

LADIES OF THE COVENANT

Barbara Cunningham,

Lady Caldwell.

BARBARA CUNNINGHAM was descended from the Cunninghams of Cunninghamhead in Ayrshire, one of the most ancient and powerful cadets of the Glencairn family, which possessed at one time large properties in Lanarkshire, and even in Mid-Lothian, as well as in Cunningham, but which began to decline about the end of the seventeenth century. [*Robertson's Ayrshire Families, vol. i., p. 303.*] Her ancestors early distinguished themselves as warm promoters of the Reformation from popery. Her great-grand-father, William Cunningham of Cunninghamhead, who joined the Lords of the Congregation, and maintained with ardent zeal the cause for which they erected their standard, sat in the memorable parliament of August, 1560, which approved and ratified the Confession of Faith, and abolished the jurisdiction of the pope throughout the kingdom of Scotland. His name appears at the most important public documents of the Scottish Reformers, as at "Ane Contract of the Lords and Barons, to defend the Liberty of the Evangell of Christ," in 1560; at the Book of Discipline, which he subscribed January 27, 1561, as one of the members of the privy council; and at the famous Band for the support of the Reformed Religion, in 1562. He was a member of the assembly of 1565, which was so obnoxious to Queen Mary and the Roman Catholics, and was one of five commissioners sent to the queen by that assembly, with certain articles, - the first of which was that the mass and all papistical idolatry and jurisdiction should be universally abolished throughout the realm, - humbly desiring her to ratify and approve the same in parliament. [*Robertson's Ayrshire Families, vol. i., p. 305. Knox's History, Wodrow Society edition, vol. i., p. 366; and vol. ii., pp. 61, 258, 349, 486. Robertson is mistaken when he says that the "laird of Cunningham," who was a member of the Assembly of 1565, was Barbara Cunningham's great-grand-uncle, John Cunningham, brother to her great-grand-father, William Cunningham. It was her great-grandfather himself, who was a member of that Assembly. He died in January, 1576.*] Her father, Sir William Cunningham of Cunninghamhead, succeeded his father, John, about the year 1607, and was created a baronet in 1627. He was twice married; first, in 1619, to Elizabeth, daughter of Mr. Thomas Nicolson, commissary of Aberdeen, by whom he had Sir William, who succeeded him, [*His son, Sir William, who succeeded him, like his daughter, Barbara, suffered not a little during the persecution, as we learn from Wodrow's History. Besides being fined by Middleton's parliament in 1662, above £200 sterling, he was imprisoned for several years in Stirling Castle. He died in 1670.*] and Barbara, the subject of this notice. He had several other children of this marriage, but they all died either unmarried or without issue. He married, secondly; Lady Margaret Campbell, daughter of Lord Loudon, but of this marriage there was no issue. He died about the year 1640. [*Robertson's Ayrshire Families, vol. i., pp. 306-308.*]

Barbara Cunningham was married, in 1657, to William Muir of Caldwell; [*Fountainhall's Decisions of the Lords of Session, &c., vol. ii., p. 558. William had succeeded his brother James; who died without issue in 1654. Crawford's History of Renfrewshire, Robertson's edition, p. 307.*] and hence by the courtesy of the time she was usually styled Lady Caldwell. This "honourable and excellent gentleman," as he is called by Wodrow, zealously adhered to the ministers ejected in 1662, and was among the first who left off attending the ministry of the intruded curates. On the ejection of Mr. Hugh Walker, the minister of Neilston, from his charge, by the act of the privy council at Glasgow, in 1662, Muir of Caldwell, who resided in that parish, ceased to attend the parish church, for which he was in some danger of being involved in trouble. Mr. John Carstairs, in a letter to Lady Ralston, dated March 6, 1663, says, "The people here and in the parts about are likely to be sorely put to it, if the Lord do not graciously prevent; they imprison some of them for not hearing both in this town and elsewhere. The Lord Cochrane is very zealous in this good cause. Some of Neilston parishioners are in prison at Paisley on that account, and Caldwell was cited by the lord chancellor to appear before the council at Edinburgh, because he would not promise to hear afterward. He should have appeared yesterday, but he got the first day put by; whether he will get his appearance shifted altogether I know not. I heard (and it seems by that same zealous

man's means) that some din was made to the lord chancellor about Caldwell, Dunlop, and the Laird's [*The Laird of Ralston*.] keeping meetings together at Paisley. Some were afraid the chancellor would have called for the laird, but I have heard nothing since; it's like it will vanish and settle down again." [*Wodrow MSS., vol. xlv., 8vo, no. 52.*] Lady Caldwell, being of similar ecclesiastical principles with her husband, no doubt acted in a similar manner.

The sufferings of this lady in the cause of religion and liberty, may be said to have commenced in the year 1666, after the unsuccessful attempt of the Covenanters at Pentland Hills. Her husband and a few gentlemen in the west, having gathered together a small company of horsemen, amounting to about fifty, intended to join the Covenanters under Colonel Wallace, who were then near Edinburgh; but being informed, after proceeding a short way on their journey, that General Dalziel was between them and their friends, they dispersed. Caldwell, who was captain of that little band, soon after found it necessary to provide for his safety by flight, and concealing himself for some time, he succeeded in getting safely over to Holland, where, like many others of his expatriated countrymen, he found a secure retreat, but from which he never returned to his native land. Meanwhile he was prosecuted by his majesty's advocate, before the lords justiciary, for high treason, simply because he had been on the road to join those in arms; and on the 16th of August, 1667, being found guilty of treason by a jury in his absence, he was sentenced to undergo capital punishment, and to be demeaned as a traitor, when he should be apprehended, and all his lands, tenements, annual rents, offices, titles, tacks, dignities, steadings, rooms, possessions, goods and gear whatsoever, were declared to be forfeited to his majesty's use. [*These proceedings were unquestionably illegal; for "all processes of forfeiture before the justice court, in absence, were contrary to the act 90th, parliament 11, James VI." - Morison's Dictionary of the Decisions of the Court of Session, p. 4695. The government, well aware of this, had recourse to an expedient to secure themselves and give validity to these proceedings. With this view, an act of parliament was passed post facto in 1669, ratifying these forfeitures, and declaring them legal where it is for rising in arms and perduellion.- Wodrow's History, vol. ii., p. 140. Fountainhall's Decisions, vol. ii., p. 558.*] On the 12th of October, the privy council appointed James Dunlop, of Househill, to uplift Muir of Caldwell's rents for the year 1667, and bygone terms since the rebellion, and in future years, and to take an exact inventory of his whole movable goods and gear. His excellent estate, it is said, was at this time promised to General Dalziel, as a reward to the General for his success in suppressing the Pentland insurrection. It was not, however, actually gifted to him till July 11, 1670, when Charles granted in his favour a charter, under the great seal of the kingdom of Scotland, in due form, disponing to him, his heirs and assignees whatsoever, in perpetuity the lands of Muir of Caldwell; and every means was taken to render the gift secure. On the 22d of August, 1670, an act of parliament was passed ratifying the royal grant, and giving validity to all steps taken to secure the estate to him and his heirs in perpetuum; and on the 8th of October that same year, he was infefted in the estate. [*Proceedings of Parliament, February 20, 1707, in Acts of the Parliament of Scotland, Vol. xi., p. 103.*]

These proceedings against Muir of Caldwell, it is obvious, could not but deeply strike against Lady Caldwell. By the sentence of forfeiture pronounced upon him, she, though not the object avowedly aimed at, suffered in fact as much as he suffered himself. It affected the temporal comfort of herself and her children, as much as it affected his. While he remained lurking in the country, she had to endure the anxiety arising from the danger to which he was exposed of falling into the hands of the government; and during that time, or after he had made his escape to Holland, she suffered, previous to her joining him, many hardships at home. The work of spoilation by Dalziel and his associates was then going on at the house and on the property of Caldwell, under her own eye. Of the extent to which the work was carried, some idea may be formed from a list of the losses she had sustained during the persecution, contained in the libel in the action she and her daughter brought against the grandson of Dalziel, before the court of session, after the revolution, claiming reparation. This list enumerates the loss of "thirty-six milk and yield cows, at 20 lbs. per piece, which belonged to William Mure of Caldwell, and were in his own possession in the year 1666; a great gelding worth 50 lbs. sterling; four other horses at 100 lbs. per piece, together with the whole growth of the Mains of Caldwell, the said crop 1666, both corn and fodder, to the value of 2,000 merks; fifty bolls of meal lying in the girdles at the said time, at 10 merks per boll; the whole plenishing, utensils and domicils, to the value of 3,000 merks; three terms rent pre-

ceding Martinmas 1667, of the said estate of Caldwell, extending to 10,500 merks intromitted with, by the said General Thomas Dalziel, before he obtained the gift of Caldwell's forfeiture; three hay stacks standing in the cornyard of the said Mains of Caldwell, at 100 merks per piece; the whole growth of little Mains, which was in the Lady Caldwell's elder, [*William Muir of Caldwell's mother.*] her own hands, with the corn and fodder, and a hay stack, extending to the value of 550 lbs. Scots." [*Proceedings of Parliament, February 20, 1707, in Acts of the Parliament of Scotland, vol. xi., Appendix.*] In the same document, it is stated that General Dalziel at Martinmas, 1666, intromitted with and took away from Lady Caldwell the furniture of the house of Caldwell.

At last Lady Caldwell went over to Holland to join her husband, who, it appears, had taken up his residence in Rotterdam. Whatever might be her outward temporal circumstances while in Holland, she and her husband were protected in their life and property; they were allowed, without restriction, to worship God according to the dictates of their conscience; and they enjoyed a select and congenial society in those excellent ministers and laymen, with their wives, who, from similar causes, had been under the necessity of taking shelter in that country, from the fury of persecution. Both of them, as we learn from the correspondence of that period, were, during their exile, very highly esteemed by these refugees. Robert M'Ward not only describes Muir of Caldwell as a man of great intelligence and remarkable for the elegance and felicity of language with which he expressed himself on ecclesiastical and religious subjects, but assigns him the first place in his day among the pious gentlemen of Scotland. "As a companion," says he, "we had but one Caldwell amongst all the gentlemen I knew or yet know in Scotland." [*Wodrow MSS., vol. lviii., folio, no. 74.*] And speaking of Lady Caldwell, he says, "Who did also cheerfully choose to be his fellow exile and companion in tribulation, as she desired to be in the kingdom and patience of Jesus Christ." [*Wodrow MSS., vol. lxxviii., folio, no. 23.*]

But she had not resided long in Holland when she was afflicted with the loss of her husband, who died at Rotterdam, on Wednesday the 9th of February, 1670, his death, as was believed, having been hastened by the grief he felt on account of the calamitous state of the church in his native country. She had, however, under this trial the satisfaction of reflecting that she had been able to attend him under his last illness, and of witnessing the peace of mind, and the hopes of eternal glory, which sustained and cheered him on the bed of death. His dying words were noted down by Mr. Robert M'Ward, who observes that, as "he uttered them at several times during his few days' sickness, and as they were gathered from the memories of some gracious persons who were present, it will not be expected that they can be set down altogether in that order, liveliness and elegance of phrase, (wherein he had a peculiar happiness,) as they were spoken by him." Referring to the cause of his banishment, Caldwell said, "I am in perfect peace and quiet of mind. There is no inconsistency between obeying of God and man. Help, O Lord! we can have no liberty but what is clogged (as we apprehend) with great slavery. If we cannot get living in the world like men, let us be helped to die like men, in the avowing of the truth of our God." He also said, "King Charles, we are content to give thee all thine own; but do not, may not, give thee that which is only due unto King Jesus, and unto none else." On another occasion he said, "I have forsaken all for thee, O Father, Son, and blessed Spirit! to whom be praise for ever and ever." But that it might not be supposed that he built on this his hopes of heaven, he added, "Jesus hath paid the price, he hath satisfied his Father's justice to the full; I have laid all over on the cautioner, and he hath assured me that he hath undertaken all for me. He hath overcome, he hath overcome; he will bruik his crown in spite of men and devils." He repeatedly bore testimony to the worth of his wife. One time, on his desiring her to be called for, and it being told him that being very sick, she had lain down to rest, he said, "Tell her that she and I shall be in heaven for ever and ever, and there we shall eat angels' food." "At another time, being strongly assaulted by the tempter, the Lord having given him great victory over him, (as his gracious manner of dealing with him usually was,) he cried out, 'I adjure thee, Satan, unto the bottomless pit, to go into everlasting chains, and to outer darkness, where there is weeping, wailing, and gnashing of teeth.' Then being a little silent, immediately he cried out, 'Trouble not Barbara Cunningham, for she is one of God's elect.' and again, and again, after a little silence, he cried, 'I say, tempt her not, for she is assuredly an elect vessel.' He said further, 'My faithful spouse, my faithful spouse, most faithful hast thou been unto me,' (which was his ordinary expression to her, and of her,) and did bless the Lord heartily that ever he saw her, and was joined unto her. He

had often that expression after the most fierce and horrible assaults of Satan, ‘Victory! victory! victory for evermore!’” [Wodrow MSS., vol. lxviii., folio, no. 23.] M’Ward pronounces upon him the following encomium: - “And really the death of this precious gentleman is so much the more to be laid to heart and lamented, that as he was such a hopeful and promising instrument for promoting the interest of Christ’s kingdom, in his station and generation, and had, upon mature deliberation and choice, very singly and unbiassedly for Christ and the gospel’s sake, quit and forgone a considerable and ancient inheritance, with his native country, and the fellowship of all his natural relations, except of his lady only - so in as far as could be judged by godly, judicious and sober men, in regard to a procuring means, the present sad condition of the Church of Scotland, and of the work of God therein, was the occasion of his death; such a warm hearted and kindly sympathizing son of Zion he was, and so sad a lift did he take of that which, alas! many of his mother’s children walk too easily and lightly under; though the most accurate observer could never all the while of his sojourning as an exile abroad, nor along his sickness, hear him let so much as one word fall savouring the least dissatisfaction with, or unpleasant resentment of, his lot as to outward things.” [Wodrow MSS., vol. lxviii., folio, no. 23.] And in a letter to Lady Caldwell, M’Ward says, “He had the care of the church, besides all the things that were without and within, so much upon his heart, that after he had lost houses and lands, and country and friends, for the interest of his Master’s glory, as counting all these too little to have lost, and too low a signification of that love to his Master, and that zeal of his house which did eat him up, he did, by choice, sacrifice his very life upon that interest, and became one of our greatest and most glorious martyrs.” [Wodrow MSS., vol. lviii., folio, no. 74.]

On the death of her husband, Lady Caldwell returned to Scotland. Upon her return she went, it would appear, to take up her residence at Caldwell House, and provided herself with new furniture. But in that mansion she was not permitted long to reside. The forfeited estate of Caldwell having been gifted to Dalziel a few months after her husband’s death, she was compelled to quit Caldwell House, and to seek a home, as she best could find it, for herself and her four fatherless children, three of whom were daughters. And not content with her simple ejection, Dalziel took away the furniture of Caldwell House which she had procured, amounting to the value of 500 merks.* She was besides deprived of all visible means of supporting herself and her children;

* This is included in the enumeration of her losses during the persecution, contained in the libel in the action she and her daughter raised against the grandson of Dalziel, before the court of session after the Revolution. In the same document, the following losses are added, “Item, the sum of 12,000 merks received by the general, or his said son, or their factors, from the respective tenants of the lands for tacks in name of grassum, or entry at Whitsunday 1671. Item, 6000 merks received by them from the feuars and vassals of the said estate, for entering them and other casualties that occurred during that time. Item, 10,000 marks sustained of damage through the said pursuer’s [Sir Thomas Dalziel’s] father demolishing the tower and manor place of Caldwell the time foresaid, and of the bygone rents of the lands, and others life-rented by the said Barbara Cunningham, and others particularly libelled.” - From Decreet Absolvitor, Sir Thomas Dalziel of Binns against the Laird and Lady Caldwell, in Proceedings of Parliament, 20th February, 1707, in Acts of the Scottish Parliament. It may here be stated, that to make the most of Caldwell’s estate, which he had unjustly acquired, Dalziel, quarrelling the tacks of the tenants as set beneath their true value, instituted a process against the tenants before the lords of session for removing them, although they had standing tacks of their several rooms granted them long before the forfeiture for years to run. But the case was decided against him. On January 28, 1674, “the lords of session decerned that where the tenants were innocent, and did not concur in the crime, [of treason, for which Caldwell was forfeited,] and had but tacks of an ordinary endurance, they should stand valid for the years to run after the forfeiture.” - Morison’s Dictionary of Decisions, pp. 4685 - 4689.

for though, by her marriage contract, an annual rent jointure, suitable to her rank, was secured to her from the lands of Caldwell, and she had been actually infeted in the estate prior to its forfeiture, yet, as we shall afterwards see, she was deprived of this her just right.

Greatly changed were her circumstances now from what they were during the first eight or nine years after her marriage, when she lived at Caldwell House in affluence, and day followed day without any cause for worldly care or anxiety. But she was not discouraged. She did not distrust in adversity the God whom she had trusted and served in prosperity. Confiding in his promises, she believed that He would provide for her and hers; and possessing too much self respect to be dependent for the means of subsistence on the bounty of others, she with her virtuous children, set themselves diligently to the task of supporting themselves by the labour of their

own hands. Nor was she ever burdensome to any person, not even to her nearest relations; and if at times, when reduced to straits, she was under the necessity of applying to them for a temporary loan of money, she afterwards thankfully and fully repaid it. Kind friends, whose sympathy was excited by her afflicted lot, and who were afraid she might be in pecuniary difficulties, repeatedly offered her money, but her noble spirit of independence shrunk from the acceptance of all such assistance. In reference to a sum of money which some friend in Holland had sent through Mr. Robert M'Ward of Rotterdam, to Mr. John Carstairs, to be communicated to her, Carstairs in a letter to M'Ward, dated February 8, 1678, says, "The Lady Caldwell was impersuasive in that matter, though I showed her at her desire from whom it was, she having never taken from any, of which boasting she is resolved not to be deprived, so long as she is able to live otherwise, which hath made me after this and some former essays, resolve not to trouble her. She desired me kindly to thank you in her name. I returned the money again to Mr. Watson." [*Wodrow MSS., vol. lix., folio, no. 77.*]

In this humble condition, Lady Caldwell, with her daughters, continued for many years, struggling for the means of subsistence, but contented and happy; - happier far, indeed, than that barbarous and unprincipled man could possibly be, who now wrongfully possessed, and had full and united dominion over the manor-house, the yards and orchards, the woods and meadows, throughout the liberties of Caldwell. To a woman of her independent temper of mind, it would be a high satisfaction to reflect that, though poor, she and her children were a burden to nobody. But she was encouraged and supported by nobler sentiments and more divine consolations. The losses and sufferings she had sustained had been endured in the cause of Christ, and she did not regret having been called to undergo them in so good a cause. She accounted them her crown, her glory. She took joy, fully the spoiling of her goods, knowing that she had in heaven a better and a more enduring substance. And, in the meantime, she had experienced that in proportion as her sufferings for Christ abounded, her consolations in Christ did much more abound. This, in her estimation, was of greater value than the largest earthly revenue; and the longer she lived, the more strongly was her heart inclined, whatever difficulties and tribulations might intervene and oppose, to "holdfast the confidence and the rejoicing of the hope firm unto the end." Such were the sentiments and feelings to which she gave expression in a letter to Colonel James Wallace, the friend of her husband. This letter has not been preserved, but its import we learn from Colonel Wallace's reply, which, though without date, appears to have been written either in 1677 or 1678; and the portion of it, illustrative of the christian character of Lady Caldwell, may here be quoted.

"ELECT LADY AND MY WORTHY AND DEAR SISTER, - Yours is come to my hand in most acceptable time. It seems that all that devils or men these many years have done (and that has not been little,) against you, to daunt your courage, or to make you, in the avowing of your Master and his persecuted interests, to lower your sails, has prevailed so little, that your faith and courage are upon the growing hand, an evidence indeed as to your persecutors of perdition, but to you of salvation and that of God. It seems when you at first, by choice, took Christ by the hand to be your Lord and portion, that you wist what you did; and that notwithstanding of all the hardnesses you have met with in bidding by him, your heart seems to cleave the faster to him. This says you have been admitted into much of his company and fellowship. My soul blesses God on your behalf, who hath so carried to you, that I think you may take these words amongst others as spoken to you, 'You have continued with me in my afflictions: I appoint unto you a kingdom.' It seems suffering for Christ, losing any thing for him, is to you your glory, is to you your gain. More and more of this spirit may you enjoy, that you may be among the few (as was said of Caleb and Joshua) that follow him fully, among the overcomers, those noble overcomers mentioned Rev. ii. and iii., among those to whom only (as picked out and chosen for that end) he is saying, 'Ye are my witnesses.' Lady and my dear Sister, I am of your judgment; and I bless his name that ever he counted me worthy to appear in that roll." He concludes thus: - "Let us mind one another. My love to all friends whom you know I love in the Lord. God's grace be with you, and his blessing upon your little ones, whom he hath been a father to!" [*M'Crie's Memoirs of Veitch and Brysson, &c., pp. 371-373. The letter is taken from the Wodrow MSS. It is addressed on the back, "For the Lady Caldwell, at Glasgow."*]

As has been said before, though by her marriage contract Lady Caldwell had secured to her, from the lands of

Caldwell, an annual rent jointure, and had been actually infefted in the estate, prior to its forfeiture, she was deprived of this right. [*Sir William Cunningham, of Cunninghamhead, in his account of the Sufferings of Lady Caldwell, preserved among the Wodrow MSS. (vol. xxxiii., folio, no. 57), incorrectly says that she had "neglected to take infeftment;" and Wodrow, whose account of her Sufferings is taken from that document, falls into a similar mistake.- (History, vol. iii., p. 440.) Fountainhall says, "Mure of Caldwell, being married to Cunningham's daughter in 1657, he infefts her in a life-rent jointure, partly by way of locality, and partly an annuity." - His Decisions, &c., p. 558. But though she was infefted upon her contract of marriage, her right was not confirmed by the Earl of Eglinton, of whom her husband held immediately his lands.- Morison's Dictionary of Decisions, pp. 4690-4693.] As might be expected, Dalziel, instead of respecting her rights, left no means untried to set them aside. In the beginning of the year 1680, as donator to the forfeited estate of Caldwell, he pursued her for mails and duties. She defended herself upon the ground of her life-rent infeftment. The base artifice with which her defence was met on the part of Dalziel is worthy of notice. Among other things, it was alleged for him, first, that Lady Caldwell's husband was yet alive, so that her life-rent existed not; and secondly, that she herself was in the late rebellion, in June, 1679. Both allegations were equally untrue. Her husband was not then alive, having died in Holland in 1670; and the slanderous defamation that she was in the rebellion at Bothwell Bridge was, doubtless, brought forward to injure her cause, by creating prejudices against her, in the minds of her judges. On her bringing an action against Dalziel before the lords of session, for her jointure from the forfeited estate, the lords, in November, 1682, found that though she had been infefted upon her contract of marriage, yet, as her right was not confirmed by the Earl of Eglinton, her husband's immediate superior, [*Her right was not confirmed by him previous to the forfeiture, though it was confirmed by him during the time of the debate.*] her right fell under the forfeiture, and that by the forfeiture of a sub-vassal, (whether the king's immediate or mediate vassal,) not only his own right, but all rights flowing from him, were carried. [*Morison's Dictionary of Decisions, pp. 4690-4693.*]*

For a considerable number of years after her return from Holland, Lady Caldwell had not experienced personal annoyance on account of her nonconforming principles, but was allowed, without disturbance, to pursue the peaceful occupations by which she and her children earned for themselves the means of subsistence. Indeed, considering what she had already suffered in being deprived of all her worldly substance, the government might have been ashamed to subject her to additional hardships and more accumulated sorrow. But arbitrary and persecuting governments are as little affected by a sense of shame as by a sense of justice. In the year 1683, about twelve years after her return from the Continent, during which time she had lived in industrious and contented poverty, chiefly, it would appear, at Glasgow, the storm of persecution suddenly burst upon her head. Without indictment or trial she was made prisoner, and confined in one of the state prisons for upwards of three years. The cause of her imprisonment, and the hardships she endured during its continuance, we shall briefly relate, as affording a striking instance of the extreme disregard of justice, and the utter heartlessness which characterized the men who administered the affairs of our country in the times of which we write. [*Our narrative is taken chiefly from Sir William Cunningham's MS. account of Lady Caldwell's sufferings, already referred to. It may here be stated, that Sir William was not Lady Caldwell's brother; as Dr. Burns, in his edition of Wodrow's History, supposes, (vol iii., p. 441,) but her brother's son, her brother, as we have seen before, having died in 1670, when he was succeeded by his eldest son, the writer of that account. The son, like the father, was a sufferer in those evil times, even when a schoolboy, incapable of giving much offence, or creating much alarm. - See Wodrow's History, vol. ii., pp. 428, 429. He married Anne, daughter of Sir Archibald Stuart of Castlemilk, but had no issue, and died in 1724. - Robertson's Ayrshire families, vol. i., p. 308.]*

The circumstance in which her imprisonment originated was the false information that a recusant minister had been preaching in her house. To make the narrative intelligible to the reader, it is necessary to state that the house in which she lived, which was in Glasgow, was near the foot, and upon the east side, of the street called the Saltmarket, and that the windows consisted mostly of timber boards, there being only a few inches of glass above the boards. One would suppose that it would have been difficult, or rather impossible, for any person, from the opposite side of the street, to discover, through the small pieces of glass at the top, what was going on in the interior of the house. But in those days it was no uncommon thing for base individuals, [*These were either renegades from the Presbyterian faith, or the lowest and most degraded of the people.*] either from pure malignity or in the mercenary hope of reward, to give false informations to the government and their underlings against the

persecuted Presbyterians; and in the present case a person of this stamp, who lived on the opposite side of the street, affirmed that one night, on looking from his own house on the west side of the street, just opposite to her house, he saw a minister preaching in her chamber. He immediately repaired to the Lord Provost of Glasgow, whose name was Barns, a man of known hostility to the Presbyterians, and informed him of what he pretended he had seen. The provost, incited by Mr. Arthur Ross, then archbishop of Glasgow, whom he had informed of the case, proceeded so far as to give orders for the apprehension of Lady Caldwell and her three daughters, who lived with her, and they were all imprisoned in the tolbooth of Glasgow. This was done, be it



Glasgow Tolbooth

observed, before they were convicted of any fault, and solely upon the information of a single person, whose information might justly be suspected of falsehood, it being hardly credible that he could discover by candle light through two glasses - his own window and the few inches of glass which were at the top of her's - at the distance of so broad a street, a minister preaching in the house, had a minister at the time been so engaged. In vain was redress to be looked for from the lords of his majesty's privy council, for they were the very fountain of oppression, the chief instruments of destroying the civil and religious liberties of their country. On being informed of the case, probably by the archbishop of Glasgow, the privy council not only approved of the ille-

gal proceedings of the provost of Glasgow, but gave orders, May 22, 1683, that Lady Caldwell and her eldest daughter, Miss Jean, should be carried prisoners to the Castle of Blackness* by a strong guard. The orders were strictly executed, and Lady Caldwell continued a prisoner there for a period of more than three years, and

* Blackness Castle is an ancient royal fortress, in the parish of Carriden, Linlithgowshire. It is situated at the eastern extremity of the parish, on the south side of the Firth of Forth, on a rocky promontory, projecting into the Firth. It is built in the form of a ship, and is one of the oldest fortifications of Scotland, being a regular fort of four bastions, which, along with the fortifications on the small island of Inchgarvie, seems completely to command the passage of the Forth to Stirling. It is one of the four ancient national fortresses that, by the articles of union, are required to be kept in constant repair; the other three being the castles of Edinburgh, Stirling, and Dumbarton. The period of its erection is unknown. During the struggle between Presbytery and Prelacy in the reign of James VI, it was used as a place of confinement for those ministers and laymen who had become obnoxious to the government for their assertion of the principles of religious liberty. Here Mr. John Welsh, minister of Ayr, and five other ministers, were, for holding a general assembly at Aberdeen, in July, 1605, in opposition to the wishes of the monarch, confined from August that year till towards the close of the following year, when they were banished the king's dominions, not to return upon the pain of death. The dungeon in which Welsh was immured is still pointed out. It is the lower cell on the west part of the building. The visitor who enters it is enabled to form some idea of what our forefathers suffered in the cause of civil and religious freedom. It is of small dimensions. The floor is the bare unequal rock, on which one can neither stand nor walk with any measure of comfort; and the only means by which light and air are admitted is a chink in the wall. Blackness Castle was at length allowed to fall into disrepair, but as the persecution of Charles II advanced, to find room for the Whig prisoners, it was again fitted up as a place of confinement. "24th June, 1677. The council wrote a letter to his majesty, desiring he would be pleased to grant warrant to his thresurie for lifting as much money as will repair the Castle of Blackness for holding prisoners, the Bass being already full. His majesty sent down a warrant conform." - Fountainhall's Historical Notices, p. 169. Blackness Castle was repaired in the year 1679, "designed," says Row, "to be a prison as formerly under the old bishops." - Life of Robert Blair, p. 567. And within its gloomy walls many Covenanters were immured for years.



Lady Caldwell and her Daughter taken to Prison.

her daughter for nearly six months.

Had the charge brought against Lady Caldwell been substantiated, - had it been proved that, at the time specified, a nonconforming minister had been preaching in her house, - she and her daughter would, no doubt, have been liable to the severe penalties of the unrighteous and cruel laws then in force against conventicles. By an act of parliament, passed in August, 1670, outed ministers not licensed by the council, and any other persons not authorized by the bishop of the diocese, are prohibited from preaching, expounding scripture, or praying in any meeting except in their own houses, and to those of their own family, under severe penalties; and by the same act it is "statute and commanded that none be present at any meeting, where any not licensed, authorized, nor tolerated, as said is, shall preach, expound scripture, or pray," except the minister's own family, and it is declared "that every person who shall be found to have been present at any such meetings shall be, *toties quoties*, fined according to their qualities, in the respective sums following, and imprisoned until they pay their fines, and further during the council's pleasure. . . . And if the master or mistress of any family, where any such meetings shall be kept, be present within the house for the time, they are to be fined in the double of what is to be paid by them for being present at a house conventicle." [*Wodrow's History*, vol. ii., p. 169.] And in an act of parliament, June, 1672, in reference to the part of the preceding act which prohibits nonconforming ministers, not licensed by the council, or not having authority from the bishop of the diocese, "from preaching, expounding scripture, or praying in any meeting, except in their own houses, and to those of their own family," it is said, "since there may be some questions and doubts concerning the meaning and extent of that word *pray*, his majesty doth, with advice foresaid, declare that it is not to be understood as if thereby prayer in families were discharged by the persons of the family, and such as shall be present, not exceeding the number of four persons, besides those of the family; [but] it is always declared that this act doth not give allowance to any outed minister to pray in any families except in the parishes where they be allowed to preach." [*Wodrow's History*, vol. ii., p. 200.] Even the indulged ministers could not, according to the acts of the indulgence, September, 1672, have preached in the private house of a friend without involving themselves and their hearers in the violation of these laws; and they were laws still in force, in so far as Glasgow was concerned; for although a proclamation, suspending the laws against house conventicles on the south side of the river Tay, was issued, dated June 29, 1679, "the town of Edinburgh and two miles around it, with the lordships of Musselburgh and Dalkeith, the cities of St. Andrews and Glasgow and Stirling, and a mile about each of them" are excepted. [*Wodrow's History*, vol. iii., p. 149. *But even as to house conventicles, as Fountainhall informs us, the council afterwards found that, notwithstanding this proclamation of indulgence, they might be punished and fined unless licensed by the council, - that the king's indulgence had not permitted them but only where, upon application to the council, they are established - Historical Notices of Scottish Affairs*, p. 244.] Had Lady Caldwell and her daughter then been convicted of the charge brought against them, they would, according to the iniquitous laws then in force, have been liable to be fined, and, failing to pay their fines, to be imprisoned. [*Sir William Cunningham, in his account of Lady Caldwell's Sufferings, speaking of her daughter, Miss Jean, indeed says, "Yea though the matter of fact as alleged had been true, what law even then could make the poor gentlewoman of twenty years of age liable to such cruel treatment, she being in her mother's house, where though there had been sermon, yet by law it ought to have been proven that there were five more than the family present to hear it, whereas it never was pretended that there were any more present than the lady and her family." Wodrow makes the same statement. But both are mistaken. It would have been illegal, as is evident from the acts of parliament quoted in the text, for a nonconforming minister to have preached in Lady Caldwell's house, though none but the members of her own family had been present.*]

But they were not convicted of the breach of any law. Their imprisonment was therefore illegal. Presbyterian ministers were indeed in the habit of paying visits to Lady Caldwell, and they frequently preached in her house; but this was never proved; and in reference to the particular charge, on the ground of which she was imprisoned, she always denied that, at the time specified by her accuser, any person was preaching in her house, and the contrary was never established, against her. No attempt was indeed made to prove the charge; the very forms of law were disregarded; no judicial procedure was gone through; a summary and arbitrary course, which bore injustice on its very front, was adopted, - a course naturally tending to destroy all security of personal liberty, and to beget a universal distrust; for any one might have been arrested upon a similar charge, and however innocent, have been consigned to a dungeon.

The treatment of Lady Caldwell and her eldest daughter was not only illegal and tyrannical, it was also barbarously cruel. It was robbing of her liberty, a lady who had nothing else under God but the fruits of her own industry, to support herself and her children, and against whom nothing could be found by her persecutors, save only that “after the way which they called heresy, she worshipped the God of her fathers.”

When brought to the Castle of Blackness, she and her daughter were kept close prisoners, except that the governor, who was disposed to favour them, sometimes, though at his peril, allowed them to visit his lady, whose room was immediately below the cell in which they were confined. The society of the two captives would serve in some degree to relieve the tedious hours of their imprisonment; but after the lapse of nearly six months, [*Sir William Cunningham says, “a year and some more;” and Wodrow says, “for near a year’s time.” But from the date of the order of the council for her liberation, compared with the date of the act of council ordering her imprisonment, it is evident that the period of her imprisonment was somewhat less than six months.*] Miss Jean, who was only about twenty years of age, began to suffer in her health, in consequence of her close confinement, which excited painful apprehensions in her mother, whose sense of her own sufferings was for the time absorbed in the deep and distressing concern which she felt for her afflicted daughter. Lady Caldwell having conveyed to some of her relations information respecting the indisposition of Miss Jean, and begged them to interpose their kind assistance for obtaining her release for the recovery of her health, application was made to the privy council by several of her relations, for the liberation of the two ladies, or at least for the liberation of the indisposed daughter. After much trouble and no small expense, an order was at last obtained for the latter being set at liberty. In answer to a petition which she presented to the privy council to that effect, accompanied with the testimonials of physicians as to her ill health, the following act of council was passed:-

“11th September, 1683.

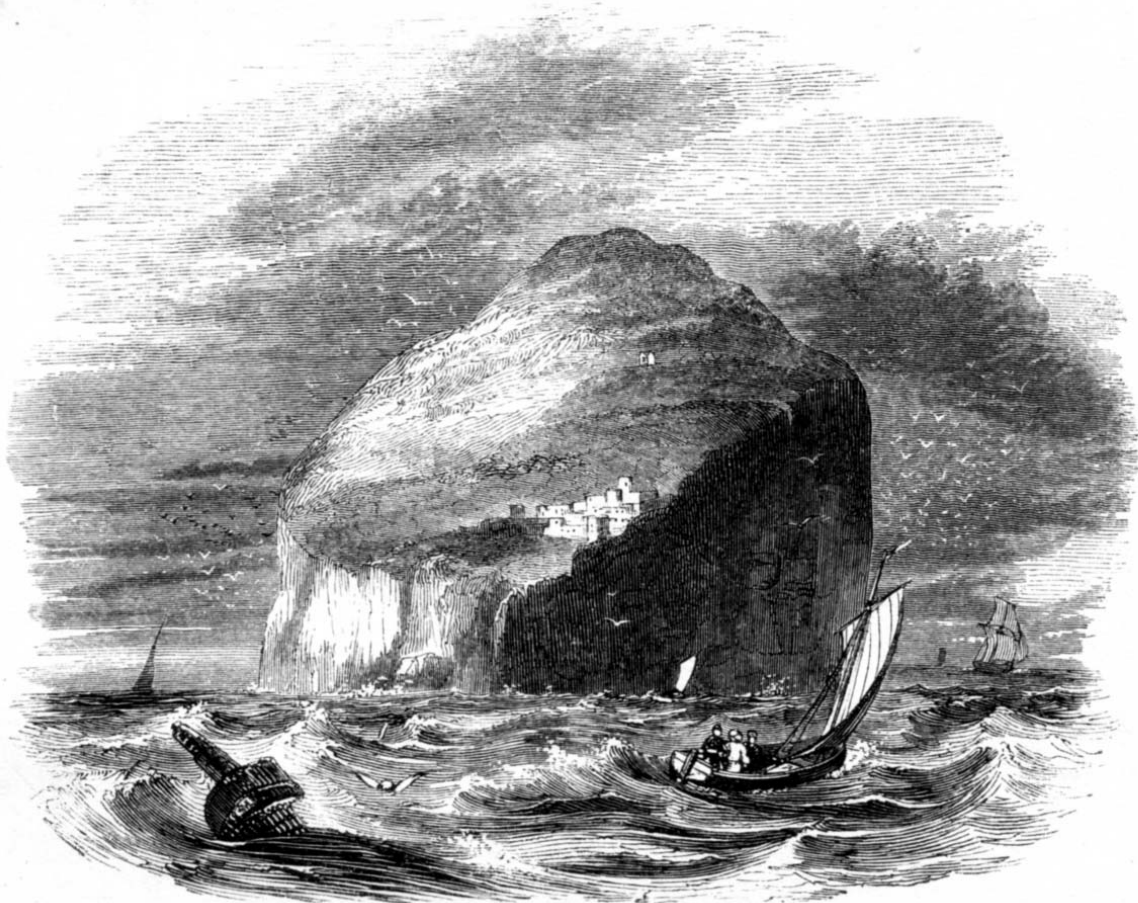
“The lords of his majesty’s privy council having heard and considered a petition presented by Jean Mure, prisoner in the Castle of Blackness, for several alleged irregularities and disorders, and in regard of her present sickness and indisposition, testified under the hands of physicians, supplicating for liberty, Do hereby give order and warrant to the Earl of Linlithgow, governor of the said Castle of Blackness, and his deputies there, to set the said Jean Mure, petitioner, at liberty, in regard of her said present indisposition and sickness, and that she hath found sufficient caution, acted in the books of privy council, that she shall re-enter her person in prison, within the said Castle of Blackness, upon the first day of November next, under the penalty of one thousand merks Scots money in case of failure.” [*Decrees of Privy Council.*]

She was, however, afterwards relieved from the necessity of returning to the prison of Blackness at the time specified in this act. Having presented another petition to the council, “desiring that the former liberty allowed her forth of the Castle of Blackness, where she was prisoner for several alleged irregularities, might be prorogate for some further time, to the effect she may go about her own and her mother’s affairs, and may have access to her, being prisoner in the said Castle, both day and night,” the council, at their meeting on the 6th of December, 1683, “prorogate and continue the petitioner’s foresaid liberty forth of the said Castle, in regard she hath found sufficient caution, acted in the books of privy council, that she shall compear personally before the council upon the first Thursday of February next, or that the said day she shall re-enter her person in prison, within the said Castle of Blackness, and that under the penalty of one thousand merks Scots money in case of failure, in either of the premises.” [*Register of Acts of Privy Council.*]

In February she presented a third petition to the council, “showing that, being incarcerated with her mother in the Castle of Blackness, near ten months ago, for being present at a conventicle, as alleged, in her said mother’s house, and upon application being made to the council liberated, but withal ordained to re-enter this instant month of February, her imprisonment had been attended with great indisposition of health; and therefore humbly craving that the council would be pleased to consider her circumstances, a very young gentlewoman, having no means of livelihood but by a dependence on her mother, and to commiserate her case, and ordain her to be set at liberty, at least upon caution to compear when called.” “The lords of his majesty’s privy council having,” at their meeting of the 14th of February, 1684, “considered the foresaid petition, give warrant

to the clerks of council to deliver to the supplicant's cautioner the bonds given for her, in regard conform thereto he has exhibited her." [Decrets of Privy Council.] The young lady's trouble, it would appear, on account of the alleged conventicle in her mother's house, was now brought to a close.

But her mother's sufferings on the same account were of much longer duration. Lady Caldwell, at the time when her daughter was liberated, was allowed, "as a mighty favour," "to ascend by some steps, to take the air upon the head of the castle wall, but at that time not to go without the foot of the turnpike where she lodged, though indeed afterwards she obtained the liberty within the precincts of the castle." [Sir William Cunningham's MS. account of the Sufferings of Lady Caldwell.] But after this she continued a prisoner there for about two years and nine months. The sufferings she endured during that period must have been great. We have no chronicler who has left a record of the annoyances and privations which the covenanting prisoners endured in the Castle of Blackness, as James Fraser of Brea has left a record of those endured by the prisoners of the Bass. As in the Bass, they would probably suffer from the caprice, rudeness and profaneness of the garrison. From several of the petitions presented by the prisoners which we have seen, it appears that in most cases the health of the prisoners gave way, and that diseases of a very serious nature were often contracted. Hard as it was for this lady to be deprived of all her substance, and to be compelled scantily to support herself and her children by the labour of her own hands, her condition was now much more painful and distressing. Now she was removed from her children, who had proved a blessing and a comfort to her, and, shut up in a prison, was



The Bass Rock, from the South

doomed to spend her time under harsh restraint and in solitude, her children, relatives, and friends being only occasionally allowed to visit her. In this desolate situation, the days and the months would pass heavily away, and she could not but often experience a sinking in her spirit. It was, however, well that by the discipline of adversity the principles of her faith had been established, and that she was prepared, by her christian fortitude, and her holy trust in God, to suffer still greater hardships than those to which she had been even as yet inured.

Among the hardships which she endured during this period of her imprisonment, the following case of heartless cruelty reflects the utmost disgrace upon the government of that day. Her cousin-german, Mr. Walter Sandilands of Hilderston, [*Mr. Walter Sandilands was the son of William Sandilands, brother of the fourth Lord Torphichen, by his wife, who was a sister of Lady Caldwell's father. Both his parents were "distinguished for their attachment to the principles of the Presbyterian Church of Scotland, and their mansion-house at Hilderston was often the hospitable resort of the persecuted Covenanters." Mr Walter himself "retained the same attachment to Protestant and Presbyterian principles which had, characterized the family from the days of their illustrious ancestor, Sir James Sandilands, the friend and patron of John Knox."* - *Wodrow's History, vol. iii., p. 441.*] then living at the West Port of Linlithgow, the heiress of which property he had married, having fallen sick of a violent fever, which issued in his death, she, on hearing of his dangerous illness, sent two of her daughters, probably on their paying her one of those occasional visits which for a time cheered up her heart, to give him her kind compliments and inquire how he was. Within a few hours after their arrival at his house, her second daughter, Miss Anne, was attacked by the fever, of which she afterwards died at Linlithgow. Being informed of the severe and dangerous sickness of her daughter, Lady Caldwell naturally felt a strong desire to see her; and being distant from her only two miles, she hoped that so small a favour would, upon application, not be refused. But her hopes were disappointed. Though she earnestly desired to be permitted to go and see her "dearly beloved dying daughter," for only one hour, should no longer time be granted, and though she willingly offered to take a guard with her, yea, to take the whole garrison along with her as a guard, should it be required, and to maintain them at her own expense, while she made this visit; yet the most earnest solicitations were ineffectual. These cruel men, trifling with the yearnings of a mother's love, refused to grant so reasonable a request, and thus she was deprived of the opportunity of seeing her daughter before her death. To such as know a mother's heart, it is needless to say how pungent must have been her anguish to think, that her daughter should sicken, die, and be buried, while she, though at the distance of not more than two miles, was only permitted to hear of all this as each mournful event successively happened. [*Sir William Cunningham, in his MS. account of Lady Caldwell's sufferings, which relates chiefly to those connected with her imprisonment in Blackness Castle, concludes thus: - "As the records of the secret council will vouch a great part of this narration, so Glasgow affords yet many living witnesses of the truth of what is before advanced, and the neighbourhood of Blackness, there being several honourable persons yet alive who can bear testimony to it, as well as yet living fellow-prisoners. As also the truth of what is said is referred to the declaration of the present Laird of Bedlormie, then deputy-governor of the Castle of Blackness, upon his word of honour; yea, there is a defiance given to the challenger, to search if he can find, among any of the records of the jurisdictions of Scotland, if the Lady Caldwell had been impeached, or convict, any other way but in the manner already said."*]

After being imprisoned for more than three years, Lady Caldwell was at length released, in answer to a petition which she presented to the privy council. From the character of the petitions presented to the privy council by the imprisoned Covenanters, we can almost always learn whether a long imprisonment had the effect of weakening their resolution, or whether their steadfastness of purpose remained unshaken. If the former had been the effect, some concession is made, as an engagement to live regularly, or to obey the laws; if the latter, an entire silence is preserved on that subject, so that the omission is pregnant with meaning - is a certain evidence that the spirit was unsubdued by persecution. This last was the form of Lady Caldwell's petition. It is simply a prayer to be released from her confinement, on the ground of her ill health, and her impoverished circumstances, and contains not a single statement implying the least wavering or unsteadfastness as to her principles. This is no small commendation. Imprisonment, so far from being a light punishment, may be rendered the most bitter and crushing to the spirit, that can be inflicted, and when protracted during months and years, it has not unfrequently subdued the fortitude of men, who, in the excitement and activity of actual conflict, have braved death, in resisting arbitrary and unhallowed impositions upon conscience. Acting like a slow and lingering torture, it has exhausted the patience of the spirit, and laid prostrate its moral heroism. But Lady Caldwell's moral firmness, after an imprisonment of more than three years, remained unmoved. She had no attachment to prison rails, to dank and confined air; for she had experienced their injurious effects in exhausting the strength of her frame. She had no satisfaction in being kept from the society of her children, for she had found in this her greatest earthly comfort, since their father's death. She had no liking for the numerous privations and hardships of her captivity. All these were associated in her mind, with painful feelings and rec-

ollections, with sighs, tears, and regrets - the natural companions of a prison's inmates. But to escape from them she would not compromise her integrity, or do aught inconsistent with the principles for which she was honoured to suffer so much. The petition she presented to the privy council is as follows:-

“Unto the Right Honourable the Lords of his Majesty's Privy Council - The Petition of Barbara Cunningham, relict of William Mure, sometime of Caldwell, prisoner in the Castle of Blackness

“HUMBLY SHOWETH,

“That your lordships' petitioner hath been detained prisoner above these three years, for alleged being present at a house conventicle, by reason whereof she is become, very valetudinary, and is also reduced to great difficulties, being (in respect of her deceased husband's forfeiture) wholly deprived of any subsistence forth of that estate, either to her or her children, these nineteen years begone.

“May it therefore please your lordships' to commiserate my valetudinary and destitute condition, and to ordain me to be set at liberty, and your petitioner shall ever pray,” &c. [*Warrants of Privy Council. Sir William Cunningham, in his account of Lady Caldwell's sufferings, and Wodrow, in his History, incorrectly say that she was dismissed without any petition having been presented to the council for her liberation.*]

As this petition, though worded respectfully, makes not the least acknowledgment of a fault, nor contains any engagement to live regularly in future, it was by no means calculated to conciliate the favour of the lords of his majesty's privy council. But as James VII was then beginning, with the view of promoting his scheme of introducing popery and slavery into Britain, to profess great zeal for the toleration of Protestant Dissenters, the omissions of the petition of the stern and inflexible Covenantress were overlooked; and the following order was issued for her liberation: -

“Edinburgh, 21st June 1686.

“The lords of his majesty's privy council having considered the bills presented by Barbara Cunningham, Lady Caldwell, now prisoner in the Castle of Blackness, desiring liberty upon the considerations therein mentioned, do hereby recommend to the Earl of Linlithgow, Lord Justice-General, and chief Governor of the said Castle of Blackness, to grant order and warrant to set the said Lady Caldwell forthwith at liberty, for which this shall be a sufficient warrant to the said earl and all others concerned.” [*Warrants of Privy Council.*]

According to this order, Lady Caldwell, without coming under any engagement whatever, or even receiving a caution not to offend against the laws in future, was liberated, and, after a long separation, restored to the bosom of her family. During the remainder of the persecution, which was now drawing to a close, she was permitted to live with her children in peace; and they lived together in the same humble condition as before, earning their subsistence by honest industry.

It is gratifying to know that, after the Revolution, justice, in so far as possible, was done to this worthy lady and her family. The forfeiture of her husband was rescinded by the Scottish Parliament, not only by the general act of July 4, 1690, rescinding the forfeitures and fines of the Covenanters, from the 1st of January 1665, to the 5th of November 1688, in which his name occurs, among some hundreds of other names, but by another act, 19th July 1690, which expressly rescinded it on the ground of its having been pronounced by the justiciary court in his absence; which, it is declared, was illegal, and therefore, from the beginning, null and void. [*The act is entitled, “Act rescinding forfeitures in absence before the justice court, preceding the year 1669, and restoring Caldwell, and Kersland, and Mr. William Veitch.” - Acts of the Parliament of Scotland.*] To illustrate further the good inclination of those in high places, after the Revolution, to do all justice to those who had suffered during the persecution, it is worthy of remark that her then only surviving child, Barbara [*Lady Caldwell's eldest daughter, Jean, who had married Colonel John Erskine of Carnock, died, without issue, a few years after the Revolution, perhaps in 1695. On the 8th of January 1696, by decree of the commissary court of Edinburgh, Barbara Mure, her sister, was decerned nearest of kin to her. - Register of Confirmed Testaments, 24th July 1696.*] (who had married John Fairlie of that ilk), having, as heiress and executrix to her father, and Lady Caldwell herself having for her liferent right and interest, pursued Sir Thomas Dalziel

of Binns, grandchild to the donator, before the lords of session, for payment of the rents of the estate of Caldwell intromitted with by the said donator, or his gratuitous assignees, during the forfeiture, the lords of session, on the 5th of December 1705, found Sir Thomas liable not only for his predecessors' bygone actual intromissions, but for the whole rental of the estate from the time his grandfather entered into the possession, and even for omissions. Some of the judges thought the restitution of bygones very hard. But the answer was, *Durum est, sed ita lex scripta est.* [i.e., "It may be hard, but such is the law." - *Morison's Dictionary of Decisions*, pp. 4694, 4750.] The case having, however, been carried, by Sir Thomas Dalziel, to the Scottish Parliament, the decision of the court of session was altered on the 20th of February 1707, and Sir Thomas relieved from his liability for the bygone rents of the estate of Caldwell preceding the term of Martinmas 1688, on account of certain specialities in his case, distinguishing it from other cases falling under the act rescissory. [*Acts of the Parliament of Scotland*, March 20, 1707.]

From the references made in these proceedings to the subject of this notice, it is evident that she was then alive. But how long she survived we have not been able to ascertain.
