

Ladies of the Covenant

CATHARINE RIGG,

LADY CAVERS.

CATHARINE RIGG was the eldest daughter of Thomas Rigg of Athernie, by his wife, Margaret Monypenny, daughter of ----- Monypenny of Pitmillie, Esq. [*Lamont's Diary*, p. 115, compared with *Douglas's Baronage of Scotland*, p. 223.] Her ancestors, on the father's side, were distinguished for their ardent zeal and active labours in promoting both the first Reformation from popery, and the second Reformation from prelacy. Her paternal great grandmother, Catharine Row, who was the eldest daughter of the celebrated Dr. John Row, minister of Perth, and the able coadjutor of our illustrious Reformer, John Knox, is described by Mr. William Row, minister of Ceres, in speaking of the year 1587, when she could not have been more than between twenty and thirty years of age, as "one of the most religious and wise matrons then in Edinburgh." Her paternal great grand-father, William Rigg, the husband of the lady now mentioned, was a wealthy merchant burghess in Edinburgh, and a warm supporter of the Reformation, as well as a man of much moral and religious worth. [*Row's History of the Kirk of Scotland*, pp. 457, 469, 472.] Her paternal grandfather, William Rigg, the son of the preceding, and who, like his father, was a merchant in Edinburgh, was a man of eminent piety, uncommon benevolence, and great public spirit. He is said to have spent yearly not less than eight or nine thousand merks, (about £350 sterling,) for pious purposes. [*He inherited considerable property from his father, to whom he was retoured heir, August 16, 1619, in various lands in Fife, Ross and Cromarty, and in a tenement of land in the burgh of Elgin. - Inquis. Retor. Abbrev. Fife, no. 293; Ross and Cromarty, no. 52; Elgin and Forres, no. 34. He was also very successful in business.*] For his opposition to the introduction of the Perth articles by James VI, he was fined fifty thousand pounds Scots, and ordered to be imprisoned in the Castle of Blackness till the fine was paid. He also took an active part in the proceedings of the Covenanters against the court, in the reign of Charles I. He was, at one time, one of the bailies of Edinburgh, in which capacity, Mr. John Livingstone says, "he gave great evidence that he had the spirit of a magistrate beyond many, being a terror to all evil doers." Having purchased the estate of Athernie in Fife, he is often called in the annals of that period, William Rigg of Athernie. He died on the 2d of January, 1644. [*See a Notice of this excellent man prefixed to one of Rutherford's Letters to him; White and Kennedy's Edition, p. 216.*] The father of the subject of this notice, Thomas Rigg, was the eldest son, or the eldest surviving son of the preceding, as appears from his having been served heir to him in his extensive heritable property. [*Thomas Rigg was retoured heir to his father, April 18, 1644, in various tenements in Edinburgh; in the lands of Manualrig, Bowhouses, and Cromarland or Manual-Foulis in Stirlingshire; in lands in Ross, Cromarty, and Fife; and in a tenement within the burgh of Elgin. - Inquis. Retor. Abbrev. Edinburgh, no. 920; Stirling, no. 180; Ross and Cromarty, no. 93.*] Of her father's life we know much less than of her grandfather's; nor have we discovered the exact date of his death; but it must have been previous to the year 1659, as her mother appears in that year as the wife of the celebrated Sir John Scot of Scotstarvet, who had been twice married before, and who died in 1670, in the 84th year of his age.*

*Lamont's Diary, p. 115. Crawford, in his Genealogical Collections, gives the following particulars respecting the family of Rigg of Athernie: - "William Rigg, bailie, of Athernie, a very good religious man, and an excessive rich merchant, purchased the estate of Athernie in Fife, and other lands. He had a son by his wife, a Beatson of the house of Balf (Herald's Office), and Janet, a daughter, who was married to Sir Walter Riddell of that ilk, and had issue, Sir John and Mr. Archibald; another daughter married to Mr. John Skene of Halyards, had issue, &c. Second. [Thomas] Rigg of Athernie, married [Margaret] Monypenny, daughter of ---- Monypenny of Pitmillie, by ----- Myrton, his wife, daughter of ----- Myrton of Cambo (Ibid.), had a son [William] and two daughters, Dame Catharine Rigg, who was married to Sir William Douglas of Cavers; and [Margaret] Rigg, her sister, who was married to George Scot of Pitlochrie, son to Sir John Scot of Scotstarvet; [both] had issue. His lady, Pitmillie's daughter, was the third wife of Sir John Scot of Scotstarvet, and had a son [Walter] Scot, to whom he gave Edenshead, whose daughter and heir was married to Mr. Charles

Erskine, brother to the Earl of Buchan.” - MS. Folio in Advocates’ Library. William Rigg of Athernie, the brother of Lady Cavers, had by his wife a son, William, and a daughter, Euphan, who, with their mother, both died at sea in going out to East New Jersey in America, with Mr. George Scot of Pitlochrie, in 1685. In that disastrous voyage about seventy died by a malignant fever which broke out in the vessel, and the names of Lady Athernie, her daughter Euphan, and her son William, appear in a list of those who thus perished. - Wodrow MSS., vol. xxxvi., 4to, nos. 65, 66; and vol. xxxiii., folio, no. 117. In the Commissary Records of Edinburgh, 24th November, 1693, there is registered, “The testament dative and inventar of the debts pertaining to umquhill William and Euphan Rigg, lawful children to the deceased William Rigg of Althernie, sometime residents in Edinburgh, who deceased at sea in a voyage to East Jersey in the month of ---- 168[5] years, faithfully made and given up by William and Sarah Rigg, lawful children to the deceased Mr. Walter Rigg at Athelstaneford, and Patrick Hepburn, writer in Edinburgh, husband to the said Sarah, for his interest, Walter, Alexander, and Catharine Rigg, lawful children to the deceased James Rigg, merchant burges of Edinburgh, only executors datives, decerned as nearest of kin to the said defuncts, by decret of the Commissars of Edinburgh, as the same of the date the 3d day of May, 1693, in itself at more length bears.” Lady Cavers’ sister, the wife of Mr. George Scot of Pitlochrie, also died by the fever on the same voyage.

Of the early life of this lady no particulars have been preserved. In March, 1659, she was married to Sir William Douglas of Cavers, younger. The circumstances in which their courtship and marriage originated are thus recorded by Crawford, in his Genealogical Collections: - “I have heard that Sir William Douglas of Cavers applied to Sir John Scot of Scotstarvet, to have borrowed from him the sum of 50,000 merks, that he wanted to pay off some of his pressing debts. Sir John told him he could not do it himself at present; but there was a young gentlewoman at his house who had just as much portion, in ready money, as he wanted to borrow, and he did not know but both the lady and her portion might be at his service. From this hint Sir William made his application and addresses to Miss Catharine Rigg and obtained the lady in marriage soon after that.” [*MS. folio in Advocates’ Library.*] Crawford adds, “A mighty religious good woman she was as any could be in her time.”

Both Lady Cavers and Sir William, who was a man of principle, adhered to the cause of the ministers ejected in 1662; by which they excited the resentment of the government. [*The minister of Cavers, Mr. James Gillon, was among the number of the ejected ministers. He died in 1668. The circumstances connected with his death are thus recorded by Kirkton: - “Another act of cruelty they [the government] committed at this time [at the time when James Mitchell attempted the assassination of Archbishop Sharp,] was: Upon pretence of searching for the Bishop’s assassinat, they seized Mr. James Gillon, late minister at Cavers, and made him run on foot from Currie (whither he had retired for his health) to the West Port of Edinburgh at midnight, and then [he] was carried to prison; and when the council found the mistake, they did indeed suffer him to go to his chamber; but his cruel usage had disordered him so that within two days he died.” - History of the Church of Scotland, p. 284.*] For refusing to take the declaration which abjured the National Covenant, Sir William was removed from his office of sheriff of Teviotdale, in which he stood infested. [*Register of Acts of Privy Council, 25th July, 1684.*] He and his wife also suffered when, on their children having so far advanced in years as to require a tutor, they selected one from among the students or preachers of the nonconformists. To intrust the education of youth in schools, in colleges, and in families of rank exclusively to such as conformed to prelacy, formed from the beginning, as we have seen before, a leading part of the scheme of the government for establishing prelacy. And to enforce the laws enacted, in reference to this matter, a proclamation was issued by the privy council, on the 1st of March, 1676, forbidding all persons in future to entertain any schoolmaster, pedagogue, or chaplain for performance of family worship, who had not license to that effect under the hands of the respective bishops of their diocese, under the penalty of three thousand merks to be exacted for each nobleman, and twelve hundred merks for each gentleman, and six hundred merks for a burges or any other subject for each such offence, as they should be found guilty in the premises. But the family of Cavers, having in disregard of this proclamation, kept with them Mr. James Osburn, a Presbyterian student or preacher, as tutor to their children, letters were raised at the instance of Sir John Nisbet, his majesty’s advocate, charging Sir William with having “ever since the date of the said proclamation, and contrary to the duty and loyalty incumbent upon, and required of good subjects, entertained, reset, and countenanced Mr. James Osburn, as a schoolmaster, or pedagogue, or as his chaplain at the least for performance of family worship, albeit he be a person not licensed nor authorized under the hand of the bishop of the diocese to that effect; . . . whereby the said Sir William Douglas of Cavers hath directly contravened the tenor of the said act of parliament, and the said proclamation, and thereby not only incurred the pains and penalties therein contained, but ought to exhibit and produce to his

majesty's privy council the person of the said Mr. James [Osburn]." By these letters, he was charged to compear personally before the privy council on the 3d of August, 1676, to answer to the foresaid complaint, and to hear and see such order taken thereanent, as appertained, under pain of rebellion, &c. Sir William not having appeared at the bar of the council, in obedience to the summons, the council "ordained letters to be directed to messengers-at-arms, to denounce him his majesty's rebel, and put him to the horn, and to escheat, &c., superseding extract hereof, as to the said Sir William Douglas, until the first council day in September next."

[Register of Acts of Privy Council. Mr. James Osburn is included in the letters raised against Sir William Douglas, the charge against him being, that he had most unwarrantably presumed and taken upon hand to serve Sir William as a schoolmaster, pedagogue or chaplain, for family worship, although he was not licensed or authorized to that effect according to law; and failing to appear before the council on the 3d of August, he was declared his Majesty's rebel, but nothing is said respecting "superseding extract hereof" as to him.]

After this Sir William had not long to live. The precise date of his death we have not ascertained, but it took place previous to the year 1680.

It is in the beginning of that year, that Lady Cavers appears upon the stage, as personally obnoxious to the government, on account of her nonconformity. Being now left a widow with numerous children, she felt that to educate them in the principles of religion and of the Reformed Church of Scotland, was one of the most important duties of her life, or rather the most important duty which devolved upon her as a widowed mother. This appears from the proceedings instituted against her, which we are now about to narrate; and from which it will be seen how anxious the government and its supporters were to prevent the education of children, and especially those of rank, in Presbyterian principles. It appears that Thomas Douglas, brother to her deceased husband, Sir William Eliot of Stobes, Mr. Archibald Douglas, minister at "Seatoune," [?Salton], and Mr. Richard Douglas, advocate, had been "nominated and appointed tutors" to William, her eldest son, who succeeded his father, and to Archibald and John, his brothers, "conform to a gift of tutorie granted to that effect; to which office they were preferred by his majesty's exchequer, upon express and full consideration that the complainers would be careful, not only of the said minors' persons as being their nearest relations, but of their education as peaceable, loyal and good subjects, and which was thought to be of considerable consequence to his majesty's service, that family having a great interest in the shire of Roxburgh, where they live, and considering that dame Catharine Rigg, Lady Cavers, their mother, would take pains to withdraw them from these good principles."

Lady Cavers' eldest son William, was accordingly taken from her, and educated for several years at schools in Dalkeith and Edinburgh. But William having, for the benefit of his health, been permitted to stay at his own house with his mother for some time, she refused to allow him to return to the schools where he had been formerly bred. At the same time, she refused to deliver up to the tutors her other two sons, Archibald and John, who were still within the years of "pupillarity," not of course because she was hostile to their receiving a complete education and every accomplishment suitable to their station, but because she wished their education to be conducted under her own eye; and so long as they were with her, she did not fail to instil into their minds the principles of Presbytery and of the Covenant. This gave great offence to the tutors, and letters were raised against her at their instance, to compel her to deliver up to them her children. They complain that "she wilfully keeps them that she may give them those disloyal impressions which may prove very dangerous to that family, breeding them up in a perfect aversion to the government of church and state, and who are already arrived at that wildness, that they will neither frequent the public ordinances themselves, nor converse with those who so do: And therefore," they add, "in all equity and justice the said Lady Cavers should not only be decerned to deliver up to the complainers the persons of the said William, Archibald and John Douglas, the complainers' pupils, that they may take care for their education, and be discharged to withdraw or detain them from schools and their other education, but also punished, to the terror of others to do the like in time coming." She was charged to compear personally before the privy council on the 27th of January, 1680, to answer to the premises, and to bring with her, exhibit and produce the persons of her three sons above named, and to hear and see herself decerned to deliver them up to their tutors, or else to show a reasonable cause to the contrary; and far-

ther, to hear and see such other order taken in the foresaid matter, as shall appertain under the pain of rebellion. In obedience to the summons, she compeared personally before the council to defend herself. After having heard and considered the libel and the answers made thereto, the lords of council decerned and ordained her to deliver to the pursuers the persons of the said William, Archibald and John Douglas, their pupils, and to do so within the course of eight days, to be educated as they should order, and, if need be, ordained letters of horning upon a charge of six days, to be directed for that effect. [*Decrees of Privy Council.*]

Nearly two years and a half after this, Lady Cavers was brought to still greater trouble, on account of her Presbyterian principles. From what has been already stated, it is evident that she had embraced the cause for which the ejected ministers suffered with too warm a zeal to attend the curates. But this was not the only thing which rendered her obnoxious to the persecuting rulers of the day. She had, besides, attended conventicles held in the part of the country where she resided, and had even permitted them to be held in her own house. She was, moreover, in the habit of hospitably entertaining the proscribed ministers who happened to be in that part of the country, and she had retained, as her servants, some whom the government had denounced rebels. The strong sympathy and support thus given, by one in her station, to the cause of suffering nonconformity, did not escape the notice of the evil instruments of the government in the district in which she lived. Among those who, in that district, signalized themselves as persecutors, was Adam Urquhart, the laird of Meldrum, who was made a justice of the peace in Roxburghshire, in May, 1679, to assist Henry Ker of Graden, sheriff-depute of that county, in repressing and punishing such disorders as withdrawing from the parish churches and attending conventicles; nor did these men want spies and informers to assist them in this work of oppression. In the list of those whom they oppressed on account of religion, Lady Cavers occupies a prominent place. Her conduct they observed with eager scrutiny; her recusant delinquencies they carefully noted down, and transmitted an exaggerated report of them to the lords of the privy council, who were glad to find an occasion against her, in the hope of being able to extort from her a heavy fine. While living peaceably at her own house, attending to her household and maternal duties, she was, in 1682, disturbed by the harsh intrusion of the rugged messengers of the law, with letters raised against her, at the instance of Sir George M'Kenzie, his majesty's advocate. In these letters she is charged with "keeping and being present at conventicles, harbouring, resetting, entertaining, intercommuning, and corresponding with declared rebels and traitors, and disorderly and irregular persons."

After stating that, by the laws and acts of parliament of this realm, these were "crimes of a high nature, and severely punishable," the letters, which contain a mixture of truth and falsehood, proceed as follows: - "Nevertheless it is of verity that upon the first, second, third, and remanent days of, the months of August, September, October, November, and December, 1679, upon the first, second, third, and remanent days of the months of January, February, March, and remanent months of the years 1680 and 1681, and upon the first, second, third, and remanent days of the months of January, February, March, April, and May last, or one or other of the days of the months of the said years, Dame Catharine Rigg, Lady Cavers, having been present at divers conventicles in the shires of Roxburgh and Selkirk, and several other places, where she hath heard Mr. Matthew Selkirk, a vagrant preacher, Mr. Donald Cargill and Mr. Gabriel Semple, declared traitors, Mr. Thomas Douglas, Mr. Samuel Arnot, Mr. Archibald Riddell, and Mr. James Osburn, preach, expound scripture, pray, and exercise the other functions of the ministry, [*Field conventicles were frequently held in those days in the parish of Cavers. The hollow dells and rocky recesses of the hill Rubberslaw, which is situated in the lower division of the parish, were the haunts of the persecuted Covenanters, and not only the place, but the very stone, on which the volume of God's words was laid when the celebrated Alexander Peden declared its truths to a large congregation there assembled, is still pointed out.* - *New Statistical Account of Scotland, parish of Cavers.*] and, in the said seditious meetings, vent several malicious and wicked expressions against his majesty's government; and particularly, in the month of November, 1680, the Laird of Meldrum having gone to the said shire, in pursuance of his majesty's commands, for putting the laws in execution against disorderly persons, true it is that the said Lady Cavers, to evidence her zeal and forwardness against the putting of his majesty's laws in execution, and so encourage disorderly persons in their irregular practices, did, upon the first, second, third, or one or other of the days of the said month of November, 1680,

cause advertise and convocate diverse numbers of people, at her house of -----, keeping a seditious conventicle; and accordingly there did convene above the number of three hundred persons, whereof some were within and some were without doors, (which, by the law, is declared to be a field conventicle,) at which seditious meeting the said Mr. Matthew Selkirk, or one or other of the foresaid persons, traitors, vagrants, disorderly ministers, did intimate a fast to be kept, at the said house, upon the ---- day of the said month of November, for Philiphaugh's good success against the Laird of Meldrum; * which was accordingly performed, where the

* The Laird of Meldrum, one of the most active persecutors, had imposed heavy fines on many gentlemen and tenants in the shire of Teviotdale, and committed to prison such as did not pay their fines. It was calculated that he had uplifted in fines from that shire not less than 10,000 pounds. This, as might have been expected, created great dissatisfaction. James Murray of Philiphaugh, principal sheriff of Selkirk, William Murray, his depute, and some gentlemen and tenants brought a libel against him before the privy council, in November, 1680, complaining of his many oppressions and wrongous imprisonments. "Philiphaugh," says Wodrow, "proved his libel against Meldrum, to the conviction of all, and answered what Meldrum charged him with; and when Meldrum offered to give in some new queries, he was willing to admit them, providing he should be allowed to begin with new queries to him, and proposed he might be interrogate whether Meldrum was Papist or Protestant, when he was last at mass, who were present with him when he had conversed last with rebels, and what compositions he had made with them," - Wodrow's History, vol. iii., p. 240; Decrees of Privy Council, 21st July 1681. This is the case referred to in the text.

said Mr. Matthew Selkirk preached, and at which there were present above two hundred persons, and many of them without doors: Likeas the said Lady Cavers, during the foresaid space, hath constantly entertained and harboured, reset and intercommuned with the foresaid traitors, rebels, and vagrant preachers, as also Thomas Turnbull of Stonehill, John Clunie, barber in Hawick, and diverse other seditious and disorderly persons, and hath furnished them with meat, house, and harbour, by herself and tenants; as also, Robert Davidson, a declared rebel and fugitive, as her gardener: Whereby the said Dame Catharine Rigg is guilty of the manifest crimes above-written, and hath contravened the laws and acts of parliament made there-against, for which she ought to be severely punished in her person and goods, to the terror of others to commit and do the like in time coming." [*Decrees of Privy Council.*]

To answer to the foresaid complaint, and to hear and see such order taken thereanent as appertained, she is charged to compear personally before the council on the 4th of July 1682, under the pain of rebellion.

Her case came before the council, at their meeting on the 4th of July. But she disobeyed the summons; and, on her being oftentimes called and not compearing, the council granted "certification against her, ordaining her to be denounced his majesty's rebel." Afterwards, however, upon application to the council, she was "reponed against the said certification, upon her finding caution to compear before the council on the 13th day of November instant." On that day, the council having met, and her case being again called, she compeared, with a procurator to plead in her defence. Her libel was read, and answers were made to it by her procurator, in the presence of the council. But, not satisfied with these answers, the lords of council ordered her to be brought before them. On her making her appearance, his majesty's advocate "referred the truth of the libel to her oath, and declared that, conformably to his majesty's letter, and the constant practice of the council, he restricted those points of the libel in their own nature criminal, to an arbitrary punishment, and declared that any confession to be made by her should not be any ground of a criminal process against her." But she refused to give her oath. The ground upon which she was required to depone upon oath was the second act of the parliament of 1670; [*See this act in Wodrow's History, vol. ii., p. 167.*] and the king's letter in 1674, just now referred to, restricted the punishment, in the case of such as confessed their nonconforming delinquencies, to an arbitrary fine. It was the opinion of Sir George Lockhart, an eminent lawyer of that day, delivered in a case exactly similar, that the above act of parliament, though it might compel her to depone against others, could not compel her to depone against herself; and "that she behoved first to have a remission passed the seals, and the king's letter was not equivalent thereto." [*The case in which Sir George Lockhart delivered this opinion was that of Edmiston of Duntraith, who, on the 30th of June 1681, was fined in 9,000 merks, and sentenced to lie in prison till it was paid, for refusing to depone with respect to his conversing and intercommuning with a denounced fugitive minister, with respect to his having been at field conventi-*

cles, and with respect to his calling the proceedings of the privy council arbitrary and tyrannical; on all which points he was urged to depone, both from the second act of the parliament of 1670, and from the king's letter in 1674. Sir George Lockhart employed in defence of his client the argument stated in the text. But it was repelled, and Edmiston was holden as confessed for not deponing, and fined. - *Fountainhall's Historical Notices*, vol. i., p. 301.] But the privy council took a different view of the matter. Upon her refusal to give her oath, "the lords of council, considering that the crimes libelled were of a very high nature, and that, in construction of law, she, by reason of her refusing to depone, was understood to be guilty of the whole crimes libelled, did therefore fine her in the sum of 9,000 merks Scots money, and ordained her to be carried to prison until she should have made payment, or found caution to pay the same, to his majesty's cash-keeper, and found caution for her future good behaviour. But if her former cautioner obliged himself, under the penalty of one thousand pounds sterling, to produce her upon Thursday next, the 16th of November, before the council, the lords allowed her to stay out of prison till that day." [*Decrees of Privy Council.*] Having found this security, she was in the meantime set at liberty. On the 16th of November, her surety, "conform to his bond, produced her at the council bar;" but she having neither "made payment of the fine imposed upon her last council day; nor given bond for her future good behaviour, the lords of council ordained her to be committed prisoner to the tolbooth of Edinburgh until Monday next, and recommended to General Dalziel, the said day, to cause transport her from the said tollbooth of Edinburgh to the Castle of Stirling, by a party, and appointed the governor of the said Castle of Stirling, or his deputy, to receive, keep, and detain, her person in sure firmance until further order from the council." [*Decrees of Privy Council.*]

This order was duly executed; and she continued in prison till the close of the year 1684, with the exception of a few weeks' liberty granted her for the benefit of her health. "Her case was indeed very hard," says Wodrow, "to say nothing of her shining virtue and singular piety, and her being chargeable with nothing but simple non-conformity with prelacy, and no ways concerned in any thing against the government, nor could once be supposed to be." [*Wodrow's History*, vol. iv., p. 54.] How she and her children were maintained during the period of her imprisonment, we are not informed. She had a jointure of £150 sterling, from the rental of the estate of her deceased husband, for the support of herself and her five younger children, but of this she was deprived, the rents of her tenants being arrested for the payment of her exorbitant fine, which was more than her income from her jointure amounted to for three years; and her close imprisonment put it wholly out of her power to procure subsistence for herself and her children by her own exertions. The circumstances connected with the arrestment of her tenants' rents are worthy of particular notice, affording, as they do, an example of the severe treatment which tenants who favoured suffering heritors generally met with at the hands of the ordinary magistrates, and in which the magistrates were encouraged and supported by the government.

The instrument of arrestment was served upon her tenants on the 10th of February 1683, at the instance of Hugh Wallace, his majesty's cash-keeper, arresting all rents then due by them to her, till the payment of her fine. This was severe enough, but it was only a part of the hardships to which, on account of her fine, they were subjected. As they had no tacks, but were moveable tenants, taking their lands every successive year in April, they supposed, as was very reasonable, that that arrestment could only make them liable for what they owed Lady Cavers at the time of its being served upon them, and not for the rent of the new year commencing in April 1683, when they took their lands anew. Accordingly, when the first term for the payment of the first half of that new year's rent, which was Martinmas, arrived, Lady Cavers having called upon the tenants for the payment, they paid her about eleven hundred pounds, which amounted to about the half of that year's rent; and for this she granted them discharges. But to their surprise, they were summoned, in the beginning of January 1684, to appear before the sheriff of Roxburghshire on the 8th of that month, for the payment not only of what was due by them at the time of the arrestment, but also for the whole of the rent of the year commencing in April 1683, the procurator for the pursuers urging, that the arrestment served upon the tenants put them *in mala fide* to pay any rent to her till her fine was fully paid. The tenants pleaded in their own defence, that the arrestment of February 10th, according to the nature of all arrestments, could only secure what was then due by them to Lady Cavers; that not having taken their lands till April thereafter, they could not be supposed, at the time of the arrestment, to be debtors to her for the new year commencing in April; and that as no new

arrestment had ever been served upon them to put them in condition to refuse the payment of their half-year's rent to her at Martinmas, they ought not to be required to pay it again. This was thought the only equitable view of the matter by all who heard of it, and the sheriff delayed to pronounce either interlocutor or decret in the case till he had advised with his lawyers. But Meldrum's power with the sheriff so prevailed, that, on the 18th of January that same year, he pronounced a decret against the tenants, for the payment not only of what was due by them at the time of the arrestment, but also for the payment of the rent of the subsequent year, commencing in April 1683; and this decret was pronounced against them without their ever having been summoned to hear and see either interlocutor or decret and sentence pronounced against them, which was contrary to the form always observed by that court when a process was taken up to be considered.

In these circumstances the tenants sent a petition to the privy council in the beginning of April 1684, with a paper entitled, "Information for Lady Cavers' Tenants," both which documents contain the facts now stated. [*Wodrow MSS., vol. xxxiii., nos. 66, 67. Wodrow's History, vol. iv., pp. 54, 55.*] The petition concludes with these words: "The which sentence [the sentence of the sheriff], if it shall be executed against us, and we thereby distressed to make double payment, will not only for ever incapacitate us for paying any more rent, but bring us and our poor families to a starving condition; for all our goods consist of a few nowte [*i.e.*, cattle] and sheep, which, through this stormy winter that lay very heavy upon our grounds, are now reduced to a very small number; and if they shall be pained and driven from us, there will be nothing remaining for us but what we can have by begging our bread in the country. May it therefore please your lordships to pity our sad and distressed condition, that we may not be altogether broken and ruined, and to discharge that decret to be put in execution against us your humble supplicants, till your lordships examine the matter, and hear the business before yourselves; and your poor petitioners shall ever pray for a long and happy reign to his majesty, and health and prosperity to your lordships."

Reasonable as is the prayer of this petition, it was rejected. [*Wodrow's History, vol. iv., p. 55.*] By virtue of the sentence of the sheriff, letters of horning were raised against the tenants, and so severe were the proceedings against them, that about the middle of May, all of them were apprehended and carried by a party of Meldrum's troops to the tolbooth of Jedburgh. They were indeed soon after liberated, but it was only to go home for the better making up of the money which they were required to pay. [*Letter of Mr. Gladstones to Sir William Douglas, dated 24th May 1684, Wodrow MSS., vol. xxx., 4to, no. 114.*] "I find," says Wodrow, "they were so discouraged by the finings and harassings they were put to, that, had not the Laird of Cavers returned that year, and got the prosecution stopped, they had all left the ground." [*Wodrow's History, vol. iv., p. 55.*]

To return to Lady Cavers: when she had been confined in Stirling Castle about eight months, she was induced, in consequence of the declining state of her health, to present a petition to the privy council, supported by the testimonial of a physician, praying for liberty to go for some time to the wells in England. In answer to her petition, the council, at their meeting on the 19th of July 1683, "allow her from that date to the 15th of October, to go to the wells for her health, and give order and warrant to the governor or deputy-governor of the Castle of Stirling, to set her at liberty, to that effect, in regard she hath found sufficient caution acted in the books of privy council, that at or betwixt and the said 15th day of October, she shall re-enter her person in prison, within the said Castle of Stirling, under the penalty of £500 sterling, and that during the time of her being at liberty, and in this kingdom, she shall live orderly under the same penalty in case of failure." [*Decrees of Privy Council.*]

At this time, Lady Cavers' eldest son, Sir William Douglas, was travelling on the Continent accompanied by his tutor, Mr. Robert Wylie, who, after the Revolution, became minister of Hamilton. In her present circumstances, and especially as she was not without fears that though a settlement were made for her fine, this would not terminate her sufferings for nonconformity, she was naturally anxious for the return of her son, hoping that it might be in his power to procure her liberation from prison, and to protect her from future hardships. Mr. Gladstones, his factor, in a letter to Sir William, dated Edinburgh, October 2, 1683, says, - "It is

thought by many, when they see how severely others are handled for reset and converse, that albeit there were some settlement made for this fine for which she [your mother] is now imprisoned, her trouble shall not end there, and whereof being now apprehensive, she is the more desirous to see you here before any new trial; and if your coming home could contribute any thing to her liberation, I do not doubt but you have already resolved that every thing else shall give place to so natural a duty.” [Wodrow MSS., vol. xxx., 4to., no. 113.]

To have obtained her liberty through the interposition of her son, whom she loved so tenderly, would doubtless have been highly gratifying to Lady Cavers; but the assurance that he was living a god-fearing and virtuous life, would have still more gladdened her heart, whereas her hearing of or witnessing his living a life of an opposite description, would have been to her a source of more poignant distress than all she had hitherto suffered or might yet suffer on account of her religious principles. As an instance of this pious solicitude for the spiritual welfare of her children, we may quote the following passage from the same letter: - “I doubt not,” says Mr. Gladstones, “but you have already heard of the little liberty granted to your mother for going to a well for her health, and that she is to return to her prison before the 16th of this month. I saw her here very much afflicted for some expressions of a letter that you had written to your uncle, and which she takes more heavily than all the trouble which she hath met with herself, or whereof she is yet in hazard. I know not how it is, but I am very sure you would not willingly write or do any thing to the increasing of her sorrows. It is like she may be afraid lest French liberties should spoil a good christian education.” [Wodrow MSS., vol. xxx., 4to., no. 113.] In the same letter he says, - “Your uncle Letholme went south eight days ago to the drawing of your tithes, and we expect both him and your mother here some time this week.”

Before the time appointed for Lady Cavers returning to prison in Stirling Castle arrived, a petition was presented to a committee of the privy council, praying for the extension of the period of her liberty, but the prayer was refused. She accordingly again became a prisoner. Being, however, permitted to take her children to Stirling, where they were to attend the school, and where she would probably have frequent opportunities of seeing them, this would in some degree alleviate the hardships of her confinement. Mr. Gladstones, in a letter to Sir William, who was then at Paris, dated October 23, 1683, thus writes: - “Your mother went from this on Saturday was eight days, to re-enter her prison in Stirling Castle. There was an address made to a committee of the council before she went away, for continuing her liberty. Most of them inclined to favour her bill, but did not think their power full enough for granting it, till a more numerous meeting of the haill council, which is not to be till the 8th of November. Archibald and John went west with her to Stirling school; James and Tom were left at Cavers till Jamie recovered of a little distemper, whereof now I hear he is grown better. Your sister was left here till your mother considered whether it were better to put her to a school here, or take her west with a woman to teach her there.” [Wodrow MSS., vol. xxx., 4to., no. 113. The letter is addressed on the back, “For the Laird of Cavers Douglas.”]

From the mitigated tone in which the committee of the privy council expressed themselves regarding Lady Cavers, one would be prepared to anticipate that at the meeting of council on the 8th of November, the period of her temporary liberty would be prolonged. But such was not the case. She continued lying in prison for more than a year longer. Depressed, though not subdued, by long and close confinement, by the impoverished circumstances of herself and her children, and by the weak state of health to which she was reduced, she presented a petition to the privy council, praying them to remit her fine, or favourably to represent her case to his majesty, or to allow her to obtain her jointure for the support of herself and her children. The petition is as follows: -

“Unto the Right Honourable the Lords of his Majesty’s Most Honourable Privy Council - The Petition
of the Lady Cavers,
“HUMBLY SHOWETH,

“That whereas by your lordships’ sentence upon the [13th] day of November 1682, she was fined in £500 ster-

ling, and committed prisoner to the Castle of Stirling until the same were paid, she does now with all humility represent to your lordships, that the said decret was founded singly upon her declining to give her oath upon the points of the libel, which she did not out of any contumacy, but from a tenderness she hath ever naturally had of giving an oath in any case, but will not decline the most exact and most strict trial in the matters of which she was accused; and is so conscious of her own innocence, that she doubts not but upon such trial it will appear that she was misrepresented to your lordships by misinformations, proceeding either of malice or mistake, to which she is the more exposed, being a person living abstract from all company, employing her time in the education of her numerous fatherless children; and she farther humbly represents to your lordships the meanness and smallness of her estate, which consists only of a jointure not exceeding £150 sterling a year; that she is in debt, and stands bound by an old settlement with her children's friends, to alimnt her younger children, whereof there are five: By which it is more than evident to your lordships, that unless your lordships be favourably pleased to grant her relief from the said fine, she and her poor fatherless children, (who are the issue of a family who for many ages have served their king and country faithfully and honourably), will be reduced not only to ruin, but downright starvation. She hath also suffered a long and tedious imprisonment, by which both her health and estate are exceedingly impaired, and is firmly resolved in all time coming to live inoffensively to the whole world, educating her children, and enjoying herself in her recluse and desolate condition, without meddling with any persons or affairs in the world.

“May it therefore please your lordships to take the premises into your serious consideration, and, in compassion to the widow and fatherless, remit her and them the said fine; or (if your lordships think it necessary) that you will be pleased favourably to represent their sad and deplorable condition to his sacred majesty, from whose innate justice and gracious goodness and, clemency she submissively hopes for the granting of this her humble desire; and, in the meantime, that your lordships, in your great goodness, will be pleased to permit her to intromit with her jointure for alimnting her poor five fatherless children, which it will hardly suffice to do in respect of the meanness of it, and of the debt with which it stands already affected.

“And your petitioner shall ever pray.”

[Wodrow MSS., vol. xxxiii, folio, no. 69. Wodrow, in the Table of Contents, refers the petition to the year 1684.]

Affecting as is this petition, it seems to have been disregarded by the lords of the privy council, who, actuated by a hard-hearted avarice, would neither remit nor mitigate her fine. Her son having, about this time, returned to London from his travels on the Continent*, she and her friends cherished the hope that by his intercessions

*Sir William had been, some time previous to his return, married to a French lady, with whom he had fallen in love in his travels. But when he intended to return home, obstacles were interposed in the way of his wife and child returning with him. He was not personally restrained, but his wife and, the child, which, in consequence of its mother being a French woman, was considered as naturalized, were declared to be subjects of France, and, according to the 10th article of the edict of Nantz (which received the royal signature on the 8th of October 1685,) were prohibited from departing out of the realm. Sir William Turnbull, the English ambassador in France, in a letter to Lord Sutherland, dated December 19, 1685, thus writes: “I acquainted him [i.e , Louis XIV.] also with Sir William Douglas’s petition for leave for his wife and child to go into England with him. But this, he told me plainly, the king had refused; for although the husband, being not, naturalized, might go if he pleased, yet the wife and child were subjects of France, and should not have that permission.” - Dalrymple’s Memoirs, vol. i., part.i., pp. 122, 123.

with some of the leading statesmen in London, the government might be prevailed upon to set her at liberty, and to remit her fine. Mr. Gladstones, his factor, who appears to have sympathized deeply in her case, in a letter to him, dated “Cavers, May 24, 1684,” informs him of her circumstances, and strongly incites him to exert himself at London, to the utmost of his power, to obtain for his mother relief. “I am very glad,” says he, “to hear of your safe return to London. . . . I heard from your mother the last week, with some of her tenants that had gone west to Stirling about the taking of their land. If it were not that her restraint confirms both her and the children to Stirling, I know the condition of their health is such as requires her and most of them to be at some wells this summer. I need not tell you with what joy she received the message which brought the news of your curators having resolved to bring you home this summer. The solicitous care and constant tenderness she hath ever had for you, may gain your belief that nothing is capable of giving such ease to her present suf-

ferings as the hopes of seeing you soon, after so long an absence. She hath endured very much in a long and tedious imprisonment, and the restoring her to liberty seems only to have been reserved for you, as the fittest and most proper instrument for obtaining of the same. All things concur with that desire I know you have to perform so just and necessary a duty. You are trusted to be at London in such a favourable juncture, when you have the opportunity of addressing yourself to our great officers of state. I do not know the methods you will be advised to take, or what hopes there may be of success; but, to every unconcerned person, it appears very hard to shut up liferenters and detain them in prison till they pay a sum of money which exceeds three years' rent of their estate, without allowing them any part thereof for their maintenance." And after stating the proceedings against the tenants, which have been already detailed, he says, - "We hear that before the treasurer went away, Sir Adam Blair of Carberrie, and Sir William Lockhart of Carstairs, were commissionat and empowered by the exchequer to uplift and intromit with your mother's fine, for payment of an old debt due to them by the king; but if a gift thereof (at least some considerable abatement) were procured at London, either for yourself or the rest of the children, it would make void that which is granted to them by the exchequer. Your cousin, Mr. Richard, did solicit the treasurer before he went out of Scotland, that he might both grant liberation, and appoint some aliment to your mother, out of her own jointure, but he [the treasurer] then declined to meddle in the affair. It is Mr. Richard's opinion, if you duly attend the treasurer, while he is at London, as he promised to him you would do, and diligently ply the business, that you may both procure her liberty and a remit of the fine. Castlehill may also be very useful to gain the chancellor to favour your suit, and who, I suppose, is both well enough known to yourself and Mr. R. W.," [Robert Willie.] [*Wodrow MSS., vol.xxx., 4to, no.114.*]

Sir William would doubtless do what he could in his mother's case; but his success was less than had been anticipated. After using many means in private with influential persons, he at length, in the close of the year 1684, presented in her behalf the following petition to the privy council: -

"To the Right Honourable the Lords of his Majesty's Most Honourable Privy Council - The humble
Petition of Sir William Douglas of Cavers,

"SHOWETH,

"That your petitioner's mother having been several years now in prison, for not going to the church, your petitioner is very desirous she should be reclaimed, but yet such is his respect to his majesty's government and laws, that he will not interpose for any thing that may be of ill example to others, and therefore he humbly offers to your lordships, that because of her great indisposition, and that she may be dealt with by her friends who are now very remote from her, he may be allowed to be cautioner for her, that she shall either live regularly, or else that, within three months after the date of her liberation, she shall remove forth of this kingdom, and not return thereto without special allowance from his majesty or his privy council, by which the country, if she comply not, will be freed from any influence she may have, or any prejudice she may do, and which cannot be expected by keeping her in prison; and as this is a safe remedy, and will be a sufficient terror to others in the like circumstances, there being nothing so terrible to a woman as to leave her native country, her children, her friends and acquaintances, so the justices do ordinarily allow this to such as are even denounced fugitives upon this occasion, and particularly this was allowed to the Lady Longformacus,* Lady Moriston, [*Lady Moriston, "a pious and sensible gentlewoman," was also sentenced, in August 1683, by the justiciary court, to*

* "August 9, *et dieb. seq.*, 1683. The Lady Longformacus being pursued for resetting of rebels; and it being alleged for her that she lived at Berwick; the criminal lords ordained her to find caution to live orderly when in Scotland, under the pain of 3000 merks, or else to remove out of Scotland, never to return without the king's special license. And this course they took with other women pursued, because they could not put them to take the test." - Fountainhall's Decisions, vol. i., p. 23. This Lady was probably the relict of Sir Robert Sinclair, first baronet of Longformacus, who died in 1678. She was his second wife, and was Margaret, second daughter of William, Lord Alexander, by his wife, Lady Margaret Douglas, who was the eldest daughter of William, Marquis of Douglas. - Douglas's Baronage of Scotland, p. 250.

leave the kingdom before the first of November. "She appears," says Wodrow, "not to have been cited, or any probation led against her, but summarily is banished for her respect to the gospel and sufferers." - *Wodrow's History*, vol. iii., p. 472.] and others; and

your lordships will find it upon trial to be a far more effectual remedy than imprisonment, which, being within one's native county, becomes very familiar and easy in a very short time, especially to melancholy women, who use to stay much within doors; and your lordships' answer, &c." [Wodrow MSS., vol. xxxiii., folio, no. 68. In the Table of Contents, Wodrow marks this petition as written in 1684.]

The tutors of Sir William had succeeded, it would appear, in training him up, if not to a hearty approval of the persecuting and tyrannical measures of the government, at least to an acquiescence in these measures, from considerations of worldly advantage; although by doing so he could not fail to grieve the heart of his mother, whose earnest desire it was to see him following in the steps of his honoured ancestors, who had nobly struggled in their day for the truths of Christ, and the liberties of the Church. In July 1684, he took the test, (which his father would never have done,) to qualify him for acting as sheriff of Teviotdale; [Register of Acts of Privy Council, 25th July 1684.] and the style of the above petition breathes a temporizing spirit. But compromising as was Sir William in his political and religious principles, the only ground upon which he could induce the council to set his mother at liberty, was his becoming surety for her, "that she should depart forth of this kingdom within the space of fourteen days inclusive, after she should be liberated, and should never return thereto without his majesty's or the council's special license; and that in the meantime, until the said fourteen days elapse, and thereafter, if she remained within the country, she should live regularly and orderly, and that under the penalty of 9,000 merks Scots money, in case of failure; and farther, that she should make payment to his majesty's cash-keeper, for his majesty's use, of the sum of £500 sterling, formerly imposed upon her by sentence of council, at least of so much thereof as is yet resting, and not discharged, and that betwixt and the term of next." Sir William having given the security required, an act of council was passed, December 24, 1684, giving orders for his mother's liberation. [Register of Acts of Privy Council.] The money was exacted from him to the last farthing; and his mother removed out of Scotland within the time specified, retiring to England. These facts we learn from a petition which Sir William presented to the privy council, humbly showing that he had fully obeyed their lordships' sentence, by paying to the cash-keeper, and those having power and commission from him, the sum of £500 sterling, being his mother's fine, and that she had removed, within the space of fourteen days after her liberation, from Scotland "into the kingdom of England, where she still remains;" and therefore praying their "lordships to appoint and ordain the clerks of council to deliver up to him his bond, as having satisfied and performed the same in all points." At their meeting on the 28th of January 1686, the lords of council complied with the prayer of this petition. [Warrants of Privy Council.]

Such was the issue of the grievous outrage committed upon the person of Lady Cavers, who was first foully slandered, then punished by a heavy fine, a without proof of any offence committed, then thrown into prison, where she was detained till security was given that the fine should be paid; and who, even when that security had been given, and after she had for years been so deeply injured, was compelled to leave the kingdom. How unfeeling the rapacity of these unjust rulers! How contemptible their unmanly treatment of a lady whose helpless situation claimed for her sympathy and protection! But so hateful in their eyes was the taint of Presbyterianism, and so lost were they to every honourable feeling, that the most eminent virtue and piety in ladies of this persuasion, afforded no security against their becoming the victims of the most fragrant injustice and oppression. The subsequent history of Lady Cavers has not been preserved; nor have we been able to discover the time of her death.

