

### THE TYRANNY AND DEATH OF PATRICK, EARL OF ORKNEY.

THE ancient earldom of Orkney, during the progress of centuries and the increase of population and refinement, lost much of its character of a private sovereignty, and acquired many and increasing properties of a paternal government. When the line of the sea-kings or Scandinavian jarls failed in the person of Magnus V., the earldom passed to Malis, Earl of Strathearn, who was married to the only daughter of Magnus; and afterwards, in 1379, it passed to "the lordly line of high St. Clair" or Sinclair. While William Sinclair, the third of his name, held the earldom, the young King of Scotland—James III.—pressed with the difficulty of Christian I., King of Denmark, Norway, and Sweden, having demanded payment of a long arrear of "the annual of Norway"—married Margaret, the princess of Denmark; and, in 1468, obtained as her dowry 2,000 florins in money, and the impignoration of Orkney for 50,000 florins, and of Shetland for 8,000 more. As the islands were never ransomed from the pledge, they thenceforth became politically and entirely attached to Scotland; and in 1470-1, the earldom of Orkney and the lordship of Shetland were, as to their "hail richt," purchased by James III. from the Sinclairs, and annexed by acts of parliament to the Crown, not to be alienated, except in favour of a lawful son of the King. In 1489 and 1501, Henry Lord Sinclair, a descendant of the Earls, obtained from James IV. leases of the earldom, at the low rate of £336 13s. 4d. Scotch; and though he fell in 1513 at Flodden, the property was, at the same rent, continued, by successive leases, to Lady Margaret, his widow. In 1529, the Earl of Caithness and Lord Sinclair, either to usurp the renewed lordship of the whole purchased earldom, or to take forcible possession of Lady Margaret's lease, or to adjust some question arising

out of intermixture of rights, or to extinguish the udal holdings of the ancient inhabitants, and to subject them to feudal grantees of the Scottish crown—for all these reasons have been, by turns, assigned—invaded Orkney with an armed force, and were encountered by the governor of Kirkwall castle, heading the Orkney-men and others at Summerdale or Bigswell in Stenness; and there they sustained a disastrous and extinguishing defeat, the Earl of Caithness and 500 of his followers being slain, and Lord Sinclair and all the survivors of the force made prisoners. In 1540, the favourable leases to Lady Margaret Sinclair terminated by a general act of annexation and revocation. Oliver Sinclair of Pitcairns was the last lessee of his family; and he obtained, for an advanced annual rent of £2,000, two successive leases, the latter of which expired in 1546. His name is associated with one of the most humiliating transactions recorded in the history of our country,—the disloyalty of the Scottish nobles, the dishonour of the Scottish arms at Solway moss, and the consequent captivity of the army, and heart-breaking of the promptest and most enterprising of the Stuart dynasty. The family of Sinclair in Orkney may be regarded as having been extinguished at the premature death of James V., and they have now, on the scene of their ancient greatness, and the seat of their ancient residence and power, no memorial except the rubbish of their castle,

“ ————Where restless seas  
Howl round the storm-swept Orcades,—  
Where erst St. Clair bore princely sway  
O'er isle and islet, strait and bay;”  
—“ Still nods their palace to its fall,  
Thy pride and sorrow, fair Kirkwall.”

The earldom of Orkney became part of the jointure of the widow of James V. immediately after his death, and remained

with her till her own death in 1560; and, when she was called to the regency, it was placed by her under the administration of Bonot, a Frenchman, whose appointment was extremely unpopular. How it was disposed of during 15 years following her death, is not known. In 1564, Lord Robert Stuart, the natural brother of Queen Mary, received by written charter, for an annual rent of £2,000 13s. 4d. Scottish, "all and whole the lands of Orkney and Zetland, with all and sundry the isles belonging and pertaining thereto, with all and each of the castles, towers, fortalices, woods, mills, multures, fishings, tenants, service of free tenants, with the whole superiority of free tenants, advocation, donation of churches, and with the office of sheriff of Orkney, and sheriff of the Fouldrie of Zetland." James, Earl of Bothwell, for a brief moment, in 1567, enjoyed an annulment in his favour of this grant to Lord Robert, and was plumed with the high designation of Duke of Orkney; but, if ever he at all obtained infestment, he had but momentary possession, for, exactly a month after the date of the marriage-deed, which assigned him Orkney with its new title, he fled from Carberry-hill, and for ever lost sight of his phantasmagorial dukedom. At the close of the same year, a question was agitated in parliament, "quhider Orknay and Zetland sal be subiect to the commone law of this realme, or gif thai sal bruike thair awne lawis?"—when it was found "that thai aught to be subiect to thair awne lawis."

Lord Robert Stuart, on obtaining possession of the earldom, had as commendator or abbot of Holyrood, exchanged his temporalities with the bishop of Orkney for those of the bishopric, the power of which had been made co-ordinate with that of the Crown; and he thus united in himself the rights both of the Earl or the Crown and the bishop;—and, a little before the queen's marriage, he got a right to her third of the revenues of Holyrood abbey, or a pension of £990 of money, besides a large quantity of every sort of

grain, and was in consequence prevented from clamouring at the change which was made in favour of Bothwell. The earldom, or crown estate of Orkney, is said by some authorities to have been resumed by him on Bothwell's disgrace; but from an extant act of parliament it appears to have, for 14 years, or till 1581, regularly yielded up its revenues for behoof of the Crown. In 1581, it was restored to him by act of parliament, with the same latitude of possession and loftiness of jurisdiction as when originally granted by Mary; in 1587, it was revoked by another act of parliament, and for two years afterwards was let out for £4,000 Scottish a-year, to Sir John Maitland of Thirlstane and Sir Ludovick Balcantine, who were respectively Lord-chancellor and Justice-clerk; in 1589, it was re-granted to Lord Robert Stuart for an annual rent of £2,073 6s. 8d. Scottish; and in 1591, it was infested to his lordship in life-rent, and his son Patrick in fee.

After Lord Robert's death, which occurred in 1592, and another resumption made by the Crown, Patrick got charters, in 1600, of both the earldom and the bishopric, so that their joint rights were concentrated in his person; yet he obtained not, as Mary's grant gave to his father, a right either to "the whole" lands and isles of Orkney and Shetland, or to the feudal superiority over the landholders, but, on the other hand, was bound to administer justice according to the peculiar laws of the region before it belonged to the Scottish crown. Both his father and he, however, were proud, avaricious, cruel, and dissipated; and, whether they possessed power legally, or could wield it by extortion and usurpation, they cared not, provided they could so work it as to demolish the rights and liberties of their people, and amass for themselves the influences, the monopolies, and the possessions of tyranny. Udal lands and tenements were free from taxation to the Crown, or vassalage to a lord superior; they could not be alienated, except by what was called "a shynde bill" obtained with the consent of all heirs in the Fouldry court;

and, at the death of a possessor, they were divided, without fine and in equal portions, among all their children. Earls Robert and Patrick aimed with their whole energy to destroy the system, and to introduce feudal tenures; they so summoned and adjourned the great Fouldry court, as to possess a master-key to its movements; they perverted both this court and every other by the introduction of their creatures; they silenced and overawed the refractory udallers by means of a licentious soldiery; and they employed their rights over the temporalities of the bishopric as a pretext for levying fines from such landholders as incurred any censure of the church. They, in consequence, wrested much landed property from the rightful owners, and terrified not a few of the udal proprietors into a surrender of their peculiar privileges, an acknowledgment of feudal vassalage, and an acceptance of tenure by charter. The rents of the earldom being paid chiefly in kind, too, they, in order to increase the amount of proceeds without changing the nominal bulk, twice arbitrarily increased in value the weights used in the country,—raising the mark, which was originally 8 ounces, first to 10 and next to 12, and the lispund, which was originally 12 pounds, first to 15 and next to 18. Earl Patrick even excelled his father in outrageous despotism; he compelled the people to work like slaves in carrying on his buildings and other works; he confiscated the lands of the inhabitants on the most trivial pretences; he summarily distrained the moveable goods of any man who dared to leave the islands without his own or his deputies' special licence; and—in crowning display of at once his savageness and his avarice—he ordained that “if any man tried to supply or give relief to ships, or any vessel distressed by tempest, the same shall be punished in his person, and fined at the Earl's pleasure.”

The style in which he lived, too, was both a great aggravation of his tyranny and a continual insult on the miseries of his people. “He had a princelie and royall renew,”

says the author of the *Historie and Life of James the Sext*, printed in 1825 for the Bannatyne Club; "and no man of rent or purse mycht enjoy his propertie in Orknay, without his special favour, and the same deir boght; whereby it followit that fitchit and forgeit faultis was so devysit aganis manie of them, that they wer compellit, be emprisonment and small rewarid, to resigne ther heritable tytlis unto him; and geve he had a steve purse and no rent, then was sum cryme devysit aganis him, wherby he was compellit to lose ather half or haill therof, geve not lyff and all besyd! And his pomp was so great ther, as he went never from his Castell to the Kirk, nor abroad utherwayis, without the convoy of fiftie muscaters and uthir gentilmen of convoy and gaird. And siclyk, before denner and supper, ther wer thrie trumpetters that soundit still till the meat of the furst service was set at table; and siclyk, at the second service, and consequentlie, efter the grace. He had also his ships directit to the Sea, to intercep Pirats, and collect tribut of uncouth fishers, that came yearlie to these Seyis; wherby he maid sik collection of gret gunnis and uther weapons for weare, as no Hous, Palice, or Castell, yea all in Scotland wer not furneist with the lyk."

But though cruel, truculent, sensually luxurious, and savagely vain, he was not altogether a brute, but possessed a fine appearance and a noble bearing, and was able when he pleased to behave with courtesy and like a considerate prince. He had spent much of the early part of his life at court, and was well skilled in the usages and refinements of the civilized world, and might probably have made a good enough figure as either a courtier or a noble but for the impulses of his ungenerousness and ambition. He suffered much at court, too, from the influence of the worthless royal favourite, the Earl of Somerset, who secretly undermined and calumniated him; and, when he retired to Orkney, he was inwardly lashed as keenly perhaps by the consciousness of undeserved disgrace

as by the power of wanton wickedness; and, having no counteracting force in good moral habits or upright principles or a well-informed mind, he rushed wildly into a reckless warfare against all civilized society, and revenged his inward misery upon the poor people who were under his authority, and formed the insane project of making himself an independent sovereign and at the same time one of the most absolute and luxurious of despots. He ran his career of crime and oppression with impetuous speed, and soon drove the inhabitants of both Orkney and Shetland to distraction, and forced them to address the most indignant appeals to the throne for protection, and eventually made himself so surpassingly odious that his name continues to the present day to be mentioned, throughout the islands, with antipathy and disgust. The wailings of his people against him were addressed both to the King and to the Privy Council; and perhaps they sounded in their ear quite as loudly on the score of common humane feeling as on that of ordinary or enlightened policy. Sharp remonstrances were at first sent to him, but with little effect; and at length legal proceedings were instituted against him by the Lord Advocate,—and he was recalled, shut up in prison, and accused of high treason.

The Earl was at first imprisoned in Edinburgh Castle; but, in consequence of his attempting to escape thence, and of his showing a readiness to make use of the facilities which existed in the metropolis for political intrigue, he was removed to the Castle of Dumbarton. Every possible contrivance was adopted, on the part of the Lord Advocate and the Privy Council, to enable him to exculpate himself from the terrific accusations which had been made against him of oppression and tyranny,—but without success; and so anxious was the King for his release that he offered him the keepership and profits of either of the royal palaces of Falkland, Stirling, Linlithgow, or Holyrood, together with ten thou-

sand pounds of rent, on condition of his renouncing all right to the earldom of Orkney.

But the Earl would not listen to any accommodation; and brooded in secret on his visionary ambition; and became increasingly rancorous and infuriated under the effects of his imprisonment; and provoked his keepers both to watch him vigilantly and to allow him no more resources than were barely requisite for his due support as a state prisoner; and employed all his time in concocting rebellion, and in meditating projects for his escape, so that he might regain possession of his lands and fortalices, and declare himself independent of the kingdom of Great Britain. He found means, in particular, to instruct his illegitimate son, Robert Stewart, to proceed to Orkney, under pretence of lifting the rents which were due from his tenants, to send him as much money as could be obtained, to seize the Castle of Kirkwall and other strengths in Orkney, to levy as many vassals and followers as might be found willing to take a bribe or to attach themselves to his cause, and finally to lift the standard of rebellion and hurl defiance at the King; and he himself hoped, by means of the money, to corrupt his keepers, effect his escape, and obtain ammunition and other supplies from Norway,—and seemed to think that if he could once more get footing in Orkney, he might depend on the remoteness of the situation, the rigorousness of the climate, and the fidelity of his immediate vassals for enabling him to brave the wrath of his sovereign.

Robert Stewart, altogether contrary to what we might at first have expected in the circumstances, had very considerable success in his enterprise,—in fact, may be said to have for a time completely succeeded; for he got possession of the castles and fortalices and the entire country, and found himself somewhat suddenly raised to a sort of sovereign power over the islands. He probably was aided by military retainers who identified their own in-



terests with the restoration of the fallen Earl; but he owed his main advantages to the accidental circumstance of exorbitant oppression and excessive unpopularity on the part of the sheriff, who succeeded the Earl in the principal administration of the supreme local authority. This official seems to have been to the full as great a tyrant as the Earl himself; and made the most cruel exactions, and practised the most grinding conduct, and became the object of deep and furious popular detestation. A "band of association" was "subscribed by the rebellis in Orkney," setting forth "the frequent entrantis of extraniers, the corruption of the lawes, the partialtie of judges, the greid of officeris, and the oppressioun of magistratis," as intolerable grievances; and an opinion seems to have spread among the whole population that a riddance of the sheriff and his underlings on any terms would be a blessing,—that even a change from one tyranny to another could scarcely be otherwise than for the better,—and perhaps that the temper and habits of their rightful lord had become greatly ameliorated in consequence of his severe and prolonged training in the school of adversity. .

Robert Stewart's rebellion, however, was not of long continuance; and though it appears to have excited the observation and alarm even of the court of England, it came to an end almost as suddenly and signally as it arose. The instrument in crushing it was George, fifth Earl of Caithness, who eagerly volunteered his services against it to the Privy Council, and intruded himself into a royal commission for putting it down,—and who seems to have been actuated by combined motives of ancient pique, courtly hypocrisy, and venal avarice.\* He captured the Castle of Kirkwall and all

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\* "It is not a little interesting, among all his specious pretexts," remarks Mr. Pitcairn, "to detect and expose the secret springs which appear to have actuated that selfish and cold-blooded nobleman in undertaking so repulsive an expedition as that against the

the other strongholds, dispersed the whole of the rebel forces, and made all the ringleaders prisoners. Robert Stewart and

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rebels in Orkney. Under the mask of patriotism, zeal for his Majesty's honour, and his pretended desire for restoring the peace of the country, it is not difficult to discover the basest motives of hereditary and personal revenge and deadly feud against the fallen Earl of Orkney; as well as a secret design to procure the whole or at least a considerable portion of his extensive territories, as a reward for his patriotic services. But a little research enables us to perceive that a rooted hatred had long existed between the Earls of Caithness and Orkney, which had frequently broken out into open strife. As an extraordinary instance of the spirit of wanton cruelty and mischief in which these hostilities were carried on by the former, a quaint but striking passage may be cited, from the graphic pen of Sir Robert Gordon; who states, that in the year 1608, some of the Earl of Orkney's servants had been forced to land in the country of Caithness, 'by a contrarie wind and vehement storme of weather. First, *the Earle of Catteynes* maid them drunk; then, in a mocking iest, he cause sheave the one syd of their beards and one syd of their heads; last of all he constrayned them to tak their weshell, and to goe to sea in that stormie tempest! The poor men, feareing his farther crueltie, did choyse rather to committ themselves to the mercie of the senseless elements and raging waves of the sea, then abyd his furie. So they entered the stormie seas of *Pentlay-Firth* (a fearfull and dangerous arme of sea between *Catteynes* and *Orknay*), whence they escaped the furie thereof, by the providence and assistance of God, who had compassion on them, in this lamentable and desperat case, and directed their course; so that they landed saiffie in *Orknay*. This affront and indignitie wes highlie taken (not without just reason) by *the Earle of Orknay*, who complained therof to THE KING and his *Counsell*. His MAJESTIE did write to *the Councell of Scotland* to punish *the Earle of Catteynes* severlie, after dew tryall, as having committed a fact against his authoritie. But when both *the Earles of Catteynes* and *Orknay* came to Edinburgh, readle to informe one against another. they agreid all their privatt quarrells, by the mediation of freinds, *least they should reveile too much of either's doings!* So this controversie was past over with silence; and some acknowledgement was maid by *the Earle of Catteynes* to *the Earle of Orknay*, as a satisfaction for abusing his servants,' &c. The intriguing Earl of Caithness at length brought ruin upon himself and his family, by endeavouring 'to mak the Lord Forbes wearie of his landis in *Catteynes*.' This benevolent purpose he tried to effect by constant oppression of his tenants and servants,

five of his accomplices were afterwards tried and condemned for high treason, and were hanged at the market cross of Edinburgh, and are said by Calderwood to have died penitent; and the historian adds, "The said Robert confessed his father, the Earle, who was then wardit in the Castle of Edinburgh, commandit him to doe that which he did, but granted he gave him a contrare-mand before he entered in executione; the gentleman, not exceeding 22 years of age, was pitied of the people for his tall stature and comely countenance." The only principal rebel who escaped punishment was Patrick Halco, who obtained mercy from the Crown, on account of having been instrumental in bringing about the surrender of the Castle of Kirkwall, and in preventing the effusion of much blood by cutting short the period of the treason.

The miserable Earl himself, on the 1st of February, 1615, twenty-six days after the execution of his son and his accomplices, was arraigned and tried as the principal instigator of the rebellion, and was "ffand, pronuncet, and declairit culpable and convict" of it, and was sentenced "to be tane to the mercat-croce of the burgh of Edr, and thair, vpon Fryday nixt, the thrid of this instant, betuix tua and thre houris eftir none, his heid to be strukkin from his body; and all his landis, lordschipis, leving, heritages, takis, steidingis, rowmes, possessiones, offices, digniteis, rentis, guidis, and geir, to be fforfalt and escheit to our souerane lordis vse." Spotswood says he "took his sentence impatiently," and adds, "Some preachers

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in virtue of his office of Sheriffship, which he had obtained from the Earl of Huntlie, on his marriage with Lady Jean Gordon, his sister. He secretly caused incendiaries burn all the corns standing in the corn yards of Sansett, in November 1615; and to remove suspicion from himself, industriously rumoured abroad, that the fire-raising had been done by Mackay's tenants, with whom the Forbesees were then at feud. George, fifth Earl of Caithness, after having passed a miserable life, died, a victim of disappointed ambition, and in comparative obscurity, in Caithness, in the month of February, 1649, at the advanced age of 78.

were desired to confer with him, and to dispose his minde towards death; but they finding him irresolute, intreated for a delay of the execution, which was granted to the sixth day of February; at which time he was brought unto the scaffold, guarded by the magistrates of the city, and in the sight of many people beheaded." Calderwood gives a fuller account of his death in these terms: "Feb. 1, 1615, Patrik, Earle of Orkney, was arraigned in the tolbooth of Edinburgh; and be ane inqueist of the nobles and barrones, was convict of treason, for the late rebellion in Orknay. It was thought, that if he had not, 20 dayes before, confessed, that he was the author of the said rebellion, and come in the King's will for the same, that hardly he could have been convicted, be any law. The wiser and elder sort of the nobilitie withdrew themselves from his assise. He had sent to the court to obtaine favour; but no appearance of returning ane answer. The ministers, finding him soe ignorant, that he could skarse rehearse the Lord's prayer, intreated the Counsell to delay his executione some few dayes, till he were better informed, and received the Lord's supper. Their petitione was assisted with the request of some noblemen, and granted. Soe he communicate upon the Lord's day, the 5th of February; and was beheaded at the market-crosse of Edinburgh, upon Monday the 6th of Februar; when Sir Robert Ker, Earle of Rochester, was decourted. The King laid the blame of his death on him; but late, as his custome was, when matters was past remedie."

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