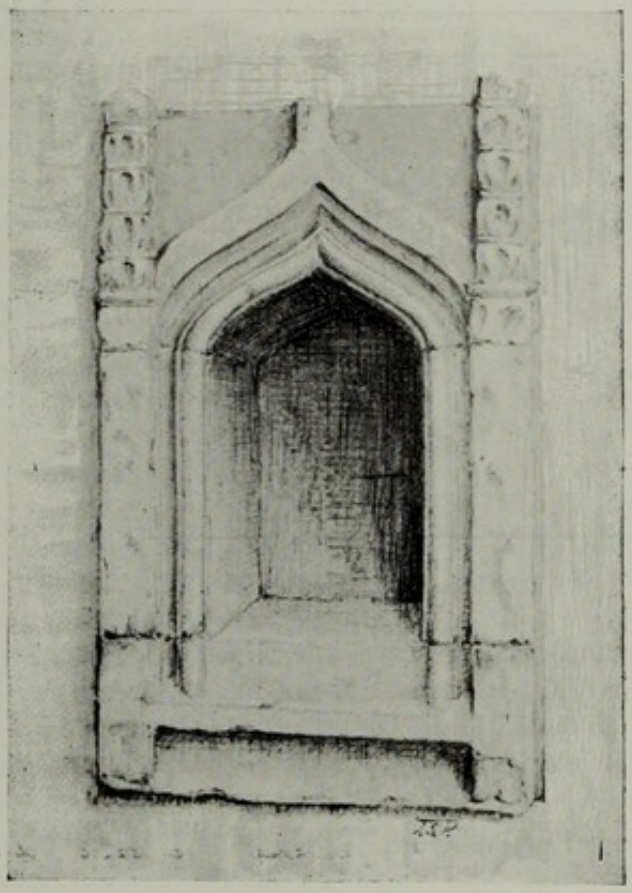
It can readily be seen that two such temples as St. Olaf's and St. Magnus' were beyond the requirements of Kirkwall at that time, and accordingly, by the rule of the survival of the fittest, the former was doomed to decay. In the middle of the sixteenth century, it was restored by Bishop Reid in view of his contemplated extension of the Cathedral.

But before 1677, St. Olaf was again a ruin. On the 15th October of that year, the Session "ordain to summon Jean Covingtrie for alleged scandalous conversing with John Dunbar, a souldier, she being seen in St. Ola's Kirk with him after eight hors at night."

* This doorway was taken down, stone by stone, and rebuilt in its present position by Mr John Reid when he bought the property.

"The witnesses, viz., Anna Johnston, Robert Murray, Kirk bedall; and Thomas Dischingtoun, Session Clerk, being examined, declared that they saw the said Jean and John in the old kirk after eight hors at night, in a private corner thereof, but knew not what they were doing there at such a tym of night."

Again the old church was repaired and turned to account, this time as a poorhouse. It might seem surprising that, in the seventeenth century, Kirkwall should be possessed of such an institution; but, truth to tell, neither the Magistrates nor the people wanted it; they had it forced upon them by an Act of Parliament, which they passively resisted for at least five years.



Aumbrie of old St. Olaf's, now in St. Ola's Episcopal Church.

"The King's Majesty,* considering the many good Laws and Statutes made by himself and his Royal Predecessors for suppressing of Vagabonds, Beggars, and Idle persons, who are a great burden and reproach to the kingdom; and considering that the effect of all these good Laws has been frustrat, because there has been no place provided wherein such poor people might be set to work: For remeed whareof, His Majesty, with advice and consent of His Estates of Parliament, Statutes and Ordains that the Magistrates of the Burghs following, betwixt and the term of Whitsunday next, 1673, provide Correction-houses for receiving and entertaining of the Beggars, Vagabonds, and Idle persons within their Burghs, and such as shall be sent to them out of the Shires and Bounds after-specified." Then follows a list of thirty-two burghs, beginning with "*Edinburgh*, for the Town and Shire of *Edinburgh*," and ending with "*Kirkwall*, for Shire of *Orkney* and *Zetland*."

But 1677 still saw Kirkwall without the poorhouse, which should have been opened before Whitsunday 1673.

Perhaps the Magistrates continued to evade the law by making use of a clause in the Act which provided for aged and infirm paupers, "that they give them a Badge or Ticket to ask almes at the dwelling-houses of the Inhabitants of their own Paroch only, without the bounds of which they are not to beg."

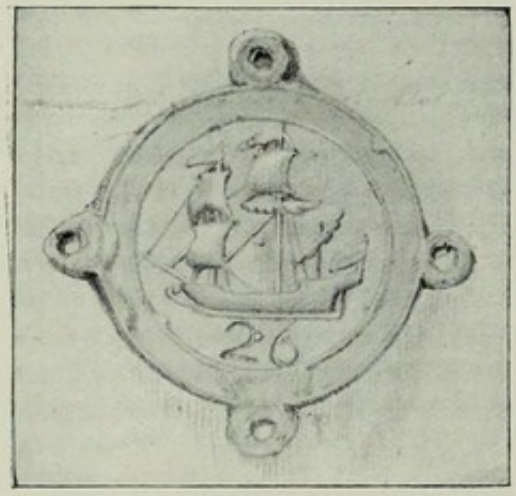
"The quhilk day,† forsameikle as it is complained upon and regrated by divers and sundrie inhabitants within this Incorporation, that there are many vagabonds and beggars increasing in this said place, both from the landwart parrochs and Isles, as also from other countries, quhairby the place is mightily oppressed: Therefore, and in remeid thereof, the said magistrates and councillors present hath ordained ane roll of the toun's poor to be taken up and ane badge grantit thame of lead,

* Charles II., 4th Sept. 1672. † C. R., 26th June 1674.

stamped with the toun's arms, which is ane schipp, with the toun's motto, and none be allowed or tollerated to remain or reside within the said toun except those quha shall have the said badge ; and for the better obtempering heirof, it is appointit that James Laughton, bellman, goe through the toun and putt out all those quha have not the said badge."

The Kirkwall bailies evidently regarded all paupers as "aged and infirm," and hoped to save the expense of a house by a liberal distribution of badges.

Under this Act of the "Merrie Monarch," the pauper's lot was not a happy one. The authorities were to see "that they do not at all resort to Kirks, Mercats, or any other place where there are meetings, at Marriages, Baptisms, Burials, or upon any other publick occasion."



Beggar's Badge.

Any one who chose could have a young pauper as a servant, free of wages. Indeed, the Act of 1672 established a species of slavery in Scotland which lasted down to the beginning of the present century. "It is always hereby provided that it shall be lawful to Coal-Masters, Salt-Masters, and others who have Manufacturies in this kingdom, to seize upon any Vagabonds or Beggars, wherever they can find them, and put them to work in their coal-heughs or other Manufacturies, who are to have the same power of correcting them and the benefit of their work as the Masters of the Correction Houses."

Under this sanction, sturdy beggars were hunted, seized, and sent under ground for life. They were subjected to whatever treatment was considered necessary to preserve subordination. Picked up in a similar manner, wives were provided for these unfortunates, and the children born in serfdom succeeded their parents in the pits. They changed ownership as the works passed from one proprietor to another by inheritance or purchase.

To sell a man for cash might not have been tolerated, but a case is on record where a miner, having been recognised as translated from one county to another, explained that his new master, on a visit to the auld place, took a notion to him, and so "he was kniffered awa' for a powny"—a good man bartered for an indifferent horse.

It was given to the Commissioners of Excise to see poorhouses established, and they had the power to inflict a smart punishment for delay. "In case the magistrates of the saids Burghs, or any of them, shall not provide and have in readiness the saids Correction-houses betwixt and the said term of Whitsunday next, they shall incur the pain and penaltie of *five hundred merks* Scots money, and that quarterly until the Correction-houses be provided."

Though for some years the Kirkwall Magistrates succeeded in evading the law and in escaping the fine, they were at last brought to book, and Rognwald Brusison's church, rebuilt by Bishop Reid, was transmogrified into a workhouse.

This statutory demand was also met :—"Each of which houses shall have a large Closs, sufficiently enclosed for keeping in the said poor people, that they be not necessitat to be alwayes within doors, to the hurt or hazard of their health."

For nearly a century St. Olaf's had been nominally a poorhouse, when the Magistrates thought fit to let it as business premises to William Groat, who renewed his tack, 18th March 1767, at a yearly rent of £8 10s stg. Their next tenant was Mr James Erskine, and from him we learn its condition :—

"Kirkwall, 5th June 1783.

"Unto the Honble. The Provost and Town Council of the Burgh of Kirkwall, The Petition of James Erskine, Merchant in Kirkwall,

"Humbly Sheweth,—That your Petitr., having taken a Tack of the Poorhouse of Kirkwall, with the Yard and pertinents belonging thereto, and having possessed said house for the space of two years, he finds it will be impossible to continue in it another year upon account of the insufficiency of the Roof, and the Walls being so Open that in a Windie Night it will blaw out Candles going past it, and in the Roof it is so Open in many parts that by every Shuer of Rain the water comes in upon his goods, by which means he has already lost severall valuable articles; He is therefore under the Necessity of applying to your Honrs., Craving that you may appoint proper persons to Inspect and Return you a Report of sd. house, so as you may know the necessary repairs it will take to put the same in a Tenantable Condition.

"May it therefore please your Honrs. to consider this petition, and upon finding what is above set forth to be true, to appoint proper persons to inspect said House and Ordain such Repairs to be made as is necessary to put the same in a Tenantable Condition, before the season of the year Elapses. And your Petitr. shall ever Pray. (Signed) JAMES ERSKINE."

To his petition he added a letter, same date, which shows the state of the Poorhouse Close:—

"Kirkwall, 5 June 1783.

"Gentlemen,—Being some days ago Informed by some of the Magistrates that I am not at liberty to put a Gate upon the Poorhouse Yard without liberty being first asked and granted by the Council—In this I therefore ask it as a favour that you allow me to fix a Ribed Gate or Door at the Entry from the Street to the Poorhs. Yard, and another at the lane, with a Tirlie for the conveniency of foot passengers, either of which may be opened at pleasure for the use of Carts, etc., and will likewise serve to prevent Cattle passing that way, which in the Winter time makes the Entry to the Poorhouse allmost impassible. I would also beg leave to mention that part of the Poorhouse Yard facing out by the Pump Well, as it is of very little Service to the Yard, and Intercepts the view throw the Street to the Shore; if it's agreeable to you, I will take it away upon my Own Expence, and big the Dike up again upon a square with the well. Your complyance herin will particularly oblige,—Gentlm., your mo. Obt. Servt., (Signed) JAMES ERSKINE."

Mr Erskine's reason for shutting out cattle, that they made the entry to his warehouse impassible, can easily be understood. In those days almost every well-to-do household in Kirkwall had a cow. The whole herd of down-the-gate kye were grazed on the East Hill. When the beasts were driven home at night, each animal, as soon as it came to town, took the shortest cut to its byre; and so all those belonging to Mr Erskine's neighbours, up street and down, would come his way. His petition plainly shows that the passage was unpaved, and in wet weather would certainly be deep in mud. His proposal was a liberal one, to put a gate at each end, that might be opened for the passage of carts, but shut against the trampling of cattle, with turnstiles for the convenience of foot passengers. And in this light the Council viewed it:—

"Kirkwall, 6th June 1783.—The Magistrates and Council, having Considered a Letter from James Erskine, Mercht., of date the fifth Instant, and Addressed to them, Craving a Liberty of putting up doors or Gates at the Entry to the Poorhouse Yard, possessed by him, from the street, and in the passage of said yard from the East Loan, between St. Catherine's Quoy and Mr Dishington's Kaillyard, in manner mentioned in said Letter, They Find That these passages or Entrys are Commontys and previledges belonging to the Commonty in Generall, and that therefore they Cannot be shut up or appropriate to any particular purpose: But as the request by James Erskine Can be of no loss or detriment to the said Community, and as the Council understands from whence the severall Libertys and requests in said Letter proceed, They authorize him to put a Ribbed Door or Gate upon the passage next the Street, with a Latchet or Sneck to Open and fasten it at pleasure, so as the Community may pass and Repass at all reasonable Hours on foot or with Carts and Carriages; And Also Authorize him to make another Gate and door at the above passage, facing the said Loan, with a Sneck to Open it as Occasion requires, for the Benefit of Carts and Carriages to pass and repass; As Also to make a Tirlie on said passage for the Conveniency of foot passengers, as all are mentioned in said Letter. But with the Express Provision that all the Gates and Doors be made and finished at the sight of the Dean-of-Guild and his Council, and that at the Expiration of the said James Erskine's Tack, these Gates and Doors and Tirlies shall remain entire and in the said Condition they are at

the said Period, for the Behoof and Conveniency of the Lieges, and he is not to be at the Liberty of Altering or Demolishing any part of them during his Tack or when it Expires : And the Magistrates and Council having considered the request of Mr Erskine's Letter in the end of it, of Removing that part of the Poorhouse Yard between Westness property and the Pump Well which Jetts out towards the Street, they are of Opinion That the Removal of said Earth may be of Service to the Community, as well as to Mr Erskine in particular. They therefore allow him to carry off said piece of Ground till it Comes with the Line of said Well, and then to build a Straight Wall of Stone Betwixt Westness' said property and the said Pump Well, the outmest side of said new Wall next the street being upon a Straight Line with the south side of said Pump Well next said Street ; And That this Work is to be finished and Carried on at the sight of the Dean-of-Guild and his Council also ; And Ordain these presents, with the Letter on which it proceeds, to be recorded among the Sederunts of the Council. (Signed) JOHN RIDDOCH."

A house, now the property of the U.P. Church by bequest of Mr John Reid, wood merchant, was built upon the part of the poorhouse yard which Mr Erskine had levelled ; and while the pump has disappeared, perhaps beyond the memory of living men, the well remains covered by the pavement at the north-west corner of this house.

In 1818, the yard to the east of the poorhouse was feued in two portions, the part nearest the house to James Allan, mason, and the other half to William Laughton, blacksmith. To utilise his feu, Laughton required to borrow, and he got £100 from the Incorporation of Hammermen.

From St. Olaf's Church to the Burn of Pabdale had been part of the churchyard. When Mr Erskine got permission to put up his gates and tirlies, the south wall of the Poorhouse Close was the north boundary of Mr Dishington's kail-yard. This large space, the greater part of the old Burgh burial ground, was in the days of the early Dishingtons unbuilt upon, except that there was, on the south side of it, a double tenement, having its south-west corner at the Bridge. But such an extent of street frontage was too valuable to be left unoccupied. In 1812, Robert Scott, Deacon of the Incorporation of Tailors, bought from the Town Council "all and whole that ruinous house or Tenement called the Shed, with the small piece of ground or yard thereto belonging, having the Poorhouse Close north." The ruinous house had in the days of its prosperity been an inn. The "Shed" was rebuilt by Mr Scott, and is now occupied as business premises by Provost Spence.

The small house on the south end of this has its site on a bit of the close which separated the "Shed" from the house next the Bridge.

In 1660, the house at the corner, now Mr Maxwell's shop, was occupied by a man who had the knack of attracting public notice wherever he went. The Rev. Patrick Waterstoun, A.M., minister of Rousay and Egilshay, was, in 1645, translated to Stronsay and Eday, the Earl of Morton deeming him worthy of a better stipend than his former charge allowed him. He kept this living for fifteen years, till, in 1660, he was deposed by a committee of the Presbytery "for contempt, separating from the Church, and often deserting his charge."* He came to Kirkwall, and lived from March to August in the house under consideration, when he was removed to the Tolbooth "for treasonable speeches against his Majesty and many of his progenitors ; and on a complaint from the Commissioners of Trade to Parliament, they gave authority, 25th January 1661, for his being carried to Edinburgh." In the words of the Act, he is "to be sent south from Sheriff to Sheriff, till he reaches Edinburgh, there to be incarcerate."† After getting out of prison, Mr Waterstoun went to Holland, where he died, 1662.

From the above, we can easily perceive the inspiration of his treasonable speeches. He was a Cromwellian, opposed to the Restoration of the Stuarts, and he sought refuge in a country entirely in sympathy with his principles and preaching.

* Fasti. † Acts vii., App., 5.

The first of the Dishingtons in Kirkwall was John, Sheriff of Orkney and Zetland, whose house was "Gockhall," near the Shore.

In 1595, the Sheriff's son, Andrew, was appointed master of the Grammar School. In 1599, he became minister of Stromness; in 1601, he was translated to Rousay and Egilshay, and, about 1613, to Walls and Flotta. He left a son, John, who was served heir, 1644.*

In 1648, John Dishington was appointed master of the Grammar School, an office which he held till his death in 1681.

John's brother, Thomas, was the first of the Dishingtons who occupied the house at the Bridge, which he acquired under a wadset from William Pottinger. The boundaries in 1677 were the running water south, St. Ola's kirk and yard north, common passage to St. Catherine's Quoys east, the Bridge west.

Thomas Dishington was precentor and Session Clerk for many years, and as such he was called upon to do occasional odds and ends of congregational business.

"The Session† taking to their consideration the desolate estate of this congregation for want of a minister, and feiring that the people will wander abroad on the Sabbath day: Therefore they ordain Thomas Dishington to reid the prayers ilk Sabbath night until it please God they get a minister, for which they promised to satisfie him."‡

"The Thesaurer is ordained to acquyt and discharge Thomas Dischingtoune, Clerk, of his wife's kirklayr. and bells, in compensation for his paines in keeping a register hitherto of all persones who dies, Ordaining him also to keep and perfect ane exact compt. of the samen for the future, Together with ane accompt. of what bells, great and small, shal be rung for everie persone, and to give ane accompt therof once in the yeir, and the said Thomas is to refer his pains to the Session for the future."§

We have abundant proof that he was universally respected in town:—"Ther was no Session, because God hath removed Thomas Dishington from this lyfe to a better."‖

Another occupant of this house, Thomas Dishington, was, in 1730, master of the Grammar School.

In 1803, Catherine Dishington, only lawful daughter of the deceased Lieutenant Andrew Dishington, R.N., eldest son and heir to Andrew Dishington, shipmaster in Kirkwall, eldest son and heir of Thomas Dishington, sometime schoolmaster there, was served heiress to her great-grandfather. Catherine died soon afterwards, and her estate went to her relative, Robert Dishington, barber and wigmaker.

But wigmaking in Kirkwall was now, through the fluctuations of fashion, no longer the lucrative business it had been, and, in 1808, Robert raised money by selling to John Guthrie, wright, the east end of the kail-yard, 37 feet north and south by 22 feet east and west. About the same time he got an advance from John Traill of Westove, and granted a bond over his house, and in 1826 the property was sold on behalf of Mr Traill's grandson.

Perhaps the most interesting of the Dishington family was Andrew, who, in 1768, was appointed assistant to the Rev. Robert Tytler, minister of Stronsay and Eday. The same year he was recommended for Lady parish, but unfortunately it came to the ears of the fathers and brethren that he had made an irregular marriage, for which they had to deal with him.

Having acknowledged his fault, "the Presb. were of opinion that to proceed to the highest censure would be a punishment too severe, while suspension for a limited time would not serve any good end; considering his situation as an assistant minister, they unanimously agreed, therefore, that be should be sharply rebuked by the Moderator, which was done accordingly, and the case dismissed."

* Fasti. † S. R., 7th Mar. 1668. ‡ Pet. Rent., App., 50.
§ S. R., 14th April 1670. ‖ S. R., 2nd June 1682.

In 1778, on the solicitation of Sir Hew Dalrymple, who had heard him preach in Edinburgh, he was presented by Sir Lawrence Dundas to the parish of Mid Yell. After receiving the presentation, he had no means of forwarding it to the Presbytery of Burravoe, as it was now the depth of winter. Just then, most remarkably, the Shetland packet from Leith, through stress of weather, put into Papa Sound on the way north, and the document was transmitted. "A packet is despatched for Shetland (from Leith) on the first Wednesday of February, April, June, Augt., October, and December, and the returns generally arrive about the eighth or tenth of the intervening months ; postage, 6d." *

In 1804, Dishington was translated to Stronsay, where he died, 1819.

Dalrymple's appeal on Dishington's behalf is a curiosity in its way.

Letter of Sir Hew Dalrymple to Sir Lawrence Dundas.

"Dalzell, May 24, 1775.

"Dear Sir,—Having spent a long life in pursuit of pleasure and health, I am now retired from the world in poverty and with the gout ; so, joining with Solomon that 'all is vanity and vexation of spirit,' I go to church and say my prayers.

"I assure you that most of us religious people reap some satisfaction in hoping that you wealthy voluptuaries have a fair chance of being damned to all eternity ; and that Dives shall call out for a drop of water to Lazarus, one drop of which he seldom tasted when he had the twelve Apostles in his cellar.†

"Now, sir, that doctrine being laid down, I wish to give you, my friend, a loophole to creep through. Going to church last Sunday, as usual, I saw an unknown face in the pulpit, and rising up to prayers, as others do upon like occasions, I began to look around the church to find out if there were any pretty girls there, when my attention was attracted by the foreign accent of the parson. I gave him my attention, and had my devotion awakened by the most pathetic prayer I ever heard. This made me all attention to the sermon ; a finer discourse never came from the lips of a man. I returned in the afternoon and heard the same preacher exceed his morning work by the finest chain of reasoning conveyed by the most eloquent expressions. I immediately thought of what Agrippa said to Paul—'Almost thou persuadest me to be a christian.' I sent to ask the man of God to honour my roof and dine with me. I asked him of his country, and what not ; I even asked him if his sermons were his own composition, which he affirmed they were ; I assured him I believed it, for never man had spoken or wrote so well. 'My name is Dishington,' said he, 'I am an assistant to an old minister in the Orkneys who enjoys a fruitful benefice of £50 a year, out of which I am allowed £20 for preaching and instructing 1,200 people who live in two separate islands ; out of which I pay £1 5s to the boatman who transports me from the one to the other. I should be happy could I continue in that terrestial paradise, but we have a great Lord who has many little people soliciting him for many little things that he can do and that he cannot do, and if my minister dies his succession is too great a prize not to raise up many powerful rivals to baulk my hopes of preferment.'

"I asked him if he possessed any other wealth. 'Yes,' said he, 'I married the prettiest girl in the island ; she has blessed me with three children, and as we are both young we may expect more. Besides, I am so beloved in the island that I have all my peats brought home carriage free.'

"This is my story—now to the prayer of my petition. I never before envied you the possession of the Orkneys, which I now do only to provide for this eloquent, innocent apostle. The sun has refused your barren isles his kindly influence—do not deprive them of so pleasant a preacher ; let not so great a treasure be for ever lost to that damned inhospitable country, for I assure you were the Archbishop of Canterbury to hear him, or hear of him, he would not do less than make him an archdeacon. The man has but one weakness, that of preferring the Orkneys to all the earth.

"This way and no other you have a chance for salvation. Do this man good and he will pray for you. This will be a better purchase than your Irish estate or the Orkneys. I think it will help me forward too, since I am the man who told you of the man so worthy and deserving, so pious, so eloquent, and whose prayers may do so much good. Till I hear from you on this head, yours in all meekness, love, and benevolence, H. D.

"P.S.—Think what an unspeakable pleasure it will be to look down from heaven and see Rigby, Masterton, all the Campbells and Nabobs swimming in fire and brimston while you are sitting with Whitefield and his old women, looking beautiful, frisking and singing ; all which you may have by settling this man after the death of the present incumbent."

* Old Almanac, lent by Professor Johnston. † 12 hhds. of claret.

In the Valuation Roll of 1677 we find that "Thomas Grotsetter hath ane pairt of ane tenement beyond the langstaine under ane theak roofe. Francis Craigie and Andro Langskaill hath the rest of the said tenement." The "Lang Stean" was the bridge across the Burn of Pabdale, opposite the end of the close now known as Bridge Street Wynd. It was literally a long stone, its ends resting on the opposite banks of the burn, while it was supported by two small piers in the bed of the stream. This little bridge carried the bulk of the passenger traffic between the town and the East Hill.

The "tenement under ane theak roofe" was the guard house of the soldiers doing sentry work at Cromwell's Fort. From this a straight cut across St. Catherine's Quoys and Weyland would be covered in a few minutes by the party going on duty at the Mount. The southern part of the wedge which divides the ways at the foot of East Road is still described in the sasines as the "Old Guard House yard."

In constructing their guard house the soldiers used the churchyard wall as their quarry. 'The Magistrates present declared that they were willing that the churchyard dyke should be rebuilt as formerlie, Provyding that the stones of the former Dyk, which were taken away by the Englishes, wherewith ther Back Guard and forts were builded, being now in my Lord Bishope's possession, were restored for this effect." *

Dr, afterwards Colonel, Thomas Balfour of Elwick bought from the Town Council "that piece of waste ground lying at the Burn of Papdale between the Guard House Yard and the Yard of Robert Dishington." A space of eighteen feet was to be left for the burn, four feet for a ditch between this property and Dishington's, and seven feet for a road "between said waste ground and the Guard House garden."

"The Provost, Robert Laing, informed the Council that in his opinion Dr Thomas Balfour of Elwick had encroached upon the Road leading from the Long Stone by the Dykes of Pabdale, and along the yard formerly belonging to Alexander Grotsetter, by laying earth thereupon and rendering the same impassable, and he was also informed that Dr Balfour intends to build a house upon a part of the said Road." †

Captain William Balfour sold this plot to George Robertson, Congregational minister, who built a house upon it. The conditions seem to have been modified. Robertson built close up to the wall of the old yard, and the road, or rather passage, from the East Hill to the town was brought between his house and Dishington's.

From the Robertsons this house was bought by Samuel Reid, merchant, afterwards for a long period of years Provost of Kirkwall. From him it passed to John Bruce, Surveyor of Taxes, whose son, Dr John Bruce, in 1888 bequeathed it, along with some property in Ireland, to the University of Edinburgh.

North from this house, Nathan Goldberg, a German, erected a large warehouse, which is now the place of meeting of the Salvation Army.

It does not require the memory of the oldest inhabitant to recall the open burn running under the Lang Stean, and, fifty years ago, Gilbert Logie, the last of the Kirkwall litsters, dyeing in its waters. After passing under the long stone footway, the burn of Pabdale turned sharply to the west and ran under the Bridge. Now neither burn nor bridge is to be seen, the former being covered, making the latter undistinguishable from the rest of the street.

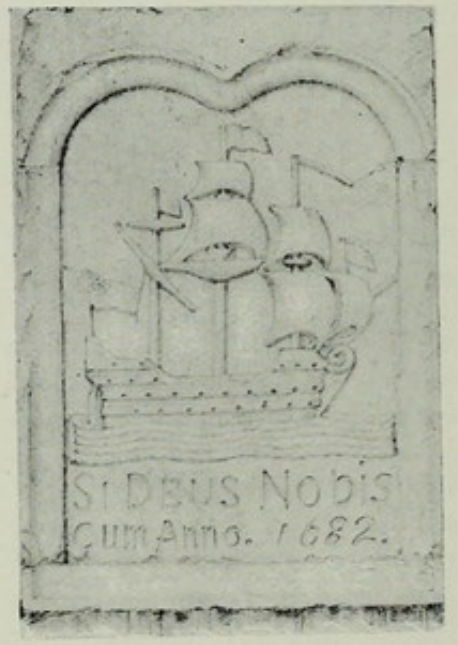
The particular point in the course of the streamlet chosen for the erection of the bridge shows the object for which a bridge was first put there. It was erected at the south-west corner of St. Olaf's churchyard, so that mourners burying their dead and worshippers attending service might not be excluded from the sanctuary whenever a spate raised the waters of

* S. R., 12th Oct. 1674. † C. R., 10th April 1790.

the burn above the stepping stones. Showing that this was its original object, it is, in the old records, usually styled "St. Ola's Bridge."

In the east parapet of the old bridge was a stone with the Burgh arms carved upon it. This was preserved by P. S. Heddle, Esq., late Town Clerk, and was afterwards secured by T. S. Peace, architect, who placed it in the front of the new Town Hall.

The lower part of the burn of Pabdale, from the Bridge to the Peerie Sea, was known as the "Hempow," and Bridge and Hempow form the southern boundary of old Kirkwall. Any house between there and the Shore is described in the Records of Sasine as "lying in that part of the town called the Burgh."



Stone with Burgh Arms, from the old Bridge.

CHAPTER XII.

Bridge to Long Gutter.

THAT part of Kirkwall from the Bridge as far southward as to include the houses bounding the garden of the Bishop's Palace is known in our Records of Sasine as the "Midtown," above which is the Laverock.

But this threefold division of the town is comparatively modern. When Rognwald Brusison built his castle and his church there were no houses between them. When James III. granted his Charter, 1486, there was no Midtown; that deed recognises only the Burgh and the Laverock, the domain of the Church. From the original position of the old "Cross" at the north extreme of the Castle precincts, it seems probable that the market established under the Charter was anciently held in the space between the Castle and the Burgh. But as population increased, the market stance was required for homesteads, and gradually what is now known as Albert Street was built. This street was divided into two unequal parts by an open runlet, formerly known as the Long Gutter, starting from the watershed at the head of Laing Street and joining the Hempow at the foot of Albert Lane.

As far back as our records take us, the first house above the Bridge on the west side of Albert Street belonged to Gilbert Nisbet, and after him, in 1691, to Robert Alexander, sailor. Excepting a long list of proprietors, it furnishes no history.

Sometimes a house in Kirkwall fell to a son who had settled abroad or in the south, and who could not come north to look after his property. In such cases the Provost, or one of the Bailies, might be asked to sell it and remit the price. This house had such an experience in the present century. It was inherited by James Kelday, who is designated "Wind musical instrument maker, St. Mary's, Whitechapel, County of Middlesex."

The back portion of the tenement east of the above was, as late as 1802, occupied by a flaxdresser, Joseph Wilkinson.

The land south of this, on both sides of the close, belonged to a family of Drummonds which, for five generations, son succeeding father, carried on a weaving business. While they themselves probably wrought at the loom, they trained apprentices and employed journeymen. Two hundred years ago the Drummonds were the most extensive cloth makers in Kirkwall.

Then, and for long afterwards, cloth-working was the staple industry of the town. To preserve the purity of the streams in the immediate neighbourhood, the fulling of the cloth was done at a distance, and the waulk-mill of Kirbister, in Orphir, cleansed and shrank many of the webs of the Kirkwall manufacturers.

Hutcheon, the second of the Drummonds, was cited before the Session, 5th July 1686, for sending his man to Holm with a web upon the Sabbath day. He "compeared, 12th July, and positively declared that he knew nothing of his man's going to Holm, and therefore desired that the boy might be examined whether or not he knew of the Sabbath breaking—all which the boy denyed, but declared that he went with Thomas Hepburn with fish to his mother.

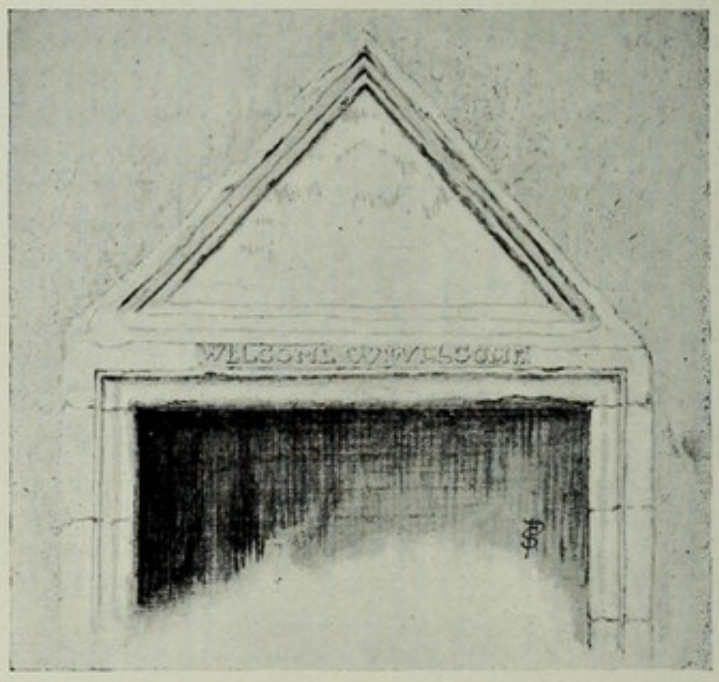
The Session, considering their breach of the Sabbath, has ordained both of them, to witt, Robert Grot and Thomas Hepburn, to be whipped."

Hutcheon Drummond sold the part of his tenement next the street to Hugh Clouston, a member of the Kirkwall Town Council, and from him it was bought by David Covingtrie, 1692.

Covingtrie granted liferent to his wife, Marie Elphinstone, with succession to their daughters, Jean and Katherine, "of all and haill the said David his hall with the little pantrie or studie yrin, Inner chamber nixt thereto, with half of the haill yaird and pertinents thereof, and of all and haill his foir chope or foir booth now erected in ane ffyre-house or Laigh hall lying on the east end of the laigh fire house sometyme possest by Agnes Spence, relict of John Drummond, weaver, disponed to said David by Hugh Clouston, litster."

The back part of this tenement nearest the Hempow was, in the beginning of the present century, owned and occupied by John Spence, flaxdresser, and between him and his brother heckler, Wilkinson, was the smithy of John Folsetter.

The close south of the Drummonds' property is now known as John White's Close, from one of Kirkwall's old worthies of recent years. For many a day Mr White occupied a stool at the window of his workshop engaged in shoe making. He was a genial friend, unostentatiously pious, and a pillar of the United Presbyterian Church.



Doorway of House which belonged to Rev. J. Wallace.

South of John White's Close, in 1677, leaving space for a kail-yard and peat-brae, was the house of the Brouns of Weyland, the last of whom to inhabit it was Lieutenant Broun.

We have a notice of "ane Burgess Bill granted be Thomas Buchanan, Proveist; Thomas Lentron, and Jon. Baikie, Baillies, to Leivetennent Magnus Broun, subct. be ym and Andro Ellis, yr Clerk, In name of the Counsall, daitit 18 day of July 1637."

From Broun this house passed into possession of Sinclair of Campstane. In 1673, Edward Sinclair of Campstane and Elizabeth Wilson, his spouse, sold it to Mr James Wallace and Elizabeth Cuthbert, his spouse, for 1200 merks.

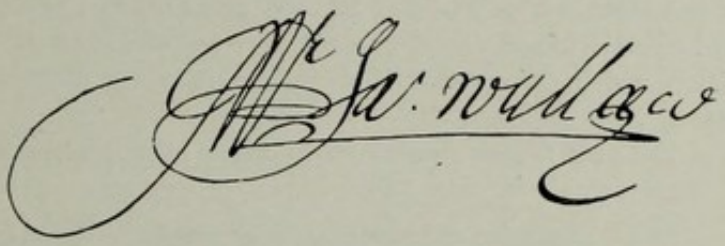
Mr Wallace's property forms three sides of a square, the front door, with its very hospitable motto, facing the street, but recessed.

Wallace graduated in Aberdeen, 1659, and was presented to Lady Kirk, in Sanday, somewhere about 1666, from which parish he was translated to Kirkwall, 16th November 1672.

"Whilk day my Lord Bishop of Orkney his presentation, Collation, and Institution in favours of Mr James Wallace was read and published be David Forbes, Nottar Publick, in the audience of the Magistrates, Counsellers, and Eldars, and some brethren of the Presbyterie, after which Mr John Gibsone, having made ane exhortation, did admitt the forsaid Mr James Wallace to be minister at Kirkwall, and delivered to him the church bible and the keyes of

the kirk doore as use is, and afterwards was received by the hands of the saids Magistraits, Counsellors, and Eldars of the Session."*

At a meeting of Session, on the following week, "My Lord Bishop declared to the eldars presently conveined that Mr James Wallace, present minister at Kirkwall, was to preach twice ilk Sabbath, and to catechise once in the weik, viz., upon Wednesday weiklie, besides other parts of the ministerial function in publick and in private."



At the same meeting the Session agreed to give him £24 Scots for house rent.

Mr Wallace was the last Episcopal minister of the Cathedral who died in office. His successor, Mr Wilson, as we have seen, was removed after the establishment of Presbyterianism. He had been nearly two years minister in St. Magnus when, Sunday, 9th August 1674, he "did intimate that the Sacrament of the Lord's Supper was to be administrate upon the twenty-third of August instant."

Next day the Session met and "sent Thomas Wilson of Hunclett, James Baikie of Burness, and John Caldell to My Lord Bishop, to have his Lordship's advise anent the forme of the administration of the Sacrament and expences of the Elements, Who reported that for the forme his lordship declared that he, with the minister, would advise thereon ; and for the expences of the Elements he advised them to follow the practice of other churches, who collect for that effect."

"Augt. 14, *pro re nata*. Mr Wallace and eldars being conveened for setling debates and variances amongst the people before the administration of the Sacrament, Have ordained all the eldars betwixt the head of the toune and castle, with the Clerk of the Session, to appease all animosities in their precincts ; and Ordains the eldars betwixt the Castle and the Shore, with David Forbes, to settle all differences in ther bounds, and to give in the names of the recusants, and to give in ther report to the next Session. And the Minister and eldars present doe declare all persones who will not be reconciled to be debarred from the Sacrament."

At next meeting "the eldars reported that they had gone throw the toune and had settled all differences they knew or got notice of." Then "the Session recommend to the Magistrates, viz., Tankerness, Elsness, and baylie Moncrieff, to be present on the gries and other convenient places of the church for observing good order to be kept the tyme of serving the tables." The preparation sermon was preached on Saturday by Mr James Graham, minister of Evie. The sermon before the Communion, known as the action sermon, was preached by the Bishop, after which "the first three tables were served by my lord Bishop, The second thrie tables were served by Mr James Wallace, The third thrie wer served by Mr James Graham, the fourt thrie by My Lord Bishop, and the threttein by Mr James Wallace. The fourtein table, which was the last, was served be Mr James Graham." "The Thanksgiving sermon was preached be Mr James Wallace."

This was Mr Wallace's first Communion in Kirkwall and Bishop Honyman's last, and it shows how easy, as far as forms were concerned, was the coming change.

Episcopacy had been denuded of ritual, and was in outward form identical with modern Presbyterianism, so that with the withdrawal of the bishop the revolution was accomplished.

In the Session and Presbytery Records there is material for a very complete biography of Mr Wallace during the twenty-two years of his ministry in Orkney. His seat in church was

* S. R., 12th July 1686.

half of the pew under the stair leading to the Dick's Loft. He married Elspet Cuthbert and had a number of children, some of whom predeceased their parents.

"Whilk day,* in presence foresaid, compeared Master James Wallace and desyred that the Session would allow him that pairt of the kirk that is immediately over anent that pillar of the steeple which is nixt to the quire toward the south, to be a burial place to his familie, and libertie to erect a monument over his children that are buried yr, and affix it to the said pillar, which desyre the Session thought verie reasonable, and with on consent grantit the same." †

The year following he laid his wife beside their children.

Communion Cups from Mr Wallace's Bequest.

In those days, when the church exercised judicial functions, not only in ecclesiastical matters but also in the secular affairs of its members, punishing offenders with fine and imprisonment, a minister sometimes incurred the odium resulting from a strict discharge of duty. Mr Wallace had incurred the wrath of the arch villain of Kirkwall, and on a December night, 1681, "about 11 or thereby, Edward Rynd, Weaver, assaulted Mr James Wallace, minister of Kirkwall, in his dwelling-house for his life, had he not been hindered by the neighbours thereabout, and was that night placed within the irons within the Tolbooth at ye command of Bailie David Moncrieff, for the which deed the said Edward is to be banished the Country, beside further punishment for so hynous a crime."‡ "Therefore he was ordained by My Lord Bishop and Session to stand five dayes in the pillarie professing his repentance." §

Rynd had been guilty of a shameless assault on a kinswoman of his own, and had been

* 5th May 1684.
† That stone now stands seventh from the west door of the seventh nave aisle.
‡ T. B. § S. R., 10th April 1682.

before the civic court. The Magistrates had been so puzzled by the unprecedented case that they docketed the indictment—"This to be thocht upon."

But the Session had no difficulty in the matter. They took from the scoundrel all the money the bailies had left him, and clapped him into Marwick's Hole.

Mr Wallace may be said to have died in harness. He presided at a meeting of Session, 12th November 1688, and one week later the entry is, "No Session, Wednesday 19th, by reason of Mr Wallace death."

"Tuesday morg., betwixt two and thrie or yrby, Mr James Wallace, ane of the ministers of Kirkwall, depd. this lyfe, and was interred in Saint Magnus Kirk there on Thursday, 20th Sept., nixt to the place where his wyfe was interred neir the carved stone set at the pillar on the south side of the choir. Mr Jn. Wilson, second minister, taught his funeral sermon, his text was 14th Job, 10 v., "For man dieth and wasteth away, yea, man giveth up the ghost, and where is he?" *

"Mr James, son of the late Mr James Wallace, minister, came, in presence of the Ministers, Magistrates, and Elders of the Session of Kirkwall, and gave into the hands of the Thesaurer ane hundred merks money mortified by his umql. father in testament for the use of the church of Kirkwall. The Session appoint and ordain that two cups for the sacrament should be bought, and Mr Wallace name engraved on them." †

His "Description of Orkney" shows him to have been a scholar and a man of observation, while such of his business transactions as are recorded prove him highly honourable in all his dealings. The disposition of his house is somewhat peculiar :—"The said Mr James himself and Elizabeth Cuthbert, his spouse," gave this property to their sons, "with ane speciall provision that in case it should happen the said James or the said Andrew in anie ways to misbehave or miscairie in anie act or deed materiall, or to undertack actions disadvantgeouse or contrair to credit or civil reputation, then and in that cais it should be lasome to anie of their said parents alive at the tyme to redeem the said by paying an angell of gold, or sex pound thretteen shillings four pennyeis Scotts."

It was scarcely in keeping with "civil reputation" that, in 1700, Dr James Wallace should publish an edition of the "Description of Orkney" without any reference to his father's work, and with a sycophantic dedication by himself to the Earl of Dorset.

The year after their father's death the house was sold by James Wallace, with consent of Andrew, to William Liddell of Hammer, "together with all the timber work not moveable, as possest by Mr James Stewart, Commissary of Orkney."

The first of the Orkney Liddells was Francis Liddell, A.M., a younger son of Liddell of Halkerston, "ane man of gud reputatioune both in lyfe, conversatioune, and doctrine." ‡ He took his degree at the University of Edinburgh, and was—probably in 1627—appointed assistant and successor to Mr Swentoune, minister of Birsay and Harray.

His grandson, George, who married in 1662 Elizabeth, daughter of Thomas Traill of Holland, was the first Liddell of Hammer. George Liddell of Hammer, "heritor thereof," contracts, 28th November 1661, to marry Elizabeth Traill "before the 1st of January to come, and to infeft her in his lands in Hammer, in Twatt, and in Sabiston, all in Birsay, Thomas Traill to pay in tochergood 1000 merks." §

The next Laird was William, who married Margaret, daughter of Harry Grahame of Breckness, a granddaughter of Bishop Honyman. It was he who bought the house of Rev. James Wallace. At this time the next house southward, "of old called the Cross House," at the corner of the lane, belonged to the Paplay family, and in 1703 Barbara Paplay,

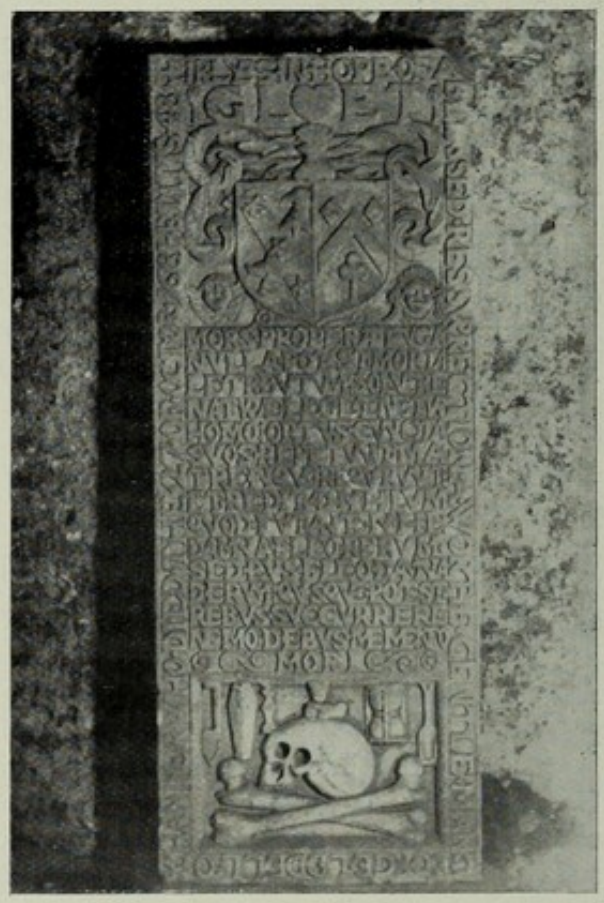
* T. B. † S. R., 14th July 1681. ‡ Fasti.
§ Favoured by Mr Thomas Hutton Johnston, late of the Register Office, Edinburgh.

"only or at least appearand air to umql. Magnus Paplay, her guidser," sold it to William Liddell.

George, eldest son of William Liddell of Hammer, was, on 1st October 1703, contracted to Anna, daughter of the deceased William Rendall of Breck. Hammer settled upon the bridegroom his lands in the West Mainland, with "the houses on both sides of the close presently possessed by the said William Liddell in Kirkwall." Liferent was of course reserved for the said William and Margaret Graham, his spouse. The bride's brother, Thomas Rendall of Breck, gave 1000 merks as his sister's tochergood.

William Liddell was Stewart Depute of Orkney, but for a long time he stood aloof from municipal work, as his name appears for the first time in the sederunt, 11th September 1730.

On that day the Council "mett In obedience to an order and appoyntment of the Lords of Councill and Session contained in ane Decreet, bearing Date at Edinburgh the Eighteenth of July last, for electing and making choice of a new Dean of Guild, Thesaurer, and Councill conforme to the Sentence and Sett of the Burgh." At the previous Michaelmas there had been some irregularity in the election of the Town Council. But on the 18th April 1730, "the Magistrates and Councill, considering that they have received coppys upon a Summonds of Reduction at the Instance of William Rendall of Breck, Andrew Young of Castleyards, and William Liddell of Hammer, Intending to reduce ye election of Provostry and the election of Dean of Guild, Tresr., and Council ye second day of December last, altho both the saids elections are most regular and in terms of the sett of the Burgh, Therefore the Magistrates and Councill Do look upon and judge these proceedings as a mainfast affront done to ym as office-bearers in the sd. Burgh, and a vioalation of and incroachment upon the just rights and privileges of the samen, And Do therefore earnestly desyre the favour of, and most pressingly recommend unto John Covingtrie of Newark, present provost of this Burgh, that he would take the Trouble to Send up the sds. Coppys to Peter Blair and Alexander Jollie, the Town's agents, and invite them to imploy Able and Sufficient Lawyers for the Defence of that Cause, the Honour of the Burgh and the Credite of the Magistrates and Councill being much concerned therein."



Tombstone in Cathedral to George Liddell of Hammer.

The Magistrates lost the case, however, the election was reduced, and a new Council chosen, 11th September. At the general election, eighteen days afterwards, along with William Liddell of Hammer, sat his son, who is designated "Mr George Liddell, Merchd." In all the sederunts the father is plain William, while the son is always *Mr* George, pointing to the fact that young Liddell had attended a university.

In October 1733, William Liddell's daughter, Elspeth, married William Traill, first of Frotoft, and the Cross House seems to have been given as part of the bride's tocher. Here their son, Thomas Traill of Frotoft, lived and flourished as merchant, Councillor, and Provost. He married Robina, daughter of Robert Grant, merchant, Kirkwall, and granddaughter of the Rev. Alexander Grant of South Ronaldshay. In 1821, Thomas Traill leaves to "Anne, only surviving daughter procreated betwixt him and Mrs Robina Grant, his Spouse, the house at the corner of the Long Gutter, formerly belonging to William Liddell of Hammer." At the time of the bequest Jane Traill had been for ten years Mrs Watt of Breckness and Skaill, and thus, from 1821 to 1866, this house became the town residence of the Watts of Skaill.

Long before the Cross House passed to the Watts, Liddell of Hammer had sold Mr Wallace's manse. In his garden the minister had erected a summer house with a dove-cot as upper storey. This Liddell retained, and in the dozen transfers of the neighbouring property the summer house and "dowcot" are reserved, and go not with Mr Wallace's house, to which they formerly belonged, but with the Cross House. A few years ago the present owner, Mr James Ferguson Flett, discovered in the inner end of the summer house a recess which had been built up, and which had without doubt been meant for the concealment of contraband goods, hence Liddell's reservation.

The first of the Watts who appears in the Kirkwall records was "Mr Jn. Watt, that came from Edinboro to be schoolmaster of the Grammar School of Kirkwall."* Mr Watt was at that time a student of medicine, and when, two years later, he would have gone south to finish his studies, he was prevented by "pirates at sea making the voyage dangerous." On completing his curriculum, he settled in Kirkwall as a physician. He married, 1690, Margaret Kirkness, "onlie daughter in lyfe to umql. David Kirkness and Helen Wilson, Spouse."†

His eldest son, John, went to Jamaica and acquired wealth. An interesting description of his plantation and stock is contained in a letter to his cousin, William Watt, merchant, Kirkwall, dated 20th September 1764 :—

"Dear Cousine,—I did expect to coméd home by Capt. Murray, and spoke to him accordingly, and had my Ticket out of the office, but a great bargain threw up, which will detain me some years in Jamaica. I sold my property in Westmoreland, which amounted to about £2000 stg., which I had in good Bills of Exchange. With that I purchased a pleasant seat in this parish, called Dongarvon, 300 acres of good sugar Land, 2 miles from the sea ; has a beautiful prospect of the neighbouring Windmill Estate, a good House ready furnished, 16 Mares, 10 head of cattle, 29 seasoned Working Negroes, 10 of wch. are carpenters and sawyers, wch. cost me £3500 Currency, and 20 new negroes wch. cost me £1100 Currency—in all, £4600 Currcy. I am working a Gang of 40 of them out in falling and clearing Land for the planters, and 5 carpenters I hire out at £3 per month each, wch. will bring me in £1000."

At this time there were numbers of enterprising Orcadians planters and, of course, slave-holders in the West Indies. Watt mentions Laing, Mowat, and other Orkney people. A letter from John Mowat, son of the Rev. Hugh Mowat, of Evie, describes another estate :—

"Orkney Hall, Jamaica, 10th May 1766.

"Dear Brother,—I shall, according to your desire, give you as plain a description of my Plantation as I can. It is most pleasantly situated upon a River named Thomas River—good land, Black mould on a clay, and with proper strength would make a good sugar Work ; it's well timbered with variety of timber, the principal is Mahogenie and Cedar ; I having 1380 acres in the new purchase and 350 acres by my wife adjoining to said land, beside 80 acres in Witherwood, the most fertile part of the Island ; each acre is valued at £40, which is the property of my children, and I am Guardian for them. I have at present 36 negroes, besides stock, but in order to improve the land in possession, I would require 70 negroes and 70 head of cattle."

* T. B., 22nd August 1688. † T. B., 31st Jan. 1690.

John Mowat died in 1800, and it is quite probable that his descendants are in Jamaica to this day.

William Watt, probably a brother of John, the physician, also settled in Kirkwall about 1690. He married a daughter of Scollay of Odness, and lived in one of the Castleyard houses.

The Scollays of Odness were believed to have had the gift of second sight. Towards the end of the last century there were three of that family, two sisters and a brother, all deaf and dumb. The sisters lived in Kirkwall, and when Richan of Rapness and his boat's crew were drowned going out to Westray, they were seen to be in great distress, wringing their hands and pointing seaward. The brother lived at Skaill with Mr Watt, and every now and then he would look out an extra supply of silver and see it polished, and would have a spare room or rooms prepared for occupation, and this restlessness was speedily followed by the arrival of unexpected visitors to the number indicated by Scollay. So it is said.

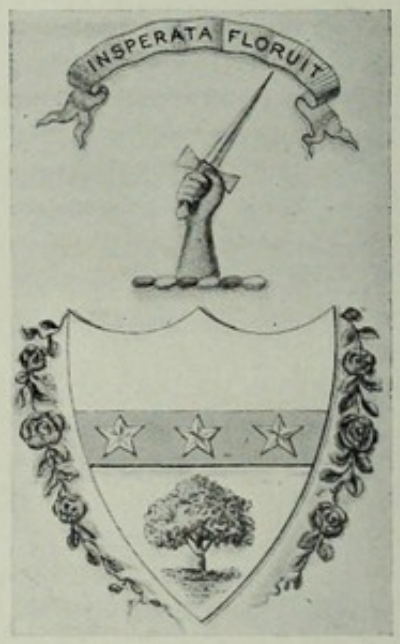
William Watt's son, also William, acquired wealth as a merchant, and became a leading man in Orkney. He was a keen Jacobite, and in 1746, along with Sir James Stewart of Burray, was sent to London by Capt. Moodie of Melsetter. After a short imprisonment, he was liberated and came north, the bearer of the Act of Oblivion in favour of the Orcadian adherents of the Stuarts.

He married, 1729, Katherine, daughter of Mr John Gibson, minister of Evie. Their second son, John Gibson Watt, settled in London as a surgeon, and amassed a considerable fortune, which he devoted to the founding of Watt's Hospital, London.

The oldest son, William, as his father had done, went to the manse of Evie for a wife, and married, 1756, Jean, daughter of Rev. Hugh Mowatt, by whom he had a large family.*

In 1775, he married a second time, Margaret Graham, daughter of Robert Graham of Breckness and Skaill, sister of Patrick Graham of Breckness, who sold the estate to his brother-in-law, William Watt.

William Graham Watt, eldest son of this marriage, took to wife, 1811, Ann, only daughter of Thomas Traill of Frotoft. He died, 1866, and was succeeded by his eldest son, William Watt Graham Watt, who married Barbara, daughter of the Rev. William Logie, D.D.



Arms of the Watts.

He left the estate of Breckness, subject to his widow's life-rent, to his nephew, William George Thomas Watt, son of his youngest brother, Robert Graham Watt, by Elizabeth, daughter of George Dale, Newcastle-on-Tyne.

Returning to the Bridge and the houses on the east side of the street, we see a gable, the windows in which look straight down towards the pier. In 1677 this house belonged to William Mudie, merchant.

Mudie's daughter, Jean, married Alexander Geddes, skipper, who makes frequent appearances in our records.

"August 23rd, 1682, bying Wednesday, Alexr. Geddes arrived at Kirkwall from Holland with his vessel or ship quhrin was ye Great Bell of Kirkwall returned after ye casting yrof at

* The family of the late William Watt Bain, writer, Kirkwall, through his mother, Catherine Watt, now represent this branch.

Rotterdam." Four years after this, Captain Geddes gave the order for a new vessel, which was so expeditiously built as to surprise the people of Kirkwall :—"23rd Augt. 1687, Tuesday, Alexr. Geddes his new vessel or ship, built upon the air of Kirkwall, was hailed from the shoar to the road there, which ship was begun and entered to be built from the kiell and upward by Thos. Orchard, James Halcro, and other carpenters, 14th Sept. 1686." This vessel does not seem to have been very lucky, for within three years of her launching, we find her twice driven ashore in gales, once at Pierowall and again on Ellyerholm.

After retiring from the sea, Geddes entered the Town Council and became a bailie. He was survived by his widow.

In those days ladies saw to the manufacture of their own napery :—

"I, Jean Geddes, relict of umquel Alexander Geddes, late Bailie of Kirkwall, grants me to have received from David Traill of Seba the quantity of five stone and one pound of Lint, at five lbs. ten shilling pr. stone, is twenty-two pound sixteen shilling Scotts, of which I grant this recept, as witness my hand at Kirkwall the nynth day of Apprile 1702. (Signed) JEAN MUDIE."

This receipt and the beautiful signature show Mrs Geddes to have had an education, at all events in writing, exceedingly good for a girl in the middle of the seventeenth century.

Long before 1702, Bailie Geddes' house had passed into other hands. A lintel over a doorway in the north wall, inscribed "16, G. T., A. B., 84," records the fact that George Traill of Quendale bought it, and on its site had built a handsome residence. He married, 1674, Elizabeth Irving, who died 1681, and whose tombstone is now in the south nave aisle, near the transept.

Stone over Doorway in Lang Stean Close.

In 1682 he married Anna, daughter of James Baikie of Tankerness, and two years later, as the lintel tells, he built this house for her.

Mr Traill was Provost of Kirkwall in 1690, and again from 1695 to 1698. He had a dispute with the Council on the 3rd of September, the last day of his appearance in the chair. The subject under discussion is not minuted, but the Provost thought fit to leave town in a huff.

At a meeting in the Tolbooth, 20th September 1698, Bailie Kaa in the chair, "The Magistrates and Counsill present all, in one voice, appoynts That a letter be write and subscryved and sent presentlie to Rowsay to Provist Traill to see wither or not he will accept to be Provist of this Burgh for the Inshewing yeir, as he was Lawfullie the last yeir, and if he will subscrive his accepting at his coming to Kirkwall, And behave as Provist, or if the Magistrates and Counsill shall proceed and ellect ane new provist."

The Provost's reply exhibits much orthographical ingenuity :—"Quandel, the 22 daye of Sept. '98.—Gentelmene, I thincke strange yt ye should have desyred meie till have continoud prowist for this yeir, when yt ye reffused meie suche an small request the Last yer, for I tould you befor I went oute of toune yt I wold nott except of the prowistrie for this yer ; therefor I wish from my verie hert yt ye may choyese on yt may be for the good of the plese.—Your weel wishing ffriend, G. T." He then proposes Kaa and Sabay to be added to the list, and gives his vote for Bailie Kaa. The Council elected David Traill of Sabay.

Near Quendale's house, at the side of the burn, there had stood a large mansion, "of old called the Dowcot," with offices and pertinents. Before 1677, however, it had gone to ruin, and its grounds were occupied by a humbler class of tenements. "Magnus Moir, weaver, hath ane tenement, possest be himself and uthers, near to the Long Stone, betwixt the running burn and the loan towards Pabdale on the east, the rest of the haill building or Fabrick of old called ye dowcot on the west." "Agnes Linay, relict of umql. Thos. Moir, weaver, hath in liferent ane pt. of sd. land, of old called the dowcot, p'ntlie possest by herself and uyrs, under a thack roofe. James Morrison hath the rest of the said tenement or Fabrick, being small, little houses, under theack roof, possest be se'all persons."

Among the "several persons" was James Fea, pyoner. Nowadays our streets are swept by town-appointed scavengers, but formerly each householder was responsible for his own front. The pyoner was the professional street-cleaner at the service of any one who chose to employ him, and he also cleared away ashes and refuse from the backyards of the few who kept their premises tidy. To show that there was a livelihood to be made by the pyoner :—"Kirkwall, 19th Nov. 1677.—Conforme to order of the Magistrates, the persones undernamed were poyndit for not Dighting the Street on Saturday last, being ye 17 Nor. Instant." Then follows a list of fifty defaulters, and so scarce was ready coin in Kirkwall, that only thirteen were able to pay their fine of four shillings Scots, and the rest were actually subjected to poynding. Among the articles seized were—"Wm. Gyre, a choppin stoup ; Robt. Pottinger, a pair of shoone ; Capt. Drummond, a brass candlestick ; John Ross, ane pewter plaitt ; James Maxwell, ane Mutchkin stoup ; Magnus Good, a new pynt stoup ; Wm. Richane, a browne coat ; Francis Murray, a red petticoat."

Another occupant of one of the small thatched houses on the site of the ancient Dowcot was George Sinclair, "borrowman." The "borrow" is of course a hand-barrow, for as yet no wheeled vehicle of any kind had been trundled through the streets of Kirkwall. One of Sinclair's neighbours is designated a "burden bearer," evidently a lower grade of public carrier, seeing that the possessor of a hand-barrow was necessarily an employer of labour as well as a worker.

Having built his house, George Traill bought from Robert Morrison a "third part of the tenement of old called the Dowcot," and "Twa pairt of the ruinous house over against the gait of the said tenement lyand betwixt the said house called the Dowcot and the running burn passing under the bridge." From Thomas Moir, weaver, he purchased a kail-yard adjacent to his own, so that he secured for himself the greater part of the space between the Lang Stean and the corner of the road at Queen Street.

The Dowcot is one of a number of Kirkwall houses that has left a name but no history. It would be interesting to know something of the lives of the couple, evidently in affluent circumstances, whose house got a name so suggestive of billing and cooing. We only know that their name was Raynuir, and this, with the position of the Dowcot just opposite the old Guardhouse, might suggest that Mr Raynuir was an officer of high rank in Cromwell's Kirkwall garrison.

Traill's house, now that he had bought up the "Dowcot" property, must have been

a very desirable residence, with its yard stretching down to the clear running Pabdale burn.

In 1712, "William Traill, sone to Quendall, hath ane tenement of land possest by himself, under sclaitt roof, upon the east syd of the street nixt the bridge of Kirkwall."

"George Traill, Chamberland of the Earldom, hath ane house under sclaitt roof possesst by himself on the East gavell of the said William Trail his house, both of which houses have office houses on the south syde of the closs."

The present Commercial Bank occupies a site of historic interest. Here a cluster of houses, forming three sides of a square, enclosed a space known as the Parliament Close. "By the original mortgage from Norway, it was settled that the Norwegian laws and customs were to continue in force during the non-redemption of the islands from Scotland, and the Scottish Legislature, by a subsequent Act, continued the Scandinavian law, so that the government of the islands was vested in the Earl, in conjunction with a sort of local Parliament exercising all the functions of a legislative assembly, a judicial tribunal, and a jury." * This little square had been the seat of our local Parliament, and down to the middle of the seventeenth century public business was transacted here.†

In 1677 the northern part of the Parliament Close was occupied by Helen Scollay, "sometyme relict of the umqle Thomas Baikie, Skipper, now spous to James Maxwel, Skipper."

James Maxwell sailed a vessel, the "David and James," of the burden of 27 Orkney chalders, which belonged to George Scott of Giblieston, tacksman of the earldom for five years, commencing 1670. It is said that Scott lost by his tack owing to war and bad seasons.

"It was deponed by Magnus Irving, Mrcht., Kirkwall, that during the war with the States—1672-1673—the said George Scott his ship, laden in the country with Orkney bere, bound for Leith, was driven into Deersound by a Dutch Privateer, and was blockd. there so that she could not make her voyage, and lay there till her cargo became perished and was thrown into the sea, the value of the cargo, @ £84 p. Ork. Chalder, was £2189."

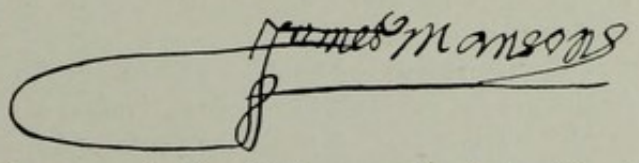
Mrs Maxwell's dwelling house was "under sclaitt roof, ye kitchen yrof under theack roof." This portion of the square was valued at twenty pounds, and, besides the proprietrix, it was occupied by several tenants. The southern half, of five pounds less value yearly, was occupied by Barbara Traill, "relict of umql Magnus Baikie, Skipper."

After the days of Maxwell and Baikie, the whole Parliament Close came into possession of another skipper, James M'Kindlay. His vessel was the "James," and he was part owner.

In the middle of the last century the southern portion was occupied by William Sutherland, wig-maker.

When the Directors of the Commercial Bank bought this property from Dr Omond of Monzie, the south-east corner of the ancient Parliament House had degenerated into a stable.

Between the Parliament House and the Long Gutter there were, in 1677, only three houses where now there are four. The first above Parliament Close was owned and occupied by James Manson, Messenger-at-Arms, a man whose name is often seen in the old documents of the Courthouse.



Long before Manson's occupancy, however, it had belonged to Malcolm Hartsyde, whose daughter married Sir John Buchanan of Scotscraig, Kt., Sheriff of Orkney and Zetland.

In 1615, Sir John Buchanan bought from Lawrence Sinclair of Aith, with consent of

* Pet. Notes, App., 28. † See *ante*, p. 95.

about a dozen other Sinclairs, "twelve footts of weast ground betwixt ye sd. Jo. Buchanan's house and John Baikie his house."

About 1622, Buchanan got a subtack of the "Erledome of Orknay and Lordschip of Zetland" under Lord Napier of Merchiston.

Leases of Church lands were easily procured in those days, and such leases, by judicious management on the part of the lessees, grew into charters giving absolute ownership. Thus the new tacksman acquired Foreland, near Kirkwall, also property in Shapinsay. Bishop Graham says:—"Sir Johne Buchanane coft the lands of Sound and Shapinshaw fra James Tullo, was enterit be me, and now being dead, Harie Aikin, son-in-law to the said Sir Johne, hes sauld the same to Thomas Buchanan, now Shireff of Orknay,* who is not enterit unless he hes shortlie *de novo* taken a new holding of the king, qlk I think he either hes done or will doe. His lands in Shapinsaw payis for wan thing and uther fyve or sixe hundreth poundis yeirlie, and will be worth the half of yat or yrby to himself." †

Scotscraig, the Buchanan estate in Fife, was named from the famous wizard, Michael Scott of Balwearie. This property left the Buchanan family by the marriage of a daughter to a son of the Earl of Mar.

Thomas Buchanan was Provost of Kirkwall from 1636 to 1647, inclusive. He left Sound and some house property in Kirkwall to his eldest son, Arthur, while to John he gave Sandside and to William, Russland.

The money to buy these lands was acquired by James Buchanan, merchant, Edinburgh, brother of Sir John and father of Thomas.

In the end of last century the house of Sir John Buchanan was in possession of the Brebners. In 1830, Isabella Mainland, spouse to George M'Beath, succeeded her mother, Anne Brebner, "sometime mantuamaker in Kirkl., spouse to Patrick Mainland," merchant, and in this family it still remains.

The next house southward was a double tenement belonging to John Kaa, merchant, "ye ane halfe under a sclaitt roofe possest be himselfe and uyrs." This was the upper half of the tenement, and it was built in 1655, the year of the marriage of John Kaa and Agnes Loutit. A stone, bearing the inscription, "I. K., 1655, A. L.," preserved from this house, was built into the front of its successor by Mr Warren, a subsequent owner of the property. A tombstone in the north aisle of the Cathedral nave bears the inscription:—"Here rests the corps of ane Pious and Honest man, JOHN KAA, somtym Baily of Kirkwall. He was married with Agnes Loutit, 1655."

Several generations of Kaas took an active part in the business of the Town Council and Kirk Session.

John's daughter, Margaret, was married to David Covingtrie; and, 6th November 1684, "Thursday, about 3 in the afternoon, James Kaa, Merchant Burgess of Kirkwall, was married to Margaret Richan, only lawful daughter to Robt. Richan of Linklater, procreate betwixt him and Isobel Ballenden."

The name Kaa has long been extinct in Kirkwall. It is purely Danish—an imitation of the familiar cry of the rook, the exact equivalent of the English name Caw, and similarly pronounced.

The other half of this tenement was acquired by Bailie James Young, son of Andrew of Castleyards, and here he lived with the wife whom he married in 1679. Thomas Brown enters in his Diary, 11th December 1678:—"James Young, Keeper of the King's Girnel, was contracted to Elspeth Forbes, onlie daughter to David Forbes, Notary Public."

* The office of Sheriff in Scotland dates from the reign of Alexander I., in the beginning of the twelfth century, and was held in Orkney by the earls or their deputies. See Appendix to this chapter.

† Pet. Rent, iii. 18.

The house at the corner, having "the comon passage called the lang gutter on the south," belonged in 1677 to Halcro of Crook. It had at one time been church property, and in 1596 it was sold to Hew Halcro of Aikers by Malcolm Sinclair of Quendale, "chaplain to St. Ninian's Altar in the Cathedral Kirk in Kirkwall."*

The kail-yard of this house, unlike the yards of the houses below, did not go back to the Pabdale boundary, but had "the house of the deceased James Linay on the east." This break in the middle of Laing Street is noticeable at the present day. From Halcro this tenement passed to Stephen Paplay, who had also the property over the way, which afterwards belonged to Liddell of Hammer.

The Kaas afterwards bought Halcro's house, and parted with their old dwelling, which fell into the hands of the Town Council. It subsequently belonged to Covingtrie of Newark, Laing of Strenzie, and Murray of Noup, the last of whom sold it in 1802 to Thomas Warren, an immigrant from the south, to whose heirs it and the tenement south of it now belong.

Perhaps the best known occupant of the house at the corner of the Long Gutter was the late Mr George Petrie, Sheriff Clerk, a man of keen antiquarian instinct. Some of the results of his investigations are preserved in MS. in the Library of the Scottish Society of Antiquaries.

The Long Gutter was an open ditch running from the brae head in Laing Street across the main street down the lane till it joined the Hempow. The part above the street was formerly known as Warren's Walk,† from the proprietor of the house at the foot of it, and the lower part was popularly called the Lane of Mounthoolie, from the house at its south-east corner. The unsavoury name prepares us for such an order as the following :—

"Kirkwall, ye twentie-third day of June 1703.

"Sederunt—John Nisbet, Dean of Guild ; William Young, his baillie ; Wm. Traill and Andrew Young, counsillors.

"The sd. day the Dean of Guild and his baillie and counsill, taking to ther considerationc That the close and Loan called the Long Gutter, with that piece of the Street opposite to James Mansone his house, is bagd up with gutter and other filthines, and that several other places of the street is abused with gutter and other filthines, Therefore the Dean of Guild, his baillie and counsill, appoynts and ordaines the officers of Court to charge the haill Inhabitants, from the Bridge to Baillie Harie Moncrieff his house,‡ to clenze and dight the sd. Long gutter betwixt and frydday nixt, and appoynts James Mansone his famallie to cleanze and dight the street opposite to his house agsd. the sd. tyme, and appoynts all other persones within Brugh to be charged for clenzeing the street forgainst their houses agsd. the sd. day, ilk persone under the paine of Ten pounds Scots money.

(Signed) J. Nisbett."

Though the people living in the Long Gutter were accustomed to unwholesome surroundings, some of them lived to a good old age. James Linay, who lived in the middle of this "Loan," behind Halcro of Crook's house, was dead in 1677, but his widow survived him till, "7th June 1687, Elizabeth Tait, Relict of James Linay in the Long gutter, departed this lyfe, being, as was supposed, ane hundreth and thrie yeirs of age." §

James Foubister, cordiner, was Elspeth Tait's neighbour. The two semi-detached cottages standing east and west, facing the lane, had their kail-yard and peat-brae stretching back to the lands of Pabdale.

The houses at the head of Laing Street are not in the Long Gutter, but stand on the east slope of the hill. They belong to Warren's heirs, and are comparatively new. So is the house at the back, which was built and occupied by Mr Richard Spence, a man locally famous in his day as an architect.

Somewhere near the head of Laing Street, shortly after the visit of the Haldanes, the Independent congregation had their first meeting house.

* Baikie's papers.

† In old Kirkwall any bit of street having a flagged pavement was known as a "Walk."

‡ Peace, publisher's, premises. § T. B.

APPENDIX TO CHAPTER XII.

In 1567, Sir Gilbert Balfour, appointed by Queen Mary, was Sheriff of Orkney.

In 1597, Edward Scollay of Strynzie sat for Earl Patrick as Sheriff of the county. After the execution of this nobleman the tacksman of the earldom lands became Sheriff of Orkney and Zetland.

Sir John Arnot, to whom Earl Patrick had mortgaged his estate, was bought out by the King, who appointed Sir James Stewart Chamberlain and Sheriff. Harie Stewart of Carlougie was his depute, and he sat from 1615 till May 1622, when Sir John Buchanan became tacksman.

Mr John Dick, acting as depute for his father, Sir William Dick of Braid, held his first court 4th February 1628.

Edward Sinclair of Essenquoy sat for John Dick, 4th August 1630, and was himself afterwards Sheriff. He held his last court 15th April 1634.

Harie Aitken, who had acted as depute for Essenquoy, is in a charter, 2nd February 1638, styled Sheriff and Admiral Depute.

Aitken and Thomas Buchanan of Sound sat together as deputes, 2nd August 1641.

In the time of the Commonwealth, Patrick Blair of Little Blair was Sheriff.

In 1669 the county was erected into a stewartry, the first Stewart being George Scott of Giblistone. He was succeeded by Captain Andrew Dick in 1675 ; Charles Murray of Hadden and Sir Robert Milne of Barneton, 1681 ; William Craigie of Gairsay, 1686 ; Robert Elphinston of Lopness, 1689 ; Sir Alexander Brand, 1693 ; Robert Douglas, 1696 ; Samuel Maclellan, 1697 ; William Menzies of Raws, W.S., 1702 ; Sir Alexander Douglas of Egilshay, 1705 ; Graham of Breckness, 1715 ; Captain Moody of Melsetter, 1717 ; Honyman of Græmsay, 1722 ; Covingtrie of Newark, 1727 ; John Hay, 1732 ; and Andrew Ross, 1742 to 1746.

In 1747, George II. wisely enacted that the sheriff of a county should be an advocate, and George IV. made the same law apply to the sheriff-substitute.

KIRKWALL.

FROM LONG GUTTER TO HEAD OF BROAD STREET.

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M. HEDDLE.

CHAPTER XIII.

Long Gutter to Strynd.

SOUTH of the Long Gutter, on the east side of the street, was the house of James Baikie of Burness. The old Burness mansion formed three sides of a square, entered through an arched gateway, facing which was the front door. Its yard stretched back to "the lane leading towards Pabdale." On the other side of the street, with a width equal to the frontage of his dwelling-house, he had a "muckle yaird" reaching to the Oyce. Still retaining this place, Baikie bought the house "of old called the Thesaurerie," and went to live in Broad Street. Baikie was one of those judicious men who knew how to make the best of both worlds. He was a successful business man, a magistrate, and an elder of the kirk. He died 1679, and his tombstone in the south nave aisle is perhaps more suggestive of serious thought than any other in the Cathedral. His widow, Sibilla Halcro, daughter of Hew of that ilk, in 1681 married John Sinclair of Braebuster under a dispensation from Bishop Mackenzie.

In 1704, the Burness mansion at the Long Gutter was acquired from Hugh Baikie by "Bess Baikie," widow of Rev. Thomas Mackenzie, of Shapinsay, who the year following made it over to her two sons, Murdoch and James.

From the Mackenzies the house of the Burness Baikies was purchased by Mr Gilmour, tanner and leather merchant, Edinburgh, who pulled down the old place and erected the present house on its site. In putting up the new houses, Mr Gilmour added largely to the amenity of this part of the town by withdrawing his frontage several feet, and thus widening the narrow street.

When an agency of the Union Bank was started in Kirkwall, this was its first office. The old Burness site is now the property of Samuel Reid, Esq. of Braebuster, who has here his office, while his business premises occupy a considerable part of the old garden.

When the Laird of Burness lived at the corner of the Long Gutter, his next neighbour up the street was William Laughton, a good man and a public-spirited burgess. Laughton had much house property in the town, part of which came to him by his marriage with Barbara, daughter of Magnus Pottinger, skipper.

In the olden time, to meet emergencies, the town, with an empty treasury, was often obliged to draw upon the good nature and the heavy purses of her wealthier burgesses.

If the cess, or land tax, was not levied and forwarded with reasonable punctuality, a party of soldiers was sent to quarter on the town's folk. To avoid this expense and humiliation, deficiences were sometimes made up by those who could advance ready money. The security was good, and the interest high.

In 1674, Laughton sends the Town Council an account for sums thus advanced, which had run on from 1658 :—

"A Not of Depursients Depursed be William Laughton to the Town of Kirkwall."

"Item for the first stent, £8.

"Item to Balzie Willsone and George Spence, to send to the provost—voluntarlie, £12.*

"Item to Andrew Corner and David Forbes, colls.—voluntarlie, £11 12s.

"Item, 3rd May 1672, to Balzies Thos. Willsone and Patrick Traill and Balzie Moncrieff, two pounds of pouther; more to them, 22 July, two pounds of pouther, at 2/ sterling per pound, is £4 16s (Scots).

"Item, January 20th, 1674, for stent, the last year, £14.

"Item to Mr James Reid, £6 13s 4d."†

Laughton's whole "Depursients" amounted to £131 4s 2d. He asked no interest, or, as he would have called it, annual rent; he took off all the "voluntarlies" and a good deal more, reducing his claim to £54 6s 8d.

Laughton died 3rd February 1681, and in 1714 his house belonged to James Manson, who lived just across the street. In the Valuation Roll of that year is an entry:—"James Manson, Elder, hath ane tenement under thatch roof, commonly called Purgatory, on the east side of the street. Item, he hath another tenement, possest by himself, commonly called Hell."

There is a vague tradition of a fire being the origin of these euphonious titles, indicating that when Hell was in blazes, Purgatory was uncomfortably hot. But houses similarly named are to be found in other parts of Orkney, and Hell and Purgatory are always near each other.

"Purgatory" was demolished in 1894, and the houses now occupying the site were put up by Mr Peter Shearer, who built in line with Mr Reid's frontage.

In William Laughton's time, the house south from his, which had belonged to John Martyn, merchant, was rented by Laughton for business premises. Though Martyn seems to have taken no active part in public work, he was a man in good social position; for in 1633 he married Margaret, daughter of James Henryson of Clet. In 1635 we find him lending money to James Tulloch of Breck, Westray. He had a son, Captain Martyn, R.N., who when he died left money, for which several claimants came forward. "John and Magnus Broune, writers in Kirkwall, compeared, and craved ane extract of their baptysms, whereby it might appear they were lawfullie begotten in the bed of marriage by their umql. father and mother."‡ This was for the purpose of proving heirship. "Robert Smith, indweller in Sanday, desires a testimonie of his mother's baptism, whereby his relation to Captynd Martyn might be instructed."§

In the last Book of Cess and Stent for 1765, William Fife's heirs are entered as paying one pound of cess on Martyn's house and Hell; but Purgatory is certainly meant as the house next to Martyn's. The Valuation Roll of 1714 places Hell on the other side of the street.

Next to Martyn's house was that of James Adamson. This man was a mason, and in his

* This was Provost Patrick Craigie, who was then, 1661, in Edinburgh on Burgh business.

† This last was in 1660, and as Mr Reid was appointed to the second charge in August of that year, this is evidently his first instalment of stipend. The Session of St. Magnus seems to have been as impecunious at that time as the Town Council was, for Mr Reid's ordination dinner remained an outstanding debt for fourteen years. The account was sent in 2nd November 1674, when "George Spence, Baillie of St. Ola, alledged that the Session of Kirkwall was restand to him fifteen pounds Scots for ane dinner made be him on Mr James Reid his admission to be conjunct minister at Kirkwall the eight day of November 1660, at the minister and eldars' direction, as he alledges." The significance of the last three words in the above minute lies in the fact that Mr Lennox, who was minister of the first charge in 1660, had been succeeded by Mr Douglas in 1662 and by Mr Wallace in 1672; and as in the fourteen years which had elapsed since the day of the dinner, some of the elders had died, the validity of Spence's claim is made to rest upon his own allegation. The Session certainly seemed inclined to dispute the old account, and no voucher for its payment exists.

‡ S. R., 25th Jan. 1703. § S. R., 15th Feb. 1703.

day had the best of the trade going in Kirkwall. He was largely employed by the Kirk Session. He broke out windows in the north choir aisle, that the people sitting under the lofts there might have light. When the town clock was playing fantastic tricks with the public time, Adamson got an order for a couple of sundials, that the town's folk should not be misled as to the hours.

James Adamson was succeeded in his house and business by his son, Patrick, of whom little is known except his attempt to sell his father's tombstone.*

In the seventeenth century the most prominent of the Sinclair clan was Edward Sinclair of Essenquoy, whose town house was in Albert Street, next to Adamson's.

Essenquoy was the estate in Holm, of which the manse was the manor house. This property had belonged to the Sinclairs for several generations. In 1605 William Stewart of Egilshay, "ane honourable man, set the land of Menes, in the Isle of Egilshay, to Hew Sinclair, lawful son to Oliver Sinclair of Essenquoy and Roberta Stevenson, his spouse."

Oliver Sinclair, the father of Edward, lived in town, having apparently leased to the Church his mansion house in Holm. In July 1615, Sibilla Stewart, widow of Rev. Gilbert Bodie, gave up "the vicarage of Holme and the house of Asquoy, called the Manse."† She had stuck to them as long as she could, for poor Bodie, her husband, had been drowned in a loch in Holm as long ago as April 1606. He it was who, for a vote in the General Assembly of 1598, was called by a voter of a different way of thinking, "a drunken Orkney asse."‡

In 1617, Edward Sinclair and Robert Henryson of Holland were "ellectet Commissioners to the approaching Parliament to be halden the xxvii. day of May next conform to ane warrand, and protested that ane reasonable stent myt be maid for ther advancement and mantenance. Qrupon the Shreff-depute, wt. advyse and consent of the gentlemen and free-haldaris, condescendit, and be voittis grantit the sume of ane thousand merkes money."

This is the first parliamentary election in Orkney, and Peterkin says "There is no evidence on record, as far as yet discovered, that there was another during the troubled times which followed, until the Restoration in 1660."

Edward Sinclair was Provost of Kirkwall from 1622 to 1636. He married Ursulla Foulzie, daughter of the famous churchman, after whom they named their son Gilbert.

The sale of their house in Kirkwall marks a decline in the fortunes of this family. In 1633, with consent of his wife and son, Edward Sinclair borrowed money from James Baikie of Tankerness. With interest at ten per cent., the acceptance of a loan was almost certain to be followed by the ruin of the borrower. In 1674 James Baikie of Tankerness sued Ursulla Foulzie for £157 11s Scots as "Dewties" on her late husband's lands in Deerness and St. Ola, the duties being the interest on the mortgage.

Gilbert Sinclair, walking in his father's footsteps, continued borrowing from any one who would lend, with the result that his houses and lands changed ownership. Sinclair's house in Albert Street was sold, "with advyse, consent, and assent of William Sinclair of Sabay," to Edward Cock and Margaret Baikie, his spouse.

The Cocks were from Sanday. In 1585, Mr James Cok was presented to Lady Parish in that island, and before 1624 his son Thomas was minister of Cross and Burness. Thomas succeeded his father in Lady Kirk sometime after 1627. He married Janet Andrew, and had several sons. James Cok of Bea appears in the Court books as borrowing 250 merks from Elizabeth Baikie, widow of William Irving of Gairsay, 1649. Oliver Cok of Kirkhous owes Oliver Fea £86 13s 4d in 1650. On the other hand, Edward Cock, merchant in Kirkwall, appears as lending George Maxwell, skipper, 560 merks; Patrick Gordon, Westove, £100;

* See *ante*, p. 55. † Sheriff Court Books. ‡ Fasti.

and he and his wife, Margaret Baikie, contribute to the ruin of Gilbert Sinclair of Essenquoy and Anna Ballenden, his spouse, by lending them £1000. In 1627 Edward Cock was made a bailie, and remained in the magistracy for a number of years.

Since the days of the Cocks, the town house of the Sinclairs of Essenquoy has been successively owned by Dr Hugh Sutherland, John Reid, merchant, his nephew George Omond of the Fair Isle, and his heirs. Its site is now occupied by the business premises of Messrs Robertson & Co., the present head of which firm is Bailie William White.

On the south side of Edward Sinclair's close, the house now belonging to Mr Robert Flett was, in 1677, the "land and tenement callit Stainsgair's land." This is one of those names, like Twatt and Heddle, over which one puzzles as to whether the man was named from the land or the land from the man.* Stainsgair is, or at least in 1595 was, in South Ronaldshay, but at that time it belonged to a family of another name, and with not a very good record. It is given as "pertaining to the Couplands, the ane brother hangit, the other banishit for theft."

Stone at Sinclair's Property.

Little is known of Stainsgair, but he was certainly in comfortable circumstances. Oliver Stainsgair's daughter, Grissell, married James Tulloch of Ness, 1620, with £100 of tocherguid.† The name is well known in Orkney at the present day under the form Stanger.

In 1677 the Stainsgair's land was liferented by "Christane rusle, relict of umqle Thomas Wilson of Hunclet."

Wilson of Hunclet was in his day a prominent public man. He became a bailie in 1654, and remained in the Council till his death in 1676. He was an elder in St. Magnus, and a pillar of the church. In 1669, when there had been no communion in the Cathedral for twenty-two years, Mr Wilson, as an elder, moved the celebration of the Sacrament.

Christian Russell, or Rusland, was the happy widow of two husbands, neither of whom had cherished any thoughts of postmortem jealousy. She lived in Thomas Wilson's house, and she liferented "the tenement of old callit the Newark or foundation of the college under sclaitt roofe," from George Smith, her first husband.

In 1686 the house of Wilson of Hunclet came into possession of Patrick Traill, merchant, and his wife, Elizabeth Baikie.

Three years later there was trouble in the house of Traill:—8th August 1689, "Saturday morning, George Traill, second son to Patrick Traill, merchant in Kirkwall, went from this to Deersound, and sailed with the English man of war without libertie asked from his father or mother, upon some discontentment passed between him and them." ‡

* The Sheriff Court books very clearly decide this knotty point. A man's family name followed by the territorial alias, will be found recorded in a registered document, followed by another deed in which the family name is dropped and the name of the town land substituted.

† Court Books. ‡ T. B.

From the Church Records it appears that George wished to marry a servant girl, and his parents objected. However, the young couple went south, Traill by the man-of-war and the girl by the ordinary means of transport, and they were married in Edinburgh.

From Patrick Traill this house passed to his son, David, whose daughter, Elizabeth, married Andrew Munro, and had her house as part of her dowry.

Their son, Dr Andrew Munro, afterwards occupied this house, and was long a medical practitioner in Kirkwall. He had houses at the Thwart Close, and was for a time in prosperous circumstances. But his wealth took wings and fled, and his property was sold. Miss Munro, after her father's death, occupied a small house, still standing, at the back of the family dwelling house.

The house south from Stainsgair's Land was new in 1677, and "sua much as is fineshed" was occupied by William Davidson, writer and Commissary-Depute, from whom it received the name Davidson's Land. It belonged to Arthur Baikie, and it was for a time occupied by Mr William Baikie, the founder of the old Kirkwall library.

In 1772 it was sold to James Fea of Clestrain and Grizel Ross, his wife, by Janet Douglas, relict of James Baikie of Tankerness, "*Tutrix sine qua non* to Robert Baikie, her only son."

Fea had been a surgeon in the navy, and when he retired he published a book entitled, "The Present State of the Orkney Islands considered, with An Account of their advantageous Situation and Conveniences for Trade; the Improvements they are capable of, etc. The Whole Calculated to shew by what means their usefulness to the British Empire and the happiness of their own Inhabitants may be increased. By James Fea, Surgeon. Holy-Rood House. Printed in the Year MDCCLXXV." A quotation or two, to show what Kirkwall was towards the end of last century, may not be uninteresting:—

"The main Island, called Pomona, is of a very irregular shape. On the narrowest part of this Island is situated the Town of Kirkwall and Parish of St. Ola, a populous and pretty large Town, containing about 1500 inhabitants. It is situated in a Bay called Kirkwall Bay, in a very low and marshy ground, in which the inhabitants would have but an uncomfortable habitation were it not that the Tide comes up very near the back of the Town and effectually carries away the filth, which in such a situation behoved to be very noxious.

"The Church, formerly the Cathedral of St. Magnus, is an elegant Structure, finished in the Gothic taste. We had formerly a Castle of very great strength, which was taken and destroyed by Oliver Cromwell, who carried the guns into England. One of them is still to be seen, which was taken up about twenty years ago by Capt. Evans, and which was supposed to have fallen off the Catamaran in shipping. It is an 18 pounder, and when first taken out was as soft as Cheese. No remains of this Castle are now to be seen, it being entirely pulled down and a new Prison built with the materials. This is a very neat building, the expence of which was defrayed by James, late Earl of Morton, out of the Fine which the Lords of Justiciary laid on the unhappy Sir James Stewart of Barra for assaulting the Earl.

"There is also a very elegant Mason Lodge and an Assembly Room, neatly finished at the expense of Sir Lawerence Dundas, who generously gave £100 for that purpose.

"In Kirkwall is also a very good inn for the entertainment of strangers, where any Traveller may be very agreeably lodged.

"The inhabitants in general are very polite, hospitable, and kind to strangers; but I am sorry to say, that so little is industry encouraged in our Country, that no means can be assigned by which the lower class of people get their bread. By Reason of having no employment, they must live very wretchedly; they become indolent and lazy to the last degree, insomuch that rather than raise Cabbage for their own use they will steal them from others, and instead of being at pains to prepare the Turf, which they have for the mere trouble of cutting up and drying, yet, rather than do so, they will steal it from those who are richer or more industrious than themselves. Thus they pass their days in wretchedness, in ignorance, and in wickedness. Every Saturday, which day they are privileged to beg, a Troop of miserable ragged creatures are seen going from door to door, almost numerous enough to plunder the whole Town were they to exert themselves against it in an hostile manner, at least if their valour was in proportion to their distress.

"Formerly, indeed, there was a Poor-house erected for the maintainance and employment of some of these poor creatures; but it is now entirely disused for that purpose, having been lately used

as a shop and warehouse. As it is impossible to give a good reason for letting such an useful institution go to ruin, I shall not give any, but content myself with a bare recital of the fact. This Poor-house was in former times the parish Church of St. Ola.

"One advantage, however, results from this miserable state of our inhabitants, namely, that they are obliged to live very much on vegetables. Indeed, these, and a small fish called the black pellack, constitute the whole of their food. By these Vegetables they are prevented from being exterminated from the face of the Earth; for, being situated pretty far to the north, having the sea continually in their neighbourhood, and withal so very indolent and inactive, a plentiful use of animal food would soon cut them off by bringing on the Scurvy and other putrid disorders, but of these the Vegetables they eat from mere necessity are an happy preventative."

Dr Fea speaks very highly of Orkney kelp, and he had a special interest in that article, for it was a relative of his who introduced the manufacture into the county.

He condemns the Orcadian methods of farming and stock breeding, recommends greater enterprise in herring, cod, and whale fishing, and records the fact that "a proposal was lately made to Mr Kidderminster, the great fishmonger at London, to deliver him annually in Orkney 95,000 lobsters at 1d each. But this he did not accept, as it hath been found by experience that these fish which are caught in shallow water and a strong Tide are so exceedingly rich that they cannot bear confinement, or the brackish water on the coast of England; and, therefore, in long voyages, vast numbers of them die and become good for nothing."

"At the north end of the town is a fort built by the English during Cromwell's usurpation, ditched about with a breastwork and other fortifications, on which they have some cannons planted for the defence of the place.

"The gentlemen in Kirkwall, as well as the meaner sort, have adopted the English dress, excepting that the latter wear bonnets instead of hats, which are knit chiefly at Kilmarnock in Scotland, and are exceeding cheap for the convenience of the islanders.

"Football playing is the principal diversion of the common people, which they practice with great dexterity.

"The fair, called *Lammas fair*, is held by charter in the beginning of August, and is one of the privileges of the town of Kirkwall. On this occasion the people from all the islands, as well as from the mainland, resort to the town, together with numbers of merchants from Banff and Murrayshire, Caithness, etc., with goods of various kinds suited to the demands of the country people. To prevent quarrels, which frequently happened, and often proved very fatal to many of the parties on these occasions, it has been thought proper by the provost and magistrates to form a body of militia, composed of the inhabitants, who are regularly trained up in the use of arms and other military exercises; this is called, in the provincial dialect, *Weapon-shawing*.

"Thus the public tranquility is maintained, and the merchants, as well as the country people, may sell without molestation their commodities, the latter vending the articles manufactured by themselves, as blankets, stockings, linen cloth of different qualities, cattle, horses, etc. But the firths and other inlets are the principal checks on violence and depredations, for upon the least alarm of that kind the ferries are stopped and the delinquents taken and punished.

"The entertainment for the gentlemen is golf, bowling, fishing, fowling, curling on the ice in hard frosts, and such like manly exercises. Cock fighting at times is also practised, and the few game-cocks kept in the island are not inferior to those of England in point of spirit and courage. Our bull-dogs are equally fierce, and it is probable that this courage is more owing to the climate than to the nature of the animal, for if conveyed into foreign regions they degenerate.

"The power of the admiralty-court is in these islands very great, the jurisdiction of that court taking cognizance of all trespasses committed in ports, harbours, creeks, and within flood mark. The deputy is styled *the King's justice general upon the seas*, and nothing relative to his jurisdiction can be interfered with, in the first instance, but by the Lords of the admiralty. There are other causes resorting to his court such as piracies, seizing prohibited or fraudulently-imported goods, *breaking arrestments* or *attachments* and resisting his precepts, procuring passes and certificates in maritime cases other than from the admiralty, transporting beyond the seas traitors, rebels, disorderly persons, fugitives, in defiance of justice; throwing sand or ballast into harbours, taking away buoys, cutting cables, committing murder within the jurisdiction of the court, punishment of offences committed within his jurisdiction by mariners, etc."

"This is a proper place to give some singular instances of longevity in our islands.

"George Paplay, born in the island of Westra, died at the very great age of 129 years.

"Mr Martin relates his knowing a gentleman in the island of Stronsay who had a son in the 110 year of his age, and he knew one William Muir who died at the age of 140.

"When Mr Martin was in the Hebrides or Western Islands of Scotland he says he knew a man of the name of Gillouir M'Crain who had kept 180 Christmasses in his own house."

Dr Fea has no doubt as to Mr Martin's veracity.

The Doctor's book furnishes abundant internal evidence that it was not written in Kirkwall. It shows, moreover, that even as a youth he could not have been acquainted with the topography of the town. In 1775, the year of publication, and for nearly a hundred years afterwards, there was enough of the old Castle left to fix its site.

Again, his description of Saturday evening mendicancy is much exaggerated. Long before his day the authorities had the beggars under complete control. The Council "ordains the Lockman to go through the town every Saturday and take notice of such vaging persons as trouble the Burgh, and take his whip and beat them furth of the privileges of the town."*

Andrew Strang, tacksman of Lopness, bought Davidson's Land from James Fea of Clestrain. Lopness has a kelp shore unsurpassed by that of any farm in the islands, and, considering the prices then current, Andrew Strang could well afford a town house.

In 1802, William Strang succeeded his father in Lopness, and in "All and whole the Tenement of Land and houses thereon, lately built and repaired from the foundation, called Davidson's Houses, with the yard lately enclosed with a stone dyke." The kelp business was still flourishing, but young Strang had acquired expensive tastes. He had been for some time in a London office, and required to spend a part of each year in the great metropolis. Accordingly, we soon find him borrowing from his stepmother a sum of £350, and giving a bond on this property. This was redeemed by the help of David Geddes, Esq., residing in Stromness, and William Strang paid off his obligation by marrying Miss Geddes. But, some years later, he granted a fresh bond to James Shearer, merchant, with the result that, in 1823, Davidson's house passed into the possession of the bondholder. The property now belongs to Messrs Cursiter Brothers, and is occupied as an hotel.

South of Davidson's house was the "Great Lodging" of Arthur Buchanan of Sound. Its yard originally included the site of the present Union Bank. On the west side of the street, Buchanan had another great open space extending to the Oyce, and having a frontage equal to that of his Great Lodging with its adjoining yard. In 1676 this whole property had a valued rental of £195.

Buchanan was a large land owner. In 1668 he bought Towquoy, in Westray, from Robert Stewart of Ethay for 8000 merks, and two years afterwards sold it "to William Monteith and Marie Monteith, his spouse, second lawful daughter of umql. Patrick Monteith of Egilshay."

When Arthur Buchanan's widow desired her terce, the property of her late husband was scheduled, and Arthur Baikie prosecuted the widow's claim.

The estate comprised lands in Rendall, Evie, Birsay, Harray, Sandwick, and Firth on the Mainland, also a great part of Shapinsay, of Stronsay, and the whole of North Ronaldshay. Besides this there was a large amount of house property in Kirkwall.

Arthur's daughter, Marjorie, married her cousin, John Buchanan of Sandside, 1669. His widow, Margaret Buxtoun, life-rented the "Great Lodging" and some other houses in town. She afterwards married Captain James Mackenzie, and survived him.

When Arthur Baikie transacted business for Margaret Buxtoun, many letters passed between them, those of the lady exhibiting a beauty of penmanship, rare in those days, and which contrasted strangely with the merchant's crabbed hand.

"Sound, 6 June 1676.

"I was in the toun yisterdaye, and thought to have seen you, and to have spoken to you anent that particular I ordered the bearer to speak of a month agoe, for, truly, Sir, there is non in the Cuntry I

* C. R., 27th June 1694.

will use that freedom with or relayes so much upon as your self in this or enything else concernes me, therefor I intreat that you will doe me the faver to let me have fyve hundreth merks till whitsunday nixt ; but I hope, god willing, to paye it sooner, and what seurtie I can give you ye shall have ; your ansuer I expect with the bearer ; no more at pnt., but your good health and bedfellow's shall ever be wisht be her who is, Sir, Your oblidged friend and servant, MARGARET BUXTOUN."

Baikie, as was his habit with all his letters, covered the blank side of this one with very closely written memoranda. He has items numbered up to 15, and then follow miscellaneous jottings on various matters of public business. Item No. 7 is "to call for the proses and dilegense contra ladie sound and geo. hardie wth yr accomplisches, and considder qt course be taken yrin, in regard ladie sound is going off the cuntraye emediatlie."

Probably in the County Buildings may yet be found the "process and diligence contra" the Lady of Sound and George Hardie, chirurgeon, with their accomplices ; but whatever the case may have been, it is obvious that there was a scandal, and Baikie's suspicion evidently was that Lady Sound wanted the 500 merks to take her out of Orkney.

Sound's town-house formed three sides of a square, and in 1673, in Margaret Buxtoun's lifetime, the south wing was let to George Ritchie, Bishop Honyman's chamberlain and girnell-man.

At this time Ritchie was a widower, and here arose one of the most gossip-satisfying scandals that ever interested Kirkwall. The story, which had better be given in the words of the Session-Clerk, goes to show how, in the seventeenth century, the good women of Kirkwall took charge of the morals of their neighbours. On Monday, 22nd December 1673 :—

"The Session was closed with prayer. After the Session, the minister went, along with Oversanday, accompanied with John Caldell, Patrick Traill, Yr., William Mudie, and the Clerk, for examination of Jean Graham, spouse to Oversanday, who, in presence aforesaid, did declare as follows, viz., that upon the fourtein of October last, being Tuesday, about eight hours at night, as she was coming out of William Young's house,* she and Barbara Moncrieff, spouse to the said William, being in the close, did see Elspeit Ballenden coming in by alongst them, and went up to George Ritchie's chamber, whereupon William Young's wife did putt upon her, and said, 'Look, for this is not the first tym.' Afterwards the said Jean declared that she went down to Captain Drummond's,† and stayed with her husband ther, and supped, and neir ten sent ane servant to try if the said Elspeit wes come home, who returned and told that she wes not come. And having gone home with hir husband, she sent another servant about eleven hours, who also declared that Elspeit was not come home as yet. Whereupon Oversanday, being suspituous of the said Elspet because of some reports of her, desired his said spouse, about twelve hours at night, to tak a servant alongst with hir and goe downe to baylie Moncrief's wife,‡ and wait with hir untill the said Elspet came home, to examine her where she had bein. And both of them stayed in the said Elspet's chamber till daylight in the morning. At which tym Elspet came, and the said Jean asked hir where she had bein all night, said that she wes with Marjorie Coventrie § ; whereupon the said Jean did rise and went away to try the truth. Then the said Elspet did call her back again to tell the truth ; and after she had declared her being in George Ritchie's chamber all night, before hirselfe, baylie moncrief's wife, and diverse others who were also present, the said Jean did reprove her sharplie ; whereto Elspet replyed that she was alse honest a woman as hirselfe ; at which uncivil comparisone the said Jean confessed she gave her ane cuffe onlie, and no more, which the said Jean declared to be true with ane oath, adding that ther wes no more wrong or violence offered or done to the said Elspet, as baylie moncrieff's wife and the rest of them that wer present can testifie to be of veritie."

"In presence foresaid, compeired Issobell Andersone, spouse to david Moncriefe, bailie (her husband also being present), and declared in all poynts conforme to oversanda's wife's declaration, Adding that the forsaid Elspet ballenden abused the abovenamed Jean with base words, at which words the said Jean gave the forsd. Elspet onlie a little cuffe, and saw no more violence offred to hir any wayes."

And now the frail Elspet, being badgered weekly by the Session, apparently sought to

* Castleyards.

† Captain David Drummond married Christiam Graham, daughter of Mr Patrick Graham of Grahamshall, 13th January 1673. They lived in the house called the Gallery.

‡ Harbour Street. § Bridge Street.

make away with herself. "It was reported that the said Elspet, since her confession befor my lord bishop, was sick and vomiting blood, being alledged to have drunk a potion of physick." The ecclesiastical tribunal held the unhappy woman dangling before the public gaze, till, at their meeting on 5th January of the following year, "it was reported to the Session that Elspet ballenden went away privetlie from this towne on Friday last. Desyres the eldars to search and enquyre diligenlie whither she is gone." By next meeting it was discovered that the fugitive had gone to Stromness. A letter was accordingly sent off, post haste, to Mr George Honyman to arrest and send her back to Kirkwall. She had, however, taken ship for the south. Having traced her to Leith, "Ordaines to writt ane letter to the comon Session of Edinburgh in reference to Elizabeth Ballenden, who is reported to be ther."

Towards the end of May she ventured back, but was immediately pounced upon by the elders; and, on 4th June, "It was reported that Elspit Ballenden was again turned fugitive to the discipline of the church in going back again with James Graham's veshell, with which she came hither." With this the poor creature disappears from our local history.

Buchanan's house, with its two great yards, next became the property of the Earl of Morton, and his lordship, not yet having yard enough, applied for more, and got it. "The Earle of Morton, who now lives in this place, desires the ferm of the meikle kirk yard."* This was the space on the north side of the church, in which till long after this time there were no interments.

The church never lost sight of the value of this part of the churchyard. "Ordains David Seater to keep up the kirk yard deik, to take the grass thereof for his paines."

Sometimes the Session kept it in their own hands. Beasts might be grazed in it at fourteen shillings per head, the money to be paid to the Session.† "Tankerness to have the grass of the meikle kirkyard for three pounds Scots."‡ The tenants were strictly protected in their rights. "Four-footed beasts" found trespassing were forfeited.§

In 1769, Morton's Great Lodging was sold to Thomas Lindsay. Lindsay was a notary public, and came to Kirkwall as clerk to Andrew Ross, factor for the Earl of Morton.

In the "Pundlar Process," "James Spence, Writer in *Kirkwall*, and Town Clerk, depones That *Thomas Lindsay*, Merchant in *Kirkwall*, is a Counsellor of the said Burgh, and is Nephew to the Defender's Doer; at least he is habite and repute so."

William, brother of Thomas Lindsay, was a linen manufacturer, and he was engaged by Mr Ross to introduce this industry into Orkney. He did so and made a large business, employing many looms in Kirkwall and in the West Mainland. The Factor made his tenants cultivate flax, and William Lindsay saw to the steeping, dressing, heckling, spinning, weaving, and bleaching. Birsay, from its excellent water supply, possessing as it does the nearest approach to a river that Orkney can show, was Lindsay's bleachfield. Lindsay became wealthy, bought Caldale, and lived there.

"*Thomas Johnston* of *Bea*, Tenant to the Earl of Morton, depones That he knows of none in the Parish of *Birsay*, where he lives, that have either the Use or the Knowledge of Stones, Pounds, or Ounces excepting the Relict of *Thomas Heddal*, who was a Dealer in that Parish, and *William Lindsay*, Manufacturer there, who used such Weights."

Thomas Lindsay married Anne, daughter of Henry Rose, Collector of Customs in Zetland, and a large family of sons and daughters romped through the Earl of Morton's Great Lodging. Some of them died in early life, and the sons who reached manhood did not wed. One of these, Harry, was engaged to Miss Ann Balfour, and on his death that lady put up a

* S. R., 2nd Mar. 1713.
† S. R., 27th Feb. 1688.
‡ S. R., 15th May 1693.
§ S. R., 29th Aug. 1692.

monument to his memory in St. Magnus Churchyard.* Mr Lindsay had two daughters—Margaret, who married Mr Balfour Stewart, and Catherine, who became the second wife of Andrew Strang, farmer in Lopness.

Mr Watt of Skaill, writing to Mr Craig, of the Grammar School, about the Lindsays, Jan. 1848, says :—"I perfectly remember their deaths taking place, but cannot name the dates. Thomas died in his own house in Kirkwall. William died at Caldale. Both of them had for years previous to their deaths been confined to their houses by infirmity. I remember seeing them both in that state. In William's I once was entertained with *Punch* made in a *Teapot*. The last time I saw Thomas I called to introduce Sir Charles Ross of Balnagowan."

Dr Groat, the next proprietor of the Great Lodging, and the builder of the house that now occupies the north and east sides of the site, was descended from the Groats of Caithness.

Somewhere in the reign of James IV., 1488-1513, three brothers, Malcolm, Gavin, and John Groat or Grot, supposed to be Hollanders, came to Caithness.

In 1496, John got a grant from William, Earl of Caithness, of a pennyland in Dungalsby. In 1609, Donald Groat of Warse was killed in a fray in Kirkwall. The Groats for a time farmed the Pentland ferry.† The ferry was out of their hands in 1626, for in that year Hew Halcro of that ilk granted to Edward Ireland and Helen Grot, his spouse, "Tack of the 6 penny land of Burwick, ane penny land of Gossegair, and Ferry of Pictland Firth for three years." It reverted to the Groats, and in 1741 William Sinclair of Freswick acquired from Malcolm Groat the ferry-house and the Groat lands in Dungalsby. In 1749, Malcolm Groat of Warse is addressed by Donald Groat, merchant, Kirkwall, as cousin. This Donald seems to have come over the ferry in 1709, for in 1757 he depones that he had known Orkney for about forty-eight years.

Malcolm Groat of Warse, writer, Kirkwall, died 1772, and a mural tablet of white marble in the south nave aisle of the Cathedral gives the names—Malcolm Groat of Wards ; his relative, Donald Groat, Esq. of Newhall, chamberlain of the bishopric ; and Dr Robert Groat and William Groat, sons of Donald—with the statement, "They all died during the eighteenth century."

Dr Robert Groat, named above, is designated physician, London.

In 1828, Dr Robert, who rebuilt this house, died in Bath, where he had gone for the benefit of the waters, and the following year Alexr. Græme Groat sold the property to Dr Duguid, son of the Rev. John Duguid, of Evie and Rendall. The minister was a man in advance of his times. He married Miss Jean Bremner, and as child after child was born in the manse, he vaccinated them with his own hand, and having thus demonstrated his confidence in the new safeguard against smallpox, he was able to induce his parishioners to submit to similar treatment. In simple ailments, with no doctor resident in the parish, the clergyman dosed his people, who had perfect confidence in his skill. Thus Alexander Duguid, from his childhood made familiar with elementary medical and surgical practice, took naturally to such studies. He was a keen and careful observer of nature, and became an authority on the fauna and flora of Orkney. He married Elizabeth Annie Mackenzie, a direct descendent of the Bishop. Mrs Duguid was buried in the south transept chapel of the Cathedral, where the venerable Murdoch had been laid, this privilege having been granted by the Kirk Session, 9th October 1693, to Bishop Mackenzie's "children and grandchildren and theirs."

* It is of white marble, and was at the time of its erection without doubt the most beautiful piece of work in the burying ground. It is now going to ruin, but the inscription is still quite legible.

† In Caithness it is commonly said that the origin of the family name was the "groat" that was charged as freight for each passenger crossing the ferry. Grote, however, is a common family name in Holland.

In 1872 Dr Duguid died, and the following year the house was sold to Mr John Cursiter, merchant, who did much to improve the interior. Mr Cursiter was a man of enterprise, and established for himself a very extensive business. Long before Kirkwall had a water supply by gravitation, Mr Cursiter had his laboratory at Junction Road furnished with an abundant flow, led in pipes from the slope of Grainbank.

Messrs Macrae & Robertson, solicitors, the present owners and occupiers of what represents the Great Lodging of Buchanan of Sound, purchased the place from Miss Cursiter in 1892.

The house lately occupied and owned by Mr Anderson, bookseller, popularly known as "Solomon," now the property of Mr Morgan, watchmaker, represents part of the Buchanan mansion, and therefore does not appear in the older rentals.

The tenement south of the last had belonged to the Halcros of Crook, but had been purchased by Arthur Buchanan, whose widow, in 1677, had the liferent of it. "Item, ye sd. relict lyferents ane uthr double tenement, ye most pt. yrof under sclaitte roofe, and ane pt. yrof towards the street, ruinous, without roof and walls, qch ptained of old to the halcrois of Cruik, betwixt the said great tenement on the north, the waste ground and tenement sometyme ptaining to umql Oliver Linay and now to Patrick Murray, not. publick, on the south, the lane towards Pabdale on the east, and the hie street on the west."

In the valuation of 1712, the Crook mansion belonged to Mungo Buchanan, notary public. Among its tenants was Mr Murdoch Mackenzie, who had been a teacher in the Grammar School, but who is better remembered now by his chart of the Orkney Islands.

This house afterwards belonged to Honyman of Græmsay, from whom it passed to John Reid, one of Kirkwall's prosperous merchants. The Rev. George Reid, who had been master of the Grammar School, was, in 1743, sent as a missionary to the Fair Isle. After labouring there for nine years, he was presented by James, Earl of Morton, to the parish of Nesting, in Shetland. Before leaving Orkney he had, in 1730, married Isobel, daughter of Patrick Traill, merchant, and grand-daughter of George Traill of Holland. They had a son, John, and four daughters. One of these daughters married an Omond in the Fair Isle, and John Reid, having no son, left this and much house property besides to his nephew, George Omond, who came to live in Kirkwall.

Besides the usual condition, that George should pay his uncle's funeral expenses and debts, the properties were burdened with certain annuities to the testator's sisters. Two of these, Rosa and Margaret—or, as they were named in the Records of Sasine, Rosie and Peggie—were liferented in this house, which, judging by the number of tenants, must have yielded a very good annuity to the ladies.

In 1801, when Omond took possession, these tenants were—James Smith, writer; T. Flett, J. Scarth, W. Patten, merchants; J. Anderson, S. Scollay, A. Priest, shoemakers; P. Flett, post; J. Foulis, sailor; J. Spence, heckler; J. Eunson, weaver; and J. Sinclair, bookbinder. If each of these represented a family, this tenement was somewhat crowded, and for continuous din during the hours of labour, must have been as cheerful as a factory. The scratch of the writer's pen could scarcely have been heard outside his door, but the noise of the lapstones and the looms would penetrate every corner of this human hive.

George Omond died, 1st February 1813, and left his property to his two sons—John, afterwards Dr Omond, Free Church minister, Monzie; and Robert, afterwards M.D., Edinburgh, and sometime President of the College of Surgeons. To the latter fell the house under consideration. It was still held, however, by his grand-aunts in liferent. They laid out no money on the place, and the house and its inmates deteriorated together. The writers, merchants, and well-to-do artizans found more comfortable quarters elsewhere, and only such tenants as could afford no better accommodation remained. Thus, in one of the apartments

of the decayed dwelling, we find a couple who enjoyed a hand-to-mouth existence. The man was a maker of lamps, and, from the material in which he wrought, was known as "Brassy." Sometimes, when "Brassy" had finished a lamp to order or on speculation, his wife managed to smuggle it out and sell it. On such occasions she invariably returned in a state of intoxication. Then there was war. One day, after the couple had passed through the ordeal of a mutual explanation, a neighbour met them, and seeing the woman with two very expressive black eyes, asked the husband why he did not murder his wife outright. "Brassy" calmly replied that he had often thought of doing so, but considered it a pity that a man of his ability should swing for a creature like her. His ability was admited in his own day, and among Orkney *cruisies* none were considered so elegant as those made by "Brassy."

Dr Omond sold this tenement to the directors of the Union Bank of Scotland, who put up the handsome edifice which now occupies the site. The Kirkwall agency was opened, 15th August 1855, by the late Robert Scarth, Esq. of Binscarth. The office was the house at the corner of the Long Gutter, formerly the residence of the Baikies of Burness and of the Mackenzies of Groundwater, and now part of the business premises of Samuel Reid, Esq. of Braebuster. The inception of the bank, however, goes back to Mr Scarth's father, who in his shop in the Laverock received deposits for the banking house of Sir William Forbes in Edinburgh.

Occupying the site from the Union Bank to the foot of the Strynd, was the house "of old called the Ridgeland."* As far back as it can be traced, it belonged to George Smith of Rapness, then to Andrew Smith of Hurteso, two brothers of Patrick Smith of Braco. It next belonged to Oliver Linay, whose daughter, Anna, brought it as part of her dowry to her husband, Patrick Murray, notary public. From Murray the Magistrates rented this house to be the Tolbooth, and for nearly a hundred years it did duty as a Town Hall and Prison.

When a new Town Hall was built on the Kirk Green, the Council sold the old Tolbooth to Robert Morrison, Procurator-Fiscal, whose daughter sold it to Mr Robert Grant, merchant, then tenant of a house in the Strynd. Mr Grant was the son of the Rev. Alex Grant, translated to South Ronaldshay in 1699 from Fala and Soutra, in Haddingtonshire. It would almost seem that love led the minister northward, for shortly after his induction he was married to Sibilla, daughter of James Baikie of Burness. When Mr Grant came to his new charge he found that the superstitions of Orkney differed from those of the Lammermoors as widely as the habits of fishermen differ from those of upland shepherds. He complained that he had been twice interrupted in administering baptism when taking a girl before a boy, because his parishioners believed that by so doing he would give the girl a beard, which she did not want, while the boy would be robbed of his capillary birthright. He also tells that none of his people will marry except under a waxing moon and during a flowing tide—a notion not yet extinct in Orkney.

Mr Grant, proprietor of the Ridgeland, gained some distinction as a sportsman among his fellow-townsmen. "Robert Grant, son of the deceased Mr Alexander Grant, minister of South Ronaldshay, obtained decreet from the Sheriff for 2/- Scots from each reek† in the Parish of St. Ola, in terms of Acts or Regulations of the County of Orkney, for having shot an aerne or Eagle in the Parish, of which he had delivered head and feet and wings to the Baillie of said Parish, in order to be presented to first head Court, and now craves the Sheriff to ordain the Baillie to obtain for him from each Reek-house in the parish, except Cottars, who have no sheep, the sum of two shillings."‡ This was probably the last eagle shot in St. Ola, and the last paid for under the old "Acts or Regulations."

Along with his house, Robert Grant bought from Margaret Morrison, as its peat-brae,

* Arthur Buchanan's titles. † Inhabited house. ‡ S. R., 18th July 1732.

"the just and equal half of that piece of waste ground upon the north side of the old ruinous Castle, extending to three score and eight feet of rule from east to west and twenty-eight feet of rule from south to north."

In 1791, Thomas Traill of Frotoft married Robina Grant, and in 1821 their son William, then of Frotoft, was served heir to the property of his grandfather. Mr Traill rebuilt that part of the old Ridgeland which faces Broad Street.

Provost Traill's house was acquired by Dr Logie, minister of the first charge in the Cathedral, at whose death his son, James S. S. Logie, M.D., purchased it from the trustees on the estate. Of the present proprietor, we shall only say that in a town which has been singularly favoured by a long succession of highly-gifted medical men, he has for many years held a position universally acknowledged as second to none on the list.

In 1703, Robert Morrison built the houses in the middle of the King's Passage, as the Strynd was anciently called. The site had belonged to his father, James Morrison, a man who held much property in Kirkwall. Besides having houses in different parts of the town, Quoy Angrie and Butquoy had been his. The son, however, had not the gift of keeping together what the father had gathered, and when he built these houses his own money was not sufficient to complete the work. But he was treasurer of the church, and the ecclesiastical coffer was handy. Robert died, leaving to his daughter his goods and gear, also his liabilities. An audit of the treasurer's accounts showed that he owed the church £65 12s, "by and attour a bill of £60"; so the Session came down upon Margaret Morrison. And her troubles did not come singly. This debt to the church she had not foreseen; but another, which was not unexpected, became due at the same time. She had had a misfortune—so the neighbours called it—and besides being shaken up for her father's lapse, she was fined and set upon the stool of repentance for her own. However, the author of the misfortune, John Watt, wright, married her, and the Session having granted them time, they wadset the houses to the Town Council and paid what was owing to the Cathedral "box." The upper house subsequently became the property of the Town Council. This middle part of the Strynd had "of old belonged to the Chaplainrie of St. Salvator."

We have seen that, about the middle of the eighteenth century, one of Robert Morrison's new houses had been occupied by Mr Grant. After him came John Traill, Captain of Marines, and his wife, Eliza Grote. In 1785, Traill entertained a Royal guest in his modest little mansion. Prince William Henry, Duke of Clarence, afterwards William IV., entered the navy in 1779, and on a visit to Kirkwall called upon his old shipmate. The following note, found by W. G. T. Watt, Esq. of Skaill, on opening a long unused desk, gives an account of this visit :—

"Kirkwall, 20th July 1785.

"Prince William Henry, third son of King George the Third, landed in this town from on board the Hebe, Man-of-War, and after viewing the Church, Palace, and the length of the Town, He went to Captain John Traill's house, where he saw Mrs Traill and her three Daughters, with whom he conversed Frankly, Eat and Drank with them, and after being an hour in the Captain's, he returned to the ship without goeing any other way; this was the only place in Scotland where he landed. He was the first of the Royal Family that visited the Scots Dominions" [here in a different hand], "except the Duke of Cumberland, in the Rebellion, 1745." "He settled on John Moodie, who had been an officer of Marines on board the same Ship, but thro' mismanagement was broke, fourty pound p. annum, untill he gott him made an officer of invalids."

As Captain Traill had only one daughter, the Mrs Traill referred to above was probably Mrs Thomas Traill of Holland, and the daughters, Isabel, Jean, and Margaret, ranging from twenty-two down to fifteen years of age. Captain Traill died the following year at the age of fifty-eight; his daughter lived to be eighty-five.

A dozen years after the royal visit, the house in the Strynd was occupied by the Rev. Mr Broadfoot, first minister of the Secession Church in Kirkwall.

Here, in 1807, was born his eldest son, George, of whom Sir Robert Peel said in the House of Commons :—" He obtained the applause of every civil and military authority in the country, and his prudence and skill as a civilian were only equalled by his ardour and bravery in the field. He was the last of three brothers, all of whom had died in the service of their country on the field of battle."

James was killed in the first Afghan war, 2nd November 1840. In the same war, William was killed in Cabul, 2nd November of the following year.

After distinguishing himself as an administrator no less than as a soldier, George fell at Ferozeshah, December 1845. On his tomb is inscribed, " The foremost man in India."

Major Broadfoot's death was noted in both Houses of Parliament as a public calamity, and pensions were granted to his sisters.

Writing to one of these ladies, Sir Henry Hardinge says :—

" He might have refrained from further conflict after his first wound, which threw him off his horse by my side. But, guided by his noble courage, as long as he could sit his horse he felt he could be most useful at a most critical moment of the battle ; and at the close of the assault on the enemy's batteries, he received his mortal wound at the very moment of our success. There was a prospect of building a church at Ferozpoor when I left India, which I hope will shortly be carried into execution, on the inside walls of which I have ordered a tablet in gun-metal to be erected as a testimonial of my personal friendship. . . . The monument ordered by the officers of the Madras army will be an honourable and lasting testimonial to his fame, whilst my more humble tribute, as a personal friend, will, on every Sabbath day, remind every young officer of the meritorious life and heroic death of the most accomplished officer of the Indian army near the spot where I attended his burial. The perpetuation of his fame will be secured in the Presidency, and near the spot where he devoted his life to his country ; and in Madras, which army can claim the honour of lending Broadfoot to Bengal, his memory will survive as long as the British power in India."

In 1731 the Magistrates of Kirkwall were able to do a kindly act in the disposal of Robert Morrison's upper house. Mr Traill rented his house from the Town Council :—

" The said day,* the Magistrates and Council, considering that John Carson, teacher of Mathematics in this Town, has been very usefull in the place for Education of Youth, and being resolved to give him some encouragement, they agree that he shall have the use and possession of the upper part of the houses in the Strynd which sometyme belonged to Robert Morrison, merchant in Kirkwall, wadsett by Margaret Morrison, his daughter, with consent of her husband, to this Burgh, and that for the haill space and years he shall continue in this Town teaching a school free of any rent. Signed in name, presence, and at appointment of the Magistrates and Council, by the Provost and by the Stent Masters, in token of their acceptance.

JA. TRAILL, PATT. TRAILL accepts, GEO. TRAILL accepts, WM. TRAILL accepts, WM. TRAILL accepts, GEORGE LIDDELL accepts."

But the value of this gift was considerably minimised by the state of the house, which, seven years later, Carson had to bring before the Council :—

" To the Honourable Magistrates and Town Council of Kirkwall, the Humble Petition of John Carson, Accomptant, Teacher of Navigation, &c.,

" Humbly Sheweth,—That the School House which your Honours, out of your Bounty, granted to yor Petitioner is very much out of order and going to Ruin for want of Thatch, &c., To that Degree that your Petitioner, when it rains, hath not a Dry Table to teach at, nor a Bed to sleep in, but is forced to sit up at a fire all Night, To the Impairing of his Health.

" May it Therefore please your Wisdoms To consider the Premises and Order such Reparations To be made as may Prevent the Ruin of sd. house. And yor Petitioner shall, as in Duty bound, pray, &c. JHO. CARSON.

" Oct. the 6th, 1738."

* C. R., 12th Feb. 1731.

This petition received prompt attention. On the back of it is noted :—

"Kirkwall, 6th Octr. 1738.—The Magistrates and Councell appoint William Traill, Treasr., to buy Stra and Simmons, and what others is needfull, for Thatching and making the within house watertight, and Imploy men for thatching the same, and to put the charge to the Town's accompt.
(Signed) JA. BAIKIE."

This house was afterwards in such good condition that it was chosen by the Rev. Thomas Traill of Tirlet to be his manse. Mr Traill was presented to the second charge in the Cathedral in 1775, and, after a six years' ministry, he died on New Year's Day, 1782, in the thirty-third year of his age. His son, Thomas Stewart Traill of Tirlet, Professor of Medical Jurisprudence in the University of Edinburgh, was born in this house, 29th November 1781. On a visit to Kirkwall he showed Dr Logie the window through which he first saw daylight. It is the east window of the upper flat. Thus it will be seen that a mutual gable separated the two manses, Secession and Established, and a comparison of those old houses with these now occupied by the ministers of the two churches, will show how very much more highly people of the present day appreciate the work of the ministry than did their grandfathers a century ago.

A small section of garden near the head of the Strynd was, in the middle of the eighteenth century, the Botanic Garden of Kirkwall. Neill refers to it in his "Tour" :—"Having been informed that a Dr Sutherland (long ago deceased), a pupil of the great Boerhaave, was in the frequent practice of resorting to a small glen, called the Guills of Scapa, to gather simples, which he dispensed in his medical practice, curiosity led me carefully to examine the spot. I observed a large bed of bistort *(polygonum bistorta)*, a remnant, I presume, of the Doctor's dispensatory." It may be stated that Mr Thomas Neill, of Canonmills House, Edinburgh, was married to Jean, daughter of Patrick Traill of Elsness, hence his interest in Orkney, and that he was a leading member of the Royal Botanical Society, hence his interest in "the little kail-yard possest by Hugh Sutherland, M.D."*

In 1677, between the Long Gutter and the Castle, there were only six houses on the west side of the street. On the south side of the Long Gutter lay a large space of waste ground stretching back to the Oyce. This "muckle yard, pertaining to Burness," was sold by Hugh Baikie to David Traill, merchant, Kirkwall. In the street end of the yard, Traill, in 1714, built a house which he called Mounthoolie.

Across the lane lived Liddell of Hammer, and so it came about that Traill's son, William, and Hammer's daughter, Elspeth, saw much of each other, and when the young man had just completed his twenty-third year he married Miss Liddell. He was the first Traill of Frotoft. His son, Thomas Traill of Frotoft, sold Mounthoolie to William Smith, merchant, Westray. Smith was unfortunate in business, and in 1804 this tenement was seized by John Mitchell, writer, on behalf of two creditors, Anne and Jane Park, merchants, Newcastle. Having been exposed to auction, the house was bought for the trustee by George Omond. Mitchell's son, John, after having been Town Clerk of Kirkwall for some years, went to the office of Sir James Marwick, City Clerk of Glasgow, and sold this property in 1870 to George Garrioch, vintner. There was then a parapet wall in front, which, if it improved the appearance of the house, narrowed the street considerably. This wall Garrioch removed, not as an obstruction to the street, but as an obstruction to business. Under the present proprietor, Mr A. Mitchell, Mounthoolie is known as the Imperial Hotel.

At the foot of the lane are some houses built on the Burness yard, and named, from the old Town Clerk, Mitchell Square.

* Records of Sasine.

The southern boundary of Mounthoolie was a house which in 1677 belonged to the heirs of Patrick Prince. In 1707, William Fea bought it from Magnus Prince. The next owner, James Manson, had also the house on the opposite side of the street, and was thus the proud proprietor of "Hell" and "Purgatory." "James Manson, elder, hath ane tenement yr, under sclaitt roof, possest by himself, commonly called Hell." Compared with "Purgatory," "Hell" was the better property, its valued rental being twelve pounds, while the other place was rated on eight.

This house, a few years later, came into the possession of Dr Blaw, grandson of the Rev. William Blaw, of Westray, the zealous Sabbatarian who hanged his cat for killing a mouse on Sunday.* As this was by no means a common name in our islands, it may almost be assumed that the first of the family in Orkney was Edward Blaw, who came as a writer and notary public. In 1627, on the 3rd of June, Edward Blaw, N.P., signs a declaration made by two "parochinaris of St. Olaw, becaus we cannot wrytte ourselffs." †

Dr Blaw, above named, took a very active part in public matters while he lived in Kirkwall. The doctor's sister, Marion, lived in "Hell" with her husband, William Manson, wright. In 1789, their son, William, in the Records of Sasine designated master mariner and again comptroller, purchased the house from his uncle and granted liferent of it to his wife, Elizabeth, daughter of William Balfour of Trenabie.

In 1806, William Balfour, Esq. of Elwick, Captain R.N., married his cousin, Mary Balfour Manson, and the house passed into the possession of Mrs Balfour and her husband.

The property south from "Hell" had been at some far back date dedicated by its pious owner to St Barbara's Altar in the Cathedral; and when, at the Reformation, Saint Barbara ceased to be recognised as proprietrix, the Burgh took possession of this and the other religious endowments in the town as ownerless houses. In 1828 this site was occupied by a "Tenement of land, sometime ruinous, with the Byre on the west end thereof." It then belonged to John Traill Urquhart. Captain Balfour bought the ruins, and on the site built an addition to his own house.

It seems very remarkable that a family domiciled in Orkney from the days of Queen Mary should, till two generations back, have taken no share in public business. While the work of the county was carried on in Kirkwall by Baikies and Traills, by Youngs and Moncrieffs, Richans and Strangs, Craigies and Liddells, Kaas, Rendalls, Princes and Paplays, the Balfours remained in the islands and took no interest in matters municipal. This is all the more remarkable, seeing that by the conditions of sale and purchase in the olden time they were compelled to be burgesses of Kirkwall. All the landed proprietors of Orkney—some of them titled—were merchants. Their rents were paid in kind, and, before they could dispose of their grain, butter, malt, and oil, they required a licence from the Dean-of-Guild in Kirkwall. Without this licence they were "unfree traders"—smugglers in fact.

"The very ancient family of Balfour, long heritable Sheriffs of Fife, derived their name from Balfour Castle in that county, built upon their earliest possession in Scotland, the vale or strath of the Or, a tributary of the Leven." ‡ Their first recorded ancestor was Siward of Northumbria, who lived in the reign of Edward the Confessor. Of him Shakespeare makes Malcolm Cahnmohr say :—

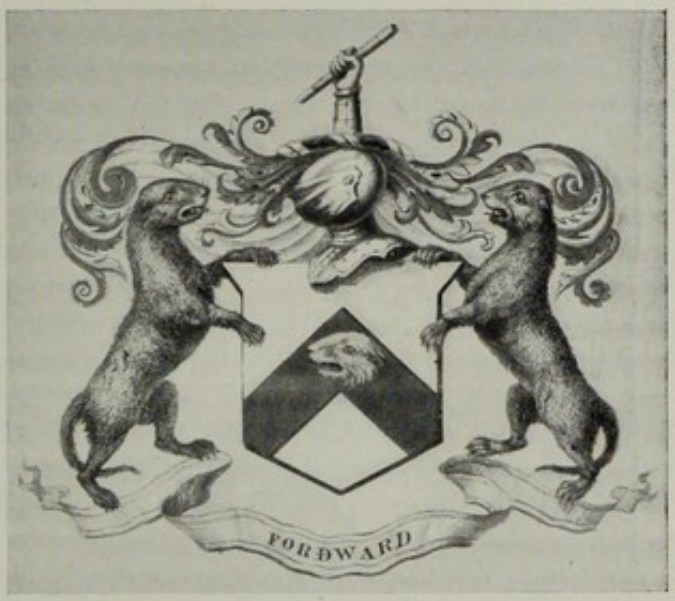
> "Gracious England hath lent us good Siward,
> An older and a better soldier none
> That Christendom gives out."

* Fasti. † Pet. Rent., iii. 36. ‡ Burke's County Families.

Siward's son, Osulf, was father of Siward "cui dat Edgar rex vallem de Or et Maey pro capite Ottar Dane." From this comes the pictured pun of the otter in the Balfour arms.

Next came Octred, who gave his son a recognisable Christian name, Michael. In 1253, Duncan, twelfth Earl of Fife, gave "consanguineo suo Michaeli de Balfour," in exchange for Pittencrieff, the much more valuable lands of Munquhanny.

The Balfours of Balfour and Trenaby have not only satisfied the Herald's College that they are the descendants of the Northumbrian Siward, but they have established their right to be regarded as the main stem of this ancient family.



Arms of the Balfours.

The foundation of the Balfour estate in Orkney was a gift of church lands. In a charter granted 1560, Adam Bothwell, Bishop of Orkney, conveyed to Gilbert Balfour and Margaret Bothwell, his wife, the lands of Kirbister, Noltland, Bu' of Noltland, Bakka, Fribo, Garth, Clet, Uea, Rackwick, Akerness, and Mabak, all in Westray.*

In 1565, Balfour got in feu the lands belonging to St. Catherine's Stouk, and the charter was signed by all the dignitaries of the Church. As most of them survived the Reformation, their names are interesting as the last Bishop, Dean, and Chapter of Romish appointment:—Adam, Bp. of Orkney; James Annand, Chancellor; Alexander Dick, Provost; William Peirson, Rector of Cross; Francis Bothwell, Treasurer; Thomas Richardson, Preb. St. Catherine's; John Graham, Rector of Lady Kirk; Gilbert Foulsie, Archdeacon; Magnus Halcro, Precentor; Hieronimus Tulloch, Sub-chantor.

In 1567, Gilbert Balfour received from Queen Mary a grant of Westray, Papa Westray, and Pharay. Sir Gilbert Balfour was Master of Queen Mary's Household, Sheriff of Orkney, Fowd of Zetland, and Captain of Kirkwall Castle; and as he had obtained these honours when Henry, Lord Darnley, was King Consort, it is not surprising that when Bothwell in his flight came to Orkney he should receive small favour from Balfour.

LETTER OF QUEEN MARY AND HER HUSBAND TO SIR GILBERT BALFOUR, COMPTROLLER OF THEIR HOUSEHOLD, RELATIVE TO THE HAWKS OF ORKNEY AND ZETLAND, 1566.

"Comptrollar, We greit you weill. It has been the ancient custume, observit of lang tyme bygane, that yeirlie our falconaris resortis to the boundis of Orknay, Zetland, and utheris the north cuntreis, ffor hamebringing of the haulkis thairof to ws, and sua we have send thir berars this instant yeir; thair expenssis is accustomat to be paid furth of your office; and sen ye ar in the cuntrie yourself, we pray you not onlie to ansuer thame thankfullie of thair accustomat dewitie and expensis, bot als tak ordour how they salbe reddelie and thankfullie ansuerit of the halkis within the saidis boundis, quhilkis ar als necessair for ws as ony uther the lyk thing, alsweill for our awin pastyme as for the gratificatioun of our freindis. This we doubt not bot ye will do. Subscriuit with our hand at Edinburgh the xxvij. day of Aprile 1566.† MARIE R., HENRY R."

* Pet. Rent. † Peterkin in Ork. & Zet. Chron., May 1825.

Sir Gilbert Balfour died unmarried, and was succeeded by his nephew, Michael of Munquhanny, who took up his residence in Noltland Castle, 1588. After him came Michael, whose grandson, Patrick, held Noltland when Montrose came to Orkney in 1650. Patrick Balfour was a staunch Royalist, and though his age prevented him from crossing the Pentland Firth, he incurred the wrath of Cromwell's Parliament for the help he rendered in raising troops and for the hospitable shelter he afforded to the fugitives. For this he was fined to an extent which sadly crippled his estate. His wife was Barbara, daughter of Francis Mudie of Melsetter. They were succeeded by their eldest son, George, the last occupant of Noltland Castle.

The wedding feast of George Balfour of Pharay and Marjorie Baikie, though it took place in the seventeenth century, is still in Westray a tradition of splendour crowning the ruins of old Noltland with a halo of glory.

The bridegroom, who is said to have stood six feet two inches in his stockings, was hospitable and popular. The guests filled the Castle, which at the wedding feast resounded with the boisterous hilarity becoming the age and the occasion. Then came a succession of gales that prevented the visitors leaving the island. But George Balfour, as a host, was all that his friends could wish. He proved that it was a very queer day indeed that he could not make a good night of ; and the revels were kept up for weeks, till at length the angry steward announced to the astonished party that every beast in the byre had been slaughtered for them except the bull. Then "kill the bull" calmly replied the master of the feast. The bull was slain, and after this sacrifice the storm went down and the wedding guests departed.

William, the eldest son of this marriage, had an only child, a daughter, who married Archibald Stewart of Brugh, and with her Pharay passed to the Brugh estate.

But George Balfour took a second wife, Mary Mackenzie, daughter of the Bishop, and their son, John, got Trenaby.

The fines inflicted on Patrick Balfour, and the festive proclivities of George, quite account for the fact that on 4th March, 1707, Robert M'Clelland, Chamberlain of Orkney, gets "decree of poinding against John Balfour, eldest son and heir-apparent of George Balfour of Pharay and Mary Mackenzie, relict of the sd. deceast George Balfour, and John Read, grieve in Noltland, to poind the moveables on the 12d land of Noltland" for £112 4s Scots, as interest on principal sum of £1870 6s 8d, for which a bond had been granted, 3rd Oct. 1704.* Notwithstanding this reverse of fortune, John Balfour of Trenaby gave five sons a good start in life.

William, the next laird, married Elizabeth Covingtrie, heiress of Newark. In September 1747, he gave £50 sterling to Archibald Stewart of Brugh to raise an action for reduction of the Orkney weights. This action came on ten years later. His eldest son, John, as a youth, joined the Civil Service of the Honourable East India Company. At the age of twenty-four he returned home invalided. In London the medical staff of the Company sat upon him, and declared that he had no more than a couple of years to live. He recovered, returned to India, successfully shook the Pagoda Tree, retired, purchased the Honyman property in Orkney, endowed the Balfour Hospital, and died in Curzon Street, Mayfair, London, at the age of ninety-two, long after the last of his medical doomsmen had been laid in the mould.

John Balfour's brother, Thomas of Elwick, was a remarkable man. He graduated in medicine, but is best known as Colonel of the North Lowland Fencibles, a corps largely recruited from Orkney. Colonel Balfour frequently appears in the public records of Kirkwall, as he had many dealings with the Town Council. From the Burgh he purchased building

* H. L., Sheriff Court Papers.

sites wherever they were offered for sale, from the Shore and the Bridge up to the Broad Sands. He married Frances, daughter of Earl Ligonier, a lady who possessed an astuteness in business matters quite equal to that of her husband. At one time the Colonel undertook the management of Lord Duffus' property, and went to live in Burray. Here, in 1778, his daughter, Mary, afterwards Mrs Brunton, was born. Her novels, "Discipline" and "Self-Control," were much appreciated in their day.

The late Dr Paterson, who disapproved of novels, felt himself safe in recommending Mrs Brunton's works to his niece "when she required a little relaxation from more serious reading." At the present day these works are not asked for at the public libraries by persons taking an alterative course of light literature.

In Burray, Colonel Balfour was visited, about 1780, by Principal Gordon of the Scots College, Paris, who says :—"The principal farmer, a Captain Balfour, has carried on improvements with success, but has few imitators ; it is hard to drive the Orkney people out of their old ways."

The Fencibles were militia raised during the French war for purely local defence, and each regiment had a territorial title. Thus the North Lowland was the 8th Orkney and Shetland Regiment of Fencibles. This corps did not remain at home, but did duty in any part of the British Isles where its services were required, and in the winter of 1796 the Fencibles were quartered at Carrick-on-Shannon, Ireland being then exceedingly disaffected and hoping much from the French.

The officers at that time were :—Major Commanding, Thomas Balfour ; Captains, Robert Baikie, J. Malcolmson ; Lieutenants, Robert Sinclair, Robert Nicolson, Andrew Strang, Ja. Archibald, Alex. Fraser ; Ensigns, K. S. Scott, Geo. Omond, J. Baikie ; Surgeon, Robert Groat.

Colonel Balfour was proud of his regiment, and composed for it the accompanying march, entitled, "March of the Orkney and Shetland Fencibles."

The Colonel's eldest son, John Edward Ligonier Balfour, Captain in the 9th Infantry, was killed at Alkmaar, 1799, in the twentieth year of his age.

The second son, William Balfour of Elwick, Commander in the Royal Navy, succeeded to his father's property, and to the large estates of his uncle, John Balfour of Trenaby, H.E.I.C.S. He married first his second cousin, Mary Balfour Manson, grand-daughter of his uncle, David Balfour, W.S., Edinburgh, and second, Mary Margaret Baikie, and had seven children by the first marriage and five by the second.

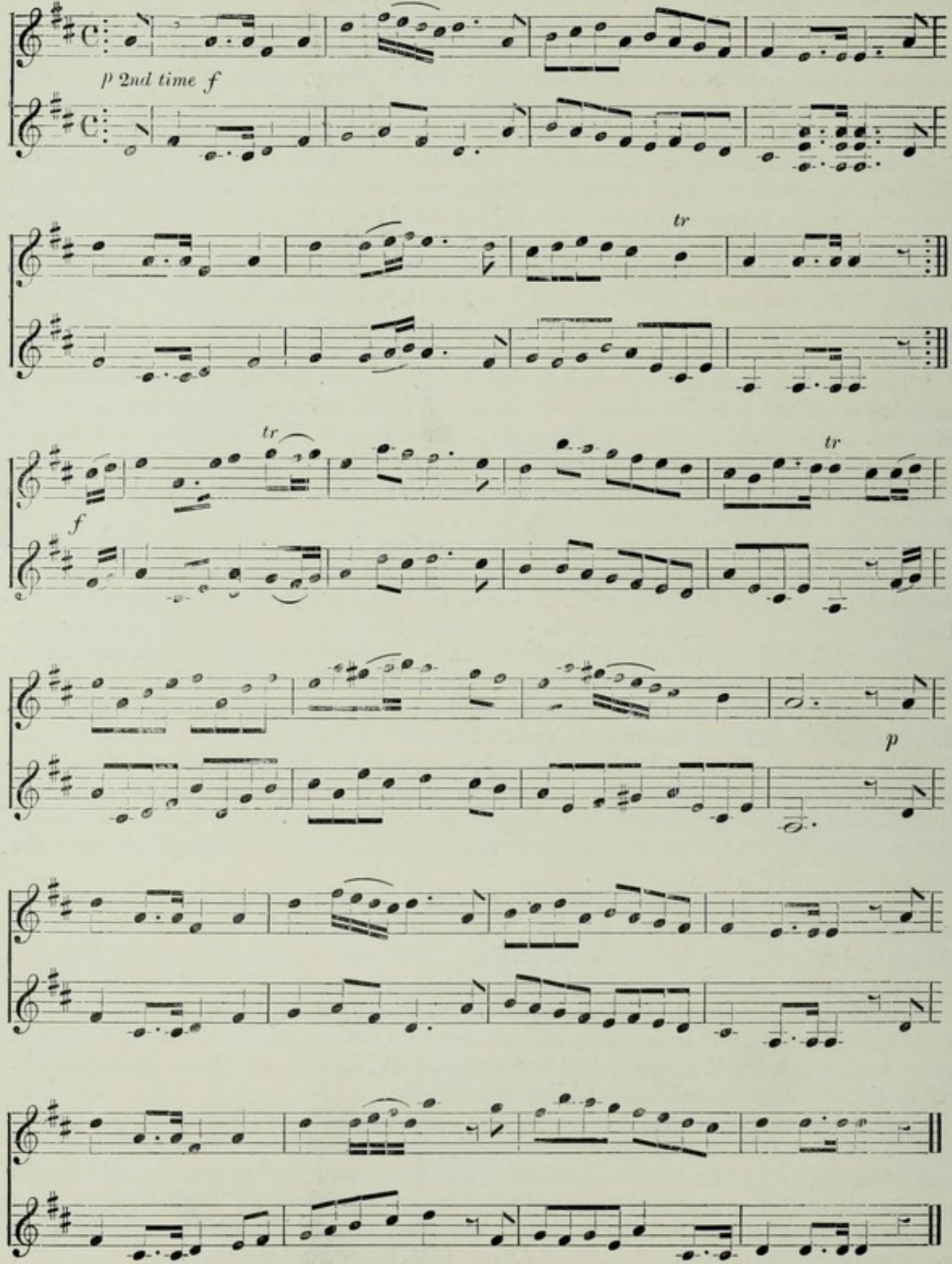
The Captain was a thoroughly kindly man, though his naval training had made him somewhat of a martinet. In his passages between Kirkwall and Shapinsay he always took the helm of his yawl, and his two boatmen, George Reid and Thomas Liddell, had no say in the management. One day, with a rising wind, the men knew that the Captain was carrying too much sail, but they could make no remark. Nearing the land, the danger from sudden gusts became greater, and both men quietly got out their knives. As they had anticipated, a squall came which would have capsized them, when in a trice they cut the halliards, and the sail coming down by the run, boat and lives were saved.

At the pier the Captain stept ashore without a word, and the men having seen everything snug in the yawl, took the luggage up to the house, hoping to avoid the master. But the old gentleman was waiting for them, and, after they had tossed off a glass of grog, he gave them a pound to divide, but made not the slightest allusion to what had taken place in the bay.

As Provost of Kirkwall, Captain Balfour was much esteemed by the Council, and great regret was expressed when, on the 16th of August 1836, he resigned the chair.

In 1843, when the Earl of Kinnoul was Lyon King, and James Tytler of Woodhouselee,

March of the Kirkwall, Orkney and Shetland Fencibles, by Colonel Thomas Balfour, from MS. of Robert Nicolson, jun., dated January 2nd, 1805.*



* Favoured by James Barnett, Esq., Crown Chamberlain.

Lyon Depute, William Balfour, Captain, R.N., was declared head of the Balfour family, whose ancestors had been minor barons for more than four centuries previous to 1587. *

Captain Balfour was succeeded in the property by his son, David, W.S., the gifted author of some valuable works on Orcadian history. Apart from their historic interest, David Balfour's writings have a fascination for the reader on account of their beautiful literary style.

He was for many years Colonel of the Orkney Volunteers. He built Balfour Castle, 1847, and died without issue in 1887.

Colonel James William, late of the Black Watch and afterwards of the 7th Dragoon Guards, Captain Balfour's eldest son by the second marriage, succeeded to the bulk of the property.

When the Balfours gave up the house in Albert Street it was taken by Sheriff Robertson, a man whose name even yet is held in kindly remembrance by many of the poor of Kirkwall. The Sheriff left "Hell" for airier quarters at Butquoy, of which he was the first tenant, and the late Mr Peter Sinclair Heddle, solicitor, Town Clerk of Kirkwall, purchased the northern portion and established in it an agency for the Bank of Scotland. Her Majesty's Commissioners of Customs and Excise bought the southern part, which is now the Custom House of the Port of Kirkwall.

This house, in ancient times dedicated to Saint Barbara's Altar, having at the Reformation become Burgh property, was sold to William Irvine of Sabay. It afterwards came into possession of Thomas Moncrieff, from whom it passed to his brother, Harry Moncrieff, skipper, better known as Moncrieff of Rapness, "brother german to Sir Thomas Moncrieff of that ilk, Baronet." The Skipper was a flourishing man, and a power in Orkney in his day.

In 1715, the Kirk Session appeal to Moncrieff of Rapness to speak to his brother, Sir Thomas, about some money which the Baronet's father was supposed to have left to the Cathedral. Harry promised to forward the Session's letter under his own cover, but the money, if ever promised, was never received. Rapness did not remain long in the Moncrieff family. The next Harry seems to have had no purpose in life but to waste his estate, and in this he succeeded most thoroughly.

We learn incidentally that he was somewhat careful in the matter of dress. The Session gave him permission "to line that part of the pillar in the head of his seat with timber to preserve their clothes from the wall." †

His wife died, 1741, and she had "a good solid funeral." There were consumed seven dozen and four bottles of claret, besides sherry, brandy, and a barrel of ale; but when, eight years later, Rapness himself died, a letter of David Moncrieff, advocate, Edinburgh, to Andrew Young of Castleyards, shows a different state of matters :—

"Dear Sir,—I this day received yours with an account of Rapness' death, and I heartily thank you for the care you have taken of his Funeralls, and they shall be paid as soon as you send me the note of them. Only I beg one favour of you, that you would confirm yourself Executor-Creditor to him, and sell any little furniture or moveables he has and pay the funeralls as far as that will go, and what is deficient I shall pay. I would be glad you would enquire what money his plate, etc., are pledged for, and if it will be worth while to redeem them; as for the house, it belongs to my nephew, and I beg you would sett it to the best advantage.

"I beg my compliments to your lady, and am, Dear Sir, Your most affec. Cousin and most humble Servant, (Signed) D. Moncrieff.

"Edr., 19 Jany. 1749."

Young made the necessary enquiry, and his letter in reply throws a side light upon a seamy system of pawnbroking practised in our town in the middle of the eighteenth century.

* From diploma in possession of Colonel Balfour of Balfour and Trenaby.
† S. R., 17th Feb. 1724.

The three golden balls of Lombardy had not then been suspended over any door in Kirkwall to indicate that those who required it could have temporary accommodation within. Borrowers of small sums had recourse to their neighbours, who sometimes advanced money on the security of chattels of more value than the amount of the loan :—

"Kirkll., 26th January 1749.

"Dr. Sir,— . . . I took ane Inventry of all his Houshold plenishing, which I caused apretiat, a Copy whereof you have likeways. I did not insist for his Srvtt. her making oath on the verity of it untill I have your opinion theron. I have reason to think that the appretiators have put too low a value on some things, therefore, if you think proper, shall putt it all to a publick Roupe. It seems his Servtt., Christian Heddall, gott a Disposition from him in the year 1746 to seall portions of his plenishing for paytt. of one hundred and eighty pounds Scots, a copy whereof you have inclosed. She has aggreed to give up the spoons, which I suppose you'll choise to have as they are marked with his Fayr and Moyr names. You'll observe from the Inventary they are valued as Bullion, notwithstanding they are in good case. The most considerable part of his silver plate is impignorate for money he borrowed at different times from Thos. M'Kenzie, a mertt. in this Town, and likeways his Gold Watch and a large Diamond Ring, a note of which you have also. The Tankard is in very good Condition, and has on it the Arms of your Family engraven ; the Spoons, Caster, and Mustard Dish is likeways in pretty good Order ; and as to the Watch and the Ring, I cannot putt ane Estimate on them as I am a Stranger to the Value of these things—the watch looks pretty well and goes well. There is also six Silver Spoons, in pretty good Condition, pledged for £45 Scots, due to Wm. Traill, Mertt. here, a note whereof you have ; and there are three large new Peuther Plates, weight 19½ lbs., in one Margt. Mowat's custody for £9 Scots. These are the whole that I can possibly gett accott. off save a pair of Shirt Buttons which is in James Stewart's Custody, pledged, as he says, for 15 sh. ster., but could not produce me any Document ; the Buttons are in Bristol Stone, wt. his Lady's hair sett in Gold, the value whereof I don't know. This Stewart goes under the Character of a great Rogue, and if there has been any dealings betwixt Rapness and him, he has certainly imposed upon him. In my present Situation I cannot make a legal inquiry into these matters without your orders, So that I shall wait for whatever Resolution you shall come to anent your Uncle's affairs. Have sent you wt. the oyr Accots. a Charge of Doctor Hugh Sutherland, who attended him during his sickness, amounting to £5 6 sh. stg., which I believe is a very moderate and just accot., as I know he attended him all the time. Make my compliments to My Lady Moncrieff, and am, etc.

"P.S.—I forgot to inform you, amongst oyr things, That Linklater, who is your Uncle's principall Cr., Came down to his house some time before he died and forcibly Carried off a Silver hilted Sword, which he still keept, notwithstanding your Uncle Sent for it Several times."

This creditor was George Richan of Linklater, to whom Rapness and Braebister were mortgaged for 10,000 merks. Evidently the sword had been so handsome that Linklater had resolved to secure it for himself, and doubtless Mr Young would get fair value for the weapon when he realised the assets.

The plenishing of the house was valued at £24 17s 5d.

In 1771 Sir William Moncrieff sold this house to Andrew Young of Castleyards, along with "twa halls, twa chalmers, and twa sellars, with the yaird of the samyn on the south side thereof."

After passing through many hands, the houses on the site of the "twa halls and twa chalmers" were bought by the late William Peace, bookseller and publisher, who, in 1860, established, on the opposite side of the street, the *Orkney Herald* newspaper, the Liberal organ of the island constituency. The business of the paper was transferred to the present office in 1875.

The "yaird of the samyn" has been detached from this property, and now belongs to the Tait Trust.

In 1677, the next house southward, now represented by two houses at right angles to each other, was occupied by Patrick Traill, son of Thomas Traill of Holland. His wife was Elspeth Baikie. Patrick Traill was afterwards Dean-of-Guild. A letter of his will show at once the literary style of the business men and the value of our native commodities two hundred years

ago. There is no address, but from the memoranda on the back of it the receiver was certainly Arthur Baikie of Tankerness :—

"Leith, the 15 Apryell 1672.

"Honnered Coussing, having the ocasion of this berer, I tought feat to aquont you bay alyn what our contray goades is sould for at present :—Item, the boutor at twentie-four pond the barall, the oyll at twentie-eaught pond the barall, the feaders at tyn pond the stoan, connin skenes * at 13 lb. 16 shilling the hunder, hydes is Low, tallow at 13 pond the hunder wyght, and thes is the reates in the saouth from your friend ; ye shaw it to oversanday or James bakie and william young, as ye leikes or think fitofto, for, being in hast, I could not wreat to all ; if my pepers be com to your hand show my wyff what shee sall do in it ; remember my heartlye Loav to your beadfellow and all them frendes in generall. I rest, sr., your cousing at command to serve you. (Signed) PAT. TRAILL.

"I have wreat no more bot on to my sweit heart."

To Patrick succeeded William, Treasurer and Dean-of-Guild.

The tenement south from what was Traill's house occupies the site where "of old" stood "the houses perteining to the Chappell of the Blessed Virgine Marie in the Laverock." In 1676, David Forbes, Notary Public and Town Clerk, lived here. This was an excellent man in all the relations of life. Though he has been gone for more than two hundred years, our public records are full of evidence as to the care and sagacity with which he did his work in the burgh. He was Treasurer of the Church and an elder. His last attendance at the Session of St. Magnus was 13th October 1684, when he concurred in passing a somewhat severe sentence. There were before the tribunal four breaches of decorum in different stages of adjustment. Something in the case of James Liddell, who "compeared with Jean Wallace and confessed," had excited the wrath of the judges, and the erring man was ordained "to go to Stronsay and to Cross Kirk in Sanday, and stand two days in each church in sack cloath, and afterwards to return here and stand two dayes upon the pillar, and to bring a testimonie from the ministers of each congregation."

Forbes died on Sunday, 30th November, and was buried in the north nave aisle beside his wife, Margaret Henderson, whose epitaph, probably written by her husband, describes her as a pious and virtuous woman. Their seat in church was under the Magistrates' loft. They were survived by at least one daughter, Elizabeth, wife of Bailie James Young, keeper of the King's girnell, brother of Andrew of Castleyards.

Bailie Young succeeded his father-in-law in the occupancy of this house. Like most of the Kirkwall houses, it stood with its gable to the street, and in 1690 there was a house behind. "Tuesday, 29th July 1690, Andro Lyell, Notary Public, was married to Elspeit Brown, eldest daughter of Thomas Brown, Notary Public, bi Mr Jon. Wilson, Minister in Kirkwall."

"Thursday, 14th day of Augt. 1690, Andro Lyell, with his wyfe, flitt to the house possest † by them pertaining to Baillie Young on the west end of his dwelling house."‡

Young was succeeded in his dwelling house by his son, Andrew, and he, in 1764, by Andrew Dick of Wormadale, "nearest and lawful heir by the mother's side of the deceast Andrew Young, Commissar of Orkney, his uncle."

In 1803 this property, then in a very ruinous condition, was exposed for sale by public roup, Edward Gorie being auctioneer, and was knocked down at £510 to Dr John Heddle, Surgeon of the Forces. The new proprietor at once gave his mother, Mrs Elizabeth Flett, widow of John Heddle, a liferent interest in the houses he had purchased.

Dr Heddle's father was John Heddle, Town Clerk of Kirkwall. He married, 1772, Elizabeth Flett, daughter of John Flett, merchant, Cletts, South Ronaldshay, in which island the Fletts had held lands from a very remote period. John Heddle and his wife had sixteen children, the eldest being John, "Surgeon to the Forces." Dr Heddle is believed to have been

* Rabbit skins. † Occupied or rented. ‡ T. B.

the first officer who ever picked up and threw overboard a live shell, though since his time the feat has been performed more than once. In his case the margin of time was so narrow that the shell, bursting just as it struck the water, destroyed several of the Doctor's fingers. When the British garrison evacuated Goree, Heddle stuck to the place, and, with the help of the natives and a few white people who adhered to him, beat off the enemy, with the result that the Doctor negotiated the terms of the evacuation. Being a non-combatant, all he obtained from the Government was a reprimand for not being in his place in the rear with the wounded, though the British had retreated without the loss of a man. The Trustees of the Patriotic Fund, however, voted him a piece of silver plate and an address of thanks for his conduct. He died unmarried, but left three illegitimate children, one of whom was killed in Western Africa fighting under Sir Charles Macartney. There are Heddles yet on the west coast of Africa.*

Dr Baikie enjoyed at Sierra Leone the hospitality of one of them :—"To Mr Heddle I stand especially indebted ; his house was during the whole time my home, a large and airy apartment was set aside for me for writing in and for receiving deputations from the coloured population, and all my enquiries were most kindly furthered." This was, in 1854, on the Doctor's way home from his first expedition to the Niger. His second expedition proved fatal to himself, and here, in Mr Heddle's house, he died, 12th Dec. 1864.

In 1817, Robert Heddle, Paymaster of His Majesty's Royal African Regiment of Foot, succeeded to the property of his brother, Dr John. Mr John Tait, merchant, bought the house in Albert Street from Robert Heddle of Melsetter, and built a new house on the site. He also erected a storehouse at the foot of his yard, and as this encroached on the Peerie Sea, he was called to account by the vigilant magistrates ; but as Mr Tait had set his house back from the frontage of the former tenement, thus widening the street, he was graciously allowed to build the sea wall of his storehouse in the water. This is now represented by the office of Mr T. S. Peace, architect.

Mr Tait left his property to the Session of the United Presbyterian Church.

From this house, as far as the double tenement at the south-west corner of Albert Street, was "Buchanan's great yard."

Before 1665, nearly a half of this yard, on the southern side, had been acquired by David Kirkness, merchant.

In 1676, David's widow, Helen Wilson, had a double tenement on this site. In Kirkness' title it is described as "of old pertaining to the Chaplanrie of Sanct Salvator, situate within ye cathedral kirk of Orkney, Lyand contigue within the town of Kirkwall, having ye ground sometyme pertaining to ye heirs of ye umqul Sir William Sinclair of Warsetter, Knyt, and now to Mr Arthur Buchanan of Sound, on the North." From this the inference is fair that Buchanan's "great lodging" had been the town house of the Sinclairs of Warsetter.

On 4th March 1690, Mr John Watt, "practitioner of ffysick," sometime master of the Grammar School, was married to Margaret Kirkness, and this house became theirs.

The Watts sold it to Bailie David Traill. From him it went to Sinclair, tacksman of Rapness, who sold it to George Traill of Holland. In 1760, Robert Laing, merchant, acquired "George Traill's double tenement of houses, high and low," and here, in 1762, was born one of Kirkwall's most distinguished sons, Malcolm Laing, the historian. Here, also, was undoubtedly written so much of his History of Scotland as was not written in Edinburgh.

On the death of his father, 1805, Malcolm Laing sold this house to Sheriff Nicolson and his wife, Elizabeth Balfour. From them it was bought by Robert Baikie of Tankerness.

* Information received from J. G. Moodie-Heddle, Esq. of Melsetter.

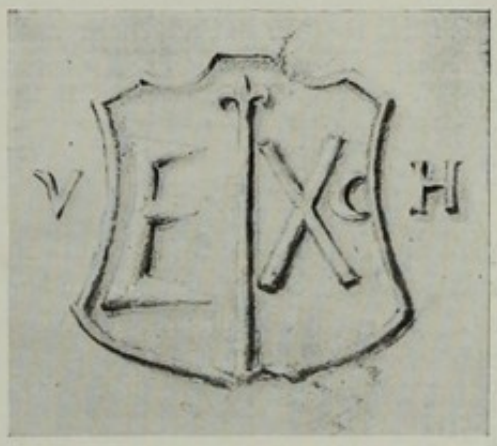
In his last will and testament, the Laird of Tankerness left, in liferent to his daughters, Mary and Frances, the choice of one of two dwelling-houses in case his heir did not make choice within six months of the testator's death as to which he wished to retain. The houses were that part of Tankerness House, which was of old the Sub-chantry, and Malcolm Laing's house, purchased from Sheriff Nicolson.

If either of the ladies married, her share was to go to the other. Mary Baikie took to matrimony, marrying first, Lieut. William Sinclair Robertson, 95th Regiment of Foot, and second, Lieut. Jeremiah Skelton, R.N. Thus, Miss Frances Baikie became sole liferentrix. After her death it became the town house of the Heddles of Melsetter.

The late John Heddle sold it to T. H. Sclater, druggist, for an annual payment of £60, this sum covering, in twenty years, principal and interest. The purchaser, taking advantage of the position of the house, standing, as it does, back from the line of the street, built in front a row of one-storey shops, let all that he did not require for his own purposes, and largely from these rents paid for the property.

Buchanan's piece of ground on the west side of the street, though reduced in size by David Kirkness' purchase, was still so large as to be known as the "great yard." After the Laird of Sound, it had successively belonged to the Earl of Morton, Thomas Lindsay, and Magnus Lindsay, when, in 1803, Lindsay's Trustees, William Lindsay of Caldale and the Rev. George Barry, put it up to auction at an upset price of £400. "At the outrunning of the sandglass" it was knocked down to Dr Groat for £500. In 1821, the Doctor sold the northern half to Andrew Henderson and Margaret Mackenzie, his wife, and the southern to James Fotheringham, tidewaiter, and Elizabeth Wilson, his spouse. Fotheringham apparently did not feel inclined to build, and he sold his portion to James Spence, shipmaster, and Anne Rendall, his wife. That such an important site should be unbuilt on till 1821 shows the slow growth of the town. Mr Henderson's part of the property now belongs to Mr David B. Peace, and Captain Spence's to the widow of the late Mr James Cumming, merchant.

In 1630, the house at the south-west corner of Albert Street belonged to Robert Henryson of Holland. With its pertinents it occupied the space from "the king's castell on the south," to "the yard now ptaining to Sir John Buchanan of Scotscraig on the north." On the betrothal of his eldest son, William, to Margaret Graham, daughter of the bishop, 17th November of the above year, Robert Henryson gave this house to the young couple. The bride's tocher was 6000 merks.



From Tombstone in Cathedral.*

The Thesaurarie had been set in tack by Cuthbert Henryson, Treasurer of the Cathedral, to his son, Robert, and this also was given to William and his wife for all the time the tack should run, and, along with the house, the reversion of North Ronaldshay.

The Henryson estate was considerable. William had to pay to his brothers and sisters as under :—To Helen, £1000 Scots within one year and a day from the father's death ; Harrie, £1000 in two years ; Beatrix, 1000 merks in three years ; Robert, 1000 merks in four years ; Bessie, 1000 merks in five years ; and Margaret, 1000 merks in six years.

Henryson's house in Albert Street was bought by James Baikie, on a title which was not

* The letters on each side of the shield, "V" and "H," are the Treasurer's initials, William Henryson. On the tombstone are his wife's initials, "M.B." The date is 1582.

quite satisfactory, but Baikie was just the man to run a risk for the chance of a bargain. Here he carried on the business which rapidly made him the wealthiest commoner in Orkney. He left the house in liferent to his wife, Barbara Smith, and in fee to their son, George. On his mother's death, in 1672, George Baikie went through the form of surrendering the place to the Magistrates and rebuying from them on a valid title. The place was then sold to George Mowat of Pow, who built a new house on the site.

Mowat's two sons, Patrick and John, successively owned and occupied it. The former borrowed money from David Traill, one of the Holland family, granting a bond over this tenement, and, the latter accepting the difference between the bond and the value of the property, Traill became owner.

From him it was acquired by Andrew Liddell, shoemaker, who let two-thirds of it to John Riddoch, Stewart Clerk of Orkney. Liddell was, in his day, a pillar of two churches. He was treasurer of St. Magnus, but, when the Secession movement began, he left the Old Kirk and took a prominent part in starting the New.

Liddell's daughter, Margaret, sold her father's house to John Traill of Westove, whose brother, Walter, minister of Lady Parish, Sanday, succeeded to this and the rest of John's property.

"Mr Traill was a man of singular benevolence and kindness of disposition."* He had been minister of Bressay for a short time, when, in 1791, Sir Thomas Dundas presented him to Lady Parish in Sanday. In 1789, he married Miss Margaret MacBeath. In 1810, he demitted his charge, and Mr Logie was appointed to succeed him.

In 1824, Mr Logie was called to Kirkwall. In 1825, Mr Traill married Miss Catherine Watt, and on the presentation of Lawrence, Lord Dundas, he resumed his former charge. To retire from pastoral work for fourteen years and then to go back to the old congregation, is a unique experience in clerical life.

Many instances could be recalled of Mr Traill's liberality in money matters. Mr Grant, in the neighbouring parish of Cross and Burness, sometimes appealed for a loan to his wealthier brother in Lady Kirk, and the loans apparently came to be regarded on both sides as gifts. On one occasion Mr Grant stood in urgent need of a considerable sum of money, and, as usual, came to Mr Traill, who, after the interview, said to his wife, "Per George, I have this morning made a great saving. Father Grant asked the loan of eighty pounds and I had only forty to give him."

A pair of ardent lovers whom cruel parents debarred from marriage, engaged a boat to pick them up out past Cromwell's Fort, and fled to Sanday to be united. Mr Traill, who was related to one or perhaps both of the fugitives, and knew the whole circumstances of the case, sympathisingly complied. The knot had scarcely been tied when the pursuers arrived at the manse. Mr Traill, as he expected, was angrily attacked for his share in the business, but his philosophical return was the simple question, "Per George, what could I do but marry the poor things?"

After the death of Mr Traill in 1846, this place was bought for the site by Mr Iverach, chemist, who built the present houses.

At the foot of the Strynd, and at the corner of the churchyard, was a space anciently known as the King's Yards, and afterwards as Castleyards, and here, early in the seventeenth century, stood a cluster of four houses, three in line facing the street and one behind them. The largest of these was bought from Douglas of Spynie, Lord Morton's factor, by William Young. Young was Morton's girnell man, and as the Earl got a wadset of Orkney in 1647, that year was probably the date of William Young's arrival in Kirkwall, and of the purchase

* Fasti.

of this house. He also bought a house on the other side of the street within the precincts of the Castle. He died an old man, 10th June 1675, having lived to see, at all events, four great-grandchildren.

In the Valuation Roll of 1677, his house is thus described :—"William Young his airis hath ane large double tenement qrof the largest part under sclaitt roofe pntlie possessed be Andro Young." The western boundary is given as "the weast ground and calsey at ye back of ye cross qr ye cross stood of old." So long ago as 1677 the original position of the Cross was something beyond memory, and only known from documents.

At this time Castleyards consisted of at least two sides of a close, which was probably entered through an arched gateway.* Very likely the mansion formed three sides of a square, a style of house-building much in favour with the wealthy burgesses of those days.

South from Young's double tenement was a house which, in 1676, belonged to the heirs of Patrick Prince, and was occupied by William Watt, "perriwig maker." It is described as "of old pertaining to Mr John Stewart, Reidar." It had also belonged to Patrick Halcro, the traitorous ringleader in Robert Stewart's rebellion. The third house in Castleyards belonged to Margaret Seater, and the fourth to the burgh. All these Andrew Young acquired, making himself the sole proprietor of the Yards. He also bought Seatter and Holland from Douglas of Spynie, and thus laid the foundation of the landed estate of the family.

There were three Andrews in succession, and each of them in turn might be described as the most prominent man of his day in Kirkwall, best known to government and most relied on for county business.

The first Andrew was an elderly man when his father died. In 1660, he had seen his son William married to Barbara Moncrieff, and had given him eighteen hundred merks. In his will, dated 1662, thirteen years before his father's death, he states, perhaps for the old man's benefit, "As regarding my worldly meanes, goods or gear, any thing God hath blest me with hath been acquired by myself and my loveing spouse, Marion Meason, our own industry." He then constitutes his wife his sole executrix. She was to have life-rent of all his property, "And her sone shall not come to enjoy any part thereof so long as she lives, except what his good behaviour towards her and her owne good will shall allow him. And if at the sight of Patrick Blair of Littleblair, that our said son, William Young, after my decease, shall come short of paying all duty and filial respect to his mother," he gave his executrix permission to leave a sum of 500 merks to any of her friends. To all this William, now two years married, signs as consenting. But William predeceased his father, and so was not affected by the will. He was evidently a good business man, a bailie and burgh treasurer, and though he died in the prime of life, he had made money enough to buy Orquil in 1674. William Young and Barbara Moncrieff had four sons and a daughter. Their eldest son, William, died in infancy, and the second son, Andrew, became heir to his father and his grandfather.

While Andrew the elder was keeper of the king's girnell, his brother, Thomas, was receiver of the bishopric rents. David Forbes, Kirk Treasurer, reported that he had received from Mr Thomas Young, twenty-five meills of malt. †

Thomas Young married Helen Traill, of the Holland family, widow of Thomas Kirkness, skipper. Kirkness must have been fairly successful in some contraband business, for an entry in the Session Records, 29th April 1672, refers to "the illegal wonne geier, wonne in her first husband, Thomas Kirkness, his tym."

The marriage of the second Andrew of Castleyards apparently took place in the south, and it came as a surprise to his friends. Thomas Brown enters under date 3rd June 1687—"Friday night, about 12, Andro Young of Castleyards, with Thomas Young, his brother, and

* *Ante*, p. 133. † S. R., 28th July 1669.

Andro Young, son to Bailie Young, took boat from Kirkwall to Sanday to ship by that ship which was loading with bear, bound for Leith." Then, 30th July—"Saty.—It was declared by Bailie James Young that his brother, Andrew, was married to Jean Moncrieff." On August 31st—"At night, Andrew Young of Castleyards, with his wife, Jean Moncrieff, entered their dwelling-house and actual residence in Kirkwall."

Under date 13th May 1688, Brown enters—"Sabbath night, about 10 or yrby, Jean Moncrieff, spouse to Andrew Young of Castleyards, was brought to bed of a man chyld, and yrafter baptised upon the 17 day of said month, quhois name is Thomas." This son probably died in infancy, but they had another, William, who planted the trees in Castleyard's garden. He died unmarried and disinherited.*

After the death of his first wife, Andrew Young married Margaret, eldest daughter of William Mackenzie, commissary, and grand-daughter of Bishop Murdoch. In granting her life-rent of his property, he makes a reservation, "that my eldest son of the second Marriage Surviving for the time, or the heir of the eldest son, if any, shall have my haill silver work with my new house Clock, the Pitors in my Dineing Roume, and my Chist of Drawers and Scrutore, and sword and pistols, and two best guns to pertain to himself without any division."

It was ordained that Mrs Young, "being personally present," should take "deliverance for her self, and in name of her children, of the keys of the chists and cabinets, ane chair, ane candlestick, ane Horse by the Head, ane Cow by the Lug, and other Symbols of the Pleanishing, uttincills and Domicills, necessary to the Præmises."

In leaving his property to the eldest son of the second marriage, Mr Young provided for his other children : to James and Charles, 1000 merks each ; to Mary, his eldest daughter, 1800 merks ; to Sybilla, his second daughter, 1000 merks ; and to Barbara, Christian, and Elizabeth, each 800 merks.

The eldest daughter, Mary, married John Riddoch, eldest son of George Riddoch of Bleroch. He was a writer in Edinburgh, and came to Kirkwall in 1732 as Sheriff-Clerk on a commission from George, Earl of Morton. The second daughter, Sybilla, married James Gordon of Cairston.

Castleyards was the busiest man in Kirkwall of his day. As keeper of the girnell, he required to be continually giving out meal on credit, and as money was very scarce in Orkney among the bulk of the people, he had difficulty in avoiding bad debts. Frequently the girnell-keeper had to cite a number of his customers before the Burgh Court. Young kept his books carefully, and gave in a yearly account of his intromissions. As receiver of rents for Alexander Brand, tacksman, 1693, his salary was £266 13s 4d Scots. The following year, as collector for their Majesties William and Mary, he paid to the Session £200 as a gift from the Crown.

All kinds of offices of trust were thrust upon him. The Commissioners of Supply, "haveing hade sufficient tryell and experience of the qualifications, honesty, and fidelity of Andrew Young of Castleyards, and of his fitness for officiating," appointed him their Clerk and Collector of Cess.

While Episcopacy prevailed in the Cathedral, Castleyards wrought very pleasantly with ministers and Session, and got from them any favour which they could reasonably grant. In 1689, he obtained permission to erect a seat for his servants "at the back of the dask, with this special provise that it stoppt not the passage to the Graham's Loft."

Even after Presbyterianism was fully established, we find him receiving favours. In

* T. W. Ranken.

March 1703, he asked and obtained permission to break open a door in the mutual wall between his backyard and the kirkyard.

"In reference to the desyre of Andrew Young, the Session having taken the same at this time to their consideration, do, with the advyce of the magistrate present, there being no more of them in toun, give Libertie to the said Andrew Young to Break out a door on the foresaid Dyke, having entrie through the church yaird, as also to big a stare at the nucke of his house,* qrby they may have access to the church yaird in order to their passing to the sd. Door, with this special provision, that he and his shall be oblidged to keep up the sd. stare, and to make it unaccessible to beasts."

It is observable that the only Magistrate at that meeting was Bailie William Young.

But Andrew fell out with the Church, and on one occasion, in language more forcible than elegant, he expressed his opinion regarding the clergy of Orkney :—

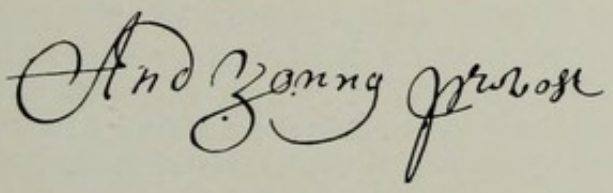
"The qlk day† it was represented that Andrew Young of Castleyards had most basely slandered and cursed the ministers of this Preerie. and of the whole Synod, bidding God damn them for a pack of knaves. The Presbyterie thought fitt to deferr this untill Mr Robert Douglas came to the town."

And then they thought fit to defer it altogether. Mr Douglas, who was evidently an important witness in the case, was the Earl of Morton's brother.

The outburst was probably occasioned by the persecution which the episcopal congregagation was enduring at the hands of the Presbytery and Synod.

But Mr Young was obliged to fall back upon the Session in time of need. Representations were made to the Government that he had been "accessory to the late rebellious practices‡ in this place," and he had to beg from the kirk a certificate of loyalty. This the Session granted, being obliging enough to sacrifice truth in order to secure the safety of their townsman.

From the unsettled state of the country, and the number of fugitive Jacobites on the move, such certificates were required by all travellers as necessary passports. Thus, "on acct. of rebellious practices of some," the Kirkwall Presbytery, 1716, granted certificates of loyalty to George Gibson, David Strang, and George Richan, who purposed going south. The same year the Presbytery sent no representative to the Assembly "on acct. of dangers from rebels."



Young was Provost of Kirkwall for a couple of years, and he occasionally found Council work trying to the temper. On the 17th August 1711, he reminded the Council that in April of the previous year, when he was Dean-of-Guild, he had been grossly insulted by George Richan of Linklater, who had interrupted him in the discharge of the duties of his office. He admits "that he, the said Provost, did grapple with the said George Richan, for which he declares himself sorry, and regrats that he did not rather accept of the abuse without any resentment except a salute." He had been fined £100 Scots for the assault, and had given bond for payment. He wishes the Council to consider the provocation, and return the bond. This they agree to do, because, as they say, he was "intolerably provocked."

* From this description, and the run of the churchyard wall, Andrew Young's house must have occupied the site of the old Custom House.

† P. R., 11th Feb. 1709. ‡ Proclamation of James VIII.

Richan had at the same time been fined 500 merks, but because he had rendered great services to the burgh, and to encourage him towards future acts of liberality, they reduced his fine to £20 Scots, the mere expenses of the case.

But Castleyards was thwarted by the Council when he attempted to stretch his prerogative. At a meeting of the Town Council, 5th May 1724, the Provost, John Covingtrie of Newark, "Represented that he had broake some Stones for Building upon the ground below the mount or fort lying on the East of the Harbour of Kirkwall, and that he was Interrupted by Andrew Young of Castleyards when the Boat's men came to carry home the saids stones, and therefore desired the Judgemt. of the Councill in that affair. The Magistrates and Councill, taking the same into their consideration, and being perfectly satisfied that the said mount or fort had been still in the possession of this burgh, By the Having a Great Gun mounted there for the service of the Government and for the safety of the Burgh in Time of Warr; and also Considering that the Inhabitants of this Burgh have been still in use to break and carry away stones from the Ground below the said Fort, and between that and the Burgh, and that peacibly and Quietly, without any Interruption, past memory of man: Therefore, they, the saids Magistrates and Councill, *una voce*, are of unanimous opinion that the said Andrew Young of Castleyeards his endeavouring to hinder to breake or carry off any Stones from the said Ground is ane manifest Incroachment upon the just priviledge and possession of the said Burgh and destructive to the policy of the same: Therefore, they not only ordain and authorize the Stones lying there already broaken to be peacibly and quietly Carried off, But in all Time Coming Doe Impower and authorize the haill Inhabitants to breake and Carry off Stones for the benefite of building from the East end of the said Burgh to the utmost part of the said fort or mount, or in any other alongst the Shoare, where they have been in Immemoriall possession; and in case of any disturbance to the Inhabitants in Breaking or Carrying away the said stones, They doe unanimously agree that, upon application to any of the Magistrates, The officers of this Burgh shall be furth with Sent to put their Sentence in Executn., and ordains the haill Councill to attend the Magistrates for holding ane admirall Court on the said ground instantly."

Young had bought Weyland, or a part of it, from Stewart of Brugh, in 1708, hence his attempt at interdict.

Andrew Young died in 1734, and was succeeded in his property and in some of his appointments by the eldest son of his second marriage, the third Andrew of Castleyards. His widow, Margaret Mackenzie, died in 1760, and her son writes to his uncle, Colonel Mackenzie:—"This serves to inform you that your sister, Margaret Mackenzie, my mother, died of a fever, Thursday last, and that your sister, Sybilla Mackenzie, after a long and tedious illness, died the day thereafter."

Nine years before his father's death, this Andrew had married Barbara, daughter of Robert* Baikie of Tankerness, widow of David Traill† of Sabay. They were "cited for clandestine and unorderly marriage." The fault was that "on 10 April, at night, they unlawfully called a person to celebrate the marriage." The "person" was, without doubt, a deposed episcopal clergyman; and whether father, or mother, or son was responsible for this enormity does not appear, but for the crime Young was fined £500 Scots.‡ With the advent of presbyterianism, religious persecution had not ceased in Scotland.

Andrew Young and Barbara Baikie had one son and two daughters. The son Andrew, Captain in the 16th Foot, was killed at the siege of Belle Isle, 1762.

In a letter to Colonel Mackenzie, announcing the death of his son, Mr Young writes:—"I am well informed that he behaved with remarkable bravery. His lot, poor man, was a

* T. W. Ranken says James Baikie. † Dr Traill's Genealogy. ‡ H. L., from Sheriff Court papers.

hard one, and he has paid the last debt of nature, on an early year, in the service of his King and country and in an honourable way."

In the same letter, he proceeds to say :—" My eldest daughter, Peggie, with the entire approbation of all my friends, is soon to alter her present state, and is to enter into a matrimonial one with James Gordon, eldest son to James Gordon of Kerston, an agreeable, sensible young man as any in the Country. He was educated in Holland, in the mercantile sphere, and prosecutes that business, which affords an income that will make them live comfortably."

In 1747, Government thought fit to grant postal communication between Kirkwall and Edinburgh, and the organisation of the new system on this side of the Pentland Firth was laid on Castleyards. When Sir Lawrence Dundas acquired the earldom estate, it was to Andrew Young he wrote as the representative man of the county :—

" London, 31 July 1766.

" Sir,—I make no doubt but that you have been informed of the bargain I have concluded with the Earl of Morton for his Estates in Orkney and Zetland. As my being proprietor of this Estate gives me a considerable interest in the County of Orkney, I propose, if agreeable to the Gentlemen Freeholders there, that Mr Dundas, my son, shall offer his services as Candidate for Member of Parliament at the next General Elections. I shall be very happy to know that this will meet with your approbation, and that my Son may expect your support and interest at the Election. One thing I can venture to assure you, that no person will be readier and have more satisfaction in serving the Gentlemen of the County than both he and I shall have upon all occasions.—I am, with very great regards, Sir, your most Obedient, hum. Servant, (Signed) Lawr. Dundas.

" Mr Andrew Young."

It would seem to those who have only bare statistics to found upon, that it had been one of the terms of the sale that the seat in Parliament should go to the family of the purchaser. At this time the sitting member was Sir James Douglas of St. Ola, one of the Morton family. He was a distinguished naval officer, and rose to the rank of Admiral. He was elected in 1754, and was on active service abroad during a considerable part of his membership. He was knighted as the messenger who brought the news of the capture of Quebec, 1757.

Had the earldom remained in Morton's hands, no doubt Sir James would have retained his seat; but in 1768, the first election after the transfer, he withdrew, and Mr Thomas Dundas took his place.

It has been seen that Captain Andrew Young had been killed in action, and when his father passed over to the majority, the male line of the Youngs became extinct. The family now came to be represented by Mary, the sister of the last Andrew of Castleyards, who had married Mr John Riddoch, Sheriff Clerk.

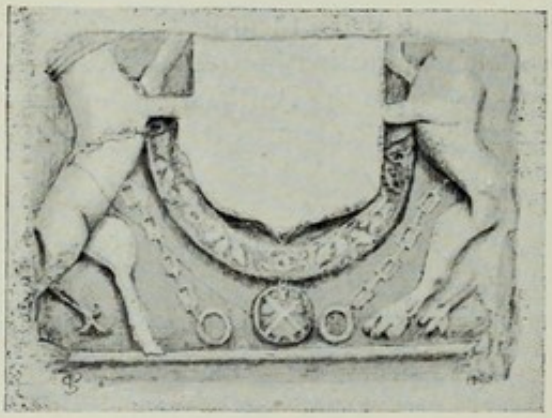
The site of the South Block House of the Castle, which the Magistrates had bought from Andrew Young, had been turned to account as a flesh market. This was re-purchased from the Council by Mr Riddoch, and here he had built his dwelling-house.

His garden extended to the Peerie Sea, and in 1770 he had permission from the Town Council to " flitt his wall " twenty feet back. After the manner of the time, his kitchen was a separate building. In 1805, he gives to his son, James, " All and whole the said John Riddoch's Kitchen or Brewhouse, at the back of his dwelling-house, and on that place where the Old Flesh Market stood, and to which he had right from the Magistrates and Council of Kirkwall."

The north boundary is given as the " Ruins of the Old Castle of Kirkwall," and the south his dwelling-house. This exactly fixes the site of the Old Flesh Market as that occupied by the business premises of Messrs Peace & Low, while Provost Riddoch's house, now that of the widow of the late Provost Peace, occupied the waste ground belonging to the South Block House.

In conveying the kitchen or brewhouse to his son, John Riddoch is styled Sheriff-Substitute. In those days the duties of Sheriff-Clerk, Sheriff-Substitute, and Sheriff-Officer

were strangely mixed, and we find Mr Riddoch at times engaged in dangerous work. At the kelp riot in Stronsay, when swords were out and sticks and fists were active, Mr Riddoch kept his wits about him, and made his arrests without violence.* Sometimes he got scant fairplay, as when a reckless man, aiming low, took a sitting shot at him, with an uncomfortably accurate aim.†



Stone from the Earl's Palace.‡

As already stated, James Gordon, yr. of Cairston, married Margaret Young, niece of Mrs Riddoch. In this connection, Mr Riddoch made considerable advances of money to assist Gordon in his business enterprises. These speculations, however, proved so unsuccessful that Gordon's estate was put up for sale in Edinburgh, and Mr Riddoch holding bonds over the property, to avoid further loss, bought Cairston.

There had been Gordons in Orkney for a long time. In 1589, "William Gordon, Captaine of the Castell of Kirkwall," witnesses Marjorie Sandilands' discharge to William Irvying of the rent of 300 merks payable by him.

In March 1622, Patrick Gordon, in Sanday, grants an acknowledgment for £50 to William Gordon, merchant, Kirkwall; and in April of the same year, Patrick Gordon, Cairston, receives a similar favour, to the amount of £24, from John Spence. Possibly, Patrick of Sanday was also Patrick of Cairston, but after this time the name is not so much associated with the North Isles and with Kirkwall as with Stromness and the West Mainland.

The first of the family to appear in the "Rentals" is William Gordon, who, in 1642,§ had a feu of How, Bu' of Cairston, Fewell, Nenerschaw, and Garsend. The family tradition as to the first Gordon of Cairston is that a young member of the Huntly family loved a maid of low degree. But the girl had a suitor in her own station of life whom she preferred. The scion of nobility could not challenge the lowly swain, so he simply stabbed him; and when he saw his rival dead, he took flight to save his own life. He came to Orkney, and found employment as gardener to Buchanan of Sound. After some years, his family discovered his retreat, and unable, or perhaps unwilling, to have him back, sent him sufficient money to take a feu of the lands of Cairston.

A more recent tradition regarding a member of this family is still afloat. It is said that Gow, the pirate, while in Stromness, won the affection of Miss Gordon. The two plighted their troth at Stenness by joining hands through the Ring of Odin. This pledge was so sacred that, should the marriage be prevented by the death of one of the betrothed persons, the other could only be released from the vow by touching the dead hand which when living had been clasped through Odin's Ring. Accordingly, Miss Gordon went to London, waited the trial of the pirates, and after the execution, getting permission to see the body of Gow, redeemed her pledge.

James, only son of John Riddoch, who had in 1763 been appointed Sheriff-Clerk jointly with his father, died without issue, and the name in connection with Cairston and Castleyards became extinct.

* See *ante*, p. 147. † See *ante*, p. 107.

‡ This stone was built into what was Mr Riddoch's property, now Mrs Peace's, by Mr John Bruce, jailer, who was a tenant of this house.

§ Pet. Rent., p. 15.

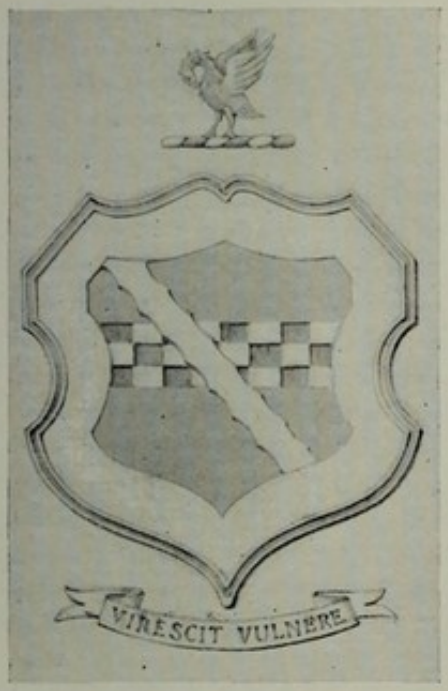
Until recently, the Hudson Bay Company's ships, when outward bound, made an annual call at Stromness. In Provost Riddoch's time, Henry Pollexfen, an official of high standing in the Company's service, strolled over from Stromness to have a look at Kirkwall. He was a gay widower, and he found Kirkwall so attractive that he allowed the Hudson Bay squadron to sail without him. He married Mary, eldest daughter of Provost Riddoch. They had no children, but Henry Pollexfen, a son by the first marriage, coming to visit his father and to salute his stepmother, found Castleyards so pleasant that he remained and married Mr Riddoch's second daughter, Margaret. The relationships were somewhat mixed, no doubt —young Henry being brother-in-law to his own father, and Margaret calling her sister mother-in-law—but that did not matter. They had a large family, the ninth child, Thomas, becoming the ancestor of the present Pollexfens of Cairston.

From the marriage of Andrew Young of Castleyards and Margaret Mackenzie, the late Captain Baikie and the present Balfours of Trenaby are descended from Bishop Mackenzie of pious memory.

Christina Young, the prelate's great-granddaughter, married John Baikie, and Captain William Balfour married Mary Margaret Baikie.

At the back of Castleyards, and midway up the Strynd, was the Kirkwall residence of the Stewarts of Burray.

About the middle of the sixteenth century, "Burray, Hounda, Glowmesholme, Flottay and the Calf, Swethay and Swonney, were set in few be Adame, Bischop of Orkney, to Lady Barbara Stewart and hir airis, for payment yeirlie of £62 6s 8d, 24 pair cumingis, and 24 maiss of Stra."* Lady Barbara was the daughter of the second Lord Levandale, and her nephew, Archibald Stewart, Lord Provost of Edinburgh, son of Sir James Stewart of Beith, inherited her rights. Archibald's nephew followed, and his only child, Barbara, married William Stewart, brother of the Earl of Galloway. Their eldest son, James, predeceased his father; their second son, Henry, was killed fighting under Montrose at Auldearn, 1645; and their third son, Colonel William of Mains, disponed Burray to his brother Archibald, the youngest of the family.



Arms of Stewart of Burray.

Archibald was a steadfast Royalist, and, as such, had a most adventurous career. He joined the Duke of Hamilton in the King's cause, was captured, and escaped. He followed Montrose from Kirkwall in 1650, and was taken prisoner after the rout at Corbisdale. He was condemned to death, but again escaped. He joined Prince Charles in his attempt to regain his father's throne, and at the fatal battle of Worcester, 1651, he was taken a prisoner by Cromwell's men. After a captivity of several months, he once more escaped. When the Restoration came, Charles II. made him a baronet, a well-earned distinction.†

His first wife, Isobel Murray, died in August 1683, and in September of the same year he married "Katherine Rowsay, his servatrix, and daughter to Patrick Rowsay, indweller in Stronsay."‡

In 1695, Sir Archibald bought the house in the Strynd at the back of Castleyards from

* Pet. Rent., ii. 106. † H. L. ‡ T. B.

James Baikie of Tankerness, and it became the town residence of the Stewarts of Burray. The second Sir Archibald led an uneventful life; but the third baronet, Sir James, had a history. He was a man of very violent temper. He quarrelled with the Town Council, with his neighbours, and with every one opposed to him on any subject. Vedder gives an amusing account of a shooting affair which took place on Holm Sound,* for which Sir James paid a very heavy fine.

But the most serious assault of which he was guilty was the fatal attack on Captain Moodie of Melsetter. The motive for this act of violence is differently stated. Sir James and his brother Alexander, poaching on the Melsetter estate, had been caught by Moodie's servants, who took their guns from them. For this Moodie had apologised, but political rancour rendered apology useless. Tudor makes the quarrel lie between Alexander Stewart and the Captain.†

An account of Moodie's murder was written by Robert Honyman, Sheriff of Orkney, within half-an-hour of the occurrence. From it we learn that at two o'clock in the afternoon of the 26th October 1725, Moodie and Honyman were passing up Broad Street to attend a meeting of Justices of the Peace in the Cathedral. At Bailie Fea's gate‡ they were met by Sir James Stewart and his brother Alexander, who attacked the Captain first with sticks and then with swords. The gallant old seaman, however, had plenty of fight in him, and kept them both at bay. Moodie's servant and the Sheriff got hold of Alexander Stewart, while the two young Honymans and the Stewart Clerk kept Sir James back. Then Burray, in his mad fury, called on his servants to shoot the Captain. One shot missed the intended victim, but, in the words of the Sheriff, "it lighted on my third son, Peter, and cutt the rim of his belly." Tradition has it that Sir James then called, "Fire again; the damned Hanoverian has more lives than a cat"; and the second shot proved fatal. The actual murderers escaped over the churchyard wall by the Castleyard steps, in at the back of Stewart's house, out at the front, and off to the Ferry. The instigators left town the same night before Mr Honyman could induce the Magistrates to arrest them.

The first opportunity of sending a letter south after Captain Moodie's death was taken advantage of by David Traill, yr. of Elsness, to write to his uncle, David of Sabay, and this letter shows that Alexander Stewart was the prime mover in the unhappy affair:—

"Kirkwall, 1st Nov. 1725.

"Loving Uncle,—This serves to acquaint you that your Lady and Daur. are in good health, as also that your friend, Alexander Stewart, Burray's brother, had ane Incounter upon the Street, Tuesday last, and after some strokes given the old Captn. by Mr S., ane servt. of his fired two pistols, qrof the Captn. was mortally wounded, and died of his wounds yesterday morning. So you may judge the event, after the unlucky misaccident happened, the murderer went of after qt maner the bearer will inform you, and Burray and his Broyr. went of said night. So all good men should be upon their guard, but it's hard guarding against Pistols. I am sorry the Lyk should happened any gentleman by ane sneaking Servant boy. What turn this may give to affairs, I do not know, But the Lord work his own work.—I am, with all respect, Dear Uncle, your affectionate Nephew,

DAVID TRAILL.

"Keep this to yourself from me, for it will be published by others. My kind love to Peter Blair."

The Stewarts escaped to the Continent, but, after six years, the solicitations, and no doubt misrepresentations, of friends, procured for them a pardon, and in 1731 Sir James returned to Burray.

Twenty years after Moodie's murder, the Stewart brothers are said to have joined the army of "Bonnie Prince Charlie." The tradition goes on to tell that Alexander fell at Culloden,

* See *ante*, p. 107. † p. 231. ‡ Near the door of the Post-Office.

but Sir James fled for refuge to his own little island kingdom. Certain it is that Captain Benjamin Moodie, son of the murdered man, found Stewart lurking in disguise near his own house. Sent to London, he was lodged in Southwark Jail to await his trial. He died in prison, and his death is perhaps the one magnanimous act of his life. Had he been tried for his share in the rebellion, condemnation would certainly have followed, and his estates would have been forfeited, while to escape sentence was to escape confiscation.

In those days a prisoner could purchase anything short of escape ; so procuring a lancet or other pointed instrument, he bled himself to death, and his estate passed to the Earl of Galloway as nearest-of-kin.

If the Stewarts were present at Culloden, they were the only Orcadian gentlemen there. James Fea of Clestrain, who, Captain Moodie said, was at the Pretender's camp at Falkirk, was home again before the final rout.

Several, however, were punished who had not left the islands and who, according to their own showing, were most loyal to the House of Hanover.

The following memorial is perhaps the best narrative that can be had of the state of Orkney in 1746. Five of the principal houses in the North Isles were burned, and their owners were compelled to take to the rocks for safety. The story of Balfour of Trenaby and his four friends, hiding in the Gentleman's Cave in Westray, seems to have been founded upon the treatment these gentlemen received, as here described :—

MEMORIAL OF TRANSACTIONS IN ORKNEY IN 1746.

The Case of Archibald Stewart of Brugh, John Traill of Elsness, John Traill of Westness, William Balfour of Trenaby, and others.

"On occasion of a dispute between the Earl of Morton, us, and other Gentlemen proprietors of lands in Orkney, touching their weights, whereby they made their payments of corn, butter, etc., to the Earl as their superior, Andrew Ross, his Lordship's Sheriff-depute, being highly disobliged with them for attempting to redress their grievances on this article, threatened revenge against them, which he found means of executing, as appears from the following narrative.

"In the spring, Mr Ross, the magistrates of Kirkwall, and other gentlemen, invited us and several other gentlemen to the town, to consult what measures should be taken for preserving our country from ruin. The rebels being then on the point of landing there, we, pursuant to the advice of our parish ministers* and other loyal neighbours, repaired to Kirkwall, which we found in possession of a small party of the rebels, detached from Caithness by Lord Macleod ; and the Sheriff having thus drawn us into the snare, sailed himself, with the Provost of the burgh,† to Zetland. So small a party, however, judging it unsafe to continue in a country where they had so few friends, returned to Caithness and rejoined Lord Macleod, vowing to return with a reinforcement sufficient to execute their vengeance on these islands.

"In this situation, being sensibly touched with the calamity that threatened our country, and deserted by our Magistrates, and having no Justice of Peace in the county to convocate the inhabitants to arm them for their defence, we judged it prudent to write a letter to Lord Macleod remonstrating against a demand of land-men from a country inhabited by sea-faring people only ; that if he had been encouraged to expect a rising here, he had been much misinformed, as the genius of these islanders led them to the sea service ; adding, by way of amusement and to cajole *major vis*, that had the demand been for sailors instead of soldiers, it might have been more successful ; concluding, by way of compliment and to divert their jealousy of our disaffection to them, that our deliverance could only come through the Prince. Mr Balfour carried this letter to Caithness, with instruction not to deliver it unless he found the rebels resolved to reland in Orkney, which by correspondence with some of their officers he discovered with certainty, and that they had ordered vessels for that purpose ; whereupon he delivered the letter to Lord Macleod, and by his address prevailed on him to lay aside the project.

"Though this, and only this, letter is the reason given out for the following violences, yet it is submitted, if it ought not rather, on the contrary, to be commended as a laudable, ingenious, and prudent expedient in such a dangerous conjuncture, and the more so still as it answered our plot and view by saving our country from the impending storm ; to which we add, that as there was not one

* Cowan, Westray ; Covingtrie, Sanday ; Jamieson, Rousay. † James Baikie of Tankerness.

man in the whole country that joined the rebels, which in some measure may be ascribed to our influence and example, so we, as well as every individual that suffered from the following violences, were educated in and made open profession of the Presbyterian religion established by law in Scotland, and constantly attended the ordinances dispensed by the clergy thereof, and are distinguished even amongst our loyal neighbours for our attachment to the present blessed establishment in Church and State.

"In the end of May 1746, Benjamin Moodie of Melsetter, lieutenant in Colonel Thomas Murray's regiment, a native of Orkney, and either a near relation or intimate acquaintance of every one of us, was sent to Orkney with a command of a party of marines. What instructions he had from his R.H. the D. of Cumberland, we know not; but after he had been some time there, Captain Thomas Smith, commodore of all his Majesty's ships on the northern coast, happening to stop at Stromness, an excellent harbour in that country, Mr Ross and his partizans had frequent conference with him on the subject of the treason charged against us, founded on the foregoing letter, which was painted in the most odious colours. Thus was the commodore plyed during his stay at Stromness, from which he ordered a tender to wait on Mr Moodie to the North Isles, where we had our residence. Mr Moodie and his friends gave out that they acted by Mr Smith's orders, which is not presumable, considering his excellent character, unless he has been grossly imposed upon. Mr Ross issues a warrant, June 14, to the bailies of Westray, Rousay, Sanday, and North Ronaldshay, commanding them to intimate to all the heads of families in these islands, convened for that purpose, a summons by Mr Moodie requiring us to surrender ourselves prisoners to him by the 20th of that month under the pain of being esteemed and treated as rebels, and having military execution done against our persons and estates.

"Whereupon Mr Moodie repairs to Westray, and having delivered his summons to the minister, in the absence of the bailie, to be published by him, went and searched the houses of Cleat and Trenaby, where we, Archibald Stewart and William Balfour, reside; and having taken two or three fowling-pieces and a cutlass, which were all the arms he found, he set out with his marines for North Ronaldsay.

"In his way thither (June 15), he happened to see a boat at some small distance, upon which he gave orders to fire, and the bullets narrowly missed the men. They rowed up to him. Mr Traill of Westove, to whom the boat belonged, with his men, were made prisoners, carried to North Ronaldsay, and kept under guard for the greatest part of the day, and then robbed Mr Traill of what papers and letters he had in his pockets, which he has never returned; and after intimating his summons, and the Sheriff's order relating to it, he repaired to Sanday.

"He went to the house of Elsness, in that island, and without waiting for the keys, which were offered to be brought to him, broke open every door in the house; and he, with his marines, having rummaged it all over, and carried away what they had a mind on, left it open and exposed to every body, the servants having deserted it for fear; and all this happened before the said summons was published in the island.

"Our creditors, seeing the hazard they would run if our estates were wasted, in conjunction with Thomas Balfour, son to Elizabeth Traill, relict of John Balfour of Trenaby, in behalf of his mother, gave in a remonstrance to Mr Moodie, setting forth the injustice of wasting a widow's life-rent for a crime alleged against her son, and also how much it would prejudice a great many innocent persons, creditors of these gentlemen, if the estates whereupon they had their securities should be thus destroyed; and the creditors offered proper documents of their claims, and Thomas Balfour produced his mother's infeftment upon the house and lands of Trenaby.

"Margaret Ballantyne, Lady Westness, mother to me, the said John Traill, and liferentrix of my house and lands of Westness, implored Mr Moodie's mercy, who gave her full assurance that everything pertaining to her should be in absolute safety, and promised an answer to the remonstrance in two days, from whence they inferred protection, but were soon undeceived; for, on the 24th June, he went with his marines and the tender down to the house of Westness, and having got William Traill, tenant in Eagleshay, who taking upon him to act as a magistrate, convened the inhabitants, and from them Mr Moodie and he pickt four of the ablest young men in the Lady Westness' life-rent lands, and then the captain gave orders to the marines to plunder and burn the house, which they did with all the rigour imaginable, not so much as sparing the outhouses and barns, so that the poor lady was necessitated to shelter herself and her family in a horse stable. William Traill assisted the marines and shared their proportion of the plunder; the remainder, with the four captives, was shipt aboard the tender.

"Sailing from thence, they touched at the island of Eday, a part of the estate of Mr Fea of Clesteran, and being assisted by the said William Traill, from whence they carried off a great many young men and cattle, and from that steered their course for Westray, and produced to the bailie the sheriff's warrant for convening the inhabitants. Mr Moodie, with his marines, went to the house of Trenaby, which he caused to be plundered and burnt; and before it was so, Thomas Balfour again repeated the above remonstrance, and at the same time the lady herself, on doing so, was ordered by the captain to be driven away by his marines. They broke open also a warehouse belonging to Thomas Balfour and carried off his goods of several kinds, such as salt, dry-cods, tobacco, etc.

"Their next march was to Cleat, a house belonging to me, the said Archibald Stewart, which was also plundered and burnt, and particularly a cabinet with paper, which the captain caused strike open, took out such as he had a mind for, and carried away with him; the rest were consumed by the flames. One circumstance is remarkable, namely, that when the house was on fire, a gentleman occasionally present, and commiserating the lady's misfortune, intreated the captain that, out of pity to her as his near kinswoman, and as a mother of 7 or 8 young children, would spare an outhouse that stood hard by, telling him that if it were burnt she and her numerous family would be entirely destitute of any habitation; to which he answered, for that very reason, by God, it must be burned too! and which was done accordingly.

"The captain convened the inhabitants on the estates belonging to me, the said Archibald Stewart, denouncing fire and sword against all who should be absent; when convened, he caused the bailie ask at a few of them some questions touching our behaviour since the beginning of the rebellion, particularly whether we had attempted to raise any men for the Pretender's service, to which they answered in the negative, declaring that some of us in their hearing had made open profession of our allegiance and attachment to the present government, promising them our countenance, and which we gave them accordingly. The bailie moved that these questions and answers should be put in writing. But as these truths did not serve the captain's purpose, he would not allow it to be done; and as a mark of his displeasure at such answers, caused seize every young man on the grounds belonging to us, Archibald Stewart and William Balfour; some (of these) during the confusion found means to escape; eight were committed prisoners to the tender, which occasioned their friends to make a prodigious outcry, who insisted that if these men were to be examined, they should be so instantly, and forthwith discharged; to which they were answered that they were to be carried to Kirkwall to be examined before the Sheriff, and when that was done, they should be then at liberty.

"The plunder and prisoners being shipt, the captain sailed for North Ronaldsay, a small island, the property of me, the said John Traill of Westness, and by the assistance of one Strong, my overseer there, but who entirely depended more on Ross than me, and had been made to hope for a share of my estate for betraying me and his neighbours, convocated all the inhabitants, threatening fire and sword against all those who should be absent, and when convened, every young man on the island was seized and sent prisoner to the tender.

"From this island he sails again to Sanday. The bailie told him that he could not convene the people, for they had taken the alarm and fled either to the rocks or to the sea in small boats, but if he inclined to examine any particular person, he should endeavour to bring him to him. The captain condescended on a tenant of me, the said John Traill, who was accordingly brought, and being interrogate concerning his master's conduct during the rebellion, and having received the same answer put to the tenants formerly mentioned, he was thereupon in great rage, and not only refused to put down his answers in writing, but immediately plundered and burnt my house of Elsness without allowing my friends to carry away my papers or other valuable effects therein. The captain having here exposed part of the plunder to sale, he shipt the rest and sailed for the island of Stronsay, but the people there having taken alarm, he went to Kirkwall with his plunder and prisoners.

"On the 30th June, the plunder of the burnt houses was sold by public roup in Kirkwall; and seven or eight of Mr Moodie's tenants, whom he had brought from the farthest end of the country to assist at the devastation, drew their shares of the spoil.

"In the year 1746, Mrs Balfour, elder of Trenaby, thinking she, a poor oppressed widow, and against whom no crime was ever alleged, had a very good title to the protection of the magistrate, joined by several of her tenants, presented a petition and remonstrance to Mr Ross, setting forth the violence already committed against them and what they had still to fear; that their servants and cottars had been forced away, and were still detained prisoners; their cattle driven to barren mountains, and their goods hid and buried in caves and pits, to their vast loss and prejudice, and neither they nor their families in an hour's security from these lawless outrages, and therefore imploring the protection of the sheriff, and that he would interpose his authority for their security. But Mr Ross refused to give any answer to them. However, a few days after, Mr Moodie writes letters to the ministers of these islands desiring them to assure their parishioners that, as he was fully satisfied of the innocence of the common people, every individual of them was in absolute safety, and had nothing to fear from him either to their persons or goods; and yet, notwithstanding all this, in a few weeks after, at the very beginning of harvest, he sends out a small party and seized one William Rendall, a cottar or tenant of Burgh, and one Thomas Rendall, a tenant or cottar of Thomas Traill of Tirlet. The last of these two found means to escape, but the other was carried prisoner to Kirkwall, where he was kept in gaol seven or eight weeks. During his imprisonment, Mr Moodie plied him close, both by the hope of reward and the fear of punishment, to engage him to accuse his master, Burgh, or any other of us, of having attempted to inlist him or any of his neighbours for the rebel service; but all proving to no purpose, and the fellow being unfit for military service by some infirmity in his legs, he was at last dismissed. And again, in the month of September, in the throng of the harvest, Mr Moodie came with his whole command to the isle of Westray, upon which the inhabitants, almost to a man, deserted their houses, left their cattle and corns to perish by excessive

winds and rains, and fled to the rocks and caves for sanctuary, and some even hazarded their lives in small boats on the sea in most tempestuous weather. Some of them that fell in his way, or had trusted in his promise, he seized, and particularly two servants of Mrs Balfour, the elder, who were then employed in taking in her corns ; one of them was detained under a guard for two days, the other was carried to Kirkwall and kept several weeks, till the harvest was entirely over ; and during all the harvest and winter he was sending out every now and then parties into different quarters of the country, and seizing such persons as he had a mind, some of whom shared the fate of those already mentioned ; others, more fortunate, were rescued by the interposition of their parish ministers. Neither were the people all this time at liberty to travel from place to place or to come to Kirkwall to sell their commodities or to buy their necessaries as usual, least their goods should be plundered and their boats seized, as happened to one from the island of North Ronaldsay, which being employed to carry in some goods belonging to the merchants in Kirkwall, was seized by Mr Moodie's order and put to public sale.

"One would readily imagine that the foregoing scenes of cruelty and oppression would have been enough to glut the keenest revenge ; yet Mr Ross, not satisfied with his malicious representations, whereby he rendered us obnoxious, to the resentment of the government ; by prompting and egging up this same captain, a silly and insignificant boy, to be the instrument of wreaking his resentment, under the pretence, forsooth, of doing the government service, which appears by his acknowledging that he had art and part in these crimes, expressed in his letters to the bailies of the several islands, by his permitting so many innocent persons, who had been seized in consequence of his order, to remain in irksome and cruel confinement, just under his eye, notwithstanding of the petitions and remonstrances of their friends in their behalf ; by refusing protection as a magistrate to people, and even to widows so inhumanely oppressed ; by industriously calumniating us on every occasion as not only of disaffected principles, and who had kept close correspondence with the rebels during the rebellion, and brought them into our country by our solicitation, but men of such malignant dispositions that our native country would never enjoy peace while we were allowed to live. A broad hint to this purpose he gives in a letter to the Presbytery of North Isles when talking of an opposition some of us with our neighbours had made to the settlement of a minister against the inclinations of the people. Another instance of the like nature is that, by his influence upon the commissioners of the supply of Orkney, the greatest part whereof are his creatures and at his devotion, he induced them to come to the most extravagant and illegal resolution perhaps ever heard of, whereby they find that we have been guilty of high treason, and therefore assess our lands in such a tax as they think fit to impose, from which they exeem all the rest of the country, and, as we are informed, they obstinately insist in forcing the payment of it. And, further, as he had meant to extirpate us root and branch, and to punish our families for our alleged crimes by depriving them, whilst in the greatest affliction, of the common necessaries of life, he inhibited our tenants to pay their farms, or to give any sort of acknowledgment to us, and sent about to make up inventaries of our moveables, forbidding our families the use of them on the highest pains ; which prohibition had such effect with some, that the victual brought in for the use of our families was taken back and otherways disposed of ; and yet, after all this, he has the impudence to aver that he was doing us all the good offices in his power, and that he had no hand in the outrage committed by the captain, notwithstanding that he procured the magistrates of Kirkwall, who are his known dependants, to concur with him in granting a warrant for apprehending of us ; for we no sooner returned to Kirkwall, but we were committed to prison, from whence they thought it convenient to discharge us after two days' confinement, upon being threatened with an action of damages. This was the last, but a very important part of his malice. Here we must observe the reasons assigned for seizing us, as they are expressed in the warrant for that purpose. They say that it appeared to them that Commodore Smith had granted a warrant to Captain Christopher Middleton for seizing us, as being accessory to the late rebellion, and for burning and destroying our houses, etc. We wish that we had been possest of the commodore's orders, which Mr Ross and the magistrates say that they had seen ; for, as we have a just title for reparation of our damages, we wish we had our redress against the commodore, who is sufficiently able to make restitution ; for as to the other offenders, their situations are such that we have no reason to hope that we can operate our relief from them."

This memorial at once abolishes the myth of the "Gentleman's Cave" and accounts for its origin.

After Sir Lawrence Dundas bought the earldom lands from Lord Morton, he purchased the Stewart property from Lord Galloway.

Meanwhile the house in the Strynd went to wreck ; and, in January 1766, Lord Garlies, son of the Earl of Galloway, sold the ruinous tenement "to Robert Symie, Sclater, for and in consideration of six pounds sterling."

Symie built two houses on the site, and these remained in possession of his family till the middle of the present century. In 1849, Esther and Ann Drever were certified by Sheriff Robertson as granddaughters and nearest heirs of Robert Symie.

The site of the abode of Stewart of Burray is now the property of Mr Pollexfen, and forms part of his garden.

The house at the head of the Strynd, on the south side, was, in 1677, occupied by two owners. Isobel Porterfield, widow of Thomas Sinclair, weaver, had the larger part, valued at £20 ; and John Paplay the other portion, valued at £8.

The two families seem to have been more near than neighbourly, for, 4th May 1674, Isobel Porterfield was summoned "for alledged scolding, the last Sabbath day, with Jonet Paplay."*

* S. R.

CHAPTER XIV.

Broad Street.

HOUSE-BUILDING within the precincts of the Castle began at the south-east corner.* When, in 1591, Earl Patrick Stewart took possession of the Castle of Kirkwall, he realised the necessity of having in his employment blacksmiths superior in ability to any that Orkney could supply. Accordingly he brought from Falkirk, or rather from Abbotshaugh, a place near Falkirk, now effaced from the map of Scotland,† two brothers, William and John Kincaid. The two blacksmiths had married two sisters, Bess and Alison Hoy. Though conveyances of property are very meagre in their reference to family life, it may almost be read between the lines that Bess Hoy was not held in high esteem by the Earl, and that she and her husband did not always pull together.

In 1594, William Kincaid died, and, instead of making provision for his widow, he left the bulk of his property to his sister Alison, wife of James Archibald, tailor in Falkirk. Mrs Archibald, thinking that property in Orkney was scarcely worth looking after, handed over her rights to her brother John. John had lent his sister-in-law £80, and, in 1595, Earl Patrick granted him decree to sell William's house, now occupied by the unfortunate Bess. Should the price obtained exceed the debt, John was to hand over the surplus to his sister-in-law and take possession, the widow being ordered by the Earl to "demit as she will answer to us."

This is the first approach to *title* in this part of the town. These houses were built on the site of the old brew-house of the Castle, their exact position being at the corner of the lane opposite the present Post-Office. The smithy stood between the dwelling-houses and the Castle.

The house put up for sale by John Kincaid found a purchaser in Captain Thomas Knightson.

At this time there were in Kirkwall not a few skippers, but only one or two captains. The distinction marks the fact that the captain was a fighting man, and the skipper a trader, and the inference may be drawn that Knightson had commanded one of the Earl's ships of war.

Besides purchasing her old house, the gallant captain married Bess Hoy. But prudence, possibly derived from experience of the Earl's temper, prevented Knightson from reinstating her in the quarters which she had been ordered to "demit." So immediately after the purchase, it is recorded that "Captaine Thomas Knychtsane, for myself, and takkand ye burding upon me for Bessie Hoy, relict of umql. William Kincaid, Smyt," grants the use of Bessie's house, "besyde ye Castell," to "John Kincaid and Alisoun Hoy, his spouse, the langest levand of thame."

John Kincaid's house, with the smithy to the north of it, passed to a nephew, David.

* Titles favoured by Mr W. P. Drever. † Ordnance Survey Gazetteer.

BROAD STREET, *circa*, 1780.

In 1613, Earl Patrick being a prisoner in Dumbarton Castle, and not likely to return to Kirkwall, Captain Knightson bought these, apparently for the sake of the site. David Kincaid's son, William, sold to "Captane Thomas Knychtsane sa-mikll ground as extends to fourtie-thrie futtis in lenth fra the north to the south, and threttie futtis in breid fra the est to the west, boundit on the south syde from the vennal next adjacent to the land and tenement ptaining to William Guid, and on the north to the King's Castell."

In 1615, Kincaid, with the help of Harie Aitken, Notary Public, procured a proper title for Knightson, the length being now "nyne scoir futtis" and the breadth fifty.

The Town Council, which had been suppressed by the Stewart Earls, was, in 1612, reinstated by Bishop Law, and it assumed the right of superiority over the Castle grounds, the Crown authorities being either ignorant of this assumption or indifferent to such a trifling matter. In 1617, Knightson was elected Provost of Kirkwall. He was ousted by Harie Stewart, 1619, but was reinstalled the following year, and held office till 1621. Knightson died somewhere about 1622; the will of his widow, Bessie Hoy, is dated 1623. The Captain did a considerable business in money-lending both in Orkney and in Edinburgh.

In 1622, Knightson's house and smithy became the property of Robert Monteith of Egilshay.

In 1635, Monteith, for 1000 merks, sold the Castle property to Andrew Smythe, brother of Patrick Smythe of Braco, and from him it got into possession of Bishop Graham. The Bishop, who, though keen in acquiring money, was liberal in giving—at all events to his own kith and kin—had promised, 26th June 1638, his second son, Mr Patrick Graham of Rothiesholm, a sum of 3000 merks. He redeemed that promise, 11th August the same year, by giving him "the two quoys beside St. Ola's church, which had belonged to St. Katherine's prebendary, als weill these houses buildit by umql. Captaine Thomas Knychtsone as remanent houses and biggings of the samen."

North from Graham's two houses, probably where Mr Kirkness' property now is, was a rough bit of ground, known as "the Castle brae, extending to twenty-four foots of rule in breadth from S. to N." This was purchased from the Magistrates of Kirkwall in 1688 by John Graham of Grahamshall, who levelled it, thus clearing away what was possibly the last remnant of the earthworks which had defended the old fortress. With his new acquisition, Graham got a charter from the Town Council for the whole property.

In 1710, Bailie Donaldson, for £1000 Scots, got infeftment from Græmeshall, and came down from his house in the Laverock to this the more fashionable quarter. Fashionable as it was, while the Donaldsons held this property, Kincaid's old smithy was busy as ever, and the ring of the hammer on the anvil enlivened Broad Street down to the middle of the eighteenth century.

But Broad Street was not altogether dependent on the smithy for bustle and stir. Græmeshall and Tankerness were near neighbours, only three houses separating their dwellings, but their meetings might have been more friendly had they resided on their estates in Holm and St. Andrews.

"Provist and Baillies of the brugh of Kirkwall.

"To our officers of the samen, conjunctlie and severallie, speciallie constitut, greiting. fforsameikle as it is humbly meant and showen to us be Robert Morisone, Pror. Phiscall of the Town Court of the burgh of Kirkwall ffor her Majestie's Interest, that where James Grahame of Grahamshall and Robert Baikie of Tankerness did upon the nynteenth instant,* each of them with Kains in their hands, with many sad and heavy strooks upon the head, shoulders, armes, back, and other places of their bodies, Beat, Bloode, bruise, and abuse the one of them the other; and a little thereafter the said Robert Baikie of Tankerness did, within the dwelling-house of John Sanders, Merchant in

* August 1703, Sheriff-Court papers.

Kirkwall, name and call the said James Grahame of Grahameshall villane, knave, and rasckall, whereby they and ilk ane of them have broken her Ma'tie's peace, and have committed ane mutuall blood weet battery and riot, the one of them upon the other; and also the sd. Robert Baikie of Tankerness is guiltie of ane open and manifest scandall in the highest degree; and therefore they and ilk ane of them should be seveirly fyned and americat in pecunial mulcts in example and to the terrour to committ and doe the lyke in tyme coming."

They were fined £10 Scots for breach of the peace, and Tankerness had to pay £50 more for the "scandall."

The difference in the amount of the fines is very suggestive. The Magistrates considered that two gentlemen might on occasion inflict on each other with their "Kains" "sad and heavy strooks" under slight penalty, but when one called another villain and knave, it required that he should be dealt with more severely. The libel is five times more heinous than the assault, character being so much more valuable than personal comfort.

Whatever may have been thought of James Graham's temper, his hospitality was undoubted :—

"7th July 1694.

"Bailie Young, Kirkwall.

"Sir,—The Knight went to Burray er Andrew cam out bee boat from Newark, with him his Ladie; and soe just now I am going to see him. My boat I have sent to Scapa, intreating, if able, that you, Baylie Stewart, and your brother Andrew maye come out wt. her. You will always have ane horse to rayd ther. Gorthie goes from this to Grahamstoun, haveing alreidie taken leive at Burray, for you may see the Lady Halcrow. Advertise Baylie Stewart and Andrew. Oversanday's wife also comes if able. Soe in haste.—I am, yours, (Signed) JA. GRAHAME."

While the Town Council assumed the right to dispose of the Castle brae, the property to the north of it had fallen into the hands of William Young of Castleyards, keeper of the King's girnell. This tenement was "ane of the block houses of the castell, commonlie called the south block house." In 1669 this house was repaired by Andrew Young and let to his brother-in-law, David Moncrieff.

In the lease it is described as "lyand in the precincts of the said old Castell, and boundit with the brea callit the castell brea, and the houses and yairdis pertaining to Mr Patrick Graham of Grahamshall also lyand within the precincts of the said castell on the south, the said old castell on the north, and the king's commone heigh streitt passand betwixt the said old castell and the castell yairdis and the tenements theirto belonging, pertaining to the said William Young, on the east pairtis thereof."

Moncrieff could scarcely have occupied the house repaired for him, for in the same year the south block house was rented by the Town Council to be used as the flesh market.

A memorandum in the handwriting of Provost Arthur Baikie shows that the Magistrates secured the consent of the tenant to the proprietor's new arrangement :—"Memento in anno 1676. Daved Forbes, N.P., this wtin wrait tak subvd. be umqil Wm. Young and daved moncrieff, anent ye fleshmarket in Kirkll., deat ye 9 of August 1669, qlk tak hes onlie on witness subscryving, viz., Rob. Asken."

In 1697, the Magistrates bought from Andrew Young of Castleyards "his house called the flesh mercat, Lying adjacent to ye croce of Kirkwall, in that pairt thereof called the Midtoun, formerly acquired by ye deceast William Young of Castleyairds from umql. Alexr. Douglas of Spynie, as factor and Trustee for ane noble and potent Earle, umql. William, Earle of Mortoun."

The necessity for a flesh market is shown :—

"At Kirkwull, the twentie-eight day of April, sixteen hundred and sixty-nyne years. The Quhilk day, in pnce. of the Provost, Bailies, and Counsall of the brough of Kirkwall, they, after

serious and mature consideration, understanding the great abuse and prejudice comitted by fleshars, inhabitants within this brough, and in particular in the killing and selling of yr. beives, sheep, swyne, and uyr. fleshes of that nature, and finding by the ancient custome and practize of this brough, ilk beife, cow or ox, ought and should be buikit in yr. cullors marks and fra quhom they were bought, and the customes and dewties payit yrfor, conforme to the use and wount, beeing twa shillings Scotts for each cow, ox, or bull; each swyne and sheep, sex penyis; each stott or young quoyack, twelve pennyis; and for booking to the Clerk, eight pennyis. And seeing that the said Provost, Bailyies, and Counsall have farmed and sett furth the said pettie customes and dews above wrn. to Magnus Tailyeor, tailyeor, burgess of this brugh, with full and speall. power to him to uplift, ask, and receave the samein from all persones lyable in payment yrof. They therefore decern and ordaine the saids fleshars, and ilk ane of them, rexive. for ther awin pairts, to make payment and satisfaction to the sd. collector of qt. they shall hereafter be found lyable in under the paines and penalties speit. in the said act made thereanent, and sicklyke that no kyne, oxen, bulls, swyne, stott, quoyack, or sheep be privatlie killed be any of thame, but in the open mercat, under the paine of foirfaulting the whole carcas to ye use and behoofe of the poore, and ordaines the said collector to have the extract thereof for his warrand, and to proceed yrin as accords."

After doing duty as flesh market for more than half a century, the old "Block House" was in 1775 purchased from the Town Council by John Riddoch, Sheriff-Substitute of Orkney, and the flesh market was moved back to the shore of the Peerie Sea.

On the site of the old block house and its yard, Mr Riddoch built his dwelling-house and offices. The warehouse of Messrs Peace & Low stands on the site of "the said John Riddoch's kitchen and brew house, where the old Flesh Market stood, and to which he had right from the Magistrates and Council of Kirkwall."*

The last bit of the Castle ground on Broad Street taken up for building purposes was that part lying north of the ruin. In 1706, Robert Morrison, who had built some of the houses in the Strynd, acquired from the Magistrates "the piece of waste ground lying to the north of the old ruinous castle, 68 ft. in length from east to west, and 28 ft. in breadth from south to north, reserving that the said Robert leave as much room upon the north side as a horse and kavet or horses with loads can pass through, consisting of seven foots in breadth for the said passage betwixt the new dyke to be built by the said Robert and the yard dyke possest by Marion Irving, relict of umql. Patrick Mowat, Merchant."

Morrison had permission also "to intromit with and make use of the stones of the old dyke at the east of the piece of waste ground." As the eastern boundary was the Queen's High Street and the western the Oyce and sands, it is here shown that in 1706 the distance from this part of Broad Street to the Peerie Sea was sixty-eight feet.

The kavet mentioned above evidently means panniers, and the word itself is allied to our word cubbie—a caisie with a close bottom which could carry grain. Cubbie Lane, then, is not inappropriate as the name of the western continuation of the Strynd.

Morrison, doubtless, meant to build here, but, having fallen into pecuniary difficulties, he was unable to carry out his plans, and the Magistrates re-purchased the ground.

From the Magistrates it was bought by Robert Grant, who lived almost opposite. In 1832, it belonged to Grant's son-in-law, William Traill, Esq. of Frotoft. He sold it to John Dennison, merchant, who built on it the house which, with additions, is now the Castle Hotel, the property of Mr W. H. Statham.

The southern portion of Broad Street belonged to the Church, and was occupied by the houses of the dignified clergy. This, and indeed all the town south of the Castle, was anciently known as the Laverock,† but in our oldest Valuation Rolls the name is restricted to that part of the town south from the Bishop's Palace and its pertinents.

* Sasine, 19th April 1805.

† This name is recognised in the Burgh Charter, "All and haill our said Burgh and City of Kirkwall, and that part thereof called Laverock."

When, in 1544, Bishop Reid re-constituted his Chapter, he appointed Malcolm Halcro, provost; John Tyrie, arch-dean; Nicolas Halcro, chantor or precentor; Alexander Scott, chancellor; Stephen Culross, treasurer; Peter Houston, sub-dean; Magnus Strang, sub-chantor; and all these had houses in or near Broad Street.

The mansion and garden of the Provost occupied the site of the present Town Hall, and a full half of the property south of it, now belonging to Mr James Tait, while it extended westward to the Oyce.

By virtue of his office, Malcolm Halcro was incumbent of South Ronaldshay and Burray, and had the teinds of these islands. Like other good churchmen of his day, however, he used his position to set in feu to his kinsmen portions of the lands from which his revenues were derived.

There was a charter granted by Sir* Hew Halcro, Canon of the Cathedral Church of Orkney, and Mr Malcolm Halcro, Provost of Orkney, to their cousin, Hew Halcro, "of the lands of Holland, alias Halcro, and otheris, particular lands lying in South Ronaldshay, quhilk charter is dated 1545, Jany. 20th." This charter was confirmed by Queen Mary, April 1548. †

Provost Halcro was an amiable man with strong human affections, and though he should have been known as father only in a spiritual sense, he was father according to the flesh of quite a large family of boys, all sons of one mother.

Sheriff Nicolson, in his genealogy of the Halcro family, says:—"Halcro of that ilk is the most ancient family in Orkney. Halcro, Prince of Denmarke, possessed a great part of the Isles of Orkney and Zetland. His storehouse for receipt of rents stood at Tingwall, in the parish of Rendall. A great part of the lands in Orkney and Zetland are held under titles derived from this family. The mansion from which they took their title is in Halcro, in South Ronaldshay."

The only difficulty about "Halcro, Prince of Denmark," is to fit him into a niche in Orcadian history. He does not appear in the Saga, and historians pass him by without recognition. Even "the mansion from which they took their title" was known as "Holland" till, says a good authority‡ on such matters, a member of the family changed the name to "Halcro," about 1540. As late as the rentals of 1595, Holland is valued, but Halcro is not mentioned.§

Harry Halcro of that ilk married Lady Barbara Stewart, youngest daughter of Robert, Earl of Orkney, and got from the Earl wadset of lands in South Ronaldshay in security of her tocher good, which lands were redeemed by Earl Patrick Stewart in 1598.

"Wydewall, Benorth the Burn, redeemed by my Lord frae Hary Halcro in anno 1598, which was wadset by my umquhill Lord to him for 100 mks. in tocher good with Barbara Stewart, the first year's payment to be of the crop 1599."‖

Ronaldsvoe, Akerhouse, and Lyths are also mentioned as having been similarly redeemed; while, in the same island, Lady Barbara is stated to have "set" Grymness and Gossagair at so much rent "because the land was dear." The Halcro family succeeded in getting possession of St. Salvator's Stouk lands in Sanday.

This Henry Halcro, in 1580, got Enhallow in a charter from Sir Patrick Ballenden.

Except that he founded a family, which for a considerable time took an active part in the work of Burgh and County, little is to be said of Malcolm Halcro.

Succeeding Halcro in the Provostrie came William Mudy, who held office for about three years, when, in 1574, he was followed by Alexander Dick.

In the days when ecclesiastical preferment was a matter of presentation, the previous character of the presentee was sometimes left out of account; but it seems somewhat remark-

* An ecclesiastical title equivalent to Rev. † H. L. ‡ H. L. § Pet. Rent. ‖ Pet. Rentals.

able that the dignitary next in rank to the bishop should have against his name such an indictment as Provost Dick had. On the 9th December 1561 he found bail to appear on 15th April following "for convocatioune and gaddering of our Souerane ladies legis to the nomer of iiijxx. (80) persones in Sept. last, and serchit and socht Henry Sincler of Stove and Mr William Mudy for their slauchter." *

Provost Dick, on taking office, found that his predecessor, Malcolm Halcro, had been too liberal in his gifts of church property. It is recorded in the General Register of Acts and Decrees, 24th July 1566, that Alexander Dick, Provost of Orkney, gets decree against Hew Halcro of that ilk to remove from certain lands belonging to the Provostry.

South from the Provostrie stood the Thesaurerie, the residence of the Treasurer. At the reconstitution of the Chapter, Stephen Culross was appointed to this office, or perhaps confirmed in it, by Bishop Reid.

The Reformation found Francis Bothwell in charge of the Bishopric revenues. Taking advantage of the liberty which this religious change brought him, Bothwell married, his kinsman, the Bishop, taking care that he should have the wherewithal to support a family. For this purpose St. Lawrence Stouk lay ready to hand, and, September 1592, "The Chaplainrie and Altarage of St. Lawrence was set in Tack to Mr Francis Bothwell for his lifetime and his nearest heir's lifetime, and, after his decease, 19 years to his heir. Granted and signed by Adam Bothwell, Chaplain; Adam, Bishop of Orkney; Mr Ninian Halcro, Provost; Thomas Suenton, Archdean; Adam Mudy, person of Walls; Harry Colville, Chantor; Hierom Tulloch, Sub-Chantor. To pay yearly to sd. Chaplain and his successors, £10 Usual money of Scotland, also to our Sovereign Lord and his successors' Chalmerlane ane Last of Victual yearly."

In this nepotic grant it will be noticed that the second beneficiary, the Chaplain, was another of the Bothwell clan.

Though the Reformation left Adam Bothwell in possession of the bishopric, it swept away most of the other dignities, and the old Thesaurerie ceased to be an official residence.

Immediately south of the Thesaurerie were the Sub-chantry and Archdeanery, forming respectively the northern and southern portions of the square now known as Tankerness House.

Under Bishop Reid's foundation, the sub-chantor was Magnus Strang. His duty was, along with the precentor, to superintend the music of the Cathedral and the training of the choristers in the Sang School.

Hieronimus (Jerome) Tulloch was the last sub-chantor. Though he allowed Gilbert Foulzie to secure his official residence in Kirkwall, he reserved for himself his fair share of church property. "The teindis of the said parochinn † of old was ane pairt of the sub-chanterie, quhilk dignitie was sett in take be umquhill Master Jerome Tulloch to his wyfe, Alisonne Lindsay; quhilk take was disponit be hir, be adwyse of her husband, Alexander Muire, to the lait Earle of Orknay, who dyit in possession of the saidis teyndis, his take being expyred, and now the saids teyndis are payit to his Majestie." ‡

The Archdean had very important duties to perform. He was the Bishop's Vicar, and as such he visited the diocese and examined candidates for orders.

The first official occupant of the Archdeanery was John Tyrie, and his successor, Gilbert Foulzie, was the last Romish Archdean under Adam Bothwell, the last Romish Bishop. Foulzie was also the first Protestant Priest of Kirkwall under the same Bothwell, the first Protestant Bishop.

To Gilbert Foulzie the Reformation, from a worldly point of view, came as a boon. He

* Fasti. † Burness. ‡ Pet. Rent., 90.

not only secured heritable possession of the Archdeanery, but he was clever enough to secure the Sub-chantry also, and these he joined by additional buildings, making his mansion the square which we now see. Nor did he neglect his opportunity of seizing church lands. Bishop Graham reports :—" Patrick Smith hes a tak for some teynds of the Prebendarie of St. John, qlk I coft in to the Bishoprick at a deir rate fra the heirs of Mr Gilbert Foulzie."

Over the gateway of his enlarged mansion he placed the arms and initials of himself and his wife, M. G. F. and E. K., representing Master Gilbert Foulzie and probably E. Kinnaird, for the arms are those of Kinnaird of Inchture.

Gateway of Tankerness House.

Between the shields is the following peculiar inscription :—" Patrie Et Posteris, Nisi Dominus Custodi Erit Frustra Semen Nostrum. Serv. Et Ipsi. Anno Salutis, 1574." *

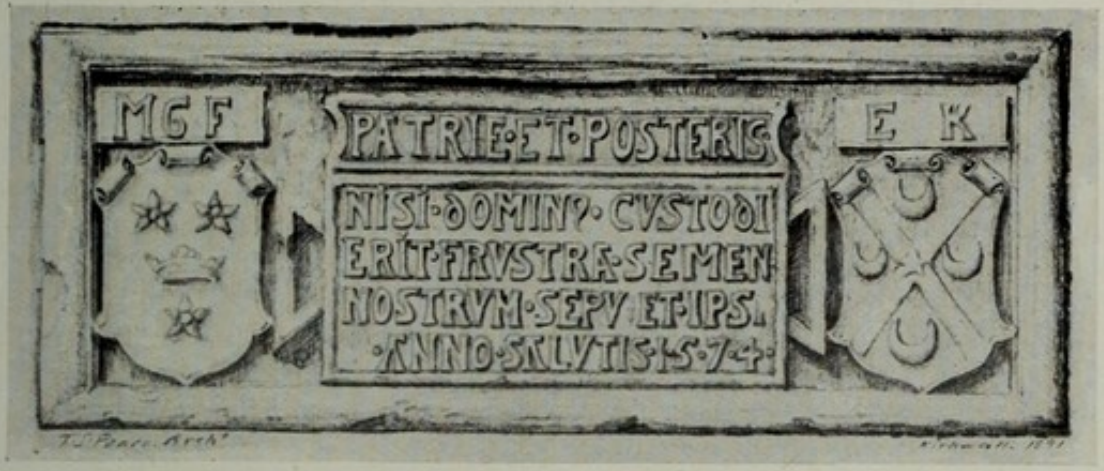
In 1576, Foulzie was appointed one of two Commissioners to plant churches where required in Orkney and Zetland. His death is approximately given as prior to 1595.†

South of the Archdeanery, with a garden between it and the corner of Broad Street, was

* Rev. Father Macdonald suggests that " Patri et posteris " may be a dedication to Foulzie's Father in God—Bishop Bothwell—and his successors. " Anno salutis, 1574," doubtless marks the completion of the building. The body of the inscription is taken from Psalms cxxvi. 2, and xxi. 31 of the Vulgate. The translation as given by the Marquis of Bute to J. W. Cursiter, Esq., is—" Unless the Lord keep [them], in vain shall our seed serve him."

† Fasti.

the residence of the Chancellor. Bishop Reid's Chancellor was Alexander Scott. The Reformation found James Annand holding the office. He was, by the General Assembly in 1576, appointed Commissioner of the Church, to act along with his neighbour, Gilbert Foulzie, in planting churches where they were required. He died prior to 11th Dec. 1586. *



Inscription on Gateway, Tankerness House.

Alexander Dick, the last Provost of the Cathedral, had sold the Provostrie, 7th May 1571, to William Gude and Margaret Cumming, his wife ; but it soon again came into the possession of the Dick family. Here Sir William Dick of Braid laid the foundation of that colossal fortune which he spent so freely in the service of his country.

From 1638, when Bishop Graham resigned the episcopate, Dick farmed the bishopric lands till 1646, in which year he received the honour of knighthood. In the first year of his tack he was elected Lord Provost of Edinburgh. In the Court books of Kirkwall we have frequent notices of his putting his coin out to usury. While Provost of Edinburgh he established an active trade with the Baltic and Mediterranean, and made, moreover, a profitable business by the negotiation of bills of exchange with Holland. He was reputed the wealthiest man of his time in Scotland, and was generally believed by his contemporaries to have discovered the Philosopher's Stone.†

He had ships on every sea, and could ride on his own lands from North Berwick to near Linlithgow. He was a zealous Covenanter, and, in 1641, he advanced to the Scottish Convention of Estates 100,000 merks to save them from the necessity of disbanding their army ; and when, in the same year, the Scottish Parliament levied 10,000 men for the protection of their colony in Ulster, they could not have embarked the troops had not the ships been victualled by Sir William Dick. Scott, in the "Heart of Midlothian," alludes to these loans when he makes Davie Deans say :—"My father saw them toom the sacks of dollars out o' Provost Dick's window intil the carts that carried them to the army at Dunse Law ; and if ye winna believe his testimony, there is the window itself still standing in the Luckenbooths, five doors aboon the Advocates' Close."

But his hatred of "the Sectaries" was greater than his opposition to the Stuarts, and in 1642 he advanced £20,000 for the service of "King Charles." For this, when Cromwell got hold of him, he was fined £65,000, and was thrown into prison at Westminster, where he died,

* Fasti. † Wilson's Memorials of Edin., ii. 8.

in 1655, of something suspiciously like starvation. Down to the last of the Scottish Parliaments we find his descendants petitioning for a restitution of these loans.

Sir William's wife, Lady Anne MacKenzie, was a grand-daughter of the first Earl of Cromarty. As Lady Anne Dick, she was famous in Edinburgh society for her wit and repartee. In her youth she was a reckless romp. Dressing herself and her maid in male attire, she would sally forth from her home in Riddell's Close, going down the Lawnmarket and High Street of Old Edinburgh in search of adventures, and she sometimes found them. Some of her poetical pieces have been printed, and furnish curious specimens of the freedom of expression not only tolerated and perused but enjoyed, in those days.*

Their son, John, occupied the "Provostrie" for some time. He gave loans of money on his father's account, often advancing very considerable sums. He also acted as Sir William's substitute in the County Court.

Living in a time when the penal laws were very severe, it may be interesting to look at Sheriff Dick in Court. †

The last of this family who took any part in Orcadian public business was Captain Andrew Dick. He farmed the bishopric rents for six years, beginning 1675. Captain Dick did not pull well with the Town Council. Thomas Brown, under date 4th Feb. 1681, records that "David Drummond, Bailie, and David Craigie, Provost, took the journey from Kirkwall to Edinburgh upon ye complent given in bi Captain Dick against them before the Privy Counsall, their day of compearance being 24th Feb. 1681." Captain Andrew resigned the office of Stewart shortly after Provost Craigie's return. This resignation and a lease the same year, 1681, of the Crown lands granted to Murray of Haddon, show what the Privy Council thought of the "complent." He left Kirkwall finally in 1686. "At Midday, Captain Andrew Dick sailed from Kirkwall Road for Zetland with his wife and most of his family (Monday)." ‡ The wife's name was Francisca Nairn.

The "Dick Loft" in the Cathedral was in the middle bay of the south choir aisle. Some little time before 1677 the old Provostrie had been demolished. On the northern part of the site a beautiful house was erected by Margaret Grott, widow of Patrick Prince. Till 1884 an oriel window in this house was a striking feature in the line of Broad Street. The boundaries of Prince's "great ludgeing under sclaitt roofe" are given as "the stryp running alongest the old brew-house on the north and the ludgeing ptaining to Harie Erbry, Merd., on the south." The name Prince is said to be Danish. At the time of James the Third's marriage, Fermon Pirence held high office at the Court of Christian of Denmark.§

Patrick Prince and his brother Magnus were successful merchants in Kirkwall, and the former held much property in the burgh. His wife, Margaret Grott, was the daughter of Malcolm Grott of Tankerness. Grott had large estates in Orkney. "26th June 1590, Robert Earl of Orkney, Lord of Zetland," &c., "for soumes of money payit and delyverit to us at the making hereof be Malcolm Grott of Tankerness have given, grantit, and disponit," &c., "the Land of Huipe, with the Holmes, in the Isle of Stronsay, Elsness and Lewisgarth, in the Ile of Sanday."

While Margaret Grott remained in Kirkwall she was a person of much consideration. She carried on her husband's business with energy and success. She went south, however, having married John Baird, merchant, Edinburgh. On the tombstone erected by her to the memory of her first husband is inscribed, "Hier rests the corps of Patrick Prince, merchant in Kirkwall, sometyme espoused to Margaret Grott, who left with her Edward, Harie, Magnus, Helen, and Catherine Princes."

* Wilson's Memorials of Edin., i. 169. † See Appendix. ‡ T. B., 19th April 1686. § H. L.

On her deathbed the mother left the children of her first husband to the care of her second, and Mr Baird loyally took upon himself the charge.

But Edward and Catherine had been in the custody of Helen Fea, sometime relict of Edward Grott, now wife of Edward Colville of Huip, who was very unwilling to part with them. Indeed, rather than give them up, she offered to take all the children, and to "seik nothing yrfor except so much as the said Magnus Prince, their Uncle, should think meitt, fitt, and expedient." *

Harie Prince married a natural daughter of Patrick Smythe of Braco, and their son Magnus became Lord Provost of Edinburgh.

One of the tenants of the Princes' house in Broad Street was the Lady Jacobina Hendrina Forbes. She was a daughter of Patrick Forbes, Bishop of Caithness, who in his earlier days had been a regimental chaplain in the army of Holland. In that country he married a daughter of Colonel Erskine. They had a son, who was Commissary of Caithness, and a daughter, Jacobina Hendrina, who married Captain William Buchanan of Rusland, 2nd November 1672. After Buchanan's death, she espoused James Fea of Whitehall, but in her second widowhood she reverted to her first title, and was known as the Lady of Rusland.

In 1702,† William Fea of Millfield bought from Magnus Prince, son of Patrick Prince, "his tenement of land, with yairds, etc., being the north pairt of the Tenement of Land pertaining of old to the Provostrie of Kirkwall," and granted it in liferent to Mary Lyell, his wife. It was while in this possession that Stewart of Burray and his brother Alexander sallied forth "out of the said Baillie ffea his gate" for the murder of Captain Moodie of Melsetter.

Bailie Fea died here, 31st May 1741, and his celebrated kinsman, James Fea of Clestrain, "sealed up the house till the nearest of kin be summoned."

This tenement next became the property of Andrew Ross, Lord Morton's chamberlain, anathematised by Tudor for selling the slates of the Earl's Palace to roof the old Town Hall.

Ross got his commission, 29th April 1740, and at once proceeded to act upon it by appointing deputies. On the 19th of July he made Donald Groat of Newhall Bailie of Deerness; 1st August, John Balfour of Trenabie, Bailie of Westray; and next day, John Halcro of Crook, Rendall; Patrick Fea of Kirbister, Stronsay; David Nisbet, Firth; James Sutherland of Windbreck, South Ronaldshay; Patrick Traill, merchant, and Bailie of Kirkwall, St. Ola; and George Traill, yr. of Holland, Papa Westray.

While Ross is debited with sins which he did not commit, he must be credited with virtues not sufficiently recognised. In his day he was the most advanced agriculturist in the islands, and he showed proprietors and tenants the newest methods.

Using, perhaps abusing, his power as factor, he compelled his people to cultivate flax, while his nephew, William Lindsay, saw to the dressing, spinning, and weaving. Thus a very flourishing linen trade was introduced into Orkney. For a time this remained a very valuable monopoly in the hands of Ross and Lindsay, who soon found that it was more profitable for them to export the yarn than to weave it on native looms. Barry says that they yearly sent south as many as "twenty-five thousand spindles of excellent linen yarn." Birsay, on account of its fine water supply, was their bleach-field.

But it was not in the nature of the Kirkwall merchants to see a profitable trade like this go past their doors, and they struck in for a share. They could not, however, enforce the cultivation of lint, so they imported the raw material. "There are imported annually forty-two tons of flax into this country, which at an average may amount to three thousand pounds Sterling prime cost." ‡

* 15th April 1680. † Fea's title registered 6th Dec. 1707. ‡ Barry.

This gave employment to a great number of flax-dressers. The hecklers and spinners, seeing the competition among the employers, made use of it to get their wages raised. Even under the improved conditions, the most expert girls could earn only sixpence per day by their spinning, but in the middle of last century sixpence per day was regarded as good pay for a woman.

Though all the finest yarn went south, chiefly to Montrose, a considerable quantity of coarser fibre remained to give work to native weavers; and in 1790, thirty thousand yards passed "the books of the stamper." But when the industry was at its height, it suddenly collapsed, the French war rendering the importation of foreign flax impossible.

Ross farmed the bishopric rents from 1742 to 1775, and during that time he stands prominently forward as the most capable man in Kirkwall.

The penultimate proprietor of this house was Dr Bremner, one of Kirkwall's many distinguished medical men. Its last use was as a temperance hotel, and in 1884 it was cleared away to make room for the new Town Hall.

This imposing structure, in the Scottish Baronial style, was built by Messrs Samuel Baikie & Sons from designs furnished by Mr T. S. Peace. The foundation stone was laid with Masonic honours by the Earl of Mar and Kellie, 20th August 1884; and it was opened for public purposes in 1887 by Samuel Reid, Esq. of Braebuster, Provost of Kirkwall.

Within this building, besides Council Chamber and committee rooms, there is a large hall for public meetings, accommodation for the Post-Office, the Town Clerk's office and strong room, the Fishery Office, that of the Burgh and County Surveyor, and the Free Library. For this last boon, Kirkwall is largely indebted to the munificence of Andrew Carnegie, Esq. of Skibo, a Scottish-American gentleman, whose generosity in the establishment of free libraries is gratefully recognised throughout Scotland.

The want of postal communication had been long felt before a service was extended to Orkney. Except as a favour done by sailors or travellers, private persons had no means of communicating with friends in the south. Public documents were conveyed by a special messenger at very great expense. The Pentland Ferry, the rights and revenues of which had been originally granted to the Groats, was no longer a monopoly, and boats could readily be hired on either side of the Firth. But what was really wanted was a regular subsidised packet between Caithness and Orkney.

The earliest recorded public movement towards securing a postal service was at a meeting of the Town Council, held 6th December 1709. "The said day the Magistrates and Councillors having met, and considering that Mr Robert Douglas has now gone to London as Commissioner for this Brugh and others, doe therefore appoynt a Letter To be instantly writt and subscryved by the provost, and sent the first occasion to the said Mr Robert Douglas, putting him in mynd to act in that station as farr as possible for the weil of this Brugh, particularly hat he endeavour to his power to have a post office established in this town upon the publick charges of the government."

This had no practical result. In April 1711, the Convention of Royal Burghs memorialised the Commissioners of Trade in favour of the fishing industry :—"It will much facilitate the fishing trade if a pacquet boat were settled between John of Groat's House, on the Mainland n Caithness, and Kirkwall, or some other convenient place in Orkney." But Government was difficult to move, and the matter went to sleep for thirty years.

In 1741, the following petition was sent from Kirkwall to the Member for the Northern Burghs :—

"Memoriall for Collonell Douglas anent Settling a Post Office at Kirkwall.
"The Inhabitants of Orkney lye under great Inconveniencys for want of a Regular Conveyance

MUNICIPAL BUILDINGS.

of Letters, the post at present coming no further north as Thurso in Caithness. It is likewise a loss to the Commissrs. of his Matie's Revenue in the Customs & Excise that they have no way of corresponding with their officers in that part of the Country. As also It is a great Inconveniency for all trading by sea, as there is a great resort of shiping to Orkney, for want of Correspondence from thence with their owners or merchts. It is therefore proposed, as a thing that would be very beneficiall to the Revenue and trading part of the nation in Generall, & this Country in particular, That a post office be settled in the Town of Kirkwall, which is a Sea port and the Head Burgh of the County, and where the officers of the Revenue reside. For settling this office, The following Scheme is proposed :—

	Be Land. Miles.	Be Water. Miles.
From Kirkwall to Holmsound	5	—
From Holm to Burray	—	3
The Island of Burray	1	—
Over Watersound	—	1
From Thence to Burwick	5	—
From Burwick to Duncansbay	—	12
From Duncansbay to Thurso	12	—
	—	—
	23	16

" By the following Computation, This may be performed for £27 6s 6d p. annum :—

" Estimate for settling a post bet. forsd. & Thurso.

It is proposed that there shall be only one Runer from Kirkll. to Thurso weekly, who is to have 3/6 per week, inde yearly	£9	2	6
To the ferry fraughts of Holmsound and Watersound, weekly, 1/2 ; inde yearly ...	3	4	0*
It is proposed that the Keeper of the Pentland Firth, on the Orkney side, shall transport the Runner weekly, as the weather forces, over the ferry to Caithness, & shall wait there till his return, & bring him back again, for which he is to have in full yearly	15	0	0
The above sum, besides for the postmaster's trouble yearly.	£27	6	6

" For effecting the scheme, it is proposed that the Government shall give the above sum to a proper person as postmaster for a short time, besides a proper encouragement to him, & he to be accomptable to the Government for the poastage of all the letters, and it is hoped that in a short time it will be able to defray the whole expence."

Government took time to consider the matter, and, after six years, a commission, signed 30th January 1747, by Alexander Hamilton of Innerwick, Esquire, Postmaster-General of Scotland, was sent to Andrew Young of Castleyards, constituting him Deputy Postmaster in Orkney. For his " proper encouragement," he was allowed " Three-fourth parts of the Inland postage or duty on all letters both wayes between Edinburgh and Orkney, and that in full of all Sallaries to himself and substitutes for their care and pains, and for defraying the whole charge and Expence of Packet Boats and Runners between Orkney and Thurso in Caithness."

The frugal Government not only refused to accept any risk, but secured a margin of profit, leaving the loss, which was inevitable, to be borne by a private individual. Moreover, from that private individual, Alexander Hamilton, Esq., Postmaster-General, would exact his pound of flesh.

It could readily be believed that a weekly mail from Orkney at that time and at the rates then charged would make a very light bag, so Mr Young seems to have allowed the letters to gather a while before he despatched them : hence the following :—

" General Post Office, Edinburg, 26th May 1759.

" Sir,—I am commanded by the Postmaster-General to Signify to you that it is observed you do not dispatch the Kirkwall Bag regularly from your office, insomuch that we have no letters here from Orkney but once a fortnight, and often it is three weeks before any arrive. This the Merchants justly Complain of, as the consequences must be very hurtful. There can be no stop by the Ferrys at this season especially, nor any want of opportunity of Conveyance from Thurso, as that Runner is

* Correctly, £3 0s 8d.

alwise Dispatched twice a week ; you'l therefore let me know in course what is the reason of these stops that a proper remedy may be provided. Tho' you should not dispatch a bag twice a week, yet once a week at least will alwise be expected, as there are two regular dispatches from this office.—I am, Sir, your most humble Sorvt., (Signed) Wm. Jackson."

The business of the Post Office was complicated by the fact that in its early days his customers required the Postmaster to give them credit. Here is an account per contra between the second Postmaster and the Kirk Session :—

"Mr Andrew Young of Castleyards, for his Brother's funerals, to the Session of Kirkll., Dr.

To Ground Lair in ye Kirk, Best Cloath, etc.	£1	1	1⅓
By Cash allowed you for Postages of Letters over Pentland Firth, for the Presbutrie, as p. acct. given me by Mr John Yule, which he collected	0	6	8
	14		5⅓

"Kirkwall, 4th Feby. 1761.—Received payment of the above Ballance of Fourteen shillings five pence and one-third of a penny Sterling, the same being Discharged, in name of the Session of Kirkwall, by (Signed) Andrew Liddell, K. Treasurer."

In 1762, the running of the mails ceased to be a matter of speculation, and Andrew Young's commission was renewed on fresh terms. A salary of £23 was given for the Postmaster's service ; for boats and runners, twice a week, to and from Caithness, £30 ; for the management of byeway or road letters, £2—amounting in all to £55 stg. per annum in quarterly payments. When we see the arrival of a cartload of bags and baskets, forming an ordinary mail from the south, it seems an old-world story to look back to the days of a post-runner from Kirkwall. But there are still those among us who have joined the letter carrier at Kirkwall on a summer afternoon, tramped to Holm, sailed with him to Burray, walked over to Watersound, crossed to St. Margaret's Hope, and next morning proceeded to Burwick, whence the ferry boat started. Then from Huna, on the Caithness side, the passenger could join the mail coach.

On the southern part of the Provostrie was the house of George Traill of Westness, the first Traill holding property in Orkney.

The late Dr Traill of Woodwick, in his "Genealogy of the Orkney Trailis," makes George the founder of the Traill family in Orkney. The Doctor suggests that the name is of Norman origin, and that it is perhaps identical with that of Tyrell, "the unfortunate man who was unwittingly the cause of the death of William Rufus." As a link between the two, he quotes Fordun, who, referring at one time to Bishop Traill of St. Andrews, and at another to the unhappy regicide, names each of them Walterus Treyl.

Bishop Traill, an alumnus of the University of Paris, was perhaps the most illustrious Scotsman of his day. He lived in a troublous time, the reign of Robert III. Buchanan bears testimony to his worth as a churchman :—"A little after the death of Archibald Douglas, Annabella the Queen and Walter Traill, Archbishop of St. Andrews, died in rapid succession, from which a great change of affairs was universally presaged ; for, as the military splendour of the country was supported by Douglas, the ecclesiastical authority and some shadow of ancient discipline maintained by Traill, so the Queen preserved unstained the dignity of the Court."*

As the Archbishop was a Romish prelate, Dr Traill does not claim to be descended from him, but only that the Orkney Traills are of the same stock—Traills of Blebo. The Doctor gives the crest and arms of the Traills of Blebo, and says—"Their Orkney descendants have similar arms and crest." In Orkney, however, the early Traills do not seem to have used

* Vol. ii. 71.

these arms. For decorative purposes they preferred monograms, as seen on Plate III. of the work quoted.

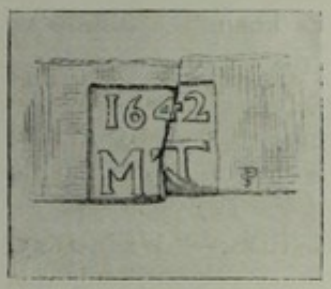
The Doctor finds that, about 1567, "two of the younger sons of the house of Blebo went to the Orkneys." But the genealogist does not follow these two. He thinks he has historical evidence that George Traill came to Orkney with Earl Robert Stewart about 1580, but the only authority that George was from Blebo is Sheriff Nicolson, whom Dr Traill had already described as "quite untrustworthy."

If George came with Earl Robert, he survived to be a retainer of the Earl's son, as he is styled "Servitor to ane noble and potent Lord, Patrick, Earl of Orkney."

The first of the family to appear in the Rentals* is John Trail, tenant of Mustarquoy, who had, along with this farm, "ane quoy, pertaining Sanct Katherinis, the haill set be my Lord for 1 barrel butter, 4 poultry." The lord who "set" this farm and quoy was Earl Robert, and the probability is that John came north in the Earl's retinue, and was the father of George, who held a place in the household of Earl Patrick.

From a study of the Commissary and Sheriff Court books, the conviction grows strong that George Traill was Patrick Stewart's factor, and that during the Earl's long imprisonment, in remitting the rents, the factor very judiciously retained in full his own salary. Indeed, it was the plea that the rents were not forthcoming as they ought to be, that furnished the opportunity for Robert Stewart's rising in favour of his father.

Under the eye of his impecunious patron, George Traill could neither have made money, nor could he have kept any considerable sum had he got it; but no sooner was Earl Patrick dead, than the "servitor" bought one of the best houses in Kirkwall and the estate of Westness in Rousay. More than that, he had capital to spare, which he freely put out to the use of those who chose to borrow at the "annual rent of ten in the hundred." In 1616, he lent £300 to Malcolm Grott of Tankerness.



Old Stone from George Traill's House. ‡

His first wife was Jean Kennedy, his second Isobel Craigie, and "it is an undoubted fact that George Traill died and left her a widow, with 13 children, in the year 1634."†

Isobel Craigie did not at once give up her late husband's money business. In 1636, she advanced 100 merks to Patrick Murray of Woodwick. The sons also took it up. In 1632, Thomas lent Gilbert Sinclair 400 merks. Even Robert, who was a merchant in Edinburgh, found Orkney securities good, for, in 1647, he obliged Patrick Bruntfield, Kirkwall, to the extent of £181.

Undoubtedly, this money business laid the foundation of the wealth of the Orkney Traills, a family which has furnished more good men to the conduct of municipal work in Kirkwall than any other in the county, native or immigrant.

George Traill's widow, who survived till 1661, married Hugh Halcro of that ilk, and, on his death, Edward Sinclair of Brugh. George's son, Thomas, was the first Traill of Holland, which he bought before 30th April 1650, as at Kirkwall on that date, under the designation "of Holland," Thomas witnesses a deed.

The lairds of Holland, from their first settling in Papa Westray, have been alternately Thomas and George. Of the former name there have been four, of the latter three; and but for the unfortunate circumstances which deprived this old and highly respected family of their estate, the next laird would have been the fourth George.

In Papa, the second Thomas is remembered as the "wicked laird." He was in league with

* In 1595. † Dr Traill's Genealogy, Intro. ix. ‡ Favoured by Mr James Tait.

the Devil, whose assistance he could at any time invoke, of course under the bond usual in such cases. When the fiend at length came to claim his own, Thomas Traill refused to yield himself, and after a long and desperate combat, in which they used carnal weapons, the laird put his adversary to flight. If any one doubts the fact, let him visit the West Park, and he will see the place where the duel took place, a sterile spot in the midst of fertility. But it is not easy to circumvent Satan, and when Thomas, having died in his bed, was being carried to his last resting-place, a loud explosion within the coffin intimated to the horrified bearers that the Devil had got his due.

From Traill his house in Broad Street was bought by Harry Erburie, who built on its site "ane large new tenement, sclaitt ruifed, estimat in yeirlie rent to fyftie pound." Like Margaret Grott's house, Erburie's front was adorned by an oriel window.

Erburie was one of Cromwell's soldiers, who, when the garrison was withdrawn, got or took permission to remain behind. His first wife, Barbara Garden, perhaps came north with him, but his second, Anna Moncrieff, he married in Kirkwall. The retired soldier became a flourishing merchant and an active public man.

When the Cathedral spire was burned, Bailie Erburie did what he could to save the building :—"Compeared Harie erbrie, merchant, and declared that when the steeple was fyring, He, at the request of the magistrates, lent seventeen salt hyds, which were laid upon the highest lofting of the steeple and upon the bells, for saving the said lofting and bells, and that seven of them were brunt and ten damished, and desired payment therefor, viz., Eighteen pound scots for his said lost and damished hyds." *

Harry and his wife, Anna Moncrieff, had three daughters, who all married well-to-do husbands in Kirkwall, and one son, John, who succeeded to his father's business. John was married in Sandwick to Margaret Murray, 1693. Young John Erburie was destined for a professional career, and at the age of fifteen he went to study at St. Andrews. At the University, however, he fell into expensive habits, and contracted debts which hampered him to the end of his life. In deference to his classical training, he is in all public documents naming him, styled *Mr* John Erburie.

Thomas Brown, in his diary, is very careful in his application of this title :—"Wednesday, Mr Jn. Watt, that came from Edinboro to be schoolmaster of the grammar school, was examined in the said school in presence of Mr Jas. Wallace, Mr Jn. Wilson, Mr John Shilpes, Mr John Herbrie, Mr Thos. Fullertoune, Gairsay, Oversanday, Stenhouse, Tankerness, and several others." †

As to young Erburie's debts, we find that Patrick Traill, mariner, met him in Leith and lent him £20, for which he took his "ticket," July 1692. This was sued for in Kirkwall by the son of the lender in 1698. Erburie admitted the debt, and said he would pay it when he could, but the Magistrates ordered him to square accounts in fifteen days under penalty of poinding. He had got, at different times, from William Lamb, merchant, Edinburgh, money or value to the extent of £436 stg., and, in security, Lamb, 1698, got sasine of Erburie's house in Broad Street, with the usual formalities of "earth and stone, hasp and staple." This bond was redeemable by the payment of principal and interest, "within the old church of Edinburgh, at that part where the Earl of Murray's tomb is situated," Lamb to have forty days' notice. But the bond was not cleared off in St. Giles, Edinburgh ; it was transferred from Lamb's Trustees to John Nisbet, merchant, Kirkwall. Among the witnesses of the transfer is John Watt, "Practitioner of Physick." Nisbet became proprietor, and the name Erburie became extinct in Orkney.

* S. R., 24th May 1671. † T. B., 22nd Aug. 1688.

Nisbet married Marjory Traill, daughter of James Traill of Westove, widow of Thomas Louttit of Lyking, and in 1704 granted his wife liferent of this property.

In 1776, this house belonged to Robert Sutherland, from whom it passed to his son, Donald. From Sutherland it was acquired by Bailie James Traill, by the marriage of whose daughter, Elizabeth, it came into possession of Mr Traill Urquhart.

South of the Provostrie was the Thesaurerie, the Treasurer's house, no longer represented by any distinctive building. It occupied the southern part of the site of Mr Tait's property and the northern part of Mr Baikie's. One of its earliest proprietors after the Reformation was William Craigie of Gairsay. Gairsay's house below the Bridge was, as has been seen, going to ruin, and this may have been either the cause or the effect of its owner's occupancy of the Thesaurerie.

David Craigie's Tombstone, in St. Magnus Cathedral.

Hugh Craigie, next of Gairsay, sold this tenement, along with "his thrie cowis worth of udal land in the town of Oversanday," to his brother David.

The garden and peat brae extended back to the Peerie Sea, and, like the neighbouring houses, it had a jetty for boats. Thomas Brown, under date 6th December 1681, says:—"Tuesday morning, There was a Pallaig whale which came to the shoir of Muddisquoy, or thereby, within the Oyce of Kirkwall, and about eleven of the same day, Thomas Flett, borrowman, towed the same from that part to Oversanday's back dyke."

Gairsay's pew is described as "lyand in the mid ysland of the church on the east side of the pulpit." Oversanday's was just opposite. "David Craigie of Oversanday obtained libertie to bring out his seat in the church floor as far as the new latron, where ye precentor sitts, and to make it regular with it."* The lectern was at the eastmost pillar on the south side of the choir. This privilege was the more readily granted because, in 1674, "there was ane ewer or handsome pewter or stoup with a stroop sent from David Craigie of Oversanday, Provost, for the use of the kirk, qch was delivered to David Seattar, church beddall, and he ordained to keep it weall and cleanlie for the use of carrying water to baptismes." The name "Kirkwall" was engraved upon this stoup.

Craigie married Jean, daughter of Patrick Graham of Grahamshall, she who kept the dreadful vigil in the chamber of the frail Elspeth Ballenden.† Two daughters, Barbara and Margaret, died young, probably at Grahamshall, as they are buried in Holm. Thomas Brown records the marriage of the Provost's only daughter, Anna, to William Rendall of Breck, February 1686. After the death of his brother Hugh, David Craigie went to live at Pabdale. "Wednesday, Anna Craigie, spouse to Wm. Rendall, Fiar of Breck, depd. this life in her

* S. R., 14th October 1689. † See *ante*, p. 190.

father's house in Pabdaill, betwixt 6 and 7 in the forenoon or yrby, and was interred in St. Magnus Kirk in Kirkwall upon Friday the 3rd."*

In 1669 Provost Craigie was elected Member of Parliament for Kirkwall, but, owing to his wife's severe illness, did not take his seat, and had to get a certificate of loyalty from the Kirk Session. He was again returned in 1681 and in 1685.

When Oversanday went to Pabdale he sold the old Thesaurerie to Hugh Baikie of Burness, who removed to Broad Street from his old house at the corner of the Long Gutter.

The first Baikie of Burness was James, nephew of James Baikie, first of Tankerness, who in 1667 bought from John Sclaitter his lands of Burness, Newhouse in Redland, Benyiescart, &c.

Burness had two sons, Hugh, who succeeded, and Thomas. In 1700, Hugh sold his town house to his brother, "Mr Thomas Baikie, minister, first in ordour at the Kirk of Kirkwall," and then the southern and northern boundaries were respectively the house of James Baikie of Tankerness and that of "Mr" John Erburie, merchant.

Before purchasing, Mr Baikie asked the Magistrates, in absence of the Dean-of-Guild, "to cause appretiat the house." "Thairfore they appoynted William Young, one of the present Baillies, with William Sutherland and David Traill, two of ther Councill, to take along with them thrie workmen, viz., a wright, a measone, and a sclaitter, and there to inspect the conditione of the forsaid Tenement, and to consider what sowme the same would take to repair it."

The workmen were "judicially sworne," and they find that "The hall is totallie ruinous in Gavills and Syde-walls, and wanting Rooff and windowes," and so with the greater part of the house. They find generally that the value of the whole place was "ffyfe hundreth merks Scotts money," and that it would take other "ffyfe hundreth to make it a sufficient dwelling-house as formerlie it was."

In 1724, Andrew Baikie of Hoy, son of Hugh Baikie of Burness, not meaning to reside in Kirkwall, gave up his pew to his uncle, Mr Thomas Baikie.

The Rev. Thomas Baikie was ordained by the Presbytery of Aberdeen, 1697, and was the same year inducted in Kirkwall. In lieu of a manse he got £24 per annum.† He was a man of power in his day, and it was a day which required a powerful man to hold the first charge in St. Magnus.

He succeeded Mr Wilson, who had been a very popular minister. Mr Wilson saw the change from episcopacy to presbyterianism. He was rudely prohibited by Elphingston of Lopness from officiating in the Cathedral as an episcopal clergyman, and while he stated that he voluntarily resigned in favour of Mr Baikie, he still claimed a pastoral relation to the congregation, and insisted that to him belonged half of the pulpit. Many of the congregation adhered to him and attended the meetings held in his house in the Anchor Close. Such meetings were no doubt illegal, and should have been suppressed by the Magistrates, but these gentlemen secretly sympathised with the persecuted prelatists, and some of them attended their conventicles. The very beadle, who in Scottish churches usually represents standard orthodoxy, was at this time not above suspicion. Mr Baikie had been unwell for three weeks, and on Sabbath, 3rd January 1703, there was no pulpit supply for St. Magnus. Judge, then, of the surprise and horror of the invalid clergyman, when in his bed he heard the bells ring out their well-known peal calling the flock to assemble. Mrs Baikie, from the front window, saw the people streaming into the church, and possibly noticed Mr Wilson among them. She at once grasped the situation, and was equal to it. Hastily assisting her husband, not to dress—no time for that—but to shove himself into a decent quantity of clothing, Mrs Baikie, with the

* T. B., 1st July 1691. † S. R., 2nd May 1698.

minister, crossed the Kirk Green, marched valiantly into the church, mounted the pulpit steps, dragged Mr Wilson out, dismissed the congregation, and saw the doors locked. Although he had carefully kept his night-cap on his head all the time, it is not surprising that the reverend gentleman was none the better for his outing. Next day there should have been a meeting of Session, but the clerk's entry is—"Noe Session, Because of the Minister's great tenderness." On the week following, however, Mr Baikie was present in his war paint. He "represented to the Session that David Seater, one of the kirk officers, did upon the third instant, being the Lord's day, at the desyre of Mr John Wilson, Lait Incumbent in this place, ring the bells, and soe give occasion to the said Mr Wilson his intruding to the pulpit of Kirkwll. that day, which was the cause of much confusion."

"The Session referrs his censure untill the next Session Day." When that day came, they "judged him to have forfaulted his place, and therefor hereby doe depryve him of his office and the benefite thereto Belonging, and discharges him from doeing any office about the Kirk."

At the instigation of Captain Moodie of Melsetter, a charge of irreligion and blasphemy, uttered in sermons preached in March 1712, was raised against Mr Baikie. The Assembly took up the case, but departed from it, perhaps regarding the accusation as an act of revenge on the part of Moodie.

On the occasion of a recent visitation of the presbytery to the church of Walls, the ministers were shocked to find that the housekeeper of Melsetter had in the house three unbaptised children, bairns of the Laird. Moodie was cited as a fornicator, hence his horror at Mr Baikie's irreligion and blasphemy.

Mr Baikie married, first, Elizabeth Fea, daughter of Patrick Fea of Whitehall, who brought with her a tocher of 1000 merks. It was she who so valorously assisted her husband in ousting Mr Wilson from the pulpit. They had five sons and four daughters. His second wife was Elizabeth Traill, who had one daughter, afterwards the wife of Mr Yule, minister of the first charge. He died in 1740, in his sixty-eighth year of life and forty-fourth of ministry. Mr Baikie, his son-in-law, Mr John Yule, and grandson, Mr Robert Yule, occupied the pulpit of the Cathedral over one hundred and twenty years.

In 1738, Baikie had granted liferent of the Thesaurerie to his wife, Elizabeth Traill, with succession to his son John. Immediately on the back of this, the young man, presumably unknown to his father, borrowed from Mr James Stewart, writer, Edinburgh, the sum of £20, granting a bond over the house, the interest to run from 10th March 1738.

No interest was ever paid, and after thirty-five years the amount came to £57 2s 9d. Baikie was never infeft in the house, and, to keep himself right, Stewart procured infeftment. But soon afterwards, Mr Stewart became bankrupt, and Baikie's house passed to Stewart's creditors. This complication led to additional expense. However, the account was at length put straight, and in 1787, the minister's great-grandson, Thomas Baikie of Burness, then residing in Jamaica, sold his house in Broad Street to Alexander Fraser, "Landwaiter in the Customs of Orkney." In the year following, Fraser transferred it to Robert Baikie of Tankerness. About the same time, Burness was sold to James Stewart of Brugh.

The Sub-chantry and Archdeanery, now known as Tankerness House, seem to have been rebuilt in their present form by Gilbert Foulzie, who had occupied the southern wing in his official capacity as Archdeacon.

At the Reformation, Foulzie managed to obtain possession of both of these official residences, and making some additions, he constructed for himself a very commodious mansion. From the date above the gateway, he had completed his improvements in 1574.

His daughter, Ursula, married Edward Sinclair of Essenquoy, Provost of Kirkwall and

Member of Parliament. Foulzie's grandson, Gilbert Sinclair, married Anna Ballenden, but, whether from extravagance or other causes, he was in pecuniary difficulties all his life. Bishop Graham had a bond over his house, which he transferred to Smythe of Braco.

In 1625, we find him borrowing considerable sums, and from that time downwards his name constantly appears in the Sheriff-Court books as negotiating loans, some of them obviously to wipe off previous advances. In November 1633, he borrowed £600 from James Baikie of Tankerness, and in the same month, jointly with his father, he took another loan of 1000 merks from the same lender. In these circumstances it is not surprising that Gilbert Foulzie's mansion became Tankerness House.

Baikie is one of the oldest Orcadian family names, and is a Norse equivalent of Burn or Burns.

According to Torfæus, Paul Baikie was King Haco's pilot, 1263. The present family trace themselves back to Magnus Baikie, who held lands in Birsay in 1532, and who claimed descent from the above-named ancient mariner. Thomas Baikie inherited Magnus' property, and lived on it, but his sons, James and John, came to Kirkwall.

James was born in 1590, and starting in life without special advantages, certainly without much capital, he died the wealthiest man in Orkney.

As a merchant he was very successful. Money was scarce in Orkney in those days, but in Shetland plenty of coin was left by the fleets of foreign vessels, principally Dutch, which annually visited the islands. But Shetland was not a producing country, and it drew its supplies from Orkney. Thus Baikie and others found a ready market and ready money for all their produce. Having acquired a command of cash, he advanced loans on mortgages, and as at that time the rate of interest was ten per cent. on the best securities, his capital rapidly increased when the interest was paid, and his lands when the interest failed.

It was shortly after one of these loans, so often fatal to the recipient, that the Tankerness estate fell into his hands, and similarly, as has been seen, Tankerness House.

Along with Buchanan of Sound, Baikie farmed the Bishopric rents from the city of Edinburgh from 1652 to 1656, when, on the death of Sound, Tankerness remained sole tacksman till 1660.

On the 16th of January 1675, "James Baikie of Tankerness departed this life about midnight or thereby, being Saturday, and was interred in the South side of the Kirk of St. Andrews, where there is a tomb built by Arthur Baikie, his son, now Tankerness, upon Wednesday, 20th January 1675."*

Arthur was the second son, Thomas, the elder, having died without issue, 1674.

Possibly the former proprietor, certainly his successor, found Tankerness House somewhat too large for full occupation, for in the Valuation Roll of 1677 it is recorded that Thomas Brown, messenger, and Thomas Stewart, N.P., had "twa chalmers" in Arthur Baikie's house.

Arthur Baikie was one of the ablest public men that has ever taken part in the municipal government of Kirkwall. He had two objects constantly before him, his own interests and the interests of the burgh. The two generally went hand in hand, but when they clashed, public interest went to the wall and allowed the Baikie interest to have its way. On one occasion the Magistrates and Council of Edinburgh were appealed to that the duties on liquors consumed here might be granted to the town for the common good, and a voluntary assessment was made to defray the expenses of Provost Baikie in going south to procure this privilege. The Town Council of Edinburgh granted the favour asked, and gave Baikie a license to that effect, leaving blank spaces to be filled up by the Town Council of Kirkwall. But here the worthy Chief Magistrate, seeing an opportunity for enriching himself, took it, and, to the

* T. B.

disgust and indignation of the inhabitants generally and of the merchants particularly, brought home the document with his own name inserted as the licensed receiver of the liquor duties.

A petition was immediately drawn up and forwarded to the Lord Provost of Edinburgh :—

"My Lo., unto your lo., humbly meines and shewes, we, your servitors, David Drummond, merchant in Kirkwall ; Harie Herberie merchd. yr. ; Frances Murray, Collector ther ; William Muddie, merd. ther ; Patrick Traill, elder, Skipper ; and Patrick Traill, yor., merd. ther ; Alexander Smith, merd. ther ; David Forbes, Town clerk ther ; Margrat Grott, relict of umql. Patrick Prince, merd. ther ; Nicoll Ewenson, Tailyour ther ; Thomas louttit, merd. yr. ; William Linklater, merd. yr. ; Geo. Traill and John Caldell, merd. yr. ; John Richan, merd. yr. ; Geo. moad, wright ; and Robert Potinger, merd. ; James Baikie, George Spence, and David Moncrieff, Bailyes of the sd. brughe of Kirkwall ; Harie Herberie, Thesaurer and Dean-of-Gild of the sd. brughe, for ourselves and in name and behalfe of the remanent toun Counsell and Communatie of the sd. brughe, and uther merchands and venteners yrin, That qr. Arthur Baikie, present Proveist of the sd. brughe of Kirkwall, has caused charge us, and ilk ane of us, for our owne parts, and according to the quantities and qualities of liquors vented and sold be us wtin the sd. brughe, to mack payment to him of the pettie impost of all wynes, brandies, seck, and uther sicklyke liquors sold and vented be us within the said brughe, and also of the plack of the pynt of all ale sold be us within the samyn brughe, Conforme to ane gift thereof, allead. procured be him from your lop. upon the day of yeares. And whereupon he has lers. of horning, and therewith caused charge us, in manner forsd., within certaine short space nixt after the sds. charges, under the paynes of horning and poynding, tending for our alleac. disobedience to denounce us rebells, and put us to the horne."

After setting forth the injustice of the charges made by the Provost, the petitioners show how sore they felt that Baikie should have secured his privilege by the use of their own money. Not only had they been "cessed in ane certaine soume of moie. for procureing and obtaineing the sd. Gift, but als. an uyr. soume of moie. towards the defraying the Charger's expenses in staying at Edinr. the tyme of the obtaneing yrof. Notwithstanding of all which the sd. charger did, in a most baise and unhandsome manner, fill up his owne name yrin, and thereupone charge us in manner forsd. Swa that we, haveing not only payed for procureing the said gift, but for the sd. Charger his attendance at Edinr. the tyme of procureing thereof in manner forsd. The sd. Charger was *in pessima fide* to fill up his name in the sd. Gift, and far more to charge us therupone," etc., etc.

Arthur Baikie's audacity in this transaction commands admiration. There was no false pretension here. The Magistrates of Edinburgh had handed him a blank charter, signed by their authority, and he filled it up as he saw fit.

The Provost was head and shoulders above his fellow-townsmen in regard to the sagacious handling of all kinds of business, and he was prompt in everything he undertook. When in his walks abroad he discovered any matter requiring future looking to, he at once made a memorandum of it, and saw to it himself or brought it before the Council, as the case required. He did much business for the church, even importing timber from Norway at the Session's desire.

January 30th,* "Arthur Baikie of Tankerness departed this life at Leith, and was interred in the Greyfriars' Kirkyard at Edinboro." Since his day, many Baikies of Tankerness have taken an active part in the municipal business of Kirkwall, but among them all there has not arisen a greater than Arthur. He was succeeded by his son James.† Arthur's brother, William, by a large donation of books, chiefly theological, laid the foundation of the public library of Kirkwall. "It was ordained that a press should be builded at the expenses of the Session for the books mortified by Mr William Baikie and others to the church of Kirkwall."‡

Robert Baikie of Tankerness was returned Member for the County in 1780, but was unseated, 1781, on the petition of his opponent, Charles Dundas. He again contested the county in 1784, but was defeated by Thomas Dundas.

* 1678, T. B. † In 1686, James Baikie received a grant of arms. ‡ S. R., 17th Dec. 1689.

The state of feeling in Kirkwall at the time of these elections is brought out in the trial of George Eunson, Extraordinary Officer of Excise, in 1786, for assault on Robert Blair, shoemaker. Eunson having been convicted, raised an action against the Magistrates of Kirkwall for wrongous imprisonment, which elicited a "Memorial for John Weir, Thomas Traill, Captain John Traill, and Thomas Jameson, Baillies of the Burgh of Kirkwall; and James Erskine, John Reid, Alexander Stewart, and Samuel Murray, Counsellors of the said Burgh." The memorialists, after a very uncomplimentary biography of George Eunson from his school days to the raising of this action, state that "Mr Baikie of Tankerness, having lost two elections, the one in 1780 and the other in 1784, he and his friends were determined to be revenged against those who voted against him. For this purpose they came to the resolution of informing against some of the Memorialists as Notorious Smugglers, expecting that such information would ruin them and their families."

"Mr Baikie and his friends, finding they would fail in this attempt, thought of another expedient to harrass the Memorialists, and that was to get George Eunson made a Custom-house Officer. They accordingly procured a Commission for him, but previous thereto they gave him this injunction, both in word and write, that whatever he did he should take care of their friends, the plain meaning of which was that whatever goods he should seize, he should take care not to touch any of those belonging to Mr Baikie or his political Connections. This injunction George Eunson scrupulously adhered to; for, in several searches that he made in the Town of Kirkwall, and particularly that through the shops, of which particular notice was taken in a former memorial sent to Ednr., he took care not to trouble or molest any of Mr Baikie's connixtions, altho' he endeavoured to harrass and distress those who were opposite in principle to them. In a late examination respecting his conduct as an officer, it has been proved, even by one of Mr Baikie's own friends, that he said to him that if he happened to see anything of his he would endeavour to get out of the way. His partiality, and the extraordinary manner in which he acted towards some of the memorialists, being represented to the Commissioners of the Customs, they thought it necessary first to suspend him and afterwards to take away his Commission from him."

In 1818, Robert Baikie of Tankerness was succeeded by his son, James, an advocate living in Edinburgh. James Baikie borrowed from James Spence, merchant, a sum of £1000, and granted a bond over his property, 15th April 1818.* 3rd January 1822, he increased his debt to £5000, when Spence placed him in the hands of Alexander Macartney, Esq., manager of the Commercial Bank of Scotland, who took a bond over the Tankerness estate. This transaction led to the establishing of a branch of the Commercial Bank in Kirkwall under the agency of Mr Spence.

South of Tankerness House, and terminating Broad Street in that direction, was the official residence of the Chancellor of the Cathedral.

In the Valuation Roll of 1677, the Chancellor's house is thus entered:—"The airis of umqle Patrick Menteith of Egilshay hath ane great tenement under a sclaitt ruiff, with some ruinous houses to the west pairt of the close yrto belonging, betwixt the street on the east, the sands and oyse on the west, the land pertaining to Arthur Baikie of Tankerness on the north, and the common school passage from the school to the sands on the south."

And here it may be permitted to remark regarding this southern boundary, that had the old name, School Wynd, been retained, a piece of burgh history would have been commemorated which is now apt to be forgotten. When the Grammar School, built by Bishop Reid, sufficed for the education of the youth of Kirkwall, the Sands of the Peerie Sea served as playground, and this common passage was the way down which, after the manner of their

* The date of registration in the Court books.

kind, the boys of Kirkwall for many generations ran whooping and shouting to their mid-day sports. Though the old name of the lane has been long forgotten, the title of the recreation ground died hard. Indeed, it was transferred to the playground of the new Grammar School, which old boys now living knew as "Craig's Sands."

Egilshay had formerly belonged to the Stewarts. William Stewart of Egilshay, "ane honourable man," gave a twelve years' lease of the lands of Meness to Hugh Sinclair, July 1605.

In 1614, Robert Monteith had a charter of Egilshay and Work. He was the first of the family to hold property in Orkney. His father, Patrick Monteith, "of Fair Isle," appears as witness to a charter by Alexander Irvine, Dunrossness, 7th August 1595.* Whatever may have been the origin of the Monteiths' title to the Fair Isle, their tenure was of brief duration. When, in 1588, disaster befell the Spanish Armada, the island belonged to Andrew Umphray of Burra, and early in the seventeenth century, Sinclair of Quendale was proprietor.

"A Description of the Isles of Orkney, from the MS. of *Robert Monteith*, Laird of *Egilsha* and *Gairsa*, dated *Kirkwall*, Sept. 24, 1633," along with a fuller "Description of the Isles of Shetland" from the same pen, was afterwards embodied in Sir Robert Sibbald's work on the Topography of Scotland. Monteith's descriptions are fairly accurate, but some of his statements savour of the superstition of the age. "Sometimes they"—the Shetland fishermen—"catch with their Nets and Hooks *Tritons* and *Mermaids*, but these are rare, and but seldom seen."

Monteith incidentally shows how the merchants of Kirkwall were able to accumulate coin at a time when coin was somewhat scarce in Scotland :—"The greatest Advantages *Shetland* hath is from the fishing of Herring and Cod, which abounds so there that great Fleets of the Hollanders come there, and by the order of the State's General begin to take Herring upon *St. John's* day. And all the Summer the Inhabitants of *Shetland*, besides the Herrings they take, are constantly employed in taking Cod and Ling, which they sell, and thus in time of Peace they do flourish. In the Winter time they feed strongly upon Fleshes, for the country affords many Cows, Sheep, and Swine, and plenty of Fowles. The country affords but little Corn, and much of that often shaken by the Violent Winds, so that they must be supplied from Orkney."

From the date at Kirkwall, these descriptions must have been written in the Chancellor's Manse. Robert Monteith "eoft a tak fra William Ballantyne and his airis of the subdeanery of Orknay." Moreover, he secured for himself the rents of the Prebendarie of St. Peter, which constituted the stipend of the teacher of the Grammar School, so that the school was in 1620 without a master, but "suppleit be the ridar for the present, quha hes nothing for it."†

Monteith's first wife was Katherine, daughter of David Boswell of Kinghorn, and his second, Katherine Nisbet.

Though we frequently find him in the money market borrowing from Hew Halcro, James Baikie, and others, he does not seem to have been impecunious, for, when his eldest daughter married, her tocher good was 10,000 merks.‡ Indeed, we find him lending as well as borrowing, so that we must regard him as a speculator on "'Change."

His son, Patrick, who succeeded him, left three daughters, Marjorie, Mary, and Margaret, the "airis" referred to in the Valuation Roll. Marjorie married William, son of Alexander Douglas of Spynie ; Mary married William Monteith of Towquoy,§ and sold, 1670, for 7000 merks, her share of Egilshay to her brother-in-law ; Margaret, the third daughter, died unmarried, 1679, and Marjorie's husband became Douglas of Egilshay.

* Shetland County Families, F. J. Grant, W.S. † Pet. Rent., Doc. 35.

‡ Reg. Sh. Ct. Books, 4th Aug. 1641.

§ In 1668, Robert Stewart "off Ethay" sold Towquoy to Arthur Buchanan of Sound for 8000 merks, and, in 1670, A. B. sold to Wm. Monteith.

"When Episcopacy was restored in 1606, Alexander Douglas, minister at Elgin, was made Bishop of Moray, and held the See for seventeen years. He conveyed the lands of Spynie, as well as Morriston and Burgh Briggs, to his son, Alexander Douglas, retaining for himself and his successors the precinct round the palace." *

In 1662, "A Commission was granted by John, Earl of Middleton, His Majestie's Commissioner for the Kingdom of Scotland; William, Duke of Hamilton; William, Earl of Morton; and Sir Andrew Ramsay of Abbotshall, Knight, Provost of Edinburgh, to Alexander Douglas of Spynie,† to be their Factor and Chamberlane and Bailzie of the Earldom of Orkney, Lordship of Zetland, and udal lands thereof," with instructions "to prosecute and follow forth all actions of reduction of Vassals, Infeftments of the said Earldom, Lordship and udal Lands, and uyr wayes to quarrell and impugn the samyne as accords."‡ His chief aim was to feudalise all the udal lands in the earldom.

Douglas came to Orkney, and, as the representative of Lord Morton, took up his abode in the Palace of Birsay. But, riding on his commission and taking advantage of the non-residence of Bishop Sydserff, he also seized the Earl's Palace in Kirkwall; and one of the first cares of Bishop Honyman when he came north in 1664 was to prosecute Douglas of Spynie and Patrick Blair for possession of his Palace. Alexander Douglas died when Provost of Banff, in 1669,§ and, as has been seen, his son William became Douglas of Egilshay in 1679. About the same time the Spynie estate was sold to James Brodie of Whitehall, a cadet of the family of Brodie of Brodie.

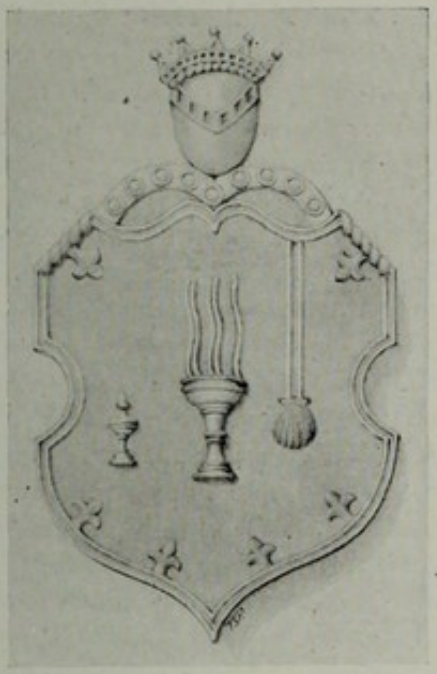
Sir Alexander was the next Douglas of Egilshay, to be followed by another William. The provision made by the latter for the widow of the former shows the requirements of a dowager of good position at the beginning of the eighteenth century. "6th Feb., William Douglas of Egilshay, etc., for as much as Dame Janet Scot, Relict of Sir Alexander Douglas of Egilshay, has assigned to me, William Douglas of Egilshay, a yearly jointure of 1000 merks for 16 years, commencing from this present year, 1725, binds myself to pay to the said Janet Scot, or her order, at the House of Egilshay, yearly, the sum of 100 merks, with six Lispunds good and sufficient white wool for the said space of 16 years, at Whitsunday, and to commence this year, 1725, also to provide the said Janet Scot and her Servants in sufficient bed, board, and maintenance at the house of Egilshay suitable to her degree and quality as the relict of the said Sir Alexander Douglas of Egilshay, with the service of spinning in the Isle of Egilshay, after former custom, when required, for the space above mentioned, under penalty of 500 merks. Witnesses at Manor house of Egilshay, Robert Douglas, my Brother; Mr Andrew Graham, Student of Divinity at Orkney; and Hary Miller, Writer, Stromness, Writer of this Deed."

A tradition exists that a Miss Douglas of Egilshay, having been pursued by some of Cromwell's soldiers, escaped into Tankerness House, and young Baikie, getting her into a boat at the foot of the garden, carried her safely home to her own island. Of course, the two were married, and lived happily ever afterwards; thus Egilshay fell to the Baikies. The doorway at the foot of the garden by which the fugitives escaped still exists, a silent witness of the truth of the story.

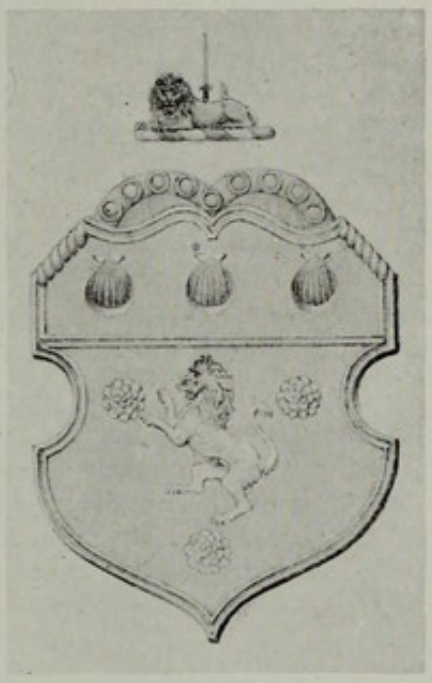
But the fact is that in 1737, nearly a century after Cromwell's death, James Baikie of Tankerness married Janet, "only child procreate betwixt William Douglas of Egilshay and Elizabeth, daughter of Thomas Traill of Holland," and thus the island passed from Douglas to Baikie.

In 1701, the Chancellor's house became the property of James Stewart, Commissary of Orkney, and a few years later it passed to Stewart of Burray. While Sir James was in exile on the Continent, it fell into such a ruinous condition as to call forth a remonstrance in the

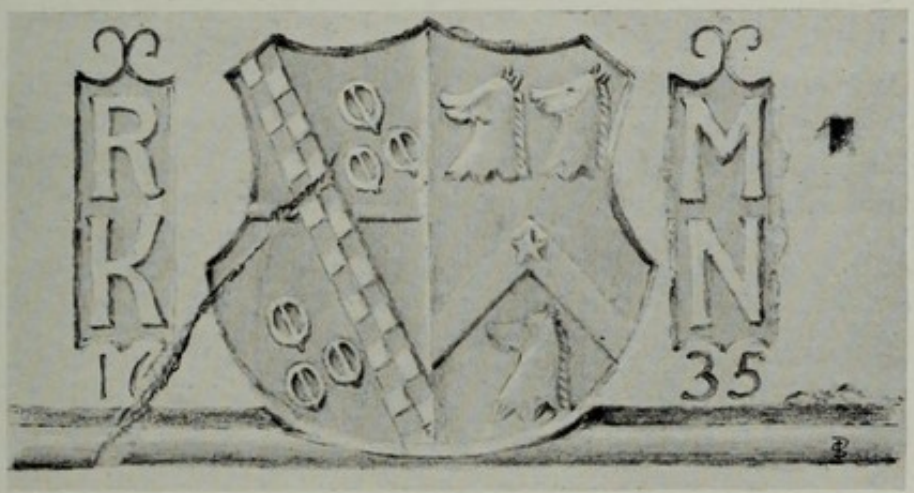
* Shaw's History of Moray. † Grandson of the Bishop of Moray. ‡ H. L, § Shaw.



Arms of Smyth of Braco.



Arms of Bishop Graham.



Arms of Robert Monteith of Egilshay and Katherine Nisbet,
his second wife.

form of a petition from the master of the Grammar School to the Dean-of-Guild, which "Humbly sheweth that there's an old House at the head of Broad Street, Belonging to the Honourable Sir James Stewart of Burrow, which is void and without any possessor,* Because of its insufficiency and almost ruinous condition ; also, by all probability, the west Side of it will shortly fall if not Speedily taken care of ; Which house stands close by the School Wind, where the Youth Committed to my Care Do frequently Expose themselves to Great Danger, as having occasion often to Pass and Repass that way ; Wherefore, to prevent any accident to the said youth, that it may be hastily taken Care of, is required and Intreated by, Sir, Your Most humble Servt., (Signed) GEORGE REID."

The Dean-of-Guild appointed four competent tradesmen to *view* the house in question and to report upon oath. They declared the building to be dangerous, so the Dean wrote to Lady Stewart on the subject, and it was repaired.

On Burray's death, the Earl of Galloway, as next-of-kin, became owner of the Chancellor's manse, and his son, Lord Gairlies, in 1781, sold it to Robert Baikie of Tankerness.

Separated from the house of the Chancellor by a passage too narrow for the modern purposes of street traffic, with its north gable to the Broad Street, is the house known as the "Chaplain's Chambers"—the chaplain being doubtless the clergyman in charge of the Chapel of St. Mary, in the Laverock.

In 1617, it was occupied by Mr Patrick Inglis, minister of Kirkwall, Prebendary of St. John, Prebendary of St. Peter, and therefore master of the Grammar School. When, in 1634, the Act against plural offices among the clergy was passed, Mr Inglis gave up the school and the emoluments of St. Peter's stouk, which constituted the teacher's stipend.

Mr Inglis' glebe, as seen from the windows of the Earl's Palace, was a Naboth's vineyard in the eyes of Bishop Graham. "The Room of Glatness, in the said parish of St. Ola, which lies upon the south shore of the Oyse, and pays yearly upwards of twenty bolls of malt, was the minister's glebe. But the said Bishop Graham, looking out at his window one day when Mr Patrick Inglis, minister of Kirkwall, and other ministers were with him, and viewing Glatness, said—'Mr Patrick, I must have that Room of Glatness from you, and I will give you the Room of Corse for it, because it lieth in mine eye' ; whereunto Mr Patrick, whispering the Bishop in the ear, said—'Deil pick out that greedy eye, my Lord, that would take *Gladness* from me and give me *Cross.*' But the Bishop accordingly did it, and after that, thinking the Room of Corse too good yet, took that away and gave the Room of Quoy Banks, which is not in value above £8 sterling yearly, and sometimes let below it. Thus the Bishops served their brethern." †

After a ministry of over twenty years in Kirkwall, Mr Inglis was translated to Birsay and Harray in 1635. He died in 1639. His free gear, as returned by Helen Blaikietoun, his widow, amounted to £1123 12s.

Shortly after the death of Mr Inglis, the Chaplain's Chamber became the property of Arthur Baikie, and, except for a very short interval, when it belonged to Mr Riddoch, it has remained in the hands of Baikies ever since. In the Valuation Roll of 1714 it is entered thus :—"Robert Baikie of Tankerness hath an house under sclait roof on the east side of the street,‡ possest as a meeting-house, at the head of the Broad Street."

In the titles of Arthur Buchanan of Sound, 13th July 1659, this place is carefully described :—"All and Haill the five chalmers called the Chaplain's Chambers, boundit and having the close entrie to the Sub-Dean's Lodging on the east, the Sub-Dean's Lodging on the south, and the remanent Chaplain's Chambers pertaining to George Inglis on the north." And it is this remanent portion which was the Meeting House.

* Tenant. † M'Farlane MSS., Advocates' Library. ‡ Now Victoria Street.

Throughout Scotland, from 1560 to 1688, episcopacy and presbyterianism had a fierce struggle for supremacy. The history of this Holy War may be summarised :—

I. From 1560 to 1572 presbytery prevailed. The first General Assembly met in Edinburgh, 20th December 1560.

II. 1573-90 episcopacy ruled. This was the time of the "Tulchan Bishops." "Mr Patrick Constan, who looked to have been preferred to that bishopric* by the moyen of the Clerk of the Register, shooting short, preached against the course. In his sermon he made three sorts of Bishops—"My Lord Bishop," "My Lord's Bishop," and "the Lord's Bishop." "My Lord Bishop," said he, "was in time of Papistrie ; My Lord's Bishop is now, when my Lord getteth the benefice and the bishop serveth for a portion out of the benefice to make my lord's title sure ; the Lord's Bishop is the true minister of the Gospell."

My lord's bishop was the "Tulchan bishop." "A Tulchan is a calve's skinne stuffed with straw to caus the kow give milke. For the Lords got the benefices, and presented suche a man as would be contente with the least commoditie, and sett the rest in fewes, tacks and pensions, to them and theirs." †

III. 1592-1606, presbyterianism had its turn, and the Scottish parishes were grouped into Presbyteries and Synods.

IV. 1606-38, another turn of the wheel brought about the re-consecration of bishops.

It was, of course, impossible that men could really change their minds with every change of church government, but it became dangerous to express opinions derogatory of the new prelates.

Thomas Hogg, minister of Dysart, had spoken against the Five Articles of Perth, and was summoned to appear before the General Assembly in 1619. But the Five Articles would have been allowed to take care of themselves had the reverend gentleman treated his ecclesiastical superiors with due respect. The head and front of his offending was plainly put by Spottiswood, Archbishop of St. Andrews :—"'Mr Thomas, it cannot content you to declame vehementlie in your sermons against the estate and course of bishops, but also ye pray ordinarlie efter sermon against belligods and hirlings.' Mr Thomas answered that he prayed ordinarlie against belligods and hirlings in the ministrie, conforme to the common prayer conteaned in the Book of Discipline. The Archbishop replied—'When ye pray against belligods and hirlings, the people applyes that prayer to us that are bishops.' The minister retorted that he could not be answeirable for the people's application of his prayers, saying that if the people had failed to the bishops, he had noe reason to trouble himself for the alledgit offence of the people. Then the Archbishope, in great indignation, said—'In short space that Book of Discipline sall be discharged, and ministers sall be tyed to sett prayers, and sall not be suffered to conceive prayers as they please themselves.'"

Law, formerly Bishop of Orkney, then Archbishop of Glasgow, conferred privately with the stubborn Hogg, but without avail, and "the clerk redd the sentence, which was that they had suspendid the said Mr Thomas from his ministrie, and had ordered him to goe to Orkney within the space of fourtie days thereafter, to be confeyned there during the King's pleasure and will."

Banishment to Orkney was no doubt bad enough, but was a light punishment compared with what had been threatened by his judge in course of the trial :—"Mr Thomas, take heid to yourself, for ye perill your craige." ‡

Another clerical exile in Orkney, the Rev. Wm. Fowler, minister of Hawick, gives expression to his sad musings :—

* St Andrews. † Calderwood, iii. 206. ‡ Calderwood, vii. 365.

"Sonet in Orkney.

" Upon the utmost corners of the world,
And on the borderis of this massive round,
Quhaire fate and fortune hither hes me hurled,
I doe deplore my grieffs upon this ground ;
And, seeing roring seis from rokis rebound,
By ebbs and streams of contraire routing tyds,
And Phoebus' chariots in their ways ly drowned—
Quha equallye now night and day devyds—
I call to mind the storms my thoughts abyds,
Which ever wax and never dois decress ;
For nights of dole, dayis joyes aye ever hyds,
And in their vayle doith all my will suppress :
So this I see, quhair ever I remove,
I change bot seis, bot never change my love." *

This gentleman was afterwards Secretary to Queen Anne, wife of James VI., and accompanied the Royal household to England, where he died, 1612. His experience of Orkney was in 1587.

In 1608, Margaret Hartsyde was tried in Edinburgh for stealing the Queen's † jewels. "It was a *cause célèbre*, the real reason of the prosecution being, according to the gossip of the Court, that she had revealed some of the Queen's secrets to the King, 'wch,' says Balfour, 'a wysse chalmbermaide wold not haue done.' Although defended by the best men at the bar, the maid was found guilty, declared infamous, and banished to the Orkneys." ‡

On the 24th of March 1663, Alexander Smith, A.M., minister of Colvend, Dumfriesshire, was, along with others, cited before the Privy Council. Smith promised to give up his manse and parish and to desist from preaching. By this the good parson must have meant that he would not preach in public. But having taken a house at Leith, he gave "At Homes" for evangelistic purposes. For this he was condemned as a conventicler, his crime being aggravated by want of respect to Archbishop Sharp, a member of the Privy Council, and was "led by the town hangman to the Thieves' Hole, to be confined by irons on his feet and legs, where he continued three days, until the kindness of the citizens made the bishops ashamed. He was next removed to another room, where he fell sick, and was in danger of his life."

Shortly after this, Mr Smith was banished by the Court of High Commission to an uninhabited island in Shetland, where barley was his only food, and wreck and sea-weed his only fuel. He was brought back in 1668, and committed to the Tolbooth of Edinburgh. After fourteen days' confinement, he was transferred to Orkney, and, to mark the heinousness of his offence, North Ronaldshay was selected as his place of exile. The order for his banishment, dated at Edinburgh, 24th July 1668, runs :—"The Lords of His Majesty's Privey Council doe hereby give and command ye, David Richardson, skipper of the ship called the James, of Brunt Iland, to receive the person of Master Alexander Smith, prisoner in the tolbuith of Bruntiland, as soon as he shall be offered be the Magistrates yrof, and ordains him, in his sd. ship, to transport the sd. Master Alexander Smith to Orkney, and to delyver him to Shrff. Blair, who is hereby ordered to send him to ye Island of Northronandshaw. And ordains and commands the said Mr Alexander Smith to confyne and keep himself within ye sd. island, as he will be answerable."

The sheriff gave the skipper a receipt for the minister, and forwarded the reverend gentleman to North Ronaldshay. On his arrival, Mr Smith wrote a long and interesting letter to Sherift Blair, but he expressed no penitence. On the contrary :—"The poor inhabi-

* Favoured by Rev. D. W. Yair, of Firth. † Anne of Denmark, consort of James VI.
‡ Omond's Lives of the Lord Advocates, i. 101.

tants, so many as I have yet seen, have received me with much joy (as I apprehend). I intend, if the Lord will, to preach Christ to them next Lord's day without the least mixture of any thing that may smell of sedition or rebellion. If I be further troubled for it, I resolve to suffer further wt. meekness and patience." Mr Smith afterwards returned to Edinburgh, and died in his house on the Castlehill, 21st February 1673.

V. 1638-1660, General Assemblies annually held, though Colonel Liburn—"Freeborn John"—with a file of musketeers, dissolved the meeting of 1653.

VI. 1660-1688, episcopacy restored by the King's prerogative—persecution ; 400 ministers ejected, 1663.

VII. From 1688 to the present time, presbyterianism has been the established form of church government in Scotland.

During the greater part of the struggle, Kirkwall adhered to its own peculiar episcopacy, which was simply presbyterianism with a bishop as minister of the first charge in St. Magnus and as moderator of the Presbytery and Synod. The church government was in the hands of the elders, and the communion was observed by the congregation seated at tables.

But when episcopacy was abolished by law, and presbyterianism was by law established, there was trouble in Kirkwall. Mr Wilson, minister of the first charge, was in 1694 deprived of his office by the Privy Council. In 1713, he took advantage of Mr Baikie's illness and the beadle's good nature to intrude himself into the pulpit of St. Magnus, from which he was ignominiously ousted by the invalid minister and his wife. Mr Wilson, however, found that he had many adherents in the town, and for a time he conducted an episcopal service in his house in Bridge Street. But the civil authority, which a few years previously had prohibited presbyterian meetings even on the hillsides, now declared episcopal services contraband, though held in private houses, and Mr Wilson left Kirkwall. The zealous Orcadian anti-presbyterians, however, were not to be coerced into attending the Cathedral. Though the form of worship there remained unaltered, there was a spice of oppression in the compulsory change of name, and this was resented and resisted by a pugnacious minority. Prominent among the episcopalian rebels was Robert Baikie ; hence, when Mr Wilson went south, and the old mansion of the Irvines of Sabay was no longer available for conventicles, the Laird of Tankerness placed the chaplain's chambers at the disposal of the persecuted remnant.

Whether or not he drew a rent from the Meeting House, we have no means of knowing, but we do know that the town levied cess on the congregation, valuing their sanctuary at fourteen pounds yearly. Not only was Baikie determined to do his own worshipping in his own way, but, in the true spirit of Christian sectarianism, he spoiled the Egyptians when he could, and carried the war into the enemy's camp. Thus, when an absurd charge of sheep-stealing was trumped up against Mr Sands, minister of Birsay and Harray, Mr Baikie had something to say in the matter. Sitting at Birsay, three Justices—Craigie, Honyman, and Ritchie—had investigated the case and acquitted the clergyman. But Sands had been loud in his opposition to the episcopal conventiclers, so Mr Baikie, with two friends—Mudie of Melsetter and Patrick Græme, yr. of Græmeshall—sat in Kirkwall on Mr Sands, and condemned him unheard. The result was that the minister of Birsay had to go south to be whitewashed, when the charge was seen to be so utterly nimious, that the Lord Advocate, Sir David Dalrymple, would not allow it to go to trial.

The little congregation in the Meeting House, in spite of all efforts of Session and Presbytery to suppress it, continued, if not to thrive, at least to exist till after the Jacobite rising of 1715. In these days of religious toleration, when it is conceded that the Christian pilgrim may choose his church as freely as an ordinary traveller chooses his hotel, we would be moved to indignation by the treatment which the episcopalians received from the presby-

terians in Kirkwall, but for the want of common sense evinced by the leaders of the persecuted party. Far from the centre of executive control, and patronised by the most influential of the local gentry, the rulers of the little Anglican synagogue became offensively aggressive. Mr Lyon, the episcopal clergyman, absurdly insisted that he had a right to examine the Grammar School, a claim which no other dissenting minister ever put forward.

Again, he was so ill-advised as to make in the loyal burgh a very fussy demonstration in favour of the Pretender. "On Michaelmas Day, 1715, not a month after the Earl of Mar had set up his standard in Aberdeenshire, after divine service and sermon by Mr Lyon in the meeting-house at Kirkwall, he proceeded with several gentlemen to the Market Cross, where Mr Drummond read a paper proclaiming the Pretender King. Mr Spence, who was present with Mr Lyon, both of them in their preaching gowns, joined them in drinking the health of King James VIII."*

This proclamation, with the health-drinking, was all the part Kirkwall played in the "Fifteen," and the worst results were the temporary incarceration of a few of the episcopal rebels in the tolbooth of Kirkwall. The Provost—David Traill of Sabay—and his son were evidently disaffected persons, and the rest of the Council, perhaps fearing further inquiries, tried to bring them to reason, if not to loyalty. We have seen that Sabay's town house was at the east corner of the Ramparts, but at the time under consideration, he found it pleasanter to reside in the country, though it was in the depth of winter.

13th February 1716, "The Magistrates and Councill, considering That, because of the present Troublesome times, there was some time agoe a letter write by the Clerk at appoyntment of Two of the Baillies, and sent to the Provost, Desiring he might have come in to Town and Keeped Councill to Consert anent the Safity of the Government and Burgh. To which letter the Provost returned an answer, which being now Read in Councill, is not thought satisfying. Wherefore they have instantly wrote ane oyr Letter, which is subscrived by the Magistrates present, and to be sent express to the Provost, Desiring againe he may come in, Call ane Councill, and take Joynt measures with the Magistrates and Council annent the Affaires of the Burgh with respect to the times. As also ane oyr Letter to the Provost his sone, Desiring that he, being one of the Town's Captains, may come in before Thursday next, when there is to be a Generall Randeyvous of the whole Inhabitants. And they appoynt the Clerk to Issue furth a proclamation, to be published by Tuck of Drumb through the Towne this afternoon, Advertising the haill inhabitants within Burgh, without exception, to have their whole airmes, as well Gunns as Swords, well Drest and in Good Order, to be sighted at a Generall Randezvous, by the Rexive. Town Captons, Lewetennents, and Ensignes—The up-the-way Companie upon the Broad Sands, and the Downe-the-Gate Companie upon the Aire of the Burgh—about Two of the Clock in the afternoon. The Magistrates and Council appoynt David Strang, Andrew Liddell, and Robert Morrison, three of their number, to go through the haill Towne this afternoon, and inquire where there's any Powder and Lead to be Sold, and to make a note thereof, and to Discharge any person who has any powder or Lead to putt away or Dispose upon any yrof without express order from the Magistrates, But that the same be all keeped for the use of the Inhabitants in Defence of the Government and Burgh."

Three months later the Council demonstrated the thorough loyalty of Kirkwall in characteristic style:—"Nine pound eight shillings Scots" was the cost of "the Brandie, shugar, etc., furnished at the Cross upon the King's Birth Day, the Twenty-eight of May."

Mr Lyon continued in Kirkwall till 1717, and his treatment by the Presbytery furnishes an excellent example of how Christians love one another when they belong to different sections of the Church. He has left one contribution to the literature of the county—a letter in reply to an attack made upon him by Mr Sands, minister of Birsay. The personalities are now the only interesting points in the controversy. From them we learn the relative sizes of the belligerents. Mr Lyon writes:—"It might have satisfied your Modesty once to have expressed your judgment of my ill-furnished Head in a public Company without inserting it

* Craven, Episcopal Church in Orkney.

here in your letter. Only I must tell you I have made it my business to fill the *upper story of my tall, high building* (you'll remember your own words) with solid and rational principles. You'll perhaps be obliged to turn souldier, but your height may be will not fill the guage."

Mr Lyon's widow long survived the troubles of the Meeting House, and it is pleasant to find that in straitened circumstances she was not entirely forgotten by those who had formerly adhered to her husband.

A letter addressed to Andrew Young of Castleyards begins :—

"Dundee, 26th Dec. 1754.

"Dear Sir,—I'm favoured with yours of the 14th of Novr. last, and, according to your desire, did pay Mrs Lyon in this place five Guineas. Her receipt therefore is herein inclosed, & which sum was paid back to me by your Cusine, Mr Jno. Young, at Edinr. upon the first advice. The old Gentlewoman seemed very glad at the receipt of the money, and made ample acknowledgements, as it came in a most seasonable time, her circumstances being now far short of what possibly you have seen.—Your affect. Cusine & Most Obedt. Servt., (Signed) ARCHIBALD YOUNG."*

The theatrical Jacobite display at the Market Cross gave trouble to the best friends of the episcopal cause in Orkney. It did more. It played directly into the hands of the presbyterian party, in so far that no man could leave Kirkwall for any part of Britain without a certificate of loyalty from the Session or Presbytery. In 1716 certificates of loyalty were granted to George Gibson, David Strang, and George Richan "on account of the rebellious practices of some." In May 1717, Andrew Young of Castleyards, who, in the troubles between Cathedral and Meeting House, had "damned" the presbyterian ministers as a "pack of knaves," learning that representations had been made to the Government of his having been "accessory to the late rebellious practices in this place," asked and received, on his going south, a certificate of loyalty from the pliable Session.† Thus, what persecution could not accomplish, self-interest did, and episcopacy in Kirkwall, having become inconvenient to its adherents, died a natural death.

The story of the Meeting House troubles has recently been told with an episcopal bias, natural in the circumstances.‡ No minister of the Established Church of Scotland would feel any pride in narrating the presbyterian side of that story. §

Bishop Reid's College Buildings remained church property far into protestant times, and they were secularised in separate portions. Patrick Smythe of Braco acquired from his father-in-law, Bishop Graham, the detached school-house at the back, which in his time contained "two chalmers and a stable." The stable, which had been a third "chalmer," was converted to suit Mr Smythe's convenience. Patrick Smythe was in his day the busiest man in Orkney. He was Commissary or Sheriff of the Bishopric. Smythe and the Bishop were always on the best of terms, and Catherine Graham's husband got a good slice of the church lands. "Within the parochin of Holme there is fewed yrof be ye lait bischop to Patrick Smith of Bracoe the lands of Boescaille, Holmes, Quoybarnets, Lamon, Viggal, Maill, and certain lands in Vailley, Graves, Ackerbister, Westerbister, Hensbister be west and be east, with ye mylne of Holme for payment of the dewtie conteynit in his charter, qlk conforme to ye rentall."

Concerning this the Bishop says :—"Manye hes coft bits of vdillands frae the vdelleris ; hes sold bits of vdillands to be holden of the Bishope of Orkney and his successors ; not one

* Favoured by Mr T. W. Ranken. † See *ante*, p. 211. ‡ Craven's Episcopal Church in Orkney.

§ Churches, like dogs, have their day, and, with true sectarian instinct, the stronger will try to worry the weaker. Dissent is now dominant in Kirkwall, and why should its history be devoid of a "Meeting House" episode? Not long ago the civic rulers, assuming a right of proprietorship in the Cathedral, tried, fortunately without success, to evict the E.C. Young Men's Guild from their meeting place, the south transept chapel of the Cathedral.

of yame reserved or entered for great reasones moving me, only Patrick Smith lang agoe is both entered by me and confirmed be the King be my advyse ; gude reasones moving both him and me yrto." *

Besides the above lands, Smythe had "a tak of the viccarage of Stromness" ; "a tak for some teynds of the prebendarie of St. John" ; and the Bishop says—"He disponed the vicarage of Sandwicke to a son of mine."

He lived at Holm in the House of Meall, now Græmeshall. Concerning the old house, A. M. S. Græme, Esq. of Græmeshall, writes :—"There were three dates on the house, viz., on door, 1626 ; on fireplace in wing, 1659, which was perhaps the date of Patrick Græme's marriage ; and on dormer window of kitchen, 1644."

With the utmost respect for Mr Græme's opinion, it is here suggested that the date, 1626, probably marks an addition by Smythe to the old house of Meall ; 1644, evidently an extension by Smythe ; and 1659, improvements by Patrick Graham of Rothiesholm, who bought the Holm property from Smythe's son, and who named the house Grahamshall.

After the death of Catherine Graham, Patrick Smythe married Margaret Stewart, daughter of Henry Stewart, brother of Lord Ochiltree, and widow of Hew Halcro of that ilk. Lord Ochiltree's connection with Orkney was not a happy one. He farmed the rents of the earldom, but for his oppressions and for tampering with the weights he was deprived and sentenced to a long term of imprisonment. †

Smythe's third wife was Isobel, daughter of Thomas Anderson in Lundie. A stone erected to the memory of two daughters of this marriage stands in the south nave aisle of the Cathedral.

Smythe had twenty-three legitimate children and at least three natural daughters. One of the latter married Harie Prince, and her son, Magnus, became Lord Provost of Edinburgh.

Braco was drowned in the Stronsay Firth, and his death is thus recorded in the Family Bible :—"The 28 of April 1655, it pleased the Lord to remove my Father, Patrick Smythe, being Saturday, coming from Stronsay in the night tyme." The body was recovered and buried in Papa Stronsay, where the spot is still known as Sir Patrick's grave.

His eldest son was killed fighting on the Royalist side at Marston Moor, 1644. His second son also predeceased him. His third son, Patrick, who succeeded him, sold the Holm property to Patrick Graham of Rothiesholm, 1665, and bought his uncle's estate of Methven. In a rhyming letter, inviting Patrick Smythe to come to Brebuster, 3rd November 1665, occurs this couplet :—

> "As for your good uncle, leave him not in bands,
> For well hath he paid for your beves and your lands."

This letter, still preserved in Methven Castle, is endorsed :—"Sheriff Blair's Letter from Brabuster when I sold my lands in Orkney, 1665."

Braco's letters to his son, Patrick, so far as they go, form an excellent history of Kirkwall under the Commonwealth, and show how circumspectly the gentlemen of Orkney required to walk in the presence of Cromwell's Governors.

From Huip in Stronsay, 28th May 1650, he writes to his son, "Patrik Smythe, Merchant Burges of edinburgh" :—

"Quhat busie trouble and vexation since your parting fra this, God knowes, and quhat burden I have had of these pepill, and quhat charges they have put me to this tyme bygone, I am nocht abll to expres, for I wes extremely prest be them both for money and victuall, as I sall shaw at meiting. I resauvit only fra you (since our parting) ane letter, quhairin ye shaw me in quat condition maters stood, and therefor desyrit me to cum south wt. all diligence for taking cours wt. the same, quhilk I

* Pet. Rent. † Pund. Proc., ii. 7.

could on no wayis gett don albeit it head stand me on my Lyff, in respect these pepill Keepit sick ane strick ey ouer me and all my wayis, that I durst attempt nothing but quhat wes for them, as ye must haue perseauit quhen ye was heir. I resauit a very kynd letter fra Loutenent generall Lesly, quhairin hie showes me the daylie corispondence that is betwixt him and you. Son, I intreat you, as ye Loue me and your auin weill, have ane speciall cair to Intertein that fauour and Loue that ye have of the Loutenent generall and with my goodbrother, the generall Quartermaster, * for I know they are both kynd to ther freinds. Upon the 19 off this moneth ther cam ane Letter fra Loutenent generall Lesly to the gentilmen in this cuntry, shauing off the agriement betwix his Matie. and the comissioners, and that his Matie. wes cum home, and, notwithstanding of all, he desyrit that we should be active in aprehending all officars, that wes in this cuntrey or did cum to it, that wer followers of James Graeme, and that we suld rid the cuntrey of all these pepell and not suffer them to have any siting heir, as also he desyrit that all gentilmen in this countrey sould cum south against the 10 day of Junii and copeir. before the parliament or ther comitties. Conform to the quhilk letter, we mett all in Kirkwall ye 22 of this instant, and took the best cours we were able for cleiring the cuntrey of these pepill and aprehending of sick as lay in our pouer to do; and efter resuming at our meiting, we fand it wes a thing unpossible for us all to go south and so lay the heall cuntrey opin to the invasion of piritis, foran shippis, and the pepell belonging to James Graeme, quha wes on our costis and daily cuming ashoir in ane part or other in the cuntrey and plundering our scheip and bestiall. So we resoluit and did chose out 8 off the ablest men in the cuntrey to go south for themselves and as comissioners for the rest of the cuntrey; amongst the quhilk number they mead chuise of me for ane. I houp we sall all do our best to keip the tyme so neir as possibly we may, for, God-willing, I intend to taik my journey on Tuesday the 4 off Junii, and giff his matie. and the parliament or ther comittis be at aberdein (as I heir they ar), I intend to goe ther derekly and atend ther pleasour thair. So, giff ye find the court to be ther ye wilbe pleasit to meit me so shun as possibly ye can efter the said tent day of Junii, for I desyr very much to speak wt. you befor I meit wt. anie ther that, after advysement, I may taik the best and farest cours quhat to do; the relation of all uther particullars I continue till meiting, quhilk I beseik the Lord may be happy to his glory and our auin salvation, and so I remain,—Your Louing father, (Signed) P. Smythe off Braco.

"Houip, in Stronsay, ye 28 Maij 1650.

"ffor my Louing son, Patrik Smythe, Merchant Burges of edinburgh, or in his absince, for my louing Cussing, Jhon Smythe, merchant Burges of the said Bruch."

From instructions sent to his son in a postscript to this letter, we discover that Smythe had money on loan in the south :—

"Louing Sone, this berar, Mr Alexr. Wood, cam fra this so suddenly that I could nocht haive tyme to taik cours with him for the moneth and half monethis maintinance grantit for his Ma'ties' Interteinment; therefor I intreat you ather to pay to him or alloue him off the money hie restis you so much, as I am deu to him for my self, my nevoy, and halcro, and Mr Patrik Græme for the said monethis maintinance as followes :—for myself, for holme, 16 lib. iis.; for St Olau, 13s 6d; for Waes, 2s; for Stronsay, 18 lib. 15s; Inde, 26 lib. 1s 6d; for halcro, for his Landis in South Ronaldsay, 16 lib; Georg Smyth, for his Lands in holme, 22s 4d; for Westray, 10 lib. 16s 6d; for his wodsett ther, 10 lib. 6d; for Stromness, 8s; Inde, 22 lib. 7s 4d; Mr Patrik Græme, for holme, 4 lib. 9s 8d; for St. Olau, 3 lib. 13s 6d; for Stronsay, 23 lib. 16s 2d; for Shapanshau, 19s 4d; Inde, 32 lib. 18s 8d. Suma. of all that ye ar to pay or allou to him is 107 lib. 7s and 6d, quhilk money ye will pay or allou to him as I have wreattin, and taik his resait thereon for euerie one off us, & Lett the resait bear for our proportion of all the particular Landis, and Lett the tickit bear that he, hauing pouer and Comission fra Sir Darell Carmichell for uplifting the same, discharges us thereoff; and so shun as ye haue endit wt. him and gottin thir resaitis, send them all to me wt. the first occasion. I haue no forder to wreat to you at the present than this trustie berar can shau, nather mynds to wreat any thing to yeu till I hear fra you, quhilk I expeckit Long since. So, hauing no forder at present bot my Loue remembrit to your self & all freindis, & specially to the general quarter master, the major, good balgoun & Gorthie, —I remain, Your Louing father, (Signed) P. Smythe of Braco.

"Burray, the 8 Junii 1651.

"ffor my Louing Sone, Patrik Smythe, These."

In another letter, he wishes to know how the cat is likely to jump; plainly doubtful of the permanency of the Commonwealth, he yet dares not show Royalist leanings :—

"Louing Sone, hauing the occasion of this berar, I have thocht good to wreat to you, albeit I have Leitel purpoise except quhat I wreat formerly to you before the 23 off october with Benhom his

* Stewart, a brother of Braco's second wife.

man, Wm. Sinclair (quha promisit to seik for you and delyuer my Letter to yourself), quhilk wes that ye would try diligently quhat wes the cours off the Kingdome for ther saftie in this tyme of so grait exegence, and wreat the same to me. I desyrit you to advyce wt. my twa noble reall freindis, Balgoun and the generall quartermaster, houe all went, and that ye wold be ther advyce do for me and the rest of our freindis heir for our saftie as the rest of the Kingdome did : the freindis I wreat off is the Laird off Mains,* Mr Patrik and Jhon Græme, Georg Smyth of Rapness, hew halcro off that ilk, George drumond off Blair, and Patrik Monteith of egilshau ; so I am confidant that ye will do what ye can heirin be ther advyce, quha I knou will giff it you really for our weall, for I desyre nather to be first nor last in taking cours ; forder, ye will try quhair ther is apeirance of best mercat for our cornis this yeir, and to quhat place they may be safliest transportit, for, godwiling, I will haue all my cornis redy against the first off March to be sent to the markit, and shall do my best to haue Uessellis fraughtit for transporting theroff as you aduertise me. I haue all my last yeiris cornis and this yeiris, both to be sent to the markit, for I got Leitell or nane sold the Last yeir ; try giff the coledg of St. Andreus, or any other coledg, is to meit this yeir, and in quhat saftie youthis will be in ther, & advertise me, for I wold glaidly haue my two neuoyis and sone to the colledg, giff they can go and cum in saftie and remain safly ther ; advertise quhat ye haue gottin or expeckis fra my tenentis besyd you, and in quhat cais they ar, and quhat monethly maintinance or cess is imposit on them this tyme bygone. So, hauing no forder for the present bot my heartly loue remembrit to good, kynd, reall Balgoun & all his famalie, to Gorthie and his Lady (and advertise me houe they ar and houe all gois wt. them), and to my reall brother, generall quartermaster, and his Lady, and your self, and all uther freindis,—I remain, your louing father, (Signed) P. Smythe of Braco.

" Meall, the 6 Noumber 1651.

" the hors ye sent me wt. my man is Leitel wurth ; my auin I Lent you wes far better. So, giff ye haue occasion to meit wt. the Major, ye will remeber. me hartily to him, and desyer him ather to send me my auin hors, or ane ather as good as he promisit to me be his Last Letter to me.

" ffor my Louing Sone, Patrik Smythe, merchant in edinburgh, to be found at Scon, Gorthie, or Dunkell, These."

Smythe shows how Cromwell's soldiers were raised and supported in Kirkwall :—

" Fra James Gori, in Toftenes, ye 17 day, that he rested for his part of the outputting ane sojer, ye Last year, 6 lb."

" For ane troupe horse to put furth in July 1650, and for ane man to ryd on him, and for all charges yrto, besyd ane hat, sword, butt-hois, and spurs giffin to him be my sone, besyd quhat I resaivit fra the tenentis for the man."

" Mair, for 3 swordis, 2 beltis, 2 musketis, and ane pick to my 3 sojers, 25 lib."

" Mair Lent to the tenentis of Myrside and Wastward, ye 20 July, to put out John Shearer, yr sojer, for money and clothes, 20 lib."

" Mair, Lent to them the 23 day, to pay yr uther tua sojers, according as they agreit wt. them, 28 lib. 17s 6d."

Writing from Meall, 18th December 1652, he says :—

" Loueing Sone, yours of the deat from edinburgh, no day, I resaiuit fra Loutenant-Colenell blair the 16 off this Instant, upon the way betwix my house and Kirkwall, so that I head no tyme to stay to speik wt. him to Learn any of his occurrences be resoun off the coldness off the wether, that did so troubll me that I was glaidd to gett away. †

" This berar, egilshau,‡ is chargit for the payment to Mr Jhon dischingtoun off the dewties off the Landis off St. Peter's Prebendrie, Quhairoff hie hes ane feucharter and Infeftment off that Land, both off the King and the beneficit persone, and soe can no wayis, in equitie and Justice, be Lyable to pay any moir for the sd. Landis nor is continit in his feuchartour : this is done be his and our malicious enimies in this cuntrey, and Mr Jhon dischingtoun, schoolmaster, his name only usit herein as an seiser : he will schau you all the particullars himself, and in quhat stait and condition the mater standis in. I earnestly intreat you, my bairn, to do for him herein as ye would do for me, both be your self and any quhome ye haue any power, that he may nocht be wrongit herein, but that all ordinarie meinis be usit for his good : for he hes been and is to me as kynd and deutifull ane son as any man can have ; quhairfor I knou I neid intreat you no moir on his behalf."

* William Stewart.

† Plainly, Colonel Blair had just come across the ferry to Holm, and Smythe was riding from Kirkwall out to Meall. " Sir Hugh's seat," near the top of the hill at Gaitnip, is probably named from Sir Hew Halcro, Canon of the Cathedral Church of Orkney. Here he would rest on his way to Kirkwall, and have South Ronaldshay still in view.

‡ Patrick Monteith married to Smythe's third daughter, Marion.

In this letter he refers to large sums of money out at loan in the south, but with all his wealth he could not bear useless outlay :—

"I entreat you, that ye suffer nocht my nevoy, Mr Patrick, and your brother, Mr Robert, to want quhat they stand necessarly in neid off, but giff them no money, for treuly money, as ye wreat, is hard to be head, and specially be me, quha can nocht do my auin affairs, bot must trust them to uthers."

Smythe's business led him into numerous law-suits :—

"Louing sone, yours, deatit from chanvie, the 30 May, I resaivit. As for anser therto, I am sorry that my Lord Siforth, his friendis, sould use you so unkyndly, seeing we haue deseruit better at ther handis ; bot, since it can be no better, do quhat ye can Lyally against them for procuring our awin, and stryve quhat ye can to mak the chargis Licht on them, for I know the panis will be yours. Giff the Laird of pluscardin* be your friend, as you wreat hie is, I doubt nocht bot he will preueall wt. the rest to do you reasone. As for georg dunbar, I am glaid he is weill and cum home and abll to satisfie for himself, quhilk I loue best. So my advyce is, giff he will pay you quhat is deu, that ye deall with no uther therin ; and as for that Jewell, no man, godwiling, sall haue it fra me till your forder order and aduertisement houe you and hie ar setlit : as for quha perseus for that 800 lib. against my Lord Morton, knoue it is perseuit in your unkll Jhon his name, James Baikie, David Kinkead, and myn, quhairin I intreat you to be assistant to your pouer, as James Baikie sall wreat to you, for we haue al intrustit him wt. the doing theroff, and hes desyrit him to taik your advyce and assistance therin, quhilk I am confident ye will do. We haue head ane meiting heir, quhair we haue chosin Robert Stewart off Bruch our comissioner to go to edinburgh and seik ane order for recktifieing of the valuation of our rentis, that it may be valuit as uther shyres in the nation ar, quhilk, giff it be, it wilbe fand that our present sesse wilbe as meikle on euerie 100 lib. as any other shyre in the nation is, and ther cannot justly any moir cesse be Laid on this shyr till that be done ; also, we haue giffen him comission to cause ansur to the Sumondis at Sir Androu dick his Instance against us to mak the arestit goodis belonging to my Lord Morton in our handis furthcumand to him, and we haue desyrit him to deall with the Judgis that both that sumondis and all uthers conserning those rentis, quhairin the uassells and tenentis ther Intrest may be referit to the Judges heir to be decernitt, in respect ther is so many that hes Intrest therin, and being so remot fra edinburgh, and many of them aluayis unabll that they can nocht cum to edinburgh, and so ther salbe decreet giffen against us for nocht compeirand, quhilk is nowayis possibll for us to do for the reasone forsaid and many uthers quhilk may be shauen ; both thir, we expeck, will not be denyit to him giff they be richtly gon about, quhairfor I intreat you that if brugch cum to you and desyre your advyce and concurrence heirin, that ye will giff it to him as ane freind to your cuntry and me, and your freindis in speciall, quha ar much concernit in both ; and giff he cum nocht for Laik off the payment off his chargis be sum off our cuntry men quha taiks nocht grait thocht quhat becum off the cuntry or them selffis, I intreat you to deall quhat ye can for me, Mr Patrick, Breknes, and egelshau for getting ane ordour for recktifieing off our ualuation, as also that ye will caus ansur for us against Mr androu dick his sumondis. We salbe willing that he get decreit against us for quhat was in our handis the tyme off the arestment, quhilk as yit we can nocht declare till we try our tenentis quhat they haue payit, and quhen they payit it."

This letter is sent south by Nicoll Aitkin, "Scipper," and under the care of Aitkin went Braco's daughter to consult a physician :—

"Ye will deall wt. some honest skillfull man quha hes knouledge therin to do hir good, and quhat ye deburse heirin, or for any uther hir charges, I sall thankfully aloue the same to you at copt. Giff it pleas the Lord be this Instrument to grant hir helth and cuir off hir seiknes, ye will heast hir back to me again, for she hes head the heall charg of my house this Long tyme bygone, and I fear nou in hir absence it be nocht so richtly done as neid requyris.

"Meall, 18 Junii 1653.

"I haue giffen your sister barbra sum Leitell mony, as much as I think will bear hir chargis till she cum to you, and sum moir. When she is redy to return, giff that be spent, ye will be pleasit to furnish hir wt. as meikll as wilbe hir charges in returning, bot giff hir no moir bot quhat she stands in neid off for that use."

Barbara got better and married John Gibson, minister of Holm, who had been tutor to some of her brothers ; became a widow, 1681, and died, 1690, aged 59.

* Sir George Mackenzie of Tarbat.

In 1653, Patrick's third wife, Isobel Anderson, was with him, but apparently was no housekeeper, or, what is more probable, was, according to Smythe's ideas, extravagant.

Writing to his daughter-in-law, he says :—

"I have resaivit ane Letter fra my Cussing, John Smyth, merchant in edinburgh, quhairin he shaues me that your husband may expect at his return to gett ane call to be ane off the Judges off edinburgh, quhairoff I am sorry, bot wilbe much moir greuit giff, in thir dangerous and troublesome tymes, hie sall accept off any publick charge, quhairfor I earnestly intreat you to deal seriously wt. him that hie do not accept of any sick charge, bot only that he striue to Liue quyetly and frugally till hie sie houe the world gois, and go about his auin and my affaires diligently, nocht omiting any friends' affairs intrustit to him, for aperrantly or it be Long ther wilbe som reuolution. The Lord God turn all to his glory and our comfort in cryst Jesus. Deir dochter, seik the Lord wt. all your heart, and intreit your husband to do the Lyk. Stryue both to Leiue frugally, deutifully, and louingly to all your freindis and nechbouris, and this will make you louit both of God and all good men. So, hauing no forder for the present bot my Inteir loue to your self and all friendis, I continu, much honorit dochter, your Louing and deutifull father to his pouer, P. SMYTHE off Braco.

"Meall, the 22 Junii 1653.

"ffor my much honorit and Louing dochter, Anna Keith, spous to Patrick Smythe, younger off Braco."

"Louing Sone,—Since my Last to you, tua of yours I haue resaivit, ane theroff be your Unkll James, deatit the 3 November 1653, the uther be young Garsay, deatit the 12 decber. Last, quhairin ye shau me very Leitell concerning my particullars, only sumquhat off that action of downes and others against me. Do ye your best therein and comit the event to the Lord almichtie, quha hes the heartis of men in his handis, and I houp in his mercie, as I am frie off any off ther goods, so hie will Liberat me off the prejudice theroff. I marvell that ye haue nocht acquient me quhat ye haue don in the rest of my affairs comited (under god) to you, and specially—1, anent the tack off my teindis be the toun of edinburgh ; 2, my action against Malcolm Sinclair for ane discharge to me ; 3, anent the reneuing the Sumondis against halcro and his curators, and sending the same to me to be execut, seeing I sent the former sumondis within my letter to you wt. ane soger heir, callit david thomsone, off the Inglish regmont, quha wes going south with Letters fra his captain, Soking. Heast to send me that ob. of fyve hundreth mark giffen be Oliver Linay. I wold haue it that thereby I micht cleir my bills of exchange. I suspeck your seasing of my landis heir be nocht deuly don, for it is only giffen at the house of Meall for all the Landis, and the Landis off ducro and cornquoy is nocht includit in that chartor of Union. Quhen ye haue advysit this, giff it be any defect, send back your chartour giffen be me to you, and I sall caus taik seasing thereon deuly on euerie ground of the Land quhair it is neidfull. Lett me heir fra you houe all your and my affairs gois, that I may know theroff, for I sallbe glaid to heir that all go richt ; and that is all I can do, being auld, weak, and infirm with seikness. So, hauing no forder for the present bot my hartly Loue and deutie to your self, your bedfelou, my dochter, and to my sone and 2 dochters, to good reall Balgoun, his sone and Lady, to good Gorthie and his worthie Lady, and to all freindis, I continu, Your Louing father, P. SMYTHE of Braco.

"Meall, the 8 Februar 1654."

Smythe was not personally popular in Orkney. He carried things with a high hand. Writing to his brother, Mr Robert Smythe, 12th October 1656, he says :—

"That Captione whereof ye wreat is not as yet come to my hand, but I doe expect it daly ; if he and I agrie not (wch. we never will until I execute it), I shall obey you in the punctual execution, and shall send him to the next secure prisone, wch. is dingwall, ther being non in this shyre. The governour is my great good freind, and the people hier are Laboring his being removed ; the trewth is he is ane able, just man, and most fit for the government heir, and therefor some would have him removed ; the great reason is he will nather drink, swear, nor Lie, nor countenance ther vitious deportment, nor plot ye subversione of honest men."

Cromwell's governors sat on the bench in Kirkwall, but never alone :—

"As for yt. order of the Councell's, it can not be execuit against Mr Patrick untill ther be a Justice of peace to sit with ye Governour, and I am unwilling to detect his folly, wherunto his wyff, not his genious, has forced him. The sumonds against Mr Patrick Grahame must be filled up, to maik arrested goods furth coming, viz., the four chalders bear and thrie barralls butter yearly, payable be him as his few dewty of Rothiesholm, also for so much yearly payable be my brother John for his few dewtie of hoop and stryinie, wherewith Mr Patrick is Intromitter as curator to the sd. John.

"As for halcro, it shall be sent—I mean his reduction—altho' ther be no sutch decreet in record

but is maid up by the shirreff and gairsay, who died wonderfully ill with a chopine stoup in his hands.

"As for my brother Andrew, if you knew his carradge to me, you woold blush, wherwith I will not acquant you untill I shaw you his hand for all; this bearrer is suire, which makes me inlardge; he is the governour's post sent south wth. depositions to the Councell of those skippers and pairtners that wer takene wh. yor brother Andrew, who are Lyk to get some satisfactione."

The following letter shows how his personal friends leaned upon him in business:—

"Verie worthy And assurit frind, my hairtlie comendationes being remebrit. to yor selffe, bedfellow, and all the bairnes, plais nott that I am heir in Ronnaldsay, and haid of intentione to hawe sein yow at maell, but I protest to god I cannot haue ane hors heir that ar abell to Karie me downe to brughe; Therfoir I will requyst you to com heir and spaik wt. me, becaus ye ar mor abell then I am, and may esier transport yor selffe be Land, or sie and tak ane hors out of Burray, for I suspect ye will gaitt non in this Ile abell to Karie you, for my intentione was to haue sien the Laird of maines in the by going if I haid comd to you. Sr., if ye be remembrit, I spake to you concerning yt. purpois qlk is betwixt the Laird of maines and me, qlk I am content yt ye sall cutt and carue in yt erand as ye think expedient, according to my former wordis, for the Laird is a man I will be very Loth to be hard wt., all dewtie being doone, for his man Laboures sume of the Land of it, and him selffe aittes the grais and mowes the middowes of it, and I pay the tynd of it; ye may knaw quhat benefite I haue haid of it this lang tyme; ye may spaik to the Laird if he be to keip the former rackening of yt. pice of land in Sandwick; I will by and attour give him the kyndnes of thre farthing Land Lying in Lythes, rige and runrige wt. his awin Lands, qlk be tyme he may make the samyn as profitabell as so much Uthill; if nought, doe therin as ye think expedient, I stand content yrwith; forther, I will requyst you to Louik out ane decreit and horning againes Edward of Flauis, Nicoll of Staine, and Allister clark, qlk I think I gaue to my sonne, and if ye haue them not, they ar in Wm. Spence his hands, for I haue wraittin to him for to Louik if he hes them, and to delyver them to yor boy, and if they cane be gottin, send them to me, for I haue adoe wt. the samyn. Lykwayes, ye sall nott, yt I am informed that yt band of cautionrie was onformallie wraittin be androw Strang, qlk was ane stope in raising the suspentione, yr foir I will requyst yow, as my trust is in yow, to helpe and supporte me in defending the minor's condition, seeing I am not so abell for it as I wold, and desyres you to wraitt to Andrew Ellies to draw up ane band of Cautionrie for Thomas Berstoune and William Scollay, and Laue blank for the cautioner's name, yt. I may haue the samyn to send south wt. this passage, and qt. ye give him for the samyn I sall content you bak againe at mitting. Lykwayes, I requyst you to Louik out Mr Walter's* discharge, and bring with you. So hauing no forder, bott expecting yor coming, —I rest and sall remaen, Your Louing and Assured frind efter my pouer, HALCRO of that ilk.

"Halcro, ye xiii. day of May 1640.

"To the verie worthy and my assurit frind, Patrick Smyth of Braco, thes."

APPENDIX TO CHAPTER XIV.

TRIAL FOR WITCHCRAFT BEFORE SHERIFF JOHN DICK.

"11th Nov. 1629.

"DITTAY, WITCH RENDALL ALS. RIGGA.

"Intrat upon Pannell, Jonet Rendall, als. Rigga, poor vagabond within the pochin. of Rendall, for the abominable supperstition and useing of the witchraftes underwritten.

"In the ffirst—Ye, the said Jonet, ar Indyttit and accusit for airt and pt. of the abominable supperstition and supperstitious abusing and disceiveing of the people, And for practeising of the wicked and devilish poyntis of witchcraft and sorcerie done by you in maner at the tymes and in the places efter speit., and in geving yourself furth to have sick craft and knawledge, Thairthrow abuseing the people: To Wit, Twentie yeiris since and mair, ye being above the hill of rendall, having soucht

* Probably Mr Walter Stewart, who was minister of South Ronaldshay, 1636 to 1652.

charitie, and could not have it, the devile appeirit to you, Quhom ye callit Walliman, claid in quhyt cloathis, with ane quhyt head and ane gray beard, And said to you, He sould learne you to win almiss be healling of folk, and quhasoever sould geve you almiss sould be the better ather be land or sea, and these yt. geve yow not almiss sould not be healled. And ye, haveing trustit in him and entering in pattionn with him, He promeisit to you that quhasoever sould refus you almiss, and quhatever ye craved to befall thame sould befall thame, and thairefter went away in the air from you, Quhairby ye practeisit many and sindrie poyntis of witchcraft and devilrie, and speciallie the poyntis following, Qlk ye cannot deny.

"Item, ye ar Indytitt and accuseit for cuing., fyve yeiris since or yrby, To Manss Work in Windbrek his wife, and haveing askit almiss of hir and she refusand, ye said ye she sould repend it, and within aucht dayes efter ane of his ky fell over the craig and deit be your witchcraft and devilrie, conforme to the pactionn made betwixt you and your Walliman. And within thrie dayes, ye being reprovit be the said Manss' wyff, ye said that if she sould geve you the wyt of it, wors sould cum of it, and that she sould ather run uponn the sea or then ane war cast sould befall hir, Quha being quholl then, deit within thrie dayes be your witchcraft and devilrie, Qlk ye cannot deny.

"Item, ye ar Indyttit and accusit for cuing. at Candlemas last To Edward gray, in Howakow hous, and shakin your blanket at it neer against the hous, and Patrick gray his sone having cum forth, and seeing yow, cald his father, and fearing your evill, went to the barne and geve yow ane lock corne, and on Monday nicht thairefter Twa meiris deit, both at once, in the stable, and that the said patrick took sicknes the same hour he saw yow, and dwyned thrie-quarters of ane yeir and deit, and ye being send for befoir his death to see him, He being dead befoir, and haveing laid his death on yow how shone ye came in, the cors having lyin ane guid space and not having bled any, Immediatelie bled mutch bluid, as ane suir token that ye wes the author of his death, and all was done by your witchcraft and devilrie, Qlk ye cannot deny.

"Item, ye are Indyttit and accusit for cuing. to William Work in efeday his house on Halloween, four yeiris sene or yrby, and knocking at his door, they wold not let yow in nor geve yow lodgeing, Quha depairting, murmuring and miscontent, his wyff pairtit with child upon the morne be your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye are Indyttit and accusit for that, in bearseed tyme the last yeire, ye cuing. to John Spence in Uppettown his hous, and the said John his wyff being calling ane calff to the grass, ye came in and wus angrie that she sould have called out the calff quhen ye com in, And turning yow twys about on the floor, ye went out, and Immediatlie the calf, being ane yeir old, took seikness and deit be your witchcraft and sorcerie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for that on Santt thomas evein, four yeiris sene or yrby, ye cuing. to William Scott in Poldrite his hous and knocking Thrie severall tymes at the doore, and ane hour betwixt every tyme, and ye, not gettin in, went away murmuring. Thrie dayes efter, the guid wyff becam seik, and four beastis deit the same yeir, and an ox fell over the craig and deit of the fall by your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for that in Candlemes evin, fyve yeiris sene, ye cam to Gilbert Sandie in Isbister his house and sought ane plack of silver in almis fra him for his mearis, that they might be weill over the yeir, as ye said David Henrie had done that day, quha said to yow that he had naither silver, corne, or meall to spair, but baid his wyff geve you thrie or four stokis of kaill, and ye been gane away, the said gilbertis wyff followed yow with the kaill; ye wold not tak thame, and uponn the second day efter, his best hors, standing on the floor, became wood, and felled himself and deit, and the thrid night thaireft his best mair deit by your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for cuing. to the said gilbertis hous in spring tyme last, and the said gilbertis wyff wold not let you in, and ye going away, took the profeit of hir milk be your witchcraft and sorcerie, qlk yu cannot denny.

"Item, ye ar Indyttit and accusit for yt. ye cam to Johne bewis hous in Waas twa yeiris sene and sought almiss and got nane, and ye said he sould repent it, and about noone, his best kow haveing fallen in ane myre, and tane out be him, his wyff, and servands, she wold not stand, and ye cuing. thair, put thrie earis of bear, haveing first spit in thame, in the kowis mouth, and said to thame that cam to bear hir home, that they neidit not make that travell, and ane littell quhyll eft, the kow being almost dead, and not able to draw ane foot to hir, rais with help, and gaid home be your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accust for that, fyve or sex yeiris sene, ye came to David quoynameikill his father's hous, at the making of his yull banket, and got almis, and yt. they wold not sufferre yow to abid all night, qlk ye tald to Margaret abbuster that they refusit you ludging, and said it wus guid to wit if ever the guidman of the hous sould mak ane uther yull bankett, and within ffyftene dayes contractit seiknes and deit by yor. witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for yt., thrie yeiris sene or yrby, ye cam to David Quoynameikill motheris hous, and got na almis, and she being feared that evill sould befall hir, as it did to otheris, befoir night she fellit herself uponn the lintell stane of hir byre and deit within thrie dayes, and the servand man also, be your witchcraft and devilirie, Qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for cuing. to Michaell firthis house in Abbuster, in spring tyme last, and getting no almis becaus the milk was suppit, ye said ye might have keepit milk to me, and they said they knew not of her cuing., and the next day eft, ane calff deit; and now, when he was conveying you to birssay, he askit you at the slap of birssay if ye knew anything of the death of his calff, ye anserit, haid he not been so cald to you, nane of your calffis sould not have deit this yeir, Qlk ye cannot deny.

"Item, ye ar Indyttit and accusit that, sex yeiris sene or yrby, that Johne rendall in brek had twa calfiss lying on the grein, and ye askit giff bothe these calffis were his, and said they were anew for the first yeir, and ane of the calffis deit befoir nicht be your witchcraft and devilrie, Qlk ye cannot denny.

"Item, ye are Indyttit and accusit for cuing. to Johne turk in Midland his house, about Witsunday last, to get almis, and haveing gottin ane drink of new aill, ye was not content, and befoir ye wus twa pair buttis (?) from the hous the aill left working, and the said Johne, haveing sought you ane day or twa eft, brought you to his hous againe, and took into his seller, and ye spit amongst the aill, and said ye sould warrand him got silver for everie drop of it, Qlk ye cannot deny.

"Item, ye ar Indyttit and accusit for yt., aucht yeirs sene, ye hanting to Andro Matches' hous in Sundichous he wantett the proffeit of his milk, and having complenit to Sr. Johne buchanan, Shreff for the tyme, of how ye met the said Andro uponn the morne, and said he sould repent yesterdaye's work, and the same day ane ox strick of his deit; and about thrie-quarteris of ane yeir eft, the said Andro haveing cum to Evie to the session of the Kirk to complene of yow, ye met with him thrie dayes eft, and said to him He was alwayes dealling with you and complening yow, and yt. he sould repent it, and thrie dayes eft The said Andro becam mad, and ye being send for, and how shoone ye came to his house he becam bett., and fell on sleip, and quhen ye had gottin meit, befoir ye teastit it, ye spat thrys over your left shoulder, and the said Androis wyff, fearing ye haid been doing moir evill, strak yow, and ye said let me alone, for your guidman will be weile, Qlk ye cannot deny.

"Item, ye ar Indyttit and accusit for yt., four yeiris sene, ye cam to Manss quoynameikill's hous and soucht almis, and got nane at yt. tyme, Bot his mother haveing promeised to geve yow melk quhen hir kow calved, ye cam againe that same day the kow calved, and soucht almis, bot she wold geve you nane, and ye said ye put me ay of, geve me yt. ye promeised me, for now your kow is calved, and said she sould have ather mair or less milk or ye cam againe, and about aucht dayes efter the kow deit be your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye are Indyttit and accusit for yt., at alhallowmes bygane ane yeir, ye cam to the said Manss and sought ane peice colop, quha wuld geve yow nane, and ye said, befoir ye cam againe he sould have calopis to geve; wthin. ffourtene dayes eft he best ox deit be yor. witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for yt., in winter last, ye cam to the said Manss' hous and sought ait meall, and he refusand yow, ye said he sould have mair or less or ye came againe, and fourtene dayes eft his kill wth. aittis took fyre and brunt be your witchcraft and devilrie, qlk ye cannot denny.

"Item, ye ar Indyttit and accusit for yt., of your awen confessionn, efter ye met your Walliman upon the hill, ye cam to William rendall's hous, quha haid ane seik hors, and promeised to haill him if he could give yow twa penneys for everie foot, and haveing gottin the silver, ye hailled the hors be praying to your Walliman. Lykeas, ye have confest that thair is naither man nor beast seik that is tane away be the hand of god, bot for almis ye are able to cur it be praying to your Walliman, and yt. thair is nane yt. geves yow almis bot they will thryve aither be sea or land if ye pray to yr. Walliman, Qlk ye cannot denny.

"And generallie ye, the said Jonet Rendall als. Rigga, ar Indyttit and accusit for airt and pt. of the said abominable supperstitioun and supperstitious abuseing and disceaving of the people, and in useing and practeising of witchcraft and sorcerie, and in gevein yur. selff furth to have sutch craft and knawledge, thairby abuseing the people, and sua reput and halden. And yr. foir, and for the pointis of dittay comittit be yow In maner above written, such and sould underly the law, and be adjudgit to the death for the same and in example of otheris to do the lyk, And yor. guids and gear escheit and inbroucht to his Mateis. use, conforme to the Act of pliament. and comon. law, and dayle practeis observit in sick caiss's.

"Curia Vicecomitatus et Justiciariae de Orknay et Zetland tenta apud birsay in aula ibid per honorabilem virum mrum. Joannem Dick, Vicecomitem et Justiciarium deputatio—dict vicecomitatus undecimo die mensis Novembris 1629.

"Curia ltima affirmata.

"The qlk the sd. Shrefdeput chusit Mr Harie Aitkin in Clerk, Rot. Scollay in pfiskall, Thomas Young, Messr., in officer.

"Compit. rot. Scollay, pfiskall, and producit the dittayes, desyring thame to be red and the pannell accusit yr. upoun.

"The pannell pnt. confest that Walliman came to hir first in Nicoll Jockis hous in halkland, and she maining that she was poor and haid nothing, He said to hir that she sould leive be almis, and that

thair wus nather man nor beast seik that were not deadlie be the hand of God bot she, getting almiss and praying to Walliman, he wald haill thame, and if she got no almiss, he wald be angrie and mak thair beastis die :—

"Confest the second point of dittay anent Manss Work's wyff, that she said she sould repent it, and yt. Walliman gared the kow fall over the craig, and eft she was reprovit yt. Walliman gared the said Manss wyff die :—

"Confest the third point, That the corne she got wus bot shillings and yt. she was not content, and that Walliman slew the meiris and the man, and as he promeised he was truy to his :—

"Confest the fourt point, that she was miscontent that Wm. Work wuld not geve hir ludging, and yt. Walliman was angrie at it and gared his wyff pt. wth. chyld :—

"Confest the fyft point and yt. Walliman gared the calf die.

"Confest the sext point, that they wald not let hir in and kot no almiss, and Walliman was angrie at it, and gared his wyff run mad and the beast die.

"Confest the sevent point, yt. gilbert Sandie wald geve hir nothing and yt. Walliman wrought conforme to the dittay.

"Confest the aucht point and yt. Walliman took away the proffeit of the ky.

"Confest the nynt point yt. sho put bear in the kowis mouth, bot dennyis sho spat on it.

"Confest the Tent point yt. sho sd. to Mart. AAbbuster conforme to the dittay and yt. Walliman keipit his promeis.

"Confest the ellevint point that she got no almiss fra David quoynameikill's wyff.

"Confest the twelff point anent the calfiss that sho got no almiss, and giff they deit Walliman did it.

"Confest the threttin point anent Johne Turk's aill, That is, was bot littell sho got, and yrfoir Walliman took away the proffeit of it.

"Confest the ffourtene point anent Andro Matches.

"Confest the fyftene point anent Manss quoynameikill's wyff, and yt. sho sould have ather mair or less milk or sho cam againe because she gotna almiss.

"Denyit the sextene point anent Manss quoynameikill's ox.

"Denyit the seventene point.

"Confest the hailling of Wm. rendall's hors.

"Confest the rest of yt. point of dittay.

"Denyit the generall.

"The pfiskall desyrit that the pannell migt be put to the tryell of ane assyss.

"The pannell pnt. could alege nothing in the conr.

"Assise.

Hew Halcro of Crook.	Nicoll Sclaitt in Gorne.	William Kirkum in Kirkum.
Jon. rendall in breck.	Oliver rendall in halkland.	Alexr. Kirkum in birsay benorth.
Henrie Linklett in Aithtoft.	Mans Scottie in brecken.	Wm. Sclaitt in buirdhous.
David flaitt in Orquhill.	Adam bewis in goirsnes.	James Ingisby in Ingisby.
James Corrigill in Cotascart.	Alexr. rendall in Midgair.	James Velyean in beaquoy.

"That the assyss was laulie. sworne and admittit bot objectionn of the pannell. The pfiskall askit actis and protestit for error.

"The pfiskall pducit. Manss Inerair, Manss Work, Wm. Work, Jon Spence, Wm. Scottie, gilbert Sandie, Jon. Sandie, Manss Wood, David quoynameikill, Michaell Firth, Jon. Turk, Alexr. Matchis, Andro Matchis, and Manss quoynameikill in witness.

"The Assyss, passing out of Judgment, chusit hew halcro, chanr.

"Manss Wood and gilbert Sandie deponed that they wer send for to bear home the kow, bot jonet rigga was cuing. fra the kow befoir they cam yr.

"Michaell Firth, in abbust, deponed yt. qn. he was cuing. to birsay out of the slap she confest to him conforme to the dittay, That if he haid geven hir almiss his calf haid not deit.

"Andro Matches depones that she spak this words conforme to his point of dittay, and that these things befell him.

"Manss quoynameikill depones anent the ox that sho said he sould have colopis anew to geve befoir sho cam againe, and yt. he sould have ather moir or les ait meall or sho cam againe, and yt. the event followit conforme to her words and dittay, Bot will not tak it uponn his conscience yt. she did it.

"The Assyss reent., and in judgment all in ane voice be the mouth of the chanr., ffyles the pannell of the haill speciall pointis of dittay conforme to hir confessionn, And in the twelff, fourtene, and sextene pointis conforme to the probann. And in the genall. that sho was ane disceaver of the people, and gave hirselff furth To have knawledge to do evill, and if ever sho promeised evill, evill befell, and reput and halden ane comon witch. And remittis sentence to the judge and dome to the dempst. (Signed) Hew Halcro.

"The judge accepts the determination of the assyss and ordaines the Pannell to be tane be the

lockman and convoyed to the place of execuonn, hir handis bund behind hir bak, and worriet at ane stoup to the dead, and burnt in ass. Qulk robert Sinclair, dempst in birsay benorth, gave for dome."

"Adame Cromartie of Kirkhous and Elspeth Irving, in Carray, in Southronaldsay, were tried for 'incestuous adultery.' Cromartie was a widower and Elspeth a widow, but the widow of Cromartie's nephew. 'The haill assys, be the mouth of the chanr., ffylis the pointis of incest conforme to their confession.' 'The judge accepts the determinonn. of the assyss, and ordaines the pannells to be tane be the lockman, with thair hands bund behind thair backs, and conveyed to the place of execuonn., and worried thair at ane staik to the death, and brunt in asses. Qlk George Anderson, dempst, gave for dome.'"

In Kirkwall, John Dick held his Courts "*in templo Sancti Magni.*"

CHAPTER XV.

The Grammar School.

IN 1677, Patrick Smythe's house in the College yard was occupied as a dwelling-house by Mr Patrick Lindsay, "physitian," who, in December of the previous year, had married Marion, sister of William Monteith of Towquoy.

In the same year, the small house east of Miss Baikie's Close belonged to Bailie David Moncrieff, who drew from it a rent of £20. Possibly, like the house at the back, it had belonged to Smythe of Braco, and had come into the Bailie's hands when, in 1659, he married Braco's widow, Isobel Anderson. This house is described in the Valuation Roll as having "the grammer school joyned close to the east gavel yrof." When we see the amount of accommodation required for educational purposes at the present day, it is difficult to realise the fact that a small dwelling-house in Palace Street could have been the Grammar School of Kirkwall.

Reared under the fostering wing of the Church, the Grammar School was in existence, presumably, in Danish times, certainly before James the Third's Charter, 1486. This deed "not only conferred the ordinary privileges of a Royal Burgh, but conveyed the Cathedral and whole Bishopric of Orkney to the incorporation, with a condition that the proceeds thereof should be wholly employed in upholding the church and School." *

It need not be assumed that at that early date there was in the Burgh any building exclusively set apart for educational purposes. The teachers were churchmen, and in Kirkwall some part of the Cathedral might be found available. In the fifteenth century few boys and no girls went to school. But already in Scotland the desirability of general education was beginning to be felt. In 1496, James IV. enacted that "all persons of means shall send their eldest sons to school from the time they are eight or nine years old till they be competently founded and perfect in Latin"; and the King's object in this shows much forethought—that "Justice might reign universally throughout the realm, and that those who are sheriffs or judges may have knowledge to do justice." And from this time, down to the beginning of the present century, Scotland stood foremost among the nations of Europe, not perhaps as exhibiting the highest scholarship, but as showing the most widely diffused popular education.

When, in 1544, the pious Bishop Reid reconstituted his Cathedral staff, he provided that one of them, a graduate in Arts, and having no other duty to perform, should have charge of the Grammar School. The master's emoluments were the rents of certain lands dedicated of old to St. Peter's Altar.†

James Morrison, minister of Evie, reporting on the condition of his parish, 1620, says :— "There are School lands here, dedicated of old to the maintenance of a school in Kirkwall, lykeas the few dutie thereof is as yett payed to the foresaid schoole." "Ane portion of the prebendarie of St. Peter is that Schoole land." The same authority reports that in Rendall

* Pet. Rent., App., 42. † Pet. Rent., App., 42.

there is a portion of the prebendary of St. Peter, "of olde dedicated to the maintenance of ane schoole in Kirkwall."

Rev. David Watson, minister of Rousay and Egilshay, reports, 1627, "Their was payed of old out of the Iland of Rausay, to the Cathedral Schoole, six mealis malt out of Avelshaw, two mealis malt out of a penny land of Knarston, twelve Meils malt out of the teinds of the Iland of Weir."

Thus the master of the Grammar School of Kirkwall was substantially "encouraged."

Before the Reformation, and at first only attached to cathedrals, were what were known in Scotland as Sang Schools. These, as might be inferred from the name, were devoted to the training of choristers. Some knowledge of letters, however, was required from those who took such an important part in the church service, and a short time daily was devoted to reading. But "music, manners, and virtue" were the proper studies of the Sang School. The master of this school, under Bishop Reid's endowment, was chaplain of St. Augustine, and had the revenues of that altarage, amounting to "five chalder of victual by the year."* He was precentor in the Cathedral, was appointed by examination, was required to teach the boys of the choir and the poorer who wished to attend, and was relieved from all other services.†

From the provision that the teaching of the choristers and the poor was to be gratis, it may be taken for granted that fees were exacted from those who desired musical training and could afford to pay for it.

It is somewhat interesting to observe that the educational endowments of the benighted Popish Church survived the Reformation for some time, but in the days of enlightened Protestantism, under no popular excitement, the schools were in cold blood ruthlessly stripped of their property, no one having the courage to come forward to guard their rights.

With regard to the Grammar and Sang Schools, a commission sitting in Kirkwall, 1627, reports :—"That thair is ane schoole, and that there was ane fundatioun out of the prebendarie of Sanct Peiter, quhilk consists both in landis and teyndis, the landis now in the handis of Robert Monteith of Egilshay, fewar yrof, that there is no present provisioun for the schoole yit suppleit by the Reader, quha hes nothing for it." ‡

"That thair is necessitie for ane sang schoole for music being taucht heir as of auld, for laik of Meanis now thair is few or nane can be hard to praise God in his house. The foundatioun of this school of auld was St. Augustin's Stouck, worth fyve chalder of wictuall be yeir, now in his Majestie's possession."

With regard to these endowments, however, it is only fair to say that the General Assembly, in 1593, petitioned Parliament "to reform the dilapidation of the living founded in the Grammer School of Kirkwall," and in the meantime "ordained the Commissioner of the Kirk to deprive the dilapidator of the said living."

That this appeal was futile is evident from the fact that Robert Monteith of Egilshay continued in possession of the lands of St. Peter's prebendary, and His impecunious Majesty, James VI., retained St. Augustine's "fyve chalder of wictuall."

From the nature of the foundation and endowment, it is obvious that the patronage and management of the school was in the hands of the Church, but in post-Reformation times, when the power of the Church had declined, the Magistrates asserted the right of interference. They based their claim on that clause in the Burgh Charter which gives them the patronage of "All and Haill the Kirk called St. Magnus Kirk and all other Kirks, Chappells, Chapplandries, schools, yards yrof, and all and sundry lands belonging to them lyand without Burgh as within the samen."

* Pet. Rent., Doc. Bp. Ork., p. 35. † Pet. Rent., App., 22. ‡ Pet. Rent., Doc. Bp. Ork., p. 35.

The names of the earlier teachers, if not lost, lie hidden in old documents, and may yet be brought to light, but coming very near to the time of Bishop Reid's foundation we have the name of Thomas Houston. The Bishop's School dates from about 1544. Houston resigned in 1595. The most probable cause for this resignation would be old age, and this being granted it is no wild assumption to conclude that Houston was the founder's nominee.

The first Archdeacon under the new regime was Peter Houston, and while we cannot assert, we may be permitted to imagine that the first appointment to St. Peter's prebendary was a younger member of the same family.

Houston was succeeded by Andrew Dishington, the patron on this occasion being neither Church nor Corporation. "Patrick, Earl of Orkney, Lord Zetland, and lawful and undoubted patron of all and sundry benefices, Kirkis, and chaplainries within the samyn, to the Commissioner and Presbytery of the same within the diocese of the same, greeting,—wit ye me being informed of the qualifications, literature, and ciphering of our well beloved Mr Andrew Dishington, able and meet to use and exercise ye office of ane Mr. of ane Gramer scuill, therefore to have nominat and presented, and by these, our letters, nominats and presents the said Mr Andrew to the Prebendarie of Sanct Peter, lyand within the diocese of Orkney, vacant in our hands by the demission of Mr Thomas Houston, last possessor of the same, requiring you that you try and examine the qualifications, literature, and ciphering of the said Mr Andrew giff he bees fund meet, able, and qualified to use and exercise ane Mr. of ane Gramer Skuill. 1 Feb. 1595." Mr Dishington was found "meet, able, and qualified," and was inducted accordingly.

In 1599, he was presented to the Kirk of Stromness, which he held conjointly with the school. In 1600, the Lords of Council and Session granted him decree against all concerned for the rents and other emoluments belonging to the prebendary of St. Peter.* If Mr Dishington gained anything by this, it was only temporary ; the lands remained in the hands of the dilapidators. He was able, however, to save for his successors some of the teinds of the prebendary, "whereof all that the schoolmaster bruicks presentlie is 12 meills out of Wyre." † He left the school in 1601, when he was translated to Rousay and Egilshay. After twelve years in the North Isles, he was presented to Walls and Flotta. "He had a feu of the saxpenny land besouth and benorth the burne in Hoy from James, Bishop of Orkney. A glebe and manse were designed to him by George, Bishop of the diosess, which he possessed during life, yet these were withheld from his successor. He left a widow and son, Mr John, who was served heir, 22 Oct. 1644." ‡

In a copy of a lease of the land and house above referred to, Mr Dishington is described as minister of Hoy :—"Be it kend till all men be thir pnts., me, elizabeth tulloch, relict of umqle Mr andro dischingtoune, sometyme minister of Hoye, Grantis me to have sett in tak and assedatione all and haill my six penny land benorth the burne with my hous qlk I pntlie. dwell into, reserving ane chalmer to myself for my cumming and going to the Rgt. honorable hew halcro of that ilk and Jean Stewart, his spous." The lease was for five years, and was dated 3rd July 1627.

For a short time after Mr Dishington left, "the schoole was suppliet be the ridar, quha hes nothing for it." The reader's pay for his proper work was small enough. "The ridar hes for his serveing in reiding in the cathedral Kirk, half ane last malt and six barrell butter."

Mr John Stewart, reader, who had a house in the Castleyards, carried on the work of the school, and was followed by Mr George Mudie. The latter seems to have had his stipend reduced :—2nd May 1626, George Mudie, "reidare" at Kirkwall, sold "all and haill my haill viccarage buttire, extending to fyffe barrellis Orknay buttire."

* J. W. Cursiter's papers. † S. R., 1711. ‡ Fasti.

Mudie, who had graduated at St. Andrews in 1612, was in 1639 appointed minister of the Second Charge in St. Magnus, the first to hold that office.

After George Mudie came Mr John Hourston, followed by Mr Patrick Inglis. "Mr John Hirston and Mr Patrick Inglis were successively both ministers and schoolmasters in the Burgh until the year 1634, that Mr Patrick Inglis, according to Acts of Parliat. Laws of the Kingdom, discharging pluralitie of benefices and offices, demitt the office of schoolmaster and the Prebendarie of St. Peter thereto belonging."*

The Session in 1711 recording Mr Inglis' demission of the office of schoolmaster in 1634 are slightly at fault. They had before them "ane copie of Mr Patrick Inglis' his demission of the prebendarie of St. Peter in favors of the school of Kirkwall, dated at Kirkwall the seventein of April 1634." Mr Inglis had given up the work some years before, but, like a good churchman, he stuck to the living as long as he possibly could.

"Mr Wm. Cargill, Master of the gramer scoole of Kirkwaa," witnesses a deed at North Strynzie, which is registered 1st June 1631. With very little biographical information concerning Mr Cargill, the Registers of Deeds would lead us to believe that he was a welcome guest wherever he went, for we find him witnessing contracts of different kinds all over the county. As this in many instances meant a sojourn of more than a day, the mere ability to sign his name cannot account for the frequency with which his signature is met. He must have had convivial qualities to recommend him. He held office for over twenty years, and during a part of that time he had a fixed salary. In one of their squabbles with the Council about the patronage of the school, the Session asserted that before the Isbister Mortification, 1649, they paid the teacher. They quoted a minute :—"The Minister and elders of the Kirk of Kirkwall gave warrant to Smith of Braco to pay William Cargill his stipend of four score merks."

Bishop Graham had mortified 1000 merks for the benefit of the church, the annual rent of which was to be "at the Session's disposing." In 1633, Charles I. reduced the legal rate of interest from ten per cent. to eight, reserving to himself for three years the additional two per cent. on all moneys put out to use. The Bishop's benefaction then would exactly pay Mr Cargill's stipend of four score merks. The principal sum, while still devoted to the paying of the teacher's salary, became in 1649 part of the Isbister Mortification.

The history of this endowment may be briefly stated. A collection in money was taken up throughout Orkney for the relief of the French Protestants besieged in Rochelle, but as peace was arranged with France before the money could be forwarded, it was retained and added to the thousand merks placed by Bishop Graham in the hands of his son-in-law, Patrick Smythe of Braco, to be at the "Session's disposing." The whole was put in wadset on the land of Isbister. In the words of the agent who carried out the contract, "Because the said prinll. soume of twa thousand merks above speit. contained in the said contract is not my own proper money, but yrof thair is the soume of Fyve hundreth merks money qlk was collectit within this country of Orkney for supplie of the toune of Rochelt in ffrance, and the remnant of the said soume, extending to ane thousand pounds money, was collectit of the late Bishop, Ministrie, and gentlemen of the said countrey to be employed for help and maintenance of the gramer scoole of Kirkwall." With this money, Smythe bought from Robert, Earl of Morton, the lands of Isbister, and then "sett tack back againe to the said Noble Earl, his airs, and assigns, be verteu of the samen contract, for the yeirlie payment of threttie meills malt for the help and maintenance of the said Gramer Schoole of Kirkwall."

This yearly payment was to be made "within the town of Kirkwall, frie of all charges and expences, betwixt the feasts of Candlemas and Pasch, with this special provision that in

* S. R., 11th Jan. 1711.

case ane yeir's dewtie run into another unpaid, then and in that case the said tack is to expyre and be null in itself."

These "Threttie meills of malt," or their equivalent in money, were yearly paid to the Grammar School by the Earls of Morton and their successors of the Dundas family, till, in 1872, the representatives of the late Earl of Zetland discovered that they had been paying an annuity for which they were not liable. For two hundred and twenty-three years, Braco's contract had been loyally adhered to, and now some "dilapidator" is enjoying sweet stolen waters and secret bread to the extent of seventeen or eighteen pounds yearlie out of the endowment of Kirkwall School.

During the latter years of his incumbency, whether from sickness or other causes, Mr Cargill was often absent from school, and that for considerable periods. In these intervals, Mr John Dishington, son of a former master, acted as *locum tenens*. "1648, Nov. 11.—Mr John Dischington appeared in face of Session, and was enacted with his own consent to continue in the office of schoolmaster at Kirkwall until Whitsunday, exercising all the parts of his office therein faithfully, as he had done before."*

When at length Mr Dishington got full charge, his appointment was so like the former temporary arrangements, that he demanded a formal induction not only from the church but from the heritors, to whom he had to look for his salary :—

"At Kirkwall, the tent day of Nov., yeir of god 1650 yeirs. Qlk day, in presence of the heritors and contrie of Orkney convened for the tyme, viz., Captane Rot. Stewart of Eday ; Collonell Jn. Stewart, his brother ; James Stewart of Græmsay ; Patrick Smyth of Braco ; Mr Patrick Graham of Rowsholme ; David Hairt of Rusland ; Patrick Balfour of Pharay ; James Baikie of Tankerness ; Wm. Craigie of Gairsay ; Johne Craigie of Sandes ; Mr Georg buchannane, appearand of Sound ; Edward halcrow of Howstowne ; George Smyth of Rapnes ; Harry hendersone of Clett ; John Pottinger, bailzie of Kirkwall ; David Stewart of How ; and David Kincaid of Yensta,—Compeired personally Mr John Dischintoune, school master at Kirkwall, and desyred the fornamed gentillmen and heritors, being ane yeir since they wer willing yt. he sould undertake the charge of the gramar schoole of Kirkwall, and, conform yrto, he hes entered into charge of the samyn at Candlemes last, and as yet hes no certificate nor testimony of yr. call, approbatione, or consent yrto, qrby he, as ane able and qualified schoolmaster, might exerse the said office, and, approven by them, conforme to yr. call yrin, may reseave the dewtyes, rents, ffynes, and cassualityes *(ipsa corpora)* belonging yrto and authorized in the uplifting yrof ; Qlk desyre the forsd. gentillmen and hereitors thought reasonable. And yrfoir they all, in one voice, have ratifyed and approven the said Mr Johne Dischintoune his entrie to the said schoole of Kirkwall as ane able and qualifyed schoolmaster, with full power to him, his servitors in his name whom he sall appoynt, to intromett with, collect, and reseave the schoole rentes of victuall and uyres *(ipsa corpora)* fra the tennentes, farmers, and all oyrs., occupyres of the Lands addepted in payment yrof, of the crope sixteen hundreth ffytie twa yeires, and in tyme coming, during his service at the cure at the said schoole, Requeisting all judges and Magistrates to interpone yr. authoritie for uplifting of the said Schoole rent in victuall dewtie. And in respect that the said Mr Johne is authorized to reseave *(ipsa corpora)* for the schoole rent, he is ordained to keep ane sufficient Doctor† under him in the schoole for the better discharging of the dewty of his calling."

In 1662 a copy of this "Act and presentation," written by James Georgesone, "Notar Publick," was sent to Bishop Sydserf, who signed it after having added a further precept, that "the forsd. gentrie and all oyrs lyable in payment" should assist the Master in the ingathering "of his profeites and comodityes for serving at the said schoole." It was also signed by the Dean and Chapter ; Thomas, Bishop of Orkney ; Mr Edward Richardson, provost ; Mr George Graham, thesaurer ; Mr David Kennedy, archdeacon ; Mr Johne Hendry, chantor ; Mr James Guild, sub-chantor ; Mr Jon. Balvaird, sub-deane.‡

In spite of all this, however, Mr Dishington was satisfied that some of the "gentillmen" of Orkney were defrauding the school of its revenues, and he resolved to prosecute the

* Pet. Ren., App., 57. † English master. ‡ Synod Records, November 1650.

"dilapidators" of St. Peter's prebendary. Accordingly he procured from the Kirk Session a list of its endowments :—

"Impris., we find the rental of the Prebendarie of St. Peter, belonging to the Grammar School of Kirkwall, 24 M. Malt of the personage teinds of the Isle of Wyre ; 2 M. Malt and 2 M. flesh out of the one penny land of Knarston, in Rousay ; 6 M. Malt, 6 M. flesh, and 3 lb. money grassum out of the three penny land of Avilsha there ; 5 M. malt out of one penny land in Langskaill there. Item, ane half barrel butter, 2 M. flesh out of the one penny land of nestow, in Rendall. Item, ane barrell butter and ten pounds money out of two penny land in Cottis-carth there. Item, ane barrell butter and six pound money out of three penny land in Midhouse, in Evie. Item, ane barrell butter and ane noble or crown out of the Fair Ile, extending in all to 37 M. malt, 3½ barrell butter, 33 lb. money for flesh and grassum."

Upon petitioning "the Commissioners of the parliat. of England for managing the affairs in Scotland," Mr Dishington at once obtained letters of horning against Patrick Monteith of Egilshay, David Maclennan of Woodwick, the heirs of Robert Ballenden of Evie and John Sinclair of Quendale in Zetland, possessors of the above-mentioned lands, ordaining them "to content and pay to him the haill rents and dewtie abstracted by them of all years and terms bygone, conform to the rental of the said prebendarie, and conform to the first parliament of King Charles the First, act sixth, made anent restoring of kirk, school, and hospital rents, together with the executions and denunciations following thereupon against Patrick Monteith of Egilshay and David Maclennan of Woodwick."* With all this Mr Dishington failed to secure any permanent benefit to the school.

Meantime the old school-house was beginning to show signs of decay, and, August 30th, 1658, "Compeired Mr John Dischington, schoolmaster, and desired that, according to the former practice of the session and the justices of Peace order, they would cause mend the roof of the school, quhich is liklie to goe to ruine if it were not beited† this winter. The session aggried to his desyre, and ordained David Sinclair to mend all quhat had neid of mending for this winter, and the next spring it sould be thoroughly beited."‡

Mr Dishington retained office till his death, 28th February 1681. "Monday morning, bet. 3 and 4, Mr John Dischingtoune, Schoolmaster, dept. this life."§

Mr Shilpes, a native of Moray and graduate of Aberdeen, was the next incumbent. "June 1st, being Wednesday, Mr John Shilpes was placed and ordained Maister of the Grammar School in presence of Bishop Mackenzie and some of the brethren and Bailie Erbrie and Counsell of Kirkwall."‖

As yet no one in the burgh doubted for one moment that the management of the school belonged to the Church ; but when the Bishop and Session paid the Magistrates the compliment of inviting them to be present at the induction of a schoolmaster, they inserted the thin end of the wedge, which was by and by driven home by the civic rulers.

Mr Shilpes did the work for three years, when he was ordained minister of St. Andrews and Deerness. He was succeeded by Thomas Fullerton, A.M., Aberdeen, from Kinaber, Forfarshire. On Friday, 4th July 1684, "in presence of Murdoch, Bishop of Orkney ; Oversanday, Provost ; and Gairsay, for and in name of the countray, . . . Mr Thomas Fullerton, student in divinitie, was possest in ye said school."¶

We know very little of the work of those old masters, but we do know that Mr Fullerton encouraged school games, and that he procured an Act from the Session that "ther is non in toun or paroch that marries but shall pay a foot ball to the scholars of the Grammar School."* And this "ba' money" was regularly paid, being included in the Registrar's fees down to the passing of the Registration Act, which came in force 1st January 1853.

* S. R., 1711. † Pointed. ‡ Pet. Rent., App., 59. § T. B.
‖ T. B. ¶ T. B. * S. R., 7th Dec. 1684.

After holding office for five years, Mr Fullerton was ordained to the ministry. "Thursday, 4 Jan. 1688, Mr Thomas Fullerton preached his first sermon in S. Magnus Kirk ; his text was the 3rd v. of the 4th Coloss., 'Withal praying also for us, that God would open a door of utterance to speak the mystery of Christ.'"* In 1689, he was presented to the church of Westray, and the following year he married Catherine Gordon, daughter of the Laird of Cairston and widow of the Rev. John Spence, late minister of Firth. "Thursday the 2nd Jany. 1690, Mr Thomas Fullerton, minister at Westray, was married to Catherine Gordon by Mr Jn. Cobb, second Minister at S. Magnus Kirk in Kirkwall, and passed from thence to the Bue of Kairstane to hold the Marriage feast, the weather being vy. bad that day."† He continued in Westray till 1698, when "he was accused of negligence, inefficiency, and being an enemy to church and state." Accordingly he "demitted, being resolved to live elsewhere." The real ground of the charge, doubtless, was that the minister was an episcopalian and a Jacobite. That he had been very popular in Kirkwall, we have undoubted proof. In October 1699, when he was going "to live elsewhere," "the Magistrates and Counsell appoynt a burgess and guild brother ticquet to be writte in favors of Master Thomas Foulertoune, Late minister of Westra and Papa-Westra, and that gratis, as being old scholemaster of this Brugh."

Meanwhile he had been succeeded in the Grammar School by Mr Watt, whose induction was marked by a fresh departure in the mode of procedure. Mr Watt was a "student in physick." Had he been a student in "divinitie," he would have had less trouble at the hands of the ministers. As it was, he was put through an examination in the school, presumably in presence of the pupils :—"Wednesday, Mr John Watt, that came from Edinboro to be schoolmaster of the grammar school of Kirkwall, was examined in the said school in presence of Mr Jas. Wallace, Mr Jn. Wilson, Mr John Herbrie, Mr John Shilpes, Mr Thomas Fullertoune, Gairsay, Oversanday, Stenhouse, Tankerness, and several others."‡ He was heckled by four ministers, two of whom had formerly been masters of the school, in the presence of four county magnates "and others." What satisfaction the examiners had is not shown, but it was not till the Tuesday following that Mr Watt began his work, and he resigned in less than a year with the intention of returning to Edinburgh, probably to complete his medical curriculum.

Then "Mr John Cunningham, who is to be maister of the grammar school, arrived at Kirkwall with his wife and three bairnes," 18th July 1689.§

But Mr Watt, when he retired from the school, did not at once leave Kirkwall, and the Church retained him as Session-clerk and precentor, "and settled on him the salarie and casualties possest by his immediate predecessors."

"In the town, as well as in the country parishes, the schoolmaster is usually precentor and session clerk, which brings him some advantages, for he receives one shilling and sometimes one shilling and six pence for the publication of banns of marriage, sixpence for registering christenings, and three pence for every person that moves from the parish."‖

The following year Mr Watt again purposed returning to Edinburgh, and "Mr Cunningham compeared in Session to undertake the charge of reader, precentor, and Session Clerk ; he was appointed against Friday next in the Session house to give in a specimen of his qualifications for that charge before Mr John Wilson, Provost Traill, and Wm. Mudie."¶ But plainly Mr Cunningham thought more of his own singing than candid criticism would warrant, for "Mr John Cunningham having given in that trial *ut supra* appointed in the session house to the small satisfaction of the hearers, as likewise upon Wednesday and Sunday in face of congregation, and the session considering his utter insufficiency for that charge, declared him utterlie incapable of that place at any time, and seeing that Mr John Watt had

* T. B. † T. B. ‡ T. B., 22nd Aug. 1688.
§ T. B. ‖ Dr Fea, 1787. ¶ S. R., 15th December 1690.

retarded of his voyage to Edinr. in regard of the pirates at sea, the session called him to his former charge."

In those days class books were supplied by the Session, and we find Mr Cunningham called upon to give in "a catalogue of the books belonging to the school." No doubt he did so, but unfortunately the list is not preserved.

Poor Cunningham's teaching power was about equal to his singing, and opposition was started. In 1692 the schoolmaster complained to the Council that "Mr John Davidson, residenter in Kirkwall, was teaching and learning several boys Latine." Mr Davidson's home and academy was that house in Albert Street which had formerly belonged to the Rev. James Wallace.

Shortly after this Mr Cunningham was out of office, and while he was utterly inefficient and should never have had the appointment, one cannot help feeling sorry for the "wife and three bairnes"—perhaps more by this time—who had to make that dreadful southern voyage at the risk of meeting "pirates at sea."

In 1694, Mr Hugh Todd, schoolmaster of Kirkwall, witnesses the infeftment of Andrew Young in the house "on the north side of the kirkyard dyke" formerly belonging to Magnus Taylor. After three years' work, Mr Todd was in such serious trouble that his dismissal was contemplated. "It was likewise proposed that the persons concerned in the planting of the school of Kirkwall should be spoken with upon Mr Todd, schoolmaster, his now removall, which was recommended by Mr Thomas Baikie, minister, as also to advise with the presbytery thereanent."* Mr Todd at once retired, and at next meeting "there was a letter read in Session by the minister, and was appointed to be sent as a call to Mr Robert McLeod, for the present at Cromartie, to invite him to be schoolmaster at Kirkwall." That letter was dated 15th November 1697; and on the 21st February 1698, "the session agreed with Wm. Elphinston, Post, to goe to Cromartie for a schoolmaster, and appointed the Thesaurer to give him £10 Scotts as his fee."

But Mr McLeod could not be persuaded to come north, and Mr John Spence was installed, 1698. On the 4th of March 1700, "John Spence, schoolmaster, demanded of the Session that the skillet bell in the steeple might be allowed to ring for the school and scholars' use at seven in the morning, ten of the clock, and two in the afternoon." The Session consulted the Magistrates, permission was granted, and the ringing of the Skellet as school bell continued to within the memory of living men.

During the incumbency of this master, the Town Council began to interfere very directly in the management of the school. From the fact that they took their stand upon the Burgh Charter, it might seem that they were very properly asserting their civic rights. But Kirkwall was at that time in a miserable condition socially, owing to the rancorous strife between sour presbyterianism and black prelacy, represented by the Session on one hand and the Magistracy on the other.

In 1705—Mr Baikie, the minister, being in Edinburgh—Mr Spence, easy man, was persuaded to give up his call from the Session, receiving instead a call from the Magistrates only. Mr John Davidson was at this time English Master, or "Doctor," of the Grammar School, and having been summarily dismissed by Mr Spence, he appealed to the Magistrates, who reinstalled him.

In January 1711, the Council took up a complaint against Mr Spence, preferred by William Liddell of Hammer, James Fea of Clestrain, William Fea, and Thomas Dishington. Among other points in the indictment, it was stated that the work of the school was so unsatisfactory as to cause gentlemen to bring "Chaplains" from the south to educate their

* S. R., 1st Nov. 1697.

children. To this Mr Spence replied—"Was I schoolmaster in Kirkwall when gentlemen in the country, such as Burray, Gairsay, Broch, Tankerness while in Eday, Grahamshall, Breckness, provided themselves with chaplains?"

This shows that in the seventeenth century, before Mr Spence took office, many of the Orkney lairds engaged private tutors for the education of their children. These were mostly divinity students, who also acted as chaplains—Levites they were called*—many of whom took licence from the Orkney presbyteries. Indeed, there were so many of these young men in Orkney, that on 10th November 1644, the Synod "ordains the Brethren to try in their respective paroches qt. chaplains, paedagogues, and schoolmasters there are, and requyre them to appear before us the first day of March next and to produce their testimonials."

It may be observed, in passing, that for educational purposes some gentlemen took rooms in town:—"Robert Baikie of Tankerness hath ane large tenement under sclaitt roof possest by himself, George Moodie, and Robert Stewart of Eday's children." †

Some boys were boarded in town. In a list of "Moneyis debursit for freinds, 1643, be Patrick Smythe of Braco, qhilk they are restand me as yit," there is an entry against Mr Henry Smythe, "Minister at Shapinshaw":—"Item to the Scolmaster for your sone's second quarter's payment, the 12 of July, 54s. Mair that day to his doctor for him, 27s. Mair to umquhill John davidson's wyff, ye 13 July, for his quarter's burd, 25 lib."

Another point in the complaint against Mr Spence was a specific charge of inebriation. Bailie Traill, who had been present on the festive occasion, "could not say that he was drunk, neither was he perfectly sober, but what will be only sufficient to quench another man's thirst will confuse him." The Session protested against the action of the complainers and against the Council for taking the matter into their hands. The ministers and elders drew up a history of the connection between church and school, and, as proof of their right of patronage, produced from the Session box the deed of the Isbister Mortification. Against this the Magistrates showed the Burgh Charter, and though the Council had never expended a penny on the upkeep of the school, the Session thought it best in the circumstances to compromise. "It was proposed that, for the good and welfare of the place, matters relating to the school should be judged upon by a Committee of the Session and Council of equal number." ‡ The Magistrates, however, had the best of it. On the 9th February 1711, "they found that the most fitt and commodious method is, and it was resolved by both committees, Session and Council, that qn. sd. Schoolmaster is to be Judged for any Imorality or the Lyke, which may only merit corporall punishment or pecuniall mulct, The Magistrates may and shall of themselves as Magistrates judge and punish the same." The present libel was "judged upon," and though it was found "not proven," Mr Spence resigned his situation, because he considered, perhaps rightly, that his influence was gone.

When Mr Spence gave up the school, he got from the Council a twenty years' lease of Dalespot. Many notices of Spence go to show that the schoolmaster was a feckless body. More than once Andrew Young of Castleyards had to prosecute him for sums of money owing to the Girnell.

Mr John Scollay, who had occasionally conducted the school in the absence of Mr Spence, was now asked to take the work till the next meeting of Presbytery, when, if after examination he were found qualified, he should have the appointment. He got the situation, found it a pleasant one, and kept it for eight years. William Orem, Town Clerk, occupied the tenement at the east end of the school, and the teacher and the lawyer were more than friendly; and so it happened that when, in 1719, Scollay gave up the school and went to be minister of Stronsay, Miss Orem went with him to make the manse comfortable.

* From Judges xvii. 10-13. † Val. Roll, 1714. ‡ S. R., 12th Feb. 1711.

In those days people did not give a wife the name of her husband, and Mrs Scollay was known in Stronsay as the Lady Orem. She did not like the position of the manse down in the hollow, and would have preferred to live on the ridge, where the public road now runs, commanding a view of the firths on both sides of the island, and the site which she considered most suitable is known to this day as Orem's Fancy.

On Mr Scollay's resignation, the Magistrates, without consulting the Session, appointed Mr Thomas Traill, son of George Traill of Quendale, late Provost of Kirkwall, and asked the Presbytery to examine him. The Presbytery resented this high-handed action, and wrote to the agent of the church in Edinburgh showing how the school had been "planted," and asking advice. A conference was again held, and the terms upon which future appointments should be made were laid down.* Then Mr Traill was received with great cordiality. Without reference to past troubles, "the ministers acquainted the Session that they were called for by the Magistrates and advised with annent the planting of the said school, and that there it was thought of admitting Mr Thomas Traill, son of the deceast George Traill of Quendale, to be Master of the said Grammar School, which the Session is very well pleased with." This installation was a function of great ceremony.† "Mr Thomas Traill, in presence of the Magistrates, Ministers, and Elders, accepted of the charge of the Grammar School for four years, and after his delivering an oration in audience of the above-mentioned, and his giving a sufficient evidence of his qualifications by examining of the several classes of the school separately, he was publicly invested in the said office."

In 1727, Mr Traill gave in his resignation, having received a call to the church of Orphir. In 1730, he married Sibilla, daughter of the Rev. Alexander Grant of South Ronaldshay. He was translated to Lady Parish, Sanday, 18th July 1733, and died 1753.

The Magistrates now, without appointing, presented Mr George Reid to the Presbytery for examination. The examiners, of whom Mr Traill was one, report him a young man likely to improve, and recommend the Council to try him.‡ He got the appointment, and continued in office till 1734, when he was induced to resign, "being found fault with for immoderately chastising and cruelly treating the children under his care."

He was succeeded by Mr Murdoch MacKenzie, and he again by Mr John Scollay, son of a former master. MacKenzie found chart-making more interesting work than teaching, and Mr Scollay was in 1742 called to be minister of the Second Charge in St. Magnus.

Mr Reid, who was still in Kirkwall, "upon promises of better behaviour, was again received to teach the school till a proper schoolmaster could be found."§ When a proper schoolmaster was found, Mr Reid, who had married Isobel, daughter of Bailie Peter Traill, went as missionary to the Fair Isle, from which place he was called in 1752 to be minister of Nesting, in Shetland. He died there in 1770.

In 1743, "the Magistrates signed a presentation, and delivered it to Mr Short, to be Schoolmaster of Kirkwall for three years." Having served his three years, Mr Short left Kirkwall, and Mr Donald MacKenzie succeeded, 1746. This incumbent died in 1750, and Mr William MacPherson was taken "on trial." MacPherson appears to have given satisfaction, for he held office till his death in 1757.

Mr James Shearer was then placed in the school on a twelve months' trial, after passing a presbyterial examination. He did the work for six years, and died in harness. In his time, Mr Robert Orchardson was "Doctor."

In 1763, Mr Alexander Redford, who had succeeded Orchardson as English master, and who was evidently popular in the burgh, was asked to take the Grammar School. He was at

* S. R., 29th July 1719.
† 19th August.
‡ Presb. Rec., 14th Aug. 1728.
§ J. W. Cursiter's papers.

the same time, as most of his predecessors had been, made Session-clerk and precentor. Unfortunately, his Latin was not up to the requirements of the situation, and he resigned the mastership, but retained the other two offices.

In 1764, the school buildings erected by good old Bishop Reid were condemned as unsuitable and insufficient. A committee of the Council reported, as the the result of an inspection by competent workmen, "that it would require a very large sum for repairing the old school and building another new school, as the materials in said old school, if it was taken down, would be of very small value; and, besides, if the schools were repaired as formerly designed, by their situation would not probably answer the purposes of two schools, as they would be still very damp and ill-lighted." "It was therefor resolved to build two new schools at the north side of St. Magnus church, with the west side thereof close to the street." The two schools were under one roof. "The Grammar School was a one-storey building on Broad Street, about half-way between the Cathedral and Mr Pollexfen's house."*

On Mr Redford's resignation, a Mr Wait was appointed, and did the work for a couple of years, when he gave up the school. Provost Riddoch, at a Council meeting, 31st May 1766, produced a letter from Mr Farquhar, of the Edinburgh High School, recommending Mr Alexander McGowan as master of the Kirkwall Grammar School. It was resolved to write "by Baillie Patrick Traill, bound for Leith," asking Mr Farquhar "to send Mr McGowan north in Baillie Traill's sloop, the John and Robert."

It seems improbable that Mr McGowan came, for in January 1768, "Walter Sharp demits the office of Grammar School Master."† Sharp had held the appointment for some time, for it was agreed to pay him his salary for a year and a half at the rate of £18 sterling per annum, "but with the deduction of his school fees, which he says amount only to £4 15s; also an account due to Robert Laing and one to Robert Kelday for board."

In autumn of the same year, "Mr Balfour of Trenabie having come to the southward, interested himself in the business, and being empowered by the Provost and Magistrates of that Borough to act in their behalf, made application to the Professors of the Mareshall College of Aberdeen in order to have their recommendation in favour of a person on whose moral character and qualifications as a teacher the people of Kirkwall might rely." Mr Balfour chose Mr John Anderson, who had just "finished a regular course of study in the above-mentioned college, and engaged himself by a written obligation" that the young man "should enjoy the office of Grammar Schoolmaster for one year at least."

Anderson began his work, Whitsunday 1769, Redford being Session-clerk and precentor. In 1770, Redford removed to Stromness, and on his recommendation, Buchanan Spence, a journeyman shoemaker, was appointed to lead the psalmody. Spence gave perfect satisfaction, but in a very short time he joined the Hudson's Bay fleet and went off to the "Nor'-West, and thus Anderson fell into the two offices which had been held by Redford. In 1775, however, the latter gentleman returned to Kirkwall, and in a minute, dated 6th November of that year, the Kirk-Session nominated him Session-clerk and precentor, dispossessing Anderson:— "This day the Session chused Mr Redford precentor in place of Mr Anderson; they also chused Mr Redford Session clerk with the ordinary salary and emoluments; and they rather chuse Mr Redford for an encouragement to him, as there is no stated salary in this place for an English teacher; and that such English school is of more benefit to the community and youth of town and parish than the Grammar school." They also proposed to compound with Mr Anderson for the shortness of notice by giving him £2 sterling. That gentleman, however, believing that his appointments were *ad vitam aut culpam*, refused to take his dismissal, and carried the case to the Court of Session, calling the Kirk-Session, the Magistrates, and

* Duncan McLean, in *Orcadian*. † C. R.

Mr Redford as respondents. "The action having come, in the course of the rolls, before Lord Westhall, as Ordinary, his Lordship, at the very first calling of the cause, satisfied that there was no pretence for any such claim against the respondents, pronounced an absolvitor in their favor." *

As to the precentorship, it is stated :—"In the first place, it is well known that his manner of reading was disagreeable to the whole parish." In these days a precentor's elocution is a matter of small account, but in those it was different. Not one-half of the congregation could read, and Bibles and psalm-books were expensive and scarce. The precentor accordingly read the first two lines of a verse, and after these were sung he read the next two, and it was a great point to glide melodiously back from the reading to the singing, the last word of the reading giving the pitch for the first note of the third line of the verse. It was also objected that Mr Anderson "was an exceedingly bad singer, and frequently misled the congregation." Under these objections the case would likely go against him if he took it to the Inner House ; but how it might go was now of less consequence to him, as, in 1779, he was called "to serve the Kirks of Stronsay and Eday," work which Mr Anderson no doubt found more lucrative and less worrying. Mr Pirie was then inducted, and did the work, whether efficiently or otherwise, for nearly ten years.

The new school buildings in Broad Street were cheap and nasty. After they had been in use for fourteen years, the Provost represented, March 1789, that "the Floor of the Grammar School is in a bad condition and may be a great hurt to the children, as it is only covered with stones and Earth ; he therefore proposed that the floor of the said school shall be properly laid with Deals," † and this was done.

In the same year, "the Council having taken into consideration the state of the Grammar School, and being well informed of the improper conduct of Mr Pirie, the present Master of that School, they therefore appoint the provost or Treasurer to intimate to the said Mr Pirie that they are not to supply him longer than Whitsunday next, or for the space of six months after this intimation is made to him, agreeably to the terms of his admission to the school, 27th May 1780."

In January 1790, the "Council recommend to the provost to write Mr Malcolm Laing, Advocate, requesting him to employ a proper person as Grammar School Master, and to acquaint Mr Laing of the fixed salary and perquisits belonging to the office." By this it will be seen that the Town Council had succeeded in securing the sole patronage of the school, and the Kirk-Session had ceased to have any say in its management.

Mr Laing appointed Mr Wm. Grant, who was inducted 31st August 1790. "He shall have right to the salaries and emoluments belonging to that office, particularly he shall have right to fifteen meills of malt, payable out of the Town of Isbister, and six meills of malt, payable out of the Island of Wyre, being one-half of the quantity of malt payable out of these places for the present crop, 1790, and that he shall have right to the whole malt payable out of these places yearly with the fees usually paid by the schollars." The Council also promised that if he should have more pupils than he could properly attend to, they would "employ a proper person as Usher or Assistant."

Grant had no sooner entered upon his duties than he complained that the part of the school possessed by him was too small, and that some of the children had suffered in health on that account. The other part of the building had been used as a private school for English classes, but now the private school was cleared out, a door knocked through the partition wall, and Mr Grant got possession of the whole place.

After two years, Mr Grant and the Council fell out. The teacher demanded from the

* J. W. Cursiter's papers. † C. R.

Treasurer £10, which had been retained off his salary. The Council refused to pay because, contrary to contract, Mr Grant had become a preacher and neglected the school, so that only twenty scholars remained. Besides, he lived at such a distance that his attendance in winter could not be regular. The Council therefore thought it best that he should give up the school, and gave him nine months' notice to that effect. Before leaving, August 1793, the teacher again demanded payment of the confiscated ten pounds, but had to go without. This claim was renewed from time to time, till February 1802, when the Council, under threat of a lawsuit, agreed to pay the principal sum, but "crave to have the interest discounted."

Mr William Graham, English teacher in Kirkwall, now applied for the situation and got it. In accepting office, 3rd September 1793, he writes that he cannot, without prejudice to his health, teach longer than seven hours daily from April to September, and five and a-half hours the rest of the year. The fees were then fixed :—Latin, Greek, and arithmetic, 3s 6d per quarter ; "and for Book Keeping and Navigation, payable one guinea."

After five years, the office was again vacant, and the Council for the first time made their wants known through the press. They gave instructions to advertise the situation, "for three weeks successively," in the *Caledonian Mercury* only. After five months' vacation, Mr James Anderson, from Drainie in Morayshire, was put in charge of the education of the youth of Kirkwall ; and in the instructions given him at his induction, there is an inkling of the trouble the Council had had with some of his predecessors :—"And it is hereby specially recommended to the said James Anderson to keep regular hours for teaching his scholars, and that he also attend Divine worship with his scholars in the Loft belonging to them, and behave in every other manner of way for the benefit of those who are intrusted to his care." The appointment was for one year, with three months' notice on either side, but Mr Anderson conducted the work for nearly eight years, when he resigned, in November 1807, to become minister of Orphir. He died there, 10th July 1845. On this occasion there was no delay in filling the place :—"Mr John Simpson, at present a private Teacher in Town, being suggested as a fit person, was unanimously approved of by the Council provided terms can be agreed upon."

The Magistrates and Council, as patrons, agree that, "to put the Grammar School upon a proper footing, some Regulations shall be adopted which, while they tend to make the situation an object to a well qualified teacher, may serve also to facilitate the improvement of the scholars." They object to a too "numerous and promiscuous collection of children," and they proceed to fine the school down into selectness. "In this view, an increase of the fees appears to be a measure highly expedient. At the same time that it will add to the income of the Teacher, it will, by the removal of children of the lower order to schools more suitable to their rank and circumstances," allow him to give due attention to the children of parents whose rank and means can afford the increased expense. The fees were fixed at five shillings per quarter for the ordinary branches of education, with an increase for special subjects to be agreed upon between teachers and parents. "Book-Keeping and Navigation have been usually paid for by the piece," and this system should continue, "the teacher to have due regard to the circumstances of the parents."

In November 1811, Mr Simpson resigned in ill-health. He was afterwards assistant to the Rev. Wm. Clouston, minister of Sandwick. In 1819, he was presented to the parish of Delting by Thomas, Lord Dundas, who in 1820 had him translated to Stronsay and Eday. He died in Kirkwall, 1859.

The clerk was now instructed to draw up an advertisement, which had to be submitted to Dr Munro, Bailie Scarth, and Mr Pollexfen, who were appointed a committee to look out for a teacher.

In April of the following year, Mr William Forbes, of Aberdeen, was inducted. A table of conditions was drawn up and subscribed by the Provost and Clerk, and an attested copy given to Mr Forbes "to be observed as his rule of charge." The fees for reading, writing, arithmetic, English grammar, and Latin, 5s; Greek and French, in addition, 7s 6d per quarter; book-keeping, navigation, mathematics, and geography, "by the piece, as may be agreed upon."

The annual vacation at this time lasted three weeks, and as the Lammas Fair was held during the holidays, the Council, by way of turning an honest penny, let the school rooms as shops. In 1810, James Brander, for the south room of the Grammar School, paid £3 3s. Next year the rent had risen; for the north room George Sinclair paid £5, and for the south room Michael Henderson paid £4 4s. The same two merchants had the rooms on similar terms the following year, after which there is no record of the class-rooms being let for such a purpose.

In September 1814, Robert Smith and others request the use of the end of the Public School, as they intend to employ a teacher for the education of their children, and the Council agree to fit it up and grant the use of it during their pleasure. "Robert Smith and others" may have been "those of the lower order" referred to above, seeking to establish a school "more suitable to their rank and circumstances" than the Grammar School was, but more probably they were some of Mr Forbes' own clients, who, having a strong grievance, took this method of giving it expression. Certainly the teacher was at this time in hot water, but the origin of his trouble is not recorded.

In November the sore came to a head. On the twenty-second of that month "Mr William Forbes, Schoolmaster of the Grammar School, having been called, appeared before the Council, and stated that he voluntarily gave up his office of schoolmaster on the condition that the Council would pay him the price of the malt of the current crop which he is entitled to receive as salary immediately, or if the Council wished, he would agree to teach other three months upon being paid a portion of next year's salary."

When a man gives up his situation *voluntarily* upon certain conditions, it may be inferred that his employers have asked him to resign. In this case the claim for malt was at once conceded. Mr Forbes was entitled to forty-two meills—thirty from Lord Dundas, and twelve from Sir William Honyman. Accordingly the Council paid the price, £42, free of duty, and allowed Mr Forbes to depart forthwith, not accepting his offer to conduct the school for other three months.

The clerk was now instructed "to correspond with the Revd. Mr Logie, of Sanday, to see whether Mr Dunn, schoolmaster of that island, would be willing to accept the situation." This gentleman declined for himself, but recommended Mr James Simpson, "presently at Oldrig." On Mr Simpson's refusal, Mr Duguid, minister of Evie, proposed his nephew for the situation. A new table of fees was drawn up:—Reading, Writing, and Arithmetic, 3s per quarter; Grammar and Latin, 5s; Greek and French, 7s 6d; Navigation, Mathematics, and Geography, as formerly, "by the piece." This was sent to Mr Duguid, along with a statement of the fixed salary, and he was asked to write to his nephew. The young man declined the offer, and nearly a year had elapsed when a petition was sent to the Council by some of the inhabitants praying that, "as the Grammar School has now been long vacant, Alexander Gordon, a young man presently in Orkney, should be appointed as interim teacher." The Council declined to make the appointment, as the young man was a dissenter and the Presbytery might object, but they answered that they would be perfectly satisfied that the inhabitants of the burgh should employ him as teacher. Accordingly, Mr Gordon did the work for four months, receiving from the parents the fees as fixed by the Council, and 15s per week from the Burgh Treasurer.

In January 1816, Mr David Paterson came to Kirkwall to be schoolmaster. He is described by one of his pupils as "a tall, raw-boned man, and somewhat of a tyrant." He did good work, however, and he certainly sent out one distinguished pupil, Samuel Laing, afterwards M.P. for Orkney and Shetland.

During Paterson's incumbency the income of the school was again subjected to spoliation, this time at the hands of the church. Paterson writes to the magistrates, 9th December 1819, that the Teind Court had allocated to the minister of Rousay the 12 meills of malt formerly paid to the schoolmaster from the island of Wyre, and asks the Council to appeal. The Council refused to do so, and perhaps on that account, the same month "David Balfour mortified £500 for the use of the teacher, on the condition that he teach free eight children nominated by him or his heirs."

In the beginning of 1818, the Council considered that the school building in Broad Street, which had never been satisfactory, should be superseded by a more suitable and commodious edifice, and called for subscriptions, heading the list with £300 from the Burgh funds. The matter was taken up by the county magnates, and as the Assembly Room in the Town Hall was too small for the gay and festive throng which periodically gathered there, it was proposed to add a ball-room to the school buildings.

The next idea was to add accommodation for the Sheriff Court, and the Council proceeded to erect a "new school and County Hall," which, when completed, should comprise "a public school, a schoolmaster's dwelling-house, an apartment for a public library, a county room, and the requisite accommodation for the Sheriff's Court."

With regard to a site there was in the Council no diversity of opinion. The whole churchyard space on the north side of St. Magnus was then simply a grazing ground in which there had been no burials. It was in the middle of the town, and therefore the most suitable place. A feu was obtained from the Kirk Session. The Town Clerk was instructed, 2nd April 1818, to "purchase 2000 feet of American wood, part of the cargo lately wrecked in Stronsay." A plan and estimate by Deacon Macpherson, for a building to cost £686, was approved of, when the Convener of the County applied for a Record Room and an apartment for County meetings.* He was informed that this would require another wing, and would bring the cost up to £1000. The Burgh had contributed £300; Stewart's Trust, £50. They would try to get private subscriptions, but the County must take up the balance. This was agreed upon; operations were begun close alongside of the Cathedral; and the walls already showed the form and area of the contemplated structure when the work was abruptly stopped.

Sheriff Peterkin, whose researches into the internal history of Orkney are of the highest practical importance, added to his other valuable services to the County this, that, by an interdict, he prevented the well-meaning local Goths from rearing a huge incongruous pile against the venerable walls of the ancient church. A committee consisting of three excellent men—Messrs Malcolm Laing, Thomas Pollexfen, and James Spence—was appointed to deal with the interdict, and Bailie Pollexfen was able in a short time to report that a statement of facts had been transmitted to the King's Remembrancer, "and hopes are entertained that the order for the interdict will soon be countermanded. The work, however, must stop in the meantime, which is much to be regretted, as the loss thereby occasioned will be considerable, and if long retarded the damage will be great." The committee next waited by appointment upon Mr Erskine, the Sheriff of the County, "for the purpose of examining the situation of the proposed school and obtaining the removal of the interdict. The committee found that in the Town's Charter the Cathedral of St. Magnus, with the lands around the same, is particularly granted to the Corporation in perpetuity by James III., and that the right of the Exchequer to

* C. R., 1st May 1818.

interfere is very doubtful. The committee found, however, that Mr Erskine is extremely averse to the present situation, and offers to support any plan which would obviate the objections of the Barons of Exchequer to the present site."

Finding that they could not get the interdict removed, the Council began seriously to consider the necessity of building in another locality and naturally expected from the Exchequer a feu on easy terms. The Butts, a yard lying at the back of Victoria Street, was proposed, but was at once rejected as utterly unsuitable "in respect of size, situation, and value." A part of Brandiquoy east of the Earl's Palace next came under negotiation, but terms could not be satisfactorily arranged.

Meanwhile the condition of the old building was getting worse. Mr Paterson wrote to the Council "that the present school-house is in so ruinous a state, not being wind or water tight, that the education of the children is either at a stand or carried on at the risk of their health." As a result of this letter, the Council granted the use of the Assembly Room, 30th December 1818.

Mr Gillespie, architect, was then asked to prepare a plan for a school to accommodate 150 boys, "so constructed as to be occupied as one school, or to be converted into two, as circumstances may require." The Council at first believed that the Brandiquoy site was to be given free of all conditions but a feu ; they, however, found that Government meant them not only to vacate the churchyard and clear out what had already been built, but they were also expected to give up all rights the Burgh had in the Cathedral. When this view of the case was brought before them, they took firm ground, and positively refused to surrender "the rights which the Kirk Session, the Magistrates, or private individuals have always enjoyed to the seats in the Kirk ; the rights which families and individuals have to burial ground both within and without the Kirk ; the right of holding the meetings for the annual elections of the Magistrates, which by the sett of the Burgh is directed to be held within the Kirk, a deviation from which might subvert the constitution of the Burgh ; the right of the Kirk Session to the seats and seat rents ; the clergyman's right of pasturing the ground (not used as a burial ground) lying to the north of the Kirk, which he has enjoyed from time immemorial ; and even the right or interest which the Heritors, both of the Burgh and parish, have in St. Magnus as a Parish Church."

And now, when popular opinion had turned against the churchyard site, while Brandiquoy could only be acquired under intolerable conditions, and no other bit of public property was available, the Magistrates and Council were delighted to be able to report that they had "resolved to accept the handsome offer of Samuel Laing, Esq., who, sensible of the great loss and inconvenience which the community sustain by the want of a proper place of education, has generously made offer of a piece of ground which will answer the intended purpose." This was a corner of the lands of Papdale which Mr Laing granted to the Burgh "on a perpetual few and for a trifling few duty."* Here the new Grammar School was built by James Allan, who had come to Kirkwall to build the pier. Each individual member of the Council constituted himself clerk of the works, and watched the progress of the building with keen interest. When the walls were pretty well up, one of them was found to be "bulging" and had to be straightened. It is to be feared that under such strict supervision Mr Allan would make little profit by his contract ; however, he seemed well enough pleased with Kirkwall, for he settled in the town and died at a ripe old age a member of the Secession Church.

The following letter† shows the generous interest which Mr Laing took in the education of the youth of Kirkwall :—

* £12 Scots. † Favoured by J. W. Cursiter, Esq.

"Carrick, Eda, 20 July 1830.

"Dear Sirs,—It will give me great pleasure to contribute to an Establishment so useful to the community as the proposed Infant School by feuing the ground required for the site of the building in the situation you point out as the most eligible behind the New School House. If you will lay out the area and order a feu Charter to be made out in favour of the Trustees of the Establishment and their Successors in office, with a nominal feu Duty of course—such as a penny Scots if demanded—I will be most happy to sign the necessary Papers when prepared. And with the warmest wishes for the success of an institution so useful and so honourable to the county,—I remain, Dear Sirs, yours most obedientlie, (Signed) SAMUEL LAING.

"To James Baikie, Esq. ; William Traill, Esq. ; Th. Graham, Esq. ; and the other Gentlemen of the Committee for establishing an Infant School."

In 1820, Mr Paterson, with his charge, moved into the new building.

The Council now proposed to the Barons of Exchequer "that the triangular piece of ground on the east side of the churchyard be put under charge of the Grammar Schoolmaster of Kirkwall for play ground to the boys of his school, but to be applied to no other purpose, and the privilege to be a mere tolerance, revocable at pleasure by the Barons." This was granted, but in 1839 the "revocable at pleasure" clause came into operation, when, to the disappointment of everybody, the Commissioners of Her Majesty's Woods and Forests withdrew the "privilege," refusing compensation for improvements.

Among other questions raised by the building of the new school was the consideration whether the Council should continue it under a headmaster and an assistant or break it up into two schools—in the latter case, the Council to have the presentation to both.

The Magistrates were quite pleased with their school, and they got permission from the King's Remembrancer to build a dwelling-house for the teacher "on the east angle of the triangular piece of ground on the east side of the churchyard." They gave £3 10s for prize books, and they empowered Mr Paterson "to impose a fine upon scholars injuring the tables, seats, or building." Finally, the Treasurer was authorised "to sell by public roup the table, forms, etc., of the old school which were left after furnishing the new school."

But Mr Paterson was getting tired of his work in Kirkwall, and wanted a change. In 1822, he span out the summer vacation of three weeks to eight, lingering in the south looking for another situation. The Provost, "on the complaint of several of the most respectable inhabitants," wrote him a kindly letter, the terms of which show that Mr Paterson's work was much appreciated by the townspeople. He at once returned ; and in February 1823, we find him, as a representative man, signing a petition, along with Sheriff Peterkin and Robert Pringle, towards getting a new parish church in Kirkwall. After the summer vacation of that year, however, he "took upon him, 13th Oct., without asking or obtaining permission, to desert the School and go to the South Country by the 'Eliza,'" packet, "leaving the School and the instruction of Scholars to a young boy, James Copland (a Seceder). And it being reported that James Copland was also preparing to leave Orkney, the Provost made enquiry at him as to the truth of the report, and requested an answer in writing, which was given, and is now laid before the Council. That the 'Sir Joseph Banks,' Packet, sailed for Leith yesterday, and James Copland, having abandoned the charge of the school, went passenger by that vessel ; so that now the school is completely deserted, and the key is lodged in the hands of the Town Clerk." The Council had no address if they wished to communicate with Mr Paterson, so they regarded his desertion as a fault, and dismissed him. In revenge, "Mr Paterson published a satirical pamphlet in rhyme," holding the Kirkwall gentry up to ridicule.

Meanwhile the school was vacant, and in this emergency Mr Dunn, minister of the Second Charge in St. Magnus, who had in 1815 been offered the mastership, undertook to carry on the work for a short time, and the key was handed to him with thanks.

The office was again advertised, and we learn, 2nd February 1824, "of the numerous candidates for the situation of teacher, Mr James Craig, Schoolmaster, Drumelzier, and Mr John McEwen, at Markinch, are the two most eligible, and as the Provost* intends going to Edinburgh soon, he is hereby authorised to engage either of them, assisted by the advice of the Rev. Dr Brunton† or Professor Pillans." In making the appointment, the Provost was empowered to state that if the number of scholars should exceed sixty, the Council would employ an assistant. A letter from the Provost was laid before the Council, 15th March 1824, in which he states that he had chosen Mr Craig, who would leave for Kirkwall by the first packet from Leith. The same day an account from the General Newspaper Office, Edinburgh, for advertising the situation, was presented—£3 0s 10½d—and paid. On the 20th April, Mr Craig arrived, and the Council, though perfectly satisfied as to his character and qualifications, "remit him to the Presbytery for examination." He was then presented with a certified copy of the rates of school fees, and was recommended to demand them quarterly in advance.

The number of scholars soon exceeded sixty, for in four months after his appointment, we find Mr Craig writing to the Council requesting that they would appoint Robert Borwick his assistant, which they did, granting him £10 yearly from the burgh funds.

During the long correspondence between the Council and the Crown authorities concerning a site for the school, the Barons of Exchequer, as has been seen, granted space for a house and garden for the teacher in the triangular bit of Brandiquoy, lying to the east of St. Magnus Churchyard, "during their pleasure." As this tenure was somewhat precarious, the house was not built, but the garden ground was used by the teacher. Of this, Mr Dunn, during his temporary mastership, took possession, and when it should have been handed over to Mr Craig, it was found that the minister had ploughed it up with the intention of sowing oats. This, of course, was prohibited, and a petition was sent to the King's Remembrancer requesting that he would continue the use of the ground to Mr Craig during his incumbency.

Mr Craig's work in Kirkwall is still held in affectionate remembrance by many of his old pupils. He resigned on account of failing health, and died 26th July 1861. He was succeeded by his son-in-law, Mr John Watson, in whose hands the school was when, in 1872, after the passing of the Education Act, the Grammar School, a Subscription School, and an Infant School were by the School Board amalgamated and formed into what is now known as the Burgh School of Kirkwall. It was at this time also that the Isbister Mortification, the last of the school's many endowments, was lost for educational purposes.

Since 1872 there have been two headmasters—Mr John Beaumont and Mr John McEwen. Under Mr McEwen's rectorship, Mr Craig's sixty pupils have increased to six hundred, and for efficient work the Burgh School of Kirkwall holds a position second to none in the north of Scotland.

* Samuel Laing.

† Dr Brunton's connection with Orkney was that he was married to Mary, daughter of Colonel Thomas Balfour of Elwick.

CHAPTER XVI.

Palace Street.

BETWEEN the school and the palace there were two houses described as the "ludgeing or long tenement built upon the calsay of the sd. Burgh, bounded betwixt the yairds of old belonging to the Colledge on the south, the calsay or street towards the churchyaird on the north, the towr of the palace on the east, and the Gramar School of ye sd. Burgh and close yrof on ye west."

The house next the Tower was given by Bishop Honyman to his son, Robert, and his wife, Catherine Graham, and, in 1681, Bishop Mackenzie, with consent of the Session, sold the other to Marjorie, daughter of Arthur Buchanan of Sound.

Robert Honyman, who occupied "the east pairt of the long tenement," was a public spirited man. In January 1681, he gave £100 towards the repair of the steeple of the Cathedral, which had been destroyed by fire ten years before. In 1699, his son, Robert, purchased the estate of Græmsay from Harry Graham of Breckness, who had three years previously acquired it from James Stewart of Græmsay.

In 1725, while living at Clestron, part of the Græmsay estate, Robert Honyman had a visit from Gow and his crew. There were at that time no banks in Orkney, and the laird of Græmsay had a considerable amount of money in the house. In the short time at her disposal, Mrs Honyman, a daughter of Harry Graham of Breckness, had the cash box removed to one of the attics, where, ripping open a couple of feather beds, she threw the contents over it. The pirates searched every room in the house, and when they came to this particular garret, Gow called his men away, telling them not to spoil their clothes with feathers searching that "damned cockloft."

Shortly afterwards Mr Honyman, requiring to go to Edinburgh, provided for the safety of his treasure by burying it in the ground. In doing so he had the help of a trusted servant, who next day started with him on his southern journey. But in crossing the Pentland Firth the boat went down with all on board, and the buried treasure to this day remains undiscovered.* Robert's son, William, got Gairsay, and became William Honyman Craigie.

A great-grandson of Robert Honyman sat on the Scottish bench as Lord Armadale. He married a daughter of Robert McQueen, Lord Braxfield. This lady must have witnessed some queer scenes in her youth. Those were the old swearing days, when a sounding expletive was considered rather an offset to conversation. It is told of Lord Braxfield that on one occasion when playing whist he swore at his partner, a lady. She resented the rudeness, when he at once apologised—"I beg your pardon, madam, but for the moment I thought you were my wife."

* The tradition of the burying of the cash-box is probably inaccurate, and it is likely that the gold went down with its owner, who was carrying it for safety to Edinburgh.

Robert McQueen, Esq. of Braxfield, advocate, was enrolled among the barons of this county, 8th November 1796. *

Lord Armadale was created a baronet in 1804. The marriage of his eldest son, Richard Bempte Johnston, was the subject of a most remarkable lawsuit.

In 1811, Lord Armadale had in his house as governess to his daughters a Miss Campbell, just about Mr Richard's age, and between the two an attachment arose which was carefully concealed from the Honyman family. In 1812, Mr Richard Honyman was elected member of Parliament for Orkney, and continued frequently to meet Miss Campbell both in Scotland and in London. Many letters passed between them, and all of his at this time expressed strong honourable love. Here are extracts from one written in February 1813 :—

"30 Duke Street, St. James.

"You will probably have conceived by the time which I have suffered to elapse since the permission which you so kindly granted me, that I did not intend availing myself of it; but so bewildered and agonised have I been since our separation, that I have been unable to give utterance to my feelings, or form one rational sentiment even to her who is the tenderest object of my regards. Would that we were once again together, and nothing shall separate us. I look forward with rapture to our again meeting, and then we must form plans for putting our feelings out of the reach of Fate. I intend being with you much sooner than I intended. From the embarrassed state of my father's affairs, my residing in London is both improper and disagreeable, and it was only to please him that I ever went. God knows how bad a politician I shall make, and I would resign such a situation with great happiness. I went yesterday and paid a visit to the outside of No. 8 Millman Street. The blinds were up and the windows open. Oh! thought I, they have a different inmate in the house now to what they had when I knew it, and the conclusion sunk deeply in my heart. Believe me, I feel a fondness for the house, for it was once the abode of Eliza. I took a most accurate survey of it. The windows were new painted, and there was the little Chambers, who took such an insurmountable antipathy to me, looking out of them. You will receive this on Monday, and write soon. God bless you, thou dearest girl. Again farewell, and believe me, with an attachment strong as it is pure, yours most affectionately, (Signed) R. B. J. Honyman."

To the amazement and consternation of Lord Armadale's household, on the 27th of May 1814, the governess became the mother of a little girl, the father being R. B. J. Honyman, M.P. for Orkney. How this poor bantling was welcomed by its father's relatives is shown by a letter written to the papa :—"You know how and in what manner Elizabeth was brought into this world, and that in seventeen hours afterwards I left Smyllum for Edinburgh with her, naked as she was born."

On the 27th May, exactly two years after the first, another little girl, Alexa, was born. This apparently illicit intercourse continued till 1823, the mother supporting herself and the two children. She had £400 of her own when she left her situation, and it lasted her for ten years, but in 1824 she was unable to pay her rent and was thrown into jail for debt. From the prison she made a piteous appeal, not for herself but for her bairns :—"Your children are starving and almost naked, going without a shoe on their poor feet. Is it possible you can know this and not do something for them? Do send them something by the coach on Monday." She asks nothing for herself and gets it; but he writes :—"I send five pounds for them, and shall not send anything more until a settlement takes place. Indiscreet woman, to send your letter wafered with a dry wafer." Mr Honyman was then staying at his father's country house, Smyllum, and the coach referred to was that which ran between Edinburgh and Glasgow.

She shows what had been done for the children by their father :—"I shall have no hesitation in affirming most solemnly at any time that from the day of Elizabeth's birth, on the 27th of May 1814, and that of her sister, Alexa, on the 27th of May 1816, I never received one sixpence for ten years for their support." She always signs herself "Elizabeth Honyman."

* See *ante*, p. 138.

At length, for her children's sake, she determined to prove her marriage. The case came on in 1831, and went to the House of Lords, where it was decided in her favour. Brougham, the Lord Chancellor, in an eloquent speech, says :—"I desire to be understood as saying that this lady's conduct stands as pure and unimpeached as that of any party who ever came to this bar."

A phrase in his letter and a clause in Lord Brougham's speech may partly account for Mr Honyman's unnatural conduct to his wife. He speaks of the embarrassed state of his father's affairs, and Lord Brougham says :—"I desire to have it understood as no part of my opinion that my Lord Armadale's son, or Sir William Honyman's son, even if he had been a wealthy baronet, *instead of one in moderate circumstances*, would have been at all degraded by marriage with a lady of whose accomplishments I have his own admission, whose charms he is the loudest to speak forth, and whose virtue, whose purity of character is entirely unimpeached by the evidence the result of the scrutiny to which it has been subjected."

It was the often enacted drama of real life. The impecunious man, the man who is not paying his way, can scarcely be honourable. First, from family pride, at which Lord Brougham laughs, Mr Honyman conceals his marriage ; then, unable to support his wife and their children, he becomes ashamed, and, in almost natural sequence, neglects, deserts, and repudiates. Her marriage established, direct communication ceased, and Sir Richard died in 1842, leaving no male heir. The title went to his brother.

The Stewarts, from whom Græmsay was bought, were not a model family. The first Stewart of Græmsay was James, a natural son of Robert, Earl of Orkney, and Janet, daughter of Alexander Robertson of Strowan. He married Helen Monteith, and was succeeded by Harie. Next came James, who married, first, Katherine, daughter of Thomas Buchanan of Sound, and, second, Isobel Bruce. The latter lady was liferented in Græmsay, but gave that up for an annuity, the surplus going to liquidate debts contracted by the eldest son, James. This annuity was "300 merks Scots., 32 meils of malt, 16 meils meal, good and sufficient stuff upon the common malt pundlar of Orkney, as also all and sundrie the small casualties due and payable out of the sd. yle of Græmsay sch as butter, oyle, poultrie, flesh, and peatts."

Whether over James' debts or about other matters, there was, in 1689, sad strife in the Græmsay family. It seems to have been the often-told tale of an unreasonable father and an obstinate son. Twelve years before this the young man had been seized by his father in the family estate, "heritably and irredeemably," subject of course to liferent. Now the father protests against the son's occupying his domicile with its plenishings, whether Græmsay or Clestrain, is not shown.

The son complained that he had been "met by the father with blows of a cane," and that he had been threatened with a sword. He stated also that the old gentleman had driven his daughter Lillias out of Græmsay without any allowance for maintenance.

When James Stewart did succeed, he found that he could pay his debts only by selling his property. Accordingly, 13th March 1696, Græmsay passed to Harry Graham of Breckness, who, three years later,* sold it to his son-in-law, Robert Honyman, grandson of the Bishop.

Besides the island, the estate included the Holms of Cairston, Clestrain, the Bu' of Orphir, the Cairlin Skerry,† the Mill of Kirbister, besides some quoys in Ireland, in the parish of Stenness.

About 1697, William Orem, Notary Public and Town Clerk of Kirkwall, secured Marjorie Buchanan's house, which was joined to the east gable of the Grammar School, and in the year specified he acquired from the Town Council "the piece of ground lying directly opposite to

* 24th Feb. 1699. † Barrel of Butter Rock.

the side wall of his dwelling-house from the one gable to the other where he now presently resides, extending to twenty foots from the easing drop outwards to the high street or calsey that goes up to the King's house, and that for building the toofall that is since builded thereon." At the same time he got as a privilege only "the peat ground presently possest* by the said Wm. Orem, running from the west gavil of his said dwelling-house down alongst the Grammar School dyke to the outer gate of the same, extending to twenty foots in breadth and no more."

This property remained in the hands of Orem's descendants till 1823, when it was purchased by Hay Elrick, watchmaker. This man, proceeding on his rights to the "twenty foots" granted to the ancient Town Clerk, erected the house which now stands in bold ugliness in front of the old College buildings. Elrick's intrusion was resented by the Town Council, and interdict was taken out against him, but we have monumental proof that the interdict was withdrawn, though there is not the slightest doubt that Orem's titles carried no right of building on the peat ground.

After a time Orem purchased Honyman's part of the "ludgeing or long tenement," and he rebuilt the house next the round tower. Here he died, leaving his widow, Jean Black, life-rented in it.

Orem's widow married Charles Stewart, Stewart Clerk. Stewart was a man of importance in his day, as the Stewart Clerk, equivalent to Sheriff Clerk, did the bulk of the work now done by the Sheriff-Substitute and Procurator-Fiscal. He was the second son of John Stewart, writer, Edinburgh, and was born in that city, 1675. In 1703 he married Mrs Orem; in 1715 he was married at Westness to Marjorie Traill; and, 1731, in Kirkwall to Sibilla, daughter of William MacKenzie, Commissary.

* Occupied. † For titles favoured by Mr Walls, National Bank.

Back of Orem's House and the Bishop's Tower.

CHAPTER XVII.

The Kirk Green.

THE old Town Hall was built on the Kirk Green, and after nearly a century and a half of public service, it was cleared away when the new Town Hall was built. But the site was not left entirely vacant. An absurdity in polished granite, utterly out of keeping with its surroundings, was erected as a monument to the Covenanters who were wrecked on the Moul Head of Deerness in December 1679. Out of place though it be, this monument is one of Time's landmarks, showing the changes that may come over a community in the course of a couple of centuries. When the "Crown" was wrecked, the people of Kirkwall regarded the unhappy victims as so many rebels justly banished from the kingdom, while those who erected their monument hold them as martyrs in the cause of Christianity. That they lost their lives in a struggle for religious liberty is undoubted.

We have contemporary history giving expression to Orcadian feeling regarding the struggle of the Covenanters. Thomas Brown, Notary Public, was Town Clerk of Kirkwall at this time, and in his diary he enters :—"June 22,* being an Sabbath morning, the Duke of Monmouth had battell with the wiggs in the west of Scotland, near Bothwell Brigge, and he with his army (glory be to the Almighty) had the victory that day." With regard to the wreck, the diarist seems perfectly callous :—"Dec. 10, being Wednesday, at 9 in ye evening or yrabout, the vessell or ship called the Crown, wherein was 250 of the wiggs or thereby taken at Bothwell Brigge, to have been sent to Virginia, parroshed at or near by ye Moull Head of Deerness."

It is improbable that any other contemporary record of the event is extant in Orkney. Traditions we have of course, and equally of course these are utterly unreliable. But on board the ill-fated vessel was a young Lanarkshire man, named Paterson, who lived to return and marry his own love, and his account of the wreck is preserved in the west country. From Greyfriars Churchyard, in Edinburgh, the prisoners were marched to Leith and put on board the "Crown," which was to convey them to the settlements—the English plantations in the West Indies.

On the 27th of November she set sail, and on 10th of December she cast anchor in Orkney close off a lee shore. At this point tradition brings in a mutiny, but this must refer to a petition of the prisoners that they might be permitted to land with the sailors, offering at the same time to go peaceably to any available prison. The captain's answer was to have the hatches securely battened down upon the poor wretches. The ship drove ashore on the Moul Head of Deerness, and a mast going by the side, formed a bridge by which the crew landed. When the ship broke up, the prisoners, dead and alive, were liberated. About fifty escaped, and that only through the friendly darkness of the winter night, for the sailors tried to hurl back into the sea those whom they saw reach the rocks. These fifty, finding themselves among

* 1679.

an unsympathetic people, separated, each to shift for himself. Paterson came to Cairston, where he managed to ship for Holland ; and, after an exile of three years, his friends procured him an indemnity, which enabled him to return and marry Elizabeth Halliday.

The monument on the Kirk Green is not the outcome of Orcadian presbyterian enthusiasm, nor was its cost defrayed out of Orcadian presbyterian pockets. A visitor from South America learned that there was in Orkney no memorial in stone work of the wreck of the "Crown," so he supplied the money to erect a beacon on the Moul Head, and the surplus, with a few added subscriptions, put up the Broad Street column.

Apropos of the wreck of the "Crown," the historian of episcopacy in Orkney says :— "Though misguided, many of the Covenanters were in earnest, but the extreme men, with whom those drowned at Deerness may be classed, were fanatics pure and simple." On this point opinion is divided.

Another writer says :—"I shall begin with the prisoners taken at Bothwell. Mr Kid and Mr King, as has been said, were executed as Traytors ; and, as if their cruelty had been satisfied, it was resolved in Council to transport the rest into the English Plantations. Upon the King's Orders, and under Pretence of this Transportation, there were 300 of the said Prisoners put on board of a Ship in Order, as was said, to be sent to the West-Indies. Some have said that it was then publickly known that the Council had, *notwithstanding the Order from England*, determined the Transported People for death ; and, indeed, it seems more than probable, seeing they sailed Northward to go to the *English* colonies directly from *Scotland ;* which by the Constituted Law of those Countries, *called the Act of Navigation*, could not be done, neither could any of these Colonies have received them, but have seized and forfeited the ship and Goods that came with them ; so that it is certainly more than a Suspicion that the Poor People were designed for Destruction. The Case was thus, when the poor People, I say, were put on board the ship and sail'd out of the Firth of Edinburgh, it was expected that they should have gone directly to *England*, as ships bound to the *English* Plantations were always used to do, and as indeed they were bound by the Laws of England to do, *as above ;* but, on the contrary, they sailed Northward to the Coast of the *Orkneys*, where by Stress of Weather, *as was pretended*, the Ship was driven among the Rocks and broken in pieces. The Master and Seamen, and the Persons, or Murtherers rather, who had the Guard or Conducting of the Prisoners, easily got on shore ; and had they been permitted, all the Prisoners might likewise have done the same ; Whereas the Officer who had the Guard of the Prisoners, with the Master of the Ship, having on pretence of securing them, lock'd them all down under the Hatches, would not, upon the most earnest and moving Entreaties of even the Seamen and others, nor the Shrieks and Cries of the poor dying People, suffer the hatches to be opened or one of them to be let out.

"It seems there was one Seaman who ventur'd his Life on board when the Ship was just breaking to pieces, and, with an Axe, cutting his Way thro' the Side or Deck of the Vessel, let about 50 out, who were every one saved, but the rest all perished.

"Moreover, it has been said that there was not Provisions on board for the Prisoners sufficient to keep them alive 14 days ; which, if it is true, would convince an Atheist in such Things that the Design in putting these poor People on board was not to Transport but to Murther them.

"Thus perished 250 of these good People ; I call them so on this most justifiable foundation, (viz.) because that tho' they might have their Lives and Liberties given them by the Sovereign upon Terms which in Conscience they could not comply with, *they loved not their Lives.*

"After this piece of Cruelty is related, I think I need no apology for having said That

the Reign of *Dioclesian*, or any of the most Cruel persecutors of God's Church, could not match it." *

This pillar serves another purpose, however ; it marks the site of the old Town Hall and of the older Guard House. At the time of the erection of the latter, the necessity for it was great. "Qlk day,† the Presbytery taking to their consideration the most unchristian and more than barbarous practice of the town-guard of Kirkwall at the time of the Lambas fair their keeping guard within the church, shutting of guns, burning great fyres on the graves of the dead, drinking, fiddling, pipeing, swearing, and cursing night and day within the church, by which means religion is scandalised and the Presbytery most miserably abused ; particularly that when they are at exercise in the said church, neither can the preacher open his mouth, nor the hearers conveniently attend, for smoke ; yea, some of the members of the Presbytery have been stopped in their outgoing and incoming to their meetings and most rudely pursued by the souldiers with their musquets and halberts, all which are most grievous to the Presbytery and to any that have any sense of godliness ; for remeid of which the Presbytery appoints Mr Patrick Guthrie,‡ Mr Baikie,§ and Mr Grant‖ to represent the said abuse to the Magistrates of Kirkwall, and to desyre of them to keep their guards elsewhere in all tyme coming, which if they do, the Presbytery will give them no more trouble in this affair, but if they will not, the Presbyterie will endeavour to represent the said abuses to the *Privy Council* for redressing of them ; and appoint the brethren to report."

The Magistrates were willing enough to reform this crying abuse, but they had no other building in which they could accommodate the guard, and they had no money with which to build. But the church found the means, and the guard-house was put up.

23rd February 1702, "Arthur Murray being called, compeared and acknowledged his guilt with Marie Sinclair. He, being rebuked and exhorted, was removed. The Session, considering that his fault was a trelapse, referrs him therefore to the Presbytery, and as to his penaltie, the Session requyred the Magistrat present to impose according to the Act of Parliat."

16th March 1702, "With respect to Arthur Murray trelapse in fornication, referred to the Presbyterie, the minister reports that the said Arthur had given in a supplication to the Presbyterie craving their favor as to his satisfaction, and that the Session of Kirkwall might be allowed to take satisfaction according as they shall think fitt ; and that the Presbyterie, upon his said supplication, considering his great age and weakness of body, and seeming repentance, together with his readiness to yield to the Session of Kirkwall's appoyntment, both as to his satisfaction and penaltie, did therefore allow and warrand the Session of Kirkwall cause the said Arthur satisfie, in or without sackcloath, as they should think fitt, and referred him back again to the said Session for his satisfaction accordingly.

"All which the Session considering, the Session did unanimouslie agrie that the said Arthur should make satisfaction in the public place of repentance without sackcloth, and that, upon three or four days' appearance, he should be absolved.

"Upon which favour showed to the said Arthur, he did give in willinglie a bond for 200 lb. Scotts moie., to be paid against Whitsunday next ; which bond of 200 lb. money foresaid the Session, with the special advyce of the Magistrat present, depositat in the hands of Andro Strang, one of the Elders and present town Treasurer, that he may Imploy workmen as need requyrs, for the building of a guard-house upon a convenient place on the Broad Street as shall be thought best by the Magistrats and Session ; and for the defraying the charges of the

* Memoirs of the Church of Scotland (London, 1717). † 8th Aug. 1701. ‡ Lady Parish, Sanday.
§ St Magnus, First Charge. ‖ South Ronaldshay.

said house, the Magistrat and Session present allow and Impower him to call and pursue for the said 200 lb. forsd., and, if need be, he is to give him an assignation to the same.

"And this the Session, with advyce of the Presbytrie, did cordialie agrie to in order to the removing that abuse of the church by keeping guard in it at Lambas tyme."

Arthur Murray's fine was not quite sufficient to complete the guard-house, and a collection was taken up in all the churches within the Presbytery. Then, 12th August 1703, "The Sess., with the Magistrats* pnt., considering that the guard-house, as it was proposed to be built of timber, is now perfyted, and that by this means the abuse frequentlie complained of is removed out of the church. And in regard that the Magistrats present represented that they were resolved (if the Lord would), upon a convenient occasion, to build a tolbuith in which they proposed to make a sufficient guard-house, and therefore craved that it might be minute in Sess. that the timber presentlie Imployed about the guard-house should be forthcoming upon their demand to the use of the sd. tolbuith, obliging themselves to furnish the town with a sufficient guard-house without any trouble to the church. The Sess. grants this, and hereby declares that, upon the condition aforsd., the timber shall be forth coming to the use foresaid."

It was nearly fifty years before the Town Council was able to carry out their scheme of erecting a tolbooth, when, strange to say, the nucleus of their building fund was another fine of £200.

One other erection on the Kirk Green remains to be noticed—the Market Cross. The old site of the Cross was near the foot of the Strynd. The original use of the Cross for market purposes was doubtless to render contracts binding in an age when written agreements were impossible; the parties to a bargain touched the Cross, and thus came under a solemn obligation.

The Cross also lent itself to further the ends of justice. It was used as a pillory, and the Cross of Kirkwall was provided with "jougs." When the civil court sentenced an offender to endure the clasp of the iron collar, he was taken to the Cross.†

Incorrigibles were branded at the Cross to testify that the burning was not an act of human cruelty, but that it was a sacred duty on the part of Magistrates to stamp obdurate offenders that men might recognise and beware of them.

Proclamations were made at the Cross, the inference being that from thence nothing but truth could be promulgated.

Sometimes an endowment of land was attached to the Market Cross, and the name *Corse*, in the immediate neighbourhood—church land from its earliest known history—may point to something of that nature.

If the engraved date, 1621, be any guide, the present Cross was erected by Bishop Graham.‡ The Cross has been broken and mended.§

* Wm. Young and Wm. Liddell, Bailies.

† It is said that the punishment of the jougs got into disfavour and finally into disuse through an accident at the door of a southern church. The beadle had to adjust the collar round the neck of a very little woman, so short that he had to get her a stool to stand upon. Having seen everything secure, he went about his other duties. Coming back some time afterwards, he was horrified to find that the poor creature had upset the stool, and was only saved from strangulation through the tips of her toes reaching the ground.

‡ For Kirkwall Cross, see Mackintosh's "Incidents," p. 227.

§ A gale of wind, wrecking a tent erected near it, during a Lammas Fair, caused the damage.

CHAPTER XVIII.

Victoria Street.

GOING up from Broad Street, the first house on the east side of what is now called Victoria Street is a long, plain building, one of the ancient ecclesiastical official residences. In the north end of it, as has been seen, was the "Chaplain's Chamber," which, in early presbyterian times, was the episcopal Meeting House. The southern and larger portion was the manse of the Subdean of the Cathedral. The first occupant of the latter must have been Peter Houston, Rector of Hoy and Vicar of Walls, Bishop Reid's Subdean. The last to hold the office under Romish rule was William Mudie.

Early in the seventeenth century the Subdean's house belonged to William Carmichael, merchant in Kirkwall. Carmichael's success in business may be inferred from his occupying one of the largest houses in the town. He put out money at interest, and a loan by him to David Cromartie, Wydwall, is registered 16th June 1616.

In 1630, Carmichael made over his house to his daughter, Christian, and her husband, John Grahame. The following year they sold it to Thomas Buchanan. In 1661, Arthur Buchanan of Sound sold the old mansion to George Smythe of Rapness—one of the Braco Smythes—and his wife, Christian Rusle.

In 1663, James Baikie of Tankerness obtained "decreit for the sowme of 700 mks. of prinll. and 20 mks. of expenses" against Christian Rusle.

Christian accepted for a second husband Thomas Wilson of Hunclet, and the house of her first husband became the property of his son, John Smith. But John got hopelessly involved in debt, and the Subdean's Lodging passed into the hands of James Baikie of Tankerness, 1689.

In 1704, William Halcro of Coubister and his wife, Margaret Black, bought the place from Baikie and kept it for thirty years. While in Coubister's possession, this house, or part of it, was occupied by Margaret Stewart, widow of Bishop Mackenzie's son, William, Commissary of Orkney.

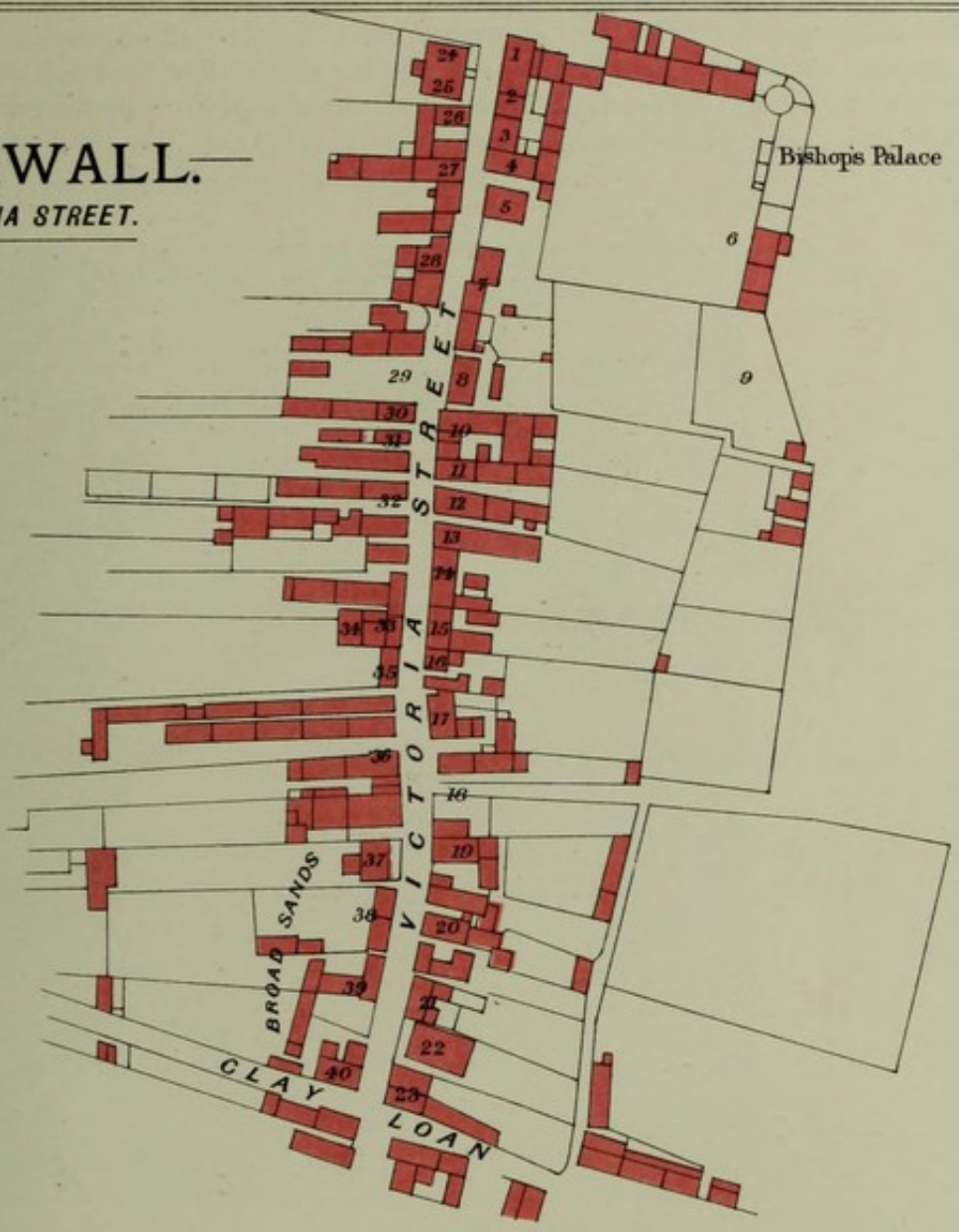
In 1734, Mr Hugh Mowatt, minister of Evie and Rendall, and Betty Baikie, his spouse, purchased from Halcro, and by and by sold the tenement to Andrew Baikie, Landwaiter of the Customs. After being for a short time the property of James Riddoch of Cairston, it was bought, in 1821, by John Baikie, Esq., Lieutenant, R.N., and here, in 1825, he opened a branch of the National Bank of Scotland, the first banking agency established in Kirkwall. The Subdean's house is now owned and occupied by Captain Baikie's daughter, Eleanor.

South from the Subdean's Lodging was the yard pertaining to it, afterwards built upon. One of the earliest tenants of the house built on the Subdean's yard was Francis Auchinleck, gunner, one of Cromwell's soldiers, and Jean Ballenden, his wife.

South of this, with its gable to the street, is a house which, in 1666, belonged to Arthur Baikie of Sound, on whose death it fell to his daughter, Marjorie. This lady married, 1692,

KIRKWALL.

VICTORIA STREET.



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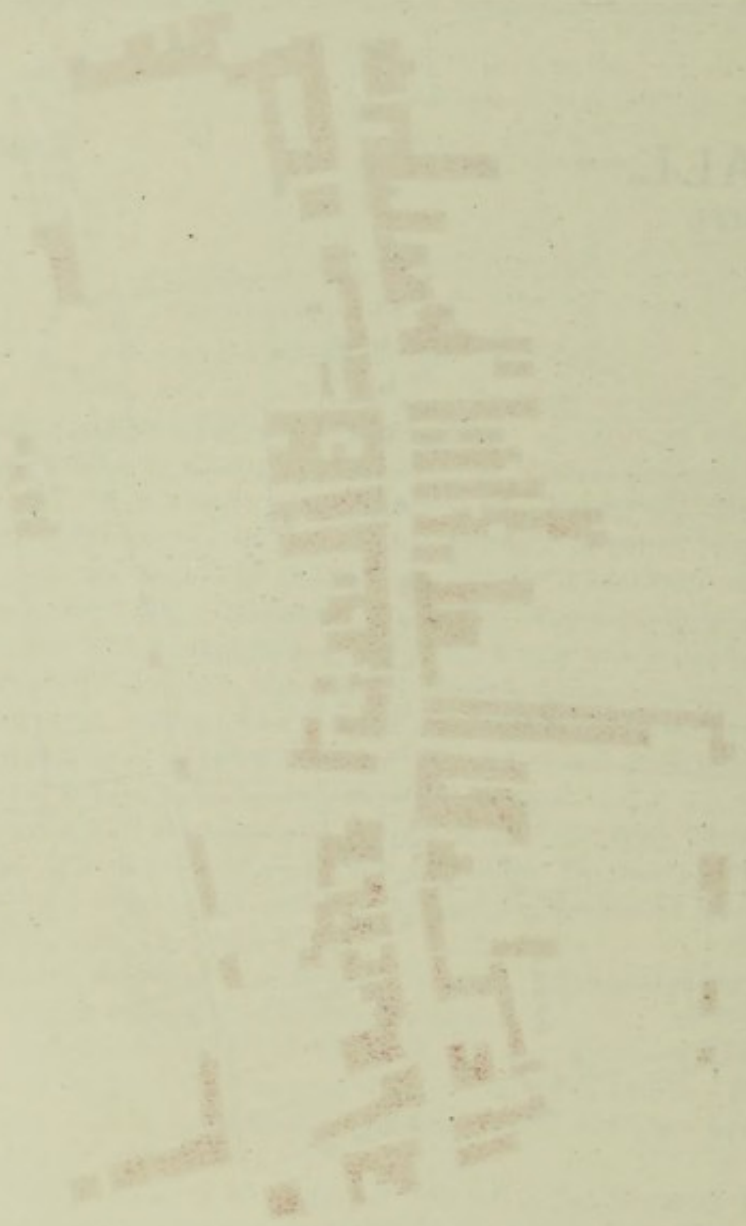
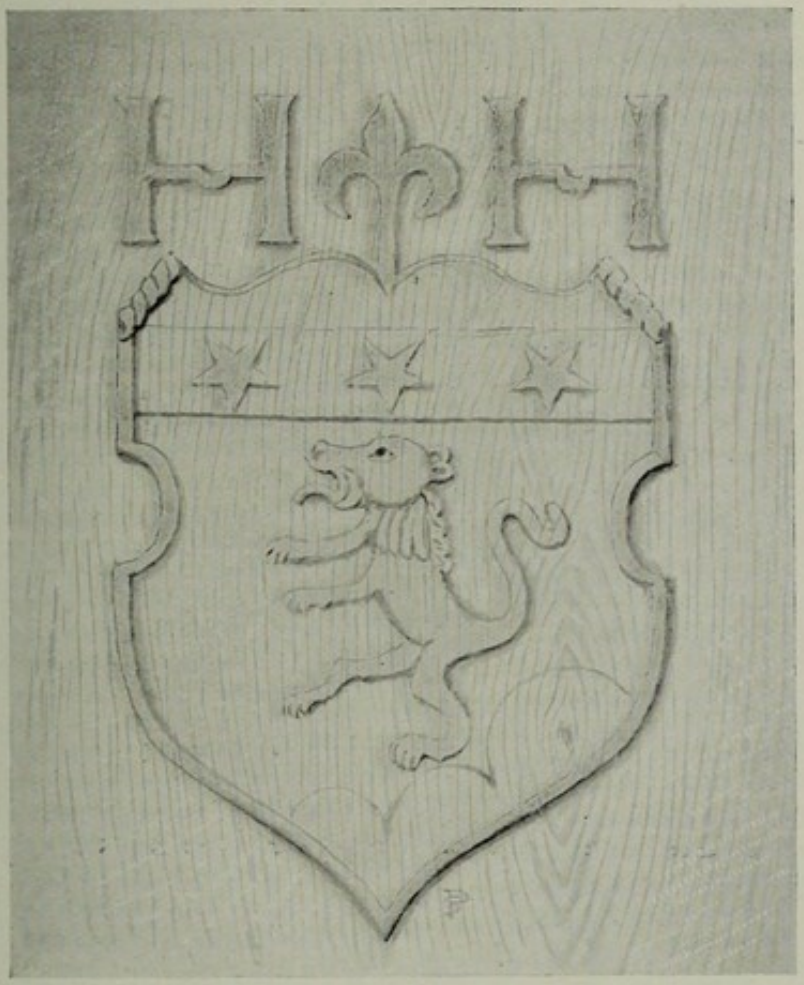


her kinsman, Thomas Buchanan of Sandside. On a lintel in a small room in a part of the building reached by an outside stair is their joint monogram,* with the common initial letter of the two properties, Sandside and Sound. Along with this, Marjory Buchanan brought to her husband the properties south of it as far as the Crown Chamberlain's Office and dwelling-house, 24 and 26 Victoria Street. In February 1819, Peter Calder bought this house, which, as Calder's Inn, was regarded as the principal hotel in Kirkwall.

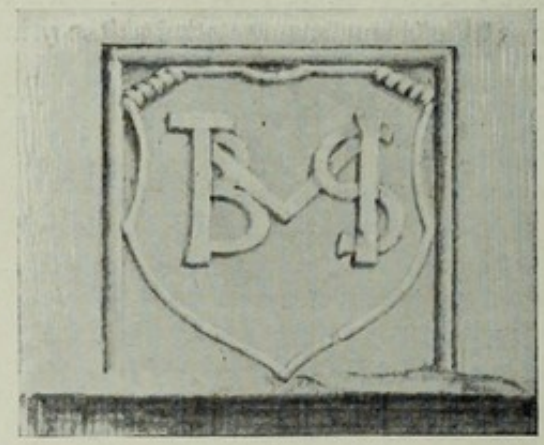


Hugh Halcro's Arms, from a Panel in the Cathedral.

Connected with the inn, a story is told of two travellers, a wager, and a practical joke, a story which has had many a local habitation assigned to it, but which we must believe originated in Kirkwall. It belongs to the days when the nave of the Cathedral was used as a common burial ground. As new tenants entered into possession of their last abode, portions of former occupants were evicted. Thus, in one corner of the nave lay a pile of bones containing specimens of every part of the human framework. One of the travellers had professed himself sceptical in the matter of ghosts. To him darkness and churchyards, even when taken together, brought no discomfort. The bet was a bottle of claret, and to win it the fearless one must go at midnight to St. Magnus and bring away a skull. The hour arrived and found the man groping among the fragments of defunct burgesses. He soon got

* See next page.

what he wanted, and was coming away when a deep sepulchral voice out of the darkness called, "Give me my head." And here it comes to be a matter of wonder how ghosts, with no vocal machinery to boast of, always speak in such sonorous tones. Be that as it may, the person addressed quietly answered, "Right, there you are," and threw the skull in the direction of the voice. He then resumed his search, and having secured another empty brain pan, was again arrested by the same request. "No, thank you," was the reply, "you cannot have two heads, and if you are not satisfied with the one I sent you, you may find another for yourself."



Joint Monogram of Thomas Buchanan of Sandside and Marjory Buchanan of Sound.

It is true, as has been said, that this veracious tale has been attached to other localities, some of them continental ; but, while the travellers and the bones are no longer in evidence, the Cathedral and the inn are still here as witnesses that the incident belongs of right to Kirkwall.

Calder seems to have been a good landlord, but his wife, having charge of the bar, began to taste too freely of the sweets of office, and when prevented by her husband from indulging at home, would go elsewhere for her stimulants. Returning late one night, she stumbled on the uneven footpath and fell into one of Kirkwall's nastiest puddles. Being confused by the shock, she could not rise till a neighbour, passing, helped her up, and took her home. But Calder's Inn was closed for the night, and for a time the host turned a deaf ear to the noise of him who knocked. When at length the husband came to the door, the impatient Samaritan snorted out, "I think, freend, ye're in sma' hurry to tak' in your wife." "Wife," was the melancholy reply, "I wish she was in Abraham's bosom."

"An' a puir skurtfu' Abraham wad ha'e this sam' night. Afore ye tak' her to yer ain bosom ye'll ha'e to pit her through the tub, claes an' a'."

In a bond granted by Peter Calder at the time of his purchase a barn and kiln are mentioned. These some of our older inhabitants remember, to the south of the house on the high ground at the back.

To the south of Calder's Inn there stood, in 1757, a "Great Tenement and two little Tenements of land and houses, with the yairds belonging thereto." At that time these tenements belonged to John Traill of Elsness, whose dwelling-house was farther up the street, and his title to this property is only interesting in so far as the boundaries help us to identify the neighbours.

The most important building now on this site is the Gospel Hall, the meeting house of a Christian denomination which refuses to recognise a salaried priesthood.

Some distance back from this meeting house, near the site now occupied by the old manse, stood, in Romish times, the chapel of Our Lady in the Laverock.

John Traill's southern boundary is given as "the houses and yards sometime belonging to John Buchanan, now to James Nisbet, son of Mr Alexander Nisbet, minister of Shapinsay." The first of the Orkney Nisbets came north to be Earl Robert's gardener at the Palace at Birsay.

Mr Nisbet of Shapinsay was ordained by the Kirkwall Presbytery, 1702, and the same year was called to the second charge in St. Magnus. He was ordained, 14th May 1703, but not having independent means, he was "obliged to leave for want of sustenance." He was

translated to Shapinsay, where he added to his income by taking boys to board and educate."*

James Nisbet's house in the Laverock saw the beginning of what quickly developed into a grave scandal.

Mrs Nisbet was Anne, daughter of Sir James Agnew, Bart., of Lochnawe, and her sister, Margaret, had married John Agnew, Supervisor of Excise at Arbroath ; but, for some unexplained reason, she left her husband and came to her sister in Kirkwall. Here she received a doubtful welcome, and Mrs Nisbet was evidently in perplexity as to how she should act, when her brother-in-law, the Rev. Wm. Nisbet, of Firth and Stenness, came to the rescue. He took the fugitive to his manse, receiving the gratitude of all concerned. Read in the light of the sequel, there is something very pathetic in the letters of Lady Agnew to the minister regarding his kindness to her daughter :—

"Sir,—I wrote you last Decr., and returned you my most sincere thanks for your kind and tender concern for my unhappy Daughter. Allow me to make my most grateful acknowledgements for all your favours and friendly care of yt. most unfortunate woman, but particularly for getting her so well settled, for I am much better pleased she is Lodged in your house than anywhere Else ; so if you are so kind to allow her to continue there, it will give me great pleasure to have her under your roof and instruction of one who is so capable to advise and direct her," &c., &c.

"Lochnaw, Nover. ye 12th, 1763." (Signed) "E. Agnew.

The manse was naturally regarded as a safe asylum, and the more so that the minister was about to be married. Disturbed by some gossip which reached her ears, Mrs Agnew eft the minister's house and went to Cursitter, the house of Magnus Wilson, who farmed the glebe. But the clergyman was as much at home in this tenant's house as in his own, and the change of residence only drew public attention to his conduct.

Wilson seems to have protested, and Adam Esson's house at Grimbister was next sought, but the distance was inconvenient, and Mrs Agnew returned to the manse.

Meanwhile Mr Nisbet's wedding day arrived, and on the 12th January 1764 he married Elizabeth Ritch in the manse of Orphir, Mrs Agnew again retiring to Cursitter. The day after his marriage the minister went down to the house of his tenant, and as he did not return for two nights, Mrs Nisbet went back to her father's house in Birsay.

Here the Presbytery took up the case, and to prevent the appearance of what would have been a very important witness for the prosecution, Mrs Agnew was sent south. Mr Nisbet came to Kirkwall with her in July, "and in August or September she went on board a ship and left the Stewartry." The unfortunate clergyman came to the shore with her and gave her what money he had, the bulk of it having been raised by the sale of his watch and gun and horse.

After the Presbytery had found him guilty, Mr Nisbet became liable to a public prosecution, Queen Mary of virtuous memory having made adultery a capital offence. Before the middle of the eighteenth century the Crown had tacitly allowed the Church to deal with such cases, but this particular offender had to undergo his trial. That personal influence had been brought to bear upon the Lord Advocate was more than hinted at :—

"Mr William Nisbet, Minister of the Gospel of the United Parishes of Firth and Stennes, in the Stewartry of Orkney, Pannel.

"Indicted and accused at the Instance of Thomas Millar of Barskinning, Esq., His Majesty's Advocate for His Majesty's Interest, for the crime of Adultery in manner mentioned in the Criminal Letters raised thereanent.

"Pror. for the Prosecuter, Mr Patrick Murray, Advocate Dpt.

"Prors. in Defence, Mr Alexander Elphinston, Advocate ; Mr Charles Brown, Advocate.

* Fasti.

"The Lybel being read over to the Pannel in presence of the Court, The Pannel denied the same.

"Mr Alexr. Elphinston, for the Pannel, Represented That the present Prosecution, which, considering the Character and rank of Life of the Pannel, is of a very grievous nature to him, was solely the effect of malice and resentment conceived agt. him by Mr Honyman of Græmsay for his having prosecuted his Tenants for Vicarage tythes due him as Minister, in which action he had prevailed, both before the Sheriff and the Court of Session, as appeared from this, that the Precognition taken thereanent was industriously hawked about thro' the Country in order to blacken the Pannel, when it should have been communicated only to His Majesty's Advocate. That the Pannel would be able to prove his Innocence, not only by proving Alibi at the time charged, particularly in the days subsequent to his marriage, but also by legal objections agt. the Witnesses. That having gone to Edr. to take advice, being unacquainted with such Courts, he had newly arrived from thence,* and had not time to bring up such witnesses from Orkney, and therefore Insisted the Trial should be delayed at this Time, that he may afterwards have an opportunity to adduce witnesses for that effect.

"Mr Patrick Murray Answered That this Trial was by no means the result of any private Resentment or malice. It was advised by, and was now brought by, his Majesty's Advocate, the Public Prosecutor for the Public Interest, and no such insinuation can light against him. That there is no reason for delaying the Trial, the Pannel having had the legal Induciæ of fourty days allowed him. Besides, as to the Alibi, if true, he can be under no difficulty of proving it by the Prosecutor's witnesses, of whom he should be allowed the full benefit, particularly Mr Reid, the Minister in whose house he was married, is the most proper witness by whom he can prove his alledgance, as he must certainly know whether the Pannel stayed with him for the first few days after his marriage or not; and therefore Craved that their Lordships would repel the Dilatory Defence and proceed to Trial.

"I, Mr Patrick Murray, Advocate Depute, Do, for His Majesty's Interest, Restrict the Lybel Against the Pannel to an Arbitrary Punishment. (Signed) Pat. Murray, A. Dt."

"The Lords Auchinleck and Coalston, Lords Comrs. of Justiciary, having considered the foregoing Criminal Letters raised and pursued at the Instance of Thomas Millar of Barskinning, Esq., His Majesty's Advocate for His Majesty's Interest, against Mr William Nisbet, Minister of the United Parishes of Firth and Stennes, in the Stewartry of Orkney, Pannel, as now restricted by His Majesty's Advocate Depute, with the foregoing Debate, Repel the Dilatory Defence, and find the Lybel Relevant to Referr an Arbitrary Punishment; But allow the Pannel to prove all facts and circumstances that may tend to exculpate him or alleviate his guilt, and Remit the Pannel with the Lybel as found Relevant to the knowledge of an Assyse. (Signed) Alexr. Boswel, Pr."

"The jury, all in one voice, Find the Pannel, after his marriage, Guilty of Adultery with Margaret Agnew. In witness whereof, their said Chancellor† and Clerk‡ have subscribed these Presents in their names and by their appointment.

(Signed) Will. McGillivray, Chancellor.
Alexander Grant, Clk."

"The Lords, in respect of the said Verdict, Decern and Adjudge the said Mr William Nisbet, Pannel, to be carried from the bar back to the Tolbooth of Inverness, therein to be detained for two months from this date, and to be fed upon Bread and water only, unless an opportunity offer for Transporting him sooner in the way and manner aftermentioned; and after the said two months, to be detained till an opportunity shall offer for Transporting him to one or other of His Majesty's Plantations in America, to one or other of which Plantations the said Lords Decern and Adjudge him to be Banished, and they hereby Banish him during all the days of his Life. They grant warrant to and ordain the Magistrates of Inverness and the Keepers of their Tolbooth to deliver over the person of the said Mr William Nisbet to any Merchant, Shipmaster, or other person, who shall find sufficient Caution and Surety acted in the Books of Adjournal, under the penalty of Thirty Pounds Sterling, to one or other of His Majesty's Plantations in America, and Report a Certificate to the Court of Justiciary of his being so Transported and landed, under the hand of the proper officer of the said Plantation, within year and day of the date of the Bail bond to be granted for that effect."

The sentence also provided that if Nisbet returned to Scotland he should, when found, be passed on "from Sheriff to Sheriff back to Inverness, and there lodged in the Tolbooth—to be taken out and whipped at the usual places and times, and again transported."

It seems not improbable that the convict acquired property out in Jamaica, for, shortly after this time, we find Nisbets from Kirkwall emigrating to that island.

Elizabeth Ritch (Mrs Nisbet), the year after her husband's banishment, petitioned the General Assembly for support, and they, "considering the distressful and calamitous circumstances to which she is reduced, appointed a collection to be made for her in the Synods

* The hearing was before the Spring Session of the Assize Court at Inverness.
† William McGillivray of Drumnaglass. ‡ Alexr. Grant, yr. of Tulligorm.

of Orkney, and Sutherland, and Caithness, and a committee to consider what may be done in any other way towards her obtaining some provision for her future support."

The next proprietor of James Nisbet's house was Alexander Stewart, merchant. He was of an old Kirkwall family, was possessed of considerable wealth, and was Laird of Redland. He built two houses upon the site, one of which is still retained by the Stewart family, while the other belonged to the late Crown Chamberlain.

From 1689 to 1825 the Bishopric revenues were set at rents varying from £200 per annum down to £50. At the latter rent the Bishopric was held for fifty years by the Dundas family.

In 1825, it was found that for five years the Bishopric rents had not been uplifted by the Chamberlain of the Earldom. The person responsible for this state of matters was a Mr Bruce, a distant connection of Lord Dundas. He had been a slave-driver, and he carried with him to Kirkwall the idea that, as Chamberlain of the Earldom and Bishopric, he was autocrat of all the Orkneys and vested with absolute power. Cock-fighting was his chief amusement. In his private quarrels he took the law into his own hand, and that hand sometimes held a horsewhip. He was recalled, and Mr Thomas Hutton succeeded him in Crantit House, the official residence of the administrator of the Bishopric.

But His Majesty's Woods and Forests thought it necessary to appoint a factor in the interest of the Crown. The first Receiver of the Crown revenues was Charles Shireff, Sheriff-Substitute, and he did the work for four years.

In 1829, Thomas Graham was appointed Crown Chamberlain, and it took him a considerable time to place the business of the neglected Bishopric upon a proper footing. He found that there had been a convenient mixing together of the rights of Earldom and Bishopric by the vassals of both, and by their tenants. In this connection he issued a circular to the landowners in the Bishopric parishes requiring information. In reply, Mr Pollexfen writes :—

"Kirkwall, 25th Dec. 1833.

"Sir,—I received your letter of the 20th Curt. enquiring whether, as vassals of the Crown, I, or any of my Tenants in St. Ola, have been in use to pasture Cattle, horses, or sheep on any of the Commons in the said parish, or cut Peats or Turf therefrom, and what part of these Commons had been so used. In answer to which you will please be informed that my tenants in the farms of Holland, Seater, and Gillis (in the Earldom) have been in the practice of pasturing on the Commons to the East and N.-East of Kirkwall, and also the cattle of Weyland, in the Bishoprick, on said Commons, and have from time immemorial cut Peats or Turf out of what is generally known by the designation of the Holm hills, beyond the meadow of Lair. The tenants in Orquil, Instabilly, and Ferrawel, in Scapa, have pastured their cattle on the Commons to the west and north of Kirkwall, and cut Peats and Turf in mosses adjoining.

"No Grassum, so far as known to me, was ever paid or demanded for these privileges, with the exception of Six pence p. head by the Burgh of Kirkwall for *Sheep* pastured around *Whiteford Hill*, to the west, in name of Shepherd's fee, for attending them. I am unable to condescend as to the number of Horses, Cattle, and Sheep annually so pastured by my Tenants in St. Ola, but so far as known to me, the right has never been disputed, But enjoyed from time immemorial.—I am, Sir, your most obed. Servant,

THOMAS POLLEXFEN."

In answer to Mr Graham's circular, Mr Shireff writes :—

"Kirkwall, 21st Jany. 1834.

"Dear Sir,—On my return from the South Country, I found your circular, addressed to the Vassals and Tenants of the Crown in this parish, of the 18th ulto., but I have been so much occupied with official business since my return, that I have only now time to reply to it.

"I have been in the practice of pasturing my cattle, varying from two to six in number, whenever I saw fit, from 1826 till the present time, upon the Common lying to the Eastward of the Burgh of Kirkwall, and upon the East and West side of the Holm road, and never was interrupted during the whole period in the exercise of the right in question—in the meadow of Lair and to the southward of it. I have likewise been in the practice of cutting peats, fuel, feal, and divot upon this Commonty during the whole of the above-mentioned period, and I have exercised the same right of pasturage, with the addition of a few sheep in the Commons lying to the westward of Corse, etc., and south and north of the Stromness Road. During the whole period in question, I never paid any grassum or

other acknowledgement for the exercise of the rights of the Commonty I have stated, excepting the rent for the possession of Hillhead, which I occupy as tenant of the Crown, and the rent of my house in Kirkwall.

"I send you some papers which I laid my hand on the other day, which may be of service to you in expiscating the rights of parties in the Commons in the district of Stromness. When you are done with them, you can hand them to the Sheriff Clerk to be put up with other records of Court.—I remain, Dear Sir, yours very truly, (Signed) CHAS. SHIREFF.

"Thos. Graham, Esq., Crantit."

Mr Graham took an active interest in public affairs, and has left many documents, chiefly answers to communications from himself, proving his attention alike to the interests of the Crown and of the community. On his death, in 1835, he was succeeded in the office by his son, Alexander. This gentleman's commission was cancelled in 1840, and Mr James Spence, who had been clerk in the office for fourteen years, was appointed Crown Chamberlain, and went to live at Crantit.

In 1851, Mr Spence was succeeded by his brother, John. Under the methodical care of the Spences, and of those trained by them, the work of the office has become thoroughly systematised. When Crantit was sold by the Crown, Mr Spence transferred the work of the office to a house which he had purchased in Nicolson Street.

On his retirement, in 1871, Mr Spence was succeeded by his assistant, Mr James Barnett, who, since 1825, is the sixth Receiver of the Bishopric rents and the fifth Crown Chamberlain. Mr Barnett removed the office to Victoria Street, to the greater convenience of all concerned. At his death, 1898, no new appointment was made. The collection of the Crown rents was put into the Inland Revenue Office. The beneficent English government, which has robbed us of our Bishopric lands, deems it waste to expend a salary on an Orcadian Crown Chamberlain.

South of the Crown Chamberlain's house was the old Post Office. At one time this tenement belonged to John Traill of Elsness, but it had its local fame not from the proprietor but from a tenant.

In our gay little capital, with Assemblies established as fixtures for every second week during the season, an accomplished master of dancing and deportment was an absolute necessity. William Troup came to Kirkwall to supply this felt want, and brought with him his wife, Katherine Innes. They made this house their home, and here Mr Troup drilled his classes in the graceful glide of the minuet. But time led William Troup off the floor and left Katherine Innes a widow. And here the usually unsympathetic Records of Sasine lead us to believe that Mrs Troup's declining years were not uncared for. From the persistent manner n which it is recorded, through several changes of proprietorship, that this house was "formerly possessed by William Troup, dancing master, thereafter by Katherine Innes, his relict, and Mally Troup, their daughter," it is forced upon the reader that "Mally" was the rent payer. Miss Troup was necessarily well known, and was certainly much appreciated in the town as her father's assistant, and on the death of Mr Troup she took up her father's work and continued to instruct young Kirkwall, in whatever sets and figures were then in vogue, in the Town Hall.

So popular was Miss Troup that a vessel belonging to the port was named after her, the "Charming Mally." The work of this vessel was not always so honest as that of her godmother. In 1751 she was evidently running contraband spirits, as will be seen by the following letter, addressed :—

"Mr ——————, To
Arthur Scollay,
Commander of the Charming
Mally of Kirkwall.

"Sir,—Un ansur to yours, pleas know I received on Board your ship faive Barrals, on half-Hogshad, forty-twoo ankers, Contents all unknon to me, which I Deliverd all to John Sticklar, and I am ebel to Depone yt. same if Demanded.—Your Heml. Servant,

(Signed) DUNCAN FERGUSON."

The veracious Duncan knew nothing of what was in the casks, but the accompanying "Note of the appreciation of the Spirits" shows quantity and value, and at the same time gives some insight into the lucrative nature of the trade of the successful smuggler :—

86 Gallons fforeign Spirits, commonly called Hamburgh Gin, at 1 sh. p. Gallon	£4	6	0
323 Gallons Hamburgh Brandy, valued at 2/ p. Gallon	32	6	0
40 Gallons Hamburgh Corn Waters, @ 1/ p. Gallon	2	0	0
22 Gallons Reid Wine, @ 1/ p. Gallon	1	0	0
	£39	12	0

The value is, of course, in Scots money. All this liquor cost £3 6s stg., and the cheapest of it, the gin, was sold at 1½d a gill.

The house which now occupies the site of the old dancing school was built by Mr Archibald Millar, draper. Archibald Garrioch, son of Gilbert Garrioch, Holm, was apprenticed to Mr Millar, and afterwards married his daughter. In 1830, Mr Garrioch was appointed postmaster in succession to Mr Sands, and from that time this house continued to be the Post Office of the Burgh till the building of the new Town Hall. It is now the residence of Mr Nicol Spence, Provost of Kirkwall, and his wife, a daughter of the late Mr Garrioch.

Behind the three houses last noticed, or rather behind their gardens, was the yard called the "Butts," an enclosure of somewhere about one hundred and thirty feet square. It will be remembered that when the building of the Grammar School in the kirkyard was interdicted, this was one of the places offered to the town as a site. But, though suitable enough in some respects, it was, fortunately for after time, discarded as being too small and too far up town. How this yard got its name cannot now be definitely traced, but "Butts" and the adjacent "Butquoy" at once suggest the idea of archery practice. Possibly these were the places where, in pre-protestant times, on Sunday afternoons, in obedience to statute, the parishioners assembled to hold their shooting matches.

In 1857, the "Butts" was sold by Government, and bought by the late Mr Ranken, Procurator-Fiscal. In 1882, the three men to whom the lie of the place made it of most value, purchased it from Mrs Ranken. These were Archibald Garrioch, postmaster ; James Barnett, Crown Chamberlain ; and Charles Slater, merchant. They divided it into three equal parts running longitudinally east and west. The two former simply joined their shares to their old gardens, while Mr Slater, who had bought the old manse, but who had lost his garden through the erection of the County Buildings, found a very convenient kail-yard in his third share of the "Butts."

South of the old Post Office is the site of the mansion of Traill of Elsness. A richly carved lintel, one of the most elaborate of Kirkwall's old memorial stones, marks the doorway of the ancient dwelling-house. The monogram is I.T. H.S.—John Traill and Helen Stewart—and the date (1679) is the year in which, on the 6th of March, "John Traill, Fiar of Elsness, was married to Helen Stewart, relict of Peitter Winchester."

John Traill was the eldest son of Patrick, the first Traill of Elsness, who died 6th Oct. 1690.* David, the second son, got Patrick's two houses on the Ramparts, where, as has been seen, he built the house known as "Traill's Folly." But there was a third son, Andrew, of

* T. B.

whom Dr Traill, in his "Genealogy," gives us the meagre history that he was born 1670, and married Anna Nisbet, 13th June 1700. But, in a letter* to David, who was evidently his favourite brother, Andrew shows that he had had some experiences :—

"Loveing Brother,—I am verie sory that I should have depairted from Leith and not left you a lyne from my hand, which tyme could nott permit, wherefor I houp you will have me excused, what I have done amiss formerly, God willing, shall be helped in tyme comeing. Yo shall know yt. I am in very good health, glory be to God for it, wishing allwayes to hear the lyke from you, your kynd beddfellow, and children. Yo shall know that I am aboard of ane Inglish man of warr called the Shireness,† of Ingland, by the providence of God under the conduct of one Capt. Riggs. We are now lying at a place called the boay‡ of the Norr, as you have it in deat of your letter, from which place, by the providence of God, we intend to sail for Holland, convoay to some Inglish Lord. I houp, Brother, yo will not be strange in letting me hear from you how yo, your Mother, and Beddfellow are, for it should be matter of great comfort to me to hear from you all. I doe not intend, God willing, to stay long aboard, for it is a very troubblesome thing to be aboard of a man of warr—we are never at rest night ore day. Yo shall know yt. the Inglish and French fleet mett togaither, & the French have got a great defett, for yr. are as good as 50 sail burned & sunk of ym. Yo shall shortly have a day of thanksgivving for it. Now, brother, this is all upon heast, but, God willing, at more length I shall let you hear from me. This is all at preasant. With my love to your selfe, Beddfellow, and children, and to all friends,—I rest your Loveing Brother to death,

(Signed) ANDREW TRAILL.

"From aboard of the Shireness, lying at the boay of the Norr, in Ingland, the 25 of May 1692.
"For the much respected David Traill, Merchant in Kirkwall in Orkney."

Stone over Doorway at 34 Victoria Street.

Andrew Traill does not state whether he was in the battle off Cape La Hogue, 19th May 1692. Perhaps the "Shireness" was at once sent off by Admiral Russell to convey the news of the victory to London.

John Traill was Helen Stewart's third husband, and when this very taking lady died, Traill married Margaret, daughter of John Stewart of Brugh and Margaret Ballenden. This lady had for tocher the liferent of Housby.

Their son, John, the third and last Traill of Elsness, married Sibilla, daughter of George Traill, Chamberlain of the Earldom. He was one of the traditional heroes of Culloden, and an occupant of the "Gentleman's Ha'." For his seditious practices in Orkney, the house of Elsness was burned by Captain Mudie, 1746. He died, 1758, and Elsness went to his daughter, Elizabeth, who married John Urquhart, merchant, 1794.

A story of this marriage, current in Orkney yet, and believed by some, is to the effect that Miss Traill, deeply in love with the handsome tailor, was, at the same time, so much affected by a sense of his social inferiority that she had the marriage ceremony performed in a dark room.

* Favoured by William MacLennan, Esq., Grainbank. † Probably Sheerness. ‡ Buoy of the Nore.

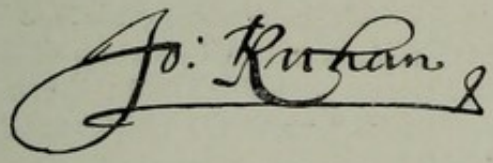
But the Urquharts had long held a good position in Sanday. John Urquhart, merchant in Sanday, as factor for James Hamilton, obtains decree of ejection against Peter Elphinston, tenant in Lopness, 2nd December 1732. The steelbow on the lands held by Elphinston is given as :—

28 Horses, at £26 Scots each	£728	0	0
8 Ploughs, with their gear, @ £3	24	0	0
10 Forks, @ 12/...	10	16	0
24 Kebbers,* @ 4/			
24 pair Creels, @ 12/ per pair	14	8	0
8 Harrows, @ £1	8	0	0
Seed and Servants' bolls, 80 m. oats, @ £2	437	6	8
148 m. 4 sett. bear on bear pundlers, £2			
300 thraves oat fodder and 300 bear fodder, @ 4/	170	0	0
	£1392	10	8

The absence of carts and the presence of clibbers and of creels, sold by the pair, is significant in the history of Orcadian farming.

John Traill's next neighbour southward was John Richan, litster. Richan's house is now represented by Mr Tinch's Royal Hotel. An old lintel preserved over a door in the close represents a man and a woman engaged in the work of dyeing. This stone was doubtless carved at Richan's order, and it is thus considerably over two hundred years old. That it is so well preserved is due to the fact that until a few years ago it was inside the house, and was removed from its original position when the old building was undergoing repairs.

Tombstone of John Richan, in St. Magnus Cathedral.



John Richan was a man of substance, respected by his neighbours, and trusted by the church. In 1676, he got permission to erect a stone to the memory of his brother-in-law, Jared Black, who had married Helen Richan. This stone has the distinction of being the only monument in the Cathedral which carries a Greek inscription. It invites the passer-by to behold the goal or end of life, and it was probably written by John Spence, Session Clerk, who puts part of the same motto at the end of one of his minute-books. Richan's tombstone stands in the north aisle of the nave of the Cathedral, and is inscribed :—"I. R. & I. L.—Here rests the corps of ane virtuous man, John Richan, Merchant Burgess of Kirkwall, who was married with Janet

* Klibbers, wooden pack saddles.

Louttit, and had with her 8 children, viz., John, Robert, Margaret, Isabel, Catherine, and Jean Richans. But William and James Richans went before their father to enjoy celestial glory.—*Duxit uxorem, 21 Jan. 1666, obiit 6th Feb. 1679. Anno Ætatis 35.*" He was succeeded in his house and business by his eldest son, John.

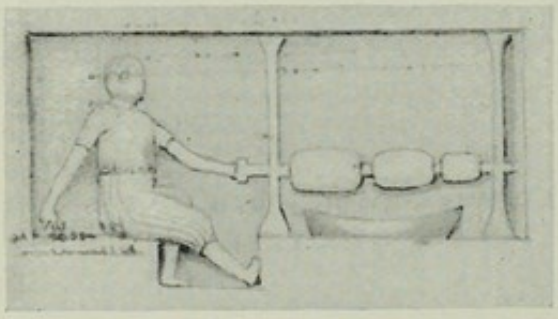
Carved Stone at 38 Victoria Street.

In 1698, probably the date of his marriage, John Richan gave liferent of this house to his wife, Margaret Stewart.

Among others who have occupied Richan's house, we find the name of Alexander Logie, father of the late Rev. Dr Logie.

One of the last money-lending transactions of the Established Church Session was a loan of £100 on a bond over this house in 1788. William Bremner, wright, and George Rendall, steward on board a trading vessel at Leith, were the borrowers, and Andrew Liddell, Treasurer, and George Barry, minister, were the lenders. In 1814, the money was repaid in full, and a receipt granted by the Rev. Robert Yule in name of the Session, Dr Barry having been translated to Shapinsay in July 1793. In Shapinsay, the Doctor wrote his famous History of Orkney.

The southern side of Richan's close, now the property of Captain Johnston, was a double tenement which had belonged to Harry Colville, minister of Orphir. Mr Colville had been presented to that living in 1580. He afterwards became an instrument in the hands of Earl Patrick for working out some of his tyrannical designs. Out of revenge, when staying at the manse of Nesting, he was murdered by four brothers of the name of Sinclair. He "was hunted to a savage death on the Noup of Nesting, 9th July 1596." "Gilbert Pacock, servitor to the Master of Orkney, was delaited airt and pairt of the slauchter of the said Hary before the Justic-deput, 7th Augt. after, and sentenced to be tane to the Mercat Croce, Edinburgh, and his head to be stricken fra his body."*



Carved Stone at 38 Victoria Street.

"James Colville of Huip, air of Wm. Colville of Midhouse, and oy and air of Harie Colville, Persoun of Orphir," sold this house to Andrew Ellis, Notary Public and Town Clerk of Kirkwall.

Jean Richan, a granddaughter of Ellis, married George Ritchie, one of the bailies of Kirkwall, and got that half of her grandfather's house next the street. Andrew Strang married Elspeth Richan, and occupied the other half. Strang bought from Robert Morrison a piece of ground, 60 feet by 48, a part of Quoyangry, and here he sank a well and built a dyehouse.

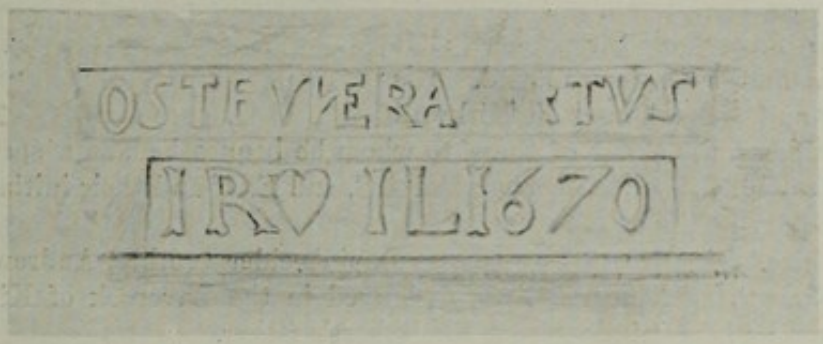
Ellis' peat brae was across the street, and extended back to the Peerie Sea. This also was divided between his granddaughters, Mrs Ritchie having the part next the street, and Mrs Strang that nearest the Oyce.

Strang is a Fair Isle name, but it is found dotted here and there over Orkney, in Kirkwall, South Ronaldshay, and Sanday. It is also found in its other form, Strong. In the Sheriff-Court books we have Andrew Strang, son of the late David Strang, "clerk of the Burgh of Pittewaime," lending £30 to John Cromartie of Skea, 5th August 1623.

* Pitcairn, Crim. Trials.

Another, Andrew Strang, messenger, was appointed Session-clerk and schoolmaster in South Ronaldshay, 1st November 1633.

Andrew Strang, dyer, was married to Elizabeth Richan, probably in 1690. In 1695, he seems to have been rebuilding some part of his house, for a stone, bearing his initials and those of his wife, with the above date, was removed from here by the late Dr Stewart, who placed it over the door of his surgery.



Lintel at 38 Victoria Street.

Strang had two half-brothers, George and David, and having no children, he left his property to George, subject to his wife's liferent. But a remarkable condition was attached :— "That at what time, or how soon after the decease of the said Andrew Strang, it shall happen, David Strang, brother German to the said George, to make payment or satisfaction to the said George of the sum of one hundred pounds Scotts money, haill and together in one sum within St. Magnus Kirk in Kirkwall, in that place thereof where the Courts are ordinarily holden, the said George being lawfully warned to the receipt thereof in presence of ane nottar and witnesses, as effeires upon forty days' premonition to be made of before"—then David got the property. If George should refuse the money, David might place the hundred pounds in the hands of the Provost, of one of the Bailies, or of the Dean-of-Guild, and claim the estate. Nothing further is heard of this redemption, but, in May 1703, David Strang, "Brother consanguine of Andrew Strang," got the house, the peat brae, and the kailyard, Elizabeth Richan being liferented in them.

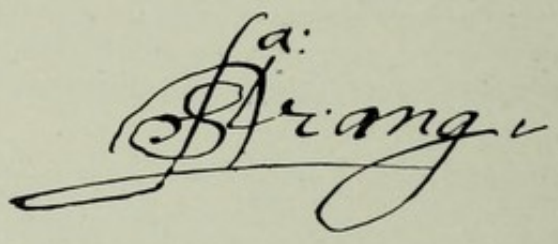
David was Burgh Treasurer, and, on the 3rd April 1716, "as he is intending for Edinburgh," he is instructed to buy "ane ell and thrie quarters of the best six quarters broad green cloth, fitt for an cloath for the Magistrates loft, the present cloath being moth-eaten ; as also to buy ane large good printed Bible, to make up five Bibles to the Provost and Baillies, and to put ane handsome cover of red yron ; as also four hats, with yellow Gallowses, to the officers ; and to place the pryce of all to his accompts."

He purchased that part of the tenement which had belonged to Bailie Ritchie and his wife, so that now his property, intersected by the roadway, ran from Quoyangry to the Peerie Sea.

His son, Robert, who first saw the light in Johnston's Close, 14th July 1721, had a remarkable career. He was a born artist, and took to the pencil naturally. Had he persisted he would, without doubt, have stood in the front rank of eighteenth century painters.

The "Memoirs of Sir R. Strange and J. Lumisden," by J. Dennistoun, their grand-nephew, is an exceedingly interesting work. Having been written after Sir Robert and his son, Thomas, had both enjoyed the honour of knighthood, the biographer naturally links the Strangs of Kirkwall on to the nearest family of the name that bore arms, and this he found at

Balcaskie. In this Mr Dennistoun simply follows Sir Robert himself, who says :—"My father was a descendant from an ancient family of Balcaskie, in the county of Fife ; my mother was the daughter of John Scollay of Hunton, Esquire, in the Orkneys." Mr Dennistoun utterly ignores all connection with trade, but acknowledges Andrew Strang, notary public, who, "in 1642, held landed property in the island of South Ronaldshay."



"David, the father of Sir Robert, left three sons by his first wife, Jean Boynd. His landed property and some houses in Kirkwall were settled on James, the eldest of these, to whom he bequeathed, as a special legacy, 'the number of twelve double silver spoons, marked A.S. and E.R,' and their initials carry us back to Andrew, the notary-public of 1642." *

Now, these initials simply carry us back to David's elder brother, Andrew Strang, litster, and his wife, Elizabeth Richan, who lived and dyed in the Laverock of Kirkwall, and left their property, won by honest industry, to Sir Robert's father.

But for the knighthood, this kind of nonsense never would have been perpetrated, and it is the only blot on the pages of a charming work. But now, as then, the process of pedigree weaving goes on, and is an almost necessary accompaniment to the accumulation of wealth. Every *novus homo* wishing arms tacks himself on to some one of the same name who has honestly won his spurs, or to one who has already gone through the same series of misrepresentations necessary to establish a right to crests and mottoes.

Sir Robert says :—"In my earlier years, till towards the age of fourteen, I received such education as the country afforded, and which terminated in an excellent Grammar School, where I attained some general knowledge of the classics." His biographer says :—"Sir Robert received his classical education at Kirkwall, in Orkney, under the care of a learned, worthy, and respected gentleman, Mr Murdoch M'Kenzie, also an Orcadian, grandson of the good bishop of that name, and his pupil's relation." The accuracy of this last statement is more than doubtful.

But the key to the biographer's box of pedigree lies in this :—"To refined minds, a consciousness of gentle blood is an equivalent for many of Fortune's gifts ; yet the long pedigree of these Fifeshire lairds owes more lustre to his reputation than its chieftainship could impart to his name."

Speaking for himself, as young Strang, Sir Robert says :—"My natural inclination was to go to sea, having been often accustomed to pleasure upon the water and visiting many of the vessels who either arrived or took their departure."

But Jean Scollay, like all mothers, wished her boy to stay at home, and at last prevailed upon him to go into the office of a Kirkwall lawyer. But he says :—"I had not been long here before my time began to hang heavy on my hands, nor had I lost sight of the agreeable hours I had passed upon the water."

In this office he had not sufficient work to keep him employed, and when his pen was idle he amused himself with his pencil. "I had frequently been accustomed to drawing, without knowing its tendency, for never had an idea of art crossed the Pentland Firth. Living in a remote corner of the world, genius had not here its proper latitude either for exertion or information."

That he was pleased with his drawings is shown by the fact that he preserved them and

* Dennistoun.

brought them with him when he afterwards came to Edinburgh. And here he furnishes one of the best illustrations of Shakespeare's text, "There's a divinity that shapes our ends, rough hew them how we will."

He had a half-brother, a son of David Strang by his first wife, Jean Boynd, settled in Edinburgh as a writer. Robert did not personally know him, probably had never seen his long-absent brother. "On my arrival at Edinburgh, no reception could be more kind than that which I experienced—in the sequel, indeed, he proved to me a father. Tears of gratitude at this moment bedew my cheeks, and whilst breathing I must venerate his memory."

This brother secured for young Strang an appointment on board of the Alborough, man-of-war of twenty guns, commanded by Captain Robinson, on the easy terms that he should take a cruise for a few weeks, and, if he did not like the sea, he should receive his discharge when the ship returned to her station in Leith Roads. Captain Robinson sent the youth to mess with the midshipmen, but at the same time committed him to the care of a sub-lieutenant, Mr Sommers. The cruise was protracted from several causes. When the Alborough had made her purposed run along the English coast, and was about to return, she was detained at Gravesend to embark the Swedish Ambassador and his family for transport to Gottenburg. Strang had left Leith in the middle of summer, and the weather had hitherto been fine. The lad thought that nothing could be more jolly than a sailor's life, but the passage across the North Sea made him change his mind. It lasted several weeks, and during the whole time he was horribly sick ; but poor Strang was kept most strictly at work. In this we see the judicious care of his brother, who was a personal friend of Capt. Robinson. Arrived at Gothenburg, he went ashore with Mr Sommers, who enlivened the visit by rehearsing the hardships of a sailor's life and the slowness and precariousness of promotion, illustrating the tale by his own experience, and winding up the whole with—"Bob, if you have any other alternative, quit the sea, and you'll afterwards bless me for my advice."

The return voyage clinched the nail. He says :—"Our passage back to England seemed to be as tedious as it had been to Sweden. It was now late in the season, and we had reason to apprehend the equinoctial storms, which, indeed, we soon experienced. They were both violent and of a long duration. For many days our fire was extinguished, the guns lashed, the topmasts lowered, the sails furled, and the vessel herself left, as it were, to the discretion of the waves, or to the fury of a merciless element. All this while I was sick to death and wished myself ashore."

When he returned his brother was quite prepared to hear that he no longer had any love for the naval profession. Among other suggestions, he asked Robert what was his "material objection at being with Mr Mackenzie in the Orkneys." The reply was—"I had none, but that a desire of going to sea had preponderated with me." "That being now over, added he, would you like to return to him ? Or, if you could follow the same profession here, would it be perfectly eligible to you supposing I should undertake to breed you myself ? I answered it would, and that he could not propose to me a question that could make me happier."

Young Strang, now back at office work, says :—"Before leaving my native country I had wrote an excellent hand of write"—a characteristic of old time Kirkwall boys generally. The winter was passed by him in copying such papers as his brother put before him, while he filled in his spare time by multiplying his drawings, "keeping everything, however, as much as I could out of sight." "One day my brother came in, rather by times, with a resolution of passing the whole of the afternoon at home in order to expedite some writings which were in a hurry. He sent me some messages after dinner which employed a considerable part of the afternoon. During my absence on this occasion, some papers which had been mislaid he had

rummaged for in the bureau at which I used to write, where, unfortunately, he put his hands upon a budget of drawings I had carefully concealed. These drawings were no more than little sketches I had done in pen and ink ; some few from my own fancy and others from the ornaments and title pages of books. On my return I little dreamt of this detection, nor did I even suspect it. No conduct on the part of my brother afforded me the least hint ; on the contrary, he was placid to a degree."

"There was at this time settled at Edinburgh Mr Richard Cooper, an engraver." To this gentleman young Strang's drawings were taken, with the result that a six years' apprenticeship was agreed upon, and the youth began the career which immortalised the man.

After three years of work the apprentice became home-sick, and, much against his employer's will, insisted on having a run to Orkney. He came north, "elated with the idea of revisiting the town of Kirkwall, the seat of my nativity, which my imagination had formed to be one of the elegant cities of the times, and not even a second to Edinburgh." "We had a pleasant passage, which we performed in the course of a few days, and came to anchor in the road of Kirkwall upon a Sunday morning. We got on shore about the time that the kirk had assembled, and never was astonishment like mine ; not even a dog was to be seen on the streets. The solitude of the place, the nakedness of the houses—for I had formed to my imagination so many palaces—the magnitude of the Cathedral Church, which diminished every other object, were to me the whole as if it had been a dream, the whole a piece of delusion."*

While in Orkney he got a number of commissions, his reputation being already so great that "many were desirous of possessing something of my engraving, whether in seals, crests, or coats-of-arms." Some of these he executed in Kirkwall, and some he took with him to Edinburgh. He thus made many new friends in Orkney ; among others, William Balfour of Trenabie and Thomas Traill of Holland, whose subsequent kindness to him at the time of the Jacobite rebellion was like to have got them into trouble. The Jacobite rebellion had now begun, and an order for five guineas, sent by the former and endorsed by the latter, was intercepted and brought to Dundas of Arniston, then Solicitor-General.

Strang, now called Strange, joined the Prince's army for the reason given in the song :—

> "The lasses a' frae south tae north hae vowed baith late and early,
> Tae man they'll ne'er gae heart or hand wha wadna fecht for Charlie."

His son, Sir Thomas, writes :—"My excellent mother, warm in all her affections, and teeming with that loyalty for which her family has been distinguished, made it a condition with her lover, betrothed to her at the time as he was, that he should fight for her Prince."

During Charles Edward's stay at Edinburgh, Strange executed for him a portrait, which many years afterwards he thought of improving and re-issuing. While the rebel army lay at Culloden, he prepared a plate for an issue of paper money, and had printed some notes when the arrival of the royal forces put an end to his work. His account of the battle is very spirited and graphic. The Duke of Cumberland had reached Nairn on the 14th of April, and as the 15th was his birthday, there was a probability of his resting there for one day at least. The Prince called a council of war to be held on the field, and "proposed a plan of a march, under cloud of night, to attack the Duke's army by surprise and to force his camp. This plan was worthy of any of the great heroes of antiquity and met with general approbation, particularly amongst the clans :—

* It must be remembered that in those days most of the Kirkwall houses were thatch-roofed. That Strang does not notice this is perhaps due to the fact that St John Street, where he lived in Edinburgh, was close to the foot of the Cowgate, then a suburban district, where thatched houses were common. What he missed were the lofty buildings of the High Street and Canongate.

"There was only one road to Nairn, which was the high road, and this being covered in many places with villages, it was necessary to avoid it, to prevent information being carried to the Duke's army.

"The next alternative was to attempt a way along the foot of a ridge of mountains which fronted the sea, but had scarcely been ever trode by human foot. It would have brought us in upon that part of the enemy's camp from which they could apprehend no danger. It lengthened, indeed, the road, which, in the sequel and from the shortness of the night, proved our misfortune.

"The night was favourable to our wishes, but alas! such a road was never travelled; the men in general were frequently up to the ankles, and the horses in many places extricated themselves with difficulty."

Strange was one of the Life Guards, a cavalry corps.

"But the short night came to a close before the tedious march was accomplished.

"It was now the 16th of April, when day began to break about four in the morning. It was indeed a dreadful knell to us, being as yet about four long miles from Nairn. The morning was fine, and the day was ushering in apace; it required but little time to deliberate, and finding it impossible to attack the Duke by surprise, it was judged expedient, for the safety of the army, to give up the enterprise and return to the field of Culloden.

"We had got but a few miles upon the road, when a number of the Guards, finding themselves overpowered with fatigue and ready every instant to drop from our saddles, came to a resolution of stopping. We were shown into an open barn, where we threw ourselves down upon some straw, tying our horses to our ankles, and the people assuring us that, in case of any danger, they should awaken us.

"They were, indeed, as good as their promise, for we had slumbered here but a short time before a woman gave us the alarm that the Duke's horse were in sight."

They instantly mounted, and in a short time were back at Culloden, where the Prince, on their arrival, was holding a council of war, "deliberating whether we should give battle to the Duke or, circumstanced as the army was, retire and wait the arrival of our reinforcements. The former was determined on." This resolution seemed to Strange eminently imprudent, for he continues:—

"Let us for an instant view the situation of this army. They had, for many weeks before the battle, been reduced to a short allowance of bread; when I say bread, I mean oatmeal, for they had no other.

"Must not this have enfeebled their bodies?

"They had passed the 14th and following night under arms upon the field of battle, every instant expecting the Duke. Upon the night of the 15th, which was the eve of the battle, they had performed the march I have described.

"Judge, then, what was to be expected from such an army, worn out with fatigue, and at this moment short of the common necessaries of life, and outnumbered upwards of two to one by their enemies; for the Duke's army consisted of at least eleven thousand men; that of the Prince did not exceed six, of which we shall find at least a thousand during the action were asleep in Culloden parks.

"What, then, can justify the deliberate folly and madness of fighting under such circumstances? But our time was come.

"No line was as yet formed; the men were standing in clusters, and stragglers in small numbers were coming up from all quarters. Overpowered with fatigue, they had stopped everywhere on the road, and were now joining the army."

This being the condition of the Prince's troops, we are prepared for what followed:—

"An order of battle having been drawn up, the Prince, attended by his aides-de-camp and Lord Elcho's Guards, placed himself towards the centre, behind the first line."

This was Strange's situation as one of the Guards.

"We had six pieces of cannon, two placed on the right, two on the left, and two in the centre of the front line.

"The Duke of Cumberland drew up his army in three lines."

The centre, which fronted the Prince, consisted of the regiments of Wolfe, Ligonier, Semphill, Bligh, and Fleming. The royalists had sixteen pieces of artillery—"ten were placed in the first line, two between each regiment, and six pieces in the second line."

"The enemy formed at a considerable distance, and marched on in order of battle, outlining us both on the right and on the left.

"About one o'clock the cannonading began. One of the Prince's grooms, who led a sumpter horse, was killed on the spot; some of the Guards were wounded, as were several of the horse. One, Austin, a very worthy, pleasant fellow, stood on my left; he rode a fine mare, which he was accustomed to call his lady. He perceived her give a sudden shrink, and, on looking around him, called out, 'Alas, I have lost my lady!' One of her hind legs was shot, and hanging by the skin. He that instant dismounted, and, endeavouring to push her out of the ranks, she came to the ground. He took his gun and pistols out of the holsters, stepped forward, joined the foot, but was never more heard of.

"The Prince observing this disagreeable position, and without answering any end whatever, ordered us down to a covered way, which was a little towards our right, and where we were less annoyed with the Duke's cannon; he himself, with his aides-de-camp, rode along the line animating the soldiers.

"The Guards had scarce been a minute or two in this position, when the small arms began from the Duke's army, and kept up a constant fire; that instant, as it were, one of the aides-de-camp returned and desired us to join the Prince.

"We met him in endeavouring to rally the soldiers, who, annoyed with the enemy's fire, were beginning to quit the field."

The right had made a furious attack and cut through two regiments, capturing two cannon, but Wolfe's regiment coming up, that wing was forced to retire. The left attack had been less vigorous, and made no impression on the royalists, while "the centre, which had been much galled by the enemy's artillery, almost instantly quitted the field."

"The scene of confusion was now great, nor can the imagination figure it. The men in general were betaking themselves precipitately to flight. Horror and dismay were painted in every countenance.

"It now became time to provide for the Prince's safety; his person had been abundantly exposed. He was got off the field, and very narrowly escaped falling in with a body of horse which had been detached from the Duke's left, were advancing with an incredible rapidity, picking up the stragglers, and, as they gave no quarter, were levelling them with the ground.

"We got upon a rising ground, where we turned round and made a general halt. The scene was indeed tremendous. Never was so total a rout—a more thorough discomfiture of an army. The adjacent country was in a manner covered with its ruins. The whole was over in about twenty-five minutes.

"Of towards six thousand men which the Prince's army consisted of, about one thousand men were asleep in Culloden parks, who knew nothing of the action till awakened by the noise of the cannon. These in general endeavoured to save themselves by taking the road to Inverness; and most of them fell a sacrifice to the victors, for this road was in general strewed with dead bodies. The Prince at this moment had his cheeks bedewed with tears; what must his feeling heart have suffered!"

Here Strange's narrative ends, but Cooper, the engraver, gives one incident in the adventures of his old apprentice which is too good to be overlooked. He tells us that Strange, "when hotly pressed, dashed into a room where the lady whose zeal had enlisted him in the fatal cause sate singing at her needlework, and, failing other means of concealment, was indebted for safety to her prompt intervention. As she quickly raised her hooped petticoat, the affianced lover disappeared beneath its ample contour, where, thanks to her cool demeanor and unfaltering notes, he lay undetected while the rude and baffled soldiery vainly ransacked the house."

In June of the following year—1747—an Act of Grace was passed, which allowed Strange to resume his peaceful avocations. In that year he married Isabella Lumisden, the lady of the hooped petticoat—a union which initiated a long course of domestic happiness.

Mrs Strange was an admirable woman, a devoted wife, and an affectionate and judicious mother. Her vigorous and practical letters form perhaps the most interesting chapters in her husband's biography. Her Jacobite instincts lasted through life. Her brother was for many years private secretary to the Prince. Long after that unfortunate person had by his misguided life ceased to find favour in Mrs Strange's eyes, some one in her presence referred to him as the Pretender, when the lady, indignant at the title, exclaimed in the forcible language of the day, "Pretender! and be damned to you!"

To her brother, residing at Rome with the Prince, she writes with a mother's pride:—

"My little Jamie was put into breeches last Sunday. He looks most charming; when he went to the park, everybody called him the Young Chevalier. My little jewel, Andrew,* seems to have the finest ear for his age I ever knew. Mary Bruce seems to like writing best of any. She'll dance with a very graceful air. Although she is far from possessing beauty, yet there is something agreeable about her, and she is very like her dear Papa. Jamie is like me, not marked with the small-pox as his sister is. He has a fine temper; but for Andrew, he truly is the most compleat charmer I ever saw, both in body and mind. His complexion is as brown as mine, and his eye as dark. God make them all good, for you see I make them all bonny."

At this time Strange was working in London and acquiring fame. In 1758, Allan Ramsay, son of the poet, who had painted portraits of the Prince of Wales and his tutor, the Earl of Bute, asked Strange to engrave them. He refused, and this refusal was attributed by unfriends to Jacobite leanings, and was afterwards used against him. The fact was that the price offered would not recompense him for the postponement of a visit which he had projected to the Italian galleries.

He went to Rouen and afterwards to Paris, where he enjoyed the friendship of Principal Gordon, of the Scots College—a friendship which perhaps accounts for Gordon's visit to Orkney and the interest he took in the Laverock of Kirkwall. From Paris he went to Italy, where he studied the works of the great Italian masters. Some of these he reproduced in such admirable style as to secure his election as Member of the Academies of Rome, Florence, Parma, Bologna, and Paris. While working assiduously with graver and point, he at the same time collected such works of art as he thought would realise a profit in London. These he sent home, and Mrs Strange, in addition to her family duties, undertook their exhibition and sale.

In 1765, he returned to London to find that, though his merits were recognised and acknowledged by all the best schools of art on the continent, he was not good enough for the English Royal Academy. In spite, however, of the detraction of jealous artists, his genius brought him fame and his industry wealth, till at length the London Academicians, recognising the fact that his admission would be an honour to themselves, opened their unwilling door to him.

In 1786, forty years after Culloden, he executed the engraving of West's picture, "The Apotheosis of the Princes Octavius and Alfred," and in January of the following year he presented a proof to the King. His Majesty was so delighted with it that he knighted the artist on the spot. And now Sir Robert had to look about for pedigree. That there had been Strangs in the east of Fife for many generations the readers of Drummond's Polemo Medinia knew, but "plooky-faced Watty Strang," one of the heroes of the midden fight, was discarded as an ancestor, and Sir Robert fixed himself on to Strang of Balcaskie.

From this time Strange's life was uneventful. He went on accumulating works and wealth, happy in his domestic life and in the enjoyment of social intercourse, till his death in July 1792.

* Thomas Andrew, afterwards Sir Thomas.

About twenty-five years after his death, when engravings to the value of £18,000 were in stock, for the sake of the artist's reputation, which might suffer by the wearing of the copper, and to prevent a glut of impressions, it was resolved to destroy the plates. Accordingly, the life work of Sir Robert Strange, now represented by three hundred weight of copper plates, was cut into shreds and melted down.

Sir Robert's eldest son, James, went out to Madras in the service of the Honourable East India Company. He married Miss Margaret Durham of Largo, who died in India. Their only child, a beautiful girl, came home to her grandparents in London. She afterwards married the Hon. James Wolfe Murray, Lord Cringletie, one of the judges of the Court of Session.

James Strange himself returned in 1795, and settled as a banker in London. In 1797, he was returned to Parliament for East Grimstead. In 1798, he married the Hon. Anne Dundas, second daughter of Henry, Lord Melville, and widow of Henry Drummond, Esq. of Albury, Sussex. He died in 1840, and was survived by his widow and two daughters.

Thomas Andrew, always called in the family by his second name, distinguished himself at the bar, and was appointed Chief Justice at Halifax. In 1801, he was sent as Chief Justice to Madras, receiving knighthood before he sailed. Sir Thomas returned home in 1816, and died, 1841. His first wife was a daughter of Sir Robert Anstruther of Balcaskie, and, in recording the fact, his biographer adds—("once the Fifeshire patrimony of the Strangs.") *

Robert Montague Strange rose in the H.E.I.C.S. to be Major-General, but died, 1811, without issue.

Isabella Katherine Strange outlived all her brothers, and died, 1849, aged ninety.

The garden which Andrew Strang bought from Robert Morrison belongs now to the heirs of Alexander Stewart, merchant, a relative of the Strangs. The tradition in the family is that Sir Robert Strange presented it to Mr Stewart's grandmother out of gratitude for pecuniary assistance which she had given him when he left Kirkwall a poor boy.

The house south from Strang's, as far as can be traced, belonged to one Adam Bruntfield,† from whom it passed to Andrew Mitchell and his heirs. In 1688, it belonged to John Nisbet of Swannay, and regarding it we have an entry in Thomas Brown's Diary:—"April 15, Sabbath night, about 12 or yrby, George Spence of Overscapa, residenter in Kirkwall, depd. this lyfe in the house lately pertaining to Jon. Mitchell, now to John Nisbet, Mercht. in Birsay, and was interred in S. Magnus, Tuesday yrafter, about 4 in the afternoon; and within an hour or two thereafter, Marjorie Halcro, his relict, was brought to bed of a man chyld, and christened about six that night, who was named George."

Gilbert Nisbet, who died in Swannay, 1675, had two sons, James and John, and a daughter, Mary. James, the eldest, graduated at the University of Edinburgh, 1670, and was presented to Sandwick and Stromness by Bishop Mackenzie, 1676. He married Isabella Graham, grand-daughter of Bishop George, and their son, John, was ordained, 1715, minister of the double charge which had been held by his father. Gilbert Nisbet's second son, John, seems to have arranged with his elder brother as to Swannay and the business, for he had both, conducting the latter chiefly from Kirkwall. He married Marie Erbury, and when his brother-in-law, Mr John Erbury, failed in business, he bought his house in Broad Street and went to live there.

The Burgh Records show the Laird of Swannay to have been slow in his payments:—"The two Birsay merchants, Burgesses of this place, David Ritchie and John Nisbett, hes

* The professional integrity of Sir Thomas was celebrated in the epitaph, "Here lies an honest lawyer that is Strange."

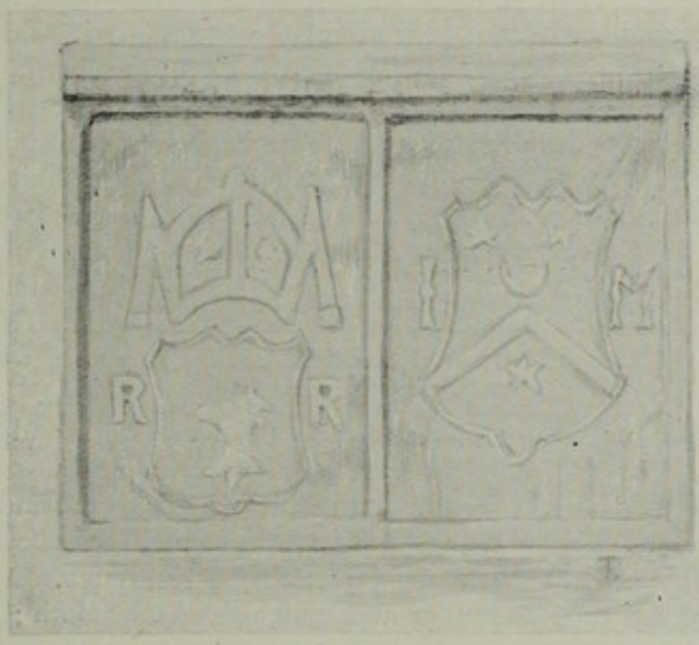
† See S. R., 20th Oct. 1673.

been long deficient in paying either of their proportions of stent, ordains to give and delyver to eich of them ane particular not of their sd. stent. Immediately therafter to cause the pairtie now upon the place quarter upon them untill payment be made." Nisbet owed £12 14s, and Ritchie £8 4s. "They quatt the said John for £4 3s 8d, and the said David for £3."

John Nisbet died intestate, 1707. His eldest son had gone abroad some ten years previously, and was supposed to be dead. A grandson, James, came into possession. In 1708, James Nisbet laid himself open to the censure of the church. But he was the kind of delinquent to whom Sessions were prone to be merciful, for, when summoned, he at once "compeired," expressed himself deeply penitent, and paid a guinea and a half for himself and his fellow-sinner.

James, along with some of the other young men about town, had been induced to take lessons in fencing from Louis Dupaique, a Frenchman. The master proved to be a mere pretender, and Nisbet, along with Andrew Young, had the courage to appear in court rather than pay the impostor's fee.

Gilbert Nisbet's daughter, Mary, married, 1686, Mr William Davidson, minister of Birsay and Harray. She was the reverend gentleman's third wife, and at the time of this marriage the poor man had been blind for thirteen years.



Tablet in Victoria Street.

The double tenement south from Nisbet belonged of old to St. Christopher's stouk.* A tablet with the arms of Bishop Reid, and of probably John Maxwell, in the north part of this house, may have been intended to mark it off as church property. This tablet has been elaborately executed, and it was provided with an eave ledging to protect the carving. John Maxwell was by Bishop Reid appointed vicar of Evie and chaplain of St. Lawrence, with the enjoyment of that saint's "stouk," and this may have been his town residence. But before 1677, this house had been reduced to ruin, and the site, with what was on it, belonged to

* W. D. Baikie's papers.

Patrick Craigie of Waisdail. The part with the tablet had been slate-roofed, the other portion thatched.

The next house southward was bought, August 1640, from Hew Halcro of Aikers, by Andrew Strang and his wife, Agnes Gunn. It afterwards belonged to their son, Andrew, N.P. Young Strang was born in South Ronaldshay, where, 1st November 1633, he was appointed "Reader, Session Clerk, and Schoolmaster (if he can get as many as 20 bairnes to teach)." He came to Kirkwall, where he appears as messenger, notary public, and money lender, and seems to have acquired a competency, if not wealth. This is the Andrew from whom the biographer of Sir Robert Strange thought his hero had inherited his silver spoons.

William Strang, who, before 1677, succeeded his father in this house, was a cordiner.

Southward was the "new" house built by Andrew Corner, notary public and Town Clerk, whose widow, Jean Baikie, had it in life-rent, with much other property in the town. In the public records much of Andrew Corner's work is to be found, and his handwriting and signature are well-known. The name is not a common one, though it is very old. In 1289, William de la Corner became Bishop of Salisbury, or rather of Sarum, but Andrew had not known the fact, else we should probably have had his seal, with the Corner arms, accompanying his signature in his notarial instruments.

Next came the house of Bailie Chalmers, afterwards belonging to Mr Thomas Baikie, and sold by him, 1732, to James Stewart, merchant. James Stewart was one of Kirkwall's remarkable men. He has been dead for a hundred years, yet his name, or more especially his nickname, "Peasie," is still a household word in the town. It is said that in his retail business he would split a pea to arrive at the exact weight; and, again, that he had been known to burn a penny candle in search of a pea that had dropped on the floor.

It is very difficult to arrive at facts illustrating the character and habits of this man, but, according to the traditions of the elders, while he seems to have been habitually avaricious, he was, when the whim seized him, occasionally generous to a degree which surprised the recipient. It is stated that on one occasion, when he had got home a quantity of meal for domestic use, he would not, on account of the expense, employ an outsider to pack it in his girnell, but got a nephew of Mrs Stewart's to come and do the work. The poor man's sight was then failing him, but he discovered by the voice of the youth, when he answered a question, that he was taking an occasional taste of the precious victual. The old gentleman could not think of sustaining such a loss, so he stopped the work and paid young Traill off with a guinea.

Mr Stewart's ruling passion, avarice, strengthened with his years, and its last exhibition took an odd form. He found that he required new clothes, and it may be inferred that when *he* made the discovery his ancient garments were pretty far through. Accordingly, for the sake of economy, he gave a wholesale order and bought a web of cloth; but, when it came home, he grudged the expense of making it up, so, with oriental taste, he draped and festooned his web all over his bony framework, and thus attired, attended, if not kirk and market, at least shop and customers. In this picturesque garb he one evening went to call on his relative and neighbour, Capt. Richan. The door was opened by Mrs Richan, who, whether or not she knew Mr Stewart in such a guise, slammed the door in his face, and in doing so, as the story goes, slammed herself out of the old man's will. This tradition is so general and so recent that there may be some truth in it.

Jean Stewart, Capt. Richan's mother, was so nearly related to the close-fisted merchant that the Captain thought he could, by a process of law, set aside James Stewart's will, and actually instituted proceedings to that effect.

Had Mr Stewart desired to leave his wealth to family friends he had a wide choice. He

married Margaret, fourth daughter of Patrick Traill and great-grand-daughter of Thomas, the first laird of Holland, so that among his wife's many relatives he might easily have found an heir. Indeed, he did find one, the above-mentioned hero of the girnell, a very promising young man, to whom the old merchant was much attached. But the youth died before completing his divinity curriculum, and the man who, during his whole life, had never given a shilling to the poor, now devoted his whole hoardings to posthumous charities.

Mr Young of Castleyards, in a private letter, calls Stewart "a great rogue," and we know that the merchant had tried to secure bits of the town lands without money and without price.

He enclosed some of "the town land eastward of the hill dyke of Cannigal," and built a house on it. He also "flitt out his dykes from the lands of Yairsay to the sea there of Quanterness, whereon he has enclosed a Loadberrie at which many of the inhabitants of Kirkwall, time out of mind, Boated their Peats which they caused cast in Quanterness"; and he had taken possession of "a part of the kelp shore of Quanterness, the property of the Burgh." A popular man has been known to succeed in quietly appropriating portions of the town land, but Stewart was not popular, and was therefore brought to book.

In April 1791, he executed a trust disposition and settlement in favour of David Spence of Scapa, Esq.; the Reverend Francis Liddell, minister of the gospel at Orphir; James Baikie of Tankerness, Esq.; William Traill of Frotoft, Esq.; Patrick Fotheringham, Esq., Comptroller of the Customs at Kirkwall; and James Allan Maconochie, Esq., advocate, Sheriff Deputy of the County of Orkney; and Charles Shirreff, Esq., Sheriff Substitute of the said county. The last two were to be replaced on the trust by their successors in office, and the others by persons "assumed as trustees in virtue of the powers hereinafter granted to that effect."

This was confirmed in 1829, when "Our Sovereign Lord, with the special advice and consent of the Right Honourable Sir Samuel Shepherd, Knight, Lord Chief-Baron of His Majesty's Court of Exchequer in that part of the United Kingdom called Scotland; James Clerk Rattray, Esq.; Sir Patrick Murray, Baronet; and David Hume, Esq., remanent Barons of His Majesty's said Court of Exchequer, ordains a Gift and Charter to be made and passed under the Seal appointed by the Treaty of Union to be kept and used in Scotland in place of the Great Seal thereof formerly used there, giving, granting, and disponing, and for His Majesty and his Royal successors perpetually confirming, likeas His Majesty, with advice and consent foresaid, by these presents gives, grants, and dispones, and for himself and his Royal successors perpetually confirms to and in favour of his Majesty's lovites," the above-named Trustees.

Besides "other moveable means and effects, as well not named as named," the Trustees found that Mr Stewart had advanced well over £1000 stg. to persons in Kirkwall, all well secured.

The landed property consisted of:—"*First.* All and whole the roum and lands of Yairsay, which lands were acquired by the said James Stewart from James Traill, younger of Hobbister." Yairsay lay just out of Kirkwall, on the north side of Hatston.

"*Secondly.* All and haill the roum and lands of Fea, Cannigall, and Clova." These lands are named in the charter of James III. as on the west of the hill called Kirkwall hill. These also were acquired from James Traill, younger of Hobbister.

"*Thirdly.* All and whole the land of Saverock and Quoys, in Quanterness, within and without the dykes thereof to the march-stone; and all and haill the lands of Quoyangrie, lying on the east side of the burgh of Kirkwall—all lying within the said parish of St. Ola, mainland, and county of Orkney; and which lands were acquired by the said James Stewart from James Baikie of Tankerness.

"*Fourthly.* All and whole the just and equal third part of the two merk land and half-merk udal land, under the house of Netherbigging, lying in Settascarth.

"*Fifthly.* All and whole that great tenement of land, presently under sclate roof, lying at the shore of Kirkwall, sometime possessed by James Rendall." This is the property between the house called "Tounigar" and the wall of Traill of Woodwick's garden.

"As also all and haill these three little houses or *tenements* of land under thatch roof at the east end of the shore of Kirkwall." This was what lay west of the narrow passage running from the shore up through Dunkirk.

"*Sixthly.*" The lands and houses lying in the Laverock of Kirkwall, being the two sides of a close. This is Mr Stewart's own dwelling-house, on a portion of the site of which stands the house erected by the late Mr Peter Cursiter.

"*Seventhly.*" A bond of 600 merks, yielding £22 Scots per annum, upon the house of the late Charles Stewart, Stewart Clerk, which formerly belonged to Mr Andrew Ker, minister of the gospel.

"*Eighthly.*" A bond of £30 sterling, yielding "an yearly annual rent of £1 10s 0d sterling, or such an annual rent, less or more, as by law for the time shall effeir, and correspond to the principal sum of £30 sterling." This was a bond over "the two houses, the one under sclate and the other under thatch roofs, sometime belonging to and possessed by James Nicolson." Of this bond we shall hear again.

In dealing with the above properties, all of which have been capitalised, the Trustees

"Bind and oblige themselves to lay out and expend annually the free produce of the said funds and estates under their charge, in just and suitable proportions, for the pious and charitable uses and purposes following, viz:—*Primo.* The said Trustees shall annually expend and apply a sum not exceeding one-eighth part of the free annual produce of the said estate in promoting religious knowledge among the poor, and the children of the poor, in conformity with the doctrines of the Established Presbyterian Church of Scotland, and in such a way as a majority of the said Trustees shall consider most expedient and necessary.

"*Secondly.* That the said Trustees shall also expend and apply a sum not exceeding three-sixteenth parts of the free annual produce of the trust-estate in the education and in the support of poor orphan children, the orphans so to be educated being limited to the number that the above proportion of the funds shall suffice to maintain and educate properly.

"*Thirdly.* The said Trustees shall expend and apply a sum not exceeding one-sixteenth part of the free produce of the said funds and estate annually in the purchase of Medicines and procuring medical advice, to be dispensed to such individuals in indigent and necessitous circumstances as are truly unable, from their poverty, to pay for them in times of sickness.

"*Fourthly.* The said Trustees shall annually expend a sum not exceeding one-eighth part of the free produce of the said estate in the purchase of meal, which they shall distribute, either gratuitously or at a reduced price, among such poor people as are truly in necessitous and indigent circumstances, and who from inability to work are destitute of the means of gaining a livelihood; and

"*Lastly.* The said Trustees shall apply the residue, or such part as shall remain unappropriated to the purposes aforesaid, of the said free annual produce of the said trust-estate to such pious uses and objects of charity as circumstances may occasionally render urgent and expedient, such as the rescue of human life from shipwreck; the relief of shipwrecked sailors; for affording such immediate assistance to the persons rescued as their necessities may require; for granting relief to the destitute families of any who may unfortunately perish in their attempts to save the lives of others; for the relief of widows and children left helpless by the loss of husbands and fathers at sea or otherwise; for the relief of aged and helpless persons and indigent old men and women; and in occasionally affording religious instruction to mariners, fishermen, and others of such the like classes as may resort to Orkney in the way of their occupations; and in any other the like charitable purposes.

"That the said Trustees, in the exercise of the foresaid charities, shall not only be directed by a wise and judicious discretion, but shall previously satisfy themselves, by the most strict examination and enquiry, of the good character and necessitous circumstances of each applicant, who shall always be required to produce satisfactory evidence to the Trustees of his or her indigent circumstances and good character before such person shall be admitted to the benefit of the charity."

Lest the factorship of lands and houses should be expensive and troublesome, provision is made for their sale:—

"And whereas it will tend to the advantage and prosperity of the foresaid charity and the more

regular administration of its affairs, that the annual amount or income of the said trust-estate be fixed and ascertained as nearly as may be and the funds thereof secured ; therefore the Trustees are hereby enjoined with all convenient speed, and in terms of the powers conferred by these presents and by the said trust-disposition and settlement, to sell and convert into money the whole subjects, heritable and moveable, hereinbefore disponed, which belonged to the said deceased James Stewart, the sales that may be necessary being always made by and with the advice and concurrence of a majority of the said Trustees, of which majority the said Sheriff-Substitute or depute shall always be one."

For accuracy, it is provided that the factor who may be appointed by the trustees shall at no time have more than £50 sterling of the trust-monies in his hands.

"And, *lastly*, the said Trustees are hereby directed and enjoined to transmit and exhibit to the Barons of Our said Court of Exchequer, at the expiry of seven years from the date of these presents, and regularly at the expiry of every seven years thereafter, a distinct and specific report of their intromissions with and management of the said trust-estate."

One of the most valuable clauses in the will runs :—

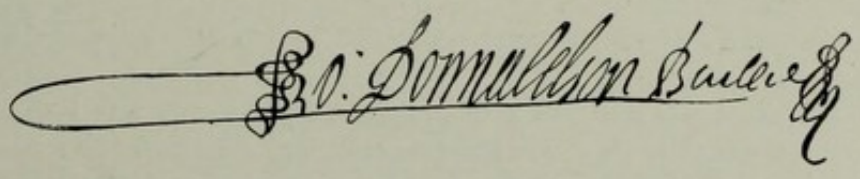
"And whereas the change of times and circumstances may render expedient an alteration or extension of the purposes aforesaid to which the annual produce of the said trust-estate is to be applied, We therefore will and grant that it shall be in the power of the said Trustees, or those to be hereafter assumed and acting for the time, at the expiry of seven years from the date of these presents, or at any time thereafter, to apply to the Barons of Our said Court of Exchequer for such alteration or extension of the charitable uses before specified as experience may prove to be judicious or the change of times and circumstances may render expedient."

Neither in 1791, when the will was made, nor in 1829, when the charter was procured, was such a thing as free edecation within the range of human foresight. Now that Government has undertaken the educational work to which a considerable portion of James Stewart's money has hitherto been applied, why should any part of this fund, which was devoted in its entirety towards alleviating the condition of the poor, be spent on bursaries, that a few who are not poor may enjoy the luxury of higher education ?

Standing one-half on what is now Victoria Lane, and the other half on the yard to the south of the lane, was a large double tenement known as Emmerson's Land. This was the house of Harie Erburie, merchant, before he built his new house in Broad Street in 1697.

In the Valuation Roll of 1677, it is entered as belonging to William Aimersone's bairns. William Emmerson was an Englishman, and had held the rank of sergeant in Cromwell's garrison. When the troops were withdrawn from the Fort, he settled in Kirkwall as a shoemaker, was elected Deacon of that Corporation, and thus became *ex officio* a member of the Town Council. He married Marjorie Bernardson, and the "bairns" were George and Thomas. In 1690, George gave sasine of Emmerson's Land to his younger brother.

In 1704, the northern portion belonged to Bailie Robert Donaldson, and the southern



portion to the Rev. Andrew Ker, minister of the Second Charge in St. Magnus. The close between was the common entry, and the opposite neighbours were usually on very friendly terms. But both were somewhat indiscreet. The clergyman spoke too freely about ecclesiastical matters to the layman, and the latter revealed secrets.

In September 1709, at a meeting of Presbytery, it was complained that Robert Donaldson had boasted "he knew every thing in the Presbytery's letters to the south," and this boast got the minister into trouble with his brethren.

But Mr Ker, who had previously been minister of Walls and Flotta, had quite a talent for getting into hot water. His appointment to the Second Charge in St. Magnus gave umbrage to the Magistrates and Council, because the Presbytery had proceeded to ordination without consulting them; and the General Assembly in this instance supported the civic rulers and censured the Presbytery. Mr Ker had thus a bad start in Kirkwall, and his unpopularity increased as he became better known. He had no regard for public opinion, and he had no conciliatory element in his mental and moral composition. In 1708, Mr Ker had become so obnoxious to a large section of the townspeople, that the Council desired his removal to Shapinsay or Stronsay, and that the minister of either of these islands should be put in his place. This may have been complimentary to Messrs Nisbet and Mein, the ministers referred to, but the proposal was not carried into effect.

By the fathers and brethren, poor Mr Ker was equally disliked. Whether from feelings of real friendship, from policy, or from sheer obstinancy, he kept on terms of close intimacy with Mr Lyon, the episcopal intruder in the "Meeting-House," whom the presbyterian clergy were doing their very utmost to "silence." For this the Kirkwall Presbytery overtured the Synod, and the offending brother was summoned to attend at Thurso, 17th June 1709.

"The Committee for considering Mr Ker's affair reported that they had met, And it was their opinion that he should give answers to the following Queries :—

"Query 1st. What his thoughts were of the sudden change of the Magistrates and Council of Kirkll., their hatred towards him into love?"

Mr Ker replied to the effect that the Magistrates saw that the mistake at his ordination "was not his fault, that he saw no great change that way, for he neither saw nor tasted of their love."

"Query 2nd. Mr Ker being interrogat what sense he had of the evil of these things for which the prery. of Kirkwall is dissatisfyd with him, particularly his intimat correspondence with the nottour enemys of religion and with Mr Lyon in particular?"

"He answered that he thought his inviting of Mr Lyon to his house when his child was baptized was neither sinfull nor scandalous."

"Query 3rd. What Mr Ker thought of these persons and their courses who did attend the meeting-house?"

"As to these persons who are the prinll. countenancers of the meeting-house, he thought them to be enemys to Religion, Enemys to the prery. and to their own souls, and that he had often told them so in private."

His friendship towards Mr Lyon conciliated the episcopal party in Kirkwall, which, if small, was influential, but what was better, it annoyed his brethren of the presbytery, a source of much enjoyment to Mr Ker.

At this meeting the Synod "sharply rebuked" him, and "he promised amendment through grace for the future."

The commotion which Mr Ker was able to raise at presbytery meetings must have been very amusing to impartial observers. On one occasion Mr Gibsone, of Evie and Rendall, was so provoked that he called Mr Ker a "beast," and "would prove him a lyar," but he subsequently explained that he spoke out of love and Christian zeal.

But Mr Ker, the same year in which he had been before the Syond, found himself again before a church court. He had been at the South Isles, and came home from Scapa rather late and a little excited. From some peculiarity in the knocking, it was considered expedient by the maids that both of them should attend the door. How it happened is not clearly shown, but Mr Ker, Marjory Scott, and Margaret Chalmers all fell on the stair together. The minister said that the accident happened through the narrowness of the staircase. His

brethren, however, refused to take the explanation ; they called it a *fama clamosa*, and sat upon him, but nothing more came out of it than another nine days' talk about Mr Ker.

We discover incidentally that Mr Ker was a fairly good singer, and that he was willing to oblige when asked :—" The Session, considering the need there is of one to precent untill ane fitt persone be fallen upon, thought fitt to entreat the favour of Mr Ker to take that trouble upon him for some little tyme."*

" This day† Mr Ker, being now present, acquainted the Session that it was a great trouble to him to precent, but seeing the Session desyred it as a favour, he should officiate that way for a while, till the Magistrates could meet with the Session and agree to send for a fitt person who may do that work."

During the early part of Mr Ker's incumbency, the stipend of the Second Charge was precarious and difficult to collect. It was complained by the Presbytery in 1707 that the Queen herself did not pay her share of the rates. But in that year a charter under the Great Seal was procured fixing the stipend at 300 merks, to be drawn from the bishopric revenues.

After eighteen years in Kirkwall, some of them pretty stormy, Mr Ker got a call to the parish of Rathven, in the Presbytery of Fordyce, and a letter was sent to the Session asking if they offered any objection. "Answered that they would be loath to offer any objection against Mr Ker's transplantation from this place to the said parish of Rathven, in regard they are Informed that his being Transplanted would tend to his further Encouragement in the work of the Lord, and therefore leave it to the Presbytery to do therein as they shall see most for God's glory and the good of the Church." The Presbytery took the same view of the case as did the Session, and appointed that "a discreit letter" should be written to the Presbytery of Fordyce, the discretion no doubt to lie in saying as little as possible about Mr Ker's antecedents This was, of course, "for God's glory and the good of the Church."

On the 5th of December 1722, Mr Ker's translation took effect, and on the 17th of the same month, Mr Baikie reported to the Session "that before he left the place, Mr Ker left with him the Charter of Mortification of the sum of 500 merks, granted by Q. Anne to the said Mr Ker and his successors in office in the ministry of this town, and presented the same to the Session, which they took kindly, and left it to be preserved in the hands of Mr Baikie."

Although the stipend was a good one for those days, and though it had for ten or twelve years been regularly paid, our reverend friend left Kirkwall in debt to the Session, promising to refund principal with interest as soon as possible. This, from his "further Encouragement" in Rathven, he would probably accomplish in due time.

More than a century and a-half has passed since Mr Ker left Kirkwall, and it is very difficult now to form a true estimate of his character. He came a stranger to a town in a ferment of religious strife, when to belong to one party meant war to the knife with the other. To show friendship to an opponent was treason, and the only safety lay in consistent bitter partisanship. This position Mr Ker did not at once grasp, so he came down between two stools. Every peccadillo was trumped up against him by the presbyterian zealots among whom his lot was cast, the minutes of whose proceedings form his only history. Yet he wrought for eighteen years in Kirkwall, and when he got the offer of a higher stipend elsewhere, the Session could not tell whether it tended more to the glory of God that he should go or stay, and left the decision to the Presbytery. Mr Ker died at Rathven, 3rd March 1751, "aged about 71, in the 50th year of his ministry." He left three sons and a daughter. ‡

In 1741, James Donaldson, merchant, Edinburgh, son of the Bailie, sold his half of Emmerson's land, which, as we have seen, stood on what is now Victoria Lane. In those

* S. R., 9th April 1722. † S. R., 16th April 1722. ‡ Fasti.

days an Orcadian merchant in Edinburgh had to execute odd commissions for his old friends :—

"Edinburgh, 3rd Augt. 1736.

"Sir,—This comes by James Polson, by whom I have Sent your Cloaths Inclosed in a Box Directed to my Uncle. The amount whereof, as you'l see by the Inclosed Act., is £6 4s.

"The Cloath is Exceeding good and a very fashionable Colour, and I doubt not but you'l be pleased both with it and the price, this last being Stated at a very Moderate profit ; and as to your Stockings, I may say the same of them. I made Choice of the threed Stockings, because they are much used in the Summer time, and of the Worsted because they are Generally used in the Winter. If there be any thing else wherein I Can Serve you, asshure yourself I'll doe my utmost. Pray make a tender of my best respects to your Lady and Mrs Jacoba, to Mrs Mary and Mrs Sibila, and the Rest of my well-wishers,—And I am, Sir, your Affect. humbl. Servt., JA. DONALDSON.

"P.S.—Brymer, the Taylor, would not give your cloaths over his door untill I payd his Acct. for making them, The particulars of which you'l see in his Acct. Inclosed. However, I have made anoyr. taike the measure of them, so that you may be at no Loss for a better Taylor at any oyr. time.'

Addressed—"Mr Andrew Young, Surveyor of his Majesty's Customs in Kirkll., Orkney."

At the beginning of the present century, Donaldson's house belonged to William Traill of Frotoft, and was occupied by himself and spouse, Robina Fotheringham.

Mr Ker and his spouse, Elizabeth Ker, disponed their house to Charles Stewart, Stewart-Clerk. This gentleman had for a time lived in the house built by William Orem, next Bishop Reid's Tower, liferented to Jean Black, Orem's widow, whom Charles Stewart had married, 1704. Now that he comes to occupy Mr Ker's manse, he brings his wife, Marjorie Traill, daughter of William Traill of Westness, married 25th April 1715. On her death, "Clerk Stewart" married Sibilla, youngest daughter of William Mackenzie, Commissary of Orkney, 13th February 1731. Poor man, he did not long enjoy the companionship of the third Mrs Stewart, for in three weeks from the marriage he left her a widow, liferented in the house to which he had so lately brought her as a bride.

The site of Mr Ker's house, now marked by a store-shed and a tree, belongs to the heirs of the late Rev. Mr Buchan, the highly-respected minister of the Secession Church of Holm.*

When Mr Ker lived in the house above referred to, he had, on the south side, where the house of Mr Peter Shearer now stands, one of his elders, a Town Councillor, Hugh Clouston, dyer. The property belonged to Clouston's son, Henry, and is thus described in the Valuation Roll of 1714 :—"Henry Clouston hath an double house under Sclaitt roof there, very old, possest by his father, himself, and Hugh Scott. The walls, timber, and roof very much failyied."

Before 1677 it had belonged to William Gordon, who left his daughter, Elspeth, the north half and her sister, Margaret, the south. John Spence, N.P., in the above year, as heir to Margaret, had her share, while Elspeth still held her own. Possibly the property was so far gone then that Henry Clouston got a bargain of it. Henry started business in Stromness, and married a sister of Gow the pirate.

Hugh Clouston, as one of Kirkwall's public men, is better known than his son. On the Town Council he was a stickler for the due observance of precedence. There was something peculiar about the municipal election of 1698. "Att Kirkwall, within the Tulbuith thereof, the threttie of September 1698 yeires, The Magistrates and deacons have, efter votting by pluralitie of votts, nominat, appoynted, and chosen William Rendall of Breck, John Nisbett, David Traill, and William Fea, with Hough Cloustane, to be Counsillors within this Brugh, and adds them to the former Counsillors, to sitt and votte," etc. "The said day the Magistrates and deacons present have addmitted Andrew Strang to be Counsillor within this Brugh." "The said day the abovenamed William Rendall, John Nisbett, David Traill,

* From titles favoured by Mr W. J. Heddle, solicitor.

William Fea, and Hugh Clouston have all and ilk ane of them acceptit to be counsillors, and have all of them Judiciallie taken the oath. The said day the said Andrew Strang has acceptit to be Counsillor, and hes taken the oth." The reason does not appear why Andrew Strang should be sworn after the others, but so it was ; he was the last elected Councillor.

After the first meeting of the new Council, the Clerk, in noting the sederunt, put Andrew Strang's name before that of Hugh Clouston. The same thing occurred twice afterwards, and Councillor Clouston could put up with it no longer. He protested, and his protest was taken up by the Magistrates and Council with the most waggish gravity. The Provost, David Traill of Sabay, stated the position, and tendered apology with dry humour.

29th October 1698, "The provist and counsill of Kirkwall having taken into their consideration the protestatione entered by Hugh Cloustone, one of the Counsillors, which beads* and craves the said Hugh, as eldest Counsillor, have the precedencie from Andrew Strang as another of the Counsillors. The saids magistrates and Counsill have all in one voice votted for the said Hugh Cloustane to have the precedencie *nemine contradiscente*, and that in respect the said Hugh hes borne a great pairt more of the Publick Burden ; And the saids Magistrates finds the protestatione entered hes proceeded from the Clerk his not advertancie the tyme of the Sederunt in classing the said Andrew before the said Hugh." It may be remarked that the Clerk was never again guilty of the like inadvertency.

But if as a member of the Corporation he amused his fellow-Councillors, as an elder Clouston rather perplexed the Session. At a meeting of Session, 10th September 1722, "Barbara Hourston, Servant Woman to Hugh Clouston," was "delated." Hugh was absent from that meeting, but he was present among the elders at the next, when "the officer reported with respect to Barbara Hourston, that he was seeking her, but she had fled off the Town. Appoynts to writt to Mr Irving to cause charge her if in Orphir, as also appoynts a letter to be written to Mr John Nisbett, minr. at Stromness, to hinder her going off the Country from the harbour of Cairston."

The fact was that "the said Barbara had fled off with Thomas Moodie's boat from Howton, bound for Caithness." As the money required for this flight was furnished by Clouston's daughters, it is very probable that the elder himself knew what had become of the girl. But, whether confident in her absence or in his own innocence, he "represented to the Session that that base woman, Barbara Houston, who was his servant, hath talked abroad that he, the said Hugh, was the father of her child, and yt. he knows no reason why she should talk so, but that in summer last, because of her indiscreet carriage and Language towards his wife, he had beat her, at qch tyme she said yt. she should cause him to repent yt. and the locking of her chest. And the said Hugh earnestly desyres that she may be punished and the matter may be enquired into, that he may be freed from the Scandal. The Session resolves to make no delay in pursuing the same, when they can have the said Barbara apprehended."

Barbara was found in the parish of Dunnet, and was examined there by the minister and Session. She was painfully and convincingly minute in her details, but then the other side was not represented. By and by she is found in Orphir and brought to Kirkwall. Here Barbara Hourston's strong argument, seeing that no direct evidence could be had, was the fact that the money for her flight was furnished by her master's wife and daughters.

After many meetings, the Session unwillingly give their suspected brother the form of the oath of purgation, in order that he might study it carefully, and at the same time ordain him to speak in private with the minister. As to this private meeting, Mr William Scott, Mr Ker's successor, reported that he "had dealt seriously with him, but found noe satisfaction,

* Prays.

but, on the contrary, found him prevaricate in several things, and plainly upon what he had formerlie spoke in hearing of some of the Elders."

At length, on Sabbath, 28th June 1724, more than a year and a-half from the "delation," with evident reluctance on the part of Mr Scott, the oath was administered in presence of Barbara Hourston, and Clouston was "purged of the Scandal." This was the end of the matter as far as the man was concerned, but the unfortunate woman was sent back to the Presbytery because she would not name another father for the child.

Mrs Clouston—Jean Richan—appears in the Court-books. It would seem that she knew how to brew good ale, and, having the right to sell, she sometimes had to deal with rough customers. Donald Jack came into this old house in the Laverock on the afternoon of Saturday, 22nd July 1693, accompanied by John Smyllie, merchant, Glasgow; Dougald Macqueen, merchant, Aberdeen; and John Silver, stamper. When the ale had evidently begun to tell, she came into the room where they were, "and after some words passed betwixt them, the said Donald did, in ane unchristian, base manner, and having shaken off all fear of God and regard to Christianitie, name and call the said prsuer. ane adultress bratt, whereby, and in so doing, the said Donald is guiltie of ane high and manifest scandell, and hes hereby taken away the complr's. name, fame, and reputation." His cronies were the witnesses against him, and he was fined £50, to be paid "Instantlie at the barre." If he could not find sufficient caution, to "remaine in prisone whill payment be made."

Shortly after this, Henry Clouston's very ruinous house was sold to the Rev. William Scott, already mentioned as successor to Mr Ker. Mr Scott pulled it down, and built on the site a handsome double tenement, with courtyard entered, no doubt, as the fashion then was in Kirkwall, by an arched gateway. The architect, whether by Mr Scott's orders or in deference to his employer's profession, decorated the south putt-stone of the northern wing with a small effigy in Geneva cap and bands.

Unlike his predecessor, Mr Scott is a man almost without a history. He was licensed in 1700 by the Presbytery of Biggar, and remained a probationer for twenty-three years, when Robert, Earl of Morton, and the Town Council of Kirkwall discovered his talents and appointed him to the Second Charge in St. Magnus. That he was a man of considerable means is obvious from the fact that he built for himself a manse, which for comfort and elegance could have been at that time surpassed by very few houses in Orkney.

Before his induction, there was a slight dispute between the Presbytery and the Town Council regarding the custody of "the charter containing the gift of 500 merks mortified by the late Queen Anne to Mr Andrew Ker and successors in office in the town of Kirkwall." "The Magistrates acquaint the Presbytery that they thought it belonged to them to keep, and therefore desire the Presbytery might cause deliver them the said charter." The Presbytery ordered Mr Baikie to bring them the document, and having got it, returned it to Mr Baikie "to keep it until Mr Scott be ordained, and then to deliver it to Mr Scott, to be kept by him during his serving of the cure." He "served the cure" till February 1737, when, as the last bit of life's business, he sent for Mr Baikie and returned him "the gift of mortification relative to the second minister's stipend."

In the "Fasti," we are told that Mr Scott "married Katherine Gilbert, and had two daughters, Sarah and Katherine." But we know that besides these he had a son, William, who sold the house which his father had built to James Traill, manufacturer and merchant, one of the Holland family, son of William Traill, Treasurer, and Anne Sabiston. Traill married Marjorie Grote, and had a daughter, Isabel. This young lady married, 1795, at the age of forty-three,* Christian Thuring of Gottenburg. Left in a few years a buxom widow,

* Dr Traill's Genealogy.

her hospitality sustained the ancient reputation of the Traills. Any evening on which there was no Assembly in the Town Hall, her house was open to her friends. Cards, followed by supper and punch, formed the standing programme. One evening the gentlemen competed as to which of them should concoct the strongest jorum, when Captain Cowan, R.N., bore away the palm and delighted the guests by quietly adding to his browst a quantity of Cayenne pepper.

This house had its peat-brae and garden across the street, stretching down to the Sands and Oyce.

Next house up the street, in 1677, belonged to Patrick Murray, and was occupied by George Mowat, wright. Of the proprietor we have many notices, but of the tenant we know very little, except that he was Deacon of the Hammermen, and that he died Saturday, 25th April 1685.*

Shortly afterwards this house became the property of Francis Halcro, dyer, who got into trouble through refusing to sell, exchange, or lend two pieces of oak which belonged to him, and which were wanted for the defence of the town :—

"Kirkwall, the ninthteenth Day of Januy. 1703 yeirs.

"The said day, in ane town's court of the said Brugh keept by William Young and William Liddell, two of the present Baillies of the said towne, Anent some threatning Language given in face of Counsill yesterday, being the eighteenth Instant, by Francis Halcro, dyer, to the Magistratts and Counsill, The said Francis being called before the sds. Magistratts, compeiring, and being Inquyred at be them iff he wes rash and Inconsiderate in his expressions, In so farre as yesterday, he being called in by the Magistratts in face of Counsill, and they haveing Inquyred at the sd. Francis iff he wold lend to them two peices of oak lyeing besyde him for two peices als good, for the use of the great Guns, or iff he wold sell the same at the true value for money, who answered that he hade keept the said peices thir eighteen yeirs bygone, and that he wold keep them thir tuelve yeirs to come for his fancie, and that he wold upon no termes pairt therewith ; And that iff any persone offered to away take the said peices of timber from him, he should either kill or be killed. The said Francis being present, confesses what is above wrine, and submitts himself to the sds. Magistratts for his transgressione, and because he cannot writte, gives command to the Nottar Publick, Clerk of Court, to subve. for him this his Acknowledgment and Submissione."

"The Magistratts haveing considered what is above laid to the sd. Francis his chairge, with the said Judiciall Confessione, they Fyne and Americat him in the soume of Twentie pounds Scots money for his Transgressione. And decernes him to make pnt. payment yrof, And to find sufficient cautione for his good behaviour in tyme comeing ; And remitts him to prisone whill he pay the money or find Cautione for paying yrof and for his good behaviour. WILL YOUNG, W. LIDDELL."

He did not go to prison, but got two cautioners, his neighbour, Hugh Clouston, being one.

"Margaret Halcro, relict of umqle Thomas Bernardson, lyferents (1677) ane tenement under theack roof, commonlie called ane pt. of ye land of Banks, p'ntlie possest be herself and Edward Bernardsone, her sone, betwixt the King's hie street towards the sands on the west, quoyangrie on the east, the land now pertaining to Patrick Murray on the north, and the ruinous Manner house of Banks on the south." There can be little doubt that the manor house of Banks had, as far as name is concerned, a common origin with the farm adjacent, called Quoybanks. Yet the house was not situated on Quoybanks, but on a part of Quoyangrie ; and the relative positions of these two quoys were clearly laid down in James the Third's Charter, 1486, a couple of centuries before the date of our earliest existing valuation roll.

This tenement, "of old called Bernardson's Land," is now represented by the block of which the late Miss Cobban's house formed the southern half, and the site of the "ruinous Manner house of Banks" is occupied by the Victoria Street Hall, belonging to the U.P. congregation.

* T. B.

One of the Bernardsons, Edward, probably uncle of the youth above-named, came as near to having an action for breach of promise of marriage raised against him as the injured woman's knowledge of law could go. 28th April 1669, "After invocation of the name of God, compeired Anna Chalmers, and put in a supplication anent impeding Edward Barnardsone's proclamation with Margret Budge, becaus she alledged promise of marriage, and offers probation, either by oath or witnesses. The said Edward compeired, and offered to give his oath that he never promised marriage to hir, which the said Anna refused to accept. Ordains the proclamation to be stayed till the Minister advise with the ensueing presbyterie thereanent." Miss Chalmers, however, offered no further opposition, Harie Erburie having come forward as cautioner that Edward Bernardson would answer before a court of law if required.

As to Margaret Halcro (widow Bernardson), we find that, like many another anxious mother, she had her troubles with her boy. His father's seat in church was under the stool of repentance, and had been shared by James Adamson. In 1687, Peter Adamson and Edward Bernardson appear before the Bishop and Session, "earnestly desiring an act in their favours for the said seat, that they might attend divine service." It was undoubtedly their fathers' pew, but they had no act, owing to the "antiquity of the possession." They got the desired act, "for which they are ordained to pay at the acceptance heirof six pounds Scots in pious uses." But though young Bernardson had secured his father's pew, it was often left unoccupied as far as his personal presence was concerned. The "Black Roll"—a list of disfrequenters of ordinances—of 4th February 1689 contains the name of Edward Bernardson ; and again, 16th November 1691, Edward, along with others, was found drinking ale in Harie Tait's house in time of sermon.

After passing through many hands, the northern portion of Bernardson's land was sold by Dr Robert Groat to Isabel Groundwater, widow of Robert Flett. Her grandson, Robert Flett, musician, having become a pauper, his house fell to the Parochial Board, 1872.

At the end of the eighteenth century, Robert Nicolson, vintner, sold the southern half to James Cobban, wright, without informing the purchaser that there was a bond of £30 on the property. The money had been borrowed from the Stewart Trust at five per cent., and when Cobban represented to the trustees how he had been treated, they remitted the interest on his repaying the principal.

After belonging successively to Robert Cobban and his daughter, the southern portion of Bernardson's land followed the fortune of the northern half, and fell into the hands of the Parochial Board, from whom it was bought by Mr David Laughton, merchant.

In 1677, the site occupied by the U.P. Hall was "ane pairt of ye land of Banks," and was occupied by "ane long tenement and yaird, formerlie belonging to the Stewarts and Blacks, and yrafter wadset to Robert Nicolson by Thomas Johnston, son to Mr George Johnston and Annas Black."

The long tenement on the site of the Hall of Banks was, at the beginning of the present century, known as "Hallabanks." The Banks family, that certainly owned the Hall, and probably the Quoy, have left a name, but almost no history. In the middle of the seventeenth century, the Hall of Banks had been acquired by Bailie Matthew Mowbray, whose son, John, writes from Shetland to an agent in Kirkwall :—

"Scalloway, Banks, 25 1676.

"Much respected,—I am informed that William Davidson, pror. for Chalmerlane of Zeatland, Is persouing for that house of myn p'tlie possest be Robert Nicolson By vertue of ane right granted be Banks as aire to Alister Banks, his goodshire. Ye know by my papers that this man's father, John Banks, hed the same, wt. more, from his father, whom they pretend right to as aire ; as also ye know, I left wt. you, amongst the rest of my peapers, ane Inhibitione at the instance of James Morrisone, for a debt resting to the said Alister Banks, father to John Banks, my author," &c., &c. (Signed) "Jo. Mowbray."

Very shortly after the date of this letter, the old Hall must have passed from Mowbray to Stewart. Possibly it came to the Blacks by a marriage with a Stewart, and it certainly was by marriage that it passed from Black to Johnston.

In 1642, Mr George Johnston was translated from Sanquhar to the First Charge in St. Magnus, and the same year he "sought the congregation of Kirkwall their consent unto his transportation to the Kirk of Orphir." Along with other Orkney ministers, he was deposed for signing the address to Montrose. His first wife, Katherine Nisbitt, died 1644, when her dresses were valued at £115 Scots. His second wife, Annas Black, survived him, and in 1661 received from Government a gift of £100 on account of her husband's loyalty and sufferings.*

At the time of the above-mentioned wadset, the "long tenement" was occupied by John Manson, vintner, and after it fell into the hands of the Nicolsons it was for several generations kept as a tavern.

Robert Nicolson, who was vintner here at the beginning of the present century, is better known as a musician. His name is frequently met in connection with Masonic demonstrations, public processions, and the assemblies in the old Town Hall.

The hall on the site of the old tavern is a neat and possibly useful building, erected from designs by T. S. Peace, Esq., architect. It is very commonly said that the cost of the edifice was largely defrayed by money earned by the brewing of intoxicating liquors. If this be true, the place has a double dedication to Bacchus. In this connection, a leading member of the teetotal movement in Kirkwall said—"And why not? I would always be willing to take the Devil's money for the purpose of fighting the Devil!"

In 1677, the site between the hall and the Clay Loan was occupied by four small houses. "Francis Murray hath ane tenement under theack roofe, possest by himself, and thrie other houses, possest by tennents, betwixt the south side of the land of Bankes, on ye north; the comon loan on ye south, Quoyangrie on ye east, and the comon street and sands on ye west."

Of Francis Murray's life we know only a little. Thomas Brown records his death, 13th January 1684. The good he did, and he must have done some good, is "interred with his bones"; but his "evil manners live in brass." He found himself before the Session, 27th March 1682, and the occasion is interesting, as it furnishes the principle on which names were anciently given to the unfortunate bantlings who intruded themselves into a world where they were not wanted. "Francis Murray, wright, acknowledged himself the father of Margaret Kincaid's child, and ordained Magnus Taylour to hold up the said child to be baptised, and the mother thereof to give her name to the child, because it was a lass."

Murray's houses seem to have been bought by George Strang, dyer, who left them to his nephew, Robert. Thus it came about that on the 24th May 1746, "Appeared personally at and upon the ground of the Tenement of Land and uyrs underwritten:—James Traill, Merchant, one of the Baillies of the said Burgh, and with him Robert Laing, present Dean-of-Guild, procurator and attorney, specially constituted for and in name and behalf of Robert Strange, Engraver at London, eldest lawful son of the deceased David Strang, late merchant in Kirkwall, procreate betwixt him and the also deceased Jean Scollay, his spouse, nephew of the deceased George Strang, late dyer, and which George Strang was full brother german to the said David Strang,—The Tenement presently possessed by Magnus Laughton, shipmaster, etc., bounded by the quoy called Quoyangrie on the east, the Common Loan on the south, the sands and Oyce of Kirkwall on the west, and the Nicolson's houses and yairds on the north, with the piece of ground, within Quoyangrie, sold to Francis Murray by James Morison."

This would go to correct an impression derived from the perusal of Dennistoun's Life of

* Fasti.

Sir Robert Strange. From that work we would certainly infer that Strange only went to London after the Act of Oblivion, when the Culloden rising was squashed and the rebels forgiven. Now this infeftment, which took place a month before the battle of Culloden had been fought, and while Strange was actually with the Pretender's army, proves that the engraver had been working in London when the Rebellion, or rather Miss Lumisden, called him north again.

In 1770, Strange sold this corner tenement to Isabell Kynnaird, widow of John Gray of Roeberry, and in 1813 her son, Malcolm Gray, succeeded to it.

The Valuation Roll of 1677 shows the site of the National Bank to have been occupied by two houses. That next the lane belonged to Douglas of Egilshay.

In 1224, the Cathedral of the Bishops of Moray, which had formerly been at Spynie, was fixed at Elgin. Spynie Castle, however, remained the episcopal palace. In 1606, when episcopacy was restored, the Rev. Alexander Douglas, minister of Elgin, was made Bishop, and held the see for seventeen years. Like most of the Bishops of that time, he used his office to enrich his family. He conveyed the lands and Castle of Spynie, with other properties, to his eldest son, Alexander, who died Provost of Banff, 1669.*

In 1663, Alexander Douglas, younger of Spynie, got a commission to manage the Earldom of Orkney, and as part of his duty he was "to prosecute and follow forth all actions of Reduction of Vassals, Infeftments of the said Earldome, Lordship, and udal Lands, and uyr wayes to quarrell and Impugn the samyn as accords." He induced many of the udallers to take feudal charters.† In 1665, he granted commission to his son, William, to act for him. William Douglas married Marjorie Monteith, one of the "co-heirs" of Patrick Monteith. Acting for his wife, he sold her third of her father's house in Kirkwall, "the Tenement called the Chancellor's Manse," and he bought up the two-thirds of Egilshay belonging to his sisters-in-law; thus William became the first Douglas of Egilshay. Egilshay passed to the Baikies by the marriage of William's grand-daughter, Janet, to James Baikie of Tankerness, 1737.

The house south from Douglas' tenement belonged to Hew Sinclair of Damsay. "At Raniebister, 15th April 1614, Thomas Swentoune, Archdean of Orkney and minister of Goddis word at Kirkwall, and Hew Sinclair, Mercht., Lawl. son of umql. Robert Sinclair of Campston, contract that the said Hew shall marry Janet Swentoune, Daur. of said Thomas, in face of Hali Kirk, betwixt date and 21 June next to come, with 600 merks Tocher—200 at Marts. 1614, 200 at Marts. 1615, and 200 at Marts. 1616; 500 merks to be paid by Breaker at Rainibister. Witnesses, Robert Chalmers and Geo. Balfour."

Patrick Murray, who had married Elizabeth Swenton, got into pecuniary difficulties, and, 6th March 1627, "Patrick Murray of Woodwick, with consent of Elizabeth Swentoune, his spouse, for as meikle as his brother-in-law, Hew Sinclair, Mercht., Indwellr. in Kirkll., has payit to me ane great sum of money, sells to said Hew, heretably and irredeemably, the Lands and Isle of Damsay." With this went a one-merk udal land in Grimbister. ‡

Hugh Sinclair made his will at Coubister in 1660, and at that time one of his sons, Thomas, owned Smoogrow, and another, David, possessed Ryssay. William Mudie, younger of Melsetter, bought his house in Kirkwall from Sinclair. The dealings between Mudie and Sinclair did not go smoothly; there was a very pretty quarrel, although now it is difficult, perhaps impossible, to discover the bone of contention. Whatever it was, the sheriff, Buchanan of Sound, took Damsay's view of the case, the sheriff himself having at the same time an unsettled dispute with Melsetter.

William Mudie writes from prison to the Earl of Morton :—

* Shaw's History of Moray. † H. L. ‡ H. L.

"Right Honble,—Since yr. Lordp. has been pleased to take the paines for your Lordp.'s servt. and suppliant in this contraverted business betwixt Sound and me, suffer me to beg at your Lordp.'s hand, since I have not the freedom to enlarge myself to yr. Lordp. by speach, that yr. Lordp. be pleased to desire Sound to shew yr. Lordp. Damsay's Bond, at the least the Registered Bond, that yr. Lordp. may see the date of it; as also, if yr. Lordp. be pleased, I shall desire Robert Drummond to show you the date of my father's Inhibitions, for they are two raised by him against Damsay. The first of them is used, 1661, and the other in 1662. And it is possible Sound has looked to the last on the Register. But I assure yr. Lordp. the first Inhibition is farr prior to any pretended Bond granted be Damsay to Sound's Authory. So, when your Lordp. has done and seen both, then I hope yr. Lordp. will know who hes the best right betwixt us. For I am confident that yr. Lordp., after true Information and Inspection of his Bond and the date of my Father's Inhibition, and if yr. Lordp. please yr. Lordp. shall see the dates of my Father's Infeftments and my own Registered here, that yr. Lordp. will not suffer such violent Intrution used within yr. Lordp.'s Country as Sound has done to me while I am yr. Lordp.'s Prisoner. If yr. Lordp., after inspection of both our papers, finds that he has ane better right nor I have, then let him keep his intruded possession till law decide it, otherwise let me begg yr. Lordp. that I may have my land peaceably keeped. I pray yr. Lordp. pardon my Importunity in enlarging so far. For at this time I have found such favour at yr. Lordp.'s hands that I never deserved nor am worthy of so much. But I wishe I could be yr. Lordp's Servant for it in all future tyme dureing my life Iff it so please yr. Lordp. so to accept of me. I am loath to offend any further, but begs yr. Lordp.'s pardon for my boldness, and yr. Lordp's answer I humbly beg if it be yr. Lordp.'s pleasure, my Lord.—Your Lordp.'s most humble Servt., W. Mudie.

"P.S.—I beg at yr. Lordp.'s hands that I may enlarge a little. I suppose that yr. Lordp. knows that my Servant wes brought in Prisoner by Sound yesterday, And I humbly beg at yr. Lordp.'s hand I may know upon what accompt. If it be on this ground as Robert Irving shows me, that he wes with me at that tyme in the Church, I will give my oath that hee wes not neare me be twenty myles that day. Therefore I beg that yr. Lordp. would take this to consideration, that he may be sett at Liberty. I humbly beg pardon at yr. Lordp.'s hands for enlarging so far."

We learn what took place "at that tyme in the Church" and the reason of Mudie's imprisonment from the following trial :—

"Case of William Moodie, Fiar of Melsetter, *vs.* Sinclair of Gyre and Douglases, 1664.

"1664, July 20.—Sederunt—William, Earle of Morton; Lord Dalkeith and Aberdour, one of His Maj.'s Most Honble. Privy Councill; Patrick Blair of Little Blair; Hew Halcro of that ilk; Mr Patrick Graham of Rothiesholm; Arthur Buchanan of Sound; John Buchanan, Tutor to Newark; William Douglas, Chamberlane of Orkney; George Smith of Rapness; John Elphingston of Lopness, Justices of His Majestie's Peace.

"Depositions of the Witnesses.

"Patrick Halcro, of 50 years, deponed that when Spynie was to enter the Church dore he saw William Mudie, Frances Mudie, Donald Mudie, with the number of ten or twelve more, with their swords and pistolls and their hands in their guards within the church door, and the said Patrick, fearing a uproare being collecting at the door, ran out and shew Spynie they were laid for him and his sones, Desireing him to Return back to his lodging, and caused shut the church door.

"Francis Auchinleck, of 36 yeares, deponed that he saw the said William Mudie and his complices within the church door with their swords in their hands.

"James Sinclair, of 66 yeares, deponed that he saw the said William Mudie and his complices within the church door with their hands in the guards of their swords, and advanced from the body of the church to the church door when they heard of Spynie's advance, and that he heard the Sheriff command him in His Maj.'s name to go to his seat, which he refused.

"William Gadie, of 48 yeares, Deponed that he saw four men on every side of the door with their hands in the guards of their swords and others about him.

"David Corner,* of 48 yeares, deponed that he heard the Sheriff comand him to his seat in his Maytie's name, who refused, said he wold not be comanded, he would go where he pleased, and did see him with his complices with their pistolls, and some of them with their hands in their guards, with many more with him."

After much further evidence to the same effect,

* Town Clerk.

"Upon consideration of the Commission and deposition of witnesses, the Rt. Honble. The Earle of Morton and those of the Commission, with the advyce of the forsaids Justices of the Peace, finds the Riott to be such as that they remitt the samen wholly to His Majtie's Councill, and therefore ordaines the said William Mudy to find sufficient caution, under the paine of five thousand merks, that he and his accomplices that accompanyed him at the said Ryot shall appear before His Majtie's Councill to Receave their censure for their misdemeanour at any time heirafter the said Noble Earle and any two of the Commissioners shall appoint them, Provided that they send him ane order under their hands to his Father's house in Walls twenty days before the day of their appearance.

"Item. They also ordane him, conform to the Commission, to find caution for keeping His Majtie's peace under the paine of 2000 merks, and that his Brother Francis find caution to the peace for one thousand merks, and the rest of the Complices under the paine of five hundreth merks a peese for keeping of the peace. And that he cause them to come in and do the same to the Clerk of the Piece betwixt this and the first of August next to come, and that he be returned to Prison till he find sufficient caution in everything foresaid, conforme to the Commission.

"Item. My Lord and the Commissioners finds that in the Records he hes contemned Authority to bind to the Peace, being requyred by the Justices both on the 30th of April and fift of May at their Quarter Sessions. And therefore ordaines the Clerk to draw out the process formally, that it may be sent to the Councill at his Lordship's conveniency. (Signed) MORTON.
PA. BLAIR.
HUGH HALCRO.
Mr P. GRAHAME.
ARTHUR BUCHANAN."

Moodie raises a counter action :—

"Kirkwall, 1st September 1664

"The which day, conforme to ane Act and Referance of the date the 5th of August last, To the Earle of Morton and his Deputs and Justices of the Peace of Orkney, Granted by the Rt. Honble. The Lords of His Majtie.'s most Honble. Privy Councill, Anent ane complaint raised at the instance of William Mudy, Fiar of Melsetter, upon a Riott done to him upon the 29th of April Last, Be George Sinclare of Gyre, Alexander Douglas of Spynie, and William Douglas, Chamberlane of Orknay, which Commission is to try and examine the said Complaint, and for that effect to cite partyes and witnesses and report to the said Honble. Privy Councill.

"In obedience thereof.

"Sederunt—The Right Honble. William, Earle of Morton, Lord Dalkeith and Aberdour, one of His Majtie.'s Most Honorable Privy Councill, Sheriff Prinll. of Orknay and Zetland, and Justiciare thereof; Patrick Blair of Little Blair, Sheriff Depute; Archibald Stewart of Burray, Mr Patrick Grahame of Rothiesholm, Arthur Buchanan of Sound, George Smyth of Rapness, John Elphingston of Lopness, and John Buchanan of Sandsytt, Justices of His Majesty's Peace.

"The Court fenced, the partyes called, the witnesses produced be William Mudy and David Corner, his procurator, in his name, which witnesses being called, the said George Sinclare of Gyre, Alexander Douglas, Younger of Spynie; and William Douglas, Chamberlane, being required if they had anything to object against the witnesses, who answered they had no objection at all.

"The parties removed and the witnesses judicially sworn.

"DEPOSITIONS.

"Hugh Halcro of that Ilk, of 28 yeeres, Deponed Being sitting in James Linay's house with William Muidy. Alexander Bruce called the said William Muidy to the door, the said Alexander Bruce haveing no Armes. Thereafter, when the said Hugh came to the street, He found William Muidy and George Sinclare of Gyre scolding and quarrelling in words. After that he saw both their swords out, but knows not who drew first. Depones that after that he saw Alexander Douglas, younger of Spynie, Draw his sword and let in a strouck at William Muidy, but did no harm at all. Depones that himself, Robert Sinclare of Sabay, and David Craigie did separate them, and when they were separate he saw nothing but a scratch on William Muidye's thumb, and another scratch on George Sinclare of Gyre his Lipp. Depones that William Douglas, Chamberlane, came out of a house hard by, but never drew a sword. Depones that he saw Francis Muidy standing with a cocket pistoll which the said William Douglas, as one of the Justices of the Peace, threw the said pistoll out of his hand. Depones that after that he saw the said Francis Muidy cutt in the head, but did not see any pistolls among the other party at all, nor knows not who cutt the said Francis. So much he deponed and knows no more.

"Robert Sinclair of Sabay deponed *ut supra* only that he did not see Alexander Douglas draw a stroak. So much he deponed and knew no more.

"William Young, of 34 yeeres, depones he being in a house hard by with William Douglas, when he ran out with him he saw William Douglas throw the pistoll out of Francis Muidye's hand. Depones that he saw George Sinclare of Gyre with his drawn sword in his hand, and also William Muidy with his drawn sword in his hand, and sicklyke Alexander Douglas with his drawn sword in

his hand, and Robert Sinclare of Sabay holding Gyre in his armes, and that he saw David Craigie holding William Muidy, and sawe Halcro holding Alexander Douglas in his Armes. Depones he saw a wound in Francis Muidye's head, but knew not who gave it him, and saw no more wounds or stroaks amongst them all. So much he depones and knew no more.

"Arthur Baiky, of 38 yeeres, depones that he saw George Sinclair of Gyre's sword out, but did not see him to strick any, and that he saw Francis Muidy haveing a pistoll in his hand, and William Douglas and William Young taking the pistoll out of his hand, and saw the said Francis Muidye's head cutt, but knew not who gave it to him. Being interrogate if he saw Alexander Douglas, George Sinclair, or Alexander Bruce borrowing swords and pistolls, or lodding pistolls in his booth, Depones negative, and that he saw not William Douglas draw his sword nor strick any. So much he depones and knew no more."

Many other witnesses were examined, and "it is hereby ordered that the Clerk shall draw out the foresaid Depositions in ane ample form, and that he have them ready with the first occasion to the South to be sent to his Majtie's Councill. And this shall be his warrand, subscribed by Pa. Blair."

The Mudies claim to be the oldest landowners in Orkney in present possession. William Mudie, first of Breckness, who was also Mudie of Melsetter, in a charter of Queen Mary within ninety years of the impignoration of the islands, is credited with this, that his ancestors had been "ancient and odal possessors of Snelsetter from time immemorial."

An ancient bit of the Mudie estate is thus described in "The Coppie of my Lord Sinclair's Rentale that Deit at Flowdin":—"Brabuster Beneth the hill wes ane uris terre of the quhilk the first erle henrie gaif to the viccar iijd terre for the uphald of ane mess in hoy a day ilk oulk for evir." This land is then said to be "In manibus Magistri Wilhilmi Mudy." Hoy's weekly mass was no doubt regularly celebrated for over a century and a half, and when it ceased the Mudies claimed the fee.

In the same Rental are transactions between Earl Patrick Stewart and "Adam Muddie of Breknes" affecting certain lands, in which it is not suprising to find that the Earl had the best of the bargains.

Mr William Mudie, referred to in "My Lord Sinclair's Rentale," was necessarily a celebate, but Mr William Mudie of 1574 was married, and was succeeded in his estates by his son, Adam, and he by Francis, the last Mudie of Breckness. Francis "lost" Breckness to Bishop Graham in rather a remarkable manner, if the family tradition is reliable. There are certain offences against the moral law which the State does not regard as crimes, but for which the Church in those days imposed fines, varying in amount according to the means of the offender. Francis Mudie had run up such a frightful score of these sins of commission that, to wipe off his arrears, Breckness went to the Bishop. But there are evidences of money transactions between the parties, and in 1634 Mudie's son had signed with him a bond over Breckness for £1000 Scots, advanced by the Bishop. Still, the phrase, "lost Breckness to Bishop Graham," is significant, and indicates a compromise. This Saint Francis, benefactor of the church—Wanton Francis is his title in the family papers—was followed in Melsetter by his son, James, whose eldest son, William, was the hero of the Broad Street riot. William was naturally regarded by his father as unreliable, and in 1699 the estate was made over to his brother, Captain James, who, however, left the management in the hands of his nephew, James Moodie, William's son. And here a letter to his uncle from the young factor gives some insight into the family history. The necessity for such an epistle becomes obvious when it is remembered that Captain Moodie had gone to sea as a boy, and had been engaged in active service ever since :—

"But for your better information, and that you may take advice about it, heir follows the true state of the mater. In anno 1593, there past a contract 'twixt Patrick, Earle of Orkney, and Mr William Moodie of Breckness, whereby the said Mr William Moodie sells and annailzies to and in

favour of the said Earle his 8 pennyland of Dowvray, with the miln suken and sequels yrof, and obliges himself Instantly to Infeft the said Earle yrin in due form ; for which cause the said Earle binds and obliges him, his aires and assignees, to content and pay to the said Mr William, his aires or assignees, all and haill the sum of 1000 lb. Scots, and for theyre security, did Instantly grant ane Infeftment of @ rent* (with Chartour and Seasine following yrupon, all deuly expeded) of ane 100 lbs. Scots money yearly, to be uplifted furth of the said Earle his lands of Loapness in Sanday, Lands of Ryssay in Walls, toune of Brims yr, and 3 half-pennie Lands in Osmundwall, with power to the said Mr William and his forsaids to detain the said 100 lbs. in theyre own hands out of the first and readiest of the maills and dewties of these Lands, and discharging his Chamberlain and Baillies to molest the said Mr William or his forsaids in the possession of the said @ rent. It is here to be noted that the said Earle had sett the sd. Lands several years before to the sd. Mr William, who, by vertue of that tack and Infeftment of @ rent, did possess the said Lands during his life, but dying some few years yrafter, and leaving his sone very young, the Earle, amongst other his cruell oppressions, did by force dispossess Adam Moodie of all except the lands of Brims and 3 half-pennie lands in Osmundwall, which did not extend to the half of the @ rent. I cannot condescend upon the year he was dispossest, only it was about 1612. Adam soon raised pursuit against the Earle, who at that time having turned ane open and declared Rebell, used all manner of oppression both against his Vassals and Strangers ; and, amongst the rest, put a garrison into Snelsetter, and turned Adam, his wife, and familie to the doore, himself being at Edinr. at the time ; but before he did any thing in the business, he dyed and left his Sone, Francis, to pursue the E., which he did so effectually, that he was the onely persone most active in reducing and apprehending him and bringing him to deserved punishment. Francis was never infeft in his estate, nor in that @ rent, and so could not doe anything in it. You know all the rest of his actions make him appear to have been no exact or careful man. His Sone, James, succeeding, did serve himself aire to Adam, who died last, vest and seized in that annual rent, and pursued with a great deal of vigour, and brought it the lenth of a poynding of the ground, but the Earle of Morton having the wodsett of the Earldom of Orkney from the King, did oppose mightily, and you may thinke behooved to be too powerful ; for your Father, however, if the unfortunate difference betwixt him and his Sone had not happened at that time, he had certainly effectuate the business, but that you know took off his edge, and ever after made him careless, and in this posture it still remains ; all the defence ever was made by Loapness and the Earle of Morton was that the Earle of Orkney, being forfaulted, this deed behoved to fall of consequence. But the truth is the Earle was never forfeited, for King James 6 tooke a right to a private debt resting by the Earle to ane Sir John Arnotte, and upon that right seized the Earl's Estate ; but though he had been forfeited, yet that deed being done so long before, and being a very advantageous bargaine for the E., and Mr William and his successors having still to this day retained the possession of a part, surely the principal summe and unpayed @ rents will be a debt affecting the Earl's estate, in whose ever hands it be. As I said before, the E. did by open force dispossess Adame Moodie of the Lands of Loapness and Ryssay, but allowed him still to possess the Lands of Brims and three halfpennie land in Osmondwall, but all these, according to the prices as they are fixed and restricted in the contract, does amount to 49 lb. Scots yearly, so that there must be a great deal of @ rents resting, which, with the prinll. summ, will amount to a large summe. These lands of Dowvray, which the Earle gott, were by him disponed to the Laird of Murkle, who married his daughter, and in that familie they still continue, and as Murkle, now Earl of Caithness, lately told me, are worth 800 merks yearly, as good rent as within that shyre," etc., etc.

This letter was addressed to Captain James Moodie of H.M.S. Southampton—Moodie's first command. His next was the Breda, a seventy-ton ship. In 1708, in the St. George, ninety guns and 700 men, he relieved Denia. For this he received a coat of augmentation of arms and other honours. In 1711, with the Torbay, he formed one of a squadron sent to attack Quebec, but the expedition failed from want of charts of the St. Lawrence. Soon after this he retired, and lived for a time in London. On the 27th October 1713, he was elected a Baron of the Stewartry and Member of Parliament for the County. The electing barons were Capt. James Moodie, Robert Baikie of Tankerness, John Stuart of Brugh, William Ballenden of Stenness, Patrick Græme of Græmeshall, and Samuel Urquhart of Lopness.

His first wife was a daughter of the Earl of Morton, but the children all died before his second marriage. He married, second, Christian Crawford of Kerse, relict of William Ballenden of Stenness, a woman of great force of character. Their only son, Benjamin, was born at Aikerness, the mansion of the Ballendens.

* Annual rent or interest.

After the tragic death of her husband in Kirkwall Broad Street, Mrs Moodie managed the estate during her son's minority, and she ruled with a rod of iron. The poor minister of Walls, according to his own account, had not a dog's life with her. He could not get his stipend from her, and as she would not allow him to send off a boat on his own account, nor to put a letter on board any boat which might be going to the Mainland, he could only by stealth and at long intervals communicate with his presbytery. If this reverend court summoned the Lady of Walls before it, the probability was that she took no notice of the summons, or if she did, it was to send a letter expressing her opinion of the Presbytery of Cairston generally, and her own parish minister in particular, in terms strange to clerical eyes and ears.

But Lady Melsetter's management of the estate did not give complete satisfaction to her son, Benjamin, when he came to the years of discretion. He expostulated, and she felt aggrieved. To a proposal for a meeting at the Manse of Evie, she writes :—

"Yours I received just now, and am Heartly Sorry to hear of your being Indisposed ; the weather is soe very bad, it is not in my power to come to Mr Mowat's ; yrfor I hope you'l be soe good as come over here and take a Share of my Denner, when I hope we may Agree matters to the Satisfaction of of us both.—I am, till meeting, Dr. Ben, Your affectenat Moyr., tho' more Injured,

CHRISTIANE CRAWFORD."

This was in 1746. The management of the Stenness estate she had committed to her daughter, with the result that two years before this, Miss Ballenden had to apply to William Sinclair of Freswick for means to defend herself in an action at law raised against her by her irrepressible mother. The young Laird of Melsetter, however, had a full share of his mother's will and of his father's coolness, and when he came of age he placed the factorship in the hands of Malcolm Groat of Warse, writer in Kirkwall.

Lady Melsetter long continued to draw her pension as widow of Captain Moodie :—

"Kirkwall, the Seventeenth day of Aprile one thousand Seven hundred and fourty-nine years.—This Deponent, Christiana Moodie, voluntarly maketh Oath That she Continues still the widow of Captain James Moodie, Senr., Late Commander of Her Majesty's Ship the Prince George, and that her Circumstance in point of Fortune remains Confined within the Limitations under which she was first admitted to the Benefite of the Charity Established for the Relief of Widows of commission and warrand officers of His Majesty's navay.

(Signed) CHRISTIANE MOODIE.
ANDREW MITCHELL, his Maj'tie's Sheriff for Orkney & Zetland.
JO. YULE, Minr.
WILLIAM MANSON, Elder."

A letter from Captain Benjamin Moodie to Mr Groat, his factor in Melsetter, dated London, November 1745, shows the state of the country at the time and gives us an insight into the writer's start in life as a soldier :—

"Dr. Sir,—The misfortunate state things have been in all Scotland over since I left you, and the uncertain Life I have myself ledd, has alone prevented me from attempting to send a Letter to you till now that, by the Highlanders' removeall from Edinr. and yrabouts, Correspondence will go on Easier. You may be assured that had not that been the Case, and that all oyrs, as well as me, cared not for writing on any business in those times, I would not have omitted enquireing for you in hopes to have the best accounts of you in return, which ever shall give me Satisfaction, while I continue in the opinion you have given me of you. I got to Tinmouth in 14 days after parting, whence posting to Edinr., found all in Confusion. I thought happily to have ended my Lawsuites there before I went away, but that was simply impossible. I waited in hopes that in a Little time troubles would cease, but upon General Cope's defeat, I was obliged to abscond in the Country till a proper opportunity offered of Repairing to my post ; and Tho' I am too apprehensive my affairs in other places may suffer, yet providence was good in makeing me hitt the time, for if I had been 3 or 4 days longer away, my affair here had been to no Effect. Tho' all this is quite opposite to the necessary and resonable Schemes I projected when I left you, viz., to Ending oyr afairs and have ym in regularity e'er I left Scotland ; yet, as things did cast up, they were not to be accomplished, and I behouved

to leave them as they were and repair here, otherways loose myself exceedingly, as you'll see by the least reflection. Now is a time when no officer can be permitted to be from his post that has been even long at Duty, which I have not; and if I was, little could be done in business in our Country till all this Dismall Sceme be over; so that I must be contented to submitt to my Duty and must go in my turn. I have got different orders again and again within these few days now to go wt. a Detachmt. on board a Ship of the North Coast, and again on board of the Mercury, a new 20 Gun ship at Liverpooll, which last, as I at present see, I believe I will in a few days repair to, and then God knows where They may be ordered to, tho' I hope for the best, and would hope to be relived how soon things are quiet, so as I might settle my affairs at home; but If it should happen that I be any time out, It must give me pain to think how my affairs are mannaged when in the hands of one not Capable of much action. However, I have, thinking it the most advisible Scheme, and as I am not sure how long I may be here, taken the opportunity, while I have it, of writing to Andrew Ross, begging that he will take account what Donald Smith has been since I left him, and that he'll from this term take the Care of my business upon him, and to call him or any man he places under him to an accot. for any little time I may be away, which I will be thankfull and reward him as the thing can allow of, for I have little hopes in Donald's management, especially when I make no doubt but there are who will endeavour to impose on his weakness. Dr. Sir, I hope you'll be so friendly as give me a Circumstantiall Accot. of what he has been doing to your knowledge since I saw you, and how things in particular has been carried on. I am afraid the Scene will be as usual, if no worse; however, I shall waite patiently till I see. My comeing into the army, you know, was with the view of Repairing my Little fortune, and not to neglect it; and had the times allowed me Settle it duely before I came away, I would be in the fair way of accomplishing my end proposed; but as things are now, I am a little at a Stand what to think, yet I cannot mend it or, as I said before, get home for some time, unless something casts up I am yet uncertain of, and must, while these Confusions Subsist in the Kingdom, lay aside all thoughts but of my duty and of the commands that I receive. I desire you'll give me an answer how soon it is possible, and give me a full detaill of the manners, politicks, and mannagement of the place since I left it; think I am now in the greatest hurry, otherways would not have dealt so much in ye Genll., which will, I hope, induce you the rather to be the more particular in every branch of them that falls under your observation. I had almost forgot telling you de Langr absolutely refuses to pay my last bill, and writes an impertinent Letter to me and to Mr Ross, who he serves in that same sauce. I have write him again, but had no Answer. So Hay has lost his business by too warm a side to the Pretender's interest, yet has transmitted me the state of his accots., which are reasonable and honest; what are discharged by my money was in his hands, for the rest of what he has drawn a bill on London. I conclude in assuring you, if ever it lies in my power, I shall convince you, as I hope to Do all mankind, that I shall to my last breath allways have a Gratefull resentment to those I believe to be my friends and well-wishers, and that I desire to be, as I am now, Dr. Sir, Your afft. Friend and humle. Servt."

Captain Moodie's first duty after Culloden was to wreak Hanoverian vengeance on the Orcadian Jacobites. Opinions differ as to the manner in which Moodie carried out his commission. The Royalists say that while he burned the houses of the leading adherents of the Pretender, he showed all the clemency he could to those whom he was sent to punish. The Jacobites hold that he and Andrew Ross used this commission to feed fat their private grudges.

Captain Moodie's granddaughter, Henrietta, married Robert Heddle of Cletts, and their offspring are now the Moodie-Heddles of Melsetter.*

In 1699, the house of Douglas of Egilshay belonged to John Loutit, merchant, from whom it was acquired by James Kaa. The lane forming the northern boundary, which had been known as the School Wynd, was then called "the Baxter's Close," a name conveying the fact that somewhere in it a bakehouse had been built. In 1749, Robert Kaa sold the house to James Newgair, skipper, whom we have seen adding a prop to the "Sailors' Loft" in the Cathedral. Three years later, Newgair sold it to John Baikie, "brother german to James Baikie of Tankerness," who at the same time bought from Captain Benjamin Moodie his house next door. John Baikie had thus the houses of those quarrelsome neighbours, William Moodie of Melsetter and Alexander Douglas of Spynie, and a succeeding John Baikie demolished them both in 1832, erecting on the site a commodious dwelling, which has since

* Since the above was written, Melsetter has been purchased by Thomas Middlemore, Esq.

become the property of the National Bank of Scotland, and is used as that company's business premises.

Captain John Baikie, R.N., the first agent of the National Bank in Kirkwall, had an interesting career. He was born in 1787, and joined the Lynx, sloop-of-war, 31st October 1800, serving for over two years under Captains Alexander Skene and John Willoughby Marshall on the North Sea station. From February 1803, as midshipman and master's mate on board the Lapwing, 18 guns, the Barfleur, 98, and the Camilla and Amiable, frigates, he was on the Newfoundland and home stations. In February 1807, promoted to the rank of Lieutenant, he joined the Majestic, 74, the flagship of Admiral Russel. In 1810, on board the Dictator, 64, he was employed conducting convoys through the Great Belt. On the 25th of March 1812, he joined the Gloucester, the flagship of Admiral Ferrier, and shortly afterwards was engaged in escorting a convoy of merchantmen to the West Indies and transporting the 90th Regiment to Quebec. In 1814 he retired. His promotion to the rank of commander, with the title of Captain, came forty years later, his commission reaching Kirkwall in 1854.

The navy of his youth was the navy described by Captain Marryat—the days of hemp cables and hand-wrought windlasses, when the topsails of a first-class ship of the line would cover nearly half an acre of ground, and the reefing of them in a dark, stormy night meant heavy labour and considerable danger. It was the hard-swearing days, when an order to a subordinate could scarcely be given without an accompanying oath, and bullying oppression was considered essential to the maintenance of discipline. Through this furnace Captain Baikie passed, and was purified by the fire, retiring, at the age of twenty-seven, a finished seaman and a courteous gentleman.

It was in 1825 that the Directors of the National Bank opened a branch in Kirkwall, and appointed Captain Baikie agent. This was the first banking business established here, though before this time there were merchants in the town who received deposits for some of the southern banks. The first office of the National Bank was in the house across the street, the old sub-dean's manse.

In 1832, the original premises being found too small for the business, the present commodious house was built.

In his new command he was remarkably kind to the youths under his training, and those of them who remain speak of the old gentleman with something of filial regard. One anniversary the Captain always celebrated—the "Glorious First of June." On the 1st of June 1794, Lord Howe had his great victory over the French fleet off Brest. He had with him twenty-six sail of the line and five frigates, and while he had been in the Atlantic for some weeks on the outlook for the enemy, he had been baffled by foggy weather. The country was getting anxious about his movements, and when they heard of his victory, the enthusiasm was tremendous. In those steamless days news travelled slowly, and it took the Admiral's despatches from the 1st to the 10th of June to reach London. On the evening of the 10th the Earl of Chatham announced the victory at the Opera House, and the excitement was tremendous. The audience insisted on having "God Save the King" and "Rule Britannia" sung by the opera company, and observing the leading star in one of the boxes, she was obliged to go down to the stage and take part in a second performance of the songs. The Duke of Clarence carried the news to Covent Garden, and Lord Mulgrave to Drury Lane, and the managers of both theatres announced the victory from the stage amid frantic demonstrations of loyalty.

How the news was received in Kirkwall may be inferred from the fact that, though John Baikie was a boy of seven at the time, the enthusiasm roused in him then stuck to him

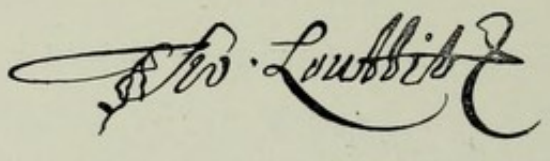
throughout the whole of his long life. He died in 1875, aged eighty-eight years. Of his family of two sons and two daughters, one daughter, Eleanor Edmeston, survived him.

Captain Baikie's son, William, joined the navy as doctor. In 1854 he got the command of an expedition to explore the rivers Niger and Tsadda. The Pleiad, an iron fore-and-aft schooner of 260 tons, with auxiliary steam power, was built at Birkenhead for this special service. In 1856 he published a "Narrative" of the voyage, full of the most varied and interesting information. A good deal of the character of the man is shown in a single sentence introducing his book :—"If it serves in any degree to excite a warmer feeling towards the ill-treated African, to claim a small degree of attention for rich but neglected regions, or to stimulate further enquiries and explorations, the writer will consider his labours not to have been altogether in vain."

When home at this time, Dr Baikie found Freemasonry in Kirkwall in a sad state of decay, and being an enthusiast in the craft, he instilled new life into the Lodge. The meetings were then held in the old Town Hall, and there, under his mastership, many of the leading men in Orkney were initiated into the mysteries of the order.

In the middle of the seventeenth century the first house south from the National Bank belonged to Patrick Prince, whose rental in Kirkwall amounted in all to £142. The north part, "under a sclaitt roofe," was let to Thomas Louttit of Lyking, merchant, Kirkwall, who in 1692 bought the whole double tenement. The Laird of Lyking married Marjorie, daughter of James Traill of Westove.

Thomas Louttit was Provost of Kirkwall in 1694. During his year of office he attended only one meeting of the Council, but at that meeting good work was done. "The Magistrats and Counsell present ordaines the haill Inhabitants and residenters upon the broad streit that carries their Muck and maks ane Midding yrof att the school yaitt to caus remove the samen Betwixt and Tuesday nixt, under the pain of sevin pound Scoats, and discharges all and everie one residing yr or within the Brugh to lay any Mucke or ashes upon the street in tyme



comeing under the Lyke penaltie, and ordaines Intimation heirof to be made, that non pretend Ignorance." This is another instance of the filthy condition of the town in the olden time. But Kirkwall was no worse than its neighbours, and was certainly in much better condition than Edinburgh. Long after the date of Provost Louttit's sanitary regulation the belated foot passenger on the streets of the metropolis was nightly startled by the shout of "Gardy loo." This was the warning that a malodorous bucket was about to be emptied from one of the high windows overhead, and as sound travels somewhat faster than the falling contents of a pail, the wayfarer might possibly be able to save himself by hustling into a doorway.

Provost Louttit's daughter, Isabel, married George Traill, Chamberlain of the Earldom—the first Traill of Hobbister—and became the ancestress of the Traills of Hobbister and Rattar.

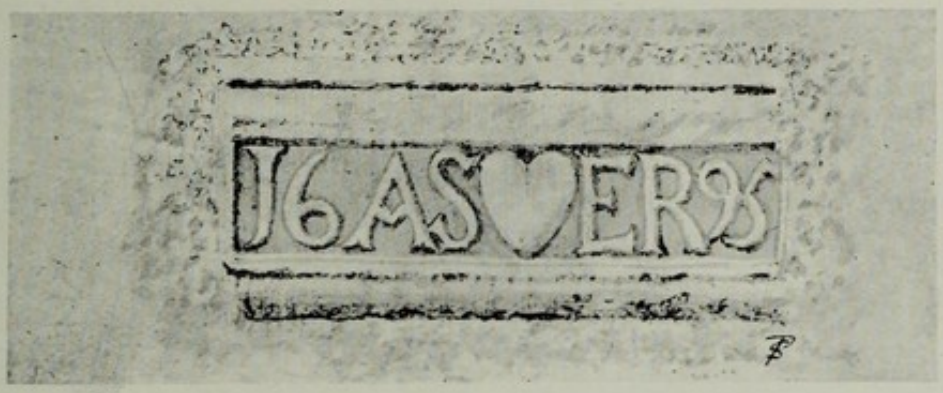
Lyking had been in the possession of the Louttits from before 1600. The last Louttit of Lyking had two daughters. One of them married a Hourston. Somewhere about 1820 the Hourstons sold the estate to the late James Robertson, whose son is now proprietor.

Louttit's house in Kirkwall afterwards belonged to Colonel Thomas Balfour of Elwick,

from whom it was acquired by James Scarth in 1796. Scarth turned part of it into business premises, his shop opening on the street through the east gable. Mr Scarth's career well illustrates the certainty with which care and attention to business leads to competency. He and another youth left Harray for Kirkwall to seek their fortunes. Scarth got a situation, attended to his work, and after a time started business for himself, and succeeded. One evening a visitor came through the shop into the parlour, where the proprietor was seated toasting his toes, smoking a long pipe, and occasionally refreshing himself with a sip from a jug by his side. Turning round, he saw the companion who so long before had tramped into Kirkwall with him, looking as though he had been on the tramp ever since. Seeing that his old friend eyed the jug, Mr Scarth said—"Yes, George, you may have a drink"; and, in Scottish fashion, first tasting the liquor to show that it was honest, he passed it to his friend. George took a drouthy swig, but suddenly stopping in surprise and horror, shouted, "Water, by the Lord!" then added in wrath—"It's no wonder, James Scarth, that you're a rich man."

It was here that the Union Bank in Kirkwall had its inception, for Mr Scarth took in and transmitted deposits for the Edinburgh house of Sir William Forbes & Company.

From the Scarths the house was purchased by the late Dr Stewart. The Doctor's ancestors had long held property in the Laverock, but on the other side of the street. In executing some repairs upon his house, Dr Stewart brought over from near his ancestral home and put up over his front door an old carved stone. But the initials on it do not refer to the



Carved Stone, 5 Victoria Street.

Stewart family; they are those of Andrew Strang and Elspeth Richan—Mrs Strang—with 1695, the date of some building operations on what is now probably Captain Johnston's property.

The property south of Louttit of Lyking's house, "of old pertaining to the stouk or prebendrie of St. John," had belonged to Patrick Murray of Woodwick, son of Thomas Murray, burgess of Kirkwall, and Clara Murray, his wife.

It would seem that the old burgess had the faculty of making money, and that his son had quite a talent for spending it. He married Elspeth Swentoun, daughter of the Archdean. In March 1629, he and his spouse borrow from James Baikie £1146; and in October of the same year, he grants obligation at Skaill, in Sandwick, to Adam Ballenden, younger of Stenness, and Anna Graham, his wife, for £893 6s 8d.

He had bought Damsay and a bit of land in Grimbister from Hew Halcro of Aikers, and for "a great sum of money" he sold these to his brother-in-law.*

* Reg. 31st May 1632.

In the circumstances it is not surprising that Woodwick got another proprietor, David M'Lelland. This man first appears in Orkney as "servitor" to Mr John Dick, who acted as joint-sheriff with his father, Sir William Dick of Braid. His business, while in the service of the Dicks, was chiefly the advancing of money on mortgage. After a time, trading on his own capital, he became wealthy and the owner of a considerable landed estate. In 1659 he sold the island of Wyre to Hugh Craigie of Gairsay.

In 1677, Murray of Woodwick's tenement in the Laverock belonged to the heirs of William Spence, merchant. It is then described as "ane tenement, ane pt. yrof under ane sclat roofe, p'ntlie possest by Hugh Linklater, with four small houses under theack ruifes, togidder with ane foir house to ye street, under theack roofe."

Spence's son, George, of Overscapa, was appointed, 1676, by Andrew, Bishop of Orkney, to the office of Sub-Commissary under James Murray of Pennyland.

In 1683, George Spence, late Bailie, and Marjorie Halcrow, his spouse, were sued by Patrick Murray for apprentice fees of their son, George, who had been indentured to Murray in 1679. This George was afterwards Town Clerk of Kirkwall, and was succeeded in that office by his son, William.

Andrew Dick of Wormisdale got possession of a part of the property of Spence's heirs, and sold it to John M'Pherson, wright, who disposed of it to a number of purchasers.

George Rendall, steward of a trading vessel belonging to Leith, put up a house next to that of Louttit of Lyking. At the end of the last century the probability is that the only Leith traders carrying stewards were the famous London smacks, the precursors of the steamboats of the London and Edinburgh Steam Shipping Company.

Next to Rendall, M'Pherson's son, Andrew, cabinetmaker, built, and beyond him, Robert M'Kay and Margaret Mowat, his wife.

A portion of Murray of Woodwick's tenement of land was occupied by the Rev. Hugh Stalker, who died in 1815, having been minister of the Second Charge in the Cathedral for twenty-one years.

Mr Stalker was licensed by the Presbytery of Linlithgow in 1774,* and after having been a probationer for twenty years, was presented to this living by the Magistrates and Town Council.

In the northern portion of the old Woodwick holding was established the first printing business in Orkney. In 1798, Magnus Anderson brought a practical bookbinder from Edinburgh, and set up a binding shop here. He purchased Bibles and Psalm-books in the sheet, bound them up, and got a very free sale for them at the Lammas Fair. His son, James, learned binding in this shop, but he went off as a boy and got work in Heriot's printing office, Leith. He returned to Kirkwall, and found a hand-press in the house of Mr Traill of Woodwick, where he printed, among other things, a Catalogue of the Orkney Library. James, son of the printer, went to Edinburgh to perfect himself in the same work. On a visit to Kirkwall in 1854, the young man was induced by his father, backed by the recommendations of Captain Baikie and Mr John Cursiter, to start a newspaper. The *Orcadian* still belongs to the family, being now owned and edited by Mr W. R. Mackintosh, James Anderson's son-in-law.

The southern portion of the Woodwick tenement belonged in 1677 to James Sinclair, merchant. His daughter, Beatrix, married John Boynd, and the house went with her. John was an elder in the kirk, and in 1698 he borrowed 100 merks from the Session at the usual rate of interest, John Richan being cautioner. Years passed and the debt remained unpaid, when, on the 6th December 1710, "the Session, understanding that John Boynd is on a sick bed, appoints the Tresr. to speak to him anent the payment or further securitie of the 100

* Fasti.

merks." "The Tresr. reports (7th Dec.) that he went to John Boynd to speak to him, but death being so near approaching, was not in a condition to speak about worldlie business; however, he spoak to his wife, who promised to give satisfaction that way." And poor Beatrix Boynd satisfied the Session by giving up her house, which remained the property of the Church for sixty-six years. The advertisement of its sale in 1776 is somewhat peculiar:— "Know all men by these presents, I, Mr John Yule, minister of the gospell at Kirkll., first in order, did cause George Hutchison, one of the Town officers, publish through the whole Burgh of Kirkll., *by plate and spoon*," that this tenement of land and its pertinents, "the property of the Kirk Session, were to be exposed to public roup upon the 7th day of May currt., within the dwelling-house of Andrew Liddell, shoemr." The rattle of an empty spoon in an empty plate very well illustrates the chronic hunger of the Church.

Liddell was kirk treasurer, and his house formed the south-west corner of Albert Street.

Magnus Laughton was the purchaser, and his grandson, Magnus Laughton, shipmaster, sold it to David Erskine, 1808. Erskine also bought the next tenement southward from Donald Calder, to whom it had come through his marriage with Margaret M'Kay, only child of Robert M'Kay, merchant, and Margaret Mowat, his wife. These houses Erskine cleared away, and built one large tenement on their site. The doorway of M'Kay's house, with the initials of Robert M'Kay and Margaret Mowat, and date 1743, found a place in the front of the new building. A later doorway has since been inserted, having a carved lintel, which makes, with the above, an incongruous mixture of dates.

Erskine's own dwelling-house, which had formerly belonged to Robert Pottinger, lay immediately south from this new building. Erskine had other properties in the town, and he gave his wife, Elizabeth Fea, life-rent of the whole.

South past Pottinger's tenement, occupied by David Erskine, standing with its gable to the street, and now* in process of demolition, is or was part of what appears in the rentals as "Arthur Murray's Great Lodging." Before Murray's time, however, it was the abode of Matthew Mowbray. In 1619, Mowbray appears as lending £300 to Mr John Gardyne, minister of Stronsay and Eday. Of this clergyman we learn† that he deserted his charge, 1635, "though the most notable congregation in the land, quhairunto many strangers did resort." He was permitted by Bishop Graham to set his stipend in tack for six years, "to the great prejudice of his successor." This notable congregation had in 1627 a communion roll of 667, and the stipend was 200 merks, four chalders bere, and six meills meal.

In 1629, Mowbray is designated "servitor to Mr John Dick," and in 1640, as "sometyme chalmerlane depute of Orkney, now ane of the baillies of Kirkwall."

Mowbray's immediate predecessor in this tenement, or one on the same site, was Edward Scollay, and on the putt stones are the initials "P. S.," over an anchor, indicating a Scollay more ancient than Edward.

Mowbray was a wealthy man, and it seems probable that he erected the Great Lodging, retaining, as was a common practice, the old putt stones. But the builder, whoever he was, took stones carved with initials from the Bishop's Palace, and inserting them into his own walls, gave rise to the tradition that here Bishop Maxwell entertained James V. in 1540. But sculptures referring to Bishop Reid also were found in the portion of the house demolished a few years ago. Now it is obvious that it was beyond the politeness of even the courtly Maxwell to commemorate the virtues of his successor. One of these stones bore Maxwell's monogram. Carefully examined, however, after its removal, it was seen that this lintel had not been hewn for the place in which it was found, but that it had been shortened to fit it for its new situation. Entirely convincing, however, is the silence of the

* June 1900. † Fasti.

Records of Sasine concerning any house in the Laverock or elsewhere belonging "of old" to Bishop Maxwell.

Mowbray had, among other properties in Kirkwall, the old Hall of Banks, which afterwards belonged to his son, John, who resided in Scalloway. His eldest son, Harie, was doing a money business in 1647, but he too seems to have left Kirkwall. His daughter, Margaret, was the second wife of the Rev. Walter Stewart, of South Ronaldshay and Burray.

Stone with Bishop Maxwell's Monogram.

John Edmondston, who is mentioned as joint-proprietor of this house in 1677, forms a connecting link between Mowbray and Murray, and was related to both. He succeeded the former as Chamberlain-Depute, and was in office in 1653. He also was a bailie of Kirkwall. Thomas Brown records the marriage of one of his daughters, thus :—"20th March 1681, Being Sabbath, about 7 at night, Alexander Stewart of Massetter was married to Margaret Edmonstone, 2nd Daughter to John Edmondston, sometyme Bailie in Kirkwall." The Diarist, in a previous entry, tells us that the first child, a daughter, was born 14th January 1677. For the offence Stewart paid £12 to the Treasurer of St. Magnus, and the Session dealt leniently with the young man. This would indicate that for four years something, perhaps the opposition of parents, prevented the marriage. At this time Stewart lived in the next house south from Edmondston, a house afterwards bought by Arthur Murray.

The Stewarts of Massater were the descendants of Walter Stewart, minister of South Ronaldshay and Burray, and Margaret Mowbray, his second wife. Mr Stewart was translated from Aberdour, Fife, in 1636, and died, 1652.*

The most famous of the Massater family was George, midshipman on board H.M.S. Bounty at the time of the Mutiny in 1789. Captain Bligh, commander of the ship, says :— "He was a young man of creditable parents in the Orkneys, at which place, on the return of the Resolution from the South Seas in 1780, we received so many civilities that, on that account only, I should have taken him with me ; but, independently of this recommendation, he was a seaman, and had always borne a good character."

Byron's description in "The Island" is interesting :—

> "And who is he ? the blue-eyed northern child
> Of isles more known to men, but scarce less wild ;
> The fair-haired offspring of the Hebrides,
> Where roars the Pentland with its whirling seas,
> Rock'd in his cradle by the soaring wind,
> The tempest-born in body and in mind ;
> Placed in the Arab's clime, he would have been
> As bold a rover as the sands have seen ;

* Fasti.

Fix'd upon Chili's shore a proud cacique ;
On Hella's mountains a rebellious Greek ;
Born in a tent, perhaps a Tamerlane ;
Bred to a throne, perhaps unfit to reign.
But these are visions ; say what was he here ?
A blooming boy, a truant mutineer."

Stewart did not leave the Bounty with Captain Bligh, but chose the alternative offered to those who refused to join the mutineers, " to be carried to Otaheite in irons, and remain there." After a year and a half among the natives, H.M.S Pandora having arrived, Stewart and his friend, Heywood, immediately went on board and reported themselves. They were at once treated as mutineers, and were kept in irons for five months. The Pandora got on a coral reef in Endeavour Straits, and having fallen off, went down, taking Stewart and thirty-four others with her.

Old Houses in Victoria Street, called Bishop Maxwell's Residence.

Arthur Murray, joint-proprietor with Edmondston, was the public-spirited burgess who celebrated the birth of a child in his old age by a douceur of £200 to the Session of Kirkwall, which was devoted to the building of a guard-house on the Kirk Green.

After Edmondston's death, Murray became sole proprietor. His " Great Lodging " was a place of importance in the municipal government of the ancient burgh. When a culprit was whipped through the town, a halt was always made in front of Arthur Murray's Great Lodging for a fresh application of the " cat."

Murray had other properties in town. In June 1690, he gave to his daughter, Isobel, " two tenements of land lyand contiguous together," " having the great house or Lodging of the said Arthur north, the other tenement belonging to him south." Thus he had certainly three,

perhaps four tenements, fronting the street, all bounded on the west by the sands and oyce of Kirkwall. A house at the Shore also belonged to him. In acquiring wealth, he seems to have been somewhat unscrupulous, reaping where he had not sown, gathering where he had not strawed, and claiming houses which he had neither built nor bought. An indictment against him runs thus :—

"It. imprimis, ye ar indyted for forsablie intruding yourself in the said house in presence and contempt off the magistrats, authoretys yn present.

2. "Also for despysing and upbrading the magistrats in declaring to their faces that who wold, who wold not, and in despyt off them and ther authoritie, ye wold posess and keep posession and abyde in the said house (because formerlie and hitherto he had onlie appeared for his broyr. and on his accompt, but now he resolved and wold run the busines as his aun interest), and yt ye wold kno who doorst disposes you or put you out of the sd. house.

3. "Also giving ane lie to the provest in name off the rest of the magistrats, reproaching ym wt. falshood, aledging and affirming to yr faces most groslie, thaye had mead ane false ack, being alse false ane ack as ever was mead in the world.

4. "Also ye ar indyted for your most desperatlie and bittarlie and loudlie cursing the comone tressurrie of the sd. bourghe, and imprecating against the same by sayeing the divell, the divell, the divell burn ther tressurrie.

5. "Also for your grose and unmanerlie and disrespectible cariage and disobediance given to your aun magistrats, and for your most unworthie and opprobriouse, base and unpregnant languidge, untolerable and unworthie to be rehearst.

6. "for your boasting, braging, and threatning yt if ye wer pout out off the sd. house that, in spyt of quho wold or quho wold not, and in despyt of all the magistrats of Kirkwall, ye wold and sould ryve off the rooff of the sd. house, and that thaye sould have cold lodging that sould dwell yrin.

7. "Also for your man his beating of the town's officer in the execution off his offise, and yt in presents and contempt off ye sds. magistrats."

Possibly the trial and verdict to which this strong indictment was the introduction may be found in the Sheriff-Clerk's office, but it may be taken for granted that the case went against the accused on every count of the libel and that he was heavily mulcted, for the magistrates in those days were very jealous of their corporate dignity. But this irascible Arthur was not only hasty in his language, he gave vent to his feelings in actions. He was on another occasion taken to Court for applying an ell-wand to an offending customer so vigourously as to draw blood.

South from Arthur Murray's property was the house of Magnus Taylor, beyond which was the house of Peter Pottinger. Possibly the father and mother of Magnus Taylor are the two whose names are seen on a stone in the north aisle of the Cathedral nave :—"Ane honest man, Thomas Taylor, Merchant Burgess in Kirkwall, spouse to Janet Pottinger, who departed the 1 of March 1666."

"Corps rest in Peace into this worme clay
Till Christ shall raise thee to a glorious day."

One of the descendants of these Taylors—the late Mr Francis Taylor of How—left something like £1000 to be devoted to the upholding of the old Cathedral.

The Taylors in the Laverock might be described as hereditary weavers, just as their neighbours, the Murrays, were rcodiners or shoemakers. They were quietly making money in the days of the Stewart Earls, and in 1616 we see Peter Tailyeour putting out his coin to interest. Magnus Taylor built houses back from his own, and we find him endowing his children and grandchildren with these in his lifetime.

South from the Taylors' houses was the Pottingers' land. Occasionally these neighbours assisted each other in odd bits of business. The following stands in the Court-books, under date 27th February 1627, without any explanation whatever :—

"Be it kend till all men be thir pnt. lres., me, Edward Pottinger, Indwellar in Kirkwall, forsamickle as Alexr. Tailyour, Indwellar in the Lavorack of Kirkwall, for the sowme of fyve hundreth merkis money, payit and delyverit to me be the Ryt Honorable Harie Stewart in Carlougie, Shref depute in Orknay, in name and behalf of Mr Jon. Finlasone of Olweis (?), in satisfactione and assythment of the *slaughter* of umql. manss Pottinger, Merchant, Indwellar in Kirkwall, my brother, qlk sowme of five hundreth merkis money forsaid the sd. Alexr. band and obleist him, his airis, exrs., and assignayis intromitteris with his guidis and geir and successoris to his landis and heretages qtsomever, thankfullie to content, pay, and delyver in manner underwritten, viz.:—To John Pottinger, son to the said umqle. manss, laulie. begottin betwix him and Cathren Craigie, his first spouis, the sowme of ane hundreth alevin poundis tua shillingis and tua penneyis; and to Elspeth Tailyour, relict of the sd. umql. Manss, Marable, and Marioun Pottingeris, thair laul. bairnes, the sowme of tua hundreth twentie tua poundis four shillingis four penneyis, betwix and the feast and term of Martimes nix to come," etc., etc.

This payment of blood-wite for the killing of a brother reads like an incident of Norse times; and it would almost show that Orcadians regarded manslaughter with much complacency down to a comparatively recent period. They were fatalists, one and all, and the phrase, "it beed to be," often afforded a dreary consolation under severe bereavement. But we have corroborative evidence that their criminal code recognised more heinous offences even than murder. In the presbytery records, under date 1st May 1667, we have a minute:—"Robert Bellie, ane murderer, being called and not compeiring, ordaines Mr William Davidson to cause cite him, pro 2 do, to the nixt meeting." As Mr Davidson was minister of Birsay and Harray, the criminal must have been a west mainland man; and on June 6, after a month had elapsed, "Mr William Davidson reported that Mr Robert Bellie, murderer in his parish, could not compeire to this dyet becaus of his sicknesse; hee is ordained to be chairged to the nixt meeting"—another month's reprieve. Now, had the victim been a neighbour's sheep, no medical or clerical certificate could have saved the infirm Bellie from a journey to Kirkwall, with the probability that his pilgrimage would end in a walk up the hangman's ladder.

Among such neighbours as the Murrays and Taylors and Pottingers it was natural that there should be inter-marriages, and, no doubt, most of these marriages were happy. But one was a failure. Isobel Murray married Bailie Pottinger, whose business sometimes took him away from home. On one occasion he was away for quite a year. On the night of his return, Mrs Pottinger left her husband's bed, and in another room, alone and in darkness, gave birth to a child. Then came worrying examinations before Session and Presbytery, with remits from each to the other, during which the unhappy woman was dangled before the public gaze. This at length became intolerable, and Isobel Murray, wealthy and no doubt personally attractive, took flight from Stromness in an English vessel, and was never again seen in Orkney. Her cousin, Miss Stewart of Massater, was one of the witnesses in the case.

South from Bailie Pottinger there was, in 1677, a large yard. This had belonged to Andrew Ellis, from whom it passed to Andrew Strang, and so successively to his brother, David, and his nephew, Sir Robert Strange. On a part of this yard Strange built two houses; and in 1790 the one next the street was occupied by Edward Keith, Sheriff Clerk, and that in the rear by Thomas Urquhart, Postmaster.*

Postal work in Kirkwall at the close of the last century was, as a rule, by no means exciting. But one evening, in making up the mails, Thomas Urquhart found a letter with an enclosure, which he felt curious to examine. Taking it upstairs to his wife, Margaret Keith, probably daughter or sister of the Sheriff Clerk, their next door neighbour, the letter was

* Urquhart's house was demolished a number of years ago, but its site is occupied by the westmost house on the south side of the close numbered 53 Victoria Street, now belonging to Mr William Halcrow and others.

opened and in it was found a five-pound note. This, Mrs Urquhart, with the most foolish imprudence, gave to the servant girl to take out for change. There were no banks in Kirkwall, and the messenger went from shop to shop till she came to the foot of what is now Bridge Street, and here she presented the troublesome thing to Andrew Smith, merchant, the actual sender of the note. He asked where the girl had got it, and on being told that it was from Mrs Urquhart, he said he would bring up the change himself in a minute or two. He had probably kept the number of the note; at all events he was able to identify it as his property, and going at once to the Procurator-Fiscal, he had Urquhart arrested and lodged in jail. The case was proved, the postmaster was hanged, and down to the middle of the present century his ghost continued to haunt the room in which the fatal letter was opened.

This is the local tradition, but the facts as they appear in the Justiciary Court books are somewhat different, and show a long series of peculations. "Thomas Urquhart, late deputy Post Master in the town of Kirkwall and County of Orkney, and David Urquhart, son of the said Thomas Urquhart, both present prisoners in the Tolbuith of Edinburgh, pannels, indicted at the instance of Robert Dundas, Esq. of Arniston, His Majesty's Advocate, of the crimes of Theft from the Post Office and falsehood and forgery," etc., etc. The indictment then stated the following specific charges:—

1. In 1794, sometime before August, James Fea, seaman, R.N., sent his father, James Fea, in Rothiesholm in Stronsay, a letter containing a guinea and a half, "which letter never was received by the said James Fea."

2. In August or later in the year 1794, "another letter written by the said James Fea, and directed to the said James Fea, his father, containing inclosed a guinea in Gold or Bank note for that sum," never reached Stronsay, "the said letter, in consequence of a search made by Robert Nicolson, Esq., Sheriff-Substitute of the County of Orkney, having afterwards been discovered lying opened in the Escrutoire of you, the said Thomas Urquhart."

3. May Griffen, residing in Half Moon Court, Wapping, wrote a "letter directed to Stephen Muir, Benziecoat, Sanday, to the care of John Linklater, boatman in Kirkwall; she inclosed in it an order for five pounds five shillings sterling, dated Money Letter Office, General Post Office, November 16, 1795. Signed, Js. Eele, payable at sight by the Post Master of Kirkwall to the person named in the letter of advice."

This order the Postmaster, forging a receipt, transmitted to the General Post Office in Edinburgh, as a part of the balance due by him to the postal revenue. "And you, the said Thomas Urquhart, having since become afraid lest the said acts of theft and falsehood and forgery should be discovered, did write a letter, dated Edinburgh Jail, 7th October 1796, directed to John Traill, Esq., at Scar, Sanday, requesting him to pay to the said Stephen Muir the said five pounds five shillings sterling on account of you, the said Thomas Urquhart."

4. In January 1796, James Smith, on board H.M.S. Vengeance, then at Barbadoes, sent his father, James Smith, Breckwell, in Westray, a letter containing a bank note for five pounds. As the North Isles had then no mail service, this was addressed to the care of James Smith in Crantit. Later in the same year the dutiful son sent another five-pound note to his father, directing it this time to his brother-in-law, John Rendall, master of the sloop Anne, of Kirkwall. These letters were never delivered, and Urquhart was accused of having kept them for the money they contained.

5. William Rutherford, spirit dealer, Perth, at the desire of Anne Walter, his wife, sent his father-in-law, Alexander Walter, in Shapinsay, a letter containing a guinea note. Walter had been expecting this letter, and he got the Rev. George Barry to call on James Mainland, wright, Kirkwall, to whom it was to be addressed. The minister went from the wright to the

postmaster, who, "having been alarmed lest the said act of Theft should be discovered," alleged that the letter had possibly "been accidentally destroyed by one of his children," and gave Mr Barry a guinea, to be given by him to Alexander Walter.

6. Andrew Smith, Kirkwall, sent William Maclean, merchant, South Bridge, Edinburgh, £30 in five-pound notes—five of the Bank of Scotland and one of Sir William Forbes & Co. The money was in a sealed letter, and was put by the sender himself into the postal slip in Kirkwall. On account of its non-arrival, Maclean wrote to Smith, who at once went to the Post Office. Urquhart maintained that everything posted had been sent, but by next mail he forwarded to Maclean a letter, over the forged signature of Andrew Smith, containing the identical notes.

7. Thomas Spence, a seaman, then confined in the Royal Hospital, Haslar, sent to his mother, Eupham Louttit, in July 1796, a letter containing a guinea. This letter, which was addressed "To Effie Luted, in the Oald place, neare Kirkwall, Orkneys, North Brittain," was never delivered.

8. William Robertson, a corporal in the North Lowland Regiment of Fencibles, quartered at Carrick-on-Shannon, sent two guineas to Isobel Millar, his wife, which never reached the poor woman. The address was somewhat elaborate, but by no means vague—"Soldier's letter.—Carrick-on-Shannon, 7th Nov. 1796.—Tho. Balfour, Coll., N. L. Fencibles, to Esabellica Millar, in Kirkwall, to the care of Captant Baky, in Kirkwall, Orkney, Scotland, by North Britand."

With the trouble about Smith's remittance, matters became critical, and Urquhart sent his son off privately that the flight of the boy might remove suspicion from the man. Had the youth escaped there can be no doubt that he would have borne all the odium of these crimes, and the postmaster, in his parental distress, would have won the sympathies of those whom he had duped. But David was apprehended in London and brought to trial along with his father. In court, Thomas Urquhart tried to continue this farce. "The Indictment being read over to the Pannels in Open Court, and they being severally interrogated, thereupon The Pannel, Thomas Urquhart, answered that he was Not Guilty, And the Pannel, David Urquhart, answered that he was guilty of the Articles charged in the indictment against him."

Urquhart was tried upon three counts only, and of these the charge concerning James Fea was found not proven ; that concerning Mary Griffen, proven by a majority ; and that concerning Rutherford's letter to Walter, proven unanimously. David Urquhart was found guilty on his own confession, but, on account of his youth, he was "earnestly recommended to mercy."

Sentence was pronounced that they "be carried from the bar to the Tolbooth of Edinburgh, therein to be detained till Wednesday the eighteenth day of October next, and upon that day to be taken furth of the said Tolbooth to the place fixed upon by the Magistrates of Edinburgh as a Common Place of Execution, and then and there, between the hours of two and four o'clock afternoon, to be hanged by the necks, by the hands of the Common executioner, upon a Gibbet, untill they be dead, and ordain all their movable goods and gear to be escheat and inbrought to his Majesty's use, which is pronounced for doom."

From the evidence of some of the witnesses at the trial, it would appear that Urquhart was a Morayshire man.

The jury, on account of his youth, recommended David Urquhart to His Majesty's mercy ; and, from another source,* we learn that the jury's recommendation received due attention :—"David Urquhart, a boy of sixteen, was convicted on 4th September 1797 of

* Hume Commentaries on the Law of Scotland, vol. i., p. 32.

stealing money out of letters and falsifying money orders in them, and had sentence of death, along with his father, a deputy postmaster, whose influence and bad example had seduced him. On that ground the jury very properly recommended him to mercy ; and he obtained a free pardon."

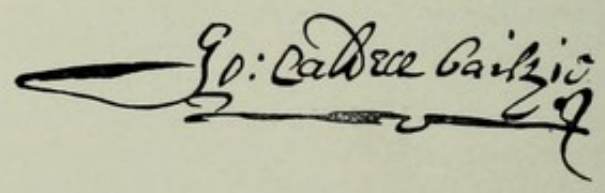
In 1805, "James Strange, Esq., late Banker in London, and M.P. for the town of Oakhampton, now residing at Madras, in the East Indies," succeeded his father, "Sir Robert Strange, Knight, in all and whole that tenement of land, with yards, office houses," etc., "as the same were lately possessed by Edward Keith, Sheriff Clerk, and Thomas Urquhart, Post Master at Kirkwall, and are now possessed by Margaret Keith, relict of said Thomas Urquhart ; William Borwick, merchant ; and William Matches, sailor."

Robert Dundas, Commissioner for James Strange, sold this property to David Erskine, who upon its security borrowed £343 from the Rev. Walter Traill. In 1817, Mr Traill obtained "decreet of adjudication" before the Court of Session against David Erskine, merchant. "The court adjudged from the said David, *inter alia*," the above tenement. But the easy creditor took no further steps in the matter ; and in 1826, when the interest had run up to £280, George Veitch, Esq., W.S., took over the property as trustee for Mr Traill's eldest son, Thomas, then in Canada.

David Erskine cleared off one debt by assuming another, and he reduced Mr Traill's bond by borrowing £550 from James Spence, Commercial Bank. With this debt on it, he left his property to his brother, James, in 1828. In his latter days, a blind old man, James Erskine lived in a house on the Ayre which his brother had built. The advance of £550 was never cleared, and on James Erskine's death, the banker had to make what he could of the estate. An illegitimate daughter was so ill-advised as to take the Commercial Bank into the Court of Session by way of securing to herself some of her father's imaginary wealth.

This family, the descendants of Robert Erskine, N.P., who came to Kirkwall in 1669 a fugitive from the discipline of College Kirk, Edinburgh, had done much public work in the burgh, and James was the last of the line.

On the north side of the close, now 57 Victoria Street, was the house of Mr David Marwick, merchant, and here was spent the boyhood of his distinguished nephew, Sir James Marwick. James attended Mr Copland's school in Kirkwall, afterwards going to Edinburgh to attend the law classes. Having proved himself a good business man, he was appointed Town Clerk of that city, whence he was translated to Glasgow on much more advantageous terms. For his excellent public work he received the honour of knighthood in 1888. Sir James is regarded as the highest living authority in all municipal matters. His interest in Kirkwall remains unabated. The active part he took in the foundation of the Orkney and Zetland Association is known to all the original members of the society, as the earlier meetings were held in his private dwelling-house in Edinburgh.



In 1677, with a yard and peat-brae between, the next house southward was that of John Caldell, Bailie of Kirkwall. Caldell seems to have been regarded by his fellow-townsmen as a very judicious person. He was an elder of the kirk ; and in those days, when the Session would have a finger in every pie, he was often entrusted with the preliminary examination of very delicate cases. He was also a prosperous merchant, and the inventory of his goods and gear shows a considerable amount of silver plate. In the Valuation Roll of 1677, this house, which had lately been repaired, was entered at £24 of rent, and was assessed on £18.

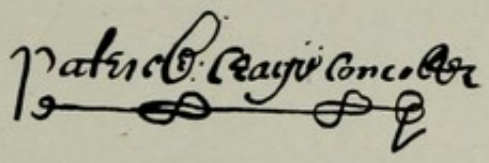
Bailie Caldell died, April 1677, and two years afterwards his widow, Elspeth Chalmers, married Mr James Arbuthnott. Of this man little is known beyond what is recorded by Thomas Brown. Mrs Caldell evidently had the life-rent of her late husband's house, and here, 10th June 1682, "Mr James Arbuthnott fell over the stair of his dwelling." His fall was not fatal, however, for we find that in 1684 he contracted a second marriage, and that he died in 1687. It is difficult to know what had brought this person to Orkney. He was, as his title "Mr" shows, a University man, for Brown is most particular in this respect. Possibly he may have been "Doctor" in the Grammar School. The Records of Sasine show that he held property elsewhere in Kirkwall.

On Mrs Caldell's death, in 1683, this house came into the possession of Anna Linay, "air of Oliver Linay, and Pat. Murray, Not. Pub., her spouse." It was "possest and inhabited by themselves and James Murray of Pennyland, their tenant." From Anna Linay and her husband it passed to their son, Francis. In 1709, the Town Council purchased from Marion Ritchie, widow of Francis Murray, her life-rent interest in the Tolbooth at the foot of the Strynd, and, as part of the bargain, exempted her from the payment of cess on this house, £1 16s Scots yearly.

South from Bailie Caldell's house was that of Patrick Craigie of Waisdale, Provost of Kirkwall. In 1677 this house, now represented by Nos. 79 and 81 Victoria Street, terminated the Laverock on the west side.

From the foot of Tankerness Lane, northward and southward, were the "Sands" of Kirkwall, the old playground of the boys of the Grammar School. Above Provost Craigie's house these became the "Broad Sands."

Provost Craigie had a stirring and chequered magisterial career. His story, with all the details which the burgh records can furnish, has been given to the public by a recent writer.* William Craigie had been a successful merchant, and his business improved and extended in the hands of his son, Patrick. In 1649, Patrick Craigie was elected Bailie, and the following year Montrose took up his quarters in the Earl's Palace. The heroic endeavour to re-establish the Stewart dynasty was easily suppressed, but, as a result of it, Cromwell felt himself bound to pay a little attention to Orkney. He sent a party of soldiers to Kirkwall, and the officer in command ruled the town. The Town Council retired in a body, and the local government, apart from military rule, was thrown into the hands of the Justices of the Peace. These gentlemen made use of their position to assess the burgh for the support of the soldiers and to let the rural community go free. This state of matters soon became intolerable, and in 1654, after three years of municipal extinction, the Council resumed its duties. Royalists though most of them were, they could not help seeing that under the Commonwealth private rights were maintained and that the public funds were really devoted to public purposes. In these circumstances, they thought that an effort should be made on behalf of the burgh, and, in 1658, they sent Bailie Craigie to Edinburgh to state their case. From the instructions they gave this Commissioner, we see that their first care was to get fixed stipends for their ministers, and their next to secure the upholding of the fabric of the Cathedral. For the latter purpose they asked no public money, only an Act granting them the fines of all the adulterers in Orkney. "Likwayes you ar to remember to present the condition of the greit fabrik of our Kirk, that is almost going to ruins for want of supplei, qlk formerly was menteind pertly by the bishop and the wholl adulterers' fyne of the wholl countrey, which wes



* W. R. Mackintosh.

appointed for the upholding of the forsaid fabrik." This was quite a modest request on the part of Kirkwall, as it allowed the fines for less heinous immoralities to be applied locally by the several Sessions for parochial purposes. The Bailie was to ask for help to build a "prisin houss" and to see about the quartering of the soldiers, as "the wholl burdein of the quertering lyeth upon the toune, and the countrey free." The last of the instructions given was very significant. The Council was convinced that there were in Edinburgh some interested persons who were influencing the Government to the prejudice of Kirkwall—"infenderers that has been setting the judges against us." These he was to discover, and, if possible, prosecute; "always we cannot be the worse to know their names, that we may remember them if they come in our coast heirafter." Certainly a warm reception was in store for those "infenderers" should they visit Kirkwall.

Craigie cheerfully undertook the business, and had rather a good time in Edinburgh for nearly a year, all expenses, even to his body clothing, being charged against the burgh. It was a critical time, seeing that the principal "infenderer" was the Earl of Morton. After the Restoration, 1660, Morton got the ear of the king, and, making use of the re-appointing of the Town Council in 1654, was able to convince Charles that the corporation of the burgh owed its existence to the authority of Cromwell. Accordingly the Town Council was interdicted from exercising any municipal government.

Craigie, now Provost, and along with him, the Bailies, Treasurer, and Town Clerk, were summoned to Edinburgh on a charge of having disclaimed the just authority of the king, and of having acknowledged "the usurping of treacherous and bloody rebels." After much trouble and expense, public and private, Morton's misrepresentation was made manifest, the privileges of the town were restored, and a confirmation of the charter of James III. was granted by Charles II. Meantime Patrick Craigie had run up a bill of over seven thousand pounds Scots against Kirkwall, had squandered his own fortune, and his wife, Anne Ballenden of Stenness, who had attended to his affairs at home, having died, he found his business gone and himself a ruined man. The rest is quickly told. Debts, some of which could scarcely be explained, and none of which could be paid, landed him in prison.

In 1679, George Liddell of Hammer had got decree against him in the Court of Session, by which certain lands in Sandwick and in Holm, with "All and Haill the said Patrick Craigie his lodgeing and tenement of land, consisting of ane thatched house and ane sklaitt house built together," with other three houses and a piece of waste land in the Laverock, passed to the creditor. Craigie's debt to Liddell, principal and interest, amounted "in the haill to the soume of seven hundreth seventie-five punds six shilling eight pennies money of this our reallme."

As only a desperate man would do, he determined to retain possession of some public documents; and, 3rd September 1681, "Being Saturday, John Buchanan of Sandside caused James Mansone, Messengr., poynd the Act of Parliament from Patrick Craigie of Waisdale out of ye Tolbooth, and [read ?] them at the Cross of Kirkwall about 8 in the morning of the said day."* Finally, 26th February 1682, "Sabbath morning, abt. 7 or thereby, Pat. Craigie, sometyme Provost of Kirkwall, depd. this life in the Tolbooth of the said Brugh."

The following letter is doubtless a fair specimen of the Provost's literary style. He was unwell at the time of writing, and he wanted from Arthur Baikie the loan of a wooden press, presumably for clarifying home-made fish-liver oil :—

"Kirkwall, the (2) off ffebrowarrie 1667.

"Mowch Honoured,—I loing to cie you; if your aferes can alowe you, com this lanth. I wold gladly have spokin with you; iff my health and present condetion off ciekness could alowed me,

* T. B.

I wold have com to you as be cometh ; boot the troweth is, I am not as yeat so recovered that I dar heseard, for seing the aier and wather cast me over again in my deses ; qrfor I howp ye will xskowes my boldnes ; boot, if the Lord be plesed to spar me dayes and health, I schall go ffarder for you or youres ; and I deseyer ye wold len me your temer* pres yt I spaek off to you, for presing sowm leittell oyell, and I schall retowrin it in saeftie again ; not mor, boot craive love.—Mowch Honorad, your lowving frind and Sarvant, PATRICK CRAIGIE."

Jamas Graham, minister of Evie and Rendall, afterwards translated to Holm, married Patrick Craigie's daughter, Elizabeth, and he bought the old house in the Laverock. He died in 1721, and his widow, then in reduced circumstances, sold the ruins of her father's house to David Strang, the father of Sir Robert Strange. Strang's widow, purposing to rebuild, applied to the Council for permission to bring the wall next the street farther forward than the old wall had stood :—

" Kirkll., 15th June 1733.

" Unto The much honoured The Magistrats and Town Council of the Burgh of Kirkwall, The Petition of Jean Scollay, Relict, and the other Representatives of David Strang, Mercht. in Kirkwall, deceast,

" Humbly Sheweth,—That your petitioners are Intending to rebuild the old houses lying in the Laverock of Kirkwall, that formerly pertained to the Heirs of Patrick Craigie of Wasdale and now to the Petitioners.

" That one of the Gavels or Breasts of the said Houses Extends it Self to the High Street, and is bounded on one Side by the Houses belonging to Baillie Patrick Traill, one of your Honours' Number, and on the other Side by a yeard-dyke or Fence betwixt the Street and Yeard of your petitioner's said houses.

" That the said houses of Baillie Traill and Yeard dyke belonging to your petitioners do both of them Face the high Street, and do Come Farther out than your said Petitioner's Gavel @ mentioned by about a foot and 2 or 3 Inches.

" That your petitioners do humbly apprehend it will be of no damnage to the Street That their said Gavel be allowed to be brought on in the same degree forward with Baillie Traill's house and the forsaid Yeard dyke or Fence, especially that the old gate or entry to the said houses of your petitioners is and has been Past Memory as far forward to ye Street as ye said houses of Baillie Traill.

" May it therefor please your honours to allow your said petitioners to rebuild their said Gavel or fore-part of their said houses in the same degree forward to ye Street wt. their said old Gate or Entry and the houses of Baillie Traill and their said yeard dyke, or to Impower your Dean-of-Guild and his Council to Inspect the said houses and to grant the said allowance. JEAN SCOLLAY."

This was remitted to the Dean-of-Guild, and the petition was granted.

In 1793, the Town Council sold to Mr William Manson, Comptroller of Customs, for £164 sterling, a portion of the Broad Sands. This consisted of two detached pieces on the north and south sides of what had been Provost Craigie's tenement. At the time of the sale these were in the occupancy of Mrs Thuring, daughter and heiress of James Traill, merchant. The northern section measured " 36 feet and upwards" from north to south, while the southern portion had a street frontage of " 120 foot of rule," and extended to " the passage from the Clay Loan."

Colonel Thomas Balfour of Elwick, who was on the outlook for eligible building sites about the town, acquired these plots from Manson, and got a charter from the Council, dated 4th August 1793.

In 1801, James Knarston, slater, bought from the Colonel the northern portion, now belonging to Dr Still's trustees. In 1803, Robert Borwick purchased from the representatives of Lieutenant William Balfour, R.N., the southern section. In 1809, Borwick sold the south part of his plot to Oliver Scott ; and Knarston, Borwick, and Scott, building on the Broad Sands, completed the west side of the street up to Clay Loan.

Money-lending in Kirkwall was no longer the profitable business which it had been in the olden time. As yet there were no banks in the town, but at the beginning of the present

* Timber.

century, an association, called the Relief Society of Kirkwall, advanced money on good security, and we find this society largely drawn upon by builders of new houses. Thus for a time the Relief Society of Kirkwall held the titles of a good many houses in the town, and, among others, some of the buildings on the Broad Sands.

Robert Borwick, who had purchased his site from Lieutenant Balfour, was a native of Harray. He came to Kirkwall and established a straw-plaiting business.

At this time illicit distillation was going on all through the islands, and the gauger was the most unpopular public officer in Orkney. Borwick, believing that there was money to be made in the legitimate business, built Highland Park Distillery, and quickly found a market for its output. His son, George, acted as his agent in London, and after a time succeeded to the business. On his death the property passed to his brother, James, Secession minister in Rathillet. The clergyman stopped the whisky making, and sold the property under the condition that the purchaser should not use the premises for the purposes of distillation. Mr Sinclair, who bought the place, adhered to the letter of the contract, but he sold the distillery to Mr Macfarlane, who at once resumed the old trade. From him it was purchased by Mr Stewart, of Milton-Duff. Under the management of the present owner, Mr James Grant, Highland Park has become one of the best-known distilleries in Scotland.

Robert Borwick was Session Clerk to the first dissenting congregation in Kirkwall, and his friend and neighbour, Oliver Scott, was one of the elders.

Mr Scott was a weaver and a successful man, and when wealth, or at all events competence, brought him leisure, he entered the Town Council, and rendered valuable service as a Magistrate.

He was succeeded by his son, John, who carried on business in Bridge Street as a general merchant. John Scott was an excellent salesman. On one occasion a skipper, who had put into Kirkwall roads, went to him for half-a-dozen bone egg-spoons, which, strangely enough, were not in stock at the time. A neighbouring dealer having asked why Mr Scott did not send to him in his difficulty, was answered :—"There was no difficulty in the matter ; I had no egg-spoons, but I sold him half-a-dozen ballast shovels instead."

The Reverend Oliver Scott, parish minister of St. Andrews, inherited the property of his father and grandfather.

The turning of Time's whirligig has placed another Mr John Scott, of a different family, in the shop in Bridge Street. Mr Scott's dwelling-house was the old Commercial Bank of Mr Spence.

The street or road now known as the Clay Loan, while yet without a name, was anciently described as "the south loan," "the common loan," "Kirkwall loan," or "the loan above the toune of Kirkwall." The origin of the present name is not far to seek. Most of the old houses were put up without mortar, clay being used instead. This lane was found very convenient by builders, who recklessly dug out their cement whenever they thought fit. It occurred to that zealous Magistrate, Provost Arthur Baikie, that such conduct was, to say the least of it, irregular. On the back of a letter, among other memoranda, he jotted down an item to bring before the Council :—"Yt. no claie be taken of the loan wt. out libertie." But the historic interest of the Clay Loan lies in the fact that at its head or east end was the common place of execution.

As late as the beginning of the present century there were no fewer than 223 offences which the criminal law of this country recognised as capital ; but in Kirkwall the death penalty was often remitted. Culprits who had prepared their necks for the noose were frequently whipped through the town and then banished, "with certification" that if they returned they would be hanged. Many executions, however, are recorded, and Thomas Brown

tells of two within a month of each other :—" Nov. 15th, Thursday, James Louttit, in Hurso in Harray, son to James Louttit, Bailie dept. yr, was convicted as a sheep-thief by the assize of 15 persons ; and upon Friday, 16th Nov., he was sentinced to be hanged, whilk accordingly was done upon Tuesday, 20th Nov. 1683, at 2 o'clock in ye afternoon. God preserve and keep all good men from such a cursed death." Again, " 20th December, Thursday, Henry Smyth, who dwelt in Paplay, in the north parochine of S. Ronaldsha, was hanged upon ye gallows in the east loan, above the town of Kirkwall, for stealing a wheit sheep belonging to Margaret Cromartie, in the aforesaid isle."

In November 1706, " Arthur Masone, ane notorious theiff and housebreaker," was taken " to the loan above the toune of Kirkwall, or commone and usewall execution place theirof, betwixt the hours of two and thrie in the afternoon, by the hand of the comone hangman, haveing his hands tyed behind his back, there to be hanged upon ane gibbet or gallows till he dyed."

Witches were taken to the head of the Clay Loan, there to be " worried at the stake." The gallows ladder from which the unfortunates were " turned off" is still to the fore, and is one of the sacred relics preserved in the Cathedral. It is double, having one set of rungs for the victim and one for the executioner.

There is not in Scotland at the present day a resident hangman, but in the days of old every Sheriff Court had among its permanent official staff such a functionary. On his death or retirement there were not many candidates for the situation, and the county authorities were sometimes put to considerable inconvenience. In 1720, John Sinclair of Ulbster, Sheriff of Caithness, had to arrange for the execution of a man, Farquhar, who had committed a murder. But Caithness at the time had no hangman, so Sheriff Sinclair applied to the Kirkwall Magistrates for the loan of their artist, Alexander Downie. The Town Council were very doubtful as to the safety of their gallows warden if he crossed the ferry. Accordingly, they demanded security to the amount of £100 sterling for his safe conduct, £30 Scots and three meills malt to be paid to Downie for his work—£12 before he started, and the balance when he finished his job ; and on these terms Downie was allowed to go.

On account of the odium attached to this gruesome office, the children of the man who performed its duties were ostracised by their fellows, so that in this and other countries the post of executioner often came to be hereditary. Thus it was in Kirkwall. Alexander Downie was public operator in 1720, and, more than a century later, another of the same name, probably a grandson, held the place. " Kirkwall, 29 August 1812.—Rec. from Mr W. Traill, Treasurer of the Burgh of Kirkwall, the sum of Two Pounds St. as my salary as Hangman of said Burgh to Lammas 1812.—Alexr. Downie, × his mark." Again :—" Kirkwall, 21 Augt. 1815.—Received from Mr Andrew Henderson, Treasurer of the Borrow of Kirkwall, the sum of two pound Sterling as my year's salary as Hangman from Augt. 1814 to Augt. 1815.—Alexr. Downie, × his mark. G. Sinclair, witness." The last receipt from the Town Treasurer is 22nd August 1829 :—" Paid Alexander Downie, executr., his salary to Lammas, £2." If Downie's salary was small, his duties were light. Indeed, his office had become a sinecure, as before the end of the last century the trial of capital offences had been transferred to the High Court of Justiciary, and the execution of convicted prisoners took place at Edinburgh, or at the seat of a Court of Assize.

CHAPTER XIX.

The Lammas Market.

IN the ancient days of the Lammas Market, the live stock were exposed for sale on the Broad Sands. The horse market was held on the north side of what is now the garden of the Balfour Hospital.

Meeting about the middle of July in each year, the Magistrates issued a proclamation that the market would be opened on the first Tuesday of August, and would continue for three days and no longer.* At the same time the Council invited offers for the farming of the market dues. If several offers were received, the highest was intimated from a window of the Tolbooth, with the announcement that higher bids would still be taken. In every case the person whose tender was accepted had to find caution for the fulfilment of his part of the bargain. When no offers were put in, two collectors, sworn to fidelity, were appointed.

In 1698, James Tayleour and Harie Tait collected £32 6s 2d, while the Dean-of-Guild received as rent for stands, £18 7s 8d.

In 1705, the Council received no offers, but from 1706, for a number of years, David Erskine farmed these customs. His first bargain was as follows :—"Compeared personally David Erskyne, merchant in Kirkwall, and offered to Farme the customes of the enshewing Lambas Mercat, such as the Customes of oxen, kyne, horse, woll, and other commodities to be brought to the said Mercat Lyable in custome, and the customes of the closs and open stands at the said mercat, and voluntarly offered to pay therefor the soume of Fourty-Eight pound Scotts money to the Thesaurer within eight days after expyreing of the said mercat." John Richan became cautioner for him.

In 1710, Erskine's offer of £48 Scots changes to the equivalent, "ffour pound stairling." In 1712, Thomas Graham, burgess of Kirkwall, offered £4 10s, and gave James Mackenzie, writer, as his cautioner.

In 1713, the Council joined a lease of part of the town lands to the setting of the market dues. "In presence of the Magistrates and Counsill, compeared scalls., and made offers for a ferme of the Customes of the Lambas Mercat and of the lands belonging to the burgh, Lying on the South Syde of the Oyse of Kirkwall, viz., Soulisquoy, Mudisquoy, Pickaquoy, Spritigoe, and Walliwall ; and after several offers made by the sds. persons, David Arskyne, Mertt., Burgess of Kirkwall, made offer of the sum of Thretteen Pound five shillings yearly."

In 1716, Erskine's lease having expired, David Traill farmed the market dues for £3 10s, and his motive for offering appeared when he came to settle with the Treasurer :—"David Traill, late Baillie, did pay in to David Strang, Thesaurer, the sum of twenty-three pound eight shillings and four pennies Scots, which, with nine pound eight shillings Scots due to the said David for brandie, shugar, etc., furnished at the Cross upon the King's Birthday, the Twenty-Eight of May Last, and Twelve pound Eight shilling Eight pennies also due to the

* See Appendix to this chapter.

said David Traill as the Ballance of a former accompt, makes in haill fourty-five pound Scots as the ferme Duty due for the saids Customs."

In 1717, David Strang gave £4 5s sterling for the dues ; 1718, David Traill gave £4 10s.

In 1719, David Erskine offered £4 sterling, "and the officer having severall Times called at the window and none compearing to offer more, The Magistrates and Counsell prefer the sd. David Arskyne to the ferm of the sds. Customs." He has the "ferm" in 1720 for £3 10s.

In 1721, "All persons being called frequently at the window, compeared David Arskyne, mertt., who offered five pound sterling," &c. Next year he had the dues for £4 10s ; and for eight years it was continued to him at the same rent.

In 1731, "after several offers, last of all there was offered for the same by David Strang, Mertt., Kirkwall, the sum of Forty-six pounds Scots, and the said David was preferred."

In 1732, David Erskine came forward again and paid £47. Thus, in its best days, the Market, in direct cash value, was only worth about £5 sterling to the Corporation. To many of the people of Kirkwall, however, it brought a considerable amount of money annually. Certainly the retailers of liquor did literally a roaring trade at market time.

The live stock market on the Broad Sands was only a part, and the less important part, of the fair. The Broad Street and the Kirk Green held hundreds of "close and open stands," where commodities of every description were exposed for sale. Yet, even among these, custom and the Magistrates established a systematic arrangement. For instance, the cloth market extended from the round tower of the Bishop's Palace down the front of what is now known as Palace Street. "The Magistrates and Council appoints the Clerk to writt plackads to be affixt at the most publick places of the Burgh, appoynting all persons who shall bring cloath, both linning and wooling and stuffs, to the mercat, that they may bring the same to the church yaird to the southward of the church, below the little kirk yaird dyke, nixt to Charles Stewart his house, which is the place appointed for mercat place of the said cloath."*

In the beginning of the present century, when the Grammar School stood on the Kirk Green, it was utilised for market purposes. The annual vacation lasted three weeks, and of necessity included the Market time. So the Council, by way of turning an honest penny, let the two class-rooms as shops. In 1810, James Brander, for the south room, paid £3 3s. Next year, for the same room, Michael Henderson paid £4 4s ; while for the north room George Sinclair paid £5.

For market purposes, Baikie of Tankerness built a row of booths on each side of the lane leading down to the offices of Tankerness House. These still remain, and are occupied by various tenants.

As the Fair drew an immense crowd of people from great distances, the maintaining of order in the town called for special effort. Accordingly there was in Kirkwall a small standing army, consisting of two companies of drilled and armed men. The Council appointed the Captain, Lieutenant, and Ensign of each company, and each chose their subordinate officers. The "up-the-gate" company usually mustered on the Broad Sands, while the "down-the-gate" warriors assembled on the Aire. Their common guard-house was the nave of the Cathedral. On ordinary occasions, keeping guard seems to have been looked upon as an excuse for heavy drinking, and St. Magnus was desecrated by many a bout of noisy revelry before old Arthur Murray's penitent liberality erected a guard-house on the Kirk Green.

There were times, however, when the services of the guard were seriously required. In 1732 a "tumultuous mob," consisting chiefly of Caithness and Sutherland ferry-loupers, to

* C. R., 23rd July 1710.

the number of forty, armed with swords and pistols, defied and insulted the magistrates and guard in the open street. The fact that no blood was shed shows that this defiance and insult consisted merely of words, and that the strangers felt they dared not use their weapons. The two companies of the guard kept the street, prudently making no arrests till the crowd dispersed. A meeting of the Council was called at nine o'clock in the evening. James Traill of Woodwick, a man of sense and courage, was Provost. He took immediate steps to redeem the honour of the burgh. All the inhabitants who had received lodgers were required to give their names to the Council at nine o'clock next morning, and to furnish an inventory of their goods that they might be pointed as "a hostage for their good beheaviour." To prevent the escape of the rioters, the boats of all strangers, or at least their oars and rudders, were seized, and that not in Kirkwall only, but in every parish where strangers had landed. At the same time, ferrymen and all other proprietors of boats were prohibited from conveying the rioters or their effects out of the country.

The fact that these men appeared armed in the street was itself a breach of municipal law, because for many years there had been a standing order that strangers coming to the market should not carry arms "yrat," and that none of the townspeople should lodge a stranger till first he had handed over his weapons. Scott, in the "Pirate," describes the rescue of Cleveland by a boat's crew armed with stretchers, but that the Town Guard, which could prevent forty Caithness and Sutherland men, each provided with sword and pistol, from doing mischief, should be deforced so easily, is scarcely in keeping with the great novelist's general accuracy.

When such crowds assembled annually in the little town many persons were utterly unable to find house-room, and a "Lammas bed" was the last resource of these unfortunates. This was the floor of some empty house, where homeless wanderers of all ages and of both sexes, glad to get a roof over their heads, lay down and slept, in weary unconsciousness of being among strange bedfellows.

Scott, among other peculiarities, good or bad, of Orcadians at the market time, mentions this :—"It was anciently a custom at Saint Olla's Fair at Kirkwall that the young people of the lower class and of either sex associated in pairs for the period of the Fair, during which the couple were termed Lambmas brother and sister. It is easy to conceive that the exclusive familiarity arising out of this custom was liable to abuse, the rather that it is said little scandal was attached to the indiscretions which it occasioned." The titles, "Lammas brother and sister," are not yet quite obsolete, nor perhaps is the custom of two young people agreeing to be sweethearts during market week. Old usages die hard. Though for a couple of centuries the Fair has been limited in duration to "three days and no more," the memory of the ancient fortnight is still kept up. The most general holiday, sending the greatest crowd to Kirkwall, is not the opening Tuesday, but the second Saturday, known as "the last Saturday of the Market."

The following proclamation will show that in the middle of the seventeenth century the Lammas Fair did not necessarily begin on a Tuesday :—

"Forsaemickill as the common fair of this burgh is to be and begine upon Monenday nixt, the fourth day of August 1662 instant, and to stand and indure dureing the tyme accustomate thairfor ; thairfor, in our soweraine Lordis name and authoritie, and in name and behalf of the Provaist, Baillies, and Counsill of this burgh, I inhibit and discharge that no persone or persones trubel ore molest his Majestie's leidges during the standing of the said faire, but to suffer and permitt them frielie and quyetly to pas and repas ; commanding also that no market be maid on the Sabothe day, under the paine of ten pundis to ilk contraveiner by and attour ecclesiasticall punishment to be imposit ; as also that no horses or beastieall be brought lower downe the streitt nor the sands, and that all vool be sauld upon the shoir ore rampeir, and not in buthes or houses, under the paine of fyve pennies ilk contraveiner ; Commanding also that all the inhabitants caus dight thair gutteris and waindwis,

under the paine of fourtie schillings ilk contraviner ; and this I mak knawin to all that non pretend ignorance. God save the King." *

A recent writer says regarding the Broad Sands :—" It will be remembered that this was the place chosen by the Town Council as a race-course when an attempt was made to start horse-racing in Kirkwall at the beginning of the last century." †

The Town Council had considerable difficulty in preventing people at the head of the town from appropriating portions of the Broad Sands for private use. As may readily be imagined, householders seeing a piece of unoccupied ground before their doors, built their peats on it without permission asked or received. " The Magistrates and Councill, considering That there sealls. peices of Weast Ground or Braes possest ‡ by sealls. as peat ground and oyrways about the Broad Sands of this Burgh without any title, Therefor they have appoynted the Clerk to subve. ane warrand to the officers to advertise the seall. possessors of the said waist Ground to wait upon the Councill this Day Eight Days to Instruct their Titles or take new ffews, with Certification That any who faill, the waist Ground will be fewed to oyrs who will give most." §

APPENDIX TO CHAPTER XIX.

Proclamation of the Lammas Market.

The following is the text of the proclamation of the Lammas Market in the year 1707, when Queen Anne was on the throne and the Union of the Parliaments of England and Scotland had just been effected :—

" In Her Majestie's Name and Authoritie, And in name and Authoritie of the Provist, Baillies, and Counsill of the Brugh of Kirkwall, These are giveing advertisment that the Commone Lambas mercat or fair of this brugh Is to be and begin On Tuesday the ffyfth day of August nix to come, which is to continew for thrie dayes space and no Longer. Thairfore heirby, in name and authoritie above scified. Commanding Her Majestie's peace to be Keeped and Observed by all persons who shall happen to resort to the said Mercat ; And that all horses, oxen, and other Cattell That shall be Inbrought therto Come no Laigher doune the street than the broad sands of this Brugh, which is the vsuall and ordinar mercat place for the samen ; And that none make mercat of the saids Goods in Laines or Back Loanes, but upon the common mercat place ; And that none bring horses to the said mercat vnder smyting diseases to the prejudice of others, vnder the paines contained in ye Act of Parliament and Burrow Lawes made thereanent ; And those who bring wooll to the said mercat to be sold, That they sell it not privatelie in booths, houses, or closses, but that the samen brought to the mercat place appoynted for that effect ;‖ and that all Importers and exporters of forraigne and Inward Commodities pay the Customes and dewes thereof, Conforme to the priviledge and Libertie used and observed in other Brughs Royall within the Kingdome, peaceablie as it shall be required ; As Lyk-wayes these are Ordouring all the Inhabitants within yis Brugh to be in readiness with ther armes sufficientlie ffixed and dressed with ther furniture both for keeping her Majestie's peace In case of any vproar or disturbans, And for keeping guard the space above written ; And that they cause make the common street fornent ther dwelling-houses Clean of peats, rubbish, and middings, And cleanye ther Vennals and Guitors vnder such penalties as Effeires ; Of all which premises None is to pretend ignorance. With Certificatione to the Contraveners they will be prociedit against as accords ; Given by Command of the saids Magistrats and counsill vnder the hand of the clerk of this Brugh the Tuentie ffourth day of July 1707.

" God Save the Queen. " Geo. Spence.

" Thes are Lykwayes giving advertisment to the haill Inhabitants within Brugh That they have ther armes sufficientlie dressed and in Good Ordour against Tuesday nixt, being the Tuentie Nynth Instant, And that they be present with their armes att the Ba Ley the said day for Randivouzing, With Certificatione to those that shall absent themselves or not have their armes well fixed and in good ordour att the said day They will be punished and fyned at the Magistrats' discretione."

* Ork. and Zet. Chron., Sept. 1825. † W. R. Mackintosh. ‡ Occupied.
§ C. R., 18th July 1716. ‖ The Shore or Ramparts.

CHAPTER XX.

The Upper Laverock.

ABOVE the Clay Loan, a considerable amount of property on both sides of the street belonged, in 1677, to Robert Richan of Linklater. Robert Richan, tacksman of Caldale, had two sons, William and Robert. The younger son, Robert, born in Caldale, 1620, was as a youth apprenticed to Thomas Warwick. In 1637, Robert Richan, "servitor to Thomas Warwick, litster," witnesses, along with his master, a transfer of shares of the barque "Sampsone." Warwick, probably an Englishman, was succeeded in his business by his son, John. Neither of them appears to have been prosperous. John borrowed money in 1647 from Matthew Mowbray, and has left no further history. But Warwick's apprentice, Richan, became wealthy. In 1667 he bought Linklater, in Sandwick, from Alexander Linklater, for "ane certaine great soume of money."* Above the Clay Loan, the house at the south-east corner of the street, a double tenement, belonged to him. Past this came two houses, "of old callit the Towmall and Oven pertaining to John Dow." Next was "ane ruinous house, lyand without ruife, pertaining to Wm. Deldale." Next to these, on the site of the Balfour Hospital, Richan had "twa double tenements, haveing four seall. gavells to the streit, viz., twa sclaitt ruifed and twa theack ruifed, of old callit Alaster Tailyeor's land." As no tenants are mentioned in connection with these houses, we must conclude that they were the litster's business premises, and their extent would indicate a very flourishing trade.

At the back of Richan's four-gabled tenements was the house of Magnus Taylor, "alias Claybraes." Magnus married Margaret Linnie, but the vigilant Session had something to say in the matter. On the day before the wedding, "compeired Magnus Taylor, Claybraes, and was ordained to give in ane ticket, wherin he obleidges himself to be lyable to the Session for the soume of twelve pounds," in case of the premature birth of his first child, "qch ticket the said Magnus granted."† It is satisfactory to find that Claybraes did not require to pay the twelve pounds.

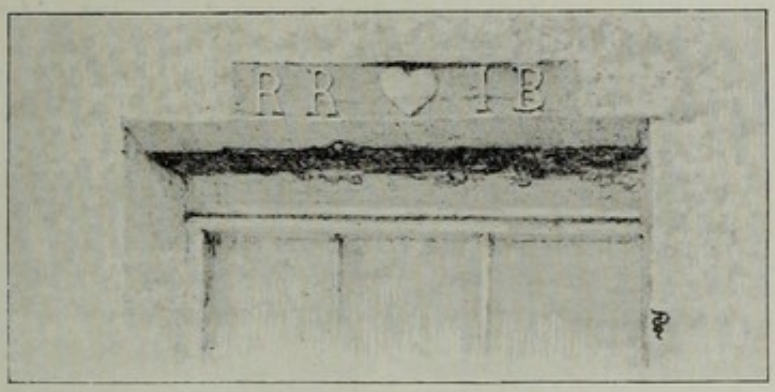
Above Richan's business premises came first the house of James Black, merchant; then that of William Farquhar, glover; and next, Robert Richan's own dwelling-house. This last still stands, and shows on one of the putt-stones the initials of its builder and the date of its erection, "R. R., 1671."

In the part of the space now occupied by the Hospital garden, Richan had "ane new built tenement, under sclaitt roofe, opposite to ye other tenements, p'ntlie possest be George Spence, ane of the bailyies of ye sd. Burgh." The northern boundary of this was a piece of "weast ground towards the Lands commonlie called the horsmercat."

Richan was twice married. By his first wife, Mary Rowsay, he had two daughters. Katherine married Hugh, son of Thomas Redland of Redland, with a tocher of 1000 merks;

* Court books, 14th Aug. 1667. † S. R., 20th Dec. 1675.

and Jean married John Stewart of How, presumably with as much. His second wife was Isobel, daughter of Adam Ballenden of Stenness. By this time (1660) the Ballendens had been settled in Orkney for more than a century. In 1535, James V. made Thomas Ballenden a judge in the Court of Session. He died, 1546, leaving two sons, John and Patrick. Sir John was concerned in the murder of Rizzio, and fled the country; Sir Patrick became Sheriff of



Lintel at back of Balfour Hospital.

Orkney, and on easy terms secured extensive grants of church lands. He got the Bishop's teinds of Evie, with Enhallow, Berstane, Turmiston, Culstane, and Howbister, set in feu for £102 Scots.* This was ratified by a charter granted by Queen Mary at Edinburgh, 18th February 1565. "Stanehous pays in land maill, 4 barrels butter, 2 yeld mairts, and 6 meills, 4s cost, all set in feu to Sir Patrick Ballenden." William Ballenden bought Gairsay from William Murehead, 29th September 1588. The Ballendens were always designated as of Stenness, but they lived at Aikerness, in Evie, and here they carried things with a high hand. Adam Ballenden was a veritable "Captain Knockdunder." At a Presbyterial visitation,† "The minister, Mr John Innesse, being askit if the Elders were helpfull and assisting to him by delating offenders and strengthening his hands to gete them punished according to the constitutione of the church, answered they were, except Stennesse,‡ whome he declaired to endeavour to carry all with ane high hand as hee pleases, and sometymes to upbraid him and all the rest of the Elders, calling them sottes; moreover, he declared that Stennesse, after sermone, spoke to him while hee was in the pulpit, and said that it was a presumptione for him to beginne the sermone soe soon as he had done. Stennesse called on and posed anent each of these particulars, was exhorted to carry calmlie and peaceablie in the Sessione, and rebuked for affronting the minister publickly, and alleging that the minister keeped no ordinare time of going to the church, the minister was posed thereanent, and both of them, with the rest of the elders, were desyred to fall on the most convenient tyme for going to the public worshipes. The minister being further enquired what encouragements hee had as to a manse provisione and the like, answeired hee had no manse at all, the Laird of Stennesse keeping it violentlie from him and not permitting him to have so much as grasse to his horse; Stennesse called on and askit how the matter was, ansred that yt. house qr. former ministers resided, with the land adiacent yrto, belonged to him; that he could show them a tack that Mr Frances Morrisone, who was immediate possessor of the manse and land forsaid, did hald of him and his predecessors, wherin the said Mr Frances binds him selfe to

* Pet. Rent., ii. 62. † 15th May 1667. ‡ Mrs Richan's father.

pay unto him yeirly 20 merkes for the house and yairds ; being desyred to produce the tack, said that Elizabeth Ogilvie* had taken it south with her."

For nearly two hundred years the Ballendens were one of the most influential families in Orkney, but, in 1744, William Honyman got decree for the sale of their estate, and secured it for himself.

When Robert Richan was in business in Kirkwall, it was customary for masters to have their apprentices living in family with them, and among his youths was a smatchet of the "Simon Tappertit" species.

On the 10th December 1677, "Compeired Robert Richen of Lincklater and Issobell ballenden, his spouse, and gave in ane bill of Complaint upon ther prentise, John Drummond, who, in his drunkenes, had vaunted that he had carnall dealings with Margaret Richen, ther only daughter." The case was at once tried by the Session, which comprehended the best men in Kirkwall. "George Spence, baylie ; Robert pottinger and John richen, eldars, declared that, upon the first rumor of the said slander, Issobel ballenden, spous to Robert Richen, came to them and desired them to come to ther house to try the said John privatlie, who, when they came in, the said John drumond came in befor them with ane bible in his hand, and (they dissuading him) fell downe upon his knees, and voluntarlie gave his great oath that he never knew Margret Richen carnallie."

Tombstone of Robert Richan and Isobel Ballenden in Cathedral.

"My Lord Bishop and Session, with the concurrance of the magistrates present, doe (*uno consensu*) declair the said John guiltie as aforesaid, and ordains him to pay Ten pounds Scots *in pios usus*, and to be set publicklie in the cuckstool or pillorie after the usuall manner, with ane paper on his head containing the heads of his offence in Capitall letters, and that upon Saturday nixt, betwixt ten and twelve hours forenoon, and thereafter he is to returne to prison, and upon Sunday morning he is to stand at the entrie of the church doore, with the same paper on his head, from the second bell to the thrid, and after sermon to appear before the pulpitt, and ther mak ane publick confession of his faults, and declare signes of humiliation for the samen, and to restore the young damosell to her good name so unjustlie aspersed. And after sermon he is to returne to prison till his fyne be payed, or else sufficient caution be found therfor. And also ordains that if the said John shall heirafter be heard to renew or reiterate the samen slander, he shall be procest against *de novo*, and be censured and punished both by Ecclesiastick and Civil judges."

It is pleasant to know that Margaret survived the slander and married a good man.

* Presumably Mrs Morrison. Mr Francis does not appear in the Fasti ; possibly he was the son of Mr James Morrison, a former minister of Evie and Rendall.

"Thursday, about 3 in the afternoon, James Kaa, Merchant, Burgess of Kirkwall, was married to Margaret Richan, only lawful daughter to Robt. Richan of Linklater, procreat betwixt him and Isobel Ballenden."*

The Richans' pew in St. Magnus was "under the Stewarts' loft, on the north side of the church"; and George, who succeeded Robert, complaining that he could neither hear nor see the minister, got permission to remove to a pew in front of the Earl of Orkney's seat.

This George was three times married, and he left a large family. His will, dated 27th October 1727, shows him to have been possessed of wide lands, chiefly in the West Mainland, considerable house property in Kirkwall, much uninvested money, and a bond over the estate of Harry Moncrieff of Rapness to the amount of 10,000 merks, through which bond Rapness and Braebister by and by came into possession of Richan's grandson. He left his third wife, Anne Ritchie, "yearly, during her widowhood, 2000 merks, or, if she marry, the @ rent of 1000 merks yearly during her life." The details occupy twenty-seven pages of foolscap.

Stone in House at Gutter Hole. †

George's son, Robert, married Jean Stewart of Eday, and Robert's son, George, the fourth Richan of Linklater, became, through the above-mentioned bond, the first Richan of Rapness. George's death was sad and sudden. He was taking a boat load of lime out to Westray for his new house at Rapness, when it was supposed that a sea had broken on board, and, acting on the lime, wrecked the boat. All hands perished. Richan's body was found on the north point of Ruskholm, past recognition but for the clothes. His silver shoebuckles and silk stockings proved the identity, and the body was taken to Westray and buried in the choir of the old church at Pierowall. His brother, William, a lieutenant in the navy, succeeded to the property, 1781.

Meanwhile another branch of the Richan family had settled in the South Isles, the founder of which was George, a son by the second marriage of George, the second Richan of Linklater. He was a sailor, and had commanded the ship "Gordon, of Kairston." When he retired from the sea, he took from Andrew Baikie of Hoy a tack for nineteen years of the island of Pharay; but his home was Hoxa, in South Ronaldshay. On one occasion a pirate, or what was closely akin, a French privateer, plundered Hoxa and Roeberry. George Richan, in attempting to defend his property, was stabbed in the back, kicked, and left for dead; but while the house was being sacked, he crept into a hiding-place and saved his life.

In March 1789, the Town Council had under consideration "a Petition for Lieutenant William Richan of Rapness craving leave to take stones out of the quarry at the side of the

* T. B., 6th Nov. 1684.

† "R.R. I.B." are the initials of George Richan's parents, and "I.D." those of his second wife, Isobel Dick.

road leading to Scapa." With these stones William Richan built a house, which, no doubt, he thought suitable for the accommodation of any Orkney gentleman. But he married his cousin, Esther, daughter of George Richan, of the "Gordon of Kairston," and his new house was not sufficient for his wife, a woman of most extravagant tastes. Accordingly, in 1824, he bought from James Copland, merchant, Deerness, the house "commonly called the Meal House," and, demolishing both, built a new mansion, the present Balfour Hospital.

By this time Captain Richan was in the hands of money lenders. In 1824, possibly in connection with building and furnishing, he borrowed from John Garson of Bea £1400, and he had already taken a loan of trust funds from Sir David Wedderburn to the extent of £760, while he owed Andrew Hill, W.S., £250. For the interest of these sums the Rev. Charles Colman, Norfolk, and Mr Charles Spence, solicitor, Edinburgh, became security. In 1829, these gentlemen, along with the Captain's eldest daughter, Mary, then residing in Hackney, London, were appointed trustees, and took over the whole Richan property, the veteran seaman declaring himself too old to manage his estate, which included the ancient family mansion of the Boyds, in the Canongate of Edinburgh, having "three main stories or flats, besides garrets above the same and cellars or vaults under the same."

One provision in the trust deed is almost pathetic—"that my dwelling-house at Kirkwall shall be the last of my property sold by the Trustees." In this house he died, 1830, and from it was carried to his burial in the north choir aisle of St. Magnus, the last interment within the screen.

The story of Captain Richan's retirement from the Navy, if true, was peculiarly Orcadian.

Whether smuggling was ever regarded as honourable by the gentlemen of Orkney may perhaps be open to question, but the fact remains that till the end of the great French War it was practised by every one of them, unless he were in the direct employment of the Commissioners of Customs. Captain Richan had the hereditary instinct, and H.M.S. Norfolk ran many a contraband cask and web into the mansions of the Orkney lairds. But a zealous Collector of Excise, Mr Robert Pringle, who lived in Broad Street, knowing what was going on, determined to have a search, and, under some plausible pretext, he managed to board the Norfolk. He found that her very guns were loaded with tea and tobacco. The ship was condemned, ceased to belong to the Admiralty, and became the property of the Excise, and Captain Richan was permitted to retire from the Navy, probably on a pension.

A tradition regarding Mrs Richan's reckless extravagance still lingers in Kirkwall. On a wager with a gentleman as to which should outdo the other in the expense of a breakfast, the lady placed a fifty pound banknote between two slices of bread and butter, and cutting this sandwich into little bits, ate the whole of it. It is to be hoped that the bet was big enough to pay for the meal.

James Stewart—"Peasie"—was related to Esther Richan, and the lady, although she had no love for the wealthy merchant, yet hoped to inherit the bulk of his property. When she found that Stewart's money had been left to the poor of Kirkwall, she instituted proceedings to have the will set aside. This, with an expensive suit against Stewart of Brugh, went far to bring about Richan's bankruptcy. Captain Richan's trustees sold his house to James Shearer, merchant.

Old Robert Borwick, of Highland Park, made this sale the occasion of a bit of judicious advice to a young tradesman :—"Ha'e thoo naethin' tae dae wi' pass-books ; it was pass-books that passed Captain Richan's hoose into Jeems Shearer's hands."

After the death of the old captain, the house was let by the Trustees to Mr Charles Shireff, Sheriff-Substitute of Orkney. Mr Shireff, in view of the impending sale, applied to the Crown authorities for an official residence :—

"COPY MEMORIAL FOR CHARLES SHIREFF, SHERIFF-SUBSTITUTE OF ORKNEY, TO THE KING'S REMEMBRANCER IN EXCHEQUER.

"The Memorialist was appointed Sheriff Substitute of Orkney in the year 1823, and since that period has constantly resided in the County.

"During the period the Memorialist has resided in Orkney, he has experienced the greatest difficulty in obtaining for himself and family a suitable house for their accommodation, having been under the necessity of moving three or four times. The house which the Memorialist at present occupies in the town of Kirkwall belongs to a Trust Estate, and is immediately to be disposed of for behoof of Creditors, so that the memorialist will be removed in the course of next year, and after that period he does not know where it will be possible for him to obtain a house for the accommodation of himself and family in the County.

"The King's Remembrancer is aware that, previous to the resumption of the Bishopric of Orkney by His Majesty, a very learned and detailed report on the general condition of the property was made to the Barons by the late Lord Kinneder, then Sheriff of the County.

"In that report His Lordship suggested that one of the objects to which the attention of their Lordships should be directed in the appropriation of the revenue of the Crown Estate, was to provide suitable accommodation for the Sheriff-Substitute, who His Lordship was well aware, from his intimate acquaintance with the district, had been frequently put to the greatest inconvenience owing to the difficulty of getting houses in this remote district. Lord Kinneder soon thereafter ceased to hold the office of Sheriff of Orkney, and the Memorialist has ever since felt unwilling to trouble the Barons or the King's Remembrancer on the subject; and nothing but the extreme difficulty of his otherwise procuring accommodation would have induced him to do so.

"The Memorialist respectfully refers the King's Remembrancer to the report itself, which is in Exchequer.

"The Memorialist may mention that he at present holds a lease from the Barons of a small farm * in the neighbourhood of Kirkwall, and begs to suggest, in case the Barons should be inclined to yield to his request, *that* situation as a convenient site from proximity to Kirkwall for the erection of the House; and as the farm is rather small for the full occupation of a pair of horses, if a few acres from any of the adjoining Crown lands could be added to the Memorialist's present possession, he will be ready to pay whatever the Crown Chamberlain may report to the Barons as a fair and adequate rent for the whole premises.

"If, however, their Lordships should think any other situation more eligible for the general advantage of the Crown property, the Memorialist will be most happy to acquiesce.

"As the Memorialist understands Orkney will not be a solitary instance where accommodation is provided by the Crown for the resident Sheriff-Substitute, that officer in the County of Sutherland being so accommodated in Dornoch, he trusts that the King's Remembrancer will bring the subject under the notice of the Barons, and that their Lordships on his so doing will feel inclined to follow out the proposal of the late Lord Kinneder, all of whose suggestions relative to the affairs of the Crown Estate in Orkney which have hitherto been carried into effect, seem calculated to produce the most beneficial effects in the County.

"The Memt. deems it unnecessary for him to say anything further to the King's Remembrancer on the subject, as the present Sheriff and the Crown Chamberlain can furnish every information which may be required.—Humbly submitted by (Signed) CHAS. SHIREFF, Sheriff Subte. of Orkney.

"Kirkwall, 1st Sept. 1831."

Mr Shireff was unsuccessful in his application, and the resident County judge has still to secure a house for himself where he can.

In the general election of 1835, when Messrs Traill and Laing contested the County, the latter was the popular candidate. After the poll it was known that Laing had a considerable majority in Orkney, but it was doubtful how Shetland had gone. Bad weather detained the packet, and excitement grew with the delay. Mr Laing's supporters insisted that, as the election was so long past, the Sheriff should declare their candidate member; but that he could not do.

Meantime business in town was totally suspended. A chair was made from Pabdale Willows, and Mr Laing, willingly or unwillingly, was carried in piper-led procession daily through the town, while faction fights enlivened the evenings.

When the Shetland mails at length arrived and it was found that Mr Traill was

* Hillhead.

returned, the Laing party was furious. An angry mob collected at Mr Shireff's house. The result of the poll was officially announced from the steps at the front door. That was not sufficient, the proclamation must be made from the Hustings on the Broad Street.

The best men of both parties formed a bodyguard round the unfortunate Sheriff, and conducted him slowly down the street in the centre of a hostile crowd. Their progress was stopped for a time at the National Bank, and rancorous feeling found vent in a free fight. Densely packed as they were and so mixed up, friends and foes together, in most cases clothes suffered more than persons, and the sprucest dandies and the most dignified gentlemen came out of the maul ragged tatterdemalions. There were, however, some serious assaults. Captain Baikie turned out to help his party, but in coming down the steps he was met in the face by the fist of skipper John Dearness; Mr Traill Urquhart was doubled up by a blow under the ribs.* At last Mr Traill of Woodwick, a man of commanding presence and great physical strength, forced a passage into Broad Street, and ended the melee by opening up the way to the Hustings.

Here the Sheriff, shaken as to his nerves, and with his coat divided up the back and only prevented by the collar from falling off in two parts, pantingly declared the result of the election.

It is said that after this Mr Shireff did not leave his house for a fortnight, but held the County Courts in his dining room.

This riot was not unlooked for, and some of the peace-loving burghers shut up their houses and went out of town. The Rev. Mr Logie, to save the eyes and ears of his boys from sights and sounds unholy, took them for a picnic to the Head of Work.

As has been seen, Capt. Richan's Trustees sold the house to Mr James Shearer, merchant, from whom it was subsequently purchased to be put to its present beneficent use as the County Hospital. The origin of this institution is best told in the words of the Trust Deed† :—

"Know all men by these presents, That I, John Balfour, Esquire of Trenaby, now residing in Curzon Street, London, Considering, That in my native County of Orkney, there has been hitherto a total want of any hospital or infirmary for the relief of the sick and wounded, especially of the poorer classes of its inhabitants, and the serious inconveniences frequently resulting from its situation being so remote from any institution of the kind, and having therefore resolved that a part of my funds consisting of Bonds granted by the Mexican Government or by its Agents, originally to the extent of twenty thousand pounds Sterling, all dated the seventh day of February one thousand eight hundred and twenty-four, and bearing an interest of five per cent. with the arrear of bygone interests due and to become due thereon, and which Bonds are now in the custody of Messrs Drummond and Company, Bankers at Charing Cross, London, shall be immediately conveyed by me and vested in Trust, in order that the proceeds thereof may be applied towards the partial supply of the said defect. And I having entire confidence in the integrity and capacity of the persons afternamed for executing the trust reposed in them, Do hereby GIVE, GRANT, ASSIGN, CONVEY, and MAKE OVER to and in favour of William Balfour, Esquire of Elwick and of his Majesty's Navy; Thomas Balfour, Younger of Elwick, Esquire, Advocate at the Scottish Bar; David Balfour, Esquire, of Edinburgh; Lieutenant John Baikie, of his Majesty's Navy; James Spence, Esquire, Banker in Kirkwall; The first Minister of Kirkwall for the time being; The Sheriff-Depute of Orkney for the time being, or, in his absence, the Sheriff-Substitute of Orkney for the time being, each being a member of the Established Kirk of Scotland; And to the acceptors or acceptor, survivors or survivor of them and such other Trustees pursuant to the power of Assumption herein after conferred (The Majority or any three of the said Trustees to be a quorum), and to their assignees, All and whole Those one hundred and Forty-five Bonds for principal sums amounting altogether to the sum of twenty thousand pounds

* He was carried into the house of his brother-in-law, Dr Bremner, and there he shortly afterwards died. An examination showed that Mr Traill Urquhart had been suffering from a disease of the kidneys which would have ultimately proved fatal; but the inflammation caused by the blow was the immediate cause of his death.

† Favoured by Mr D. J. Robertson, solicitor.

sterling, granted by the said Mexican Government or its Agents now pertaining to me and presently in the custody of the saids Messrs Drummond and Company, with the interests or dividends due or to become due thereon," etc., etc.

Mr Charles Shireff, in accepting the trusteeship, calls attention to the clause, "Each being a member of the Established Kirk of Scotland." He says, "In a strict consideration this clause gives rise to an ambiguity in consequence of the position and use of the distributive pronoun 'each.' Whether this applies to the whole of the Trustees, both *nominatim* and *ex officio*, or to the whole of the official Trustees only, or merely to the Sheriff Depute and Substitute, is a matter of some uncertainty."

When Mr Balfour was questioned as to his precise meaning, he wrote :—"In respect to the question suggested whether it was my intention that Dissenters from the Established Church of Scotland should be excluded on all further occasions from the management of the Trust affairs, I have to say that in restricting my selection of Trustees to members of the Established Church, it was far from my intention to imply disrespect to Dissenters as a body, or to any Individual of that body ; but knowing how religious differences, often of inconsiderable importance, do generate disagreement and even animosity when carried into secular affairs, I consider it safest by limiting my selection to one class, to avoid the consequences of a mixture of jarring elements."

At a meeting of the Trustees held on 7th June 1836, "James Baikie of Tankerness came to the meeting in pursuance of the requisition sent to him as provost of Kirkwall, but on reading the Trust Deed which provides that each Trustee shall be a member of the Established Kirk of Scotland, he, being a dissenter, considered himself excluded from acting, and therefore retired."

At the same meeting it was resolved to build ; and "with the view of proceeding as soon as possible to carry into effect the benevolent and munificent intentions of the Donor, no favourable opportunity of procuring the most eligible site for the Infirmary" should be missed. "A portion of the Crown Lands called Brandiquoy, in the immediate vicinity of Kirkwall, possessing above any other situation every requisite that could be desired in the site whereon to erect the contemplated Institution," was at the time advertised for sale, and the Trustees resolved if possible to secure it. They were prepared to buy the quoy in one lot if it could be got for £450 ; but it was exposed in two lots at an upset price above their figure.

Meantime, to have cash on hand, they realised one half of the Mexican stock, which, after deducting commission, yielded £2337 10s, and this they deposited in the Kirkwall branch of the National Bank of Scotland. The remaining bonds were subsequently sold for £3711 18s 1d, giving, along with the proceeds of the first sale, a capital of £6049 8s 1d.

In January 1845, Captain Baikie, of the National Bank, entered into negotiations with James Shearer for the purchase of a house which formerly belonged to Capt. Richan, and Mr finally bought it, with the two large gardens and blacksmith's shop on the west side of the street, for the sum of £450.

This, along with the cost of subsequent purchases of houses on each side of the Hospital, the Trustees were able to pay without touching on their capital.

In May of the above year, Mrs Dearness was appointed resident nurse or Matron at a salary of £4 per annum. As perquisites she was to have coal and gas, vegetables from the front garden, and a share of the inmates' food. On the 6th October 1845, the first patient, Christie Irvine, an Eday woman, introduced by Mr Peter Flett, surgeon, was admitted. From that time the Hospital has been, perhaps, the most valuable public institution in Kirkwall.

The style and designation of the Hospital as at first proposed was "Trenaby's Orkney Infirmary," but on this being submitted to the founder, he replied, "The name, 'Orkney Hospital,' without the adjunct, seems more proper as more general, and avoiding to individualize, which might do harm."

In December 1845, Messrs Logie and Robertson having been appointed to frame a set of regulations for the management of the Infirmary, produced a draft which began—"1st. That the Institution be called the 'Orkney Hospital.'" This continued to be the name till 1853, when the same two gentlemen proposed a change. David Balfour, Esq. of Balfour and Trenaby, was then one of the Trustees and in the chair, when "Mr Robertson moved that the style and designation of the Hospital shall in future be the Balfour Orkney Hospital, and the motion having been seconded by Mr Logie, was unanimously agreed to and carried."

And the fact is obvious, that to leave out the name of the founder and to designate it simply the Orkney Hospital, would cut off from general knowledge the most interesting point in the history of the institution.

The present shortened designation first appears in the minute book, 2nd December 1857, when Capt. Baikie writes "as one of the Trustees and acting for my Co. Trustees of the Balfour Hospital."

In the matter of medical attendance, the Trustees acted very prudently. Rule Third, under the head of "Admission of Patients," reads "that patients able and willing to pay for medical attendance will be treated by their medical adviser in the Hospital and enjoy *gratis* its other benefits." Again—"It was unanimously agreed that, as the institution is in its infancy and the current expense or extent of its utility cannot be at present accurately ascertained, the Treasurer be requested to write to each of the medical gentlemen in Kirkwall, requesting to know whether they are willing to attend the Hospital during 1846, gratuitously, and whether each of them would be willing to act as follows, namely, Mr Bremner for the first Quarter, Dr Duguid for the second, Mr Flett for the third, and Dr Logie for the fourth Quarter." *

The four gentlemen appealed to readily acquiesced; but at the outset little difficulties cropped up. During the first quarter of 1846, when the general work of the Hospital was under the superintendence of Dr Bremner, Mary Sabiston, one of Dr Logie's patients, was admitted. On this Capt. Baikie wrote the latter—"Though she will be received and get the accommodation, food, and attendance of the nurse, it is requisite to make arrangements as to the medical attendance. I, therefore, beg you will say whether she is to be your patient, or is she to become the patient of Mr Bremner for the remainder of this month." †

Doubtless the unwritten laws of professional etiquette adjusted that and similar cases. The first year passed smoothly, and in January 1847 "the Trustees unanimously record their sense of their own obligations and that of the public generally to the whole medical gentlemen for their liberal conduct in having hitherto given their valuable and gratuitous assistance to the commencing endeavours of the Trustees to bring into operation the benevolent intentions of the respected Founder of an institution so long felt to be an important desideratum in these islands in cases of casuality or of contagious disease."

The Hospital still goes on doing its beneficent work, very much on the lines laid down by the first Trustees. The foundation provides food and nursing for the patients, who pay, when they can, for the attendance of their own doctor.

Its capital now amounts to £8100, yielding, along with too meagre voluntary contributions, an annual income of somewhere about £400.

Next to the founder, the greatest credit is due to the late Captain Baikie, of the National

* Minute, 8th Dec. 1845. † March.

Bank, for bringing the Hospital to a state of efficiency. The amount of trouble he took and work he performed, his sole reward being the pleasure of doing good, can only be estimated by perusing the books which he kept, and noting the correspondence which he had during the long period of his honorary secretaryship. The personal visits of the Captain and Miss Baikie, the latter generally carrying some little delicacy beyond the power of the Hospital kitchen, cheered many a sick bed.

The small house which forms the south wing of the Hospital was first let, at a yearly rent of £8 10s, to Mr Kennedy, officer of excise, after whom it was for a number of years occupied by Mr Craig, Master of the Grammar School and Burgh Registrar.

In 1677, the house first above the Hospital, and now the property of the Trustees, was occupied by Helen Richan, widow of James Black. Black's tombstone stands against the wall of the north nave aisle, and there his name is Jared, which was probably correct. His neighbours, however, knew him as James. Thomas Brown makes frequent reference to him and to his family. His epitaph does not record his virtues. These are to be inferred from the sculptured lines :—

" Corps rest in peace within this ground
Until Archangel's trumpet sound ;
Soul joy above till thy Creator's micht
Both reunite to reign with saints in licht."

Behind the house which presently fronts the street on the site of Black's tenement stood a cottage, pulled down when the new Fever Hospital was built. This, in the beginning of the present century, belonged to Robert Millar, gaoler.

When Millar sold his house to the Hospital Trustees it was so bonded that only £20 could be paid over to the nominal owner.

Next house above, now the property of Mrs Liddell, was, in 1677, owned and occupied by William Farquhar, glover.

Farquhar, as the name indicates, came from the south, possibly from Perth, the cradle of glovemaking in Scotland. However that may be, he found business in the far north so profitable as to tempt him to settle in Kirkwall. He married Jean Nicolson and had issue.

Farquhar had as a tenant in one end of his house a very black sheep, Edward Rind, weaver. An Orphir woman named Smith, a relative of Rind's wife, came to town one market day and went into the weaver's house to rest. She lay down on a bed and slept soundly. For a bet of a pint of ale, Rind, with a pair of scissors, committed a horrible assault on her. The poor woman, though threatened with death by the weaver and his wife, brought them before the Magistrates. The provost and bailies tried the case, but, having no precedent, were puzzled, and docketed the report, "This to be thought upon," meantime committing Rind to prison. What their ultimate decision was is not known, but as soon as he got out of jail the Church seized him, and had no difficulty in the matter. The Session fined him and shut him up in Marwick's Hole.

South from the dwelling-house of Robert Richan already noticed, Robert Pottinger had, in 1677, "ane great ludgeing laitlie built be himself." Robert Pottinger of Howbister was the son of Edward Pottinger of Howbister, skipper and money-lender. He was a busy merchant, a bailie of Kirkwall, an elder of the church, and, as has been incidentally seen, a sympathising neighbour. He died, 1st October 1679.

At the back of the three last-mentioned houses is Piper's Quoy. "William Pottinger, Younger, his piece of waste land unmanured being ane pendicle of the town and lands of Quoybanks, called the Little Park, bounded, distinguished, and meithed as is after exprest, viz., from the said dyke running east and west from Hornersquoy upwards towards the gleib

lands of Quoybanks, being an old grass steith as commonly called the *resting dyke* on the south pairts of the said waist ground, and the tenements of lands with their yairds pertaining to the airis of Robert Richan and the airis of James Black, also to William ffarquhar on the north pairts thereof, *the common road or highway and passage from the east side of the Laverock of Kirkwall, passing between the arrable lands of quoybanks and the said waist ground towards the meadow of Scapay* upon the east pairt thereof, and the standing dyke of Hornersquoy as it was of old founded, and now presently standing in defence of the grass and corns thereof, with *the several windings and turnings of the said dyke of Hornersquoy* on the west pairt of the said waste ground, which extends in lenth from north to south to the number of eight score faddoms, and in breid to the number of fourty faddoms at the north end, and fourty-six faddoms at the south end, compting six foots of rule to the faddom, dyked round about in all quarters with feal and divot."

This is described in the titles of Thos. Buchanan of Sandsyde as "The little park lyand adjacent with the land of Quoybanks, called Greentoft." Pottinger's tedious description shows that there was a Resting Dyke at the west entrance to the town ; it points out the run of the ancient road to Scapa, and it helps to explain a puzzling local name—Neukatineuks.

The house above Pottinger's belonged to Thomas Taylor, and, in 1677, was occupied by his widow, Janet Pottinger. "Katherine Murray, eldest daughter to James Murray, Commissary of Zetland, departed this life in the house of Janet Pottinger, her mother-in-law."* Above this last house an open burn ran down to the Peerie Sea. The course of the stream is now covered, but the water still runs, and the point where it reaches the street is known as the Gutter Hole. The name savours of antiquity, but it does not appear in the old rentals.

The site south of the Gutter Hole was acquired by George Richan of Linklater from Robert Nicolson, glazier, and here in 1716 Richan built a house, doubtless an improvement on his father's dwelling three doors off. The very elaborate lintel over the back door is a monument to the filial regard George Richan had for his parents ; he puts their initials above his own and his wife's.† "I.D." is Isobel Dick, his second wife. The first Mrs Richan was Elspeth Mudie, and the third Anne Ritchie. The last of the family who occupied this house was Miss Isobel Richan, locally known as Miss Tibby Richan. That she must have been a lady of marked character is evident from the fact that, while the lady herself has long been gone, Tibby Richan is a name familiarly known in Kirkwall at the present day.

In Captain Richan's titles the house is described as "the old tenement belonging to their sister Isabella, having houses and garden of Robert Nicolson, Writer, west ; houses and yards of Robert Flett, musician, and Nicol Wishart, Orphir, east ; a common passage and Hornersquoy, south ; and the King's high street, north. Robert Flett, musician, and his fiddle were in request at dances and weddings in Kirkwall and the neighbourhood about the middle of the present century, and are remembered by many now living.

The "Wisharts of Orphir" have held land in Kirbister for more than a couple of centuries.

Robert Nicolson's house, now known as the Castle, is the first house entered in the Records of Sasine. The doorway leading into the little courtyard shows how much the level of the street has risen since the middle of the seventeenth century.

This house, or more probably one on the same site, "was formerly possessed by Jean Davidson, alias Harray, daughter of William Davidson, alias Harray, eldest son and air of Hugh Davidson, alias Harray, wha bought the same from John Banks, son of Alaster Banks, and oy and air of umql William Good Coupar, Indweller ther sometime, few fermorer heritable thereof sett in heretable few ferm to him, his aires and assegs. by the deceast Robert,

* T. B., 3rd Sept. 1687. † See page 351.

Earl of Orkney, then styllit Robert Stewart, fewar of Orknay and Zetland, with the house and yaird then built thereupon as in the said few charter grantit to the said Wm. Good thereupon of the daitt at Kirkwall, the twentie day of September the year of God ane thousand fyfe hundred three scoir years."

Robert Nicolson's memory is preserved in the inscription on the "mort-brod" which hangs in the north aisle of the nave of the Cathedral. While Robert was an inhabitant of this lower world he sometimes lost command of his temper. "Robert Nicolson, Glazier in the said town, did, upon the —— Day December last by past, in a sad and cruell manner, with his hands and ane drawn sword, in the night tyme, upon the street of Kirkwall, near or about the tolbuith of the said Brugh, Beat, blood, bruise, wound, and abuse the said John Adome, complainer, in the back, head, hands, and severall other parts of his body, to the efuision of his blood in Learge and great quantities."* Fined £50 Scots. Another time "the said Robert Nicolson did beat, bruise, blood, and abuse Patrick Hay, pewtherar in the said town, in the arm and other places of his body." One of the glazier's daughters, Ursulla, married Patrick Adamson, mason, the man who sold his father's tombstone.

Robert Nicolson left his house to his sons, Robert and James. The former succeeded also to his father's business.

Thomas Brown, with some suspicion of scorn, writes:—"Robert Nicolson, Glazier, was married to Mary Mairch, the daughter of ane Englishman."†

In 1692, Robert liferented his wife in half of the house, from which it may be inferred that James Nicolson or his family still retained the other half.

The last of the direct line of Nicolsons to occupy this house was Robert, Sheriff-Substitute of Orkney. Of him Dr Traill of Woodwick, in the introduction to his "Genealogy of the Orkney Traills," writes:—"Robert Nicolson, Sheriff-Substitute of Orkney, made up 'Family Trees' for several Orkney gentlemen more than 70 years ago; but, considering the abundant materials he had access to in the shape of letters and documents suitable for such a purpose, it is much to be regretted that he prepared them in such a careless, if not reckless manner, that they were full of errors and quite untrustworthy." Very many family trees are full of errors and quite untrustworthy, but regarding those reared under Sheriff Nicolson's care that gentleman was perfectly frank, for when asked by a friend how he got hold of the lost links in a genealogical chain, he humorously replied, "I forge them."

In a letter addressed to the Crown Chamberlain, Mr Graham, Sheriff Nicolson gives a brief account of his public life:—

"Kirkwall, 3rd December 1830.

"Sir,—I beg to address you and to state that I have been employed in the service of the public all my lifetime.

"Of the date, 1786, I was appointed Sheriff Clerk and Clerk of Supply for the County of Orkney.

"I was appointed, 1793, Capt. Lieutenant, Paymaster and Adjutant of the Orkney and Shetland Fencibles, and on the disbanding of these I was appointed Major of the Orkney Volunteers.

"I was appointed, 1795, Sheriff Substitute, Justice of the Peace, Commissioner of Supply, and a special Commissioner for the redemption of the Land Tax, and altho the important duties of this office devolved chiefly on me, I had no allowance therefore.

"As Sheriff-Substitute I served under the present Lord President‡ and the present Lord Advocate§ while they were Sheriffs of Orkney, and also under the late Lord Kinnaider,‖ until I with his approbation resigned, 1814, on account of the bad state of health I was in at the time, trusting to a pension which his Lordship seemed confident I would obtain for my long services. My Honble. Constituents certified in my favors. The Freeholders of the County and Magistrates of the Burgh recommended my application to the Treasury, and the Members of Parliament for both presented and supported the same to their outmost. But unfortunately there being no Law or Precedent sanctioning the granting of pensions to Sheriff Substitutes, their Lordships found accordingly, but apparently with regret.

* T. B., 29th June 1683. † Diary, 10th Nov. 1684.

‡ Rt. Hon. Ilay Campbell of Succoth. § Rt. Hon. Robert Dundas of Arniston. ‖ Sheriff Erskine.

"During the war I sent many seamen to the Navy from this County, for which I received the approbation of the Admiralty.

"For procuring supplies from Government for the poor in times of scarcity, I received the thanks of the Synod of Orkney.

"By order of the Right Honble. the Barons of Exchequer, I made up the Valuation Book of Orkney, now in their Chambers, for which their Lordships were pleased to grant me One hundred Guineas.

"And to them I submitted the first Memorial on the subject of the Bishopric of Orkney.

"Since my resignation of the Substitution I have rendered my little services as a Justice and Commissioner of Supply without any emolument.

"I now wish to retire to some convenient situation in the Country. That part of the Bishopric Lands of Glaitness called the North-West enclosure would suit me, and for a lease of it I now beg to apply. I will cheerfully give what may be deemed an adequate Rent, and if the Crown will be at the expense of erecting a small cottage and suitable offices thereon, say to the extent of £100 or £150, I will pay the usual percentage on the outlay, or I will undertake to execute them and also to enclose the side of the ground next the sea with a substantial stone dyke, at my own expense, providing it is agreed I shall be allowed the value of these improvements, as the same may be ascertained on the expiry of the lease or my removal from the premisses.

"Will you have the goodness to transmit this to your Right Honble. Constituents. If their Lordships are pleased to grant me a Lease, I, the moment I am so authorised, will proceed with the necessary buildings, in order to possess them as soon as possible. I should like to lay down the crop the ensuing season, and I presume Mr Erskine, the present possessor, would have no objection to my doing so. I am, most respectfully, Sir, Your most Obedient humble Servant,

"(Signed) ROBERT NICOLSON.

"Thomas Graham, Esquire,
"Factor over the Bishopric of Orkney, Crantit."

This memorial he enclosed in a letter to Mr Graham :—

"St Olla, 3d December 1830.

"Dear Sir,—Will you have the goodness to transmit the enclosed. The Sir Joseph * still lies.

"If you approve of it I will write my friend the Lord Advocate. I do think he would interest himself on my behalf.—I am respectfully, Dear Sir, your much obliged humble Servant,

"(Signed) ROBERT NICOLSON.

"Thomas Graham, Esquire."

How Mr Graham answered Sheriff Nicolson's letter does not appear, but it is certain that he did not forward the petition.

Sheriff Nicolson married Elizabeth Balfour, and their daughter, Margaret, married Lieut. James Millar, of Stromness. The command of the "Cyane" devolved on Lieutenant Joseph Millar, "when, in 1809, she engaged, in the Bay of Naples, and under the guns of the enemy's batteries, a large French frigate, a sloop of war, and a number of gunboats. Millar continued the action for two hours and twenty minutes, till the frigate went down, when he conducted the 'Cyane' safe home." †

The old house of the Nicolsons passed for a time to Robert Groat, M.D., of Newhall, but it was bought back by descendants of Lieutenant Millar, and it still remains in possession of that branch of the family. When Dr Groat had it he made application to the Town Council for a piece of ground lying contiguous to his, and which, apparently, was ownerless. The proprietor was publicly called for at "the most patent door of the Kirk," and at the market cross, and on his non-appearance the plot was given to the applicant, but at what price is not shown. This was the triangular yard popularly known as the "Cocked Hat," through which the new Scapa road was cut.

On the west side of the family mansion one of the Nicolsons had built a large tenement. This, in the first decade of the present century, was occupied by Mrs Frances Balfour, widow of Thomas Balfour of Elwick, already referred to as Dr Balfour, and Colonel of the North Lowland Regiment of Fencibles.

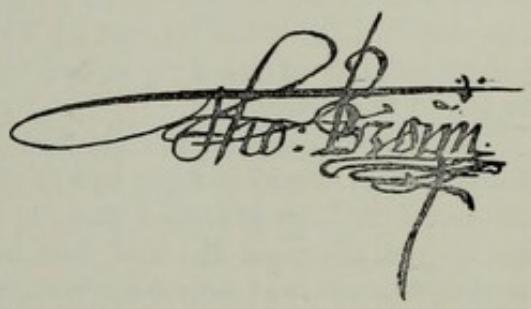
* Sir Joseph Banks, sailing packet. † Dr Clouston of Sandwick.

In 1810, Mrs Balfour bought from Robert Nicolson the "dwelling-house with the small garden belonging to it, together with the byre adjoining, presently possessed* by the said Mrs Balfour."

"That piece of waste ground in the Laverock opposite to the house formerly belonging to and possest by Miss Barbara Richan, in the Clay loan, measuring 19 feet of rule in breadth, and 225 feet of rule in length, with the whole houses built thereon," belonged, in 1684, to Robert Erskine and his wife, Marion Sinclair, from whom it passed into the hands of Alexander Stewart of Massater.

The house between the above and the garden of the Balfour Hospital was, in 1806, sold by John Gibson of Corse to his brother, George Gibson, dyer, one of the last of the great litsters of Kirkwall. This double tenement was formerly two properties. The proprietor of the northmost part, away about the middle of the seventeenth century, was Thomas Maine, whom we find witnessing a declaration of young Mudie of Melsetter repudiating some of the money transactions of his father, the "Wanton Francis."

From Maine's heirs it was acquired by Walter Taylor, weaver. In March 1678, Taylor died, leaving the house to his daughter, Marjorie, and her husband, Thomas Brown, Notary Public, who by and by secured the southern part. To Brown, Kirkwall is deeply indebted for the light he throws on the social life of the town two hundred years ago. He kept a diary in which he noted passing events. This diary was found by the late Mr Petrie among the papers of Mr Græme of Græmeshall. It is contained in a small, black, oblong note book, and, being of a convenient size, it seems to have been systematically used, leaf by leaf, for shaving paper by some one who did not know its value. What is left of it takes in the period from 16th January 1675 to 25th May 1693. While much of it, from its nature, is necessarily a record of trivial occurrences, parts of it are of much importance, and in one point Thomas Brown shows where Macaulay has made a slight error. It had been arranged that, while Monmouth raised an insurrection in the south of England, Argyle should return from Holland with what force he could muster there and attempt a rebellion in Scotland. Writing of this, Macaulay says:—"The voyage was prosperous. On 6th May the Orkneys were in sight. Argyle very unwisely *anchored off Kirkwall* and allowed two of his followers to go on shore there. The Bishop ordered them to be arrested. The refugees proceeded to hold a long and animated debate on this misadventure. Some were for an attack on Kirkwall. Some were for proceeding without delay to Argyleshire. At last the Earl seized some gentlemen who lived near the coast of the Island, and proposed to the Bishop an exchange of prisoners. The Bishop returned no answer, and the fleet, after losing three days, sailed away." Under date 6th May 1685, Brown writes:—"Wednesday, at night, Two of Argyle's Servants, the ane called Mr William Blacketter and the other Mr William Spence, came from oft a great vessel of his and landed at Smockgrow, and from thence came to Kirkwall the said night, and being known that they were servants to a Rebel, they wes, by the magistrates, ordered to remain in their quarters as prisoners till further orders from the Privy Counsell, and, by the order of Breckness, they were sent out of Kirkwall with a pairty, the 29th of the said month of May, to S. Margaret's Hope, to go alongst with Skipper Byttie, then bound for Leith."



From this we see that Argyle did not anchor off Kirkwall. Where he most probably did

* Occupied.

anchor was Longhope, from which he sent a boat to Smoogro in Orphir with his emissaries. The Bishop did not interfere in the matter, but very properly left the case to the civil authorities. Thomas Brown had to know this, as he was Town Clerk. Harry Graham of Breckness evidently corresponded with the Privy Council.

Brown was a devoted admirer of Bishop Murdoch, and no public act of his would have been kept out of sight by the diarist. Brown was at this time Kirk Treasurer and an elder. "Thomas Brown being called to come to Session, comperes and accepts of the Charge of Church Thesaurer, and to serve gratis." * He saw with indignation the treatment which the Cathedral ministers suffered at the hands of the local representative of the Crown—"Robert Elphingston caused Robert Arskyne to make intimation to Mr John Wilson, minister, that he should cist from preaching the word, and for so doing God in his ain time will visit him with some signal judgement." †

Mr Wilson did not at once "cist from preaching the word," so there was friction between the Cathedral and the Palace. Robert Elphingston, as Stewart of Orkney and Shetland, had intimation from Government that a day had been appointed for a national fast. Instead of giving this to the minister to intimate from the pulpit, he sent his clerk, Robert Erskine, to proclaim it at the Market Cross. ‡ Elphingston himself attempted to proclaim this fast in the church without the consent of Mr Wilson, but "he was impeaded in his coming to the pulpit, and retired out of the church with more reproach and contempt than he had pleasure to attend the same." §

Brown thus records the death of his neighbour—"Sabbath, about 4 in the afternoon or thereby, Robt. Arskyne depd. this life." "Memento—that the Saturday immediately before, he came with Lopness from Zetland in the morning, about 9 or 10 hours or thereby, and about ane in the afternoon the said day, he came ashore to Kirkwall and was carried by four workmen in ane arm chair from that to his house, because of his infirmities and weakness." ‖ No doubt the diarist regarded this as a fulfilment of his own prediction when Erskine ordered Mr Wilson to desist from preaching—"for so doing, God in his ain time will visit him with some signal judgement."

Brown did not live to see the time when his respected minister was compelled to "cist" preaching the Word, but from his pew under the Magistrates' loft he enjoyed the weekly services till the end of the year 1693. His last appearance at a meeting of Session was the 7th December of that year. He had two sons, Arthur, born 1676, and Thomas, 2nd October 1678. The former seems to have died young, and the latter was dead in 1719, for, in October of that year, the diarist's two daughters, Anna and Isobel, claim from the Magistrates infeftment in their late brother's half of the house. ¶

After Brown's time, this house was occupied by Andrew Chalmers, horse-hirer. In the old roadless days, Orcadians had three methods of transporting themselves from place to place—they could walk, ride, or sail. Horse-hirers and boatmen had liberal patronage. The hires two hundred years ago, the relative value of money then and now being taken into account, were much the same as at present. Take a sample, not from Andrew Chalmers, but from another in the same line of business, Arthur Sinclair. Sinclair was doubtful of the neatness of his style of book-keeping, and sent his bill to Bailie Kaa for revision :—

"A compt. of hors hirs restand be William sutherland to me, Arthur sinclair. Item, rastand be him for the yeeir of God 700, on hire to Stromness, and on to hara and sandweke, and on to Hollm, and on to Neworke, this is within the forsaid yeair alone ; and in the yeair of God 7001 to Stromness two tymes, and to Neworke, in Deirness, once, to Holm once, and to firth and eiveie once, and to

* S. R., 23rd Dec. 1689. † 25th Oct. 1690. ‡ See *ante*, p. 151.
§ Diary, 18th Jan. 1691. ‖ 29th Mar. 1691. ¶ C. R., 30th Oct. 1719.

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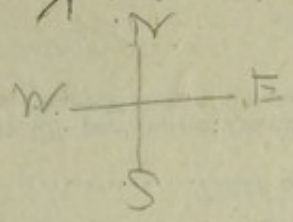
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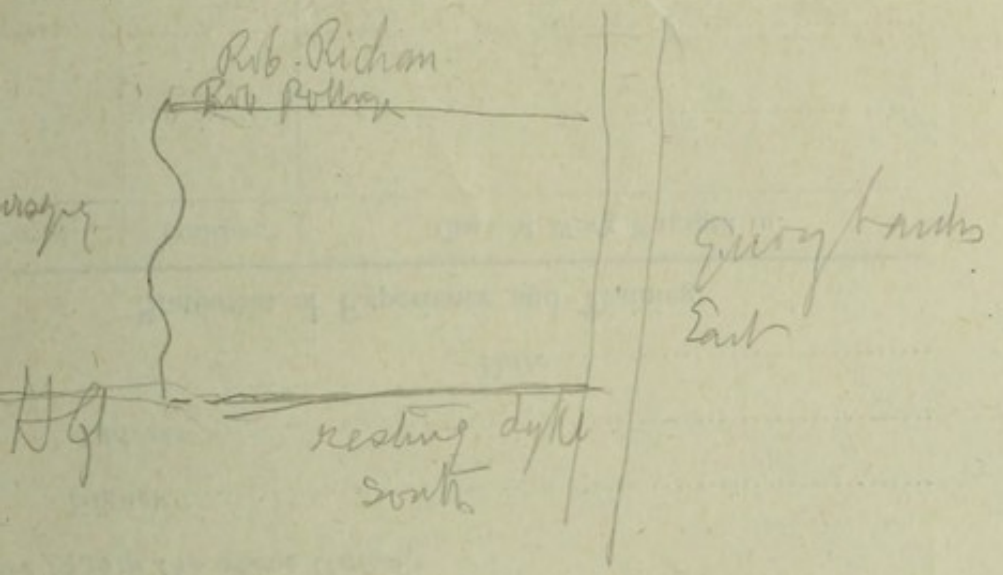

Rub. Richan
Rub Pokhara
Gurung lands
East
resting depth
South

Stromness, when he was about the byinge of his shep, twiss ; now all this he rests me for, and he had the ridinge of my hors both out and in. So, if he will agrie with you upon resonabll Terms, I shall be content, and, if otherwiss, I shall be at the pains to Charge him befor the Sewvall judge, and ther he shall depon what he is suthly restand to me ; it coms to 9 pounds Scots in hall.

"For Ballie Kea, in Kirkwall."

The Bailie evidently did not think that Mr Sutherland had been overcharged. He wrote out the account in a very neat hand, charging each separate item, and brought the amount up to £10 Scots. To Stromness and back was twenty-four shillings, to and from Harray and Sandwick the same, Evie sixteen shillings, Deerness fourteen, and Holm six. The kind of horse used would be the native Orkney "garron," a small, hardy cob, now almost extinct.

South from Brown's house, built on the waste ground of the Horse Market, was a house which belonged to the Burgh, occupied by Harry Spence. Harry brewed and sold strong ale, and William Farquhar got into trouble with the Session for drinking in this house with that notorious person, Christian Polson, better known as Highland Cristen. For some ten or twelve years this woman was one of the most troublesome vagrants the Magistrates of Kirkwall had to deal with. Their last handling of her shows how the civic rulers could inflict punishment when they rose to the occasion. After fining about a dozen people in Kirkwall and the neighbourhood for giving her food or drink, they pass sentence on herself :—

"Kirkwall, 23rd April 1703.

"The Stewart and Justiciar Depute of Orkney and the Magistrates of Kirkwall sitting in judgement, Haveing considered the Indytment with the former Acts of Banishment standing in force against the pannell, and being therewith weill and rightly advysed, and efter serious and mature deliberatione hade be them thereupon to the full, They not only ratifie and corroborat the former acts of banishment standing in force against the said pannell, but also they find the said pannell hes contraveened the former acts of banishment by lurking within the Town and Countray, and finds her to be a vagabond, sorner, and deluder of the people. Thairfore they appoynt and ordaine the pannell pntly. to be conveyed be the hand of the Lockman, attended with the Stewart and Town officers, to the shoir of Kirkwall, and there to receive eight whips with ane tow or cord on the naked shoulders, eight at the Bridge, eight at Sound's great Lodging, eight at the Mercat Croce, and there appoints the Lockman to burn her upon the one cheek with the Stewart's marking Iron, and upon the other cheek with the Town's marking Iron, and therefter appoints the Lockman to give her eight stryps with his whip at the head of the broad street, eight at Arthur Murray's house, eight at the Broad Sands, and eight at the head of the town, and therefter appoynts her to be returned to the Tollbuith, there to remaine whill she be convoyed to the Ferrie by the officers, and banishes the pannell of the Countray of new againe, never to be seen herein under the paine of death, and ordanis her haill moveable goods and gear to be escheat and inbrought to her Majestie's use ; and this I, David Wood, Lockman, gives the pannell for doom."

If Queen Anne left Christian Polson the clothes in which she stood, not much would be "inbrought for her Majesty's use." It is to be hoped that David Wood, lockman, handled his whip lightly in giving the wretched woman her sixty-four lashes "on the naked shoulders"; as for the branding irons, he could not spare her, they had to leave legible impressions.

Spence's house belonging to the Burgh must have been bought by Thomas Brown, as his daughter, Isobel, with consent of her husband, Magnus Cromarty, merchant, Stromness, sold it, along with her father's dwelling-house, to Donald Groat of Newhall.

The site of Thomas Brown's double tenement is now occupied by a house belonging to the daughters of Mr Heddle, late farmer in Greenwall, Holm. Here, in the early part of the present century, two ladies, Misses Margaret and Henrietta Moodie, kept a school, attended chiefly by daughters of the wealthier inhabitants of town and county. Margaret was born in May 1756, and Henrietta, December 1758. They lived to a great age, and in their later days were much indebted to the kindness of the late John Heddle, Esq. of Melsetter.

Up past the Hospital garden was a piece of waste ground belonging to the town, and rented by Robert Richan. Next this, in 1677, was Robert Pottinger's dwelling-house, just

opposite the "great lodging" which he had built and let. Lastly, on this side of the street, the heirs of Thomas Taylor had a house with its kailyard and peat brae. The eastern part of Taylor's tenement came into the possession of Mr James Shearer, merchant, whose successors sold it to its present owner, Mr William Firth, builder. The western portion had been acquired by Groat of Newhall, who enclosed it and made a garden of it. Between the garden and the opposite side of the street stood a little thatched house—slated in its latter days—which, before its removal, was occupied by Balfour Allan. This man, for many years, was carrier between Kirkwall and Stromness. The first Stromness carrier was a man named Thomas Grott, who made a weekly journey.

In 1707 the Orkney Presbyteries were congratulated by the General Assembly on having only one papist within their bounds; while in 1716 that one had departed and left no successor.

About the middle of the present century a few Catholics, mostly from Ireland, engaged in itinerant business among the Orkney and Shetland Islands, settled in Kirkwall and Lerwick. To them an earnest man, the Rev. C. M. Verstraeten, came as a missionary. These islands fall within the sphere of what is known in the Church of Rome as the North Pole Mission. Father Verstraeten devoted himself to this field of usefulness, making Lerwick his headquarters, and when he died he left his worldly wealth for the furtherance of the work. For a time the mission was wrought from Wick, first by the Rev. Donald Chisholm and afterwards by Father Mann; but in 1877 the Right Reverend John M'Donald, Doctor of Divinity, Bishop of Nicopolis—a see *in partibus infidelium*—Vicar Apostolic of the Northern District of Scotland, resolved to erect in Kirkwall a church and parsonage. Groat's garden, which had now become the property of Robert Scarth of Binscarth, was purchased for the Bishop by Peter Ross, of the Castle Hotel, Kirkwall. In Groat's garden, Bishop M'Donald erected his church and manse, the modest buildings contrasting most markedly with the Cathedral and Palace of Rome's palmy days.

From 1877 the work of this section of the North Pole Mission has been carried on by a series of deservedly popular men, the Reverend Fathers Bisset, Henderson, Slorach, and M'Donald, the only complaint of each being the lightness of the pastoral labour owing to the smallness of the flock.

The street which straggles from the head of the town along the old Scapa road is comparatively new and of little interest. The houses were built at different times on feus off Hornersquoy. The name of the former owners of the ground is commemorated in Nicolson Street. Number 12 Wellington Street was built by Mr Copland,* teacher, and is still occupied by his daughter and her husband, Mr Robert Reid. Better known to the present generation than Mr Copland, was his son James, late Deputy Curator of the Historical Department in the Register House, Edinburgh.

About the middle of Wellington Street, Burgar's Bay, an unsavoury recess, was formerly regarded as the up-the-gates' goal for the New Year's ba'. A crooked lane leading from the back of this street to the Clay Loan is popularly known as the Neukatineuks.

On the old Stromness road, just beyond the point where it leaves the Orphir road, is a house to which some interest attaches. On the 17th July 1787, a meeting of the Magistrates, Ministers of Kirkwall, and Heritors of St Ola was called "for the purpose of having a Charity School established." "Mr Barry, one of the ministers of Kirkwall, informed the meeting that, agreeable to their desire expressed in a letter to him on the 3rd of April last, he, when at Edinburgh, had represented to the Rev. Sir Harry Moncrieff and the Rev. Dr Macfarlane,

* See *ante*, p. 277.

two of the members of the Society for Propagating Christian Knowledge,* the distress and melancholy condition many poor people in the Burgh of Kirkwall and parish of St Ola were in for want of education to their children, of which they had great numbers." Mr Barry states that he "had good reason to expect that a salary of ten pounds would immediately be given to a man for the purpose of enabling him to teach the poor children in Kirkwall and St Ola, on condition the Magistrates and Heritors at their own expense would provide for him a house and schoolhouse, a kailyard, a cow's grass, and such other things as the regulations of the Society required." "Patrick Haggart, one of their number, instantly made offer of Glettness for three years free of rent, a house abundantly large for both house and schoolhouse, with the kailyard thereto belonging, well situated for the purpose in the vicinity of Kirkwall and parish of St Ola above mentioned." The school was started, but at the end of the three years a fresh arrangement was required.

At a meeting of Session, 3rd Feb. 1800, "The moderator intimated that he had received a letter from Dr Kemp, Secretary to the Society for Propagating Christian Knowledge, signifying that he had a conversation with Lord Dundas on the subject of a charity school for the parish, who has expressed his willingness to accommodate the parish with the house possessed by the late schoolmaster. Dr Kemp at the same time thought proper that Lord Dundas should be wrote to on the subject." On the 7th of April "Mr Yule reported that he had received a letter from Lord Dundas signifying that he readily acquiesced in the Session's request respecting the house presently possessed by Robert Skethaway." On the 28th April, after examination, it is reported "that the Schoolhouse cannot be rebuilt for a sum less than £50 or £55." The Trustees on the Stewart estate offered £20, and the work went forward, the Session resolving to take the balance from the funds of the church, which would be partly repaid from the proceeds of "an extraordinary collection."

When Lord Dundas gave this concession he held a lease of the bishopric lands then belonging to the Crown, but in 1832 the Crown lands in Orkney were taken over by His Majesty's Commissioners of Woods and Forests, and were locally managed by a Crown Chamberlain.

In 1836, Mr A. S. Graham is instructed to demand an annual rent of one shilling "as an acknowledgement of the Crown's right to the grounds." At that date the Crown purposed to sell Glaitness.

In 1847, the Rev. Mr Spark, in name of his Session, applied "for a grant of a small piece of land off the farm of Glaitness, to the extent of fifty yards in length and six in breadth, for the purpose of enlarging the present school premises." Mr Spence, who was then Crown Chamberlain, was "directed to have the requisite quantity measured off at sight of Mr Heddle,† and put in possession of the Kirk Session or School Managers." This was considered "a proper occasion for vesting both the present site and that now agreed to be granted in one gift from the Crown, subject to condition of the grant becoming void in the event of the appropriation of the ground to any other purposes." Referring to the shilling of rent imposed by Mr Graham, the late Chamberlain, Mr Spence is thus instructed :—"You will also report whether any payments have been made on account or in full of the annual acknowledgement directed to be put in charge in 1836 for the occupation of this ground."

In 1872, a new school was built, when the management was assumed by the Combined School Board of Kirkwall and St Ola.

* "The Society for Propagating Christian Knowledge in the Highlands and Islands of Scotland and Foreign Parts of the World" was established in 1708, and for nearly two hundred years has been doing excellent work.

† Mr Magnus Heddle, who also had a feu off Glaitness, was the first to start a public conveyance for passengers between Kirkwall and Stromness.

CHAPTER XXI.

Junction Road and Castle Street.

THERE must already have been a feeling that Kirkwall's traffic was too great for Kirkwall's one long, narrow, winding street, keeping in view the safety and comfort of the lieges, when, in 1818, Robert Baikie of Tankerness proposed that a road should be made from the pier to the School Wynd—Tankerness Lane. At that time every house bounded by the Peerie Sea had its peats boated up to the jetty at the foot of its own garden ; and heavier goods than peats were conveyed by water. When, in 1852, the late Mr Peace established his wood-yard at the back of Mr Tait's premises in Albert Street, he had the logs, discharged at the pier from Norwegian vessels, floated round by the Oyce mouth and dragged up to the saw pit. But Baikie's proposal was not carried into effect till 1865, when Junction Road was made, tapping the main street at every lane from the harbour to the head of the town. At the same time a wide thoroughfare, appropriately named Castle Street, was formed, connecting Broad Street with the new road. The Harbour Trustees, at whose expense these improvements were made, at first hoped to save a portion of the old Castle by arching a passage through the ruin, but careful surveying showed this to be impossible. Then Lord Zetland, on condition that a memorial stone were erected,* gave permission to remove the ruin, and the last remnant of Henry St. Clair's stronghold was cleared away.

The only building in Castle Street demanding notice here is the Masonic Hall, erected on a feu acquired from the late Thomas Peace, P.M., by Robert Muir, R.W.M. The plans were furnished by Brother T. S. Peace, architect, who freely bestowed much valuable time upon the work.

Concerning Freemasonry, it is not surprising that much misconception should exist. One very common and quite erroneous idea is that a lodge of Freemasons is a benefit society. A benefit society is an association which members join for the purpose of securing themselves from pecuniary loss, through sickness or some unforeseen calamity, by contributing periodically to a common fund. Masonic relief, on the other hand, is purely voluntary ; it depends on the merits of the case and the means of the brethren ; it is silent in its administration, and is, indeed, the charity which "blesseth him who gives and him who takes."

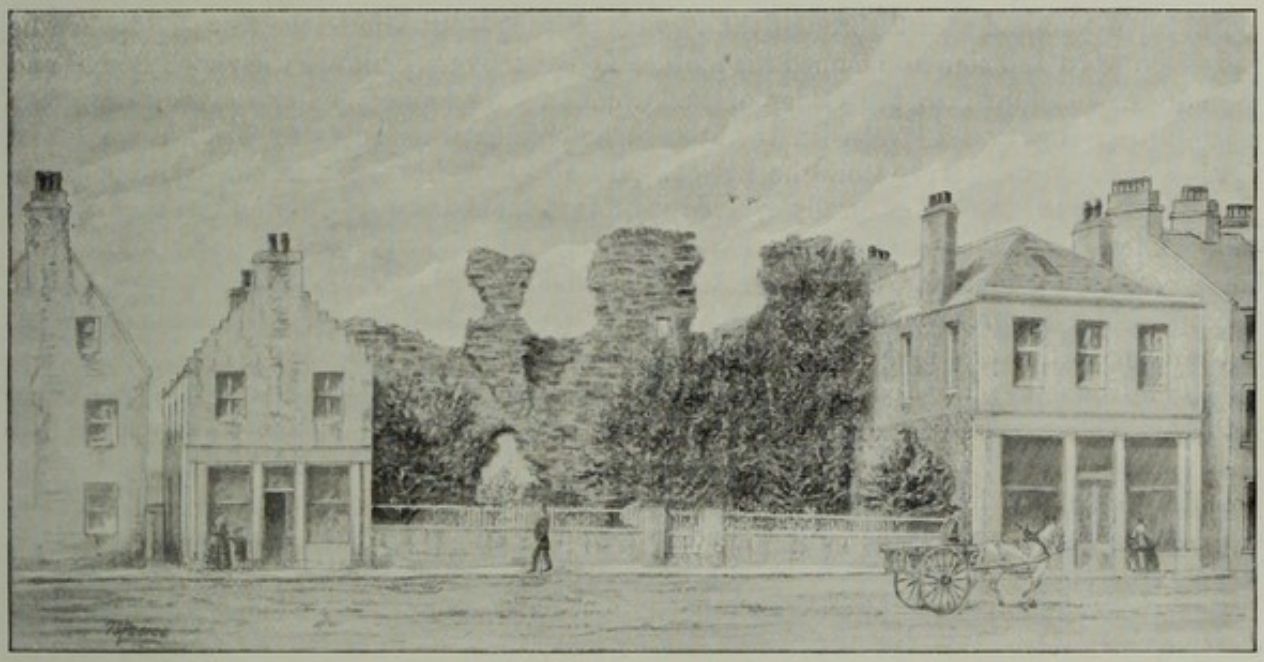
The history of Freemasonry is not without interest even to the uninitiated. It is impossible to lift the veil of obscurity that hides its remote origin. In the great temple building times, whether in heathendom or in Christendom, Freemasonry in its essence was a necessity. "Masons' *marks* are traditional and go back to the remotest antiquity, being found on Phœnician and Greek buildings, and in still larger abundance and variety in all mediæval architecture."† "Regular Masons' *marks* are visible upon the great hewn stones of the Buddhist buildings at Sarnath, which are known to have been erected before the sixth century ; and more of the same kind are found on the ruined buildings of the

* See *ante*, p. 27.

† "The Gnostics and their Remains," C. W. King.

same religion, still to be traced incorporated into the Brahminical edifices within the neighbouring Benares."* In its present form Freemasonry comes to us from Germany.

All Christendom had taken up a morbid idea, based upon an interpretation of Revelation xx. 2, that in the year 1000 A.D. should come the end of the world and the day of judgment; and when that year of universal depression closed, a remarkable reaction followed. A wave of religious enthusiasm overswept Europe, and its effects were lasting. It struck individuals and communities differently. The heroic spirits of all the nations banded themselves together for the recovery of their holy places from the Mohammedan, and the Crusades stirred up a new life in the dormant world. Thousands who could not fight would follow, and, between warriors and pilgrims, there were before the end of the eleventh century several millions of Christians on the move towards the Holy Land. But the people who remained at home were not idle. Those who could not work could contribute, and magnificent temples, dedicated to the worship of the living God, were reared in every country and in almost every city. From its



Ruins of Kirkwall Castle, removed 1865.

nature this development of religious zeal could not be ephemeral, for the love of art grew with the practice of it. The first architects were ecclesiastics; but by and by intelligent men, after years of study in working out the plans of bishop or abbot, found themselves capable of independent action. These separated themselves from the other workmen and devoted their leisure to mathematical and artistic studies. In keeping with the spirit of the age their art was strongly impregnated with sacred symbolism. It soon became apparent that the teaching of apprentices was an absolute necessity, and a training, at first fixed at five years and afterwards extended to seven, was insisted on. In those days before indentures were thought of, his apprenticeship over, the youth was intrusted with a secret sign and password by which he could show himself to have been duly instructed, but which he might divulge to no one who could not prove himself worthy of that confidence by showing himself possessed of the same secrets. This involved initiatory tests, so that a lad might not be

* "Sacred City of the Hindus," Sherring.

betrayed into giving an unworthy person the means of passing himself off as a properly trained apprentice. In training his apprentice the pious master was not content that a youth entrusted to his care should become merely a skilled artisan. In his moral training he applied his symbolism to the working tools—the mallet, the chisel, and the rule. The laborious mallet taught him industry ; the incessant chipping of the chisel, working by little and little till it accomplished great ends, was an admirable emblem of perseverance ; and the twenty-four-inch rule taught the young man to apportion the twenty-four hours of the day to the duty which he owed to his God, to his master, and to his own bodily and spiritual welfare. The "Lodges," in which the apprentices got their password and sign, were the ordinary sheds in which the craftsmen did their hewing. As these were generally open in the seams, to guard the giving of signs and words from prying eyes and listening ears, an outer guard became necessary.

The young man, now to some extent an expert workman, and furnished with an indestructible passport, was sent out to seek work in some other city. Here the Fellowcrafts—journeymen who had passed through the regular training—put him to the test ; and when he had given word and sign and named his mother Lodge, they took him to their own Lodge, and formally passed him into the Order of Fellowcrafts. No longer under the protection of a master, he wrought on a level with the others ; he became responsible for his own work, and put his "mark" upon every stone he hewed. He also took his share in the training of apprentices. Thus Masonry naturally evolved itself into three degrees—Apprentice, Fellowcraft, and Master. But a time came when the principles of Masonry, and its lofty aims being highly appreciated so far as known to the outside world, non-operative Masons were "accepted" by the brethren and admitted, as "free and accepted Masons," to all the privileges of the Lodge. Such is the Freemasonry of to-day.

Its introduction into Scotland is lost in the obscurity of the distant past, but somewhere between 1430 and 1441, William St. Clair, Earl of Orkney, was appointed Patron of the Masons of Scotland ; and it is somewhat striking that the Kirkwall Lodge is built within the precincts of the Castle of William St. Clair, practically the first Scottish Grand Master. The office of Patron was made hereditary, and was held by this family for three hundred years, when William St. Clair, in 1736, having no son, placed his resignation before the Scottish Lodges, whereupon he was at once chosen Grand Master, an office which since then has been elective.*

Kirkwall Freemasonry dates from 1st October 1736, when James Berriehill, from the ancient Lodge of Stirling, and William Meldrum, from the Lodge of Dunfermline, convened a quorum for the purpose of initiating Berriehill's son, James, into the mysteries of the craft. At this meeting the names of three of the townsmen were presented as candidates—James M'Kay, watchdresser and wigmaker ; Alex. Baikie, dyer ; and Robert Sutherland, merchant.

In February 1738, the "Acts stipulated for the Regulation of the Masters' Court of the Honourable Lodge of Kirkwall Kilwinning" were adopted, Alexander Baikie being Master. After this the membership rapidly increased. The meetings were held quarterly, and on the sederunt of March 1739 are the names of James Baikie of Tankerness ; John Baikie, his brother ; Donald Groat, Bailie ; John Riddoch, Stewart Clerk of Orkney ; Andrew Young of Castleyards ; Patrick Traill, &c., &c.

It is not shown where the Masons assembled, but it would almost seem that their Lodge was constituted in the private houses of the brethren, perhaps in rotation. "The said day† it's agreed that Mr Sutherland shall make ane hansome dinner for the members

* For a popular and exceedingly interesting history of Freemasonry, see article in *Macmillan's Magazine*, June 1878, by Edward F. Willoughby.

† 22nd December 1740.

of the Lodge, who are ordered to meet *at the Lodge in his house* on St. John's day ; and likewayes it's agreed that a Steward shall be appointed for the insuing year, who shall collect one shilling stg. from each member for their entertainment on said day, which is to satisfy Mr Sutherland for the same and his house trouble on that occasion ; and it's further aggreed upon That each member calling for whatever liquhor he may incline, shall pay in the value of the same, and that this regulation shall be observed as a standing rule to the foresaid effect in all time hereafter. Signed, in name of the brethren present, by Ja. Baikie."

It is to the good taste of James Baikie of Tankerness, Master of the Lodge, supported by his Masonic brethren, that Kirkwall owes the introduction of music available for public functions.

COPY LETTER TO MR ANDREW MUNRO, MERCHANT, INVERNESS.

"29th April 1741.

"Sir,—At the desire of the Right Worshipful James Baikie of Tankerness, Esq., Master, and the Remanent members of our Society, I desire the favour of you to agree at an as easie rate as possibly you can with a man skiled in musick you will approve of, that will serve our Lodge with a Bass and treble violins, for which I desire you may assure him of seven pound ten sh. p. annum certain, besides perquisites and considerable other encouragements I'm almost certain he'l meet with in this place. But before one be wanted, may goe the length of Ten pounds stg., and if he condescends thereto be pleased to carrie him with you in your return to this countrie. Your complyance herewith will exceedingly oblige all our Society, as it will him who is, etc., (Sigd.) ROBERT SUTHERLAND."

In December 1741, Mungo Græme of Græmeshall was elected Master, and in June of the following year, Brothers Andrew Ross, Chamberlain of Orkney, and Andrew Young of Castleyards, presented to the R.W.M. "ane Charter of Constitution and Erection from the Grand Lodge, of date the First day of December 1740 years." The petition for the Charter had been sent to the Grand Lodge, September 1740, and from the above it would appear that Brothers Ross and Young had been in Edinburgh, and having paid the expenses, had secured the "Patent" and brought it home with them, the erection of Kirkwall Kilwinning Lodge dating from the year of application.

In 1742, Mungo Græme of Græmeshall was re-appointed R.W.M. In January 1743, a set of jewels arrived from Edinburgh, "furnished in the best manner," and Brother Richard Cooper, the engraver with whom Sir Robert Strange served his apprenticeship, then evidently Grand Jeweller, wished "all success and harmony to your Lodge." In June 1743, Græme presented the Lodge with a "medall upon Masonry struck in Hamburgh."

On 24th March 1750, "Harry Liddell, Esq., R.W.M., in the chair, it was moved from the chair that, in consequence of a general concert and agreement of the Brethren, the upper room of the Town House of this Burgh, which the Brethren had unanimously resolved should be taken in Tack for a certain number of years from the Magistrates and Council of said Burgh, should be lined and repaired, and that thereafter it should be painted at the sight of a Committee of the Brethren, and that now the said room was not only finished with wood, but also painted," and this was at once occupied as the Kirkwall Kilwinning Lodge room.

The brethren were liberal in their charities, and from the inauguration of the Lodge there were constant claims upon their funds. Collin M'Allister, a wigmaker, died in poverty, and the Masons buried him, giving his friends wherewithal to *wake* him handsomely. The costs amounted to £42 19s 4d Scots. In March 1747, Dr Hugh Sutherland, Treasurer, is instructed to give five guineas towards "building and furnishing the Workhouse in Kirkwall for the benefite of the poor." "April 1756, paid Bailie Wm. Groat for cloath to poor Brother ———, and his account discharged, £3 3s 1d." "27th Dec. 1763, Given the Kirk Treasurer, to be applied towards the support of the poor and sick in town, £3 3s." In an official letter, the following statement appears :—"Kirkl., 10th Nov. 1770. . . . Our ffinances are extremely

low, occasioned by the many drains to our poor Brethren and other objects of charity, and in particular, in the year 1765, the last year of great famine in this Country, we contributed a pretty large sum for buying meall for the poor." And this letter enclosed two guineas.

These disbursements drew upon all the Lodge's sources of income—entrance fees, fines, and voluntary contributions. The first of these formed the working capital of the Lodge; the fines yielded such small return as to be almost inappreciable, but the charitable subscriptions of the members were considerable. In December 1751, Malcolm Groat and Thomas Lindsay were each fined half-a-guinea for absence. In 1755, quarterly collections for charitable purposes show that one brother on each occasion gave a guinea; one gave 15s; six gave each 12s; eleven others gave 6s at each collection; and six gave 3s, to be devoted to pious uses.

But if they could condole with those who mourned, the brethren could also rejoice on suitable occasions. On St. John's Day the brethren went in procession from the Town Hall to the Cross, and there loyally, and of course publicly, drank the health of the reigning sovereign, and that the glass from which this pledge was drunk might never be degraded by meaner toasts, it was immediately dashed to the ground. In some years the day's proceedings wound up with a ball, doubtless very pleasant, and in most cases remarkably inexpensive.

As Baikie of Tankerness, through the medium of the Lodge, had introduced a stringed band into Kirkwall,* another Brother did what he could to popularise science in the town. "Kirkwall, 9th January 1804.—On the motion being made from the Chair, the brethren unanimously voted their best thanks to Brother Traill for the honourable and liberal manner he disposed of the funds arising from his course of lectures given on Chemistry in this Lodge during last winter, namely, by applying it towards the relief of the poor and needy, and they further voted him the use of the Lodge for the present season for the same purpose."

Occasionally an item of historic interest long forgotten crops up in the minutes of the Lodge:—"Kirkwall, 17th Feb. 1809.—The Master, Andrew Monro, stated to the Lodge that on an application to Provost Traill† for having the Lodge put into proper repair, which had suffered by the Dutch prisoners sometime ago there confined, he had handsomely come forward and offered to bestow such repair, and in all respects to make it comfortable for the accommodation of the brethren."

In 1750, a number of the brethren of Kirkwall Kilwinning hived off from the parent Lodge and formed Lodge St. Paul's. No jealousy was felt by the older Lodge. On the 2nd Dec. 1750, Kirkwall Kilwinning assisted in the inauguration of St. Paul's, and at the installation of office-bearers—William Graham, R.W.M.; William Bremner, S.W.; Patrick Laughton, J.W. The Lodges occasionally met on public occasions, such as joining in procession on St. John's Day. When the Town Council sent an invitation to Kirkwall Kilwinning, as the senior, to take part in the ceremonial of laying the foundation of the pier, 1809, that Lodge immediately extended the invitation to St. Paul's, by whom it was cordially accepted.

On the 6th April 1809, a communication was made to the Lodge from the Provost, Magistrates, and Town Council of Kirkwall requesting the favour of the Lodge to attend and assist as Masons in laying the foundation stone of the pier, on Tuesday, 11th inst., and thereafter to dine with the Provost, Magistrates, and Council. The brethren received this communication with pleasure, and unanimously agreed to the proposal. Robert Baikie of

* It is noteworthy that recently for some years the best orchestral music that has ever been produced in Kirkwall has been the result of the efforts of the late W. D. Baikie, Esq. of Tankerness, who, under great difficulties and much discouragement, trained an orchestra, or rather a series of orchestral bands. The difficulties and discouragement lay in the necessity of Kirkwall young men leaving home to push their way in the world. Thus, when the conductor had got a company nearly up to his wish, his best instruments departed, leaving him to begin the training of fresh recruits.

† Thos. Traill, Esq. of Frotoft.

Tankerness and Robert Nicolson were appointed to make the necessary arrangements. "11th April 1809.—Present, the Master Wardens and a full meeting of Brethren, the Lodge being duly constituted the Brethren adjourned to the Aisle of St Magnus, whence they proceeded, attended by the Provost and Magistrates of Kirkwall and many other respectable gentlemen, in Grand Procession to the shore of Kirkwall, where the Foundation Stone of Kirkwall pier was laid in Masonic Style and with all the accustomed ceremonies. The Brethren attended as above returned to the Lodge, and in the evening they gave a Ball and Supper to the Ladies, as formerly agreed upon." Brothers Fotheringham, Pollexfen, Rob. Traill, and William Traill were the Ball Committee. Mr Shearer, who provided the supper, sent in a bill for £63 2s stg., which the brethren thought extravagantly high. The bill was paid in full with an intimation that Mr Shearer neither deserved nor need expect any further support from the Lodge. Brother Nicolson receives the thanks of the Lodge "for the handsome manner he came forward and assisted with his harmonious music at the late Procession and Ball given by the Masons without any charge therefore."

Dr Barry, minister of the Second Charge in the Cathedral, was Chaplain of the Lodge when he was translated to Shapinsay, 1793; and Rev. Robert Yule, incumbent in the First Charge, became a member of the Lodge, 1811.

About the middle of the present century Freemasonry in Kirkwall was at a low ebb; but in 1855, Dr William Baikie, an enthusiastic mason, home on furlough from his African exploration, infused new life into the Lodge, and he found able and willing helpers in Sheriff Robertson, Dr Logie, Messrs David Balfour, Robert Scarth, John Cursiter, Andrew Gold, and Samuel Baikie. Since then the Masters have been David Balfour, Esq. of Balfour and Trenaby, Robert Scarth, Esq. of Binscarth, Messrs Thomas Peace, Robert Muir, Rev. J. B. Craven, B. H. Hossack, Duncan J. Robertson, Samuel Baikie, and James Slater.

APPENDIX TO CHAPTER XXI.

List of Master Masons, Lodge Kirkwall Kilwinning, 1737 to 1860.

Alex. Baikie, dyer, 1737
James Baikie, Tankerness, 1740
Mungo Græme, Græmeshall, 1741
James Baikie, 1743
Donald Groat, 1744
Andrew Ross, 1745
James Baikie, 1746
And. Young, Castleyards, 1747
Sir Andrew Mitchell of Westshore, Bart., 1748
Harry Liddell, 1749
Mungo Græme, 1750
John Riddoch, 1751
Capt. Benjamin Moodie, 1752
John Baikie, 1753
Wm. Groat, 1754
Patrick Honyman, yr. of Græmsay, 1755
James Baikie, 1756
Mungo Græme, 1757
Andrew Ross, 1758
Andrew Young, 1759
John Riddoch, 1760
John Baikie, 1761
Wm. Groat, 1762
Pat. Honyman of Græmsay, 1763
Dr Robert Groat, 1764, 1765
James Traill, 1766
Dr Robert Groat, 1767
James Fea of Clestrain, 1768
Henry Pollexfen, 1769
Dr Robert Groat, 1770
Henry Pollexfen, 1771
Dr Robert Groat, 1772
James Riddoch, 1773
Walter Stewart, 1774
Patrick Græme, 1775
Robert Baikie, Tankerness, 1776
Alexander Fraser, 1777
James Traill, 1778
Robert Baikie, 1779
William Groat, 1780
Andrew Baikie, 1781
Robert Baikie, 1782
James Riddoch, 1783
James Traill, 1784
Robert Baikie, 1785
Dr Robert Groat, 1786, 1787
James Baikie, Tankerness, 1788, 1789
Andrew Baikie, 1790
William Manson, 1791
James Riddoch, 1792
Robert Baikie, 1793
Alexander Fraser, 1794
Robert Baikie, 1799
Andrew Baikie, 1800
Robert Groat, 1801
George Omond, 1802
Robert Nicolson, 1803
James Smith, 1804
Andrew Munro, 1805
James Smith, 1806
Robert Baikie, Tankerness, 1807
Andrew Munro, 1808
James Smith, 1809
Robert Nicolson, 1810
John Mitchell, 1811
George Omond, 1812
Robert Smith, 1813
William Louttit, 1814
Patrick Fotheringham, 1815
William Louttit, 1816
John Baikie, 1817
Thomas Sands, 1818
John Baikie, 1819
David Balfour, 1846
John Baikie, 1846
James Robertson, 1850
John George Heddle, 1851
Thomas Traill, 1860

CHAPTER XXII.

The Aire and Peerie Sea.

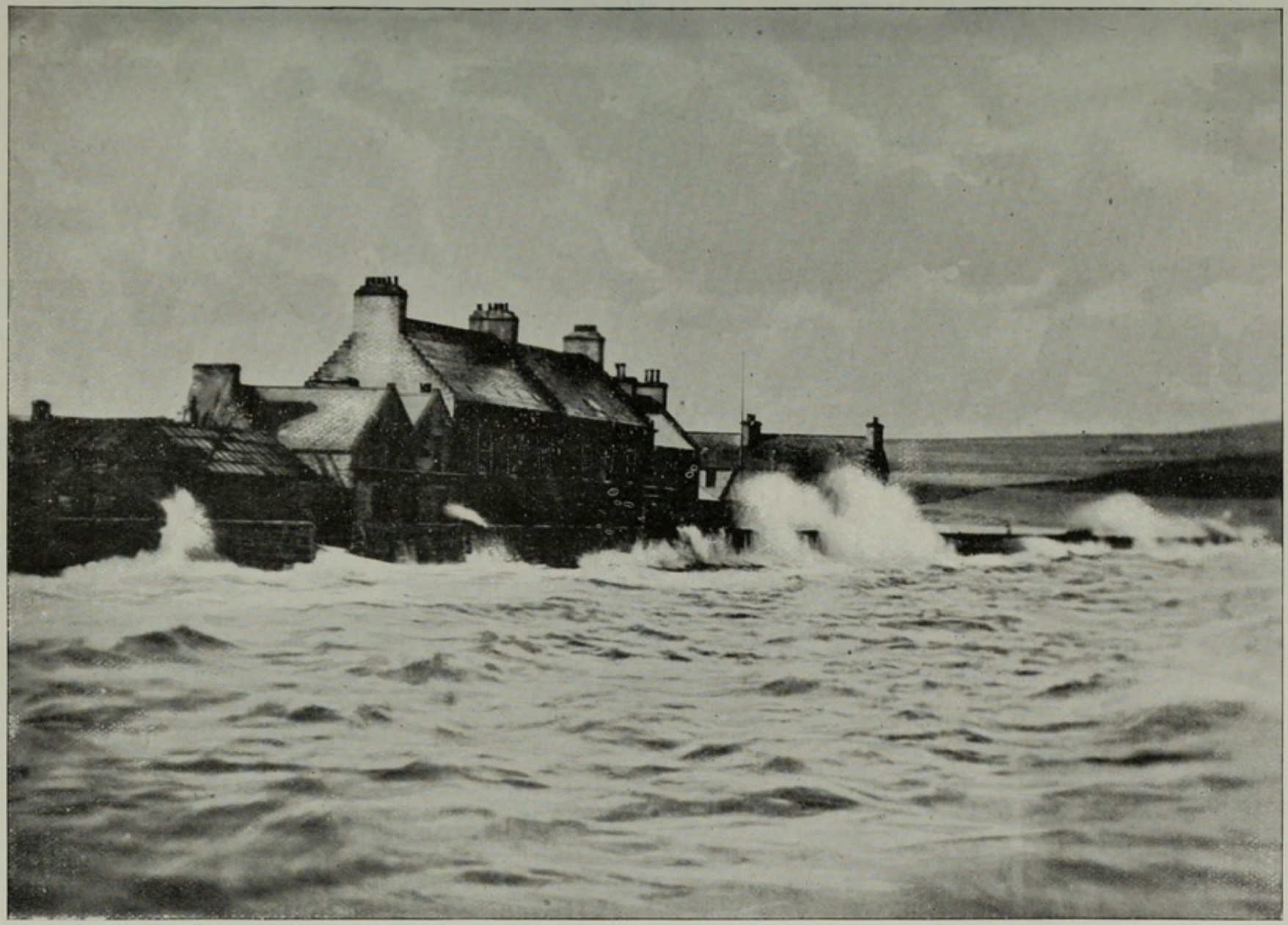
THE Aire—a long gravelly spit extending westward from the Harbour, and having a slope to the "salt sea or Road of Kirkwall" on the north and to the "Oyce" on the south—has a little history of its own. The name is a form of the Norse *Eyer*, a sea-beach, and is locally applied to such beaches as have water on both sides.

In former days the Aire extended eastward as far as what is now the foot of Bridge Street, but as far back at least as the year 1683 it has been taken as extending westward from the Girnell House. In that year the Magistrates granted John Traill of Elsness "All and Haill the piece of waste ground underwrn., to witt, the number and quantitie of ane hundreth and ffyiftie foots of rule in breidth, and in length to the sands within the oyce of the said brugh, sua far as he or his foresaids can convenientlie make use of, lyand at the west end of the shoir of the said brugh, having the girnal house and yaird thereof on the east, to be ane yaird either for peats or kail, or to build house or houssis yrupon, either for dwelling-houssis or office houssis." Possibly John Traill enclosed the space at once; if not, the measurements were sufficiently definite to secure the property. The grant was confirmed to Traill's grandson, 1737; to his great-granddaughters, Elizabeth, Isabella, and Margaret, 1787; and to John Traill Urquhart of Elsness, 1818, who the same year sold it to James Spence, merchant and banker, to whose heirs it still belongs.

In 1791, James Erskine, merchant, acquired from the Town Council a space having "fifteen fathoms of Front along the south side of the Aire or Beach of Kirkwall." On this site he built two houses, the eastmost of which he occupied himself, while the other was bought by Mrs Stewart of Burness.

Mrs Stewart, widow of James Stewart of Brugh, was one of the last of the old type of Orcadian dames whose genial hospitality remains a bright tradition in Kirkwall. Her whist parties alternated week about with those of her sister, Miss Pollexfen, in Broad Street. In the house on the Aire the gentlemen drank old port from rummers, while up town they had ale, of a potency not brewed in these days, served in tall, narrow glasses. This was merely to support them during their laborious rubbers of ten-trick games, after which came supper. Mrs Stewart lived to a ripe age, and at one of the last of the Assemblies in the old Town Hall, when in her eighty-sixth year, she danced a reel with her nephew, Mr Ranken, Procurator-Fiscal. She had no family, and the Burgh property went to a nephew of her husband.

The first Stewart of Brugh was Edward, natural son of Robert, Earl of Orkney, and Marjorie Sandilands, in Wick. In 1628, "Edward Stewart of Brugh, with the consent of Jean Douglas, my spouse, for the special love and filial affection I bear to Marjorie Sandilands in Wick, in Caithness, my Mother, bind and oblige myself to infeft her in lyferent of an annuity of 100 merks furth of lands pertaining to me." But the Earl himself made provision for the mother of his sons, Edward and David. In 1589, "William Gordon, Captaine of the



ERSKINE'S HOUSE ON THE AIRE. (Favoured by J. R. Cosens, Esq., Sheriff-Substitute of Orkney.)

Castell of Kirkwall," witnesses Marjorie Sandilands' "Discharge to William Irvyng of the @ rent of 300 merks payable by him."* This was probably before her marriage. In 1617, "Marjorie Sandilands, spous to Adam Gordon, son of John Gordon of Albanchy,"† borrows from Margaret Bonar and Thomas Ballenden, "air of Stanehous," 400 merks. Holland, in Stronsay, is the security.‡

The last of these transactions was at least ten years previous to her son's settlement. Edward Stewart gave the reversion of his mother's income derived from him to his brother :—"And for the love I bear to David Stewart, my brother, sone to the said Marjorie, in case he shall survive her, the sum of 1000 merks at Whitsunday after the decease of said Marjorie."

Edward's son, Robert, got with his first wife, Barbara Halcro, Cleat and other lands in Westray. He was succeeded by his son, John. "Thursday, John Stewart of Brough was married to Margaret Ballenden, eldest daughter to William of Stennis, in the kirk of Evie ; yr. brydal kept at Aikerness yr."§

Their son, Archibald, married Isobel, only child and heiress of William Balfour of Pharay, and this marriage annexed the Pharay property to Brugh. In his will, dated 1755, his wife also living, Archibald Stewart leaves the property to their eldest son, James, whom failing, to Archibald, whom failing, to Thomas, yet it was their fourth son, Balfour, who succeeded. He was followed by James, whose widow occupied the house on the Aire.‖ The next James died unmarried, and the line became extinct with the death of Bruce Stewart, of American birth, the bulk of the property going to the North Isles Presbytery.

As this was the last town-house of the Stewarts of Brugh, so was it the last residence in Kirkwall of the Traills of Holland. This property had been purchased from Mrs Stewart's heir, the Rev. John H. Pollexfen, by Mr James Walls, merchant. Walls sold Mrs Stewart's house and other property in Kirkwall to Thomas Traill, the bargain being that the purchaser, instead of paying a slump sum, should pay an annuity of £140 during the lives of the seller and his wife. It was the old story over again, and a good bargain for the annuitant. Mr Traill might have complained with Outram :—

"I read the tables drawn wi' care
For an Insurance Company,
His chance o' life was stated there
Wi' perfect perspicuity.
But tables here or tables there,
He's lived ten years beyond his share,
An's like to live a dozen mair
To ca' for his annuity."

Beyond Mrs Stewart's was built a row of houses stretching from the Aire back into the Peerie Sea. After the Disruption, Mr Walls bought the East Church, and using the materials, added those houses to his property on the Aire. They were bought from Mr Walls by Mr Meil, fish merchant. The principal doorway of the East Church is still to be seen where Mr Walls rebuilt it, at the west end of his house. The Traill property now belongs to Mr George Black, and is used by him as a temperance hotel.

In 1822, Mr Spence bought the space between Mr Erskine's houses and his own yard, the south boundary being in line with the garden wall of Mrs Stewart of Burness. He filled in and bought up the whole area to the level of his other yards. But Mr Drever, merchant, put in an offer for one of them, and the price being agreed upon, they "cast lots" for *east* yard or *west*, when the latter fell to Drever. This space is now roofed over, and is used as a fishcuring and liver-boiling establishment by Mr Chalmers, fish merchant.

* H. L. † Spelling doubtful. ‡ Sheriff Court books. § T. B., 23rd Dec. 1686.
‖ For titles favoured by Mr T. H. Liddle, solicitor.

Seeing that the Town Council was granting feus on the Aire, Malcolm Laing of Pabdale applied for a site on which to erect a wind-mill. But here the town's folk raised an indignant protest :—

"Unto The Honble. The Magistrates and Councill of Kirkwall,—The Petition of the underscribers and those who choise to join with them,

"Humbly Sheweth,—That your Petitioners have lately seen with surprise as well as regret a House built on the Ayre or Beach of this Burgh, in consequence of a part thereof having been feued by your Honours to Mr James Erskine, Mercht. here.

"The Petitioners do not mean to enter into the propriety or impropriety of feuing other parts of the Burgh, But they hope to be forgiven for saying That they apprehend the Magistrates and Council have gone beyond their power when they granted this feu to Mr Erskine, the Ayr being a public and the only Walk for the Inhabitants during the Winter months. And if they are right informed, the Magistrates and Council were deceived by the application from Mr Erskine, which mentioned that he wanted part of the Ayre for a garden only, and not a word of building a house, otherwise the feu would have been opposed by many who agreed to the granting of it.

"Your Honours very well know That where there are houses inhabited there will be filth and nastiness thrown out, which on a public walk must be disagreeable and improper, and what ought not to be suffered by the public of any well-regulated Burgh ; besides, It is well known to every one of your Honours That the Inhabitants have no other place than this Beach to dry their Cloths on when washed, and this they have been in the practice of doing past memory.

"After granting one feu, it has naturally occurred to many That similar ones might be obtained, for which purpose several applications are made to your Honours, and particularly one by Mr M. Laing, for the purpose of building a Wind Mill on the Ayre. Your Petitioners entertain the greatest regard for Mr Laing, And are sorry That they should be under the necessity of thus endeavouring to oppose the measure, But a regard for their own welfare, and more particularly the safety of the children of many of them, who go every fair day in Winter to the Ayre, their only place of recreation, compels them to it.

"The Petitioners are perfectly sensible that a Wind Mill is much wanted, and would be of great service to the Inhabitants of the Burgh and the parish, but they flatter themselves they need not use argument to satisfy your honours That a Wind Mill there would be attended with danger to the Children, as the novelty of the thing would naturally lead them to it, and the propensity of Boys to climb and play tricks about such a place could not, they apprehend, be prevented ; besides, a number of horses must be very frequently passing to and from a Mill, which would not only be an additional danger, But they would break the Walk so much as to render it useless for the present salutary purpose of Walking on ; and Mr Laing, in their humble apprehension, has a property in the neighbourhood of the Town where it may be erected with equal advantages.

"Under these circumstances, The Petitioners hope That your Honours will listen to their application, and altho' a wrong, in their humble opinion, has been already done, that you will not persist in granting any further feus on this public Walk, whereby the Inhabitants of the Burgh may be deprived of their only Walk in the Winter season—a thing so very conducive and necessary towards their health that it is generally called their doctor.

"And your Petitioners," &c.

Mr Laing did not get leave to erect this wind-mill, but years afterwards, by way of utilising the rush of tide at the Oyce mouth, a water-mill was put up at the point of the Aire.

On the 19th of October 1839, Mr Thomas Flett applied for permission to erect a saw-mill at the Oyce mouth, and laid plans before the Council. With the sanction of the authorities, Mr Flett set to work. The machinery was so adjusted that the wheel—a very broad one—should rise and fall, and reverse with the ebb and flow of the tide. After a time the place was fitted as a meal-mill, and was purchased by Mr Williamson. Though the water-wheel still remains, its work has long been superseded by steam.

In 1829, the house of Grainbank was built, and Mr Thomas Hutton, the Earl of Zetland's Chamberlain, feeling the inconvenience of having to go round the Peerie Sea to get to town, threw a light wooden bridge across the mouth of the Oyce. At that time boats were still in use to carry peats to the backyards of the Broad Street houses. Accordingly, Mr Hutton's bridge was constructed to lift so as to allow masts to pass through. But already carts were supplanting boats in supplying the town with fuel. Going to the hill at the time most suitable for tide, a string of them could be seen daily taking the ford from Grainshore to the

Aire. Keeping well below or above the line of the present bridges, they found shallow water and a fairly smooth bottom, and gradually the carters cut the boatmen clean out of the peat carriage. Then a strong wooden bridge took the place of Mr Hutton's light draw-bridge, and vehicular traffic across the Oyce mouth was established.

Under the Orkney Road Act, the old way over the hills to Stromness was abandoned ; a road was made by the Aire, and a stone bridge thrown across the Oyce mouth, 1858.*

But long before encroachments were made by yards and buildings, the Aire was turned to practical use. It was a very convenient beach on which to draw up boats. Some persons even went so far as to dig out nousts in it, and some were reckless enough to cast their ballast after coming to the beach. That observant magistrate, Arthur Baikie of Tankerness, enjoying his "doctor" one day in June, 1676, noticed several such acts of carelessness and aggression. As his habit was, when he saw matter to bring before the Council, he at once made a note of it, this time on the back of a letter :—Item.—"Yt an ack be mead yt no vessal or boat cast out yr balise, ayr (either) graval or sand, wtin. ye floodmrk ayr wtout. or wtin. ye aer." "Also yt non brak yro to mak docks wtin. or wtout. ye ar wtout. libertie fra ye magistrats, and yt they be obledged to even and smooth ye sd. grund so brak be yt vessal or boat." When Mr Baikie reached the west end of the Aire he found that things were not at all to his mind, so he notes :—"It., yt da. moncrieff, bailie, be inquyre anent ye clearing, redding, and making clean ye sea passage and oyse at ye schor qr vessals, &c., maye enter and lye more secuer ffra danger." This passage required frequent attention "The Magistrates and Counsell considering that the passage to the Ships Docks commonly called the Oyce mouth, is filled up with Gravel, Sand, and Stones to that degree that not only Ships but even great boats can scarce get out or in at a full sea, Therefore appoints the Proclamation to advertise the haill Inhabitants to be ready with Speads, Shovells, and other Instruments when called for by any of the Magistrats or Counsell, twenty or thereby by turns, in order to redd and clean the said Oyce mouth, and recommends to all, both Magistrats and Counsellors and Burgars, to inspect and oversee the perfiteing of that work, beginning on Monday next at William Traill,† brother to Westness, and so orderly up the gate two and two by turns daily, and appoints the Treasurer to provide and fix as many sufficient Stoups as shall be thought necessar for Securing Ships or boats in their out and in Coming." ‡

The "Great Boat" indicated above was the specific name for the largest class of open boats used in the islands. For instance :—"6th August 1662.—It is appointed, contracted, and agreed upon between Thomas Baikie, Skipper, in Kirkwall, on the one part, and James Maxwell, in Midgar, and John Brown, in Housbie, in Stronsay, on the other part, that the said Thomas Baikie, his heirs, etc., do cause build ane great boat of or about the burden of three score and twelve meills, of threttie foot of keel, with six stroak of oack round about, with three oaken balks and six iron bolts, with six knee heads upon the said balks, with twa masts and six oares, with ane hung back rudder of oack and helme conforme, with ane pump and roan and pumpstafe, and that her fluir bands be no wyder betwixt than ane foot, and also to cause build the said boat of ane sufficient mould with ane foirfute till the foir balk sufficiently prickit and made water tight, and that the said boat with her said furniture be compleat and ready upon the shore of Kirkwall not later than the 15th March 1663, for which boat so to be built the said James and John bind themselves to pay to the said Thomas £120 Scots, whereof £60 to be paid presently and the £100 at delivery of said boat."

* To carry out these works, Mr Wilson, contractor, came to Kirkwall with his family, and thus his son, the brave Major Wilson, who with his gallant little band perished in the Matabele war, received his early education in the Kirkwall Grammar School.

† House in Anchor Close. ‡ C. R., 27th March 1722.

Foreign vessels were frequently wrecked upon our islands, and if the country to which any such unfortunate ship belonged were at war with Britain, the wreck would be adjudged a prize, sold by the crown authorities, and probably bought by a local merchant in the hope of making a profit off the materials. Such a vessel was purchased by James Baikie of Tankerness some time previous to September 1686, and was laid on the Aire to be broken up. After lying at least a year, on Tuesday, 30th August, "about 2 in the afternoon, Jon. Sabiston and Thos. Foubister, wrights in Kirkwall, entered to break down the pryse at the end of the air."*

In those days Orcadians did not willingly let go the chance of securing a prize:—5th June 1691, Friday night, between 9 and 10 in the evening, the ship that came ashore at Westray upon Monday night last past, said to be a French vessell, sailed to Kirkwall road, and conducted there by Geo. Balfour of Pharay, Geo. Traill of Holland, and others, their servants." 26th June, "Friday, the said ship sailed from Kirkwall road to Westray, commanded by Geo. Traill of Holland, with the whole crew of maister and mariners, to be kept there until a return from the Counsel of Scotland might shew whether she was prize or not."†

That the crews of such prizes came to be badly off there is proof:—"Captain Monschow, one of the ffrenchmen residing now in Toun, and being in distress, did come to one of the ministers and crave supplie. The Session, taking the same to consideration, appoints the Trer. to give him ten shill. ster. in Charity."‡ Next year he got £3 Scots "to help carry him off." "Monschow" is plainly Orcadian-French for "Monsieur," the captain's family name having evidently been unpronounceable.

But while the Aire was a place for breaking up old ships, it was also a suitable spot for building new ones. Thomas Brown records, with some surprise, the shortness of time in which one vessel was built. "Thos. Orchard, with the rest of his men, placed the ship he intended to build upon the Stocks upon the air near the pryse."§ "Friday, abt. 10, The vessel or ship pertaining to Alexr. Geddes and built upon the air of Kirkwall, was launched and brought from thence and placed on ye east side of ye pryse pertaining to Tankerness, at the west end of the shoar and air of Kirkwall."‖ "Alexr. Geddes, his new vessel or ship built upon the air of Kirkwall, was hailed from the shoar to the road there, which ship was begun and enterat to be built from the Kiell and upward by Thos. Orchard, James Halcro, and others, Carpenters, 14 Sept. 1686."¶

Alexander Geddes, afterwards Bailie Geddes, already had a ship:—23rd August 1682, "Being Wednesday, Alexr. Geddes arrived at Kirkwall from Holland with his vessel or ship, qrin was ye Great Bell of Kirkwall, returned after ye casting thereof at Rotterdam."*

A northerly gale tells severely upon this beach:—"Monday, betwixt 11 and 12 of the day, there was a storm of wind at the north, and there was a great boat blown out of the nowst at the air pertaining to David Covingtrie to the shore of Glaitness."†

The Aire being universally regarded as a healthful promenade, the authorities took more care of this "walk" than of any part of the town.‡ William Traill, Dean-of-Guild, gave orders to "redd, right, and clean the common walk commonly called the Aire, now out of order by the winter storms."§ The same Dean-of-Guild "Appoints all that have sparr or other Timbers upon the walk called the Aire, do remove the same to the South syde of the Aire, and lay the same one end to the East and the oyr end to the West, soe as that walk may be better cleaned and more commodious for walking, also that no ware or sea wrack be laid upon that walk within four foot thereof on both sydes."

The necessity for having strong "stoups" at the point of the Aire arose from the strength

* T. B. † T. B. ‡ S. R., 5th Sept. 1720. § 14th Sept. 1686. ‖ 29th June 1687.
¶ 23rd August. * T. B. † T. B., 8th December 1690. ‡ C. R., 21st March 1720.
§ C. R., 27th March 1722.

of the tide through the Oyce mouth. Boats could go flying out and in on the ebb or flood tide, but larger vessels coming in without a check would be very apt to get ashore.

In the gale which blew down the front of David Traill's house, and which drove David Covingtrie's great boat out of her noust across to Glaitness, two vessels lying in the roads broke adrift. They belonged to Patrick Fea and Edward Scollay, and before the north wind, and evidently on a flood tide, getting into "the track of the oyce, they were both blown very near to Pickaquoy." These were probably smacks, but whatever their rig, they were of size sufficient for carrying on a Continental trade. Though having no great draught, yet the fact of their being "blown very near to Pickaquoy" points to a deeper "Peerie Sea" than the last few generations have known. A stray porpoise occasionally found his way into the Oyce. "Tuesday morning, There was a pallaig whale came to the shore of Mudisquoy or thereby, within the oyce of Kirkwall, and about eleven of the same day, Thomas Flett, borrowman, towed the same from that part to Oversanday's back dyke."* The bulk of the Kirkwall shipping in the middle of the last century lay up in the winter on the south side of the Aire.

"Kirkwall, the fourteenth day of March, seventeen hundred and thirty years.

"Sederunt—John Covingtrie, Lord Provost, etc., etc.

"The said day there was a petition Signed by the Shipmasters and owners of the ships in the Burgh presented in Councill, Setting furth that the Entry or Oyce mouth of the Burgh through which Ships are brought to their winter Docks is very much filled up in the outgoing and Incoming of the said Oyse, in both Sydes of the poynt of the Aire of Kirkwall, with Stones, Gravill, and Sand, which is greatly prejudiciall and consumes a great deall of time in getting ships carried out and in of the said Oyse, and praying that the Magistrats and Councill would take such Measures for Cleaning the said Oyse mouth as to them should seem Most fitt and Convenient.

"The saids Magistrats and Councill having Considerd the said Petition, finds the desire thereof Reasonable, And Do unanimously Agree that Two flott Bottomed Boats be Built for carrieing of the Rubbish and Chingle, both wtin. and wtout. the said Oyse, ffour shode Shovels, Two picks, Two boat hooks, and two Spaids, and what else may be necessary for that end; And Recomend to and Impower Donald Groatt, pnt. Dean-of-Guild of this Burgh, to cause build the said two flott Bottomed Boats with all expedition, And to furnish the other Instruments, And to Agree with ffour Men, at Sight of any one of the Magistrats And two or three of the Councill, for working in the saids Boats, And to pay them their wages weekly as they shall be agreed with; And whatever he shall dispurse in that matter, the Magistrats and Councill do all agree the same shall be allowed to him to Accompt of his Intromissions with the publick of this Burgh in his hands; And Recommend to the sd. Dean-of-Guild to Speake to George Blair, Mercht. in Kirkwall, to oversee the said work, and to agree with him at Sight forsaid. And after the said oyse mouth is Cleaned wtin. and wtout., that there be so much Cut of the poynt of the Aire as shall be found needfull, and qt. Rubbish and Gravill yrof, together with the haill other Gravill wtin. and wtout. the oyse, be carried on the Aire and exactly Leavelled, so as to make ane handsome walk, and yrafter, to make a strong head, a Wall at the poynt of the Aire, of Bigg gray Stones; And Lykewayes to depurse what is needfull for doing yrof and for building the floatt Boats and making the oyr requisites, And to sett down ffour Strong Stoups at the said head at Convenient distances, all which shall be allowed to the sd. Dean-of-Guild."

Having cleared and deepened the Oyce mouth, the Magistrates resolved the year following to do something for the Oyce itself. "The Magistrates and Councill Unanimously agree that the two float Bottomed boats be beitt† and repaired, and men be putt to work for clearing the Oyse this summer."‡

When the Oyce came up to the gardens of the houses in the Midtown and Laverock, it gave a very picturesque appearance to Kirkwall, a beauty which even yet is not altogether lost, while the rapid current which filled and emptied the Peerie Sea at the flow and ebb of the tide did much for the sanitation of the town.

A cart road from the head of the town ran by the side of the Craftie round the shore of the Oyce up to the farm of Grain and to the peat castings on the east and north slopes of Wideford Hill. To reach that road from the town dry shod, stepping-stones were laid down for the

* T. B., 6th Dec. 1681. † Caulked. ‡ C. R., 28th May 1731.

benefit of foot passengers. One set of these was at the foot of Mr Oliver Scott's garden, second from the lower end of the Clay Loan. Another set was placed fourth garden farther down, Mr Marwick's.

The glory of the Oyce lies in the fact that it has moulded Orcadian history into the form which it has taken. It was the Vagr of the Vikings, within which their fleets wintered in safety; and from this, in natural sequence, come the Norse town, the Hall of the Earls, Brusion's Kirk, Rognwald's Cathedral, with castle, palaces, prelates, and princes. Now, however, the shrunken Oyce is indeed the Peerie Sea, and year by year it becomes peerier.

In 1818, Mr Baikie of Tankerness proposed that "there should be a road made from the west pier to the School Wynd,"* but this was not carried out. In 1859, Kirkwall got her Harbour Act, and in 1865 the main street of the town was relieved of some of its heavy and increasing traffic by the formation of Junction Road and the opening of Castle Street.

Between the present Slaughter House and the neighbouring feu, the old road to Grain strikes off. This point is sometimes yet known as Fraser's Corner, from the former proprietor of a house at the head of the lane which leads down to it from Victoria Street.

The field known as the "Craftie" has asserted its right to a place in the burgh records. This little croft has now been thoroughly reclaimed from the sea, and is used by the townspeople and their children for various purposes. It serves as playground and bleach-green, and it has done duty as a market place and as a field for volunteer parade. That it now belongs to the burgh is past doubt, but the manner in which the dispute for possession between Town and Crown was decided savours more of craft than of equity. The following letter from James Baikie of Tankerness to Mr Loch, the Burgh Member, gives a fair description of the place as it was sixty years ago, and is an interesting little bit of history extending to fifty years beyond that :—

"Kirkwall, 7th March 1836.

"My Dear Sir,—At the desire of a Meeting of the Town Council of Kirkwall on Saturday last, I beg to request that you will be so good as lay the following statement before the Honbls. the Commissioners of his Majestie's Woods and Forests :—By an advertisement issued by the Chamberlain for the Bishopric Lands in Orkney, a prosecution for tresspass, among other places, is threatened if any one is found upon a place called the Little Crofty of Kirkwall. This is an accumulation of Sand and Gravel upon a part of the Banks of the little sea of Kirkwall, which occasionally overflows it, and is in fact of so little value that, but from the circumstance of the Burgh having some years ago fewed it for the purpose of Building Houses upon, it would not be worth making any objection to the crown selling it, as it is presumed the preliminary steps of an Interdict indicates.

"It seems that upwards of 50 years ago an attempt was made to Evict this property, but the Town Council successfully resisted it in the local courts, and have since fewed it to several persons, who, having found it not worth the expence necessary for Banking out the sea and digging very deep for a foundation, have abandoned the attempt of building upon it. These people would therefore be well pleased at any circumstance which could vitiate the Title of these Fews, as they would, of course, come upon the Burgh for Repetition, which, in the present low ebb of their Finances, would prove disastrous. What, therefore, the Town Council request of you is to entreat the Honble. the Board of Commissioners to instruct their Chamberlain here to depart from this Interdict and to leave their title undisturbed—as in reality it is not worth the Expence of removing the present boundary wall of the Bishopric property, which it would not enhance Five pound in value, while, on the other hand, the Burgh will be involved in great loss if their Title is at all invaded. (Signed) JA. BAIKIE."

When Mr Baikie made this appeal he had been Provost for just a month, having succeeded Captain W. Balfour of Elwick on the 6th February 1836, and the zeal inspired by the recent civic honour may have dimmed his eyes to the shady hue of the transaction.

* Tankerness Lane.

CHAPTER XXIII.

Back of Town.

ON the landward side, Kirkwall was bounded by a series of *quoys* and the farms of Pabdale and Weyland. The uncultivated hill outside a town dyke was called the seatter. A part of the seatter, enclosed and cultivated, was a quoy. If the quoy fell out of cultivation, but continued enclosed, it became a toft. When the town dyke was diverted so as to take in a part of the seatter, a tumale was formed.*

Of the quoys surrounding the town the westmost is Pipersquoy, called, in the rental of 1595, Clarkisquoy. Beyond it lay Hornersquoy, cut through by the road to Scapa pier. An enclosed space, described in 1677 as lying behind the houses of Farquhar, Richan, and Pottinger, "being ane pendicle of Quoybanks," has had many owners and several names. It was known as the "Little Park," the "Green Park," and "Greentoft"; but more interesting than these names was that given to the dyke at the north-west corner—the "Resting Dyke."

The Peerie Sea came nearly up to this; the town began here, and all visitors from the west passed this way. There was no road by the Aire, the earliest bridge over the Oycemouth dating from 1839. Weary pedestrians were glad to reach the Resting Dyke. Down from the peat banks of Wideford Hill the way into the town was by the Neukatineuks, and the Resting Dyke heard many a sigh of relief as the heavy caisey dropped from the bent back upon its broad, divoty top.

From the "Little Park" to the Clay Loan, Quoybanks is the boundary of the Laverock. From the days of Bishop Graham this has been the glebe of the minister of the First Charge in Kirkwall.† Poor as Quoybanks was, and perhaps because it was poor, the minister required to keep an eye upon his neighbours to prevent encroachments on his glebe. In 1692, Mr Wilson, for himself and his successors, protested against the "unwarrantable intrusion" of Magnus Taylor, who had built not only such temporary fabrics as peat-stacks, but had actually put up houses upon the "glybe lands." Before the Council Taylor produced a charter granted by Robert Richan, but the municipal court refused to recognise the litster's power to grant such a charter, and ordained the Dean-of-Guild to see that the buildings complained of should be removed or subjected to "ane annuall payment."

From the Clay Loan down to the garden wall of the old Post-Office, Quoyangrie was the eastern boundary of the town. In the rental of 1595 it is called Cuikisquoy. The name is got from the title of an important officer in Earl Patrick's household, Adrian the cook. Adrian, whose family name is lost, held lands in other parts of the Mainland—Banks in Orphir, for instance—but, as his calling kept him pretty much confined, his interest in property was limited to drawing the rent. His fellow-servant, however, the Earl's gardener, found time, and evidently had permission from his lordship, to work for his own profit outside the

* Balfour's Memorials. † See *ante*, p. 245.

palace garden. Accordingly, Anderson the gardener rented from Adrian the cook his quoy, and along with it he had the adjoining field, Butquoy. It is pleasant to find little instances here and there which go to prove that, to his household, Earl Patrick was not unkind.

Not long after the days of Adrian, the cook, and Walter Anderson, the gardener, these two quoys belonged to James Morrison, from whom they were acquired by Arthur Baikie of Tankerness. These had been bishopric lands, and James Baikie, evidently doubtful of the validity of his title, secured in 1679 a Charter of Resignation from Bishop Murdoch of "All and haill the two Quoyes of land callit Butquoy and Quoyangrie, with the teynd sheaves yrof, includit yrwith, qlkis were never in use, to be separate from ye stook lyand neir ye toun of Kirkwall, and boundit betwixt ye comon loan on the east, the oyer comon loan on the south, the yards of the tenements lyand in ye laverock of Kirkwall on the west, and ye Bishop's lodging, callit the place in the yardis, with the quoy callit Rowisquoy on the north, with ane other little loan betwixt ye saids quoys." By this time the dykes of Butquoy had become dilapidated ; and "Wednesday,* Tankerness servants in S. Andrews parrochine, with the parrochiners yrof, entered the building of the dyke of the quoy appointed for a park, wch formerlie belonged to James Morrisone, wch quoy hath been named Butquoy, next the gallows."

Marching with Butquoy was Rowisquoy, now called Brandiequoy. The triangular space, having its base towards the east wall of the churchyard and its apex opposite the U.P. Church, was part of Rowisquoy, cut off at the making of the road from Broad Street in 1822. At the beginning of the present century, Brandiequoy was the fashionable promenade of the town. In 1827, however, it showed all the unsightly symptoms of neglect, and the following circular was sent round among the *elite* :—

"Promenade in Brandyquoy.

"These walks being now much overgrown with weeds, it is necessary for the comfort of those frequenting them that they receive a thorough cleaning and an addition of gravel. As no charge has been made on the subscribers for two years, within which the walks have been regularly cleaned and a Door and Lock furnished at the East end, it is expected that each subscriber† will now contribute *one shilling*. (Signed) W. L.

"4th Dec."

"W. L.," who took the trouble of looking after the pleasure ground, was the Rev. Wm. Logie, afterwards Dr Logie, minister of the First Charge in the Cathedral, and from a letter of his we learn the rent paid for the place :—

"Daisybank, 9th Feb. 1832.

"Dear Sir,—In regard to Brandyquoy, I had paid the expenses of dressing the ground occupied with trees, *for the year ended at Martinmas 1831*, before we had settled the new terms of lease, and therefore I presume it will be for the year ending at Marts. 1832 that I will have first to pay the rent of 10*l*. I enclose the stipend receipt, and am respectfully, Dear Sir, your faithful Obed. St.,

(Signed) William Logie.

"Thomas Graham, Esq."

The necessity of such a place of recreation becomes apparent when we remember that in

* 29th Aug. 1688, T.B.

† There were forty-nine subscribers :—Mr Logie, George Petrie, Mr Traill, Woodwick ; Mr Shirreff, Mr Mackenzie, Mr Craig, P. Flett, Peter Calder, Mrs Murray, Mr Henderson, Andrew Louttit, Mrs Thuring, Mr Mitchell, Mr Traill, Frotoft ; Mr Thos. Spence, R.N. ; Mr Spence, banker ; Mr Bain, Mr Patton, John Tait, Dr Bremner, James Chalmers, William Simpson, Robert Spence, Dr Duguid, James Anderson, Mr Pollexfen, Mr Baikie, Mr Gil. Traill, Mrs Dunn, Mr D. Erskine, Miss Pollexfen, James Taylor, Mr R. Louttit, Mr Scarth, Mr John Baikie, George Hewison, Mrs Yule, Miss Traill, Mr P. Fotheringham, Mr Sands, Mr Hutton, Mr Brotchie, Mr David Warren, Robert Flett, Capt. Balfour, Robert Borwick, James Walls, James Leask, Mrs Cowan.

the neighbourhood of the town there were no roads on which people could with comfort take exercise.

The site of the Grammar School had been granted at a nominal feu by Mr Laing of Pabdale, but the playground was in the corner of Brandiequoy, cut off by the road—a space granted by the Commissioners of Her Majesty's Woods and Forests. Mr Craig, along with the school boys, levelled and enclosed their ground, and when His Majesty resumed possession in 1836, they naturally put in a claim for their labour and outlay. They sent in their account to the Chamberlain, Mr Graham, who forwarded it to London and got a reply :—

"Office of Woods, &c., 25th June 1839.

"Sir,—The Commissioners of Her Majesty's Woods, &c., have had under their consideration your letter of 10th inst. representing claim made by Mr James Craig, Teacher of the Grammar School at Kirkwall, for compensation in respect of money to the extent of £20 and of labour valued at £5, expended by the scholars at Kirkwall in 1832 in enclosing, draining, and levelling a portion of the lands of Brandiquoy, then and previously held by the Schoolmaster under an order of the Barons of Exchequer in 1820, and which was recalled when this ground was resumed by the Commissioners in 1836 for the purpose of being put up for sale with the rest of the lands of Brandyquoy ; and enclosing an account (without date) for £11 3s 4d, appearing to be paid to James Allan, a mason, for quarrying stones, carting, and building a dike to surround this piece of ground, and a Certificate of the sum and labour specified having been laid out.

"And I have on the Board's behalf to acquaint you that, under all the circumstances of this case, Mr Craig's Claim cannot be entertained by them. The terms of the Barons' Order under which this ground was held as a play-ground appear to have been wholly neglected ; and the ground up to 1832 was left entirely unfit for the purpose for which its occupation was permitted, and it was in part used for other purposes. The expenditure in question appears to have been incurred consequent on your having pointed out the misapplication that had taken place respecting the plot of ground, and was provided for by Subscription among the Parents of the Scholars, and the labour was supplied by the Scholars themselves ; and consequently there does not appear anything in the transaction that can entitle Mr Craig to compensation. (Signed) A. Milne."

The Crown Chamberlain evidently had a personal regard for Mr Craig, and this was not the first favour he had tried to secure for the teacher :—

"Office of Woods, &c., Nov. 15th, 1836.

"Sir,—The Commissioners of His Majesty's Woods, &c., have considered your Report of the 24th ulto. relative to the disposal of the lands of Glaitness and Brandyquoy and of the house adjoining the ruins of the Bishop's Palace.

"And I have to convey to you their authority for letting the lands of Brandyquoy and the House adjoining for the Term recommended in your said Report, under proper Covenants for the protection of the property and subject to the clause of resumption suggested by you, at the highest rent which you can procure for the same.

"With reference to your suggestion that the House and Land may be let to Mr Craig at a reduced rent to indemnify him for the value of the parcels of the property which have been resumed by the Crown, I have to acquaint you that the Commissioners cannot entertain that claim in connection with any treaty with Mr Craig for the tenancy of these premises.—I am, etc."

The house referred to as "adjoining the ruins of the Bishop's Palace" was the Old Manse. It was a substantial edifice, as is manifest from a "Report of the state of the Manse of Kirkwall, and of the manner of repairing the same so as to make it sufficient, under a remit from the Sheriff of Orkney, dated the 31st May 1827." "It is evident that the Manse in question has been the subject of many repairs and of some additions ; notwithstanding of this and having stood the blast of ages, the Masonry of it is in perfect good order, the walls being of extra thickness and built of the very best materials commonly used in the Country, and that in the most solid and compact manner." It was occupied as a manse in 1639, and its first tenants were James Heind, A.M., St. Andrews, and Agnes Young, his wife.* The previous incumbent, Mr Patrick Inglis, occupied the "Chaplain's Chambers," head of Broad Street.

* Presb. Rec.

Mr Heind was the first Presbyterian minister to occupy the Cathedral pulpit, Episcopacy just then suffering from a temporary disestablishment. It was probably he who suggested the lines over the doorway :—

"Omnia terrena per vices sunt aliena,
Nunc mea tunc hujus,
Post mortem nescio cujus."

Mr Heind died, 1641, about 32 years of age, and was succeeded by Mr George Johnston, who was translated from Sanquhar. In 1647, Mr Johnston was presented to Orphir, and Mr James Douglas became tenant of the Manse. The ministers of Orkney having subscribed an address to the Marquis of Montrose, were for so doing deposed by the General Assembly. Before demitting, however, Mr Douglas had let his Manse, with results which he could not foresee. "Within the area and iron gates was the minister's manse,* a long house, well lighted, with sufficient rooms; the same is also now ruinous, and the occasion of its going to ruin was this :—In the days of Cromwell's usurpation, there being an English garrison in Orkney, the Governor and principal persons resided in Kirkwall. Mr James Douglas being then Minister of Kirkwall, and living in said manse, Governor Watson, for so he was called, desired of the minister the favour of his manse for a lodging because it lay conveniently for him, being within the gates of the palace, promising to pay forty-eight pounds Scots money yearly, and to leave it in as good condition when he should be called off. The Session records of Kirkwall bear that the said Governor did pay, according to promise, punctually when required. But Mr Douglas being suspended for countenancing Montrose, who was then under sentence of excommunication, when the Governor on the restoration of King Charles II. went off, and so, not having a title to the manse, did not seek to re-enter it, by which means it went somewhat to decay; and when, upon the introduction of Episcopacy and Mr Douglas' conforming thereto, he would have returned, he could not until it should be repaired. The town refused to repair it because it was not within their precincts, and the Bishop refused to do it because it was the manse of the minister of the town; but in a session at Kirkwall, where Bishop Honeyman was present with the Magistrates, they agreed that the Bishop pay yearly twenty-four pounds Scots in lieu of house-mails, and the town as much, making in whole forty-eight pounds money foresaid, aye and while the manse should be repaired, by those who should be found liable in law to repair it; and from that time to this present the town's part, being twenty-four pounds Scots, hath been and is paid yearly out of the Kirk treasury of the Session of Kirkwall. The Bishop's part also was paid by Bishop Honeyman and Bishop Mackenzie, until the said Bishop Mackenzie's last year in 1687; but since the Revolution the said minister never got anything out of the bishopric on that account."

During the suspension of Mr Douglas the pulpit was occupied by the Rev. Alexander Lennox, the English Governor holding the Manse. Mr Lennox was a graduate of Glasgow University and a zealous presbyterian. He was deprived in 1661, and ten years later he got into trouble for holding conventicles. Mr Douglas returned to Kirkwall in 1661, but did not occupy the Manse.

As to Governor Watson's promise that the minister should have his Manse returned in as good order as it was when he left it, the assumption is that General Monk withdrew the garrison in some haste, or undoubtedly the last Governor would have redeemed the pledge of the first.

From 1661, certainly till 1741, the Old Manse remained unoccupied and in a ruinous condition. The three ministers in the Cathedral pulpit during those eighty years had houses of their own in Kirkwall. The first of them, Mr Wallace, was allowed £24 per annum in lieu of

* M'Farlane's Account of Kirkwall, 1726.

a manse, and this was continued to Mr Wilson and Mr Baikie. At length, 1744, as recorded in the "Renunciation to the Crown" by the heritors, the Old Manse "was repaired out of a gift from the Earl of Morton, the Lessee or Donatory of the Crown." There was a two-fold reason for this liberality on the part of the Earl. He wished to establish a claim to the Palace and its precincts. The Manse he therefore assumed to be his. Its garden, now occupied as the site of the County Buildings, went with it, and this brought him into close proximity with the Earl's Palace. His further interest in the Manse arose from the fact that he had begun to exercise the right of patronage in the presentation of ministers all over Orkney. "Edward Irvine, A.M., translated from 2nd Charge, presented by the Magistrates and Town Council, and by James, Earl of Morton."

In 1747, Mr Irvine was translated to Walls and Flotta, and he was succeeded in the Manse by the Rev. John Yule. Mr Yule, an Aberdeen University man, became schoolmaster of Rhynie, was licensed by the presbytery of Strathbogie, and came to Kirkwall from Portsoy, where he had been acting as missionary.* He was visited by Principal Gordon, of the Scots College in Paris, who remarks :—"With regard to the cathedral of Kirkwall, it must be owned to the honour of the Rev. Mr Yule, present minister of Kirkwall, that no one minister, nor all the ministers together, of that place, have done so much as he has done for keeping this venerable building in repair. It is alleged, with what justice I cannot say, that the Scottish clergy in general are at more pains to keep their manses than their churches in repair ; but I can say with the greatest justice that Mr Yule is an exception, for his manse is one of the meanest buildings I have seen of its kind." Mr Yule married Christina, daughter of the Rev. Thomas Baikie, his penultimate predecessor in St. Magnus. On the death of this lady he married, 2nd Nov. 1756, Barbara, daughter of the Rev. Thomas Traill of Hobbister, minister of Ladykirk. Their son, Robert, was appointed assistant and successor to his father, 1789. He married Anne, daughter of Rev. Thomas Traill of Tirlet, minister of the Second Charge, and died 1824.

The Rev. William Logie of Lady Parish, Sanday, afterwards Dr Logie, was then presented to the First Charge in the Cathedral. He had not been long in the Manse when by some accident the old place caught fire, and the minister, with his wife and young family, sought refuge in a house in Bridge Street belonging to himself. Dr Logie was the last tenant of the Old Manse as manse. His character, by one capable of estimating it aright, has been given as :—"Fervently, but unostentatiously pious, he had a clear and comprehensive intellect, soundness of judgment, incorruptible integrity, good temper, a large amount of benevolence, and the deportment of a Christian. His compositions showed a classical purity of taste, ripeness of scholarship, and an affectionate warmth of address and eloquence, which, joined to singleness of purpose, a devotedness of aim, and unwearied labours of love, gained for him the title of a 'model of a parish minister,' enabling him in a remarkable degree to exemplify the precept, 'Be ye wise as serpents and harmless as doves.'" He married, March 1814, Elizabeth, second daughter of James Scarth, merchant, and had a numerous family.

After the fire the question of repairs again arose, complicated by a claim advanced on behalf of Lord Dundas. As before, the Crown claimed the house as part of the Bishopric :—

"Exchequer Chambers, Edinburgh, 19th September 1828.

"Sir,—I received your letter of the 12th in consequence of mine to you of the 5th instant, desiring you to demand from the Rev. Mr Logie possession of the House formerly occupied by him in the Precincts of the Earl's Palace in Brandyquoy, and stating that he refused to deliver you the Key, but had given it to Mr Laing, the Provost of Kirkwall, and one of the Heritors of the Parish. It does not appear to me that you can do anything relating to the matter until such time as you may hear from Mr Laing ; but in the event of the Magistrates of the Burgh or the Heritors of the Parish

* Fasti.

doing anything in or about the House or grounds, you will do right in having the interdict applied for as you mention.

"From the statement you give of the way and manner in which Mr Fotheringham obtained possession of the ground on which he has built Houses, there can be no doubt that it belongs to the Crown and that Mr Fotheringham and his Tenants should be removed therefrom. Directions will be given you with respect to these soon after the commencement of the ensuing Term.*

"You likewise state that Mr Fotheringham occupies the under part of the old Tower of the Bishop's Palace as a Byre and Coal-house, and I presume without any right or authority from any person whatever for so doing, and if so it will be proper for you to call on Mr Fotheringham to remove everything whatever he may have in the Tower within the space of a month from the date of the notice, and in case of his failure, that you direct application to be made to the Sheriff for a Warrant empowering you to remove the articles, whatever they may be, at his expense, and that you do take possession of the premises on behalf of the King, and afterwards secure the doors thereof.—I am, Sir, your most obedient Servant, (Signed) A. D. LONGMORE, for the K.R.

"Chas. Shirreff, Esqre., Sheriff-Substitute, Kirkwall."

The above letter shows that there were no fewer than four parties who claimed rights in the Manse—the Crown, the Town Council, and the Heritors. Besides these Lord Dundas, as succeeding the Earls of Morton, claimed both the Palace and the Manse. With regard to the Palace Mr Hutton, Lord Dundas' factor, writes to Mr Graham, Crown Chamberlain :—

"Grainbank, 18th June 1831.

"Dear Sir,—I communicated your letter of 20th April as to your proposed operations on the Earl's Palace to Lord Dundas's Commissioner, and I have now to state to you in answer to that letter, that, as I consider the Earl's Palace to be the undoubted property of Lord Dundas as part of the Earldom of Orkney, any operation on that building or any sum laid out by you upon it on the part of the Officers of State or the Barons of Exchequer, shall not be held as in any way whatever affecting his Lordship's right.—I remain, Dear Sir, Your most obedt. Servt , (Signed) THOS. HUTTON.

"Thomas Graham, Esq., Crown Chamberlain, Crantit."

Mr Hutton forgot that the Palace, built by the Earl upon bishopric land, had been handed over to the Bishop by Earl Patrick while as yet it was a new house, and that in the excambion effected between Bishop Law and the King, it was specially reserved as the official residence of that prelate and his successors.

As to the Manse, the various parties who alleged proprietorship all felt doubtful of the validity of their claims, but it was tacitly considered that the Crown had the best right to it.

"At a meeting of Heritors and Doers for Heritors of the Parish of St Ola, held at Kirkwall the 4th day of March 1830. Present—James Baikie, Esqre. of Tankerness ; Gilbert Traill, Esqre. of Hatston ; Thomas Pollexfen, Esqre. of Cairston ; Thomas Graham, Esqre., Chamberlain for the Crown ; Thomas Hutton, Factor for Lord Dundas ; Mr Robert Borwick, Merchant, Kirkwall. Mr Baikie was called to the Chair. Mr Graham stated that he was authorised by the Right Honourable the Barons of His Majesty's Exchequer to repair the House in the Palace-yard at the expense of the Crown—then let it to the best advantage—and pay the free rent received to account of the sum payable yearly by the Heritors to Mr Logie, in lieu of a manse during his incumbency, it being expressly understood that there is no doubt or question as to the property of the House being fully in the Crown, and that upon the death or translation of Mr Logie the payment of the rent should cease. That before Mr Graham could proceed to take any step to accomplish such repair upon the House, it was necessary that some document should be subscribed by the Heritors and all concerned acceding to this arrangement, and to be so expressed as to put an end to any doubt as to the Crown's rights.

"The Meeting, having considered the above statement, are of opinion (with the exception of Mr Hutton, who stated that he would communicate with his constituent) that the proposal made by the Right Honble. the Barons of Exchequer should be acceded to by the Heritors.

"The Meeting having also taken into consideration the circumstance of various properties in the parish being without any valuation appearing in the Cess Books, but which are liable in payment of Stipend, are of opinion that, to put the whole Heritors upon an equal footing, the rent to be paid Mr Logie should be assessed on the Heritors according to their real rents as ascertained by the Decree of Valuation of the teinds of the Parish, dated 5th June and 20th Nov. 1816."

* The houses here referred to are the tenements at the back of the County Buildings.

This arrangement was afterwards departed from, and it was proposed that a sum of £30 per annum should be allowed Mr Logie as rent of a house in lieu of a manse. This sum the Heritors agreed to pay in the following proportions :—John Balfour of Trenaby, £2 1s 1¾d ; James Baikie of Tankerness, £6 8s 6½d ; Alex. Sutherland Græme of Græmeshall, £5 1s 10d ; Thos. Pollexfen, Esq. of Cairston, £2 15s 1¾d ; Wm Traill, Esq. of Frotoft, £2 0s 8d ; Rev. John Omond of Carness, 18s 8½d ; Saml. Laing, Esq. of Pabdale, £3 0s 3½d ; Trustees of late James Stewart, Mercht., £2 19s 7¾d ; the Right Honble. Lord Dundas, £1 7s 8d ; the Barons of Exchequer for Crown lands, £1 10s 5¾d ; Robert Nicolson, Esq., for himself and his disponees, 1s 9½d. On the other hand Mr Logie agreed "to cede and give up to the Heritors all right and title he has to the possession and occupancy of the Old Manse, Garden, and pertinents, together with that part of the garden called the Butts and Office Houses thereon, during the whole time of the said William Logie's incumbency and serving the cure."* But here a new power interposed. The presbytery found that, "though Presbyteries can sanction excambions in which the Cure acquires a *quid pro quo*, they have no power to *renounce* gratuitously any of the temporalities." The controversy had now been raging some eight years, ever since the conflagration in 1824. The question arose over the estimate for repairs, which was put in at £679 15s 5d. This estimate contemplated an enlargement of the house and consequently the appropriation of additional ground, and now, despite the claims of earl, presbytery, and heritors, Mr Graham, Crown Chamberlain, carried out the confiscation of that Old Manse in a very simple manner. Mr Logie wanted a larger house built on the old site, and Mr Graham would not allow an additional foot of ground.

In a letter to the agent for the Heritors, the minister makes the case very clear :—"As no Manse can be erected on the present site without additional ground, which the Crown is not now disposed to grant, and as, therefore, the Manse must be built in the Glebe, it would of course be incompetent for any minister to claim two Houses. By accepting, as he must do, a Manse in the Glebe, the Minister will *ipso facto* lose his right to the present site, which was designated only for a Manse, and cannot be applied by him to any other use."

Instead, however, of insisting upon having a manse built for him in the Glebe, Mr Logie accepted the above annual allowance, and this arrangement lasted from 1832 till 1886, when the present incumbent, the Rev. John Rutherford, for himself and his successors, insisted on having a manse in the Glebe. A contemporary writer very well expresses public opinion on the subject :—

"It is a matter of no importance in general to any person but a clergyman where his manse is built, and in the present instance the right of the parties must of course be settled in the ordinary way by the proper authorities. But, as a matter of taste, it is not even open to dispute that the position of a minister's manse in the midst of ruined palaces is not expedient. A minister needs cows and horses and cocks and hens, and he needs also houses to keep them in. Now, we remember to have seen, in the course of our wanderings, cow-houses and dunghills, and hen-houses and coal-houses, and all the *et ceteras* of that description, within the walls of the old Episcopal Palace at Kirkwall, and if another new house shall be built for the minister in the same place, the same sort of ornamental offices must in a greater or less degree be annexed to the mansion. It would be *officious* in us to express our best wishes for the applicant in this case and that he may get every accommodation and comfort to which by law he is entitled ; but, as members of the community, we have as good a right to criticise the situation of his house as the qualities of his sermon. And we must humbly opine that it would be *indecent* to continue the minister's house, with the necessary nuisances, in the situation proposed. There are about 50 acres of land quite convenient and legally designed for a glebe and *manse*, and we have been assured by a wigged lawyer in the Parliament house that if there be one sufficient designation for these purposes there is no room for a second. We have no inclination to interfere with matters in which we have no concern and none to animadvert on causes depending

* This is from the pencilled draft of the Bond of Security between James Baikie, Esq., for himself and the other Heritors, and the Rev. William Logie. The Bond was prepared by John Mitchell, Writer, Kirkwall. Favoured by the late Jas. Barnett, Esq., Crown Chamberlain.

in courts of law, but merely enter a caveat against the perpetuation of a nuisance which we have seen drive off strangers when they entered these old ruins, with uplifted hands and an exclamation, 'Oh! John Knox, John Knox !!' " *

The Crown, having secured this the last scrap of the Bishopric, repaired the old house and let it. There was some competition for the tenancy, but it was given to Mrs Yule and Mrs Traill for joint occupation. It was but natural that Mr Graham should give the preference to Mrs Yule, who had during her husband's lifetime presided over the hospitalities of the Old Manse for thirty-five years.

" Kirkwall, 8th May 1832.

" Sir,—In reply to your letter of yesterday's date, we beg leave to enquire whether we are to be allowed the use of the coal-house adjoining the Manse, and which was possessed by the late Mr Yule, as you do not mention it particularly in your letter. We certainly cannot object to relieve you of the expence incurred by you of putting in the vegetables, but if anything remains to be done to the north half of the piece of ground lying between the Byre and the House, we would prefer doing it ourselves.

" The arrangement you have made with regard to Mr Pollexfen being the judge of the house being in a proper tenantable condition is perfectly satisfactory to us, and although it is necessary that we should have permission to lock up some articles in the garret by 25th current, yet the workmen may have access to the rest of the house until the work is completed, which we trust will be as expeditiously as is consistent with your convenience.

" We beg leave to return you our best thanks for the preference you have given us and for the personal trouble you have taken, and we pledge ourselves that the rent of £17 per annum shall be duly paid at any term or terms most agreeable.—We are, Sir, your Obedt. Servants,

(Signed) Anne Yule,
Frances Traill.

" Thomas Graham, Esq."

Mrs Yule's signature at the age of seventy-three shows the natural shake of a hand unaccustomed to the pen, but that of Mrs Traill, who wrote the letter, is quite a model of caligraphy, while the diction and business point of the epistle exhibit the clear-headed woman. She was the daughter of Robert Baikie of Tankerness and the wife of Gilbert Traill, of the Frotoft family, Lieutenant, R.N. Mrs Traill was left a widow in 1849, and for years afterwards she was pleasantly known as "Aunt Fanny" to a circle which included many who were not her nephews and nieces.

In 1857, when the Crown sold the Butts and other portions of the Bishopric property, the Old Manse was bought by Captain Baikie. Early in 1862 the Captain came to the late Mr Charles Slater, then tenant, and told him that he meant to sell the Manse. He also assured him that if he would become purchaser he should have it for less money than any one else would. In going through the house with a view to arranging a bargain, they came to a dark closet under a stair, whereupon the old seaman remarked, "A capital cellar for ale." Getting no reply, he repeated, "An excellent ale cellar," adding, "But perhaps you are a teetotaller." "Yes, for many years," was the answer. Then, following the grunt of impatience, which defies orthography, came the easily spellable words, "Damned fool." This unasked opinion did not affect the business on hand, and till his death, January 1897, the Old Manse was owned and occupied by Mr Slater, who never regretted either his bargain or his teetotalism.

The immense thickness of the walls has enabled the old house to weather the blasts of centuries, but time has stripped it of some of its adornments. Mr Heind's motto has disappeared from above the doorway. The likelihood is that the stone on which the lines were engraved was destroyed by the fire referred to above or in the course of the subsequent repairs. The *Scots Magazine*, 1804, gives an account of a tour in Orkney and Shetland by a

* Ork. and Zet. Chron., March 1825.

traveller, who transcribes the lines, being evidently struck with their appropriateness to a house which the departing owner could in no case bequeath to his heirs.

Till the extension of the municipal boundary, the Manse and all the houses beyond it towards the Clay Loan were outside the precincts of the burgh. Over them the Magistrates could exercise no authority, and this fact sometimes led to evasions of the law. We have a case in point in the career of a man, notorious or famous, according as his character is estimated by foes or by friends. George Eunson was arrested somewhere about the back of the town on the complaint of Robert Blair, shoemaker, and James Mowat, Burgh Fiscal, whose petition to the Magistrates

"Humbly Sheweth,—That on Wednesday last, the thirteenth current, about Eleven O'clock at night, when the private complainer had shut his door and was about going to his bed, George Eunson, Residenter in Kirkwall, without any just cause or provocation, brock up the door of the room where the private complainer sleeps, and having in this violent manner entered his house, he, the said George Eunson, took him, the private complainer, by the collar, and threw him to the floor, that not being satisfied with this, he even threatened to take away the private complainer's life.

"That as there is not at present any Sheriff in this Country (none being appointed since the death of Patrick Græme of Græmeshall, Esqr.), and as the complainers are informed that George Eunson is soon to leave the country, they are under the necessity for applying to your Honours for redress, as they apprehend that the said George Eunson has been guilty of the Crime of Hamesucken, and is not in safety to sleep in his house, the door being brock by the said George Eunson, who has frightened his tender and helpless wife and children.

"May it therefore please your Honours to consider this petition and to grant warrant to your Officers of Court to search for and apprehend the person of the said George Eunson wherever he can be found within your Jurisdiction," etc., etc.

The Magistrates—John Weir, Thomas Traill, John Traill, and Thomas Jamieson—had Blair up before them, and, after his deposition, they issued a warrant for Eunson's apprehension, "Wherever he can be found within the Burgh of Kirkwall."

The town officers arrested Eunson in the house where the crime was committed, but, on a bond from him, and without consulting the Magistrates, they allowed him to remain at large. The Magistrates, considering that the crime of hamesucken was not bailable, now ordered the officers to arrest Eunson wherever they could find him, as they reasonably enough regarded him as their prisoner apprehended within the bounds of their jurisdiction. But the prisoner took refuge in the house of his mother, "Isobel Johnston, who lives in the suburbs of Kirkwall," and when the officers tried to seize him there, "he answered, with a naked sword in his hand, By God he would not go for either Magistrates or officers, and the first man who offered to touch him he would make him a corp." He was at length overpowered and carried to prison.

That this took place in a house somewhere between Quoyangrie and Butquoy seems probable from the statement of one of the witnesses that he returned home "through the yards." The prisoner made this the ground of a protest :—"Unto the Provost and magistrates of the Burgh of Kirkwall, The Petition of George Eunson, shipmaster, Kirkwall, Humbly Sheweth That your Petitioner, being charged with Hamesucken by Robert Blair, shoemaker in Kirkwall, with concourse of the Procurator-Fiskal, warrant was granted by the magistrates for the petitioner's incarceration, which the officers, and others assisting them, did execute by apprehending your Petitioner without the limits and royalty of the Burgh of Kirkwall."

Eunson afterwards raised an action against the Magistrates for wrongous imprisonment, and the recriminations of the parties illustrate Kirkwall life, public and private, a hundred years ago :—

"George, by the Grace of God, King," etc., etc.

"Whereas it is humbly meant and shown to us by our lovite George Eunson, late shipmaster in

Kirkwall, at present Extraordinary officer of the Customs in Orkney, that where, by the Laws of God and of this and every other well-governed realm, the combining against any of our Lieges, more particularly one of our servants as an officer of our Revenues of Customs, and in plotting and contriving against him either to prevent or on account of the Execution of his said duty, in wrongously abusing, Maltreating, and Imprisoning his person and wrongously refusing to liberate his person from prison where he is incarcerated, are crimes of a heinous nature and very severely punishable, and are greatly aggravated by being committed by persons having, or at least assuming, authority as magistrates and councillors of one of our Royal Boroughs, yet true it is and of verity that the pursuer. having been some time ago appointed an Extraordinary officer of the Customs in Orkney, he had the misfortune, in the legal execution of his office to us and his country, to draw upon himself the ill-will of Several Contraband Traders and others in the County of Orkney, and particularly of John Weir, Thomas Traill, John Traill, and Thomas Jamison, present Baillies of the said Burgh of Kirkwall, and James Erskine, John Reid, Alexander Stewart, and Samuel Murray, Councillors of said Burgh, and John Murray, in the Island of Eday, father of the said Samuel Murray, who have omitted no opportunity to harrass and oppress the pursuer, both under the form of legal procedure and otherwise, which they were enabled to do with impunity by being Magistrates and Councillors of our said Borough themselves, or aided and supported by them and their associates and friends leagued in the same Compact with them to defraud our revenues by carrying on an illicit Trade to a great extent," etc., etc.

The indictment goes on to state that when Eunson was on the eve of starting for Edinburgh to prove the parties named as being largely engaged in smuggling, besides "information of recent frauds," they did "spirit up" Robert Blair to act as he did so that they might be able to lay Eunson by the heels. It complains that the pursuer was beaten in a most inhuman and brutal manner on the head and body with staves, poles, and other weapons, dragged through the streets of the burgh, and thrown into a "dungeon under ground, wherein a notorious thief was also confined, and in the hearing of the dismal yelling of a person troubled in mind, who was confined in the next apartment." In short, it shows Eunson to have been a martyr in the cause of duty, suffering from the vindictive malice of a gang of respectable smugglers whom he had thwarted and exposed. This was met by a Memorial from the persons accused :—

"The Memorialists have been lately served with a summons of wrongous imprisonment and damages at the instance of one who stiles himself 'late Shipmaster in Kirkwall, at present Extraordinary Officer of the Customs in Orkney.'

"One copy of the Summons has been sent, and, in order that a proper Defence may be made out to it, it will be necessary that the Memorialists give a short History of the life and transactions of the pursuer so far as it consists with their knowledge. George Eunson, the pursuer of this Action, was born of poor but of honest parents in the Neighbourhood of Kirkwall."

After a very uncomplimentary account of Eunson's life and conduct from his school days downward, the Memorialists show how he got his appointment as Extraordinary Officer of Customs :—

"As the circumstances which gave occasion to his being appointed extraordinary Officer of the Customs having been particularly stated in two Memorials sent to Edinburgh, The memorialists need not repeat them. They shall only mention that Mr Baikie of Tankerness, having lost two Elections, the one in the 1780 and the other in the 1784, he and his friends were determined to be revenged against those who voted against him. For this purpose they came to the resolution of informing against some of the Memorialists as Notorious Smugglers, expecting that the result of such information would ruin them and their families. As they did not chuse to be seen directly in it themselves, they looked out for a proper person to act for them under their direction. As George Eunson was going about the country without employment and like a vagabond, as he had formerly been employed by themselves to Smuggle for them, and as they knew he was of such a turbulent disposition that he would be ready to enter into anything that was mischievous to his Neighbour, they looked upon him as the fittest person. Accordingly, they got him to write to the Treasury and Board of Customs in Scotland that some of the Memorialists were great Smugglers, in consequence of which a Precognition was ordered to be taken, which was accordingly done, but in an unfair and partial manner, notwithstanding whereof they have not to this day (now two years) brought any proof of any act of Smuggling by either of the Memorialists.

"Mr Baikie and his friends, finding they would faill in this attempt, thought of another expedient in order to harrass the memorialists, and that was to get George Eunson made a Custom house Officer. They accordingly procured a Commission for him, but previous thereto they gave him this injunction, both in word and write, that whatever he did that he should take care of their friends, the plain meaning of which was that whatever goods he should seize he should take care not to touch any of those belonging to Mr Baikie or his political connections. This injunction George Eunson scrupulously adhered to, for in several searches that he made in the Town of Kirkwall, and particularly that through the shops, of which particular notice was taken in a former memorial to Edinr., he took care not to trouble or molest any of Mr Baikie's connixtions, altho he endeavoured to harrass and distress those who were opposite in principle to them. Then, in a late examination respecting his conduct as an officer, it has been proved, even by one of Mr Baikie's own friends, that he said to him that if he happened to see anything of his he would endeavour to go out of the way. His partiallity and the extraordinary manner in which he acted towards some of the Memorialists being represented to the Commissioners of the Customs, they thought it necessary first to Suspend him and afterwards to take away his Commission from him."

The references to smuggling in this defence would go to show that in Orkney at that time everybody who was anybody was a contraband trader. The lairds and merchants furnished the ships, employed the labour for working the business, and reaped the larger share of the profits. Sailors engaged in it, and especially those in command, found this traffic more exciting, and at the same time more remunerative, than legitimate cargo carrying. On the other hand, the bulk of business people in Scotland and in England had for a considerable time felt that smuggling was an intolerable nuisance, and a fertile source of damage to honest enterprise.

The following agreement, had it been adhered to, would have gone far to put down smuggling in these islands :—

"The Justices of Peace, Heritors, and Gentlemen of Orkney,* taking into consideration the evils ariseing to this Country from the importation and consumption of Tobacco manfactd. abroad, and foreign Brandy and other spirits, without payment of duty, and that while this practice continues, the Grain of this Country sells at a low price and the Tenants disabled in payment of their rent, Unanimously resolve to use all endeavours to discourage the Importation and consumption of the same, and that after the 10th April 1733 we shall not drink any of the said spirits in any public house, and shall endeavour to detect and discover the Importer or Retailer of such spirits, and give concurrence to H.M. Officers of Customs and Excise to seize the same; and also recommend to all Heritors in letting their houses to take the tenants bound not to sell any of the foresaid Tobacco or Spirits under penalty of forfeiting their Tacks, and ordain these Resolutions to be advertised at each Parish Kirk. (Signed) John Hay, James Stewart, Patrick Grahame, James Baikie, James Fea, James Traill, John Covingtrie, Charles Grahame, Thomas Baikie, Henry Moncrieff, Harry Græme, Robert Honyman, William Honyman."

Again, in 1744 there was a general movement throughout Scotland to have illicit traffic stamped out, and the freeholders of Orkney, to avert suspicion from themselves, were obliged to meet and "Resolve to do their endeavour to put down the practice of smuggling, and solemnly engage to discourage the consumpt so far as their influence, example, and authority can reach." The merchants, however, would pay no duties which they could evade.

In his little book, published 1788, on "The Ancient and Present State of Orkney, particularly the Capital Borough of Kirkwall," Eunson says :—"The Counsellors, together with other pretenders, still continue to import and smuggle here all kinds of spirituous liquors from Holland, which they send to and fro through the country, to be sold for them at public-houses at such a rate as they can clear cent. per cent. And there are so many public houses, that it is as free to them as water, the price being no more than three halfpence each gill. Although there are revenue officers stationed in order to detect frauds against the government (and indeed there is very great need of strict ones), yet they are regardless of the

* 12th Jan. 1733.

duties required of them, being absolutely friends of the smugglers, and having sometimes a share of the profit." Eunson goes on to show that there had been one upright and zealous officer—himself—who, on account of his zeal and integrity, had received very cruel treatment at the hands of the Kirkwall Magistrates. As a seaman, Eunson was in ability and enterprise far above the ordinary run of last century skippers in Kirkwall. This is sufficiently proved by the chart of the islands which he published.

In 1743, Mr Murdoch Mackenzie, grandson of the Bishop, issued his "Proposals for Surveying and Navigating by Subscription the Orkney Islands." Mackenzie states that "from the Thames and other parts of Britain a great number of ships, especially in time of war, sail through these islands, yet a draught of them, with any tolerable accuracy, has never yet appeared. The only original maps of the Orkneys, as far as can be guessed, are one by Nicolay d'Arfeville, chief Cosmographer to the King of France, that in Blaeu's Atlas, and one by Mr John Adair, Geographer for Scotland." He tells us that the first of these "was done from the Journals and Observations of Alexander Lindsay, who was pilot to James V. in his navigation round Scotland." In it, besides errors in "the Bearings, Figures, Magnitudes, and Distances of the Islands from one another, the Latitude is two degrees wrong, and ten or twelve of the Holms (or lesser isles) and all the rocks are omitted. Another map of the Orkneys is prefixed to Wallace's description of these islands, printed at London, Anno 1700. This seems to have been copied from Adair's map, tho' not very carefully, having all the faults that were in his and some more from the negligence of the copier." These were some of the reasons which induced Mackenzie to survey and publish. One feature of Mackenzie's proposed chart was to be that "All the Churches, Buildings, Gentlemen's Seats, Villages, and most remarkable Hills necessary for directing vessels how to keep clear of Rocks, to enter into Harbours, or to the best Anchor ground, will be marked in their proper places."

With an admittedly accurate chart before him, Eunson had to show good reasons for publishing another. He says:—"Several years ago a survey was made by Mr Murdoch McKenzie of the islands of Orkney, and his particular scale was accurate; but as the islands were divided upon different sheets, the navigation was made intricate and difficult for the mariner." Eunson's chart then was to be upon one sheet, its price one-third of that of the other, and as some of the buildings taken by Mackenzie as landmarks had been demolished, he should "make headlands and other immoveable bodies a seaman's directory."

By this time the first North Ronaldshay lighthouse had been erected, and Eunson was engaged by the Northern Lights Commissioners to act as pilot when their vessel came to Orkney. This in itself was a testimonial to his efficiency, and it was, if not at the instigation, at least on the encouragement of this Board that this work was undertaken. Admitting Mackenzie's scale to be accurate, Eunson made use of his outlines, and applying his own practical knowledge to the work, he produced a chart which was adopted by the Admiralty, issued by their publishers, Norrie & Company, and which was only superseded about fifty years ago by that of Captain Thomas. The chart is a beautiful piece of work, good holding ground is marked by engraved anchors, and sets of tide by arrows. The sailing directions, too, are full and clear. It was dedicated to John, Duke of Argyle, and the other members of the British Society for Extending the Fisheries and Improving the Sea Coasts of Scotland. The family tradition regarding Eunson's death is that he went down in Sumburgh Roost with H.M. cutter Curlew.

At a time when smuggling was so openly practised and so difficult to suppress, it is remarkable to notice how careless the Government was in the matter of inland revenue. In 1788 it was the duty of Mr James Riddoch to issue licenses for the sale of liquors, and doubtless he would have granted them to any who might apply; but he did not regard it as

any part of his duty to prosecute those who sold without licence. He had in his office, however, a clerk, James Sinclair, who, having access to Mr Riddoch's correspondence, made a treacherous use of it. Having some acquaintance with Mr George Innes, in the Stamp Office in Edinburgh, Sinclair wrote to him :—

"Sir,—Your letter to Mr Riddoch, of the 4th of March last, respecting the Information you had received agst. Agents and Solicitors who practise before our Sheriff Courts without licences, I duly answered on the 27th of that month.

"Before I came to this Country I was perfectly well acquainted wt. you and many of your friends, and as your line of Office must urge you to support his Majesty's Revenue, I am not ashamed to be the Informer agst. *Hundreds* in the County of Orkney who are most Notorious Smugglers and Retailers of all kinds of Foreign Spirits ; and what is more extraordinary, *not one* of them has a licence.

"This dangerous and illicit practice calls loud for redress ; and as your duty leads you to bring the Offenders to Justice, so you are bound to lay this Letter before the proper officers of the Law and return me a satisfactory answer whether you are to proceed agst. the delinquents or not. Many of them are sufficiently *able to pay the Penalties.* But you must advert that there is no Justice of Peace in Orkney who will act agst. them, Because they are Smugglers and Retailers themselves ; otherwise I will take the first opportunity of publishing this Information in all the Newspapers of Great Britain. —I am, Sir, Your most obedient Servant, (Signed) JAMES SINCLAIR, Sheriff Clerk of Orkney.

"Kirkwall, 12th April 1788."

Whatever may have been the nature of the reply to this letter, it is obvious that it contained a rebuff, for Mr Sinclair writes again :—

"Sir,—I received your letter of the 28th ulto. in answer to mine of the 12th. In return thereto, please be assured that Mr Jas. Riddoch, being a native of the country, must be as sensible as I am of every Retailer of foreign Spirits in Orkney without a Licence. I wonder then when you say he has a Commission to prosecute delinquents, why he does not put it in force ? I offer to do the Business if you will employ me, provided I am allowed a proportion of the penalties, and the whole moneys recovered should be paid in to Mr Riddoch.

"I can prove that one and all of the Custom house and Excise officers here frequent many retail houses where all kinds of foreign Spirits are Sold and drunk without licence or paying his Majestie's Duties. I compute about Three Hundred of this Class on the Mainland and Islands. What a loss is this to the Revenue? Gin and Brandy sell in Shops and Houses at threepence halfpenny the half mutchkin, or two Gills.

"You see, then, that it would be improper for me at present to give up the names of the Delinquents to Mr Riddoch, yet, if I am authorised by you to prosecute them, I will undoubted do it.

"You might have spared a reflection in the end of your Letter. But if you choose to enquire of my Countrymen—The Honble. Baron Gordon, The Honble. Arthur Duff, Ludovick Grant, Esq., and your friend, Gilbert Innes of Stow, Esq. (my old comrade)—They will tell you whether I am a gentleman by Birth and Education or not. I could even name nobility of the First Rank who would recommend me to your notice in preference to others, if I saw occasion for it. There is therefore no necessity for publishing our correspondence. The issue of it may possibly be soon at an end. But I make it a point that Mr Riddoch shall not know of it till I hear from you again, when you will inform me whether I am to be employed or not. This I expect you will do in course of post.—I am, Sir, Your most Obedient Servant, (Signed) JAMES SINCLAIR.

"Kirkwall, 17th May 1788."

Mr Innes, as might have been expected, sent copies of these communications to Mr Riddoch, with the following letter :—

"Stamp Office, 6th June 1788.

"Sir,—Having received the letters, of which the foregoing are true Copies, I have thought it necessary to transmit them to you, as the information respects your District. I have wrote in answer to Mr Sinclair, and in the first desired him to Condescend Specially on the persons of the delinquents, and to give them in to you, who would prosecute for the penalties if they could be recovered, which I suspect could not be done on account of their Poverty.

"As the second letter Condescends upon a number that I have no idea can either pay the duty of being legally authorized, and far less the penalties of transgressing the law, it rendered my suspicions still stronger with regard to the truth of the information, especially as the Gentleman wanted to be

employed, and therefore I wrote to him that before I would take any step of that nature I would send copies of his letters to you, and require you to examine into the facts therein set forth, and to report thereupon and upon the condition and circumstances of the delinquents, which I must desire you to do accordingly; and if it shall appear that such frauds are carried on against the Revenue as are represented, and by people who are able to pay either duties or penalties, measures must be fallen upon to carry the law into effectual execution.—I am, Dear Sir, Your most obedient Servant,

(Signed) GEO. INNES."

The letter is addressed to Mr James Riddoch, Collector of the Stamp Duties, Kirkwall; and above the address, in the upper left hand corner, in compliance with some ancient postal regulation, are the words, "Single Sheet." Mr Innes' instruction to carry the law into effect must have put Mr Riddoch into a quandary. He could not prosecute the poor and allow his wealthy friends to go scot free. It is taken for granted that he himself was guiltless of having ever tasted a drop of contraband liquor. Whatever the cause, he was dilatory in the matter, and, after a couple of months, a more zealous officer was sent north to examine and report. He writes :—

"Sir,—The honble. Board of Excise was pleased to send me to the Orkney Islands in the month of July last to ascertain the duties of Excise, as the tack of the Composition terminated the 5th of said month; during my stay there, which was to the end of November, I discovered a great many Retailers of Spirits and other liquors without either the British or foreign Spirit licences or wine licence; Jas. Erskine, Mercht. in Kirkwall, being the ouly person who had out these licences, and which he obtained at Edinr.

"As I wished to make the most Revenue I could while there, I granted foreign licences to the undermentioned persons, tho' they had not the British licence, and at the bottom I enjoined them to apply for and take out the British license from Mr James Riddoch, the Person appointed to grant such; but I had reason to believe that Mr Riddoch had never possessed himself of the licences, nor had they a design to take them out. Therefore I consider it my duty to lay the whole before you, and am well assured that if a proper person was appointed to look after the retailers of Ale and Spirits, the Revenue would gain considerably and the County would derive a very great benefit, as at present the practice of retailing Spirits is too general and attended with pernicious consequences to the people, as from the cheapness of the Gin (their common drink, and all smuggled being 1½d or 2d a Gill) they are enabled to drink to Excess, to the destruction of their health and morals. I told Mr Riddoch that he ought to apply for the British licences and urge the Retailers to take them out, but you'll know if he has done it.

"The persons to whom I granted the Foreign Spirit Licences are :—Alexr. Logie, Kirkwall; Hugh Sclater, Innkeeper in do.; William Allan, senr., Innkeeper in Stromness.—I am, Sir, your most humble Servt. (Signed) RODR. LAURENCE, Supervisor of Excise.

"Dunse, March 2nd, 1789."

To his letter, Mr Laurence appends a list of "Unlicensed Retailers of Ale, Spirits, and Wine in Orkney." They numbered one hundred and two—fifty-five in Kirkwall,* forty-two in Stromness, and five in the islands.

* See Appendix to this chapter.

APPENDIX TO CHAPTER XXIII.

Unlicensed Retailers of Ale, Spirits, and Wine in Kirkwall, 1789.

**John Reid & Co., Mercht.
James Laughton Smith
Jas. Mainland
Mary Leslie
**Robert Spence
*Thomas Jamieson
Mary Syme
William Walter
Isobel Petrie, alias Widow Kelday
John Shearer
James Sinclair
Helen Yorston
Magnus Paul
Janet Liddel
Hugh Sclater
Isobel Taylor
Margt. Brough
John Grindwater
Jean Smith, alias Mrs Rendall
Jas. Spence
Jean Cock
John Oddie
Robert Nicolson
**Robert Flett
James Mouatt
*James Stewart
Edward Gorrie
Janet Sinclair
Thos. Petrie
Oliver Scott
Peggy Smith
*Chas. Erskine
John Eunson
George Sinclair
Peter Laughton
Donald Calder
Alexr. Stewart
Hugh Mowatt
*George Rendall
James Petrie
John Mowatt, Jail-Keeper
Wilm. Bremner, junr.
David Eunson
*Thomas Traill
Peter Flett
Anne Linnie
Robt. Symie
Wilm. Driver
Robert Corston
Robert Callum
Peter Wick
Thos. Lingie
James Drummond
Margt. Irvine
George Scott

"Those marked thus * are merchants, not public-house keepers. Those marked thus ** sell wine and spirits of the above description. All the rest keep public-houses, and many of them very wealthy, and retail all kinds of wine, spirits, etc. If you please to prosecute, sufficient proof will be brought."

CHAPTER XXIV.

Pabdale.

MARCHING with Brandiequoy, eastward, was Pabdale. This is perhaps the oldest name in the mainland of Orkney, and it points to a time when one of St. Columba's monks came and settled as a missionary among the Pictish inhabitants of the ancient hamlet. The papa, or father, without any doubt, had his monastic cell somewhere in the dale of the burn that ran past the huts of his flock into the Oyce.

In keeping with its name, Pabdale anciently belonged to the Church. In the Charter of James III. the adjacent land of Rowisquoy was given to the Burgh, but Pabdale is not mentioned. In Lord Sinclair's Rental it does not appear, but in the Rental of 1595 it pays to the Bishop "2 barrel butter, and in teynd 2 meills cost, 28 poultry, and 44s silver."

"The Milne of Pabdale payis 6 meils mele." In 1614, "Pabdaill, with the Myll of Pabdale, was set in few to Jon. Findlison in Dundie." In 1624, William Craigie of Pabdale was contracted to Margaret, daughter of Hew Halcro of that ilk.

In 1783, this property was acquired by Robert Laing, merchant, Dean-of-Guild. Laing is an old name in Orkney. Mr George Petrie notes a contract of marriage between Alexander Laing, smith, and Marjorie Gadie, dated Kirkwall, 1615. In April 1665 is registered the marriage of "Helen, lawl. daughter of Robert Laing, late souldier, and Cathering Henryson." In 1698, Thomas Laing, in Eday, was a burgess of Kirkwall. In 1725, James Laing, probably a son of Thomas, assisted at the capture of Gow the Pirate. He got a lease from James Baikie of Tankerness of all his lands in Eday, 3rd Feb. 1738.* Tradition credits this James with two wives and thirty-four children, but when it wishes us to believe that one wife was the mother of seventeen daughters and the other of seventeen sons, tradition is somewhat too exacting. One of the sons, Gilbert, had a large fortune left him, and he added the name Meason to his own in deference to the author of his wealth, Meason of Lindertis.† In 1808, he represented Kirkwall in the Convention of Royal Burghs. When he mortified £1000 for the upkeep of the Cathedral, he styled himself of Moredun. Gilbert's brother, Robert, who bought Pabdale, was for some time Provost of Kirkwall. It is evident that the merchant secured this property for his son, Malcolm, the historian, for we find the latter granting feus off the estate during his father's lifetime.

Pabdale was the eastern boundary of what is now Albert Street, a narrow lane separating the farm from the back yards of the houses. Though the land belonged to Mr Laing, the public had rights within the Pabdale bounds. The burn for washing, and its banks for bleaching purposes, were claimed by the women of Kirkwall as theirs from time immemorial.

After Malcolm Laing had been in possession for some years, he intimated to the Council that he wished to square off and enclose his property, so the Magistrates took steps to guard

* H. L. † Information received from William Cowan, Esq.

PABDALE. (Favoured by Samuel Reid, Esq. of Braebuster.)

the rights of the people. How the Council preserved the popular rights may be seen by the fact that down to 1793 a piece of ground, "*adjacent* to the lands of South Pabdale," had always been known, under diverse spelling, as the "Ba' Lea of Kirkwall," but, in a charter granted that year by Malcolm Laing to the Session of the New Church, it is called the "Ball Lay of Pabdale."

Dr Hew Scott, in his most interesting work, "Fasti Ecclesiæ Scoticanæ," falls into a remarkable error regarding young Laing's education. In his notice of the Rev. Alexander Nisbet, of Shapinsay, after recording the minister's death in 1758, he adds:—"He kept a Boarding School and Establishment, at which the celebrated Malcolm Laing, Esq., advocate, and others received their education." But Malcolm Laing was born some years after Mr Nisbet's death, and went from the Grammar School of Kirkwall to the University of Edinburgh. During his professional curriculum Laing became the friend of Brougham, Jeffrey, Cockburn, and others who afterwards became famous in a period perhaps the most brilliant in the history of the Scottish Bar.

In 1785, Laing became a member of the Faculty of Advocates, but though he showed eminent ability and excellent qualifications as a special pleader, he found bar practice uncongenial work. His voice never lost its "tones provincial," and his manner was too independent to be winning. His speech, however, in defence of Gerald, who was tried for sedition in 1794, was pronounced by Lord Cockburn to be the best that was made for any of the political prisoners of the time. But the Advocates' Library had more attraction for him than the Courts of Law, and there he gratified his thirst for historical investigation. In 1800, Laing published his "History of Scotland from the Union of the Crowns to the Union of the Kingdoms." In 1804, he published a second edition of this work, prefixing a "Dissertation on the Participation of Mary, Queen of Scots, in the murder of Darnley," which is perhaps the author's ablest production. And while his material was collected in Edinburgh, it is interesting to think that much, perhaps most, of his work was written in his father's house in Kirkwall.

On the first day of October 1788, the dyke of Pabdale mill-dam burst, and the rush of water created havoc along the course of the burn. Mrs Anderson, wife of the minister of Evie, writing to Mr Watt of Skaill, describes it "as a second deluge." But though it must have done much damage, the Council Records entirely ignore it, and tradition naturally exaggerates and makes it threaten to destroy the town. Checked by the piers of the Lang Stean, the water poured down the Lang Stean Close in such volume as to flood the ground floors of the houses there; then, crossing the street, this diverted torrent rejoined the main stream below the Bridge and rushed down the Hempow to the Peerie Sea.

When, in 1805, Robert Laing died, Malcolm sold the town house and made Pabdale his home. From 1807 to 1812 he represented the County in Parliament, where he became a personal friend and zealous supporter of Charles James Fox. On the 12th of August 1814, Scott, along with a party of old Parliament House friends, visited the historian at Pabdale.* "The morning, which was rainy, clears up pleasantly, and Hamilton, Erskine, Duff, and I walk to Malcolm Laing's, who has a pleasant house about half a mile from the town. Our old acquaintance, though an invalid, received us kindly. He looks very poorly and cannot walk without assistance, but seems to retain all the quick, earnest, and vivacious intelligence of his character and manner." Incidentally we learn from Scott that Pabdale garden was a source of interest and pleasure to the invalid. "All vegetables grow here† freely, and there are one or two attempts at trees, where they are sheltered by walls. How ill they succeed may be conjectured from our bringing with us a quantity of brushwood, commissioned by Malcolm

* See *ante*, p. 134. † Kirkwall.

Laing from Aberbrothwick to be sticks to his pease. This trash we brought two hundred miles." *

There is something very sad in the circumstances connected with the death of Sheriff Erskine, as recorded at the time :—

"Aug. 14.†—At his house in Albany Street, Edinburgh, the Hon. William Erskine of Kinedder, one of the Senators of the College of Justice. His Lordship had been for sometime past in a feeble state of health, and there is reason to believe that his end was accelerated by the effects produced on his mind by some reports which had lately been circulated to his prejudice. As soon as these reports reached his ear, some weeks ago, his Lordship requested of some of his friends to investigate the matter in the fullest manner, and to adopt such measures for the vindication of his character, by taking legal steps against the authors of these calumnies, or otherwise, as they might judge proper. The gentlemen thus appointed, consisting of several individuals of the highest respectability and professional eminence, accordingly set on foot an inquiry, in which they were aided by the friends of the husband of the lady whose name had been likewise aspersed, and the result was a unanimous opinion, that the whole of these reports were utterly devoid of truth. A certificate to this effect was signed by the friends of both parties, and Lord Kinedder's counsel and advisers added an opinion in the following terms :—'In these circumstances, we consider any legal proceedings as unnecessary for the vindication of the parties, and also inexpedient, not only on account of the protracted and painful discussions which they would necessarily occasion, but likewise because such measures might appear to attach an importance to these calumnies of which they are unworthy.' To the majority of persons, these idle rumours would have given little distress ; but to Lord Kinedder's sensitive and delicate mind, they were a source of great anguish ; and acting on a frame previously debilitated by sickness, they produced a nervous fever, which cut off this amiable and accomplished man in the prime of his life. His Lordship was attended during his illness by Messrs James Russell and Joseph Bell, surgeons, who did not apprehend any serious danger for his life ; and indeed so little was the event expected that, when he expired, the medical gentleman who was present believed it for some time only to be a faint, and measures were taken for restoring animation, though, alas ! without effect." ‡

Though an invalid at the time of Scott's visit, Mr Laing still took an active and influential part in public concerns. The East Hill, which had been a common, was feued about 1814, and several portions were enclosed. This was done that the town might be able to raise money for public purposes. Birstane at that time belonged to the Trustees of Sir William Honyman, and Mr Rae, factor for the Trust, procured interdict against the Council and instituted proceedings before the Court of Session. The following letter is an earnest appeal from Mr Laing to one of the Trustees to stay those proceedings :—

"My Dear Lord,—I apply to you with the freedom of an old friend, on the subject of a very useless and vexatious litigation which is likely to take place between Sir William Honyman's Trustees and the Town of Kirkwall.

"The circumstances of the case are explained in the answers for the Town to the Bill of Suspension and Interdict at the instance of the Trustees, which I must entreat you to examine. I can vouch for the facts which it contains : particularly for the benefit already derived from the rapid improvement of a barren and worthless common, and from the accumulation of a permanent fund for the purpose of completing the pier and harbour of Kirkwall ; then, for repairing and paving the streets anew ; and finally for establishing an additional Public School.

"If any one heritor has a right to complain it is myself, as the new Inclosures surround three sides of Pabdale, a farm of 200 acres, on which I reside, and approach within 100 feet of my own inclosures. But the common was always so worthless that I never turned anything upon it but geese.

"As the farms of Birstane and Quoys certainly do not exceed fifty acres, Sir W. Honyman is one of the least considerable Heritors in the Parish, and Mr Watt, his Tenant, has certainly less reason than any to complain. He has already appropriated and inclosed 10¼ acres of the common by admeasurement, which are fully equivalent to any pasturage that could be claimed for such small farms. The small enclosures fewed by the Town extend from Kirkwall along the west side of the hill, having sufficient pasture on the east or opposite side where Birstane, etc., is situated. The road of 100 feet breadth extends from Kirkwall in a direct line to Mr Watt's gate. It is the cart road I use along my own farm, and it is lined with quarries full of rubbish in consequence of the inclosures. If Mr Watt will join in any common plan, the poaching in winter may be prevented by a few runs of our carts in summer.

* Scott's Diary. † 1822. ‡ *Scots Magazine*, 1822, N.S., vol. xi., p. 520.

"In one word, I cannot really discover that Sir W. Honyman's interest has suffered a single shilling of loss by the fews; and as these inclosures are now completed and in the course of cultivation, it is obvious that nothing can be gained by the Bill of Suspension and Interdict.

"But the real cause of the dispute I must ascribe distinctly and explicitly to some petty retaliation on the part of Mr Rae, the Factor. On Christmas day I was informed at dinner that Captain Mackay, who had obtained a lease from the Trustees, had begun to demolish the large semi-circle of stones at Stennes, bidding defiance to the Gentlemen of the County. I entreated the Sheriff Substitute, who was present, to interfere for the preservation of those public monuments of the most remote antiquity. By his advice Provost Riddoch and I, as Justices of Peace, made application to the p. Fiscal, who executed a Sist and Suspension against Capt. Mackay, in order that the whole matter might be laid before the Trustees by Mr Erskine, the Sheriff. But the semi-circle, with the exception of two or three stones, was already demolished, and it appears from the enclosed copy of Capt. Mackay's letter that Mr Rae had concurred in the destruction of the circle, which a single word would have prevented. I need not mention the general disapprobation which, to their great regret, they have so needlessly, and on Mr Rae's part, inadvertently incurred. But as these transactions took place at the end of December, and were followed on the 25th January, almost in course of Post, by the present Bill of Suspension and Interdict, upon a subject, too, in which Mr Watt had already acquiesced, I must really ascribe the measure to some petty pique and resentment on the part of Mr Rae against Mr Riddoch and myself, who have the chief interest and direction in the Town Council of Kirkwall.

"The mischief it does is this. The fund which the Town has so industriously accumulated for purposes of publick utility will be absorbed and exhausted by an idle litigation, from which neither party can derive the least benefit. I have no disesteem for Mr Rae, who is prejudiced rather against Mr Riddoch than me, as he blames him (though from the documents I have seen I think most unjustly) for his removal from the Customs, where his situation was held incompatible with the office of a Factor. But I refer to Mr Peterkin, our new Sheriff-Substitute, as a man unconnected with the County, of whose worth and probity Mr John Murray will give you most ample testimony, to say whether Sir W. Honyman or his tenant has suffered any reall loss from the inclosures fewed out by the Town, or can derive any benefit from an expensive litigation after the inclosures have been completed.

"Upon this account, my dear Lord, I apply to you frankly, as one of the Trustees, to make enquiry into the circumstances of the case, in order that, if you see just cause for it, there may be an end to any farther litigation on the subject.—I remain, etc."

On the above copy there is nothing to show the name of the person addressed, but as Sir William Honyman sat in the High Court of Justiciary as Lord Armadale, this Trustee was probably a colleague on the bench. From the frankness and friendly circumstantiality of the letter, it may readily be inferred that Laing and he had been intimately acquainted when, as young advocates, they had paraded the great hall of the Parliament House. Very probably "My dear Lord" was Lord President Ilay Campbell of Succoth, who, before his elevation to the bench, had been Sheriff of Orkney. The copy, dateless, itself indicates the year of the feuing of the East Hill, and it states the threefold object the town had in view in thus disposing of its property. The year was 1814, and the money was wanted to complete the pier, to repave the streets, and to build another school. Mr Laing's letter concerning the Birstane road had due effect. His suggestion was adopted; the interdict was removed, and Mr Peterkin was appointed arbiter between the Town Council and the Honyman Trust:—

"March 1816.—Minute of Reference by James Riddoch, Esq. of Cairston, Provost of Kirkwall, for himself and on behalf of the Magistrates and Town Council of said Burgh on the one part, and John Rae, Esq., Factor for the Trustees of Sir Will. Honyman of Græmsay, Baronet, and Robert Watt, their Tenant on the Farms of Birston and Quoys, on the other part.

"The Parties being involved in a Process of Suspension and Interdict before the Court of Session relative to the Road leading from Kirkwall to the farms of Birston and Quoys, which Process they are mutually desirous to settle in an amicable manner; and therefore the Magistrates and Town Council of Kirkwall have agreed, and hereby agree, to make or repair at the expense of the Burgh, and at the sight of Alexander Peterkin, Esq., Sheriff-Substitute of Orkney, such part of the said Road as the said Alex. Peterkin shall fix and determine; and the said Alex. Peterkin is also hereby authorised to fix and determine the manner in which the said Road is to be made or repaired and the period when the work shall be begun and completed, and whatever the said Alex. Peterkin shall appoint and determine in the premises, the parties hereby oblige themselves to abide by and implement and fulfil in all respects; and upon the said Magistrates and Council making or repairing the

said road to the satisfaction of the said Alex. Peterkin, it is agreed that the foresaid process shall be relinquished and discharged. (Signed) JAMES RIDDOCH.
"12th March 1816." JNO. RAE.

"Kirkwall, 15th March 1816.

"I, Alexr. Peterkin, Sheriff-Substitute of Orkney, Arbiter appointed by the before written Minute of Submission, having, in presence of a Committee of the Town Council of Kirkwall, and of Messrs John Rae, for Sir William Honyman's Trustees, and Robert Watt, the parties' Submitters, visited and inspected the grounds through which the road in dispute betwixt the parties passed; having pointed out the line of road which in terms of the Submission I conceived it incumbent on the Magistrates of Kirkwall to form—running from near the house of Pabdale, at the west, to the end of the enclosures, at the east, towards Birston and Quoys: Having appointed the Magistrates accordingly to make said road in the manner they thought sufficient, subject to my future inspection: Having afterwards, in presence of a Committee of their number and of Mr Robert Watt, gone over and inspected carefully the road which they have made, and being now fully satisfied therewith, I do hereby Give furth and pronounce as my Decreet Arbitral That the Magistrates of Kirkwall have made a good and sufficient road betwixt the Town of Kirkwall and the Farms of Birston and Quoys, in as far as they were bound to do in lieu of an old track of a road, partly shut up by them or their feuars, on the north side of Pabdale:—And I declare the engagement come under by the Magistrates in said Minute of Submission fully implemented, and the Process anent said road thereby entirely extinguished and discharged:—And appoint the foregoing Minute of Submission and the Decreet Arbitral to be registered in the Sheriff Court Books of Orkney for preservation. In witness whereof I have subscribed these presents, written," etc. (Signed) "ALEX. PETERKIN."

If Mr Rae's conduct is not to be admired in his interference with a wise municipal Act, what can be said of his connivance at the destruction of the stones of Stenness? As often happens in such cases, the most valuable fell first. The stone which held the fateful "Ring of Odin" was broken up to build a barn. This stone was standing on the 16th of August 1814, and before Christmas Day of the same year it was down. It is somewhat remarkable that Mr Rae should have acted as guide to Sir Walter Scott when the Wizard visited the magic circle, and that so soon afterwards he should have sanctioned this act of vandalism.

"16th August 1814.—The day clears up, and Mr Rae, Lord Armadale's factor, comes off from his house, called Clestrom, to breakfast with us. We go ashore with him. His farm is well cultivated, and he has procured an excellent breed of horses from Lanarkshire, of which county he is a native; strong, hardy Galloways, fit for labour or hacks. By this we profited, as Mr Rae mounted us all, and we set off to visit the Standing Stones of Stenhouse or Stennis."

"Upon the tongues of land which, approaching each other, divide the lakes of Stennis and Harray, are situated the Standing Stones. The isthmus on the eastern side exhibits a semi-circle of immensely large upright pillars of unhewn stone, surrounded by a mound of earth. As the mound is discontinued, it does not seem that the circle was ever completed. The flat or open part of the semi-circle looks up a plain, where at a distance is seen a large tumulus.* The highest of these stones may be about sixteen feet, and I think there are none so low as twelve feet. At irregular distances are pointed out other unhewn pillars of the same kind. One, a little to the westward, is perforated with a round hole, perhaps to bind a victim."

"Mr Rae seems to think the common people have no tradition of the purpose of these stones, but probably he has not particularly enquired."

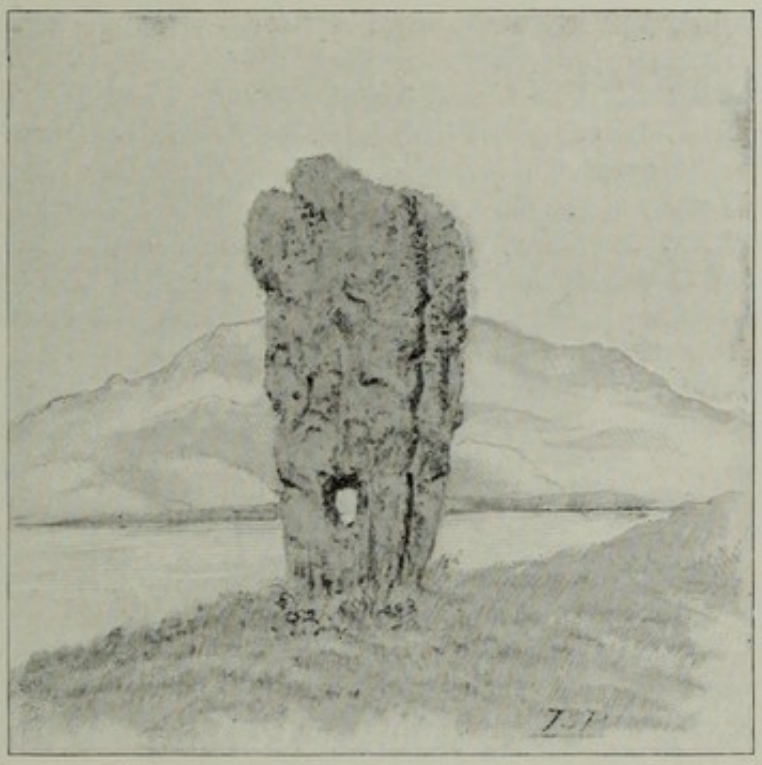
This last remark is very significant. To a man of Sir Walter's tastes and penetration, the factor showed himself a utilitarian with not the slightest antiquarian curiosity. When Scott heard of the destruction of this semi-circle, and particularly of the stone of Odin, his own lines concerning the removal of the Cross of Edinburgh must have reverted to his memory:—

"O! be his tomb as lead to lead
Upon its dull destroyer's head."†

Scott's idea, that the "round hole" was meant to bind a victim, goes on all fours, though in a different sense, with the local tradition that through it has been bound many a victim.

* Maeshowe. † Marmion.

Lovers plighted their troth by each grasping the other's hand through that "round hole," and there dividing between them a broken sixpenny piece. Such a betrothal was regarded as peculiarly binding. When by mutual consent the contracting persons resolved to sever the bond, they went to the church of Stenness, which had a door at each end, and, turning back to back in front of the pulpit, walked out through opposite doors. If one of the lovers died before the marriage knot was tied, the other could only be freed from the obligation by touching the dead hand which, when living, had been grasped in pledge of betrothal through the sacred Ring of Odin.



Stone with "Ring of Odin."*

From the following letter, it would appear that Mr Rae had agreed to the breaking of *some* of the stones :—

MR LAING TO CAPT. EDMESTON.

"Dear Sir,—I return Capt. Mackay's letter, who, I am satisfied, was quite unconscious, as he seems to be still ignorant of the injury he has unwarily done both to himself and to the antiquities of the county.

"These old stones must have subsisted above one thousand years, as they precede the Norwegian Annals of the Country, which commence in the ninth century. They are recorded in every history and description of this Country ; have been visited by every traveller for half a century, and are familiarly known to the Public as the earliest monuments of British antiquity. The mischief done to our antiquities cannot be concealed, nor the knowledge of the fact confined to this Country. The destruction of the semi-circle of stones must be publicly known, and will always be coupled with Capt. Mackay's name, who may be interrogated perhaps on his own farm by such inquisitive travellers as Sir Joseph Banks and Sir Walter Scott, who have both seen them entire. Pray, Sir, what has become

* From Sketch by the Countess of Sutherland, 1800. Favoured by Wm. Dunnet, Esq.

of the rest of those stones? The offence has not been given to Mr Riddoch or to me, who interposed merely as Justices of Peace, but to the community at large, which has an interest in the preservation of public monuments, and to men of letters and curiosity throughout the kingdom. If Mr Rae concurred in the destruction of all but two or three of these stones, I am sorry for it, and must lament that his residence in the Country has inspired so little reverence for its ancient monuments.

"Be pleased to communicate this to Capt. Mackay as the only explanation I can give of my sentiments on the subject and of my deep regret at the unforseen injury which the country has sustained.—I remain, etc.

"6th January 1815."

Captain Mackay was probably a Caithness man, and his grieve, William Dunnet, who superintended the breaking up of these stones, certainly belonged to that county.

Malcolm Laing died, 1818, in the fifty-third year of his age. His friend, Lord Cockburn, says of him :—"Depth, truth, and independence as a historian were the least of his merits, for he was a firm, warm-hearted, honest man, whose interesting and agreeable companionship was only made the more interesting by a hard peremptory Celtic *(sic)* manner and accent."

Malcolm Laing was succeeded in Pabdale by his brother, Samuel. Samuel Laing devoted himself largely to the study of the old Norse literature, and with this object in view he lived two years in Norway, and afterwards visited Sweden and Denmark. In 1844 he published the "Heimskringla" in three volumes.* He was perhaps the most popular provost Kirkwall ever had, and the most liberal where the interests of the burgh were concerned. Indeed his liberality affected his estate and led to the sale of Pabdale.

His son, Samuel Laing of Crook, lately deceased, was one of the ablest men that Orkney has produced. As a financier his work was appreciated by Government, and in this connection he published in 1864, "My Mission to India." Though a very busy public man, chairman of an important railway and member of Parliament, he found time for much writing, chiefly on finance and politics. He has also left several able contributions to theological polemics. He represented Orkney and Shetland in Parliament from 1873 to 1885. His son, Malcolm Alfred Laing, Esq. of Crook, is now Lord-Lieutenant of the County.

From the gate of Pabdale Avenue away to Warrenfield, all the houses on the left hand—East Road, Queen Street, Mill Street, King Street, School Place, and Dundas Crescent—are feus off Pabdale, the last taking its name from the family in present possession of the estate. The streets along the main road consist mostly of private houses.

At the foot of East Road, where a store now stands, the Charity School was opened in 1825. It was in one room up an outside stair. The present school was built by Miss Kelly, sister-in-law of Mr Laing, about 1846. Free education in the three R.'s and sewing was given to orphan girls or the daughters of very poor persons, the aim being to make them self-supporting.†

At the back of Mill Street is a square through which runs the Burn of Pabdale. This square was feued by William Traill of Frotoft, shipowner, possibly with a view of putting up stores. On the east side of the square, a building, now the workshop of Messrs Wilson, joiners, is still known as the "Brewery." This was built in 1816 by James Drever, who bought the site from Traill, and started business as a brewer. In those days, however, every household brewed its own beer, just as it baked its own bread, and the business in Mill Square was not profitable. But Drever was a resourceful man. He had bought St. Catherine's Quoys at the corner of Catherine Place and East Road, and started whisky making. The name "Brewery" attached itself to the distillery, which for a good many years continued to

* For the title of his and his son's numerous works, see Cursiter's "List."

† Information received from Miss Baikie.

be a profitable concern. Mr Traill seems to have started distilling in the old "Brewery," for in a Kirkwall Directory of 1825, he and Drever are both named as distillers.

Opposite Traill's brewery, George Robertson, son of the Congregational minister, bought a site and erected on the burnside a snuff mill, driven of course by water power. Now that snuff-taking has gone so much out of use, it seems remarkable that, though the nostrils of all Orkney had been thirled to that mill, it would have been possible to keep it going. But Mr Robertson imported more snuff than he manufactured, and had within his own business, which was largely wholesale, out-put for it all. The convenience of having such a mill in Kirkwall lay in the fact that Mr Robertson was a tobacco spinner. He bought the leaf and span it up into "twist." But with the leaf came the midrib and perhaps a bit of stem. This was all bought by weight as tobacco leaf and duty paid upon it, and as the hard parts could not be spun, a serious loss would have been sustained had these not been utilised—hence the snuff mill. George Robertson had a remarkable career. He conducted a very large business, export and import, and would doubtless have amassed a fortune but for the vicissitudes to which even the most worthy merchants are liable. Judging others by the standard of his own uprightness, he put perfect faith in those with whom he dealt, and especially in those of his own religious denomination, and, through the failure of two of his Congregational brethren in the south, he became bankrupt. What the estate realised does not concern us now. The ruined man went to America, resumed business, and prospered. When he had accumulated money enough for the purpose, he paid his creditors or their representatives in full, with five per cent. interest on their claims for each year they had lain out of their money. The surprised recipients accepted this unwonted settlement, and sent Mr Robertson a present of plate as a testimonial to his commercial integrity.*

Three of the Pabdale fields have to some extent a public interest. From as far back as the middle of the seventeenth century, the Ba'lea, as the name indicates, had been a field where men and boys played football. There were really two Ba'leas—the upper, as far out as Warrenfield ; and the lower, down where the U.P. Manse stands—both were burgh property, and both are now included in the lands of Pabdale. From the fact that golf had been played in the Ba'lea, requiring greater space than either of the two taken separately can afford, the inference is that the upper and lower leas were the extremes of one common, and that Pabdale's first encroachment was a bite out of the middle. Here the townspeople held their weapon shows. 27th June 1694, the Town Council "ordains the whole inhabitants of the Burgh of Kirkwall to be in reddiness, with their armes fixt, to meet and convein and to randevouze upon the Ba'lay to-morrow on Touck of drumb." The men who mustered upon the Ba'lea in the days of William III. could scarcely be called volunteers, for the penalty attached to absence was a fine of £10. But heavier penalties than pecuniary mulcts might be imposed upon those who did not appear at a weapon show :—

"In his Ma'tie's name and authoritie and those deputed by him in the admiraltie and justiciarie of Orkney, these are willing and comanding the whole Inhabitants of Kirkwall and parish of St. ollaus to keep a rendevouze on the balley of Kirkwall on thursday the 5th of this instant month of March, with sufficient fixed armes furnished, under the paine to the absents to be accompted contemners of the king's au'tie, and to pay each persone twentie punds scots, at which rendevouze ther is furder orders to be emitted for watching and defending the town agst. the Comon enimie and for provyding ymselfs in armes and amunitione for yt effect ; Meane whyll all ar to be readie to ryse upon any alarme for defence of the towne agst. the Comon enimie, Certifyeing the refusers that they sallbe banished out of the towne as not being worthie to leive amongst neightboures and his Ma'tie's Loyall subjects, besyds other punishments to be afflicted according to law, of ye qlk all ar to tak notice under the highest paine."

* Information from Samuel Reid, Esq. of Braebuster.

Another field having some kind of public interest is that above the mill, popularly known as the "Keelie Park." In the document describing Mr Laing's property when it was put up for sale in 1852, this field is designated "the Cabbage Park, let to John Muir's representatives at a yearly rent of £36." John Muir had been the miller, and very possibly this park may have been let with the mills. It was sublet in patches to those of the townspeople who had no gardens, that they might provide themselves with vegetables. How necessary it was that there should be such allotments available is shown by an old Act of the Town Council, the object of which was to prevent an influx of paupers from the country districts :—

"Lykewayes they appoynt a proclamatione to be given furth, certifying all the heretors and Lyferentars within the said Brugh, who has sett or shall sett houses to persones within the said toune who was found wanting peats and kail, that they will be severelie fined, and appoynting the saids heretors and Lyferentars not to harbour or keep the saids persones who was found wanting peats and kaill twentie-four houres efter the proclamatione, except the saids persones be provyded since the Last visiting the toune, ilk persone under the paine of ten pounds Scots money."

Another field of semi-public interest is the "Carters' Park." It would be impossible to find out with certainty who first brought wheeled vehicles into Orkney. Perhaps carts were introduced as useful accessories to the kelp industry, but it was not till the close of the last century that they came into common use. For a time, owing to the expense of wheels, it was a common thing to drag the vehicle along with the butts of the shafts on the ground. The narrowness of Kirkwall street shows that, when the town was built, human carriers, or horses with panniers, managed the goods traffic of the place. The carting industry in Kirkwall undoubtedly had its origin in the necessity of getting in peats. The houses on the Shore and those bordering on the Peerie Sea were supplied by boat, but as the west side of the street got built up, the people on the east side required another mode of carriage. And the demand brought the supply, for, early in the present century, the industry was so strong that the carters joined and rented this park. More interesting, if its history could be traced, is the fosse which runs through a part of the field. Peterkin, quoting Burnet, says "fortifications were reared on the east side of the Cathedral."

Between the Burgh School and the U.P. Church is a row of houses built by Miss Kelly, sister-in-law of Provost Samuel Laing. This lady thought, rightly or wrongly, that in Kirkwall there was not a sufficiency of comfortable house accommodation for artisans, and she erected these to supply the want. Probably there was a free grant of the site from the liberal proprietor, as these houses pay no feu-duty.

Between the U.P. Church and Gallowha' we have Dundas Crescent, in which the only house of public interest is St. Olaf's Scottish Episcopal Church.

Above the U.P. Church there was no dwelling-house on the Pabdale property till 1829, when the cottage known as Gallowha' was built opposite the head of Clay Loan. When Mr Laing's property came into the market, the history of Gallowha' was given in the articles of sale :—

"Effie Johnstone, residing at Gallowhall, aged 41, depones That she is the widow of George Eunson ; produces missive lease or grant of the cottage of Gallowhall in favour of her mother, Mrs Mary Petrie or Johnstone, and of herself, for the term of their natural lives, and to the survivor of them, for the yearly payment of two poultry at the term of Whitsunday each year ; that the said letter is granted in consideration of her father having built the cottage aforesaid at his own expense, and is dated 30th March 1829 ; that they have paid the two poultry whenever demanded, but that they have not been asked for or delivered for some years back ; that they are worth about eightpence each, and that they are quite willing and ready to pay them."

On another page of the same document, Effie Johnstone is mentioned as an old servant of the family, and from the above it might be inferred that so also had been her mother, Mary Petrie or Johnstone.

CHAPTER XXV.

Trades' Park.

BEYOND Pabdale, and about a mile south-west from the town, is the Trades' Park, a parcel of land eighty acres in extent, which, in 1829, the Incorporated Trades of Kirkwall feued from the Town Council.

Trades' Corporations are very old, and their origin and purpose are shown in an Act of the second Parliament of James I., 1424 :—"Item, it is ordained that in ilke Towne of the Realme, of ilk sindrie Craft used therein, be chosen a wise man of that craft, and be consent of the Officiar of the Towne the quhilk sall be halden Deakon or Maister-man over the laife for the time, to govern and assay all warkes that beis maid be the Craftes-men of that craft; Swa that the Kingis Lieges be not defrauded and skaithed in time to cum, as they have been in time by-gane, throw untrew men of the Craftes." If James I. called the Trades' Corporations into existence, his grandson raised them to dignity. For an extraordinary favour done to James III. by the burgesses of Edinburgh, through their Provost, William Bertraham, the King not only granted the city its "Golden Charter," but gave to the craftsmen a banner said to have been made by the Queen and her ladies. This flag, known as the "Blue Blanket," is still preserved. It was entrusted to the keeping of the Hammermen, and was borne at the head of the Burgher-guard. It floated over the Trades contingent at the Battle of Flodden, and is the standard referred to in Aytoun's stirring poem as borne from that fatal field after having shrouded the lifeless body of the King :—

> "Never yet was royal banner
> Steeped in such a costly dye,
> It hath lain upon a bosom
> Where no other shroud shall lie.
> Sirs, I charge you, keep it holy,
> Keep it as a sacred thing,
> For the stain ye see upon it
> Was the life blood of your King."

When James I. insisted that "in ilk sindrie Craft be chosen a wise man to governe and assay all warkes that beis made be the Craftesmen of that craft, Sua that the kingis lieges be not defrauded," he little thought that he was putting into the hands of the sindrie crafts a power by which the King's lieges could be the more easily defrauded. Neither did he foresee that he was organising a force which, in days to come, would curb the power of the nobles, and even resist the despotism of the monarch. The luckless hero of Flodden early in his reign became alive to the abuse of privilege in the hands of the Trades' Corporations, and tried to suppress them. But, powerful and popular as he was, he felt that he must approach the work gingerly. He proposed to abolish the Deacons for one year, thinking probably that if he

could insert the thin end of the wedge, he would by and by be able to drive it home. To a certain extent he carried the people with him, as they had abundant experience of the tyranny of the Unions. Under Romish rule, the Church had established many holidays, and some of the Crafts, notably the wrights and masons, insisted that while engaged on a job they should not only have their holiday like other people, but that they should have for it a working day's pay. Again, a rule of all the trades, very vexatious in its operation, was that when one man began a piece of work no other tradesman could be called in to continue or finish it. In any difference of opinion between householder and artisan, this gave the latter the entire command of the situation. Hence the Act of 1491 :—

"Because it is clearly understandin to the Kingis Hienesse and his three Estaites that the using of Deakons of men of Crafte in Burrows is richt dangerous, and as they use the samin may be the cause of great trouble in Burrowes, and convocation and rising of the Kingis lieges, be statutes making contrair the commoun profite, and for their singular profite and availe, quhilk servis great punition, and als belang and Maisons and uther men of Craft that convenis togidder and makis rule of their Craft, sik as Maisons and wrichts and uthers, that they sal have their fee alsweil on the Halie day as for the wark day, or else they sal not woorke : And als quhat person of them that wald begin ane uther mannis warke, and he at his pleasure will leave the said warke, and then nane of the said Crafte dare not compleit or fulfil the samin warke : It is herefore advised, statute, and ordained that all sik Deakons sal cease for ane yeir and have nane uther power bot allanerly to examine the finenes of the stuffe and warke that beis wrocht by the remanent of his Craft : And als belangand Maisons, Wrichts, and uther men of Craft that statutes that they sall have fee alsweill for the halie daie as for the wark day : That all the makers and users of the said statutes sall be indicted as commoun oppressours of the King's lieges be their statutes, and that the Clerke of the Justiciarie sall take dittay there-upon, and they to be punished as oppressoures : And in likewise of the makers of the statutes that quhair ony beginnis ane mannis warke ane uther sall not ende it, that all the makers and users thereof sall be punished as oppressoures of the Kingis lieges and dittay to be taken thereupon."

James VI. had no favour for the incorporated trades, nor did he regard their banner as a "sacred thing." On the contrary, he looked upon it as the rallying point of sedition and a symbol of popular opposition to the divine right of kings. "The Craftsmen think we should be content with their work how bad soever it be ; and if in anything they be controuled, up goes the 'Blue Blanket.'" From 1424, however, till 1846, the Trades' Incorporations retained some of their peculiar privileges.

The Incorporated Trades of Kirkwall were the hammermen, the cordiners or shoemakers, the tailors, and the weavers, the chief officials of each being the Deacon, and the Boxmaster or Treasurer. Each trade had its own funds and its separate interests, and there is no evidence of their ever having had a common property, not even a hall, till, in 1829, they took the above-named feu from the Burgh. They divided their property into halves, and erected buildings suitable for the working of two forty-acre farms. They soon discovered that they had made an investment which gave more trouble than profit. There was some expense in the management. "There was handed in an account from Deacon M'Pherson of Two Pounds six shillings Sterling for superintending the works of the Trades' park, also an account of seven shillings and sixpence each from William Corston and Magnus Rendall for dividing said Park." But Deacon M'Pherson had received from James Kelday, one of the tenants, "three pounds Sterling to account of his rent, and it being inconvenient for him to pay said sum this evening, Promises to pay fourteen shillings in the course of the week, which, with his account of Two Pounds six shillings, will meet the sum received by him." The tenants were constantly in arrears. When the manager appointed by the joint-committee, at a salary of one pound per annum, was able to report that he had got as much as £3 of rent, he had also to complain that there was from £6 to £12 resting owing ; but, indeed, the difficulty was to get any rent at all.

Again, this common property led to dissensions among the crafts :—"Kirkwall, 13th

February 1833.—The Committee of the Four Incorporations for the Management of Trades' Park met this evening in consequence of a letter to the President of last meeting from the Incorporation of Hammermen, complaining of injustice having been done to said Incorporation in the division of rents of Trades' Park." In consequence of this, when the accounts were sent in for "Building, etc., in Trades' Park," amounting to £14 5s 2½d per trade, the Hammermen refused to pay their share. Accordingly, it was "Resolved that this committee write the Incorporation of Hammermen, requesting them to pay said sum to Mr A. Yorston, failing which the general committee must resort to means (although unpleasant) to secure said sum."

There had been some laxity in the drawing of the feu-charter, and it came as a surprise when "it was reported to the meeting that Mr Bain, Town's Treasurer, had a charge against the Incorporations, amounting to £21 14s, for feu-duties, whilst the Incorporations consider that, in Terms of the Grant made by the Town Council in 1829, The Trades are only due 16/." Deacons M'Pherson and Walls were deputed to wait upon the Council, and their mission was successful, for, on 3rd Dec. 1834, "James Walls was appointed to pay Mr Bain the sum of 16/, being the amount due by the Incorporations till Martinmas 1834, and take his receipt for the same."

With these and such like little vexations constantly cropping up, it is not surprising that the Trades resolved to sell, neither is it astonishing that even in this they were not immediately successful. At the general committee, in December 1839, "James Walls reported to the meeting that he had neglected to charge the Incorporations the sum of 15/, being amount of Mr Patton's account for trying to effect a sale of the property, and which sum was arrested in his hands by Mr George M'Beath." Ten years later the Incorporated Trades ceased to be landed proprietors and ceased to exist :—

"Kirkwall, 2nd January 1849.—A Meeting of the Committee of the Trades' Incorporations was held this Evening. Present," etc.—"Mr Groundwater in the Chair. The Meeting, taking into consideration the peculiar circumstances in which they are placed relative to the Trades' Park, in consequence of their peculiar privileges being abolished by Act of Parliament—Finding that they are now useful to each other only as a Benevolent Society, and that their interests would be much better effected by a Sale of the Park, making the proceeds available to each Incorporation respectively—Direct that the Deacon of each Incorporation submit the matter to their respective constituents and obtain their consent to an application to the Town Council to sell the property, and as soon as their respective consents are obtained, this meeting appoint Messrs Jas. Walls and John Bruce to carry the matter into effect in the best and most speedy way they can."

The Act referred to was passed 14th May 1846, and is entitled :—"An Act for the Abolition of the Exclusive Privilege of Trading in Burghs" :—

"Whereas, in certain Royal and other Burghs in Scotland, the Members of certain Guilds, Crafts, or Incorporations possess exclusive Privileges of carrying on or dealing in Merchandize, and of carrying on or exercising certain Trades or Handicrafts within their respective Burghs, and such Guilds, Crafts, or Incorporations have corresponding Rights entitling them to prevent Persons not being Members thereof from carrying on or dealing in Merchandize, or from carrying on or exercising such Trades or Handicrafts within such Burghs ; And whereas it has become expedient that such exclusive Privileges and Rights should be abolished, Be it therefore enacted that from this date they be abolished."

On the 10th December 1849, the Committee of Management held their last meeting, when

"Messrs Bruce and Walls reported that, in terms of Instructions contained in Minute of 2nd January, they had obtained the Consent of the Town Council for the disposal of the Trades' Park, That they had employed Robert Urquhart, Esq., to conduct the sale, and that said property was sold for Three Hundred and Ten Pounds."

In dissolving a parternership older than our local records trace, and which for centuries had taken a prominent part in the public work of the Burgh, the Trades' Corporations balanced their books, and found that they had for division the sum of £303 16s, "Which sum, being divided in Four shares, is the Amount of Seventy-Five Pounds Nineteen Shillings to each of the Four Incorporations":—

"The Meeting having fully understood from the respective Deacons that each Incorporation wished the disposal and Management of their respective shares of the Foregoing Sum, agreed unanimously that the sum of Seventy-Five Pounds Nineteen Shillings be paid to the Deacon and Boxmaster of each Incorporation present, and resolved that each Box Master and Deacon shall sign this Minute as acknowledging receipt of the same, James Walls and James Craigie to sign as Witnesses. The Meeting further agreed that this Minute Book and the various Papers connected with the conjunct Committee shall rest into the hands of Mr James Craigie for inspection and preservation.

Hammermen—David Spence, Boxmaster.
Weavers { John Groundwater, Decon. / Robert Millar, Box Master.
Shoemakers { Thomas Slatter, Decon.; / Malcolm Heddle, Box Master.
Tailors { James Leask, Deacon. / Andw. Guthrie, Box Master.

James Walls, Witness.
James Craigie, Witness."

The Deacon of the Hammermen, who was present at the meeting, but who, for some reason unrecorded, did not sign, was John Bruce. Perhaps his duties as jailer may have taken him away before the close of the proceedings. The minute-book still rests in the hands of Mr Craigie's family.*

The "Blue Blanket" of the Kirkwall Trades—the flag of the Hammermen—is now preserved in the Masonic Hall in the keeping of Lodge Kirkwall Kilwinning.

It is noteworthy that the Tailors were the only craftsmen who showed any symptom of incorporate piety. They occupied the uppermost seats in the synagogue, having a portion of the Cathedral stalls set apart for their use.† "Whilk day‡ compeared John Chalmer, Deacon of the taylors, and with him Nicol ewenson, boxemaster, for themselves, and in name and behalf of ther whole trade, gave in ane petitioun desyring that, according to the laudable Custome of other royall Burroughs within the kingdome, they might be accommodate with ane convenient place within the Cathedral to sitt in decencie and order to hear God's word." "Which desyre My lord bishop, minister and eldars present, thought reasonable," and they were permitted "to enter to the peacable possession of ane part of the Stalls on the south Syd containing five chairs rowme, with power to them to putt in ane middle division, with two leaning boards, with ane Doore having lock and keey, without altering, defacing, or demolishing any of the old work of the said Stalls." For this they had to pay ten shillings sterling yearly, and yearly they required to be dunned for payment.

On the other hand, against the Shoemakers must be recorded a most godless act perpetrated by them as a body. It would seem that the men of this craft on emergencies required to tan their own hides, and finding that a merchant in town had a quantity of bark, they lifted it off the street and used it for their own purposes. The complaint was brought before Provost John Covingtrie and the Council, the four Deacons being present:—

"The which day,§ It being Represented by Robert Kaa, Mercht., yt. sometime ago the Cordiners in Kirkwall had at their own hands taken and Spuilzied from him of the Comon Street a Certain Quantity of Bark, and that after all the Endeavours of a friendly acomodation betwt. him and them

* The minute-book, kindly lent by Mr W. W. Craigie.
† S. R., 4th Feb. 1689. ‡ S. R., Monday, 5th April 1675. § 14th March 1724.

thereanent, They still stood out, and that at last he was obleidged to send South for dilligence in order to prosecute them therefore before the Lords of Session, which was accordingly Execute agt. them ; But that, at the earnest desire of the Magistrates Some few days agoe, he, at a Comouning with the saids Cordiners, did Condescend to drope the said prosecution upon paymt. of the then agreed price of the Bark and other necessary Charges in raising and Executing the said dilligence, which he now in Councill promises to performe and Stand to upon the paying the price of the Bark and other Charges, and begging pardone of the Magistrates for so high a Transgression and of the said Robt. Kaa, for their putting him to so much Trouble thereanent, which patk. Irving, deacon, for himself and his Trade, did doe, and payed the price of the Bark, and band, obliged, and Enacted himself, for and in name of the haill other Shoemakers in his Trade, never to be guilty of the like in all Time Coming, under the Sevearest penalties that the Magistrates shall think fitt to inflict ; and Arthur Murray, Cordinar, and John Tait, two of the Trade, have hereby become bound to the said Robert Kaa for paymt. of his Charges. Signed, in name, presence, and at appoyntmt. of the magistrates and Councill, by the Provost, and by the said patrick Irving in respect of his Enactmt."

Inverness was the market at which bark was purchased. In the "Pundlar Process," "Andrew Seatter of Cottascarth Depones That when he bought Bark at *Inverness*, and brought it to *Orkney*, he sold it at *Kirkwall* upon *Pundlars* there used, and that he never weighed said Bark upon his own *Pundlar* at home, as he sold it always at Kirkwall."

At the Council Board the presence of the Deacons was sometimes turned to useful account by the Magistrates in securing prompt attention to a business order :—

"The Said Day,* in p'nce of the Magistrats and Councill, there was given in by the Clerk ane Extract under the hands of Charles Stewart, Stewart Clerk of Orkney, Given into him of the Sentence of Death pronounced by Mr John Hay of Balbithan, Justiciar Depute of Orkney and Zetland, agt. Marjorie Meason, Late Servitrix to James Meason in fflustigar, in the Island of Shapinshay, By which Sentence the said Marjorie Meason is decerned and adjudged to be taken from the Tolbooth of Kirkwall, upon Wednesday the fourth day of December Nixt to come, to the Loan commonly called Kirkwall Loan, or the Common place of Execution, and there, Betwixt the hours of Two and four by the Cloack in the afternoon the sd. day, to be hanged by the Neck upon a Gibbet until she be Dead. . . . The Magistrats and Councill did call and Conveen before them Thomas ffoubister, Deacon of the Wrights, and appoynted him, with the Rest of the Trade, To be p'nt ffriday nixt, being the Twenty-Nynth Instant, at Nine of the Cloack in the forenoon, with their Instruments, att the Common place of Execution, and there to make and Erect Ane Sufficient Gibbet, with all necessars belonging yrto, such as Timber, Iron, etc., and to have the said Gibbet fixt betwixt and the Second day of December nixt, at four of the Cloack in the Afternoon, ilk ane of the sd. Trade, under the pain of Ten pound Scots. Before which Execution the Magistrats and Council is to meet at the Tolbooth, from whence they are to be Accompanied wt. Twenty-ffour Sufficient Armed Men to the place of Exectution."

In former times the bulk of the Council was generally composed of the wealthiest people in the town, but the four Deacons represented the artisans, and they made it their duty to attend to the interests of the poorer classes of the community :—

"The Said Day it was represented to the Magistrats and Councill that the Trades and Inhabitants would in all probability need to be supplyed with Victuall this year, and the Deacons p'nt in Councill Requested the Magistrats and Councill that they would fall on propper means for Supply of their Trades and Inhabitants : The Magistrats and Councill, taking the same to their Consideration, They Recommend to Donald Groat, Mercht., and p'nt Dean-of-Guild of Kirkwall, to buy ffifty Meills of Oat Meal and Two Chalders of Bear alse Reasonably as he can (The Saids Deacons, representing the said quantity they would absolutely need, were most willing to Accept of and make payment therefor), and in Regard the Deacons were not in Condition to Advance Ready money, and that the said Victuall could not be had wt. out Ready Advance : Therefore the Magistrats and Councill do unanimously Agree that the Toun's Charter Chist be opened And Three hundred pound Scots taken out and delivered to the said Donald Groat, he being Obleidged to buy the said Victuall in due time, and deliver the same to the Deacons, and take their Security for payt. of the same."

* 7th Nov. 1728.

The Deacon of the Hammermen had charge of the standard weights, and held the monopoly of the manufacture of pundlars and bismars in Kirkwall :—

"The said day,* the Magistrats and Councill appoynt the haill Weights for justing of Pundlers and Bismers, formerly in the Custody of the deceast Thomas ffoubister, leat Deacon of the Wrights and Hammermen of the Burgh, to be, at sight of the Dean-of-Guild and Clerk, delivered to Thomas Aitken, p'nt Deacon of the sds. Wrights and Hammermen, and hereby Impower him to make and ajust pundlers and Bismers wtin. this Burgh, as former Deacons have been in use to doe, And to Receive from the said Deacon a Recept for the sds. weights for Redelivery, Which Recept is to be Lodged in the Clerk's hands, And Recommends to the sd. Deacon to be Carefull and faithful in that office, like as he has Instantly given his oath *de fideli administratione*."

"The weights† used in this Country, and also the instruments used in weighing (the *Pundar*, to wit) and the *Bysmar*, are derived from *Norway*, the Mother Country."

"In *Norway*, from whence these weights are derived, the Root and Standart of all Weight is the MARK, which, in like manner, is the Root and Standart of all Weight in these Islands also, being here the first and smallest Weight of the *Bysmar*, as in *Norway*.

"The just Measure and Standart of the *Mark* being eight Ounces and no more, the just Measure and Standart of the *Setteen*, *Pund* or *Lispund*, and also of the Meil and of the last, follows of course, being all Multiples of the *Mark*. Thus is the Standart of the *Setteen*, *Pund* or *Lispund*, twelve *libs.* and no more, consisting of twenty-four *Marks* of Half a Pound each ; the Standart of the *Malt-pundar Meil* consisting of six of these *Setteens*, seventy-two *libs.* and no more ; and the Standart of the *Malt-pundar Last* consisting of twenty-four of these *Meils*, one thousand seven hundred and twenty-eight *libs.* and no more."

The first deliberate tampering with these weights was in the time of Robert Stewart, Earl of Orkney. His superior duties were fixed, and were paid in kind, and could not easily be altered, but he found it a simple process to increase the weight at the Girnell-house. So the setteen, or lispund, which had been twelve pounds, was at once advanced to fifteen pounds, and by this means the earldom was increased in value to its owner by twenty-five per cent. Earl Patrick succeeded in 1591, and was a son worthy of such a father. He added one-fifth to the enlarged lispund, bringing it up to eighteen pounds. Thus, under these two autocrats, the earldom revenues were in two steps increased one-half.

After Earl Patrick's removal, the Crown rents were farmed by a succession of individuals who did the best they could for themselves. The first of them, Sir James Stewart of Kilsyth, afterwards Lord Ochiltree, was, for his oppressions of the people by tampering with the weights, deprived and condemned to a long imprisonment.‡ After the time of the Stewart earls, the weights seem to have got into a state of great confusion, and, there is no doubt, were made instruments of gross injustice to the people. If the earls carried matters with a high hand, they scorned concealment, and, in bold imitation of them, Robert Elphinston of Lopness passed an Act, 1691, advancing the lispund to twenty-four pounds. As he was employed simply as a collector at a salary of £200, this was an attempt to plunder the people for his own aggrandisement, and we are not surprised to learn that "Lopness fled the Country without making any Clearance with the Crown."§ But when prudent Farmers-General chose to deal unfairly, detection was difficult. The standards were stones taken from the beach, shapeless, and easily substituted by others, so that each successive collector of rents could, without any difficulty, alter his weights.

The so-called standards handed over to Thomas Aitken, Deacon of the Hammermen, in 1730, are peculiar :—

* 14th March 1730. † Pundlar Process. ‡ Pund. Proc., part ii., p. 7.

§ Robert Elphinston was alive in Holland in 1705. His wife, Clara Van Overmear, was widow of J. Van Zuylen ; issue, John, died unmarried at Rotterdam. Favoured by F. J. Grant, W.S., author of "Shetland County Families."

NAMES OF THE STANDARTS OR MATERIALS.

Weights.	Weights in Troy Wt. Stones.	Lib.	Oz.	Dr.
1 Mark —Boar's Tooth	0	1	2	8
2 Marks—A Lead Weight and Rope	0	2	6	8
4 Marks—A round free Stone and Rope	0	4	10	00
7 Marks—A free-Stone Rope and Piece of loose Lead	0	8	1	12
9 Marks—A Free-stone and piece of loose Lead ...	0	11	6	00
16 Marks—A Free-Stone, Boar's Tooth, and Piece of loose Lead	1	3	4	8
1 Setteen —A Free-stone and Piece of Lead	1	12	8	8
2 Setteens—A Free-stone and Piece of Lead	3	6	8	00
2 Setteens—A Whin-stone and Boar's Tooth	3	8	11	8
2 Setteens—A Whin-stone and Piece of Lead ...	3	6	00	00

To call such things standards is a degradation of the term, and, in response to many appeals, an inquiry was held in 1743, before the Dean-of-Guild and his Council, when "Aitken having made a full Confession and Discovery, not only of the Frauds themselves, but of the Persons by whose Authority these things were done, the Dean-of-Guild and his Council declined to enter his Confession upon Record for Reasons sufficiently obvious." The obvious reason for refusing to record this confession was that Aitken accused his predecessor, Foubister, of having added lead to the weights at the order of James, Earl of Morton. This accounts for the boar's tooth being so heavy. Aitken got into trouble over the matter, and, rightly or wrongly, was lodged in jail for his indiscretion :—

"As to the Weighing Instruments used in this Country, they are so different in their Form, Make, and Manner of Weighing from what are used in the Island of *Britain*, that it would not be easy to handle the Subject-Matter with any Degree of Perspecuity without attempting a Description of them.

"These Weighing Instruments are two—the *Bysmar*, used for small Weights of the Weight of a *Lispund* and below ; the *Pundlar*, for Setteens and Multiples of Setteens ; they have been of immemorial practice, and are both of them very rude and imperfect.

"The Bysmar is a Beam of Wood about three Foot long, whereof a little more than the Half is a Cylinder about an inch Diameter or little more ; the rest of the beam, which makes the Butt-end, is also cylindrical, but much thicker than the other, being about three inches Diameter. In the small End there is an Iron-staple, on which there is a Hook for hanging the Goods upon that are to be weighed. The small End is all along marked with Iron-studs at unequal Distances ; these Studs correspond to, and exhibit, the Weight of Commodities from one *Mark* to twenty-four *Marks*, or a *Lispund*. When the Material to be weighed is hung upon the Hook, the *Bysmar* is horizontally suspended by a Cord* going round it. The Weigher shifts the Cord until the Material weighed equiponderates with the gross End of the *Bysmar*. When the Instrument is thus brought to an Equilibrium the Cord points out the Stud which is nearest to it, which shows the Weight of the Commodity in *Marks*. It is easy for the Weigher, by slipping the Cord a very little to one Side, to alter the Weight."

Besides the ordinary instrument, there was in use the *small* Bysmar. Deacon Aitken "depones That in all his Time these small *Bysmars* are used by the Country People in weighing their Yarn unto the Dyers of *Kirkwall*, That he never had any authority from the Magistrates of Kirkwall, or any body else, for making these small Bysmars, for it was not worth their while." The same evidence shows that the small bysmars were graduated for English weight. "John Erskine, Tacksman of Nether Scapa, depones that he has given out, upon said *Bysmar*, Lint to spin for several years, the length of or not exceeding twelve pounds at a time, and the common Quantities he generally gave out were from two to twelve pounds *English* ; but has heard his sister say that she did not choose to buy on said *Bysmar*, because it was lighter by four *Marks* upon the Lispund than other *Bysmars*."

* Locally called the Snarle.

"The other Instrument, the *Pundlar*, is a Beam of about six Feet long, about three inches Diameter at one End, and tapering gradually; a Hook is fixed to the greater End for suspending what is to be weighed upon it as in the *Bysmar*; about six inches from that End the Tongue and Shears are fixed by a Staple, and at the upper End of the Shears there is a large Iron-ring through which a Cross-beam is put for suspending the Machine in weighing; and this Cross-beam is generally supported by two Men on their Shoulders. The *Pundlar* is marked with notches at proper Distances corresponding to and exhibiting the Weight of the Commodities weighed, from three *Setteens* upwards to ten, eleven, or twelve, and sometimes more, and the Weight of the Commodity is ascertained by a Stone of the Weight of a Setteen hung upon the *Pundlar* by an Iron-ring, which the Weigher shifts from Notch to Notch till the Tongue between the Shears discovers the Instrument to be *in æquilibrio*."

This instrument is attended by the same defects to which the *Bysmar* is liable. "George Traill of Hobbister, Chamberlain to the Earl of Morton from the year 1712 to the year 1725 *inclusive*, depones That one and the same Person, weighing at different Times upon one and the same Pundar, may, by holding the Long-arm of the Pundar a little up or down, make it to weigh six *Marks* more or less, which he has seen happen. Depones that since Harry Nisbet has been Girnal-keeper to the Earl of Morton, he always weighed justly, and he believes no man can challenge Mr *Nisbet* for his Manner of weighing on these wicked instruments." Harry himself was certainly dissatisfied with these "wicked instruments." In his evidence he says that he "begun in the year 1734 to retail Meal in *Orkney* by Beam and Scale, and has frequently done it since, and always since the year 1742."

In 1757, the Earl of Galloway, who had succeeded to the estates of Sir James Stewart of Burray, with seventeen other landholders in Orkney, raised a suit against the Earl of Morton to have it "found and declared" that he should revert to the old standards of Norway, and that "the said James, Earl of Morton, ought to be decerned and ordained to accept and receive the Crown rents and other duties, according to the said fixed Standart, in all Time coming."

With perhaps one exception, the pursuers had acquired their estates after the standards had been permanently raised by Earls Robert and Patrick, and that had been taken into account when they purchased. Feeling this to be a weak point in their case, they tried to prove that the Earls of Morton had themselves increased the weights, and in this they failed. This suit, which is commonly known as the "Pundlar Process," is interesting now as showing how rents and feu-duties were collected in Orkney down to the middle of the last century:—"*Robert Sclaiter*, in *Nisthouse* in *Marwick*, in the Parish of *Birsay*, depones That he and his Neighbours put their Victual up by Guess in Casies, when they pay their Rent, without either weighing or measuring it, But that they bear a Guess at the weight of the Bear which they put into each Casie, and that they guess as near as they can to put four *Setteens** upon each Horse. And depones that when their Victual is weighed in the Store-house of *Kirkwall*, they sometimes have an Overplus of six Marks, and sometimes twelve *Marks*, as the corn is well dressed, upon eich eight Setteen."

Butter rents were sent in to the storekeeper in barrels and half-barrels:—"The King's Cooper guaged the Cask with a Chain of iron put round the middle of it and a wimble marked for the depth of the Cask, which he put down through the Butter to the Bottom of the Cask, and if the Wimble was quite full when taken up, the cask was held to be sufficiently filled. Depones that he thinks it was about the year 1730 that a new Custom of weighing the Casks of Butter in the Earl of *Morton's* Store-house was introduced, but for what cause he does not know or remember to have heard told."

"*William Scart*, Cooper in *Kirkwall*, Depones That about eighteen years ago, but not positive as to the year, but is positive that it was while *George Liddel* was Girnel-keeper to the Earl, a new Method was taken, which was to weigh the Barrels when paid in; if a Half-

* Slightly over one cwt.

barrel weighed anything above an hundred Pound, which was understood to be the true Guage of it, the Payer got the Overplus delivered back to him ; and if it weighed less than an hundred Weight, the Payer was obliged to make it up."

The butter was peculiar :—"*James Grimbister*, Cooper in *Kirkwall*, depones that he has had Occasion sometimes to see the Butter which was paid into the Earl of *Morton's* Store-house and the Bishop's Store-house ; that the Butter delivered was frequently very bad, being mixed with some very bad Stuff, and Layers of dry Salt lying through it on purpose to increase the Weight ; a Half-barrel would not hold an hundred Pound weight of it, because the same was hoved up with Whey and Trash."

When this filthy compound was shipped south, it sold not as butter, but as grease. The barrel is still used in Orkney in the sale of such commodities as coals and potatoes, and the weight is definitely fixed. A barrel of coals is the tenth part of a ton, and of potatoes 187 lbs. But, in 1753, "*Thomas Balfour*, Brother-German to *William Balfour* of *Trenaby*, depones That they take any Cask that goes under the Name of the *Barrel*, sometimes Tar-barrels, sometimes Salt-Barrels, sometimes Herring-barrels, and that these Casks or Barrels differ considerably one from another."

But the standard was the Norway beer-barrel. The local name for this barrel was the Beer-tree, and the capacity of a cask was its "Bind." The *bind* of the barrel was the term in general use. In the reign of James III., 1487, "It is statute and ordained by the three Estaites in this Parliament that the barrel binde of Salmond suld keipe and conteine the measure of fourtene Gallones." Again, James IV., 1493, "It is ordained that the auld statute maid anent the barrelling of Salmonde of the auld bind of *Aberdene* be observed and keiped." To show that a *Tree* and barrel were synonymous terms, Jamieson refers, without quoting, to the Acts of James V. "The Barrels were known as *Six-pound-trees*, and the Half-barrels as *Three-pound-trees*. And the Reason why these Trees are called *Six-pound Trees* is because the Servant who gets the Charge of them to sell is accountable for six Pounds *Scots*, that is two Shilling *Scots* for each pint of Ale." Thomas Linay, King's Cooper, "Depones That the true Guage of a Barrel, Beer-tree Bind, is seventy-two Pints."

The "Pundlar Process" gives some interesting facts in the history of Orcadian agriculture :—"*John Fea*, in *Gruttell* in *Stronsay*, depones That, about twenty-five years ago or thereby, a Man came from the South Country in a Ship that was to carry off a Part of the Superior-duty of the Country of *Orkney* to teach the Vassals and Tenants of *Orkney* to clean their Victual Superior-duty ; that this Man the Deponent saw in the Island of *Stronsay* dressing and cleaning some Bear there, and thereat the Deponent assisted him ; And depones That, to the Deponent's Knowledge and Belief, the Grain in *Orkney* is now a great deal snugger and better cleaned than it was before the foresaid Man came ; and that he knows that the Lands in *Orkney* are better laboured than what they were twenty-four years ago, and the Grain is considerably bettered." We also learn from this suit of the improvement in the habits of the upper classes :—"*George Traill* of *Hobbister* Depones That the Practise of excessive Drinking and deep Gaming is entirely out of *Orkney* now besides what it was in the Deponent's Memory."

CHAPTER XXVI.

St. Catherine's Quoys, Dunkirk, and Cromwell's Fort.

INSERTED, wedge-like, between the lands of Pabdale and Weyland, and extending down to the backs of the houses in Bridge Street, were the two quoys called St. Catherine's Quoys. These had of old—how old no one can tell—been dedicated to the support of St. Catherine's altar in the Cathedral. When the town got its charter, they were granted, along with lands of wide extent, to the Corporation for the upholding of the Cathedral and the Parish School. A road, or rather lane, ran from the Shore to the lands of Pabdale, cutting St. Catherine's Quoys into upper and lower. At the beginning of the present century (1804), Mr David Drever, "late farmer in Newark, Sanday," purchased the upper quoys. The lower St. Catherine's Quoys formed the garden of the house called the Gallery, afterwards Mr Traill of Woodwick's, now Mr Garden's property. At the time of Mr Drever's purchase, a house stood at the north-west corner of the quoys, but it seems to have struck the new proprietor that there was in Kirkwall a demand for workmen's houses, and accordingly he built what is now known as Catherine Place. Catherine Place consists of a front row of houses along the road, and of several small lateral streets off it at angles of various degrees. At the back of Young Street is a part of Catherine Place known as the Back Walk, and the first occupant of the uppermost house of this row was Magnus Cumming, weaver. When Mr Cumming stood at his door and looked straight before him he had an unobstructed view right up to the little cottage of Gallow Ha', above the head of the Clay Loan. From what the burgh records tell us of Mr David Drever, we must infer that he was a man in advance of his time, that he knew the value of money, and saw where it could be laid out to the best advantage.

North from St. Catherine's Quoys is an outrun of the farm of Weyland. On this a row of houses has been built, named Young Street, after an ancient proprietor, Young of Castleyards.

But more interesting is the little suburb of Kirkwall, between Young Street and the sea, known from time immemorial as "Dunkirk." If this name has any historical value, it would indicate that three centuries ago Earl Patrick Stewart's men-o'-war's men had something to do with it. But the land on which Dunkirk stands never belonged to the Earl. In 1592, Robert Broun of Weyland granted to his brother-in-law, Robert Broun, cordiner, and Janet Broun, his spouse, a feu of forty feet square off the lands of Weyland. Some years later a feu was taken by a person of the name of Paplay. Captain Robert Paplay was one of Earl Patrick's commanders. Now, the Earl's finest ship was the "Dunkirk," and perhaps some such connection as this may have furnished the familiar name which sticks to this cluster of houses.

Early in the present century the eastern part was acquired by a company formed to prosecute the Greenland whale fishing. The firm had a bark, the "Ellen," which made an

annual voyage to Davis' Strait. On her return she anchored off Dunkirk, and her cargo of "spick," packed in barrels, was thrown overboard, towed ashore, and boiled in the old "Oily House," which still occupies the site of Robert Broun's cottage. Long after the "Ellen" had ceased to sail, and her owners had retired to rest, the odours of the "Oily House" reached far beyond Dunkirk. Every year shoals of the *caain'* whale were chased ashore on our islands—Scapa Bay was a fatal trap for them—and every season smelt a fresh boiling. Thus the townspeople were providentially furnished with annual supplies for their cruisies. The wealthy used candles or vegetable oil, but train oil was burned by the masses. It was but a poor light that the saturated rush could give, but many a pleasant evening the old cruisie has seen. In Kirkwall, fifty years ago, reading parties were common. Young folks would gather into a house where it was known there was a pleasant book, and, forming a wide semi-circle round the fire, would listen with rapt attention while one of Wilson's Tales of the Borders was read by the youth who sat next the lamp. At the same time the click of the knitting needle, or the rustle of straw-plaiting, told that the time of the audience was being profitably employed, the deft fingers working mechanically and requiring little supervision from the eye. Every now and then the person next the reader would improve the light by pushing forward the wasting rushes.

Now-a-days, when beautiful mineral oil has taken the place of that got from blubber and fish liver, the occasional visit of a few whales excites interest only by its rarity ; but when the capture of a shoal meant a supply of light for the winter, the whale hunt called forth the united action, the energy, the perseverance, and the daring of the islanders to a degree that nothing else could effect. It would almost seem that the law of supply and demand governs the natural as well as the commercial world ; we no longer require the whales, and we have not got them, but the disappearance of the whale hunt has severed the last link connecting us with the usages and modes of life of our Norse forefathers.

In 1750, Paplay's feu was occupied by three little houses or tenements, with their kail yards and peat braes. They came into possession of James Stewart, merchant, by whose will, dated 25th April 1791, they, with other valuable properties, were devoted to "pious and charitable uses and purposes."

In 1830, Stewart's Trustees sold their portion of Dunkirk to John Baikie, Esq., fixing the width of the passage between his boundary and that of the Whale Fishing Company at five feet.

The heroic effort of Montrose to restore the Stuarts drew Cromwell's attention to Kirkwall. Here Colonel Johnson and Colonel Harry Graham had been left in charge in the Royalist interest, but when they heard of the rout at Carbisdale, they fled to the Continent. Thus, when the soldiers of the Commonwealth came, they found no opposition and little spoil. Some arms, which the Marquis had left behind, with two pieces of ordnance, were all that they should have got. But a little frigate of sixteen guns—a present to Graham from the Queen of Sweden—was lying in the bay. She could easily have sailed away, but the men, taking advantage of her commander's absence in one of the islands, mutinied and handed the ship over to Cromwell's representative, Governor Watson.

"After the destruction of Charles I. in 1649, after the extinction of Montrose's heroic spirit in 1650, and the reign of the Saints had commenced by the appointment of Cromwell to the Protectorship, his soldiers reached and overawed the inhabitants of Orkney. They built a fort to command the harbour of Kirkwall, fortifications were reared on the east side of the Cathedral, and the Earl of Morton was driven from the islands. The usurper's ships plundered through the country, and those men, with Emmanuel on their banners, committed gross outrages in the Cathedral church.

"In answer to an accusation by Lord Morton after the Restoration against the Magistrates of Kirkwall, that they had destroyed his seat in the church and otherwise taken part with the usurper,

they 'denyed any taking down of the same, and if any pairt therof was wronged, it was be *the Englishes*, as the pulpitt and the rest of the seats in the church was broken down by thame and brunt.'" *

The "Englishes" required materials for their works, and they freely helped themselves to what the Cathedral could supply. A number of the pews on the floor of the church were movable, and no doubt these were the first to be requisitioned. On the other hand, they spared what, as Puritans, they might have been expected to destroy—the carved work of the stalls and of Bishop Graham's loft.

As with wood, so with stones:—"The Magistrates present declared that they were willing that the church yard should be rebuilt as formerlie, Provyding that the stones of the former Dyk, which were taken away by the Englishes, wherewith the Back Guard and forts were builded, being now in my Lord Bishope's possession, were restored for this effect." † The Back Guard referred to was at the Burn of Pabdale, and the forts were on each side of the harbour. That on the west side was situated where there is now a quarry; the Fort on the east side still remains.

Cromwell's soldiers, while in Orkney, are credited with having given the natives valuable lessons in gardening and in the mechanical arts, specially in the cultivation of cabbage and in the construction of locks. These men were perfectly willing to teach the people of Kirkwall all they themselves knew of horticulture or of anything else; and the "reign of the saints," while it lasted, was the most beneficent rule Orkney had enjoyed since the days of Bishop Reid. If they came as enemies, they remained as friends. Some brought their families with them, but many of them married Orcadian wives. It is certain that of such a garrison the majority were bachelors, and our ancient registers, in which men's evil manners acquire immortality, record against Cromwell's soldiers only three cases of illegitimacy during the nine years of their occupation. After the Restoration, some of them settled in the town; Sergeant Emmerson became Deacon of the Corporation of Shoemakers; and Bailie Harry Erburie built one of the finest houses that has ever adorned Broad Street.

The Governor, too, was a public functionary of much importance. As representative of the Lord Protector, he took his seat on the bench of the local court. On the 10th of January 1653, when Patrick Blair of Little Blair was Sheriff, Colonel Thomas Cooper, Governor of Orkney, sat as judge. On the 8th March the same year, the Sheriff and Governor sat together, and before them appeared William Craigie of Gairsay and Hugh Craigie, his son, as "securities for John Craigie of Sandis that he shall appear when wanted before the Governor of Orkney to answer for certain seditious and treasonable words, to the prejudice of the Commonwealth of England." A fortnight afterwards they sat upon a similar charge brought against Jean Halcrow, "guidwife of Aikers."

Colonel Sauray succeeded Watson as Governor, and sat on the bench with Sheriff Blair. He was followed, in 1654, by Major Henry Powell, whose last appearance in Court was 29th April 1655. Possibly the military judge confined his attention to cases savouring of sedition, but we hear of no severities. Indeed, "the English judges whom Cromwell sent down to administer the law in Scotland, for the first time made people acquainted with impartiality of judgment." ‡

In the old Scottish Courts of Law, "both civil and criminal procedure was conducted in much the same spirit as a suit at war. When a great noble was to be tried for some monstrous murder or treason, he appeared at the bar with as many of his retainers, and as many of his friends and their retainers, as he could muster, and justice only had its course if the government chanced to be the strongest, which often was not the case. It was considered

* Peterkin's Notes, p. 53. † S. R., 12th Oct. 1674. ‡ Trad. of Edinr.

dishonourable not to countenance a friend in troubles of this kind, however black might be his moral guilt. The trial of Bothwell for the assassination of Darnley is a noted example."* But cases could be won otherwise than at the point of the sword. Bribery, direct and indirect, was so frequent and open that it became matter of legislation. "Forsameikle as it is heavilie murmured, be divers Liegis of the Realme, that our Soveraine Lord electis and chusis young men, without gravitie, knawledge, and experience, not havand sufficient living of their awin upon the Session, and that sum of them, be themselves, their wives, or servands, takis, buddis, bribes, gudes and geir, swa that Justice in effect is coft and sauld. For remeid quhairof, the Kingis Majestie statutis and ordaines," &c. Family influence also was a common instrument used towards the perversion of justice. "After the Restoration, when native lords were again put upon the bench, some one, in presence of the President, Gilmour, lauding the late English judges for the equity of their proceedings, his lordship angrily remarked, 'De'il thank them ; a' wheen kinless loons.'"†

During Cromwell's rule a large committee of the leading men in each county was appointed to see to the keeping of law and order, and in Orkney these were :—"Stuart of Maynes, Henry Stuart of Grimsay, Thomas Buchannane, Sh'rff ; Mr Henry Aitken, Comissr. ; Edward Cock, Magnus Tailyor, John Baikie, and Henrie Prince, Baillies of Kirkwall ; Patrick Smyth of Braco, William Sinclair of Saba, John Craigie of Sand, Thomas Sinclair of Campstown, James Baikie of Tankerness, Edward Sinclair of Gyer, Edward Sinclair of Nesse, Johne Sinclair of Hamer, Adam Ballenden of Stenhous, David Heart of Rustland, Hugh Halcro of Gruike, William Craigie of Gersay, William Iruvine of Gersay, Patric Balfour of Faray, Thomas Traill of Holland, James Cock of Bea, John Groat of Elsness, James Fea, younger of Claystrane ; Robert Stewart of Brugh, John Groat of Hallstown, James Mudie of Melsetter, Hugh Halcro of that ilk, and the Laird of Maynes, or, in his absence, Mr Henry Aitken to be convener."

While the Lord Protector's rule was no doubt beneficent on the whole, his levies of men and money must have fallen very heavily upon a poor county such as Orkney was. "Out of the Shrfdome of Orknay 1000 foote, Colonell, the Erle of Mertoune, or any that he sall appoynt who is capable according to the Lawis of this Kingdome." The men from the "shyres of Sutherland, Caithness, and Orkney, upon the —— day of April‡ nixt are ordained to be in readiness upon orders from the parlement Committee of Estate and gnall officers to be readie to march, with fyftene dayis provision, at 6d per day to each footman, and 16d per day to each horseman, which is to be delyvered to thame and not to thair officers. For the Shrfdome of Orknay, the Earle of Sutherland to be Colonell both to foote and horss." In 1649, there was another call for men, Orkney to supply 375 foot, and Orkney and Shetland 54 horse.

The demands for cash varied according to the necessities of the Executive. At one time "The Shrfdome of Orkney, to monethlie pay, £1143." Again, the whole of Scotland was assessed to the extent of £10,000 monthly, and Orkney and Shetland's proportion of that was £153 9s 6d. It may readily be thought that such sums were not always forthcoming when wanted, hence such a demand as this :—"Collonell James Campbell of Laweris ordered to receive 10,000 lb. Scotts out of the loan and taxt of the Shrfdome of Orknay, and 8000 lbs. out of the rest of the first 17 moneths' maintenance still resting be that shire."

The parliamentary proceedings of the time contain references to the "fynes of the gentlemen of Orkney," showing how some of this money had to be extorted, so that others besides "Johne Craigie of Sandis" and the "guidwife of Aikers," if all the truth were known, uttered "words to the prejudice of the Commonweal of England."

* Chambers' Trad. of Edinr. † Trad. of Edinr., p. 135. ‡ 1648.

In addition to all this, the garrison in the Fort had to be locally upheld. Wealthy men furnished, equipped, and paid one soldier—in some cases more than one. Smythe of Braco supplied three, while the community at large were assessed for their proportion. The fortifications at the Mount were abreast of the military requirements of their day, and they remained efficient long after Cromwell's death.

The Rev. James Wallace, referring to the Fort, says :—"At the North end of the town is a place built by the *English*, ditched about, and on which, in time of war, they plant Cannons for the defence of the harbour against the ships of the Enemy ; as it fell out, *anno* 1666, when there was warrs between our King and the Hollanders, *A Dutch man of war* coming to the Road, who shot many Guns at the Town, with a design to take away some of the ships that were in the Harbour, was, by some cannon from the Mount, so bruised that he was forced to flee with the loss of many of his men."

After the great French war, which had cost so much in blood and treasure, an economical government resolved to abandon the Fort, and the following order came north :—

"Office of Ordnance, 22nd September 1817.

"Gentlemen,—It having been decided to dismantle certain Batteries on the Coast of Scotland, including that at Kirkwall, I am directed by The Board of Ordnance to signify the same for your Information, and that orders are given for the removal of the Guns, Carriages, Ammunition, and Stores from thence, by the first opportunity, to Edinburgh Castle.—I am, Gentlemen, Your most obedient, humble Servant, (Signed) R. M. Crew.

"To the Magistrates or Principal Inhabitants of Kirkwall."

Government has rehabilitated the old Fort, and it is to-day better armed and better manned than it was in the time of the Commonwealth. As to the effect of its fire upon an unfortunate enemy, it need only be said that the guns are served by the First and Eighth Companies of the O.V.A.

CHAPTER XXVII.

Rule of the Church.

THE social history of Kirkwall during the seventeenth and eighteenth centuries is perhaps best read in the records of the Church. If, among her adherents, the Church of Rome allowed no diversity of opinion upon matters spiritual, and put down heresy with a high hand, in Orkney, where no heresy existed, her sway was mild and beneficent. Most of her prelates were men of wealth and influence, and they used these gifts for the adornment of their Cathedral, for the welfare of their people, and for the general improvement of their see.

Following upon the Reformation came a series of churchmen, by turns presbyterian and episcopalian, as suited the politics of the day, but holding this, in common with the pre-Reformation clergy, that the priests were absolute rulers, and that passive obedience was the duty of the laity. In their hands the Decalogue became a code of civil law which gave them the power to interfere in the public business and the private affairs of every citizen. To enforce their rule they assumed the right to fine, imprison, and even to scourge, while fugitives from "discipline" were excommunicated and formally handed over to Satan. Kirkwall was well provided with ecclesiastical machinery for the reclaiming of backsliders. Outside of the Cathedral were the Cuckstool, the Jougs, and the Stocks, while inside were the White Stone of Repentance, the Stool of Repentance, Sackcloth, the Prison, and the Minister—the last worst of all.

"29th April 1672.—Sederunt—My Lord Bishop, Minister, Thomas Wilson, Arthur Baikie, etc., etc. The Magistrats ar desired by my lord Bishop and Session to erect ane cuckstool or Pillory in the Church yard as wes formerlie, and that upon the Session's expenses, for the terrification of scandalous persons and scolds."

The Magistrates evidently granted the request, for, 5th May 1684, "Compeared Janet Thomson and confessed that she was drinking on the Sabbath night with Alexr. Ross, a merchant; the Session ordains her to pay fourtie shilling Scotts and appear before the congregation on the white stone, and if she pay not she is to be put up in the cuckstool."

Besides the very long Sunday sermons, which the people accepted as a matter of course, there was a weekly "catechising," a more personal infliction, which the ministers, as far as lay in their power, suffered no one to escape. Many times in the Session Records we see absentees threatened, and, on 5th March 1677, a number of delinquents were fined six shillings each. Truly the clergy spared no pains to make the laity keep the Commandments. The First and Second Commandments gave the Session no trouble, but the Third and onwards kept them busy. It is very improbable that our streets were disgraced two hundred years ago by the loud-voiced profanity which now-a-days is too frequently heard, for in those days that sin was regarded as a crime, and was sharply dealt with both by the civil and ecclesiastical courts.

The Church had for her warrant the Third Commandment, while the Magistrates had Act of Parliament. Mary, Queen of Scots, of pious memory, who made the morality of her subjects her special care, by an Act, passed 1st February 1551, made profane swearing a State offence :—

"ANENT THEM THAT SWEARIS ABBOMINABLE AITHES."

"Because, notwithstanding the oft and frequent Preachings in detestation of the grievous and abbominable aithes swearing, execrationes, and blasphematioun of the name of God, swearand in vaine be his precious blud, bodie, passion, and wounds, Devil stick, cummer, gore, roist or riefe them, and sik uther oug-sum aithes and execrationes against the name of God, zit the samin is cum in sik ane ungodlie use amangst the people of this realme, baith of great and small Estates, that dailie and hourelie may be heard amangst them open blasphemation of God's name and Majestie, to the greate contemption thereof, and bringing of the ire and wrath of God upon the people : Herefore, and for eschewing of sik inconventientes in times cumming, It is statute and ordained that quhatsumever person or persones swearis sik abbominable aithes and detestable execrationes as afore rehearsed, sall incur the paines after following, als oft as they failzie, *respective* : That is to say, ane Prelate of Kirk, Earle, or Lord, for everie fault to be committed for the space of three Moneths nixt to cum : That is to say, unto the first day of *Maij, exclusive*, twelve pennies : Ane Barronne or beneficed man, constitute in dignitie Ecclesiastical, foure pennies : Ane Landed man, Free-halder, Vassal, Fewar, Burges, and small beneficed man, twa pennies : Ane craftes-man, zeaman, ane servand man, and all uthers, ane pennie. Item, the puir folkes that hes na geare to pay the paine foresaide, to be put in the stockes or prisoned for the space of four houres, and wemen to be weyed and considered, conforme to their bloude or Estaite of their parties that they ar coupled with."

For each succeeding offence the penalty was to be doubled, till the fourth, when the paying criminals were to be "put in ward for the space of yeir and day, and the 'puir' sinners were to be banished." The above Act was confirmed by James VI. in 1581, when he gives the choice for "pure folkes" of "stockes" or "jogges." It would seem that the jougs, a more simple, elegant, and effective instrument than the stocks, had been introduced into Scotland, probably from Holland, between 1551 and 1581. A hardened sinner had used naughty words in the presence of the minister, therefore, 9th December 1689,—

"Compeired John More, for his cursing before the minister and ane elder, at yt. time they come to visit his familie, and in regard he had imprecat a curse to yt. person who had represented him so, even to the minister's sone, the Session concluded him worthie of severe censure, and determined yt. he should, upon nixt Sabbath, sitt in the stocks 'twixt second and third bell, wt. ane inscription upon his breast, in Capitall Letters upon paper, 'Heer sitts ane Curser,' and after sermon to apear upon the white stone before the pulpit and make his acknowledgement."

Bailie Moncrieff and his wife had trouble with their servant girl, and, foolishly complaining to the Session, had the pleasure of having their dwelling in Harbour Street turned into a glass-house :—

13th April 1703, "Helen Irvine called, compeared, and being challenged with cursing and imprecating Baillie Moncrief's wyfe, answered that she acknowledged she had cursed her, but denyed anie such expression as bitch ; however, that she was greatlie provoked thereto by her, who did beat her on the neck and rent her toy* and hair. She was sharply rebuked, and being removed, the Session judged fitt to refer her censure untill the nixt day, against which tyme they appoint John Fleat and John Richan, elders, to go to Baillie Moncrief's wyfe, and to represent to him and her that the Sess. are verie sorrie to hear so many complents from her, and that they are verie ready to discourage all such abuses ; however, they are desyred to tell her that her beating and abusing the Lass, as represented to the Sess., is verie unfitt and verie unbecoming to her, and that therefore they, in the Session's name, exhort her to peace and holiness, and for the Lass that has abused her, she shall be rebuked and punished as the Session shall think fitt.

"The Session appointed the said Helen to appear before the pulpit next Lo/ day to be rebuked, and fynes her in 20 sh. Scotts for cursing."

* Cap.

Those who broke the Fourth Commandment were strictly dealt with, and the general order concerning Sunday sinners very well illustrates the tyranny of the Church even after a century of protestantism :—

ACT ANENT SABBATH-BREAKING.*

"My Lord Bishop and Session, taking into ther serious consideration the great abuse and enormitie of severall persones, both old and young, in this congregation, by profaning the lord's day, both in tym and after divine service, to the great scandel of the gospel and ordinances in this place : Therefor my lord Bishop and Session ordaines, and by these presents have ordained, that if any persone or persones shall, in tym of divine service, be found walking in the bodie of the church, sitting or lying in the churchyard, or wandring in the streets or back lanes, or found drinking in tavernes or ale houses, that the eldar collecting and visiting, or the officers which attend him quhen they apprehend any such delinquent, that they give up their names, that they may be censured in manner as after follows. Lykwayes, these ar recomending to the care and vigilance of everie eldar in ther respective precincts, that they tak diligent notice after sermon that no persone whatsomever be permitted to vaige throw the streets, or stand at the gates or doores (as too commonlie is done), discoursing idle and profane language, and that they admonish them to goe into ther houses ; Otherwayes, if they refuse the said eldar's admonition, ther names shalbe taken up, and they, with the forementioned transgressors, shalbe convened befor my lord Bishop and Session for ther contempt, and censured as Sabbath-breakers, conforme to the practice of the Church, and lykwayes they shalbe referred to the civil magistrate for ane pecunial mulct *in pios usus*. And these ar also to certifie all parents and masters that they shalbe answerable for ther children and servants so offending."

The names of persons who did not attend divine service with becoming regularity were entered on a list known as the "Black Roll." This list was revised and amended from time to time as occasion required :—"4th Feb. 1689, there was a list given in be the elders in there respective plaices of such people as disfrequented the ordinances." Then followed the names of sixteen persons, among them John Brown, writer, and Jean Caldell, his spouse, "all which persons were appointed to be read out of pulpit nixt Sabbath Day." "30th January 1693, Robert Nicolson compeared for his disfrequenting of the ordinances, was sharplie reprehended, and promised better attendance afterwards."

Some kinds of "Sabbath breach" were worse than others. The simplest and most common offence was the Sunday walk :—

"21st June 1703.—The Sess., considering that several persons, disfrequenting the ordinances, do idlie vague about the fields, Lord's day forenoon and afternoon, in time of Divine service, to the dishonour of God, prophanation of the Sabbath, and starveing of their own soules. Therefor, the Sess. earnestlie requests all such persones to attend the publick ordinances, and strictlie forbids all disfrequenting of them, and all idle vaging upon the Lord's day, either in tyme of divine service or therafter, either in the fields or in the open streets, standing in multitudes conferring about worldlie and sinfull things, with certification that all such disfrequenters of the ordinances and idle vagers shall be strictlie noticed and punished accordinglie."

And the Magistrates loyally supported the Session. In April 1710,—

"The Magistrates and Councill, considering ane representation from the Session anent the gross abuse of the Sabbath day by the idle vageing, sporting and playing of Servants and others in the Street and els where about the Toun, in great contempt or unacomptable forgetfullness of the fourth commandment of the Law, for remeed whereof the Magistrates and Council present renues and corroborats all former Acts of Councill made against prophaners of the Sabbath day, and appoynt and ordain that one of the Session Elders in the several quarters† of the Burgh, accompanied with one of the Toun officers or kirk officers, goe throw the sds. quarters once, tweise, or oftner every Sabbath after the aftnoon's sermon, and impowers them to apprehend and imprison all idle vageing persons whom they may find who cannot give sufficient satisfying accompt of their being abroad."

* 26th Feb. 1672.

† The "quarters" appointed were :—First, from the head of the town to the head of Broad Street ; second, to the Castle ; third, to the Bridge ; and fourth, to the Shore.

But ministers themselves would sometimes make a slip, especially when away from home, and it was difficult to get off with impunity, as every church member throughout Scotland was ready to report all delinquencies that came under his notice, except of course his own. The Rev. John Cobb, minister of St. Andrews and Deerness, going south, thought fit to make a Sabbath day's journey through Morayshire. The good man was observed, however, and reported by the Presbytery of Forres as travelling through their bounds on Sunday, and on his return Mr Cobb was had up before the Kirkwall Presbytery and tried for the offence.

In punishing such offences, the magistrates were merely assisting the ministers ; had they acted on their own authority, the clergy would have resented the interference. During the time of the "Meeting-house" troubles, the Justices complained that the Session and Presbytery went beyond their jurisdiction in taking up and deciding civil cases. The ecclesiastical courts maintained their right to act as they had done, whereupon, in retaliation, the Justices, moved by some wag in their number, gravely sat in judgment upon Sabbath-breakers, and absolved them without reference to ministers or elders. As may be imagined, this gave great offence to the Church, the more so as it afforded much amusement to frivolous laymen.

A heinous Sunday crime was frequently perpetrated almost within the shadow of the kirk. People having walked many miles to attend service, would go into a house to refresh themselves with a mug of ale. Here they sometimes met friends of like necessity and tastes, with the result that, instead of going to hear sermon, they sometimes sat out the forenoon over their liquor :—26th Jan. 1670.—"After invocation of the name of God, compeared John Inksetter, Thomas Thampsone, William Gyre, and Alexr. Linay, and confessed that they mett in William Gyre's house, and the vementness of the weather caused them stay longer there then they intended, and that they caused John Aikin read some chapters, and that they drank onlie one pynt of ail. The Session, notwithstanding their allegiance, finds them guiltie, and caused them all sitt downe on ther knees and crave pardon for ther offence, and were admonished to refrain from the lik fault for the future ; and ordains ilk ane of them to pay five grotts, to be given to the poore, which they all promised. The Session wes closed with prayer."

In those days there were no licensed houses, any person could brew and sell ale, and doubtless there were in Kirkwall specialists, whose browsts were well known and appreciated. Among these—why not?—was the public executioner :—17th Augt. 1674, "Ordains to summond George Sinclair of Gyre and Margaret Grot, their two servant women, for being found drinking in John Walls, the hangman's house, in tyme of sermon."

24th Augt., "Compeared Jean Hutton, servant to Gyre, and Barbara Omond, servant to Margaret Grott, and being found guiltie, both by ther own confession and by James Laughton's declaration, were fyned each of them in twentie shilling Scots, and to appear before the pulpitt the nixt Lord's day to mak publick confession of their scandel in drinking the tyme of the fornoon's sermon in the hangman's house."

There had been an old Act in force, probably passed by authority of the Session, that no ale should be sold during the hours of service, and it became necessary to renew it :—17th June 1689, "Margaret Robertson appointed to be charged for selling ale to David Seater and William Anguson in tyme of sermon, ane act renewed and to be published from pulpit yt none should sell ale in tyme of divine service under hazard of censure." David Seater was an official in the Church and required special treatment. Accordingly it was enacted, for the benefit of the bellman, that "for each fault which could be proven against him, twelve shilling Scots to be defaultat off his sallarie, and if found drunk with the hand-bell in his hand, he should loss the benefite of that buriall."

The town officers accompanied the magistrates to church, halbert on shoulder, for which

service they received a consideration, but after David Seater's lapse it was necessary to make a new arrangement. Accordingly, 23rd Dec. 1689, "It was enacted that no money should be given to the officers upon the Sabbath day, out of the offering, till Monday, to prevent ther drinking upon the Sabbath day."

Ordinary domestic duties became crimes when done on the Sabbath. Fifty years ago the knocking-stone was an institution to be seen at every cottage door. This was a huge stone mortar, in which the common bear of the country was pounded, and, by having the husks *knocked* off, was turned into pot barley. The pestle was a heavy-headed, long-handled wooden *mell*, and the dull thud, as it was brought down on the grain, could be mistaken for no other sound. On 6th April 1674, "Compeired Margaret Halcro, and denyed that any bear was knocked in her house on the Sabbath Day." "Compeired Thomas Barnardson," husband, "and denyed that there was any bear knocked in his house on the lord's day." "Compeared Jean Sinclair," servant, "and denyed," etc., "but that the bear was knocked in James Thampson's house on Saturday at night." "Ordains to summon Isobel Jack, their neighbour, till further tryale." 13th April, "Compeired Isobel Jack, and declared that she heard some chapping in Thomas Barnardson's house on ane Sabbath morning, but knew not whether it was knocking of bear or breaking of peats." "Compeired Margaret Halcro, and confessed that her lasse gave the bear that was not well knocked some chapps, for which she did beat her upon the morrow after, so that the said lasse ran away from her house therefor, as the neighbours knew verie weill." "The Session ordains the said Margaret, for permitting her lasse to doe so, to sitt downe upon her knees before the Session and crave pardon from God for her permission of such ane enormitie upon the lord's day, which she did, and promised not to suffer the lik to be done in her house heirafter."

13th April 1691, "It was enacted that no one should be seen to carrie water in time of sermon under such a penaltie as the Session should inflict upon them."

25th January 1674, all Sunday travelling by sea or land was strictly prohibited, and boatmen, especially those who had charge of ferries, were cautioned against taking hires on that day :—1st May 1676, "Ordains Malcolm Maxwell and his boat's crew to bring in ane boat of sand to the church, in compensation for their sin of Sabbath breaking."

In keeping with the above, it is clearly seen that the Rev. Wm. Blaw of Westray only did his meagre duty in hanging his cat, seeing that

> "In the hoose it killed a moose
> Upon the Sawbath day."

One form of Sabbath breaking, not common it is to be hoped, required special legislation. At a meeting of Session, 20th June 1643, it was found necessary "to take order with some persons who were summoned for wyding in the sea promiscuously, and an act is made That na persone whatsoever shall be found wyding in the water openlie upon the Sabbath day ; and in case men and women, lads and lasses, be found promiscuously wyding together after a lascivious manner, either Sunday or week day, whether by day or by night, they shall be severallie censured and condignly punished for terrification of others, by making their public repentance upon the *quhite stean*, and paying 40s. *in pios usus, toties quoties.*" There were in the floor of the choir several marble slabs, and the *White Stone* referred to was probably that nearest the pulpit.

"My Lord Morton, his brother, Mr John Douglas, presented a desire in my Lord's name unto the session, That seeing his Lordship had ane purpose to erect ane tomb upon the corp of his umquhile father in the best fashion he could have it : Tharefore understanding that there were some stones of marble in the floore of the kirk of Kirkwall, commonly called St.

Magnus Kirk, quhilk would be very suitable to the said tomb ; therefore requested the favour of the session to uplift the said stanes for the use foresaid : Whereunto the session condescended with this provision, that the places thereof be sufficiently filled up again with hewen buriall stones."* This was a nefarious bargain certainly, but there are still two white stones left, though hidden by the present flooring.

In the matter of Sunday observance, the boys of Kirkwall were in constant collision with the Session. A party of these imps would gravely go and occupy the elders' pew, sending these potent, grave, and reverend personages to find accommodation where they could :—

"The eldars of the parish gave in ane complaint† that they were molested in the seits in whiche the Session permitted them to sitt into, at the upper end of the Stalls, declaring that severall idle persones, prentises and boyes, did fill up the rowmes, and that they and uther honest men were debarred. ffor remedie of which enormitie, The Session ordained to make publick intimation that if any such persone sould in tym comeing presume to occupy the saids seats and exclude the eldars and uther honest men therfrom, each contraveiner shall be referred to the civil magistrate, who woulde exact six shillings, *toties quoties*."

Ejected from the highest seats in the synagogue, the boys proceeded to give further trouble. Though John Knox had been in his grave for just about a hundred years, traditions of the pre-Reformation Sunday sports still lingered in Kirkwall :—

"Ordains‡ to admonish all parents and masters publicklie out of pulpitt that they be answerable for ther children and servants' carriage on the Sabbath day, conforme to former Acts made thereanent. Becaus it is reported that severall idle boyes playes at football in tym of and after sermon, and ordains the eldar who visits, and the officers with him, to tak diligent notice that no such abuse be committed in tym comeing, and recomends the care therofe to each eldar in ther severall precincts, and that the delinquents' names be given up to the Session."

But the boys were irrepressible. If their amusement was stopped in one direction, it would have free course in another :—

"Ther wes ane complaint§ given in upon some prentises for being found climbing houses and taking bird nests in tym of sirmon yesterday, the parents, viz., James Irving and Thomas Aime, weavers, with Magnus Moir, weaver, and Thomas Grimbyster, taylor, for their prentises, being all summoned, the Session, finding the boyes guiltie, fined ther sds. parents and masters twenty shillings Scots the peice, with certification if the saids boyes wer found in the lik fault heirafter they sould pay dubble the fyn, and the boyes whipped also."

Sabbath observance was frequently the subject of national legislation, and in this connection it is interesting to notice the change of public sentiment on the Sunday question at different periods. In the fifteenth and sixteenth centuries, under the Romish Church, the Government interfered to regulate Sunday sports, so that they might contribute to the welfare and safety of the kingdom. As the kirk was the weekly rendezvous of the parishioners, Sunday afternoon was considered a very suitable time, and the neighbourhood of the church a fitting field for the practice of archery. Accordingly butts were set up and prizes were given to successful competitors. "Butquoy" and the "Butts" in our own town, and in proximity to the Cathedral, commemorate the custom as it obtained here.

In the fourteenth parliament of James II., convened May 1457, "It is decreeted and ordained that the Fute-ball and Golfe be utterly cryed downe, and not to be used, and that the bowe-marks be maid at ilk parish Kirk a pair of Buttes, and schutting be used, and that ilk man schutte six schottes at the least, twa penneyes to be given to them that cummis to the bowe-markes, to drink. And that there be a bower‖ and a fledgeat in ilk head town of

* S. R., 22nd April 1649. † S. R., 18th Aug. 1669. ‡ S. R., 28th Sept. 1670.
§ S. R., 8th June 1674. ‖ Bowyer and fletcher or arrowmaker.

the Schire. And as tuitching the fute-ball and the golfe to be punished be the kingis officiares. And that all men, that is within fiftie and past twelve yeires, sall use schutting." This law is re-enacted in the third parliament of James IV., 1491.

In the seventeenth and eighteenth centuries the episcopalian and presbyterian churches went back to the Mosaic observance of the Sabbath. So also did the Government as far as legislation was concerned. In 1663, Charles II., "with advice and consent of His Estates in Parliament, doth hereby Statute, Ordain, and Declare That all and every such person or persons who shall hereafter ordinarly and wilfully withdraw and absent themselves from the ordinary Meetings of divine Worship in their own Paroch-Church on the Lord's day shall thereby incur the pains and penalties underwritten," &c.

Again, in 1670, this same king "Statutes, Ordains, and commands all His good Subjects of the Reformed Religion within this Kingdom to attend and frequent the ordinary Meetings appointed for Divine Worship in their own Parish Churches; Declaring hereby that every such person who shall, three Lord's Dayes together, withdraw and absent themselves from their own Parish Churches without a reasonable excuse, shall be liable to the pains and penalties following." These pains and penalties were very heavy fines.

It is somewhat amusing to notice that, while these Acts were issued in favour of prelacy as against presbytery, it was under them that the presbyterians of Kirkwall were able, in the tyranny of the following century, to suppress the episcopalian meeting-house.

Down to the beginning of the present century, Sunday observance, according to her own regulations, was insisted on by the Church, but whether the change is for the better or for the worse, an Act of Parliament insisting on attendance at the Parish Church is now an impossibility, and an edict of the Kirk Session on the subject would be regarded as an absurdity.

Breaches of the Fifth Commandment have never been common; and, with regard to the Sixth, the clergy show themselves remarkably callous:—"Robert Bellie, ane murderer, being called and not compeiring, ordains Mr William Davidson to cause cite him pro 2do. to the nixt meeting."* "Mr William Davidson reported that Robert Bellie, murderer, in his parish, could not compeir to this dyet becaus of his sicknesse; he is ordained to be chairged to the nixt meeting."†

But the Seventh Commandment gave the ministers more work than all the rest of the Decalogue. If, however, it furnished employment, it also yielded liberal profit. And here let it be said that in the ancient *ante* poor law days, paupers were maintained by the Church, and that mainly out of the fines imposed for breaches of this Commandment. It may also be stated that, in her dealing with the poor, the Church was very kindly, and wonderfully liberal.

From whatever cause it arose, the fact is patent that, during the seventeenth and eighteenth centuries, breaches of the Seventh Commandment were remarkably numerous in all classes of society. Almost every Session meeting had a new case to take up or an old one to deal with. Without doubt, the publicity given to such offences tended to multiply them, and in reading Session Records one is almost driven to the conclusion that this was the wish of the Church. There was a wonderful uniformity in the manner in which these cases were brought before the parochial tribunal. In nearly every instance a *fama* arose about the unfortunate female delinquent, and she was "delated" to the Session. In most cases the girl was at the door when the accusation was made, and, "being called, compeired." Generally guilt was admitted, and the name of her fellow-sinner given. Sometimes, however, there was an indignant denial:—11th January 1703, "Qlk day Ursilla Groundwater was delated of some

* Presb. R., 1st May 1667. † 6th June.

scandalous carriage with James Eunson, in Whytford ; appoints to the officer to charge her to the nixt Sess. Day." 25th Jan., "Ursilla Groundwater called, compeared, and denyed any ground for the said sclander alleged against her. She was exhorted and referred to next Sess. Day. Appoints to charge James Eunson to the said Day." On the 1st February, the parties again "compeared and denyed anything that was laid to their charge ; the Sess., considering that there was noe light in that affair, referred the same." That was how the wily inquisitors always acted in such cases ; they waited for "more light in the affair," and the light usually came in a few weeks. In this case light began to dawn on 1st March, "Qlk day the Sess., being informed that the report anent James Eunson and Ursilla Groundwater is lyke to hold true, appoynts the officer to charge ym both to the nixt day." They "compeired" next Session day and confessed.

When parties "compeared and confessed," the Session dealt with them according to circumstances. Ecclesiastical courts have never been noted for their impartiality in dealing with either clergy or laity. In the nameless delinquencies under consideration, the wealthy got off scatheless if they chose to be liberal in their donations of coin for "pious uses," but the poor, who could not pay, or could only pay the statutory fine, had to appear on the "stool of repentance," and if they could pay nothing at all, probably they would require to stand in sackcloth at the church door under the gaze of the congregation for several Sundays. "Adam Brebner, from Papa Westra, having on sundrie times appeared now in publick in sacco,* to the number of *threttie times*, ordained to appear nixt Sabbath in sacco, forenoon & afternoon, & to be received."†

There is not in Kirkwall a single instance of any person of means appearing in sackcloth. On the contrary, everything was made easy for the wealthy penitent :—

"11th March 1703.—After Prayer. Qlk day the minister represented to the Session that Mr Legatt, late Stewart Depute, had addressed him yesterday, that he might be pleased to call a Session in order to the receaving of his confession, that he might be appoynted to his satisfaction, and thereupon absolved, that there might be noe Impediment in the way of his marriage, which he desyred might be accomplished against Munday nixt, he being to remove out of the country, as he supposed, which the Session considering, were weill pleased that the said Mr Legat and Mrs‡ Prince should be called before them at this tyme ; and accordinglie being called, she compeired and acknowledged her guilt ; the sd. Mr Legat, called, compeared, and acknowledged his guilt, and both of them submitted and promised to be obedient to the Session. The Session, considering ther qualitie and submission, and espe'alie that they were to be married nixt Lo/ Day, did therefore agree that as to the penaltie which the Baillie Deputt present appoynted should be modified reasonablie, and because they knew Mr Legat would be generous enough to refer it to himself. As to their satisfaction, for the reasons forsaid, the Session agrees that they be absolved upon the first appearance, and that in a dask of the church, where they may most convenientlie sitt nixt Lo/ Day ; and they being called, the same was Intimat to them, and Mr Legat did, for their penaltie, give a ginny and two crowns, which the Session rested satisfied with, and both of them promised obedience to the Session's appoyntment as to their satisfaction nixt Lo/ day."

"March 14, 1703.—Qlk day Mr Legat and Helen Prince appeared, and being rebuked, were absolved."

This *appearance* would certainly be in a "dask" where no one could see them. Compare Mr Legat's case with the following :—12th Feb. 1670, "Compeared Robert Flett, Cordiner, and confessed guilt with Margaret Voy. The minister and elders present ordains him to pay four pounds Scots, and ordains the scandal to be removed upon their marriage day in being humbled on their knees before the pulpit, and making publick confession before all present"

Sometimes the Church was impecunious, and would give favourable terms for ready money :—14th Nov. 1692, "The ministers and Magistrates now in Session, taking to consideration the great expense the fabrick of the church requires for its mentenance, and comparing

* Sackcloth. † 30th April 1693. ‡ Miss.

yt with the povertie of the church box, condescended yt if Arthur Rendall, now delinquent, should pay in ten rix dollars to the thesaurer he should be absolved and received in the Session house before the Session."

Arthur gladly accepted the terms :—18th Nov., "Qlk day Arthur Rendall gave in his penaltie, qch was ten rix dollars ; he was this day absolved before the Session." He further delighted the reverend court by paying for his fellow-sinner "two cross dollars."

Persons of means and known liberality were always allowed to assess themselves. James Nisbet of Swannay, 16th Feb. 1708, "offered willinglie to the Sess., for his and the woman's penaltie, a guinie and a half, wherewith the Session rested satisfied." The fines for this offence were graduated :—"Enacted that any one above the rank of a servant or merchant falling into this sin shall pay four dollars as their penaltie, by and attour the publick penaltie." 27th May 1679, "Thomas Stewart, Bailie, gave in four rix dollars in name and behalf of Patrick Ballenden, as his penaltie, he being exempt from public penance." The ordinary charge in Kirkwall, as laid down by "My lord Bishop, minister, and eldars," was "thrie pounds Scots, That is to say, six pound for both parties of the meanest condition, but persones of more abilitie ar to pay conforme to ther qualitie."* This was for a first offence, and was increased "conforme to the faults in the said sinne." And "the faults in the said sinne" were duly recorded against the sinner, each under its proper title. The first fall was a lapse ; the second, relapse ; the third, trelapse ; the fourth, quadrilapse ; the fifth, the highest shown in the Kirkwall books, a quintilapse, the top scorer being a man Hay, in Orphir, who was very promptly excommunicated. The fines in Kirkwall were probably the highest in Orkney. It is stated that the ministers and elders of a western parish ventured to issue an edict that from a certain date the fine was to be increased. The result was such an alarming falling off in the number of "delations," and consequent "povertie of the church box," that the Session was compelled to revert to the former tariff.

Considering the scarcity of money in Orkney in the seventeenth century, six pounds Scots to "those of the meanest condition," though only ten shillings sterling, was very difficult to raise. In the relative purchasing power of money then and now, and in the cost of labour, a pound Scots would run far into a pound sterling of the present day. Accordingly, we often find that parties could not pay ready cash, and were compelled to find cautioners. Sometimes a father became surety for his son, a friend for a friend, and a master for a servant. Where an unfortunate sinner was unable to find caution, he had to deposit in the hands of his ecclesiastical creditors some kind of material pledge as security for the payment of his debt :—4th January 1671, "Compeared Thomas Spence, and wes ordained to pay his fine and relieve his piece of gray cloth which he had in pledge, which he promised to doe." "Magnus Eunson, in Muddisdale, compeared," † and craved baptism for his son's child :—

"The Session, considering that his said son, Robert Eunson, hath, by a lettar under his hand, owned himself to be the father of Isobel Linay, her child, and that the said Magnus, his father, hes bound and oblidged himself presantly to pay in penalty for his son, Robert, three pounds Scotts money. Therefore the Session allows the child to be baptised ; and for the said Isobel her penalty, the Session being Informed that there is a seat in the church belonging sometyme to her Grandfather, whereof the said Isobel and her sister are in possession, and that the said Isobel and her sister, Jean, are willing to dispense with all right and title they have to the said seat in favours of Magnus Taitt, in Lingrow, for payment, making to the Session of the said Isoble's penaltys, and the said Magnus being presant, and undertaking to pay for the said Isobel three pounds Scotts. The Session allowed him ane act of the said seat for him, his spouse, and children's bettar accommodation for hearing the gospell preached. Appoints to charge the said Isobel to the next Session day, in order to satisfaction."

And so poor Isobel and her sister had, as a fine, to give up their seat in church that the

* 25th Nov. 1672. † 19th Jnue 1721.

farmer of Lingro, with his wife and children, might have "bettar accommodation for hearing the gospell preached."

Elspeth Linkletter,* who had been contumacious, was ordered to be apprehended and "put up in Marwick's hole until she find suretie." This was too dreadful, so Elspeth "Compeired and promised a brown-rigged, white-horned three-year-old cow." The following Monday, Elspeth appeared with her beast, and crummie "being comprised to fyftie-fyve shilling Scotts, she payed the foresaid sowme in pairt of payment." How or when she paid the balance is not shown, but she made public appearances every Sunday till the 10th of June.

But some poor sinners had not a piece of cloth to pledge, a cow to sell, nor a pew to surrender; no matter, the Church would have her pound of flesh. "Francis Liddell, called, compeired, and being enquyred for his penaltie, replyed he had it not, nor could he get any to be Caur.; he is remitted to prison untill aither he pay or find caution."† "Jean Anguson to be put into the lyme house‡ till she finds caution." §

But while the Church had much trouble in getting in some of her dues, and, doubtless, made a few bad debts, she had her compensations in the cheerful manner in which some of her erring children met her claims. There was a lively young skipper who paid an annual visit to Kirkwall, and as surely as he came, there was a fresh baby to welcome him—on one occasion two—so that one of his earliest calls was at the Session-house. There he received a cordial welcome, paid a guinea for himself and "partie," promised to "satisfy" as soon as he could find time, and withdrew smiling, to call again next year.

Then there was the case of Arthur Murray, a wealthy burgess, with whom, unfortunately, the Session could not summarily deal. Arthur was a trelapse, and must therefore be referred to the Presbytery. This reverend court, "considering his great age and weakness of body and seeming repentance," sent him back to be dealt with by the Session of Kirkwall. The ministers and elders, considering specially that he promised to pay £200 Scots, let him down as softly as was possible in the circumstances. This money, as has been seen, was devoted to the erection of a guard-house.

Now and then, as may well be imagined, the person named as father repudiated paternity. In such cases the Church referred their decision to the oath of the parties. "Margaret Linklater compeired before the congregation, who, putting her one hand on the Bible and the other on the child's forehead, swore that she knew no other man to be the father of her child but Adam Hay."

29th October 1716, "William Ritchie and Margaret Chalmers appeared before the congregation, and after they had been seriously exhorted, the said William, by his laying his left hand upon the child and holding up his right hand, gave his oath that he was not the father of that child."

29th August 1722, "Reported that John Garrioch and Isobel Anderson had appeared before the congregation, Sabbath Last, and that, after a sermon suitable to the said John's caice, on Zech. 5th and 3rd, he was most seriously dealt with by the Minr., before the congregation, to confess if guilty, but he, persisting in his denyall, and the woman, tho' desyred, giving no oyr. fayr., at Length the Minr. tendered the oath of purgation to the said John."

"The said Isobell was summoned to this dyet of Session, who, being called, compeared, and being now desyred to confess. Seeing John Garrioch had purged himself by oath, she denyed to give any oyr. fayr., whereupon the Session, Considering That she is a Most wicked, vile person, and that if some corporal punishment be inflicted, she May be brought to a Confession, and she having nothing to pay as a pecunial mulct, wes referred to the Magistrates p'nt, who appoynted her to be imprisoned

* 22nd Jan. 1683. † 5th July 1703.
‡ North transept chapel, then used as a store-house. § 15th Jan. 1694.

by the officer in Marwick's hole, the common prison for such delinquents, untill the rest of the Magistrates have occasion to meet with the Session, and that this be reported to the Preby. Meanwhile, by the Magistrates' advice, allows 6/ to be given to the officer for her Maintenance and the child's till the said meeting of the Session."

At the next meeting of Session, Isobel gets a very bad character indeed—"Vile, scandalous person, a vagrant, sturdy beggar, and a suborner," is the best they say of her; and, 3rd September, "Reported that the Magistrates had caused put her out of the Town by the hand of the hangman."

Nothing incensed the Session so much as the failure of parties to "compeir" when summoned, and the untiring tenacity with which the Church Courts stuck to the trail of fugitives, is worthy of admiration:—15th March 1686, "Compeired James Anguson, and confessed, is ordained to produce his penalty next day and to enter in the profession of his repentance next Lord's day." But James did not appear next day, and, though his case was brought up at each meeting of Session, not till next year could they get hold of the culprit himself:—21st February 1687, "James Anguson compeired, and was committed to the Magistrates till he find surety for his satisfying church discipline." Again he escaped, and after three years of contumacy on his part, the Church proceeded to vengeance by putting in force the deadliest instrument of superstition, ex-communication. The various steps in this process have a peculiar interest. The Presbytery, taking into consideration the sinner's heinous offence, solemnly enjoins the minister to pray for him *once*. How suitable to human necessities is a church whose direst threat is an order to pray for a poor backslider. This was to be repeated on three several occasions, after which the minister pronounced

> "That awful doom which canons tell,
> Shuts paradise and opens hell,
> Anathema of power so dread,
> It blends the living with the dead;
> Bids each good angel soar away,
> And every ill one claim his prey,
> Expels him from the church's care
> And deafens Heaven against his prayer."

Anguson did not wait for all this, it was too terrible:—18th March 1689, "The sd. day James Anguson, after his long obstinacie and absence from the Session, was brought in be the officers, wherefore the Session unanimously resolve that he should be carried to Marwick's Hole till next Sabbath, and from thence to be put in the joggs 'twixt first and second bell, and then to be carried to the stool of repentance, where he is to stand during sermon with an inscription upon his head in paper, in capital letters." But one such appearance was not sufficient for such a rebel as Anguson, though the culprit himself thought he had been sufficiently punished, and he again absconded, but was caught and imprisoned:—15th August, "Compeared James Anguson from prison for his contumacie, and the Session determined he should continue in prison till nixt Sabbath day, from thence to be brought to the publick place of repentance, where he shall stand, bare-foot and bare-leged, till he be rebuked."

Nowhere in Scotland could a fugitive hope to escape the grip of the Church. Robert Erskine, notary public, had made a lapse in Edinburgh in 1668. He came to Kirkwall, established himself in business, and probably thought that after four years bygones were forgotten, when, 15th April 1672, "Ther wes ane letter produced by my Lord Bishop, which was sent to this place from Mr Cameron, clerk to the Session of the College Kirk in Edinburgh, shewing that Robert Erskyn, now residentar in Kirkwall," had been guilty, "desyring also that my Lord Bishop would tak ane effectual course for his compearance before them." 27th May,

"Compeired Robert Erskyn and confessed. Moreover, he declared he wes willing to pay what pecunial mulct they thought expedient, and that he wes most willing to give his personall presence and publick satisfaction when it pleased God he arryved ther. But that he could not have the libertie to go now in respect of his publick employment both in this towne and countrey, having severall gentlemen's business of great consequence now in agitation." 24th March 1673, "Compeired Robert Erskyn, and declared that Tankerness, by his order, had payed his fyne to the College Kirk, and that Mr Robert, my Lord Bishop's sonne, had received two letters theranent." Nevertheless, the following week, two of the elders called "to acquaint Robert Erskyn that the Session orders him to send for ane testificate from the Session of the College Kirk of Edinburgh, which may testifie that he hes satisfied the orders of the Kirk."

The stool of repentance was in the upper front corner of the seamen's loft, and, as it was in constant use, its occupants excited no interest in the eyes of ordinary church-goers. But the institution does not exist out of which boys cannot extract some amusement. 4th December 1671, "Compeired Duncan Oag, and denyed throwing of staples, but confessed that Edward Chester and Hercules Hay, servitours to Andrew Corner, stood at the back of the seamen's loft and threw some. Referrs the two boys to the masters to cause whipp them." Again, 7th July 1673, "Compeired Alexander Chisholm, and was scharplie rebuked for casting tobacco staples at the delinquent in the stool of repentance, contrair to ane act of the Session made thereanent." He was fined ten grotts.

Marriages were a source of income to the Church, and, as anti-nuptial offences were so common, there was very frequently a fine as well as a fee. This state of matters required special legislation. Hence, on Monday, 13th May 1689, "It was enacted that none should be contracted until such time as they deposit their pledges in the Clerk's hands." This Act was amended :—

"The Session,* taking into consideration that some are found faulty in coming together before marriage, of whom little or no penalty can be had, and some who marry and are not faulty that way, yet come short of paying their marriage mo'ie,—Therefore, and because the Session finds that it is the practice of several other Sessions, and in time past the practice of this, to take pledges from the parties contracted in order to marriage, The Session, with the advice of the Magistrates, as reported by one of the minrs., revives the former practice of taking pledges from the persons to be married, and enact that in time coming the Session clerk, or whoever of the Session shall contract any pair, that they take pledges to the value of ten shillings ster., to be forfeited by the sds. persons; and in case of no fault being found, the pledges to be returned whole after payment of the church dues."

Intricate physiological problems sometimes attached themselves to those pledges. George Anderson and his wife lay under suspicion. The Session, careful as to its facts, found that their first child was born eight months and four days after their marriage. The parents, however, stoutly denied guilt, and brought forward Janet Robertson, the most skilful *accoucheuse* in Kirkwall, with two other women, Janet Irvine and Jean Linay, specialists in the natural history of babies, who all declared that, to the best of their knowledge, the baby was a seven months' child. "Wherefor sists any process, and appoints his obligation to be given up."

These pledges occasionally raised nice questions of inter-parochial law :—15th October 1712, "Appoints to charge Thomas Boog and his wife to the next Session."

20th October, "Thomas Boog and his wife, Hallon Hendrie, called, compeared, and acknowledged their fault. They being rebuked, were appointed to enter to their satisfaction next Lord's Day; and as to their penalty, they say they pledged a crown in Græmsay's† hand in the paroch of Orphir, which crown they were content should be forthcoming to this Session. Appoints to write to the minister of Orphir theranent."

* 7th March 1715. † Honyman of Græmsay lived at Clestrain, and was an elder in Orphir Kirk.

17th November, "Reported that the ministers,* having occasion, spoke the minr. of Orphir† anent the crown pledged by Thomas Boog; he said the Session would not give it. Referrs the matter to the Presb'rie."

9th March 1713, "Reported from the Presb'rie yt. ye crown left by Thomas Boog in the hands of the Session of Orphir, was appointed by the Presb'rie to be given up by them to the Session of Kirkwall. Appoints therefor to write to the Sess. of Orphir yranent."

23rd March, "Thomas Boog having returned from Orphir, compeired and gave in the crown he had got back from that Session. The Sess., considering his povertie, gave him back the half of it."

But it was in dealing with the worst cases—unhappy marriages—that the Church Courts most signally failed. A matter which the Divorce Court would now decide in a short sitting, might, by the Church tribunals, be protracted for months, during which the unhappy respondent was battledored from Session to Presbytery, and from Presbytery back to Session, undergoing numerous examinations, each succeeding trial being a reproduction of its predecessor to the minutest details. This marks a strong contrast with penal procedure under the old regime. Rome's penal methods were swift, silent, and effective.

On the other hand, when, under Protestant episcopacy, vice had become a fruitful source of income even to the bishops, it was, if not encouraged, at least greatly increased by the publicity given it. On entering church, the congregation had weekly to pass through a group of penitents, hideous to look at in their garbs of sordid sackcloth, and the address of the clergyman to the occupant of the White Stone or of the Stool of Repentance, repeated every Sunday, ceased to raise a blush on the cheek of the most susceptible. The Cutty Stool gave a notoriety which the loutish intelligence regarded as fame cheaply bought at the cost of the statutory fine.

To a delinquent who had any respect for his own person, the most revolting punishment this protestant inquisition could inflict was to drape him in sackcloth supplied from the Cathedral wardrobe. St. Magnus had a large stock of these robes, yet in the heyday of the Church's rule they were in such demand that penitent sinners often had to wait their turn for several Sundays before they could be suited. The poorer the offender the more quickly was he supplied. Thus these sackcloth gowns became very filthy, and when not in actual use were flung into a heap in the Limehouse.

And so it came about that in the days of the Commonwealth, when there was no bishop in Kirkwall, and when the presence of Cromwell's Independents inspired a wish for release from ecclesiastical tyranny, delinquents doomed to sackcloth began to provide their own wraps. Judging that the odium of the punishment lay in the distinguishing garb, and not in the filth, young men did penance at the church door—doubtless at first to the great amusement of the passers by—robed in white linen sheets. This burlesque of Church discipline—depravity clothed in the garb of innocence—must have galled the clergy, but for a time they had to submit. Their turn came, however, as shown by a minute of Synod, 8th October 1663:—

"The Moderator having made ane motion anent ane abuse (wch. by tyme has crupen in) in the maner of the habite of adulterers, triple or quadruple ffornicators, in their public repentances, to be in Linzies or ane whyte scheite, and not in sack cloath,—It is yrfor ordained (for taking away the said abuse as ane improper habite for such peynitentiaries) that in tyme coming, adulterers, triple and quadruple ffornicators, be not permitted to mak yr. publick repentances in Linzies or whyte scheites, Bot in sack cloath, according to custom and former Discipline and Ordinances of the Kirk of Scotland."

* Mr Thomas Baikie, Mr Andrew Ker. † Mr Edward Irving.

The clergy were completely successful in re-establishing their sackcloth. On the 20th November 1682, a man, Marwick, was imprisoned because "he said, in face of Session, that that hemp or lint was not sawed yet which would be a sack cloath to him." But Marwick appeared in sackcloth on Sunday, 10th December.

The Ninth Commandment, taking charge of our neighbour's good name, was often broken, and slander, as might be expected, was a sin with which the Session had frequently to deal. In the little community, where everybody was known to every one else, there was seldom any difficulty in arriving at the truth, though, for the satisfaction of parties, strings of witnesses would be patiently examined by the ministers and elders. The most common punishments for this misdemeanour were public rebuke on the white stone, the jougs, or imprisonment. The jougs consisted of a hinged iron collar attached by a short chain to a building. The victims of the jougs had their necks enclosed in the collar, which was then secured by a padlock. In Kirkwall there were two of these necklets—one at the kirk door and the other on the Market Cross.

19th January 1674, "Compeired Elspeth Sutherland, and for slandering Gilbert Meason, as wes alreadie proven, and becaus she failed in her probation in offering to prove that the said Gilbert bedded with Margret Cromartie, Therefor the Session hes referred the sd. Elspeth to the Magistrates present to be personallie punished, Who have ordained her to be putt in the joggs at the Cross, and to stand ther two houres, with ane paper on her breast showing the reasons of her standing so in that place; and lykewayes she enacted herself, under the paine of being scourged threw the towne by the hangman, not to slander the sd. Gilbert, or Margt., or any other person whatsomever in this congregation."

29th August 1688, Marion Delday condemned to stand two hours in the "joggs" for "abusing John Craigie with her opprobrious words and base language." It may be here remarked that John Craigie was an elder.

Isobel Drummond refrains from compearing when called, is condemned to "stand in the jogges at the church dore the nixt Sabbath betwixt the second and third bell."

These instances mark a distinction. The Magistrates send the culprit to the jougs on the Market Cross, the Session to the church door. That ministers could treat poor sinners in such high-handed fashion, necessitates the existence of a universal and deep-rooted superstitious belief in the preternatural wisdom and power of the clergy. This was the one superstition which the Church encouraged, while she rigorously suppressed all lay pretence to a knowledge of the hidden mysteries. Accordingly we find Session and Presbytery dealing with persons who used "charms." "Appoynts every minister, in their severall paroches, to inhibite all charming and consulting with charmers, and to bring in to the presbyterie a list of such as shall be found guiltie of this sin, that they may be censured."*

The idea that some persons were endowed with the power of looking into futurity, through league with familiar spirits, is almost as old as humanity. In the eighteenth chapter of Deuteronomy, we have reference to nine separate and distinct modes of divination. In all countries, and under all religions, this superstition has flourished. What we know as witch-craft is merely an adaptation to Christian teaching of what was believed by our pagan ancestors. The Church teaches that there is an enemy to God and man, who is virtually omniscient and omnipresent; that this arch-fiend is assisted by an innumerable host of subordinate demons; and the witch or wizard of Christian times is simply the woman or man who can command the services of one of these devils.

As far back as the 22nd chapter of Exodus, we have the command, "Thou shalt not suffer a witch to live"; and this injunction has been the excuse all over Christendom for much

* Synod R., 5th July 1666.

horrible cruelty. In Scotland, the law first recognised witchcraft as a crime in 1563. When James VI. brought home his newly-wed Queen, Anne of Denmark, 1589, the Scottish witches held a great convention at North Berwick, and raised a storm for the purpose of drowning the king, he being the greatest enemy that their master, Satan, had. For this, thirty unfortunates were executed on the Castle Hill in Edinburgh. Raising storms and the devil at the same time was a favourite diversion of witches. Margaret Cromartie was before the Session of Kirkwall, 4th September 1676, as "one of the persones that raised the divell at the last storme." Witch-burning in Scotland came to a height about 1660, and then gradually died out, the last fire being at Dornoch in 1722.

Under the Stewart Earls, a charge of witchcraft was sometimes trumped up as an excuse to confiscate lands:—"Be-North-The-Gait, in Swanbister, perteining to the Sutherlands, fallen in escheat to my Lord for witchcraft."*

At the end of the seventeenth century, and the beginning of the eighteenth, witches were very numerous in Orkney:—"Wosbuster, perteining to Elspet Marsetter, witche"†; "Halkland, perteining to Anne Marsetter, witche"; "Jonet, of Cara, quha wes brunt for witchcraft"‡; "Alisoun, Margret's daughter, brunt for witchcraft."§ 21st September 1693, "Qlk day there wes ane delation brought in against one, Jane Seater, banished from Westra for supposed witchcraft."

Now that witches are safe from burning, we have still here and there among us a wretched old woman claiming supernatural powers, and trading on the superstition of those around her.‖

The Kirkwall Registers of Baptisms, Marriages, and Deaths must be among the oldest extant in Scotland. Baptisms and marriages were recorded in Cromwell's time, and the register of deaths was initiated by Bishop Honyman, who seems to have been an excellent business man, and, next to Law, the most public-spirited and useful of the post-Reformation prelates.

"Thomas Dischingtoune, Precentor and Session Clerk, produced¶ ane new register of all baptisms, contracts, marriages since Januar 1657, and of the defuncts in this congregation since my lord Bishop's direction in 1666, untill the dait of thir p'nts, together with ane other new book, to be ane register of all Session Acts and business, as weil of preceiding acts not as yet filled up or insert, but also of future acts as the sd. book will containe during his tym. Quhairanent, My Lord Bishop, Minr., and eldars present, haveing considered the said Thomas his paines in filling up the said first book, and what pains it will cost him in filling the saids acts. Therefor they have ordained the said Thomas to have for his said pains Thrittie-six pound Scotts out of the first and readiest that shall come into the box, becaus the Thesaurer declares that the box is not weil furnished for the present."

In the olden time the horrible belief prevailed that the soul of an unbaptised child could not enter heaven. So strong was this hideous superstition, that baptism was regarded as a fitting subject for imperial legislation. In the twenty-third Parliament of James VI., August 1621, "Our Soveraigne Lord," in "satification of the Five Articles of the General Assembly halden at Perth," ordains that "The Minister shall often admonish the people that they defer not the baptising of infants any longer than the next Lord's day after the child be borne, unlesse upon a great and reasonable cause declared to the Minister, and by him approved."

Sailors seem to have held strong views with regard to infant baptism. Elspeth Sutherland had been in service in Edinburgh, and returned home to give birth to a child. "Ordains

* Pet. Rent., ii. 27. † Pet. Rent., ii. 43. ‡ Pet. Rent., ii. 94. § Pet. Rent., iii. 183.

‖ The present writer, about a dozen years ago, in adjusting grazing rights between neighbours, was threatened by one of them with a speedy end to his life if he interfered to her disadvantage, and the deaths of two men well-known in the parish were claimed by her as due to their interference in her affairs.

¶ 17th Sept. 1671.

the said Elspeth to goe to Edinburgh and make satisfaction for her sin committed ther, and if she returne to this countrey, ordains hir to bring ane testimonial and absolvitur with her, under the pain of banishment by the civil Magistrate. Lykways ordains hir child to be baptised, becaus she affirmes that no ship will except hir companie unles the child be baptised." *

The first baptism on the Kirkwall roll is Margaret, daughter of Oliver Linay, 22nd Feb. 1657. This little girl died young, for, a few years later, we find Anna recorded as Oliver Linay's only child.

In the baptismal register we have the names of many of Cromwell's soldiers. One of them, the first of three who registered illegitimates, gave in what was apparently a name assumed for the occasion, but which, in keeping with his character as one of the "saints," could scarcely be called false. He enters himself as "James Ego, soldier."

The Church had a great deal to say about marriage, and laid down rules towards preserving decorum, for every breach of which penalties were exacted. The opening of the Register of Marriages gives these rules at length :—

"Præcognita.

"In each subsequent contract these material points following are te be understood (church not expressed) :—ffirst, the Minister and eldars contracts, and asks, and requires the parents, or nearest relations concerned, ther consent to the marriage. Nixt, if aither of the parties come from another parish, they ar to produce ane testificate from ther respective minister and eldars, or find caution for that effect befor they have the benefite of Marriage. Thirdlie, each persone to be contracted ar to bring a Cautioner along with them, who oblidge and enact themselves that the persones for whom they ar Caution shall accomplish ther marriage within fourtie days, and they shall abstain from scandalous conversing or dealing befor ther marriage, and that under the pain of ten pounds Scotts, to be paid in to the Kirk. And, Lastlie, the parties contracted enacts for ther Cautioners."

The first entry is :—"1657, Januar 5, William Irving and Margaret Ballenden."

In the last three years of Cromwell's rule, no fewer than fifteen of the English soldiers stationed in Kirkwall married Orcadian wives ; and, as it is only of these three years we have any record, it is fair to infer that other Englishmen married in Kirkwall. One pair had some little trouble :—"1658, Augt. 21,—Roger Robinsone, english souldier, and Elspeth Spence wer contracted (ther being no minister yn in this toune) by William and Patrick Spence, and James Morrisone, eldars—they wer married in Firth by Mr John Hendrie."

A widow thinking of returning to double harness had to be able to give certain proof of the death of her former yoke-fellow :—"1662, Oct. 1, John Norie and Jean Linay wer contracted by Mr James Reid and Patrick Halcro, after that Magnus Gunn and Harie trott had declared that they had seen umqle David Galliard, late spouse to the said Jean, drowned in the water of Shane,† at Corbesdail feight."

This was simple enough, but in the case of a sailor of whom nothing had been heard for years, there was more difficulty. Alexander Sutherland and Margaret Dreaver wished to marry, but Margaret could not prove the death of her first husband, Magnus Work, of whom nothing had been heard for ten years. The Session referred the matter to the Presbytery, and that Court decided that Margaret should not be hampered by Magnus any longer, but, to be in order, she must "summond him legally at the mercat cross of Edinburgh and at the shoar and pier of Leith, and obtaine a sentence of none adherence against him from the Commissrs. of Edr."

As has been seen, the consent of parents was required, and in most cases it was given. Sometimes, when consent was refused, the Church would take a common-sense view of the case, and, disregarding irate and unreasonable fathers, would assert its jurisdiction and act *in*

* 13th May 1678. † Shin.

loco parentis to both the contracted persons. On the 2nd November 1670, Stewart of Brugh writes to stop the proclamation of his daughter's marriage with young Mudie of Melsetter. On the 16th, old Mudie writes to stop his son's proclamation. It was plainly a case of Montague and Capulet—the heads of the houses were at deadly feud, and the young people were expected to take up the quarrel. But William Mudie, yr., and Barbara Stewart also write that they are free persons, twice proclaimed, and demand the third proclamation. The Bishop and Session sided with the young people, and they were married accordingly.

Persons contracted bound themselves to marry "within fourtie days," and no doubt this was generally done, but sometimes the contract could not be carried out. Thus, 17th August 1672, Magnus Irving, weaver, and Inga Dreaver were contracted, but "the woman took seickness and died." Besides, forty days was a long time for a woman's mind to remain unchanged.

In July 1676, Gilbert Meason was summoned to appear before the Session "becaus of breach of contract of marriage betwixt him and Margret Cromartie." At next meeting, "Compeired Gilbert Meason and declared that he wes not the partie breaker of his contract of marriage with Margret Cromartie, but desired that the said Margret sould be cited to give in the reasones of hir delay." Accordingly, Margaret appeared and admitted that "she wes the partie breaker of the contract, and that she wes unwilling to be married to the said Gilbert." There being no fault alledged against the man, "she wes ordained to pay ten pounds Scots conforme to the Act of Session anent breach of marriage, qrunto she wes willing, and promised to pay in the money to the Thesaurer."

22nd September 1673, "Compeired William Linklatter and Issobel Grott, with whom he is contracted in marriage. Ordains the said William and Issobel to compeir the next Session with ther cautioners, seeing it is fourtie days elapsed since ther contract." 29th September, "Compeired Issobel Grott and declared that she was willing to adhere to the contract of marriage with William Linklatter, wherupon James Drevar, hir cautioner, wes absolved from his cautionrie for her." "Compeired William Linklatter and declared that he would not marrie with Issobel Grott, although contracted with hir. The Session referrs him to the Magistrats present, who ordered him to be imprisoned, both for his syn of fornication with the said Issobel, and for his breach of contract; and John Browne, his cautioner, protested that he might be frie of his cautionrie for him, since he wes now in the Session's power, unto which the Session condescended. The sd. William paid fourtie-thrie shillings Scots to compt of his fyn, out of which the Thesaurer wes ordained to pay his tolbooth mail and officer's fies for waiting upon him."

At the making of the contract, various sums of money had to be paid:—2nd March 1674, "The Minister and eldars present have ordained that each persone who contracts in marriage heirafter shall, as formerlie, consigne two Dollars or a pledge to the value thereof, which is to continue in the Clerk's hand untill thrie quarters of ane yeir be past after ther marriage."

29th January 1672, "Compeired Issobel Petrie and gave in ane complaint upon John Harvie, servitor to Robert Richan, litster, the sd. John and Issobel being contracted in marriage, desiring the sd. John to be tryed whether or not he wil adhere to his intended marriage with hir, and if he refuse, that he may not onlie pay as ane partie breaker, but also mak up hir losse she hes sustained in brewing and baking to ther marriage conforme to the said John's direction." "Compeired the said John and declared that he wes unwilling to be married with the said Issobel. Ordains him to pay ten pounds as ane partie breaker." The Session allowed them to settle for the cakes and ale as best they could.

Marriage was thought to inspire charitable feelings, hence:—25th September 1671, "Ordains that if any person in this congregation, either man or woman, be contracted or

proclaimed in this congregation, that ther marriage money be furth comand to the poore of this toune, utherwayes no testificate to be given them unlesse they first pay ther marriage money to this Kirk." 6th Feb. 1688, "This day ther wes ane act ordained that all persones who marries should give some relief to the poor."

Again, marriage presupposes a generous sympathy with the rising generation. Accordingly :—7th December 1684, "It was enacted that ther is non in toun or paroch that marries but shall pay a foot-ball to the scholars of the Grammar School." Certainly the boys did not get all the balls paid for, but the "ba' money" was charged in the proclamation fees down to the passing of the present Registration Act, 1855, the late Mr Craig being the last registrar to charge for the ball.

As has been seen, three was the orthodox number of proclamations to be made before a marriage could be celebrated, but circumstances sometimes limited the number, with, of course, the consent of the church, to two or even one. But this privilege was never sought except by the wealthy, and an extra fee was demanded for the concession. In 1720, Patrick Ballenden and Donald Grott get off with two proclamations ; in 1734, one Sunday suffices for the proclamation of John Riddoch and Miss Mary Young of Castleyards ; and, in 1735, Dr Hugh Sutherland marries Miss Graham of Grahamshall after one public announcement.

During the "Meeting House" troubles at the beginning of the eighteenth century, it was one of the bitterest draughts the presbyterian ministers had to swallow, that Mr Lyon, "an irregular Episcopalian," "having been deposed," should take it upon himself to solemnise marriages.

The festivity that still forms an essential part of the ordinary wedding is as nothing now compared with the rampant jollity that accompanied marriage in the brave days of old. That the drinking was peculiar is shown by the three-handed "brides' cogues" still surviving, some of them, over a century old, doing duty at wedding feasts even yet.

Fashionable marriages excited as much interest in the olden time as they do now, and spectators crowded to church, to the great trouble of the doorkeeper. 29th September 1673, "Robert Murray wes admonished be the minister for his rashness (since the toune court had fyned him) in blooding John Browne, servitor to James manson, by ane blow with ane key, when the said Robert was hindring people to throng into the church whil Mr James Graham wes married, for which the said Robert craved pardon and promised to abstain from the like rashness heirafter." The bride, the centre of attraction, was Elizabeth, daughter of Provost Patrick Craigie, who was then at the height of his prosperity and popularity.

In her attention to the sick, and especially in the hour of death, the Church was scrupulously careful. This was handed down to the protestant clergy by their catholic predecessors, who regarded it a sacred duty to administer the last sacrament to their adherents in their dying moments. The next care of the ancient Church was to guard the soul in its heavenward journey. The Bishop of Gloucester expresses very clearly the old idea regarding the human spirit :—"There does not seem anything unreasonable in the opinion of many modern psychologists, that the indwelling Ego or soul may have form and even some sort of subtle corporeity, so that when it leaves the body and becomes unclothed, it may still preserve some distinct objective existence."*

Inspired by this belief, the necessity of protecting this unclothed Ego in its upward flight becomes obvious, seeing that Satan's emissaries were always on the watch for such prey. It was an old superstition that bells† had the power to dispel storms and to terrify evil spirits, the powers of the air. Thus "the custom of ringing what was called the *passing-bell* grew

* Timbs' Notabilia, p. 267, quoting Cont. Review, 1872.
† Bells, Quarterly Review, Sept. 1854.

out of the belief that devils troubled the expiring patient and lay in wait to afflict the soul the moment it escaped from the body." The Reformation did not quite do away with this belief. In the appointment of a church-officer, February 1681, it is required that "he shall not refuse, night or day, to ring the great Bell for any person's death."

Tolling the bell at the time of the funeral was a different matter. It seems to have been regarded as a necessary adjunct to all funerals. But, as it was accompanied by some expense, the bell for the rich man's burial was the great bell of the church, while a hand-bell sufficed for the interment of the poor. But, great or small, the bell must not be omitted. In July 1688, David Seatter, kirk-officer, is ordered "to ring the hand-bell and make the grave of each pensioner gratis."*

The Church hand-bell was used in issuing secular proclamations, and it sometimes had careless usage :—"In reference to the hand-bell, which is latlie broken, and the officer (in whose hands it lost the sound when he was ringing it) offering to prove that it was not through any fault or negligence, the witnesses for that effect, to wit, Gilbert Tait, Robert Nicolsone, and John Pottinger, declare that he began to ring at Robert Nicolsone's, wher the said bell did sound clearlie, as formerlie, neyther perceived they any breach." "John Stow declares that it sounded clearlie at Francis Murray's house, and he, comeing along, heard him ring it at John Chambers, wher it sounded from that clearlie, but when he began to ring for Magnus Symondsone's wyfe, he perceived the sound greatlie to fail." This was in 1681. In 1685, the Session "ordains David Seater to repair the hand-bell, which he has broken, at his own expense." How many hand-bells had been broken between then and 1693 does not appear, but in March of the latter year it is recorded that, "There being a new hand-bell returned from Edinr. at the Session's Charge, it was delivered to David Seater wt. this certification, yt. if he broke this bell, as the oyr. former bells, it should be recovered at his cost." As David occasionally took too much liquor at funerals, "the other former bells" would sometimes have scant fairplay.

14th April, "The Thesaurer is ordained to acquyt Thomas Dischington, clerk, of his wife's kirk-layr and bells, and by these presents hes discharged him, and that in compensation for his pains in keeping a register hitherto of all persones who dies. Ordaining him also to keep ane perfect and exact compt of the samen for the future, together with ane accompt what bells, great and small, shalbe rung for everie persone, and to give ane accompt thereof once in the yeir, and the said Thomas is to refer his pains to the Session for the future." This register, as has been seen, was kept at the desire of Bishop Honyman. It is entitled "Ane just accompt and List of all those who have departed life since May 1666, taken up and kept in record according to Andrew, Lord Bishop of Orknay, his commands and speciall directions." Mr Dishington tried to make his register as interesting as possible. Among the early entries we find :—"6th Oct. 1666, Marrable Horrie, spous to Magnus Taylor, mercht., wes found dead on the sea. 27th Dec., James Sinclair, mercht., alias James of the well. 24th Jan. 1667, Margaret Midhouse, widow to ane English souldier."

In 1836, the registration of births, marriages, and deaths was by law made compulsory ; but, in 1707, the Scottish Parliament, by a somewhat singular Act, made the registration of deaths necessary. As far back as 1597, it was enacted that English woollen cloth should not be brought into Scotland :—"The same Claith, havand only for the maist parte an outward show, wantand that substance and strength quhilk oft times it appears to have, and being one of the chief causes of the transporting of all gold and silver foorth of the realme, and consequentlie of the great scarsitie and present dearth of the cunzie now current within the samin."

* The pensioners were those paupers who were wholly or partially supported by donations from the Church box.

This was in the reign of James VI. In the early years of Queen Anne, Acts were passed imposing heavy duties on foreign linen, prohibiting the export of Scottish wool, and generally protecting the products of our native looms. But the last Scottish Parliament outdid its predecessors by ordaining that all bodies should be prepared for burial by being shrouded in woollen cloth :—

"Qlk day* the Sess., taking into consideration the —— act of the last sess. of the parlia't. of Scotland, all persones are oblidged to be buried in wooling, and the relations of the Defunct are conform to the —— act of the —— sess. of K. J. the seventh's Parlt., and to —— act of K. Wm.'s par., to report certificates of the Defuncts being winded in wooling conforme to Law, within the space of eight days, to the Minister or Ministers of the parish, who ar yrupon oblidged to cause register the same gratis, qlk failing, the Ministers and their elders are oblidged to pursue the relations of the Defunct within six months, and to apply the penalties for the use of the poor, as the said acts in themselves at more lenth bears, with certification to the said Min'rs. in caice they fail to pursue the same as aforesaid, they shall be lyable for the foresaid fynes. Therfor the Session have appointed, and hereby appoints, a register of the Dead to be kept in all time comeing by the clerk of Session, and appoints the officiars of the church to report continualie to the said Clerk the names of the persones that die within this congregation. And that the people of this congregation may not fall into an error, appoints Intimation yrof nixt Lord's day."

Burns, in "Tam o' Shanter," has a reference to this burial in woollen. In the wild dance in Alloway Kirk, he mentions their "sarks o' creeshie flannen," instead of "snaw white seventeen hunder linen."

It would seem that England had a similar law, perhaps by way of protecting the home woollen industry against Continental and Scottish competition. In his "Moral Essays," in which he gives "the ruling passion strong in death" of various types of humanity, Pope puts the following words into the lips of a celebrated and highly popular actress of the day :—

"Odious in woolen ! 'twould a saint provoke
(Were the last words that poor Narcissa spoke).
No, let a charming chintz and Brussels lace
Wrap my cold limbs and shade my lifeless face ;
One would not, sure, be frightful when one's dead :
And—Betty—give this cheek a little red."

The mortcloth, which covered the coffin in its carriage from the house to the grave, was provided by the Church, and for this a separate charge was made. If the use of the mortcloth cost money, the article itself was rather an expensive item of the ecclesiastical working plant. John Richan, litster, a man of high repute in the Church, was commissioned to purchase one of these cloths, and on his return from the south, he reported to the Session that he had brought it, suggesting that "the Treasurer might call for it from him, and that he would give in his accompt next Sess. day. Appoints the Treasurer to call for the sd. mortcloth, and to give it out for two crowns within the town, and for four without it. And appoints the old mortcloth to be given at half that price." John Richan's account showed that he had paid "the sum of £169 18s Scots mo'ie as the pryce bestowed upon the new velvet mortcloth and pock."

The Session always kept two of these funeral wraps, and insisted on the double fee when one was allowed to go out of town. Mrs Traill, wife of David of Sabay, died, and "the Thesaurer reported that John Spence, Baylie, offered as cautioner thrie rix-dollars, whiche the Session discharged him to receive till he add the fourt, according to the practise of those who use it out of the towne."

* 2nd Feb. 1708.

The different fees and other items of expense in an old-time funeral may be shown by the account of an Edinburgh interment paid in Kirkwall by the brother of the deceased :—

1777, June 9, paid for

The warrant	£1	5	0	Disperseing the Letters... ...	0	1	6
The turff	0	10	0	The Burial Bread	0	8	7
The poor	0	5	0	The Gloves	1	1	0
The recorder	0	2	6	The Hearse and six Coaches	3	0	0
The Mortcloth...	1	5	6	Mr Henshold	0	3	0
The Bellmen	0	4	0	Servants	0	2	6
The Grave	0	8	0		£2	10	7
The Ushers	0	12	0	The Coffin, etc.	5	5	0
The Bearers	0	6	0		£17	15	7
The battonmen	0	4	0				
The Coachmen...	0	4	0				

Had this been in Kirkwall, a very large sum would have been added for liquor, an approximation to the Irish custom of "waking" the dead having been practised in Orkney.

Certain superstitions almost naturally attached themselves to funeral customs. "Anent the threttene article of the Instructions* relaiting to Church burrialls, the brethren regraite the great and superstitious abuse yrof." †

The place of burial during Christian times has always in Orkney been, where possible, the vicinity of a church. The ancient church builders, whenever they could manage it, got a portion of the skeleton of the saint to whom the church was dedicated, and this they placed in or near the high altar. To be buried as close as possible to the sacred relics secured at the resurrection the companionship of one of Heaven's accredited agents. The extension of this idea led to the consecration of churchyards. The bodies of excommunicated persons and suicides, which were excluded from consecrated ground, found interment at cross roads, not as an indignity but as a charity, such points being regarded as self-consecrated. Such exclusion never took place under Scottish presbyterianism, which has always regarded the presence of the dead as the only consecration of the cemetery, but in England it was only in the reign of George IV. that the bodies of suicides were admitted within consecrated ground, and then only under the superintendence of the coroner, and between nine and twelve o'clock at night. In Kirkwall, however, all who could claim the right, or could buy it, insisted on being buried within the church.

The oldest kirkyard in our town was St. Olaf's, but from the time of the transference of the body of St. Magnus from Birsay to Kirkwall, the Cathedral was regarded as the proper place for interment.

Before the Reformation, the desecration of a churchyard was a sacrilege severely punished. In Lord Sinclair's Rental of 1503, it is stated, regarding the proprietor of Gorseness, in Rendall, that "becaus he drew bluid in the kirkyaird they tuik fra him his said land." ‡

Those whose position did not secure burial within the Cathedral walls could obtain the privilege by paying for it. Indeed, by a free disbursement of coin a man could get himself deposited in the sacred neighbourhood of the pulpit. "After invocation of the name of God, My Lord Bishop and Session discharges the beddall and under officers to break any ground within the quire for burials wher the people sitts and hears the word, without speciall libertie asked and given be my lord Bishop, minister, and eldars, and that none be permitted to be buried within the said quire, except the persone related to the dead, or Cautioner, pay somewhat more considerable than in any other place of the church."

The Church was most beneficent in its care for the poor, and in Kirkwall the list of

* Bp. Sydserf's. † Synod Records, 17th Nov. 1662. ‡ Pet. Rent., i. 71.

"Pensioners" was a long one. The regular dole was given quarterly to each person on the pauper roll :—1st May 1693, "Qlk day, upon a petition, James Irvine, weaver, was enrolled amongst the poor at twentie shilling quarterlie, and fourtie-two shilling advanced to him for p'nt. supplie." But the Session gave relief under special circumstances to her poorer adherents who were, as far as possible, self-supporting :—"The Session,* taking into consideration that the poor inhabitants of the town are in straits through the want of meal, The Session agrees that the box be opened, and that there be ten pounds Sterling taken out of it and given to David Strang, one of the Elders, and that he buy therewith meal where he can have it cheapest within the country, and bring the same to the town and sell it to the inhabitants in parcels, without any further profit than the necessary expenses, and that immediately on the selling thereof he return the money to the box."

Occasionally the Session got a gift for charitable purposes :—"Quhilk day,† James Murray, commissr. of Orknay, at comand and direction of My Lord Bishop of Orknay, gave in ane precept, subt. with his hand at Kirkwall of the dait of thir presents, wherein he ordains Thomas Young, receiver of my lord Bishop's rents, to deliver to the Kirk Session of Kirkwall as much malt as amounteth to the sowm of ane hundreth pounds Scots."

Regular collections for the poor were instituted :—7th January 1665, "Whilk day it was ordained that every minister in their severall paroches appoint collections to be made for the poore each Sabbath day."

On Communion occasions the poor were specially remembered :—"Ordains‡ the remainder of the Elements to be distributed amongst the bedliers and other poor, sick persones throw the towne." "The collectors gave in what money wes collected upon the preparation day, Befor the comunion and at thanksgiving, which mo'ie. amounted to the sowme of sextie-two pound nyn shillings two pennies. The major part thereof is to be distribute to-morrow amongst the poor of this towne." Sometimes the collection did not come up to expectation :—24th April 1693, "It was ordained that the bedlars should have the same pension as at the quarter's end, out of the collection at the Sacrament. Item, to the pensioners the halfe of qt pension they gett quarterlie. Item, it was ordained to be intimat from pulpit the uncharitableness of the parochen people of St. Ola."

The Communion seasons were the few occasions when the poor of Kirkwall could taste flour bread. Flour was only found in the houses of the wealthy, and does not seem to have been sold in Kirkwall :—"Ordains§ the session clerk to write south to David Sutherland for some flour for the comunion elements."

Besides the poor of the burgh and parish, the Church had to meet frequent incidental necessitous cases. A collection was ordered, 24th April 1682, for a young man who had been a slave in Algiers ; 3rd August 1713, for William Mitchell, cripple, who had "suffered slavery under the Turks"; "Mr Thomas Douglas having been robbed of all his goods by privateers, on his way from England to the West Indies, the Session gave him a crown" ; four English seamen who had been "robbed by the Hollanders," 7th July 1673. Very likely this had been in Shetland, and a similar case was that of Andrew Grigg, a Fraserburgh merchant, "robbed at Zetland by the Hollanders." He got £2 12s "to help him southward." "There was six pounds scots ordained for four Englishmen who had been taken at sea by the french and sett a shoar heer," 10th April 1693.

Sometimes the poor of Kirkwall came under the censure of the Church :—"It being observed by the eldars collecting at the Kirk door yt ye pensioners sitting at the Kirk pillars seeking charity, removes without hearing divine service, herbie it is appointed to be intimate from pulpit that whosoever removes *ut supra* shall loss their pension."‖

* 10th March 1718. † 28th July 1669. ‡ 24th Aug. 1674. § 6th Feb. 1693. ‖ 15th Feb. 1692.

The money required for the support of the poor, being chiefly got from fines for breaches of the Decalogue, was sometimes difficult to recover. Accordingly, the Church had to act as secular creditors do in similar circumstances :—"It was ordained that the Kirk Treasurer should call in for the former rests, and if they would not pay them in pleasantly, to use diligence against those who were resting."*

The regular church-door collections had fallen into disuse in Kirkwall, and were re-instituted. On Sunday, 13th July 1673, at a meeting held the previous Monday, the Session "Ordains the parochin eldars to collect by turnes at ye kirk door, from the parochin people, and ordains James Clerk to beginne the nixt Sabbath." These collections having been established, presbyteries and congregations had applications from all directions. "Appoynts a collection to be made in every church for repairing the Harbour of Kilburne, according to ane act of parliament thereanent"† ; collection for the Bridge at Dumbarton, June 1683 ; for the poor of Elie, May 1697 ; for building a church in Cunningsburg, in Prussia, July 1697 ; burial place for Scots people at Newcastle ; for a church at Lithuania ; for the congregation at New York ; Harbour at Aberbrothwick ; Bridge of Dee ; Harbour of Banff ; French colony in Hilburghausen ; Church at the Enzie ; Harbour at Anstruther Easter ; for founding an Infirmary at Edinburgh, £14 15s 10d ;‡ Reformed Church in Copenhagen ; Orphan Hospital, Edinburgh ; for repairing the Bridge at Berriedale ; distressed inhabitants of Leith who had their houses blown up, 19th Nov. 1702 ; sufferers by fire in the Canongate of Edinburgh, &c., &c.

At the end of the seventeenth century and the beginning of the eighteenth, a number of dreadful fires occurred in Edinburgh and Leith. These were regarded by many of the people as a visitation for the iniquities of the capital and the seaport, and it was thought probable that, if a general improvement in lives and morals did not take place, the two towns would become as Sodom and Gomorrah. The following extract from the minute-book of the "Society of Captains" will show how deep and general this feeling was. The "Captains" were those who had held that rank in the city Trained Bands, men not generally supposed to be highly emotional :—

"Edr., the fourth day of December, one thousand seven hundred and five years. The which day the Society of Captains being convened in the old Councill House, considering the great growth of immoralities within this city and suburbs, and the fearfull rebukes of God by a dreadful fire in the Parliament Close, Kirkheugh, and Cowgate, which happened about midnight upon the third day of ffebruary, 1700 years, and which it is recorded in the Councill Books with their Christiane sentiments theranent upon the 24th of April thereafter. And also remembring that terrible fire which hapened in the north side of the Land-mercatt about midday upon the 28th day of October, 1701 years, wherein severall men, women, and children were consumed in the fflames and lost by the fall of ruinous walls.

"And furder considering that most tremendous and terrible blowing up of gunpowder in Leith upon the 3rd day of Jully, 1702 years, wherein sundrie persons were lost and wonderfull ruines made in the place. And likewise reflecting on many other tokens of God's wrath lately come upon us, and what wee are more and more threatened with being moved with the zeall of God and the tyes He hath laid upon us, and that wee have taken upon ourselves to appear for Him in our severall station, doe in the Lord's strength resolve to be more watchfull over our hearts and wayes than formerly, and each of us in our severall capacities to reprove vice with that due zeall and prudence as wee shall have occasion, and to endeavour to promote the rigorous execution of those good laws made for suppressing of vice and punishing of the vitious. And the Society appoints this their solemn resolution to be recorded, and our clarke to read or move the reading heirof in the Society everie first meeting after Whitsunday and Martinmas yearly as a lasting and humbling memoriall of the said three dreadfull fyres, and that under the penalty of twenty merks Scots, *toties quoties*."§

* 1st May 1693. † Synod Rec., 5th July 1666.

‡ Ten-elevenths of the Presbyteries of Scotland refused to collect.

§ Regarding the fire in the Canongate, Scott, in his notes to the fifth canto of "Rokeby," tells a very gruesome story.

The sum collected for the Canongate sufferers was £28 2s 4d, of which 9s 4d was bad money.

The currency of Scotland at the beginning of the eighteenth century was in a very debased condition. Much of it was foreign and of doubtful or of varying value, and there was a vast amount of false coin in circulation. As far back as 1467, in his third Parliament, James III. tried to fix the values of the most common of the foreign coins in use in his kingdom :—

"Our soveraine Lord the King, and his three Estaites in this present Parliament, findis his hienes and the haill body of the Realme greattumly hurt and skaithed in the money of this Realme havand lawer course then uther Realmes hes about us, throwe the quhilk, the Cuinzie of this Realme is borne out in great quantitie : For the quhilk our soveraine Lord and his three Estates in this present Parliament hes statute and ordained that the money of uther Realmes : That is to say, the *English* Noble HENRY and EDWARD, with the *Rose*, the *French* Crowne, the *Salute*, the *Lew*, and the *Rydar*, shall have course in this Realme of our money to the value and equivalence of the course that they have in Flanders : That is to say, EDWARD with the *Rose* to threttie twa shillinges of our money, Item the auld EDWARD to four marks the ounce of the samine price as the *Rose* hes course, The HENRY Noble to twentie seven shillinges six pennies, The *Salute* to threttine shillinges foure pennies, The *Rydar* to twentie-foure shillinges, The *Demy* to twelve shillinges, The *Lyon* with the Crowne to twelve shillinges sex pennies, Item the auld *English* groate sall passe for sexteene pennies, The *Borage* groate as the new groate, The auld groate of EDWARD for twelve pennies, The Spurred groate as the auld *English* groate for sexteene pennies, The *English* penny three pennies, And the new *English* penny richt-swa, The groate of the crowne sall have course for fourteene pennies, Item the half groate seven pennies, The groate of the Flour-deluce aucht pennies, And the quhite Scottis penny and halfe-penny as they were woont to have, And the stryking of the black pennies to be ceased that there be nane striken in time to cum, under the paine of death : And that strait inquisition be taken be all Schireffes and Baillies of Burrowes gif ony sik stryking be maid, and the strikers to be brocht to the King and punished, as is before written, and the bringers of sik persons to be weill rewarded therefore, as effeiris."

In the fourth Parliament of the same king, the value of many of these coins was altered. The result of these changes was to make money transactions to some extent a matter of rule-of-thumb, in which one of the parties in a bargain was sure to make a loss. And though the striking of false coin was punishable by death, the temptation held out by the free passage of such a variety of foreign coins was so great that the currency of the country was saturated with counterfeits. The effect of this was felt long after the Union had, through a very large grant, brought the Scottish coinage up to English standard. This bad money gave trouble to the Kirkwall Session :—"Considering the great complaint of the pensioners anent ill money given them, and for preventing the same in time coming, appoints that the old box belonging to the church be taken out of the chest and brought to the Session House, and there fixed, and that the ill money presently in the Treasurer's hands, and what may happen to come in from day to day, be put therein, and the same to be compted and sold to the best avail once a year as mettal."*

It was an uncomfortable experience to have ill money coming in from day to day in such quantity as to furnish bulk for an annual sale of metal. This was distinct from the foreign money which the Treaty of Union had put out of circulation :—"The Session, considering that there is some incurrent mo'ie. in the box, and that Mr Baikie is going south shortlie, thought fit to order the same to be taken out and delivered to the said Mr Baikie to be exchanged for current mo'ie. to the best avail."† "The bullion was weighed, and the weight yrof was 2 pound 10 ounces and 4 drops." Mr Baikie made the exchange at £3 6s per ounce, but found the weight 4 drops short.

The process of clearing the foreign coin out of the currency was going on at the same time

* 23rd May 1711. † 13th March 1710.

all over the country. It may not be out of place in this connection to quote from the Records of Kirkwall Town Council :—

"Robert Morrison, Collector of the Cess and Stent, gave in to the Magistrates and Council,* at the Council Hall, the money of the several species following, viz., seventeen horsemen ducatoons, ffyve bank dollars and a half, three rix dollars, fourth pairt of ane Cobb, twelve fourtie shilling pieces, ane twenty shilling piece, 3 ten shilling pieces, twenty French 3 sous pieces; sumna at the rate at which they were received before the 6th Oct. 1707 is ane hundred and eighteen pound six shilling, which, being weighted, twa pound ane ounce and four drops more. Given in by the said Robert four tens, seven-pences, fyve-pences, and Scotts fourpenny pieces current before the fifteenth of October instant, all amounting to ane hundred and threttie ane pounds, given in by the said Robert of British Coyne. Eight pounds Scotts and the four tens, seven-pences, fyve-pences, and foure-pennie pieces given in by the said Robert and William Traill, weighing three pounds and four unce by and attour the British Coyne.

"Qlk money of the several species and weight above written, the Magistrates presently delyvered at the Councill table to George Richen, one of the present Baillies, to be taken to Edinr. by him and delivered to the General Receaver there, to be compt of the publick money due by the Burgh, and the said George is to gett receipt therefore, and send the same to the Magistrates or bring the same with him—the Magistrates and Council bearing the Sea risk and Land hazard of the money to Edinr."

The box which had been fixed in the Session-house as a receptacle for "ill-money" had two keys, one kept by Mr Ker, minister, and the other by Mr Spence, clerk. In this box the base money accumulated from June 1711 till November 1720, when, "it being represented to the Session that there is ane Irishman in the country willing to buy up bad coin, order the little box to be broken open and the contents counted." In the nine years the amount of bad coin the good people of Kirkwall had devoted to pious uses amounted to 14 shillings 6 pennies current money, 49 shillings in Irish half-pence, 15 pounds 16 shillings 5 pennies of doitts, 15 English farthings, and 27 pieces of foreign coin—copper—with 3 Danish floors. This list shows a widespread liberality, the doits alone, if given separately, reckoned at eight to the penny, would represent a great crowd of givers. The probability is that people who found themselves in possession of such coins after they had lost their purchasing power, put them into this box with a view to their ultimately being turned to account as "metall." Among the strangely-named coins of the old currency are Bishop Mackenzie's gift to the poor, 27th March 1687, of nine leg-dollars, and Alex. Geddes' thank-offering on his return from Greenock of one leg-dollar, March 1693.

But the immediate improvement on the coinage at the Union is shown by the fact that before 1707 the Session could have a sale of metal yearly, while a nine years' collection after 1711 did not fill the little box.

The bargain with the Irishman is not recorded. A smith was called in "to help the box," but we hear of no more sales.

When the Church had money on hand she was perfectly willing to lend at the usual rate of interest. Before the Reformation, any charge for interest was prohibited in Scotland, but in 1597 the Scottish Parliament "statutis and ordainis that nane of our Soveraine Lord's lieges tak ony greater profite or annuall-rent for the lene of money bot Ten for the hundreth." In Orkney we find numerous instances of borrowing at this ruinous rate. In 1633 it was enacted that "no person after the date hereof take more than *eight pounds* for the use of the *hundreth pounds* in a yeare." In 1661, interest was reduced to six per cent., and by Queen Anne it was fixed at five. But whatever rate the Church agreed upon in lending, it would seem that her difficulty most frequently was to recover her capital, letting the interest slip.

* 10th Oct. 1708.

"The Session* taking to consideration yt there is a bond oweing by Castleyards to the Session of the sum of 200 lbs. scotts, and that the said bond doeth not bear interest, They found it convenient that the said money should be now called for; also considering that the Cess of the lands belonging to the Church hath been uncleared for some years, and that the said Castleyards, Collector of the Cess, hath detained in his hand the rent of the churchyard possessed by him. Also the said Castleyards is due to the Church some sclate and lime borrowed by him. Therefor appoints Mr Baikie and Robert Morison to speak to him anent these things, and to report nixt Sess. day.

"Also considering that Mr John Watt is due to the Session 100 lbs. scotts by heritable bond besydes 50 merks scotts by a moveable bond, and that he takes no care to pay the rent of the sds. bonds, and that the church has need to raise money for the repairing of the church and churchyard dykes. Therefor appoints Mr Ker and David Arskine to speak to him anent the said money and to report the forsaid day."

It was reported that Castleyards would settle at once, but that Mr Watt required time.

The town sometimes condescended to borrow small sums from the Church :—"Ordains† John Traill to speak to the provest concerning the seaven pound Starling that the town borrowed from the church box, and to have the answer thereanent against the nixt dyet." But John Traill got no satisfactory reply; therefore, 14th May, "Ordains the Deanagill to speak to the provost that he may meet with my Lord Bishop, Minister, and elders this afternoon or to-morrow in the forenoon anent the seaven pound Starling that the town borrowed from the church box." Probably the money was paid that afternoon and returned to the box, for the "seaven pound Starling" does not again appear in the minutes.

The Church sometimes invested her money in house property, a kind of speculation which never paid, as her tenants were allowed to run into arrears till it became impossible to collect the rents in full. Some of her houses were in such a ruinous condition when they are noticed in the records that one would be led to imagine the Session occasionally falling heir to a pauper, a not uncommon experience in later times of the Kirkwall Parochial Board. When the tenement became so ruinous that the cost of repair would equal the value of the property, it was generally sold to some member of the Session who could turn the site to account.

In advertising the sale of her property, the Church, as has been seen, repudiated drum or hand-bell, and made proclamation by plate and spoon. But the most common and most interesting ecclesiastical advertisements were made from the pulpit, and these included matters of public concern of the most diverse kind. Down to the present reign, days were set apart for public thanksgiving or for public fasting, as crises occurred calling for national rejoicing or sorrowing. The proclamations of such matters from the pulpit kept people alive to prominent events, and in the pre-newspaper days they were the only means by which the bulk of the islanders could learn anything of what was doing in the outer world. Some of them are interesting. When the Great Plague was raging in London a fast was proclaimed, 5th October 1665, to be observed "upon the wednesday yrafter for the preserving of this kingdome fra the infectione of the pestilence, the removing of it fra the kingdome of England, and for a comfortable harvest." "To implore Almighty God for a blessing to his Majestie's navall forces," 9th January 1665. The sequel to this fast came, 5th September 1666, "Qlk day appoynts ane solemne thanksgiving to be keeped on the 13th of this instant, Septr., and that for the late victorie obtained be the King's Majestie's ffleett against the Navie of the States of Holland."‡

On the 15th December 1678, a fast was intimated, "Qlk day his Majestie's proclamation for ane General fast to be kept throw the kingdom of Scotland anent the further discoverie of the plott against his Majestie's person and protestant religion intended by the Jesuits, and

* 5th Nov. 1711. † 16th April 1683.

‡ This battle, which decided Britain's naval supremacy, was fought at the mouth of the Thames, 26th July 1666. The Dutch lost 24 men-of-war, 4 admirals killed, and 4000 officers and seamen.

which fast is to be observed upon wednesday nixt, being the eighteen day." This was the plot invented and kept running—hence the phrase, "further discoverie"—by the infamous Titus Oates along with Dr Tongue, on whose false testimony several good and loyal Catholics were executed. The fast was duly observed in Kirkwall, Mr Wallace preaching from the text, Daniel vi. 21, 22—"O King, live for ever; My God hath sent his angel, and hath shut the lions' mouths." "Solemn Fast for the admirable and wonderful deliverance of his Majesty from the phanatical conspirators," 16th September 1683. This was somewhat late, referring as it does to the Rye House plot to assassinate Charles II. and his brother, James, Duke of York, 22nd March, and discovered 12th June of that year. Sunday, 12th February 1688—"Intimatione made for a thanksgiving day for the Queen's being with child." This was followed by another, 27th June 1688—"For the blessing the Lord was pleased to confer upon the nations by giving them an new prince to sitt upon the throne of his ancestors." This "blessing" was, of course, James the Pretender, son of James VII., and father of Bonnie Prince Charlie.

But Kirkwall sometimes feasted or fasted after people in the south had long forgotten that particular function. Queen Anne fixed a national thanksgiving, possibly in connection with Marlborough's victories, to be observed, 22nd October 1709. This order was storm-stayed and could not be announced in St. Magnus till 5th January 1710, and it was appointed to be held on the 17th of that month. Very probably the intimation did not reach the islands till some time later.

In the time of Charles II., the King's Birthday was looked upon as an occasion for public thanksgiving:—"The people of this congregation are advertised to attend sermon on Thursday next, being the twentie-nynt day of May."*

In the days of George I., the people of Kirkwall "solemnised" the occasion differently. In the Council Records, under date 28th May 1725, it is minuted:—

> "The said day, The Magistrates and Councill, this being his ma'tie's birth day, appoint the same to be solemnized in manner following, To witt, Twenty-four of the Inhabitants have their Armes in readiness against four of the clock in the afternoon, and, since David Strang, p'nt. Treasurer, is absent, appoint Donald Groat, Merchant in Kirkwall, to furnish what powder and Liquor may be necessary on that occasion, which is to be allowed to him in his accompt of Intromissions with the publick of this Burgh, and that the said Donald Groat Erect a large Bone fire at the Cross, and that the Bells be Rung from four of the clock afternoon till Ten of the clock at night, and that the drumbers and pipers Goe through the town as soon as the bells begin to Ring, and that the Inhabitants have a Barrall of ale aft. the solemnity is over."

It is ecclesiastical history and national experience that any country in the hands of an undivided church must be subject to priestly tyranny. This was the condition of Kirkwall down to the last decade of the eighteenth century, when, with dissent, came the dawn of freedom. Cuckstool and cutty stool were abolished, the jougs were wrenched from church door and market cross, Marwick's Hole was closed, and the punitive power of the clergy came to an end. Not that the Seceders were less strict than was the Church by law established; on the contrary, they posed as "the most straitest sect of our religion,"† ; but, with a choice of churches, ministers were bound to be civil lest they should lose their customers. The rapid spread of the Secession movement has been attributed to the carelessness of the Established clergy, but there was much in the Church itself requiring reform, and Scotland was ripe for the change.

In the middle of last century the burning question, no doubt, was the Law of Patronage,

* S. R., 23rd May 1673.

† Even as late as 1766, they protested against the repeal of the penal laws against witchcraft.

but earnest men felt that this was not the only abuse to be dealt with. In 1730, the Assembly had enacted that in future no reasons of dissent "against the determination of church judicatures" should be placed on record, and it was defiance of this gag that brought Mr Ebenezer Erskine into collision with ecclesiastical authority. In 1733, along with other three ministers, he seceded. In 1737, four ministers joined them, and, in 1747, the dissenters numbered thirty-two congregations. Then, however, a rupture took place on the question of the burgess oath, some holding that no consistent seceder could take that oath, while others asserted their right to swear if they chose. The parties separated under the titles Burghers and Anti-Burghers, and kept aloof for seventy years, when they re-united, 8th September 1820.

And here it may be interesting to notice that the Erskines, Ebenezer and Ralph, the originators of the Secession movement, were of Orcadian descent. Their father, the Rev. Henry Erskine, of Chirnside, took as his second wife, Margaret Halcro. When she left Orkney for the south she had with her, after the manner of the time, a certificate of character from the Kirk Session, which certificate has been preserved and published in the biography of her son, Ebenezer :—

"At the Kirk of Evie, May 27, 1666.—To all and sundry into whose hands these presents shall come, be it known that the bearer hereof, Margaret Halcro, lawful daughter to the deceased Hugh Halcro, in the Isle of Weir, and Margaret Stewart, his spouse, hath lived in the parish of Evie since her infancy in good fame and report, is a discreet, godly young woman, and, to our certain knowledge, free of all scandal, reproach, or blame, as also that she is descended by her father of the House of Halcro, which is a very ancient and honourable family in the Orkneys—the noble and potent Earl of Early, and Lairds of Dun, in Angus; and by her mother, of the Laird of Barscobe, in Galloway. In witness whereof, we, the Minister and Clerk, have subscribed these presents at Evie, day, month, year of God, and place foresaid, and give way to all other noblemen, gentlemen, and ministers to do the same. *(Sic Subscr.)* Mr Morisone, Minister of Evie.
George Ballentine.
James Traill.
William Ballenden.

1666."

This interesting young person married, 1674, in her 27th year, the Rev. Henry Erskine, and died, 14th January 1725, in the house of her son, Rev. Ebenezer Erskine. She was buried at Scotland Wells, where her tombstone is still to be seen.*

Poor Mrs Erskine had one terrible experience. The minister, a widower when he married Marion Halcro, was deeply attached to his young wife, and bitter was his anguish when, a few months after the marriage, she was cut off by a short illness. Mr Erskine resolved that her trinkets and jewellery should be buried with her, and a valuable ring was left upon her finger. When John Carr, village carpenter, and sexton of Chirnside Parish Church, came to screw down the coffin lid, the minister, gazing on the features of his beloved wife, thought he saw the lips quiver. Every available test was vainly tried in the fond hope that life had not departed. But Carr had seen the jewellery, examined the bracelets, and had even tried whether the ring would slip off without difficulty, for he thought it a pity that such beautiful articles should be lost. To save himself subsequent labour and time, the nails were loosely screwed, and in late afternoon at the graveyard, consulting the feelings of the bereaved husband, the earth was lightly thrown in, the considerate sexton remarking that he could finish the work better in daylight. At night Carr returned to the burial ground, quickly removed the earth, and opened the coffin. The ring was first sought, but it refused to leave its place. Taking his knife, the operator placed the finger on the edge of the coffin and proceeded to amputation. With the opening of a vein vitality was restored, and Mrs Erskine uttered a piercing skriek. Carr yelled and fled, leaving the lady to get out of the grave as

* H. L. Papers.

best she might. Weak and cold as a corpse she found her way home, but even at the Manse her troubles were not over. The door was locked, though the inmates had not retired. The minister was strangely affected by the knock, which was exactly that of his late wife, and the old servant who opened the door fainted on seeing the apparition. But Margaret Halcro, even in such an emergency, was practical. The terrified husband could not believe the voice which declared that this was no ghost, but his own living and loving wife. While he stood helpless, Mrs Erskine, shivering in her grave clothes, slipped past and hurried to the study, where there was a fire. Stimulants were administered, and the bed, warmed with hot bricks soon restored her to comfort, and she was able to relate in detail her terrible experiences, through all of which she had been perfectly conscious. She told of her great effort to speak when her husband was looking at her in her coffin ; of Carr's examination of the jewellery ; and of her calculating on the sexton's return to the grave. Mrs Erskine survived her husband twenty years.

In Kirkwall, the first seceders were laymen without a clerical leader. John Rusland, better known in connection with Secession as John Russell, had been a journeyman tailor in Newcastle, where he attended the Anti-Burgher meeting-house under the pastorship of the Rev. William Graham. On his return to Kirkwall he organised a small band of about a dozen persons for the purpose of holding regular prayer meetings. One who joined this party had attended the ministry of the Rev. Robert Walker, an earnest Established Church clergyman in Edinburgh. These two often spoke of these ministers in the hearing of their friends, and, says the biographer of Dr Paterson :—"The result of these remarks, and of conversations which arose out of them, was an application to the General Associate (Anti-Burgher) Presbytery of Edinburgh for supply of sermon, which was granted in 1795."

An incident which, according to local tradition, had its effect in procuring the settlement of a Secession minister in Kirkwall is not without interest. During the time of the French war, the only medium of communication between Orkney and Leith was a small sloop, which crept along the coast, ready at any time to run ashore, if necessary, to avoid capture. One Sunday morning, waiting for a wind, the heroic commander of this little vessel was down on Leith pier, when he was accosted by a stranger, who invited him to come to church. His reply was to the effect that he had something else to think about just then, and that he had no great relish for church at any time. His new friend assured him that if he came this time he would wish to come back. Accordingly they went together, and heard Mr Culbertson, the first Secession minister of Leith, then recently ordained. After sermon, the skipper, who was deeply affected, expressed the wish that his people at home could have the benefit of such preaching. He had some conversation with the minister, who felt much interested in the case of Kirkwall. On his return north, the skipper joined the prayer-meeting party, and gave his experience. At his friend's desire, and through his medium, their wants were made known in Leith, and Mr Culbertson, who brought the matter before the Associate Presbytery, was himself deputed to visit Kirkwall and report. The result was that pulpit supply was at once granted.

Already the Kirkwall seceders had erected their meeting-house. On the 8th of October 1793, Malcolm Laing granted charter to "John Sinclair, John Russland, and Lawrence Shearer, Master Taylors ; William Folsetter, Blacksmith ; John Anderson, and Andrew Louttit, Shoemakers ; and William Flett, shopkeeper, of All and Haill the space, eighty feet long and sixty feet broad, of the lands of Pabdale, extending from the water course in the grass park, contiguous to the gate of the Ball-Lay of Pabdale, westward along the high road on the south to the length of eighty feet, and from the said high road northward to the breadth of sixty feet."

The first Secession Church is referred to in the journal of the Haldanes in 1797 :—"Had the happiness to hear the gospel preached in the afternoon in the Anti-burgher meeting. The house is unfortunately too small ; it cannot accommodate all the hearers. It may hold about 700 people."

In 1805, this meeting-house was found to be utterly inadequate to the wants of the congregation. Sometimes they had to leave the church and hear sermon in the open air. Mr Laing was again approached ; a larger space was secured, and also a feu for a manse. The persons signing the missive of sale on this occasion were :—"Rev. William Broadfoot, minister and moderator ; John Anderson, shoemaker ; Oliver Scott, weaver ; Andrew Louttit, shoemaker ; William Bremner, wright ; Edward Wishart, mason ; Thomas Jameson, merchant ; Robert Borwick, merchant ; Wm. Borwick, merchant—all of Kirkwall ; John Gorn, James Laughton, and John Spence, all farmers in the parish of Holm ; James Sclater, mason, Orphir ; Peter Skethaway, surgeon, Stromness ; John Heddle, senr., farmer, Firth ; Alexr. Rusland, taylor, Shapinsay ; Robt. Petrie and James Spence, both weavers in the parish of St. Andrews—all Elders, being the present Members of the Kirk-Session of the Anti-burgher Associate Congregation near Kirkwall, in the parish of St. Ola."

Neill, in the account of his tour, notices this second church :—"Among the public buildings of Kirkwall we must not forget to rank the New Church—a large meeting-house so called, belonging to the class of Anti-burgher Seceders. It is a spacious church, and the preacher being popular, the audience seldom falls short of a thousand."

Again, in 1849, the United Presbyterians of Kirkwall had to pull down their old barn and build a greater. If the new church cannot be called a handsome building, it satisfies the eye, externally and internally, as fulfilling the purpose for which it was erected—the comfortable accommodation of a congregation of nearly two thousand. This church has the experience, not unique perhaps, but certainly uncommon in ecclesiastical history, that during the hundred years of its existence it has had only three ministers.

The first minister of the New Church, the Rev. William Broadfoot, was a native of Whithorn. He had calls to Bo'ness and Kirkwall, and on his acceptance of the latter, he was ordained, 3rd August 1798. In 1817, Mr Broadfoot received and accepted a call to Oxendon Chapel, London. He was in Edinburgh attending the Synod when this invitation was sent him, and, strangely enough, he never again saw his Kirkwall congregation. A godly member,* who kept a faithful record of the sermons preached in the Secession Church from 28th November 1805 to 6th April 1823, shows us the work of Mr Broadfoot's last Sunday in Kirkwall. "Sunday, 27th Apr.—Acts 13th ch., 42 verse to the end—'And when the Jews were gone out of the synagogue, the Gentiles besought that these words might be preached to them the next Sabbath.' Afternoon—Jude 20th and 21st verses, 'But ye, beloved, building up yourselves on your most holy faith,'" etc. "Evening—Mr Broadfoot read a reasoning between a Jew and a Protestant, with Prayer and Praise." The next entry is :—"Sunday, 4th May 1817—No sermon here, Mr Broadfoot being off at the Synod, and has got a call to a place in London." It would appear that he went at once from Edinburgh to be ordained to his new charge, and this on the advice of the Synod. On Sunday the 1st of June, having noted the afternoon text, our historian enters :—"In consequence of the Call from the Congregation at London, Mr Broadfoot has accepted the same, and Mr Pringle, of Newcastle, has been appointed down here for a few weeks. And Mr Broadfoot was to be received in the church in London the last Tuesday, being 3rd of June." On the Sunday following, "Mr Pringle read the decision of the Synod in appointing Mr Broadfoot for London." There must

* Mr Mainland, favoured by James M. MacBeath, Esq.

have been a strong necessity for this haste, though what it was does not appear ; but on the surface of the case, there was scant courtesy shown to the Kirkwall congregation.

In consequence of having lost his voice, Mr Broadfoot resigned his London charge in 1830. He so far recovered, however, as to be able to accept the office of theological tutor to Cheshunt College, Lady Huntingdon's, Herefordshire. He retained his position as clerk to the Secession Church in London till his death in 1837. *

During the greater part of his ministry in Kirkwall, Mr Broadfoot lived in the Strynd, for although a site for a manse had been secured in 1805, it was not till 1813 that the congregation felt justified in building. In the following year, Mr Henderson, one of the elders, built a house between the manse and the Grammar School playground, and these were the first two houses in "the new street called King Street." †

The Rev. William Broadfoot and his brother, Dr Broadfoot, married two sisters, daughters of James Sutherland of Burray. The minister and his wife had four sons, one of whom died in infancy. This child and its grandfather lie buried in St. Magnus Churchyard. The other three became soldiers, and died on the field.

Mr Pringle, who had taken up Mr Broadfoot's work, gave such satisfaction that the congregation honoured him with a hearty and unanimous call. He preferred, however, to adhere to his Newcastle charge. Then they invited Mr Stark, of Forres, who also declined. On receiving this second refusal, they resolved to leave placed ministers alone, and to secure the services of an able young man unattached. With this view, the Session requested the Edinburgh Presbytery to send them the best supply from the list of probationers. The answer of Mr Culbertson, the clerk, was—"I have sent Mr Whyte and Mr Paterson, and I can send you none better." "Mr Whyte preceded Mr Paterson in Kirkwall by several weeks, and made a deep and, as was thought, a permanent impression on the congregation." The two candidates separately visited the North Isles, and afterwards met in Kirkwall.

"It must have been an exciting scene for these two rivals to have closed their respective probations in Kirkwall, by one preaching in the forenoon and the other in the afternoon of the last Sabbath previous to their leaving for the south.

"Mr Whyte had a popular and pleasing style of address, while Boanerges' power was the marked element in the preaching of Mr Paterson.

"After the departure of the young preachers, there was a congregational movement with the view to petition the Edinburgh Presbytery for a moderation. A meeting was held, and it was judged expedient first to test the numerical strength of the two parties respectively.

"When it was found that they were not far from being equally divided, the chairman—the late Mr Andrew Henderson, a known adherent of Mr Paterson, and a life-long friend—said, with emotion, 'We cannot go forward in this divided state' ; and, believing that the large minority might prefer Mr Whyte and yet have no objection to Mr Paterson, he asked all those who were thus minded to stand up, when all the supporters of Mr Whyte, with the exception of little more than half-a-dozen, did so, and this happy circumstance encouraged them to go forward for a moderation." ‡

When Mr Paterson accepted the call to Kirkwall Secession Church, Mr Henderson wrote to him :—

"Kirkwall, 24th May 1820.

"My Very dear Sir,—It was with no slight degree of pleasure that I learned that you had accepted of the call of this congregation, and that the hope of your becoming my next-door neighbour, which I expressed to you when in Kirkwall, will ere long be fully realised. I need hardly say to you that it is my earnest wish and prayer that the connection which is about to be formed betwixt you and this people may be sanctified to both parties ; that you may become an eminent blessing to this part of the Church ; have many seals of your ministry ; and that you may long, very long, continue to reap the fruits of your labour, and have much personal happiness in this place.

"At the time of your acceptance of the call, another piece of pleasing intelligence was communi-

* Mackelvie's Annals. † Omond's Sasine in Albert Street, 1828. ‡ Dr Paterson's Memoirs.

cated, viz., the Union,* which it appears is likely to take place. This measure, I trust, will be carried into effect without any rupture, and that the eight or nine members of Synod who dissented will see it to be their duty to fall in with their brethren, seeing that they have obtained, by Mr Hogg's amendment, all that they can reasonably ask respecting covenanting from those who do not view the subject in the same light with themselves.

"We regret that your settlement here is not likely to take place until after the Union, on account of the new formula which will then fall to be passed. Not having received any official communication on the subject, we only know this from the conjectures of some of our members who were south while the Synod was sitting. For my part I indulge the hope of seeing you here in the month of July. But of this you are the best judge. One thing, however, I know is that you will receive a hearty welcome, come when you may; and that your presence amongst us is earnestly and anxiously longed for.

"I will take it very kind to let me hear from you, with all the news you think interesting.—And I remain, very truly and sincerely, your friend, (Signed) ANDW. HENDERSON."

It was not till October 1820 that Mr Paterson was ordained :—

"Tuesday, 24th Octr.—The Ordination of Mr Robert Paterson. Mr Christie Opened the Meeting with Prayer, and Mr Hogg preached from 2nd Timothy 4 Ch., first part of the 2nd verse in connection with the first part of the first verse—'I charge thee, therefore, before God and the Lord Jesus Christ, Preach the word'—and then proceeded to Ordination with Prayer and the laying on the hands of the Presbytery. Afterward Mr Renwick Preached from John 10th Ch., 11th verse, 'I am the good Shepherd.'"

The biographer of Dr Paterson gives Mr Renwick a text from Isaiah; but, with the highest respect for the memory of the excellent man† who was his authority, preference must be given to the history of the transactions committed to paper immediately after the events.‡

In 1831, Mr Henderson was promoted to Dundee, and Mr Paterson, who was in Lanark when he heard of it, wrote to his friend in the warmest terms :—

"I need not conceal that I read those parts of your letter which relate to your leaving Kirkwall with deep and painful emotion. . . . While I am writing, suffer me to say that I will painfully feel your removal. As a kind neighbour, a faithful and affectionate friend, an active and efficient elder, and as a steady supporter of good public measures, I will indeed feel your loss. I take the liberty of writing this even at the risk of encroaching on what I know to be your sensitive feelings on the point of favourable testimony. . . .

"I am concerned about your arrangements. If you make them before I see you, I need not say that you are more than at liberty to draw upon my attention and interest and care about the children." §

Of Dr Paterson it is almost unnecessary to say anything here. His "Memoir," written with affectionate care, gives a full exhibition of the man and his work, but those who came into intimate contact with him, and especially those who as children came under his care, have experiences beyond the biographer's reach :—

> "That best portion of a good man's life,
> His little, nameless, unremembered acts
> Of kindness and of love."

Unrecorded these acts may be, but not unremembered. Of his detestation of slander, the present writer once had a striking instance. Being in the U.P. Manse of Stronsay, when there was a gathering of ministers there, it happened, in social conversation, that one of them told a foolish story to the injury of the character of a clergyman of another denomination. The Doctor's eyes blazed as he almost shouted, "Where did you hear that?" "Oh," was the

* Of Burghers and Anti-Burghers, Oct. 1820.

† The late Mr John White, speaking from memory. ‡ By Mr Mainland.

§ One of the children referred to is now a Doctor of Divinity and a very distinguished minister of the United Free Church.

reply, "it is common rumour." "And have you lived so long here without having discovered that in Orkney common rumour is a common liar?"

A striking feature in Dr Paterson's work was his Sunday School, which, as far as numbers were concerned, was a success from the beginning:—"Sunday, 25th Feby.,* Evening, Mr Paterson began a Sabbath evening school in the Meeting-House, when about 200 scholars came forward and were divided into classes." The scholars joined as children, and, as a rule, only left when they married. Besides the Sunday School, Dr Paterson succeeded in establishing and endowing an Infant School, "and for nearly forty years watched over it with something like paternal care." His biographer says:—"The success of the institution was much owing to the fitness and devoted energy of the first teacher, the Rev. Peter Bannatyne." *De mortuis* speak only what is good, and all the surviving infants who passed through Mr Bannatyne's hands will bear ready testimony to his energy.

The Subscription School also was an institution in which the Doctor felt much interest. It was partly the outcome of the marked neglect of the English department in the Kirkwall Grammar School, and partly the result of the Secession movement in the town. The two schools, taken together, represent what are known as the classical and modern sides in our larger public schools.

In 1825, Mr Thomas Thomas was master of the Secession School. After him came Mr James Copland, whose introduction to teaching was as *locum tenens* for Mr Paterson of the Grammar School. Mr Copland's son, James, is also associated with this school, but is better known in connection with his excellent work as Deputy Curator in the historical department of the Register House in Edinburgh. The name of Mr William Scott, however, as being most recent, is now perhaps best remembered as master here. The old school having been pulled down, was rebuilt by the late Miss Margaret Inkster, who handed it over to the School Board on condition that they retained the services of Mr Scott.

The following letter, written to Mr Paul on his acceptance of the call to Sanday, shows Dr Paterson in his lighter moods:—

"Kirkwall, 18th October 1830.

"Before answering your letter, give me leave to ask if you received mine, and, if you did, why you did not answer it? Perhaps you will be prepared with answers to these enquiries by the time I see you.

"As to furniture, I advise you by all means to bring it along with you, but the question is about the parts of furniture. Well, the first part of the furniture I would advise you, gravely, seriously, earnestly, advise you to bring along with you is a *wife*.

"As to the quality of this part of the furniture, you are the best judge, but be sure that you bring it along with you, or at any rate that you tryste it.

"Having given my advice about the first part of the furniture, let me proceed to the inferior parts. As they do in other places, we sometimes sit in Orkney, you will need chairs. We take our dinner as they do in other places, you will need tables, plates, spoons, knives, and forks. We drink tea, you will need cups, saucers, and teaspoons, and not forgetting her presiding ladyship, the teapot. We sometimes go to bed at night, you will need blankets. As we have plenty of geese in the country, you need not bring feathers with you. We need a fire in Orkney, you may bring a poker with you. We like luxuries, you may bring carpets. By the way, when I speak of luxuries, I think you may bring a stock of sugar and tea, and any other things which Scotland and your purse can afford and which are cheap and good.

"To be serious, I think you will do well to bring every article of furniture you will need. You doubtless could get things in Kirkwall, but upon the whole you will get them cheaper and better in the South. I therefore think you will consult your interest to bring such things with you as you will easily foresee you will need.

"I have no time for news. Your friend, Mr Buchan,† is in Sanday at present. We are all well. —I am, my Dear Sir, yours Faithfully, ROBERT PATERSON.

"*Vide* next Page:—I am really sorry that you are so long in coming down. I really do not know how the ordination will be managed at such a season. The "Canning"‡ sails from this the

* 1821. † Secession minister in Holm. ‡ George Canning, sailing packet.

first hour there is wind. I shall direct the Skipper to write you. I have some thoughts of writing the Pbr. requesting them to take in the remainder of your trial at their meeting on the 1st Tuesday of Nov. ; at any rate, let me say this, it will be indispensably necessary for the ordination to take place very soon after your arrival, so that I hope you will *come ready with all your trials that may not be given in.* R. P."

Having had the planting of most of the Secession churches in Orkney, Dr Paterson exercised an influence amounting almost to authority over the members of the Presbytery, a position which, it is needless to say, could never again be assumed by any other man.

On 10th January 1865, the Rev. David Webster was ordained colleague and successor to Dr Paterson, and since the Doctor's death, in 1870, the whole burden of the pastorship of this great congregation has devolved upon him. The cohesion of the membership of this church from its foundation has been very remarkable, and for numbers, activity, and liberality (pecuniary), with small injustice to any other, this congregation may be described as second to none in the great Presbyterian body to which it belongs.

Almost contemporaneous with the planting of the Secession Church in Kirkwall was the visit of Mr Haldane and his friends, Aikman and Rait, and the religious revival which followed that visit. In his journal, Mr Haldane gives a somewhat exaggerated description of the spiritual destitution of Kirkwall :—

"The islands of Orkney, according to our information, which is rendered strongly credible by what we actually witnessed, have been, for a period beyond the memory of any man living (excepting in one or two solitary instances) as much in need of the true gospel of Jesus Christ, so far as respects the preaching of it, as any of the islands of the Pacific Ocean. Many of the parishes comprehend two or three different islands. In each of these the minister should preach occasionally ; but owing to the want of churches, or rather to the churches being in want of repair, as well as to the occasional trouble and difficulty of crossing the firths which intersect these islands, to say nothing of the want of zeal, many of the people see their pastor but seldom in the course of the year. It is a fact that in some cases, where there are two islands in a parish, or two parishes annexed in one island, and a church in repair only in one of them, the minister preaches in it the one Sabbath, but the next, when it falls to the turn of the other island or parish, he neither preaches there nor in his other church, though it may adjoin his manse."

This seems to be a fairly true description, but the next statement must be taken with a very large pinch of salt, even though coming from an evangelist :—

"The manners and conduct of the people, as in every other place, are corrupted in a due proportion to their ignorance of the gospel, and to no part in Orkney, as we learn, did this remark more justly apply than it did about five or six years ago to Kirkwall, where, excepting two or three individuals, the great body of the people were utter strangers to the doctrine of justification by faith."

We know that Kirkwall had enjoyed the services of good, earnest, enlightened ministers, Wallace, Wilson, and Baikie, yet only "two or three individuals" had ever heard of this doctrine. If this statement were true, it would show that payment by results in the preaching profession would yield very small stipends. It is remarkable how the spirit of ecclesiastical rivalry warps the judgment of the best of men and renders them unfair to those who differ from them on petty points of church government. Mr Haldane tells us how the two or three superior persons in Kirkwall acquired their enlightenment :—"A native of Orkney, who had been apprentice to a pious tradesman in Kirkwall"—there was fortunately one good man in this little northern Sodom—"went to Newcastle, where he attended with profit the ministry of Mr Graham. Then follows the origin of the Secession movement. The patent fact, however, is, instead of "two or three individuals," there were within the Cathedral so many earnest people as to form, with their families, at the first swarm from the established hive, an enthusiastic congregation of seven hundred souls.

But a good deal more than this little involuntary misrepresentation might be forgiven Mr Haldane and his friends for the excellent work they did in Orkney. They arrived on the 12th of August, and left on the 30th—an eighteen days' mission, which left great and lasting results. The meeting-place in Kirkwall was the Palace Yard. "This," Mr Haldane says, "is a square, formed by a large and ancient edifice on the south, supposed to have been the palace of some of the Norwegian kings, and on the north by another, termed the Bishop's Palace. On the east is the church of St. Magnus, and on the west it is bounded by a wall." Haldane's first sermon was to about eight hundred persons. On 14th August—first day of the market—he preached in the morning to 1200, and in the evening to about 2300. "Many of the people appeared much affected and in tears." His largest audience here he computes at 2500, and accounts for the crowds by telling us that "the fair was in a measure emptied every evening."

Mr Haldane's sermons were the composition of a man of education. He was a pupil of the famous Dr Adams, of the High School of Edinburgh, and was afterwards an alumnus of the University of that city. His eloquence was a natural gift, and his professional training had accustomed him to lifting up his voice in the open air. At the age of seventeen, he was placed as midshipman on board the Duke of Montrose, East Indiaman, and eight years later he became commander of the Melville Castle. He was reputed a first-class officer and a man of undaunted resolution. Thus he was able to arouse the interest and command the attention of the vast crowd which nightly filled the Palace square. And the effect, apart from its religious aspect, was a stirring up of intellectual activity throughout Orkney. It lifted our islands out of a dull mediævalism and put them in touch with modern thought.

Though Mr Haldane enlarges on the lifelessness of the Established Church in Orkney at the time of his visit, yet his notes prove that, wherever he went, he found instances of genuine piety. In North Ronaldshay, "saw a sick man, who appeared to be dying in the faith." In Stronsay, "saw a sick man, who appeared to be a Christian." "Saw some Christian women." He was barely polite to some of the ministers. "Heard sermon by a neighbouring minister in the Established Church. He preached from Psal. xcvii. 11. He did not mention the corruption of human nature." Mr Haldane listened inside the Cathedral to criticise outside. "Took particular notice of it in one of our sermons, and showed its inconsistency with the Scriptures." The unfortunate unscriptural preacher here reviewed was Mr Anderson, then of Evie and Rendall, afterwards of Holm.

The Scottish manse has always been distinguished for its hospitality, and this was exhibited in Rousay under circumstances in which the lady of the house might well have been excused had she refused to entertain strangers. "Returned to Rousay, and lodged by invitation with Mrs L——— (from whom we received much civility) at the house of Mr L———, the minister. He was at the point of death when we came there, and died the same night." Mr Leslie had been thirty-six years minister of the parish, and poor Mrs Leslie, with genuine kindness, took in these wandering opposition preachers because there was no other house in the island where they could have comfort.

They found one good minister in Orkney. "Went to Hoy, and saw Mr H———, the minister lately settled here. He appeared to us to be truly desirous of promoting the spiritual interests of his people. The conduct of Mrs H——— also deserves peculiar notice and commendation. On the Lord's day evening she employs herself in teaching a number of children to read the word of God and to understand its leading doctrines." This worthy couple were Mr and Mrs Hamilton, grandparents of Sir Robert Hamilton, late Under-Secretary for Ireland. Mrs Hamilton was Penelope, daughter of the Rev. John Macaulay, of Cardross, and aunt of Lord Macaulay, the historian.

While in Kirkwall Mr Haldane "had the happiness to hear the gospel preached in the

Anti-burgher meeting." The Anti-burgher preacher was Mr Broadfoot, who had been ordained minister of the Secession Church just ten days before Mr Haldane came to Orkney. It would have been very interesting now had we been favoured with a critique on this sermon, but while apparently he enjoyed it, he tells us nothing about it.

The outcome of Mr Haldane's mission was the immediate establishment of a congregation of the Independent body. The first Congregational meeting-house was somewhere about the head of Laing Street ; the second was built by Mr George Robertson at the Bridge, and is now used as business premises. In 1823, the congregation approached Mr Laing for a site. The members were neither numerous nor wealthy, and in the granting of the feu these facts were duly considered. The trustees bound themselves and their successors to pay five shillings "at the term of Whitsunday, yearly and in perpetuity." The trustees are named in a minute dated 21st July 1823 :—

"At a meeting of the Congregational Church in Kirkwall, for the purpose of appointing Trustees for holding the Meeting-house now building for their accommodation in Mill Street—present, Mr David Ramsay in the chair—It was moved and unanimously resolved to elect the following persons Trustees for the aforesaid purpose, and their names were ordered to be inserted in the Trust-deed accordingly :—viz., Mr James Muir and Mr Andrew Muir, Merchants, Greenock ; Mr John Harcus, Minister of the Congregational Church in Greenock ; Mr Greville Ewing, Minister of the Congregational Church in Glasgow ; Mr John Aikman, Minister of the Congregational Church in Edinburgh ; Mr David Ramsay and Mr Geo. Robertson, Ministers of the Congregational Church in Kirkwall ; Wm. Crear, Flesher in Kirkwall ; John Georgeson, Merchant there ; Thomas Downer, residing there ; Robert Hourston, Carpenter in Gairsay ; and George Irvine, in Quoyloo in Sandwick—four of whom shall be a quorum."

The building cost £515 14s 2¾d, and when it had served its purpose for fifty-three years, it had come to require very heavy repairs. The managers, rightly judging that sympathisers might help them to build a new chapel who would not give a penny for repairing an old one, sold the place for £200, and proceeded to build. They opened their new church in Palace Road, 19th November 1876, practically free of debt. Mr Pirie, who was then pastor, has been followed by Messrs Hodge, Blair, Mackenzie, Chalmers, and Gerrard.* This congregation, during the hundred years of its existence, has been much indebted to a succession of earnest and prudent office-bearers.

Mr Ramsay, the first resident Congregational minister in Kirkwall, was a student in the Haldanes' Academy—the old "Tabernacle" in Edinburgh. Before settling in Kirkwall, he had been stationed first at Kirkintilloch, then at Greenock. He came north in 1807, and for forty-six years he gave his services to the Church simply for his love of the cause. Like the grand old Tentmaker, he maintained himself by his business, while he found ample time to devote to the requirements of his flock. The industry with which his name is associated was the straw-plait manufacture, introduced into Orkney in the beginning of the century. Mr Ramsay's manse was that house in Queen Street now owned and occupied by George Sinclair, Esq., M.D.

In 1815, Mr George Robertson, a native of Tankerness, who also had been one of the Haldane students, gave up his work at Inverkip, near Greenock, to join Mr Ramsay in Kirkwall. The necessity for a colleague did not arise from the great increase in the Kirkwall congregation, but from the difficulty of keeping in touch with those who had joined the denomination in the outlying parishes and islands. In 1823, Mr Robertson succeeded in getting churches built in Harray and Rendall. Ten years later, in rather indifferent health, he went to Thurso, and, after eleven years, retired to live with his son, a merchant in Kirkwall.

* From information kindly furnished by Mr Gibson, clothier.

When the congregation left their old chapel in Mill Street, it was acquired by the Good Templars, who have expended much money in enlarging and improving their hall. Under the present proprietors, the Temperance Hall has been a boon to the town. For many years it was the only place in Kirkwall available for secular meetings, and even now, when our burgh has broken out into an eruption of halls of various kinds, the old Mill Street Chapel is still the favourite resort for all kinds of popular gatherings.

When, in 1820, Mr Paterson was ordained minister of the Secession Church of Kirkwall, those members of the congregation who had been opposed to his settlement, though they are represented in the Doctor's biography as "little more than half-a-dozen," were really so numerous that they were able to start a meeting-house of their own. The leaders of this movement were "Magnus Anderson, late merchant in Kirkwall, presently residing in Edinburgh ; Alexander Walls, wright in Kirkwall ; John Foubister, watchmaker there ; Thomas Cursater, grieve at Warbister ; Henry Corrigill, merchant in Kirkwall ; John Thomson, blacksmith there ; George Peace, shoemaker there ; John Taylor, merchant there ; Thomas Wards, grieve at Pabdale ; William Smith, tailor in Kirkwall ; Thomas Heddle, wright there ; and James Anderson, bookbinder there." They attached themselves to the communion of Original Seceders, but were known in Kirkwall as the Protestors. With characteristic catholicity, Mr Laing granted them a feu consisting of "All and Whole a plot of ground, measuring eighty feet square, being a part of the lands of Pabdale lying to the southward of and distant from the United Secession Church meeting-house about one hundred and thirty-two feet." The U.P. Manse now occupies the site.

During its short life of twenty-three years, this church held an Ishmaelitish position in Kirkwall. The Protestors could not go back to the National Zion, they would not join the Congregational body, and they regarded with bitter hostility the Seceders from whom they had seceded. This last fact gives a kind of consistency to some of their actions. In 1835, the congregation in St. Magnus petitioned Government for additional endowments, a movement strenuously opposed by the Seceders. This opposition decided the action of the Protestors, and Mr Paterson wrote to his brother :—"The protesting minister has been giving lectures in defence of Establishments."

Shortly afterwards Mr Paterson preached a sermon, which was published and widely circulated, under the title, "Divinely Appointed Mode of Supporting the Christian Ministry." "The Rev. Ebenezer Ritchie, protesting minister, wrote a review of this sermon in a spirit of merciless severity, which was zealously distributed. This roused the indignation of the writer of the sermon, and, under the name of 'Anti-Compulsory,' he addressed a letter, in the form of a pamphlet, to the reviewer in such a style of withering sarcasm that we hear no more of him in this connection." From this it would appear that the Protestor had very much the worst of it in the wordy warfare ; but it must be remembered that the Rev. Ebenezer Ritchie has not found a biographer, or possibly another side of the story might have been presented. One thing certain is that the discussion stirred up much bad blood in Kirkwall, and resulted in no good to anybody.

In 1843, with grim satisfaction, the Protestors saw the Established Church in the throes and agonies of a new secession, and they delivered themselves from their own anomalous position by joining the Disruption party.

The Disruption movement may be said to have begun in Kirkwall in 1822 as a protest against the discomforts of St. Magnus as a parish church. Three of the members—Sheriff Peterkin, Robert Pringle, supervisor, and David Paterson, master of the Grammar School—took action for themselves and those who adhered to them :—

"Since the Petition was put into the Clerk's hands, the Petitioners have ascertained some facts which they beg leave to submit to the Presbytery before going to proof, as affording more precise and conclusive grounds for the prayer of their Petition being granted than the Petition itself contains.

"1. They have ascertained that the whole of the ground area in St. Magnus church which is occupied as a place of worship is considerably under the level of the ground. At the south side, the elevation of the earth and burying ground close on the outside of the wall, above the level of the floor within, varies from about eleven feet to four; and at the east end it is two feet; so that all persons sitting in that part of the Church are literally seated in a vault under ground during the whole time they attend public worship. The rain water enters the roof, and at the top of the walls from the bartizans, notwithstanding every endeavour to prevent it, so that even the pulpit cannot be kept free from droppings; and all the Cement of the walls is decomposed by the long continued action of water upon it, so as to be reduced to mere rubbish or dust. From the nature of the ground around the Cathedral—from the thickness of and constant moisture in the walls—from the massiness of the pillars and smallness of the windows, which admit little air and no sunshine into the body of the Church—it is in fact as damp, cold, and unwholesome as any cellar or icehouse, and is altogether unfit to be occupied as a place of worship. This the Petitioners undertake to prove as the main fact on which their application rests.

"2dly. They have ascertained from the return made by the Sheriff Court of the County to Parliament in 1821, that the total population of Kirkwall is 2212 souls, of whom there are 553 under twelve years of age, leaving above that age 1659. The total population of St. Olla is 1034, of whom there are 289 under twelve years of age, leaving above that age 745, making a total of persons above twelve years of age of 2404 souls, of which number two-thirds are by Law entitled to have accommodation in their Parish church—inde 1602. But it is ascertained by measurement of the Seating in the Cathedral that there is room only for 671, so that there are actually 931 persons who cannot possibly get accommodation in the only place of public worship connected with the establishment in Kirkwall or St. Olla.

"3dly. There are upwards of 550 communicants, many of whom do not attend the established church except at the Sacrament, and are obliged to frequent sectarian meeting houses, either for want of seats altogether, or from regard to their health.

"4thly. There are about a dozen of the largest and most commodious seats in the main area of the Church claimed exclusively by eight or nine individuals, some of whom never enter the church door, and many of whose seats stand constantly almost or altogether empty; and an entire gallery is set apart for the use of the magistrates of the Burgh, only one or two of whom are ever to be seen in it; and all this monopoly, to the exclusion of the other members of the Congregation, is enjoyed without any legal title that the Petitioners can discover, and without payment, while others are required to pay rents at various rates for inferior and remote seats in holes and corners of the Cathedral. They will prove

"5thly. That at the last letting of the seats several respectable heads of families applied for seats in the Church and could not be supplied; and there are above twenty families, and individuals, including Heritors of the Parish, who have no seats in the Church, and are beholden to their friends for that accommodation.

"The Petitioners therefore apprehend that it becomes imperative on the Presbytery to provide a remedy for these evils, which amount to a total exclusion of nearly the whole Parishioners from their Parish Church. They have no wish, however, to subject the persons legally liable to any unnecessary expence. They believe that it is utterly impossible by any arrangement to render the present place of worship sufficient to contain the number entitled to accommodation or to render it safe and wholesome; but if, after a proper inquiry and proof, this should be found practicable, the Petitioners ask nothing more than this, and legal distribution of the seats among those who shall then be entitled to them."*

All that came of this, however, was a cleansing processs. But, from various causes, there was a general feeling of unrest in the congregation, the kind of feeling that often forebodes a revolution. The difficulty of getting seats when new members joined the church was a source of dissatisfaction. The Laing family had long occupied the Grahams' Loft, and when they left Kirkwall, Sheriff Nicolson, who had bought Malcolm Laing's town house, got this loft from the Session for the payment of one guinea per annum. When Sheriff Shireff came here, he sat for three years wherever he might, having been unable during that time to secure a pew. When Mr Nicolson left the Bishop's Gallery, Mr Shireff got it for the annual guinea. But, in 1829, this gentleman being in Edinburgh, Mr Graham, Crown Chamberlain, claimed it

* S. R., 5th Feby. 1823.

for His Majesty's Woods and Forests, got it, and occupied it. On Mr Shireff's return, he was naturally indignant, and a more or less heated correspondence arose, involving the claimants, the ministers, and the Kirk Session. Then Mr Sutherland Græme put forward his hereditary right to his ancestors' seat, and the troublesome question worried the congregation for five years.

Meanwhile an extra-mural strife had been raging. In 1828 the Crown claimed the right of patronage. This was resisted by the Magistrates, who got a decision in their favour from the House of Lords, 1830. Already, in 1832, this seems to have been forgotten by Mr Graham, Crown Chamberlain, and an extract from a letter sent to that gentleman by John Mitchell, Town Clerk, shows the exact position taken up by the Burgh with regard to the Cathedral :—

"Kirkwall, 6th December 1832.

"Dear Sir,—I am just now favoured with your letter of yesterday, the contents of which surprise me a good deal.

"Whether St. Magnus Church is to be held as a parish Church or not, or whether the long possession of it as such is to regulate the point, is not for me to give an opinion upon, but, as the Church, together with the Patronage, are specially contained in the Town's Charter and subsequent Titles, I never entertained a doubt that the right was completely vested in the Magistrates.

"Some entertained an opposite opinion, and the consequence was an unfortunate challenge at the instance of the Crown in order to divest the Magistrates of the right of Patronage, and the result was that their right was triumphantly established, but at such an expence as almost beggared the Burgh."

The Burgh had established the right of patronage, but was now in no mood to exercise it. At a full meeting of Council, held 18th January 1831, Bailie Spence in the chair, the business was the appointment of a minister to the Second Charge. There were present four Bailies, Dean-of-Guild, Treasurer, eleven Councillors, and four Deacons. When the meeting was constituted, "there was given in and read a petition from a great number of the members of St. Magnus Church, and others attending Divine worship there, praying the Council to appoint such a successor to the late Mr Dunn as may be agreeable to and recommended by the Congregation." Bailie Spence moved that the congregation should be left to their own free and deliberate choice to recommend any successor agreeable to themselves. Bailie Scott stated that, being averse to patronage in every shape and however modified, he begged leave to decline voting on the present motion and every other that may be made in the Council relative to the subject. Mr Tait and Mr Borwick stated that, entertaining the same opinions as those expressed by Mr Scott, they also declined voting. Mr Baikie, "by way of an amendment to Mr Spence's motion, moved that a day should now be named for the electing of a Minister to the second charge of the Burgh." "The vote being put, six members voted for Mr Spence's motion and six for Mr Baikie's motion, and the other members present declined voting. The votes being therefore equal, Bailie Spence gave his casting vote in favour of his own motion, which is therefore carried." "Mr Henderson stated that his reason for declining to vote was that he entertained the same sentiments with regard to patronage as those expressed by Mr Scott; and the other members of the Secession Church present stated that they declined voting on the same principles." This vote is interesting as showing that, as far back as 1831, in a Council meeting of twenty-one members, nine were Seceders.

In compliance with the wish of the congregation, the Rev. Peter Petrie was appointed. He came from a Chapel-of-Ease in Leith, and very soon after his settlement in Kirkwall he began to show that he preferred the comparative independence of such a position to the friction of a collegiate charge. Mr Petrie found that the Cathedral as a parish church was inconvenient, uncomfortable, and unsuitable to the wants of so large a congregation. In 1834 he had so many adherents as to justify his going to the Presbytery. On the other hand, the

feelings, especially of the older communicants, were outraged to hear the venerable St. Magnus spoken of with disrespect. Those who opposed Mr Petrie's scheme protested :—

"To the very Revd. the Presbytery of Kirkwall, the Petition and Memorial of the undersigned Heritors of the Parish of St. Ola and Kirkwall,

"Humbly Sheweth,—That it is publicly announced from the *Pulpit of said Parish* that a Petition is to be presented to the Revd. Presbytery from the Ministers and certain of the Parishioners, craving the Presbytery to sanction the abandonment of the Cathedral of St. Magnus as the *Parish Church*, and to appoint a place of worship which it is proposed to erect by subscription, or shares bearing interest to the shareholders, to be the Parish Church in lieu of the Cathedral of St. Magnus.

"The undersigned Heritors beg leave respectfully to submit to the Presbytery the following considerations, which appear to them of great weight and importance.

"There are three parties who have certain rights in, and are under certain legal obligations to, the *Buildings called Parish Churches*—these parties are the Presbytery of the bounds, the Heritors of the Parish, and the Parishioners.

"The Presbytery of the bounds has an undoubted right to a control over the Doctrine Preached in the Parish Church, and to call upon the Heritors for a building in which they can exercise this control. Over a church not built by the Heritors under the standing law of the land, but built by and belonging to a body of shareholders or subscribers, it is humbly conceived that it can only be by sufferance of the Committee of the shareholders for the time being that the Presbytery can exercise any such control. The proprietors may, at pleasure, shut the doors of such a Parish Kirk in the face of the Presbytery.

"The Heritors of a Parish are other parties having certain civil liabilities and rights in a Parish Church.

"They are under the liability to repair the building and to be assessed according to their valued rents towards the expense of repairing or rebuilding.

"In consequence of the liabilities of Heritors to the Parish Church, they are entitled to a process before the Sheriff to divide the area of the Church among them, and to let the seats of their respective areas. The Revd. Presbytery cannot deprive the Heritors of this legal right in a building which the Presbytery constitutes into a Parish Church."

After showing the rights of the parishioners, the difficulty of transferring to a share-held church the proclamation of banns of marriage from the pulpit, and the advertising of official matter, imperial or civic, at the kirk door, the petition proceeds on general grounds :—

"There is another consideration which is warmly pressed upon the notice of the Revd. Presbytery. The Cathedral of St. Magnus has stood nearly seven hundred years. It is within two and a-half centuries of being as old as Christianity itself in these islands. It is a wonderful monument of the piety, the zeal for Christianity, and of the architectural science of the inhabitants of Orkney in those early times. It is a monument which does not belong to the Heritors, or Inhabitants, or Presbytery, or to the County of Orkney. It belongs to Scotland. It belongs to Europe. It belongs to Christianity, as one of its earliest and, considering the County in which it stands, as one of its most glorious monuments. The Revd. Presbytery are aware that this monument of the effect over the human mind, even in these remote islands, of the first preaching of Christianity, is in a very entire state, in no need of repairs of roof or walls. It need not be pointed out to the Revd. Presbytery that if it is deserted and abandoned as a place of worship, it will fall into decay, as, to the lasting disgrace of Scotland, has been the fate of almost all the ancient edifices connected with religion in the kingdom.

"It is humbly submitted to the consideration of the Revd. Presbytery, That if the Cathedral of St. Magnus is too small or too *dump* for the *present generation* of Christian people in the Parish of St. Ola, the addition of a share-held church such as that proposed as a kind of chapel or supplementary church to St. Magnus is the proper remedy. Those who cannot find accommodation good enough in St. Magnus would find seat-room in this Kirk, and the Parish Church of St. Magnus would remain for those who prefer it, and who would deem it a sacrilege to be accessory to the dilapidation of such a structure, which Scotland, with all its progress in the useful and fine arts, could not at the present day rebuild.

"The undersigned Petitioners, so far from opposing the erection of a new chapel or additional place of worship, would willingly promote it ; but they most respectfully and decidedly protest against a share-held or subscription building being declared the Parish Church in lieu of St. Magnus by a decreet of Presbytery.

(Signed) Samuel Laing. Wm. Traill.
James Baikie. Pat. Fotheringhame.
Jno. Baikie. Wm. Traill of Woodwick."
Thos. Pollexfen.

On the 5th day of June, 1834, "The Commission of the General Assembly of the Church of Scotland took up the Reference from the Presbytery of Kirkwall respecting the building of a subscription church in that parish. The Commission sustained the Reference, and recommended the Presbytery of Kirkwall to sanction, if they should see cause, the erection of an additional place of worship by private contribution in the said Parish, and to authorise the performance of divine Ordinances therein."

For some years longer this schism kept the Cathedral in a ferment, till in 1841, at a cost of £1400, the East Church was built, with sittings for one thousand people. Mr Petrie and his adherents hived off to the Chapel-of-Ease, and thus there came to be virtually two congregations of the Established Church in Kirkwall. This "stone and lime disruption" was a great grief to Mr Logie, minister of the first charge, who held to his pulpit in the Cathedral. The bulk of the congregation stuck to their old minister and their old church, and while perhaps Judah did not vex Ephraim in his new quarters, and Ephraim did not envy Judah, sitting in the damp, dark pews of St. Magnus, the two had no love for each other.

But very soon another change came, when, in 1843, Mr Petrie and practically all his following joined the Disruption party. One of the first acts of the new Free Church was to proceed to an election of elders and deacons. This took place in October 1843, when the Session and Deacon's Court stood thus :—Rev. Peter Petrie, minister ; Dr Bremner, Messrs Stephen Muir, George Petrie, and Robert Tulloch, elders ; James Groundwater, James Crear, John Tait, John Wilson, and Robert Sinclair, deacons.*

It was perhaps natural that the Free Church congregation should claim right of proprietorship in the building which they had occupied for a couple of years before the Disruption, but in 1840 they had not foreseen the ecclesiastical revolution of 1843. The East Kirk had been built "as an additional place of worship in inalienable connection with the Church of Scotland, and aided by a large grant from the Church Extension Committee."

After holding the meeting-house for several years, in the face of repeated notices to quit, they were at length ousted, and this eviction, right enough from a business point of view, added to the rancour already bitter between the two congregations. Being thus compelled to build, the Session and Deacons' Court applied to Mr Laing for a site, and obtained a very suitable feu. While their new church was in process of erection the Protestors came to the aid of the homeless congregation, offering them their meeting-house for the half of each Sunday and for any day in the week when they might require it. This kindly accommodation was gratefully accepted, and when the new building in King Street was completed the two congregations amalgamated, left the old meeting-house, and established themselves in their new quarters. This amalgamation was the forerunner of the union which subsequently took place between the Original Seceders and their Free Church brethren.

Meanwhile, in 1844, Mr Petrie had accepted a call to Govan, and it may be stated that he died there, 1850, in the fifty-second year of his age.

The first pastor of the new congregation was Mr William Sinclair, a native of Edinburgh. He was a very earnest minister, but his physical strength became insufficient for the work, and Mr James Stuart was appointed colleague and successor. Mr Stuart was a singularly amiable man, and his sudden death was much felt in Kirkwall by members of all denominations.

In 1893, by way of celebrating the jubilee of the Disruption, and at the same time of marking their appreciation of the labours of the incumbent,† the Session and congregation resolved to erect a more commodious place of worship, and this, to their credit be it said, they

* For information, indebted to the Rev. Alexander Isdale. † Mr Isdale.

opened practically free of debt. The handsome pulpit came from the old Free Tolbooth in Edinburgh, and was a gift from Mr Donaldson, an office-bearer of that church.

The house occupied as the Free Church Manse was built by Mr Sinclair, writer, and Town Clerk of Kirkwall. For a country residence Mr Sinclair built the house of Breck in Rendall. He married a daughter of Lord Duffus ; but his family of handsome sons and beautiful daughters all died unmarried.

There were now two empty and therefore useless meeting-houses in Kirkwall—the East Church, in the triangular piece of ground east of the Cathedral ; and the Protestors', where the U.P. Manse now stands. The former of these was sold for £100 to the late Mr James Walls. The materials, which were comparatively new and fresh, were employed by him in the construction of that range of houses at the Ayre, now belonging to Mr Meil, fish salesman, which, with a gable to the roadway, stretches back into the "Peerie Sea." The principal doorway, rebuilt by Mr Walls, is still to be seen as it was. The pulpit was presented to the United Presbyterian congregation of Eday, then engaged in building a new church.

When the Protestors joined the Disruption party they were in debt to the amount of £78. To clear this off they proposed to sell their old meeting-house, now standing without a whole pane of glass and with tons of road metal in its pews. A spirited young contractor,* one of their own body, offered the amount of the debt, cash down, if they would decide in twenty-four hours. The offer was accepted, and no sooner was the bargain completed than the Free Church party in Sanday, who were then building, desired to have the roof, possibly expecting to get it for an old song. The negotiator was surprised, and somewhat indignant, when he was told that he could have it where it was for £68, or placed in good order on Kirkwall pier for £78. After some fuming the roof was bought, but its removal was given to another person, who offered to do the work for £8, and who gave no guarantee. In carrying out his contract this man broke a beam, which the purchasers had to replace from Leith at a considerable cost in material, workmanship, and freight. The contractor still lives, and enjoys a quiet smile over this expensive saving of two pounds.

The history of the persecutions of the episcopalian dissenters in Orkney has been very fully told by the present incumbent of St. Olaf's. He shows that, in the olden time, dissent meant danger. A minister holding an episcopal conventicle was liable to be sent to the American plantations for life—a life of slavery. If by any chance he returned he became liable to imprisonment for life. A hearer, for the first offence, was fined five pounds, or in default was sent to prison for six months, and subsequent convictions meant two years' imprisonment. "Many expedients were adopted to avoid penal statutes, which continued in force for many long years." "When the Churchmen of Kirkwall met under the pastoral care of the Rev. James Winchester† in what remained of St. Olaf's pre-reformation church in the Poor House Close, the expedient adopted, as related to the writer by an old lady who remembers hearing it told in her youth, was to have the church divided into two flats, and in the centre of the upper a round hole was cut in the floor, whence the congregation assembled in the various rooms might hear service. Under such circumstances only those who had a real belief in the divine origin of episcopacy would continue firm in the profession of their faith."‡

But, in spite of "real belief," episcopacy, as represented by public worship, had been defunct in Orkney for a century and a half, when, in 1871, Dr Fleming began to hold services in the Drill Hall, and that date marks its re-introduction into Kirkwall. In 1874 the foundation stone of St. Olaf's Church was laid by General Burroughs, and, in 1875, the present

* Mr Peter Shearer. † Mr Winchester was ordained in 1751.
‡ Episcopal Church in Orkney, Craven, p. 108.

incumbent, the Rev. J. B. Craven, was appointed to the charge. This gentleman has devoted his leisure to expiscating and recording the trials and the triumphs of episcopacy in Orkney, and to his facile pen we are indebted for much valuable history, the outcome of earnest and laborious research.

In Victoria Street, on a site purchased in 1879, is the meeting-house known as the Gospel Hall. The religious body to which it belongs sprang into existence in the early "thirties" of the present century. The movement originated in a reaction against the High Church practices of the Church of England. This reaction showed itself almost simultaneously in many places in England and Ireland.

In its early days it was much indebted to the labours and organising powers of Mr Darby. This gentleman, a member of the Irish bar in large practice, moved by strong religious convictions, became an episcopal clergyman. He afterwards travelled as an evangelist, adhering to no church. From England he went to the Continent, where, especially among the Protestants of France and Switzerland, he was very successful, preaching as fluently in French and German as he did in English. R. L. Stevenson records that he came upon several communities of these protestants in the valleys of the Cevennes, and that they took their local name, Derbists, from this evangelist. One of the most famous of their later preachers is Mr Guinness, who, in 1860, was baptised by another brother, Lord Congleton. These brethren recognise no official priesthood, but insist on the equal rights of every male adherent to lift up his voice in their meetings. In the form of their public worship, their idea is to return as far as possible to the simplicity of the original Christian Church.

The Gospel Hall, erected from plans prepared by T. S. Peace, Esq., architect, is seated for about 150 persons, and was opened on Sunday, 14th November 1880. The original trustees were Rice S. Hopkins, Birkenhead, now Melbourne; J. A. Boswell, Edinburgh; Edward Hack, Norwich; Wm. Sloan, Lerwick; John Hewison, Westray; George Flett, Harray; and Wm. Reid, Kirkwall.*

Another religious body, under some semblance of military discipline, the Salvation Army, has recently invaded Kirkwall. The value of this organisation is best seen in the slums of great cities, which it fearlessly penetrates, thus reaching the non-church-going and the habitual criminal classes of the community. Among them women are allowed free scope as preachers.

Thus, all sectarian tastes, from the most conservative to the most radical, are liberally catered for in modern Kirkwall.

Without doubt there is a great waste of public money in the multiplication of churches and manses and stipends by denominations, the mass of whose adherents cannot tell the difference in doctrine or discipline which separates them from their neighbours. Yet the choice the layman has of sitting down under one of the many stocks of the presbyterian vine, or enjoying the shade of episcopal fig-trees of varying height and breadth, of listening to a licensed commentator or to an unlicensed expounder, banishes all fear of a renewal of the priestly tyranny to which our fathers were subjected before the days of dissent.

* Favoured by Mr Charles Smith, clothier.

CHAPTER XXVIII.

Some Recent Changes.

IN one respect, if in only one, Kirkwall was better off sixty years ago than it is now. There were fairly remunerative home industries to occupy the attention of young and old and to add to the comforts of the household. Net-knitting and straw-plaiting were the most prominent of these, and of the two, the latter was by far the more important.

This manufacture was introduced into Orkney by an English company about the beginning of the century. The straw then used was ripened wheat straw, split ; but the plait made from it was brittle and poor. Messrs Muir, of Greenock, through their agent, Mr Ramsay, introduced an imitation of Leghorn plait, and wheat straw gave place to rye straw, unripened and unsplit. At first this rye straw was imported, but after a time, stimulated by the success of Mr Watt of Skaill, farmers all over the Mainland took to its cultivation. The seed, supplied by the manufacturers, was put down in March, twenty bushels and upwards to the acre. This thick sowing brought the straw up very close and thin in the stalk. About the middle of July it was cut green in small handfuls. These were tied up and placed in long, close boxes, and scalded with boiling water. In less than an hour the water was run off, and the bundles were laid out to bleach. This process, which lasted some ten days, required close attention, the straw being constantly turned to prevent mildew. The bleaching finished, the stalks of rye were cut at the joints, the lowest portion being the coarsest and the top the finest. The upper joints were given to the best plaiters. The work was paid for at fourpence to sixpence for twenty yards, an average day's plaiting of the coarser material, and 1s 6d to 2s 6d of the finest kind, which could be produced but slowly. Before returning her work, the plaiter smoothed it by running it between wooden rollers, and she cleared it of the odour of peat reek by a treatment with sulphur smoke. The annual value of this manufacture, in its best days in Orkney, has been estimated at £30,000, and it gave employment to nearly 7000 women. In Kirkwall the chief exporters were Messrs Borwick and Ramsay, the former sending to London and the latter to Greenock. Changes in fashion, and the reduction of duty on foreign straw-plait, first crippled this local industry, and finally killed it.

Sixty years ago, the "village natural" was a recognised public character, and Kirkwall had several of these. A toothless old woman, Maggie Fotheringham, perfectly harmless, lived on the daily charities of her neighbours. Jeanie Fotheringham, no relation of Maggie's, had a house on the shore end of the west pier, in which she maintained a large family of cats, but she kept all her surroundings scrupulously clean and neat.

A wild woman, Baabie Traill, was a terror to the urchins of the town and to some of the householders also. She would stalk boldly into a kitchen and demand to see the mistress. Her petition was always the same, "Gi'e me a air o' meal, an' you'll t'rive weel." If she got a dole to her mind, she might depart quietly, but if she got what she regarded as too little, or got a refusal, her tongue was vile, and she simply took possession of the house till she had to

be turned out by main force. When the Poor Law Act of 1845 cleared our streets of such people, Barbara became the guest of the municipality. In 1847 she was sent to the Royal Asylum, Edinburgh. In 1882, she was transferred to Montrose, where she died the following year, the most expensive pauper Kirkwall ever maintained.*

Differing from these, in being to some extent self-supporting, was Johnnie Wards, popularly known as "Hillock." Johnnie was a very short, bandy-legged body, and he suffered much at the hands, or rather tongues, of the boys, who felt they could torment him with impunity, as they could easily outrun him. He was not able to bring his hand over his shoulder to throw a stone, but he could send a swift, straight, underhand shot that sometimes got home with telling effect, and this furnished just the amount of danger to give real sport to his tormentors. It was only in his leisure moments, however, and off the street, that Wards was subjected to this persecution; while engaged in business he was unmolested. Johnnie had appointed himself scavenger, and the authorities having once given him some money out of charity, he chose to regard the alms as salary and an acknowledgment of his position as a public official, hence the following petition :—

"Unto the Honble. the Provost, Magistrates, and Town Council of the Burgh of Kirkwall, The Petition of poor, lettel Johnnie Wards, Street Cleaner, Kirkwall,

"Humbly Sheweth,—That your Honours graciously gave and the Petr. gratefully received 10s stg. so far back as 25th March 1828 for Cleaning the Streets of Kirkwall during the year 1827. That he has since continued to do so, without receiving such allowance, and being in much need of Cloths and other necessaries, he trusts your Honours will order your Treasurer to pay to him £1 5s on account of such service for the last 2½ years, in order that your petitioner may give your Honours Clean Streets. May it therefore please your Honours to Order the above sume of £1 5s to be paid him Accordingly. And your Petitioner, as in Duty bound, shall ever pray.

"13th August 1830."

His
JOHN × WARDS.
Mark.

Johnnie had pawky ways of extracting coin from his patrons. It was the habit of Mr Baikie of Tankerness to drive to town every Saturday, and, as sure as he came, Hillock was found sweeping the pavement at the gate of Tankerness House, certain that a piece of silver from the Laird would reward his assiduity. Though at times plagued by the boys, "littel Johnnie Wards" had the favour of the general public, and when he died the best people in town attended his funeral.

Some old customs die hard. In old time medical practice, blood-letting was freely resorted to in the treatment of cases where stimulants would now be used. But people in perfect health, out of deference to use and wont, would insist on having a vein opened every spring and autumn.

The operation was not a difficult one, yet there were of necessity lancet wielders here and there who were regarded as specialists. One of these was Mr George Louttit, schoolmaster, of Birsay. His spring patients waited on him at his house; but, on the first day of the Market, having sharpened his lancet on the parapet of the bridge over the burn of Boardhouse, he started about 4 a.m., walked to Kirkwall, and on the market stance, his patients having arranged themselves in twenties, he phlebotomised them in turn, squad after squad. When he reached his twentieth victim, he went back to bandage the first, and so on down the line. Louttit was also the parish accoucheur, and it was his boast that in fifty years he "lost only one woman." This speaks more for the strength of the Birsay constitution than for the skill of the operator, who had one treatment for all cases. "Immediately after the birth," he says, "I give the mother two good glasses of whisky and leave her." He died about fifty years ago, aged ninety-five.

* Dates kindly furnished by Mr Guthrie, Inspector of Poor.

Down to the "Forties" of the present century, the "sheep-ruing" at Quanterness was an annual festival which gave a holiday to the schoolboys of Kirkwall. Every householder had grazing rights on the town's commons, the number of sheep allowed to each being proportioned to the valued rental of his house. Every man had his peculiar ear-mark by which to know his own, and an unmarked sheep had its ears cut off, which indicated its confiscation to the Burgh.

People who had no right to put sheep on the town lands sometimes trespassed. Before a "Sheep Chase," to be held on the fourth of May 1721, the Town Clerk is instructed "to write a Letter, in name of the Counsell, to the Baillie of ffirth, advising him to advertise the people of firth, Germiston, and Heddall that they doe not presume to make any chace within the Town's bounds before the said fourth day of May nixt. But that such of them as have sheep in Whitefuird hill or Quanterness may attend that day at the Town's Quoy in Quanterness and receive their sheep there. And, also, the haill Town's tennents are appointed to attend that Day and help to Chace." Thus the sheep-ruing day became a general holiday, and the town was deserted. Where there were no very young children, the whole household, after an early breakfast, would start for Quanterness, carrying the day's provision with them. At the chase the boys were of course invaluable. The sheep having been driven into the great Bught or Quoy, marks were identified, and the lambs had their ears properly notched. At the same time the loose wool was rued or gathered off the ewes by drawing the fingers through the fleece, beginning at the neck and working backwards. It is, perhaps, needless to remark that the sheep so handled were the original Orkney breed, still seen pure and wild in North Ronaldshay.

One or two confiscated animals, caught, killed, and cooked on the spot, laid the groundwork of a feast for the presiding magistrates and their friends, which, copiously moistened with liquors brought out from town, closed the day's proceedings. This function, which wound up with much hilarity, was opened with great formality. At a meeting of Council, 30th April 1731, it was arranged that the sheepright of Quanterness should be held on the fifth of May, and that of Carness on the thirteenth. Patrick and George Traill, baillies, were to have charge, and were to hold a Bailie, a Justice of the Peace, and an Admiral Court at each place.

Among the improvements of comparatively recent times, the lighting of the Burgh takes a prominent place. Down to the "thirties" of the present century, even in a bright summer day, the shops of greatest pretension were dingy places. The windows were small and blocked up with goods ; the doors were unglazed, and what light was admitted through the doorway was got by opening the whole, or the upper half of the door. It was a very common sight, when business was easy, and that was the general state of matters, to see the merchant leaning over the lower part of the door, with head out, enjoying the cool air or a chat with passers by. At night the better class of warehouses were lighted with tallow candles, and the smaller shops with rashes and fish oil in the old cruisie. Where people now come for a gallon of mineral oil their forebears went for a quantity of train oil, and when this came from the bottom of the retailer's jar, its odour would have been perfume in Esquimaux nostrils. In workshops, where several men wrought together, the single cruisie was scarcely sufficient, as one of the number had a monopoly of the light. A shoemaker's cruisie, where two men sat working, had a couple of lamps attached to a common back. Indeed, square cruisies were sometimes made, having a deep oil well, and a run for the rashes at each of the four corners.

In 1810, the first London Gas Company got its charter. In March 1820, the High Street of Edinburgh was lighted with gas, and it speaks well for the enterprise of Kirkwall that as early as 1838 our local gas company was formed :—Chairman, James Baikie of Tankerness ;

Deputy, George Robertson, merchant; Treasurer, James Shearer, merchant; Committee, John Baikie, banker; George Hewison, harbourmaster; Peter Cursiter, merchant; John Scott, merchant; David Marwick, merchant; John Tait, merchant; George M'Beath, merchant; Secretary, John Mitchell, writer. They got a gas manager from the south of the name of Daniels, took a feu, and proceeded to build and manufacture. From the beginning the company had the pleasure of supplying a felt want, but, through the initial expenses of production and distribution, it was years before the shareholders got their first return of two and a half per cent. from their venture.

So ripe, however, was the country for the new light that private individuals, working from description and diagram, were here and there making gas for themselves, and even in this, Kirkwall was not behind the age. The first, and probably the only shop in Kirkwall thus supplied, was that at the Bridge now belonging to Mr Malcolm Heddle, Burgh Chamberlain. It then belonged to an enterprising firm, Messrs Spence & Eunson, and their light was a source of wonder to the boys of the Burgh. People from the country would stay late in town to see the strange sight, and among these, a customer, whose language was notoriously strong, waited in the shop one evening till the queer lamp was lit. There were two lads in charge at the time, and one of them told the expectant rustic that the light had a peculiarity—it went out at once if it heard any bad language. The other took the cue and went to the meter. Flame was applied to what seemed to be a metai rod, and immediately there was a beautiful clear light. "Well, blank my eyes," cried our friend, and on the word he was in darkness. "Oh, blank it," the yokel shouted as he escaped, thankful to find himself in the street without bodily injury.

Mr Eunson was not content to remain an amateur manufacturer; he went to England, and was appointed manager of the Wolverhampton Gas Works.

The first private house in Kirkwall lit by gas was that house in the Laverock, now the property of Mr Peter Shearer, contractor. John Hepburn had the laying of the pipes, and a relative of his lived here, so Hepburn's influence secured for this house the first private burner.

For some years after gas was in use in shops and dwelling-houses, the street lamps were supplied with oil. These lamps were few and far between, and their object seemed to be simply to mark corners which wayfarers might pass unnoticed in the darkness. The lamp-lighter, or "Leerie," generally a good-natured fellow, who could put up with a following of boys at his heels, carried on his right shoulder a ladder, and in his left hand a burning peat, held in a doubled-up piece of hoop iron. The lamps were hung in brackets, an upright fastened to the wall with a limb projecting at a right angle. Fixing his hook ladder to the horizontal bar, Leerie mounted, opened the lamp, blew his peat into a glow, touched the oil with it, and thus got flame to serve his purpose. When the last lamp was lit, the peat was thrown into a puddle, the boys gave a cheer, and the ploy ended for the evening.

Twenty years ago, 1876-1879, water by gravitation was led into the Kirkwall houses, and a drainage system was completed, The engineers were the well-known firm of Messrs Leslie & Reid, Edinburgh, with Messrs J. D. Millar and Alfred C. Hebden as local superintendents. Before that time, householders who had not private wells, required to have their water carried home from the public pumps. The most usual mode of carriage was in pails or buckets, but when a larger quantity was required, the *say* was employed. This was a large tub, with two opposite staves rising half a foot higher than the rest. Through each of these a round hole was cut to *admit* a pole, called the *say tree*. When the tub was as full as it could safely carry without splashing the bearers, it was brought along, the ends of the *say tree* resting on the shoulders of two persons. The work was heavy, especially on women, who generally had it to do, and a common piece of gallantry, always well received, was for a couple of lads to relieve

the lasses of their *say*, and the well and the *say* often led a lad and lass through the usual course of tryste, courtship, and marriage.

In 1836, a filip was given to the trade of Orkney by an Aberdeen company, which placed a steamboat on the passage from Leith to Lerwick, and included Kirkwall among the intermediate ports. The northern winter, however, was long considered too stormy for the steamer, and from November to the beginning of spring, she did not run. But the old sailing packets long maintained their position as public carriers, and, till about twenty years ago, provided accommodation for passengers. The George Canning, Sir Joseph Banks, Mary Balfour, Pandora, and Paragon were all famous in their day. But the exigencies of modern business demanded a punctuality which wind-driven vessels could not supply, and a few years ago the last of them, the Pomona and Queen of the Isles, were withdrawn and a steamboat put in their place.

Sixty years ago every farmer and merchant in the islands was a boatman, and able to manage the transport of his grain, or cattle, or goods. But by and by, through the general advance of trade, the want of something larger and safer than the open yawl was felt, and smacks doing a weekly trip were run. These made fair time in ordinary weather, but when the wind fell light, the tides would sweep them off their course, and a passage, say from Kirkwall to Sanday, might last as many hours as would take the steamboat from Kirkwall to Leith. Such constantly recurring accidents led to a general disregard of the value of time. To make the best of an ebb tide for an outward trip, it was always intimated that the smack would start at a particular hour. Coming to the pier thirty minutes after the appointed time, a passenger put his luggage on board, and, finding that the skipper was not ready, went up town again. Meeting another, and having informed him that there was "no hurry," the two went their different ways on business or pleasure. Meanwhile the crew, having got through their preparations, sit and smoke, waiting for the loiterers. After a time, some one is sent to search shop and tavern, while perhaps the objects of his enquiry have got down unseen by him. Then a second messenger goes to bring the first, and these two, having met and had a jug of ale together, come leisurely down. All this time poor women, perhaps with young children in charge, wait with an appearance of stolid indifference. To them every hour spent at the pier is a reprieve from the inevitable sea-sickness which lies before them. When at length the packet does start, it is to meet an adverse tide before she has got half-way to her destination, and the time lost on the land in the morning is doubled on the sea in the evening.

In 1865, through the energy of Captain George Robertson, a native of Stronsay, regular steam communication with the North Isles was opened up, and all this was changed. Punctuality was insisted upon. A would-be passenger, coming leisurely down the pier in the usual "no hurry" fashion, seeing it is only three minutes past the sailing hour, finds, to his dismay, that the hawsers are on board and the boat in motion, while all the consolation he receives is a stern injunction to look sharp in future when he wants a passage. Apart altogether from commercial considerations, the "Orcadia" has done admirable work as a popular educator, and has taught thousands, who never would have learned it otherwise, that time, even down to minutes, is, in certain circumstances, as valuable as coin, seeing that to the islesman a lost passage meant lost money.

In 1857 Orkney got its first Road Act, and immediately excellent highways opened up the whole mainland. Before that time people who had some distance to travel had either to walk, to risk being shaken to pieces in a cart, or to go on horseback. The wholesale merchants of Kirkwall who supplied country dealers rode out to their customers to secure orders and get in their accounts, and there are those still among us who, in their younger days, conducted business in this manner. The old Stromness road, which is not much worse now than it was

when it held the proud position of being the best road in Orkney, shows what the best was, while the ordinary style of cart roads is well represented by the rutty tracks which lead to our peat banks and mosses.

The annual struggle between the "Up-the-Gates" and "Down-the-Gates" over the "New Year's Ba'" still continues. Civil and ecclesiastical powers have in vain combined to put it down; magistrates and ministers have found themselves powerless in the presence of popular custom. Mr Gordon Robertson, resident sheriff from 1841 to 1846, and who must not be mistaken for his successor, Sheriff James Robertson, had a scheme for improving Broad Street, by planting trees and flowers on the Kirk Green. In those days, to have lifted the ball would have been very risky for the lifter; the ball was kicked or dribbled, but never held, so it went all over the street and green, and to carry out his views the Sheriff issued an edict abolishing the ball. This drew out on the next occasion a greater crowd than ever. The Chamberlain of the Earldom was guarding the narrow pass at the head of Broad Street, and to him went the irate judge, actually threatening imprisonment. The Town Clerk, Mr John Mitchell, overhearing the words, shouted out, "You'll need to put us all in jail," and plunged into the scrimmage, from which he by-and-by emerged with only one tail to his coat. But this old institution, which set all authority at defiance, is obviously sinking into a gradual decline. The first downward step was the starting of a ball on Christmas Day, and now there are something like half-a-dozen balls. This kind of thing tends to make the ball a nuisance, and is certainly killing the enthusiasm so strongly inspired by the old New Year's Ba'. When the ball was *played*, skill, agility, and fleetness of foot came to the front, while the animal strength and courage of the opposing factions was proved by another test.

The bonfire on the Kirk Green to commemorate the Royal birthday, inaugurated probably in the time of George I., was continued well into the reign of Queen Victoria. For a good many days, and perhaps more particularly, *nights*, previous to the twenty-fourth of May, the youths of the town busied themselves in collecting and arranging material for the fire, and often useful wooden utensils would lie hidden under the miscellaneous collection of combustible rubbish which caught the eye. The pile was incomplete without an old boat, which was by no chance either begged or bought, but was always forcibly abducted. In the midst of the whole was a tall flag-staff. When the light was applied it became evident from the excitement on the faces of the assembled crowd that, while they were intent on watching the blaze, they had an ulterior object in view. The Up-the-Gates and Down-the-Gates, grim and determined, muster at their respective sides of the fire. When the conflagration is at its height it is seen that the middle-tree, caught in the bight of a rope, is swaying to one side, and loud cheers rise from the successful faction. But suddenly—and very few see how it comes about—the mast is straitened by an opposite pull, and cheers, or rather roars, go up all round. The swaying of the pole turns the bonfire into an open crater; the flame gets freer access to the butt of the stick, which is now burning clearly. But it has lost its support and falls, to the lucky side. Immediately the unburnt part is gripped by as many hands as there is space for, and off it goes towards its goal, Burgar's Bay or the Harbour. But there is a check. A double hitch of chain has been deftly cast over the butt of the pole, and an iron spike to prevent its slipping is quickly driven in by a young blacksmith, waiting his opportunity, and now "pull baker, pull devil." Singed garment and burned skin go unnoticed. The heavy end of the mast, sometimes on the ground, sometimes swinging free, goes foremost in the rush, and by-and-by is jammed with the crowd into the narrow court above the head of the town, or plunged, with a hiss, into the harbour. The middle-tree disposed of, back comes the crowd to the bonfire and congregate on the weather side of it. While there is still a high circle of flame a hero, with a rush, jumps into the centre of the crater and out at the other

side. He is followed by another and another. The less agile break down the outer wall, and when the burning fragments have been kicked through the crowd of onlookers and all over the street, the revels end for a year.

In its early days the bonfire was built at the expense of the town, but latterly it got into the hands of the crowd, and bad practices were resorted to by its promoters. Petty thefts were numerous and annoying. Business was sometimes interrupted. A boat the boys had requisitioned stuck in Bridge Street, stopping the traffic for hours; and Sheriff Robertson, powerless against the Ba', had little difficulty in getting the bonfire removed to Warrenfield. Here it lost the attention of the public, and gradually expired.

In the Kirkwall of to-day, any one blessed with health and endowed with industry can secure all the comforts and many of the luxuries of life. The bulk of the people may be described as well-to-do. Poverty and squalor and vice are still to be found, and probably will always be found, but their area diminishes as time rolls on.

With perhaps the exception of some small patches, all the lands in Orkney, including the earldom, have been purchased with the fruits of industry, and as these change ownership they are acquired by men whose commercial enterprise has furnished the means of making such investments. And fortunes can still be made here and lands acquired by men who know how to make use of their opportunities. Merchants who are able to divert a portion of the stream of commerce into a new channel have wealth at command. Of business in Kirkwall at the present day, it is safe to make the general assertion that it is carried on more honestly than in days gone by. When the whole mercantile community was tarnished with contraband trading, men found it an easy step from cheating the revenue to over-reaching each other. With this improvement, life in the ancient burgh is very much what it always has been—with some a struggle for daily bread, with others the pleasure of superintending a prosperous and increasing trade, and with now and then a disappointed man facing, as well as he can, failure and ruin. Apart from the changes thrust upon them by time's progress, small communities are apt to stereotype their habits. This has been well expressed by a Scottish poet :—

> "For we are the things that our fathers have been,
> We see the same sights that our fathers have seen,
> We drink the same stream, and we feel the same sun,
> And we run the same course that our fathers have run.
> They died—ay, they died! and we things that are now,
> Who walk on the turf that lies over their brow,
> Who make in their dwellings a transient abode,
> Meet the changes they met on their pilgrimage road.
> Yea, hope and despondence, and pleasure and pain,
> Are mingled together like sunshine and rain;
> And the smile, and the tear, and the song, and the dirge,
> Still follow each other like surge upon surge."

Appendix.

PROVOSTS.

THERE is no minute book in existence prior to 1691, but James the Third's Charter, 31st March 1486, gave Kirkwall a Provost and Bailies. The confirmation of the Charter by James V., 8th February 1536, was granted to the Provost and Bailies. From 1744 to 1763, and from 1777 to 1787, the books have disappeared. The troubles of the "Forty-five" may have had something to do with the first break in the list of minute books, but it is quite as likely that the suit between Stromness and Kirkwall, which lasted from 1742 to 1758, may have caused the removal of the minutes to Edinburgh, and they may have been left there. We incidentally meet with the names of some of the early Provosts long before the date of the first minute book.

Henry Sinclair was Provost in 1549.
Patrick Ballenden, 1565.
Lord Robert Stewart, 1567.
Earl Patrick, 1600.
Harie Stewart, 1619.
Captain Thomas Knightson, 1620.
Edward Sinclair, 1622.
Thomas Buchanan, 1636.
George Drummond, 1648.
James Keith, 1651.
Patrick Blair, 1654.
Patrick Craigie, 1659.
George Traill of Quendale, 1690.
Hugh Craigie of Gairsay, 1691.
Thomas Louttit of Lyking, 1694.
George Traill of Quendale, 1695.
David Traill of Sabay, 1698.
Andrew Young of Castleyards, 1710.
David Traill of Sabay, 1712.
John Covingtrie of Newark, 1718.
James Traill of Woodwick, 1730.
George Traill of Hobbister, 1733.
James Baikie of Tankerness, 1737-1744.
William Lindsay, 1788.
Robert Laing, 1788.
Thomas Traill, 1792.
Thomas Jameson, 1812.
John Riddoch, 1814.
Thomas Pollexfen, 1818.
Samuel Laing, 1820.
Captain William Balfour, 1834.
James Baikie of Tankerness, 1836.
James Spence, 1850.
Alexander Bain, 1862.
Colonel David Balfour, 1872.
Samuel Reid, 1876.
Thomas Peace, 1887.
Nicol Spence, 1892.

MEMBERS OF PARLIAMENT FOR KIRKWALL.

1669-74, James Moncrieff, Merchant, Burgess
1681-82, David Craigie of Oversanday
1685-88, ,, ,, ,,
1689-98, George Traill of Quendale
1698-1702, Sir Archibald Sinclair
1702-1707, Mr Robert Douglas, who voted for the Union

MEMBERS FOR NORTHERN BURGHS.

1707, John Haddon
1708, Lord Strathnaver
1710-41, Colonel, afterwards Sir Robert, Munro
1742-47, Robert Craigie of Glendoig
1747-61, Sir Harry Munro
1761-68, Major-General John Scott
1768-73, Hon. Alexander Mackay
1773-80, Gen. James Grant of Ballindalloch
1780-84, Col. Charles Ross of Marangie
1784, Right Hon. Charles James Fox, who sat for Westminster, for which he had also been elected
1785, George Ross
1786, Captain C. Ross
1786-96, Sir Charles Ross of Balnagowan
1796-1802, William Dundas
1802-5, Right Hon. John Charles Villiers
1805-6, James MacDonald of Langdale
1806, Sir R. Mackenzie
1806-8, Brigadier-General J. R. Mackenzie
1808-12, Right Hon. Sir W. H. Freemantle
1812-30, Sir Hugh Innes
1830-52, James Loch
1852-57, Samuel Laing
1857-59, Lord John Hay
1859-60, Samuel Laing
1860-65, Viscount Bury
1866-68, Samuel Laing
1868-72, George Loch
1872-85, Sir John Pender
1886-92, J. Macdonald Cameron
1892-96, Sir John Pender
1896-1900, T. C. H. Hedderwick
1900, Arthur Bignold

ERRATA.*

Page 33, line 16, for "black letters" read "Black Letter."
,, 34, ,, 35, for "two" read "four."
,, 39, ,, 19, for "Dornoch" read "Tain."
,, 67, ,, 9, for "St. Andrews" read "St. Andrew."
,, 69, ,, 8, for "sensyme" read "sensyne."
,, 78, ,, 16, for "predecessors" read "predecessor."
,, 98, ,, 20, for "nine" read "fifteen."
,, 134, ,, 34, for "Maconnochie" read "Nicolson."
,, 208, ,, 40, for "Iverach, Chemist," read "Guthrie of Wideford."
,, 251, ,, 13, for "Graham of Rothiesholm, who bought," read "Smythe, yr., who sold."
,, 305, ,, 42, for "Medinia" read "Middinia."
,, 414, ,, 38, for "Watson" read "Cooper."

* In addition to the above, the reader may observe one or two typographical errors.

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