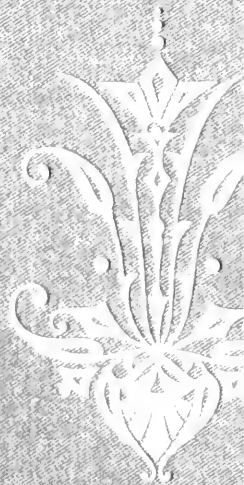


The
Inverness
Kirk-Session
Records.

1661-1800.



GENEALOGY COLLECTION

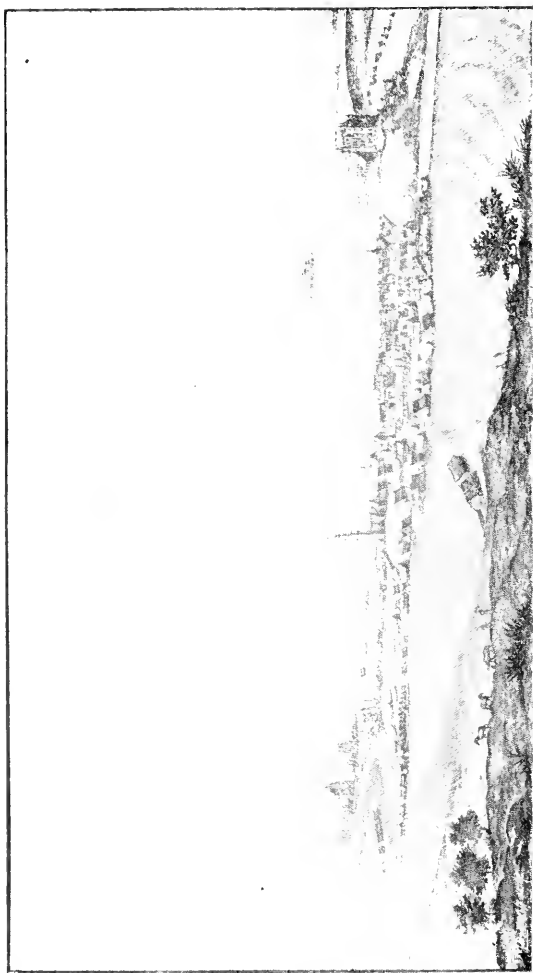
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11

INVERNESS KIRK-SESSION RECORDS.



INVERNESS IN 1662.

Inverness^c
Kirk-Session Records
1661-1800.

EDITED BY ALEXANDER MITCHELL

INVERNESS :
PRINTED AND PUBLISHED BY ROBT. CARRUTHERS & SONS.

1902.

1421133

INSCRIBED TO

The Very Reverend Norman Macleod, D.D.

MINISTER OF THE FIRST CHARGE OF

INVERNESS,

EX-MODERATOR OF THE GENERAL ASSEMBLY OF THE
CHURCH OF SCOTLAND.

P R E F A C E.

THE matter contained in the following pages was originally intended to be read before local societies which take an interest in such subjects, but having been seen by the Editor of the "Inverness Courier," he thought it sufficiently interesting to print in the paper, and now in this form.

Whatever belongs to the past is interesting to some people, while to others anything relating to the town or parish, historically or ecclesiastically, is worthy of record and although the number of such people are few, yet it is hoped they may justify to some extent the present production.

The few excellent works on local affairs already existing do not include the period embraced by these Kirk-Session Records, nor do they deal with the matters of detail contained in them, which afford some new illustrations of the conditions of life in Inverness in the Seventeenth and Eighteenth Centuries. Necessarily in these Church Records of over 200 years ago, when discipline formed so large a part of the functions of the Kirk-Session, life in its seamy side appears uppermost, but there are not wanting glimpses of the better and kindlier side of human nature, nor of the more elevating, if rather austere, social and religious habits and customs of our ancestors.

The oldest book in the possession of the Kirk-Session is the very interesting "Count Book," begun in the year 1661. The earliest minute book begins in 1688, from which date the minutes exist consecutively, and are in

fairly good condition. Characteristically enough, the worst kept and the least interesting are the records towards the close of the Eighteenth Century, when one of the ministers, in a fit of economy, undertook the duties of Session Clerk.

It is hoped the introductory sketch of the town may be found interesting, and that, as it leads up to the period covered by the Records, it will not be regarded as out of place.

ACKNOWLEDGMENTS.

To Mr James Barron; to the Society of Antiquaries (Scot) for permission to reproduce the branks, joughs, and cockstool; to Mr John Munro, of the telegraph department of the Highland Railway, who photographed several of the illustrations; to Mr Melven, publisher, for use of blocks of Inverness and the Market Cross; to Mr Nairne for the block of the old bridge; and to Mr Leslie Fraser for the loan of the delinquent's bracelet. To Mr Ritchie, of the printing department, and the "Courier" staff generally, who have always been most obliging and helpful.

A. M.



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INVERNESS.



BEFORE glancing at the kind of town Inverness was, and its surroundings, prior to and at the period covered by the Kirk-Session Records, a few of the chief chronological events which affected it may be noticed. Writers and travellers at all times have vied with each other in extolling its charm of scenery, the grandeur of its neighbouring mountains, and the beauty of its waters. The antiquity of the town is undoubted. All old books and documents speak of it with respect as a place of considerable importance, and not to be orthodox on the traditional legends regarding ancient Inverness is to invite serious consequences. It is clear, however, that some latitude must be allowed in locating the exact site of the original burgh. The only sure fact in connection with it is that the present boundaries are wide enough to include the first position, whether to the east, west, or south, as variously claimed by our learned topographical antiquarians. The position may be summed up in George Eliot's epigram, that the truth lies between them. And as regards the early historians, suffice it to say, that if there are discrepancies and confusion as to facts and dates among them respecting the burgh, and this cannot be denied, yet it will be granted they are sufficiently agreed upon the main points, which are perhaps as trustworthy as those relating to the ancient history of most other towns, and they unite in assigning to it what is most important to the Celtic mind, namely, a position in prehistoric politics. Boece, whose fertile imagination rather detracts from his value as an historian, says Inverness was founded by Evenus II., fourteenth King of Scotland, 60 n.c., and was raised by the same King to the dignity of a market town for the whole North—a market more imaginary than real, one must conclude, as it is difficult to conceive what there was to bring to market at that early epoch; or, beginning commerce then, the town has hardly made the progress such an early start would indicate. The truth appears to be, that Boece, where he is not to a great extent imaginative, seems to have ante-dated by a few centuries facts relating to his own and other times.

A Druidical Temple, erroneously associated with Druidism, but more probably, according to Dr Macbain, connected with

the burial rites and ancestor-worship of the pre-Celtic races, is still to be seen in the vicinity of the town, and establishes its antiquity as a centre of some importance even then (page 50, vol. XI., Gaelic Society Transactions). Craig Phadrick is another ancient relic which has puzzled the learned minds of our archæologists, local and otherwise, while affording scope for the most speculative fancies.

The town has been credited by certain authorities with being the site of a Roman fort, about the year 140 A.D., but it is now generally agreed that this is not well authenticated, and does not stand to its discredit, as Celts would be inclined to regard such an occupation, if a fact; and the same remark applies to the statement for which the new Statistical Account is responsible, that a Roman encampment was formed at Bona.

Columba, according to Adamnan, visited Brude, King of the Picts, at his Palace, or "Munitio," near Inverness, 563 A.D. This may be Craig Phadrick, Torvean, or The Crown. Some writers identify Inverness itself with being the residence, not only of Brude, but of several of the early kings of Scotland. Another important event, if also rather mythical, which is associated with the name of the town, is the assassination of King Duncan in Macbeth's Castle, lying to the east of the town (on the site now known as Victoria Terrace). In Bellenden's translation of Boethius, the occurrence is related in these words "MakBeth, be persuasion of his wife, gaderit his friends to ane Counsell at Inverness, quhare Kinge Duncane happinit to be for the time, and because he fand sufficient oportunitie be support of Banquo and others his friends, he slew King Duncan the VII. year of his regne." Shakespeare accepts the same authority from a different translation, although it is now generally recognised that King Duncan was killed at Bothgowan, near Elgin, in fair combat. Inverness is reputed to have been a fortified place from early times, but the fortifications are said to have been destroyed in 1075 by Malcolm Canmore, who nevertheless erected a Castle upon the western extremity of the hill overlooking the river. David I. (1124-53) constituted Inverness a Royal Burgh and the seat of a Sheriff, whose jurisdiction extended over the whole North of Scotland, and here for the first time we are on safe historical ground. William the Lion, who granted arms to the burgh in return for a liberal contribution towards the expenses of an expedition to the Holy Land, gave four charters to the town, and confirmed the privileges granted by David. He is declared to have frequently resided at Inverness, and to have conferred considerable benefits on the town. He exempted the Inver-

ness Burgesses from toll and customs all over Scotland, gave them exclusive privileges of trade in the burgh and country, established weekly markets, gifted to them as property the land of the Haugh, granted them exemption from wage of battle, and he also built a fosse and palisade round the town, which the burghers bound themselves to maintain.

The lands of the Markynch were conferred on the Burgesses by Alexander II. in one of the two charters which he granted to the burgh (1217 and 1237). Tytler, in his history of Scotland, assigns to the town some reputation as a ship-building centre in the reign of Alexander III. (1249-80), who visited the town in 1263.

In November 1312 Robert the Bruce caused "the Annual of Norway" to be ratified, and came to Inverness personally with four Bishops and three Earls for the purpose. Here he was met by one Archbishop, two Bishops, one Earl, and two Barons from the King of Norway—a dignified and gallant concourse which, with its splendid retinue and pageants, was bound to leave its mark on the imaginative Celtic temperament. In 1325 Robert the Bruce directed the Sheriff of Inverness to do full and speedy justice to the suit of the Burgesses of Inverness against all invading their privileges. In 1369 David II. granted a charter confirming the rights of the Burgesses and community to the lands of Drekes and to the Tolls and Petty Customs of the town.

The Stuarts also favoured Inverness, and most of them visited the town—James I. in 1427, James III. in 1464, James IV., attended by his Parliament, in 1499; Mary of Guise held several Courts in the Castle 1555. Mary Queen of Scots, with her brother Moray, "after a journey terrible for both man and beast," visited the town in 1562, when she and her retinue were obliged to lodge in the town owing to the treasonable action of the Earl of Huntly, who "commanded, allowed, and ratified the treasonable holding and furnishing of the house and fortalice of Inverness against the Queen's Majesty, the same pertaining to her, the said Earl being only keeper thereof in her name; after that his servants, being therein, for whom he is obliged to answer, were divers times charged to have delivered the said house and fortalice, and to have made the same patent to her Highness to have lodged therein, and after charge given to that effect by William Bryson, Messenger at Command of her Letters, after Sound of Trumpet." The Castle was weakly held, having within only twelve or thirteen able men, and the 500 Gordons who hung on the Queen's rear felt themselves unable to help owing to the rapid gathering of the Claus Chattan, Fraser, and Munro. The Castle surrendered

next day. The Captain was hanged, and his head set upon the Castle. Others of the traitors were condemned to perpetual imprisonment, and the rest received mercy.

During these hours of trouble the Queen was of rare courage, never dismayed, but in her merriest mood, regretting only that she was not a man, to know what it was like to lie all night in the fields or to walk on the causeway with a jack and knapsack, a Glasgow buckler, and a broadsword.

Mary granted a charter to the town 21st April 1567. "Queen Mary's Inverness" is graphically and minutely described by Mr Kenneth Macdonald, and it may be added that the sketches of old Inverness by Dr Ross, if more general, are not less interesting (see Inverness Scientific Society and Field Club's Transactions).

King James VI. visited the town in 1589. During his stay his Majesty "was occupied in hunting and seeing new scenes." In 1591 King James granted a charter to the burgh very comprehensive in its terms, and being the principal charter of the town, it is perhaps worth quoting, especially as it contains several references to Church and Hospital property, &c.

"CHARTER TO THE BORROUGH OF INVERNESS,

"BY KING JAMES VI.

"James, by the grace, &c.; Know, That We, considering the ancient erection of Inverness, by our famous progenitors, into a free Borrough of this Kingdom, have ratified, and by this present Charter do ratify, and perpetually confirm, all and sundry, the Charters, Confirmations, Rights, Liberties, and Priviledges, granted and confirmed by our Progenitors, William, Alexander, David, and James, the first of that name, Kings of Scotland, to our said Borrough: Likewise, the charter and confirmation lately granted by our grandfather, James, the fifth of that name; also, the charter granted in favour of Divine Service, and of the Ministers of God's word, and of the Hospital, by our mother, Mary Queen of Scots, and the Lands, Houses, Churches, Chapels, Crofts, Milns, Fishings, and all others mentioned in that charter, of date 21st of April 1567; Moreover, We of new, grant, and in perpetual feu, set and confirm to the Provost, Bailies, &c., of our said Borrough, the Lands, Territories, and Commonty thereof, with all parts and priviledges, as also all the lands of Drakies, and the Forest thereof, with the Parks and Woods; Likewise the Lands called Barn-hills, Claypots, Milnfields, the Carse, and the Carn-laws, with the common muir of the said Borrough: Likewise the

water of Ness on both sides from Clachnahagaick to the sea, with all Fishings, Ports, Havens, Creeks, the still fishing, the red pool; with power to begin to fish on the said waters with boats and nets, on the 10th of November yearly, and to use Cruives and Water-kists; with the Ferry of Kessack, and the right of Ferrying on both sides: Further, all the Milns called the King's Milns, the suckin and multures thereof, with the astricted and dry multures of the Castle Lands, and all Corn which have or shall receive fire or water, within the liberty and parish of Inverness, as well out-suckin as in-suckin, to pay Multure and Knave-ship at the said Milns; With power and liberty of Pasture, Peats, Feggage, Turf, &c., in all places used and wont, and particularly in Craig-phadrich, Capulachmuir, Daviemont, and Bog-Bayne; with power of Ferrying on Lochness; With mercats weekly on Wednesday and Saturday, and eight free Fairs in the year, viz., on Palm Sunday, on July 7th, St Andrew's Fair: on August 15th, Marymas; in September, Roodmas; on November 10th, Martinmas; in December, St Thomas's Fair: on February 1st, Peter's Fair; and on April 25th, St Mark's Fair—every Fair to hold for eight days: With the Petty Customs of all Cities, Towns, and Villages within the shire, and particularly of the Colleges of Tain in Ross, Merkinch, Chanourie, Dornoch, Thurso, and Wick in Caithness, to be applied to the public good of Inverness; That no ship break bulk betwixt Tarbetness and Inverness; And our said Borough shall have Coroners and Sheriffs within themselves, and a Guildry with a Dean of Guild: That there be but one Tavern: That no one in the shire make cloth but Burgesses; with power to make Statutes and Rules for the Borough, &c."

From James' time down to the Commonwealth nothing very remarkable happened to the town. In 1652 the Protector's forces took possession of it. One of his officers, Captain Richard Franck, who figures later as traveller and angler, gives a description of the town which certainly cannot be called flattering. Cromwell erected a pentagonal fort, which Franck describes as magnificent, at the mouth of the River Ness, for the purpose of overawing the Highlanders. It was capable of holding a thousand men. This Fort was demolished by Charles II. at the Restoration, to please the Highland Chiefs, but strange is the irony of fate, the Government after 1715 was forced to replace it with another, although not on the same spot. This Fort, which Franck called diminutive by contrast with Cromwell's, was the historic old Castle of Inverness. From the entries in the Chamberlain's accounts of 1412, the Castle appears to have been strongly built of

stone and lime, by Alexander, Earl of Mar, and was again very considerably strengthened by the Earl of Huntly in 1506, but the fortifications were demolished in 1649, after which it fell more or less into decay. It was now (1718) restored and fortified, and in it barracks were erected to accommodate 800 regular troops. It also included a governor's house, a magazine, and a chapel, and the fortress was called, in honour of his Majesty, "Fort-George." It is described by Burt as an imposing battlemented structure of six stories, with sharp-pointed roof and corner-turrets, built with unhewn stone. It was blown up in 1746 by Prince Charlie's army. In 1747 the Government proposed to replace the "Old Castle" by another fort, but owing to the opposition of the Magistrates of Inverness, it was eventually erected at Ardersier, at a cost of £160,000.

Apart from the marks of Royal favour and recognition which distinguished Inverness as one of the chief places in the Kingdom, its situation in the Moray Firth and near the head of the Great Glen destined it to play no mean part in Scottish and Highland affairs, and without doubt it has always wielded great influence throughout the whole of the North Highlands. In the early centuries, from time to time, it suffered from the storm and stress of battle. In 1229 it was burned by the usurper, Gillespick McSourlane. In 1303 it fell into the hands of Edward I. of England. It was again burned by Donald of the Isles on his way to Haarlaw, and a third time by his son Alexander, about 1428. His successor, John of the Isles, yet again plundered and burnt it in 1455. Thus, from the military point of view, it was in touch with and often the scene of great conflicts, and, it is clear, was regarded as the key to the wild lands beyond. By water it was easily accessible, and comparatively so along the shores of the Moray Firth, but all places not on the beaten tracks to the South, North, and West, were spoken of by strangers as little known and hardly accessible. Indeed, many parts of the Highlands were so written of down till the beginning of the nineteenth century.

The town was usually described as composed of merchants and traders of Flemish or Lowland origin, who were supposed to be advanced in point of culture and civilisation beyond the inhabitants of the surrounding country. This description cannot be accepted absolutely. It is probably true that very early Lowlanders accustomed to industrial habits and commerce migrated from the south-east coastwise, more than likely in the train of ecclesiastical patrons, or of the King's garrisons, upon whom they depended for their trade, and

settled in Inverness, but there seems to be no well authenticated evidence that a colony of Flemings ever existed here as a distinct unit, or that the Hanscatic influence got a footing in Northern trade or politics. "Easterlings," as Dr Macbain calls them, but not foreign "Easterlings," seems the proper term. "Invernessiana" speaks of a foreign element among the burghers, not necessarily Flemish, and other writers follow him, but add Flemish, and even Dr Macbain, in his valuable work on Inverness names, seems to accept the idea, although his own analysis of the names is rather an argument against the theory of the Flemings or the foreign element. The origin of the idea appears to be suggested by the names borne by prominent burghers, but these names were not peculiar to Inverness nor to the burghers, being borne, in some instances at all events, by Church dignitaries and by others all over the North. One peculiar fact regarding them is that whereas now in Inverness such names are very rare, if not extinct, they still exist, and may be said to be common in many parts further north, and this applies to Christian as well as surnames; but whatever their origin was, the burghers had little in common with the Celts, by whom they were surrounded.

What the whole qualifying conditions of the early burghers were are not clear. Innes, in his "Ancient Burgh Laws of Scotland," states that there may have been other qualifications necessary, but that possession of a toft or rood of land was expressly stated as one of them. Burrow roods is a term occurring in the Kirk-Session Records. The burghers were a privileged class, and knew the advantage of being exclusive. Their ladies, however, were not so conservative. Whether the burghers were commonplace as well as stolid, or whether there was a chivalrous fire and ardour about the Celts and their wooing which attracted their fancy, the ladies, and especially the widows, evinced a decided partiality for the Highlanders. It became not only apparent but a serious grievance to the burghers, who were so incensed that they passed a statute in 1545 "that no widow shall have nor brook any tacks nor steadings in time coming within the said Burgh, burrovaige, and liberty thereof." There was, indeed, something romantic and gallant about the Highlandmen which charmed the feminine mind, as otherwise it is not easy to see why the fair ones, or widows in particular, should prefer to endow and support "outlandish men of the great clans" rather than be themselves endowed and supported by the solid burghers. Clearly, it is to be feared that the prosaic burghers, with all their respectability and prosperity, failed somehow as husbands.

In addition to being the chief commercial town of the Highlands, Inverness was the rendezvous of the Highland Chiefs and their kinsmen, who patronised the town with their trade, such as it was. In the seventeenth century, in Inverness and neighbourhood were the residences of a number of noble families—The Earl of Moray, the Marquis of Huntly, Lord Lovat, the Mackintosh, Seaforth, the Laird of Grant, &c. The Mackintoshes are probably at the present day the oldest family connected with the town and parish, having been associated with them, according to local historians, since 1163 A.D. In the early Records the Mackintosh's Chaplain is mentioned, and in later times the Mackintosh mortifications testify to the pious aspirations of the Chief of the day and his wife.

The staple industry of Inverness in the seventeenth century was trade in hides, malting, cured salmon, and other fish, particularly herring—more visible means of subsistence than has always been apparent since. In 1703 the Irish part of the congregation, by the nearest calculation which could be made by the Session, was about 3000 Catechisable persons. Queen Anne's charter, dated 1706, states the population of the city and parish as 4000 persons over 14 years of age, of whom 3000 and "more could only speak Gaelic." The town pallisades existed as late as 1688, and behind them the phlegmatic burghers snugly ensconced, plodded unconcernedly, and kept their "accmpts." but withal keenly alive to the main chance in a deal with the wild men of the surrounding districts. These, "mainly enemies to our constitution and religion," and always open to the suspicion of turbulence and lawlessness, eagerly invited any hazard which might yield them a chance of bespoiling the men of the Royal burgh and the plains. The Macdonalds in particular had a long-standing feud against the town, which they harassed not only by sword, but by the subtler process of complaints and petitions to the Privy Council. In 1689 the Session-Clerk of Inverness records the brave front made by the burghers against Coll Macdonald and his Clansmen, when they surrounded the town as the ally of Dundee in the Stuart cause. Not less suggestive are the other entries about General Buchan's Highland army in 1690. The inconvenience to the burghers of such warlike neighbours was not, however, without compensating advantages to the nation. As early as 1602 his Majesty's "darrest Suster the Queene of England having lovinglie intreated his Majesty James VI. with the supplie and levy of some Highlandmen for the better repression of the treasonable rebellion intertenyet against her within the country of Ireland." his Majesty accordingly proclaimed at Inverness a levy of 2000 Highlandmen, and in case their

natural ardour for service might be checked by apprehensions on the score of "their bygane misdeidis," the proclamation included an amnesty. In later times, as our records show, the King's fleet, the Scottish Legions abroad, and our armies have proved the valour of our Highlandmen.

Before the Reformation Inverness ecclesiastically was a mere parsonage or vicarage dedicated to the Virgin Mary. Unfortunately too little authentic matter of that period connected with the locality has come down to us, although much valuable information regarding our local churches during the Papacy has been preserved by the unrivalled researches of Dr Fraser-Mackintosh. Alexander gave a Royal grant to religious houses in 1215, and the Order of Dominicans was founded 1233. These preaching friars were held in great esteem by the King. In the Chamberlain's rolls and the accounts of the Sheriff of Inverness, it appears that (in 1263) two pounds seven shillings and sevenpence sterling were disbursed "for the expenses of the Preaching Friars (of Inverness) when going on the Lord the King's message to Norway." Their motto was, "'S' Come fratrum Predicatorum De Iruynrnyrs" A.D. 1436, and their seal represented St Bartholomew crowned with a nimbus, holding a knife in his right hand, profuse foliage in the back-ground.

The church or parsonage of Inverness was under, and sent rent to, the Abbey of Aberbrothwick, in the form of salt and herrings. The salt is rather a queer contribution from Inverness. A few years after the Reformation (in 1567) Queen Mary granted charters to the burgh and in favour of divine worship, which King James ratified, as already seen. A noteworthy fact is that Robert Pont, the son-in-law of John Knox, was sent North as superintendent of the Church following the establishment of Presbyterianism, but after five years of labour in the district he was ordered to another place, where, as it is naively remarked, "his labours are expected to be more fruitful." When Episcopacy superseded Presbyterianism, Inverness, according to Keith, possessed two kirks. On the other hand, writing rather earlier, the officer in Cromwell's army already referred to, in his remarks about Inverness, credits it with having, not long before, another Collegiate Church more imposing than these. He says, "This Inverness, or model of antiquity, which we now discourse, stands commodiously situated for a Highland trade, defended with a weather-beaten tottering wall that's defaced with age and the corruptions of time, where yet remains two parish churches, but I remember a third, that was a kind of Cathedral or Collegiate Church, that now, like old Troy, sleeps in dust and ashes, as part of the

walls do, charging time and neglect with their tottering decays" writ in the year 1658.—FRANCK. According to Wodrow, these Collegiate Churches, though on a smaller scale, were similar to the Cathedrals, and next to them in dignity. The head of the Collegiate Church was called Provost, or sometimes Dean, and there were at one time 33 such churches in the country, including Inverness. Dean of Inverness is an ecclesiastical title found in the old charters quoted in "Invernessiana." The Episcopal period was, on the whole, peaceful in Inverness (1660-1688). Some interesting information is to be found in Mr William Mackay's "Presbytery of Inverness and Dingwall," especially regarding the persecution of the Rev. Angus Macbean, of Inverness, who is said to have been the last martyr to suffer imprisonment at the instance of the Hierarchy—a vain persecution, as his descendants for several generations continued to preach in the North and elsewhere with much acceptance and great faithfulness the doctrines for which he suffered.

The period in national history over which these earlier Kirk-Session Records extend is not only one of the most unsettled and revolutionary in the history of our country, but during it politics and religion were so intermingled and mixed up with the power of the throne that it was difficult for small communities to steer clear of contending forces. The reaction, which had of necessity to take place after the Commonwealth, had scarcely reached its climax when the nation began to realise that the rule of the Stuart boded no good to Scotland. Hardly, indeed, was Charles seated on the throne when he re-established Episcopacy; persecutions of Presbyterians followed. Things had not, however, reached their worst till Charles died, and was succeeded by his brother, a man morose and revengeful, and a confessed Papist, who precipitated the Revolution. Great and striking though such national events were, they seem to have affected Inverness very little. Whether the burghers were too indifferent or whether they were too remote, they seem to have concerned themselves little about high politics or Church polity, or even the social conditions of the rest of the Kingdom. They were more concerned about the plague and pestilence raging at Danzick and Pole, which their direct system of Continental trade brought nearer to them than by any of these things at home. They maintained, in all respects, an attitude strictly correct; they prayed for the success of King William. In their solemn and sombre way they gave thanks for our safe delivery from the power and tyranny of the Papists, and also for Captain-General Marlborough's victories over the French, and the destruction of

the French fleet; and, as in duty bound when ordered by the Privy Council, they fasted for the removal of Queen Mary from this to Eternity. The burghers, it is evident, made no great pretensions to religion. They readily accepted the solemn League and Covenant, and with equal supineness they renounced it when the opportune moment came. They were probably flattered by and content to live up to what their friends affirmed of them, that they were one of the most loyal and orderly cities in the Kingdom, which in those times was very great praise indeed. That Inverness was judiciously governed, if with small regard to constancy to principles, is evident from the fact that it was almost always on the dominant side. In 1688, the year in which these Records begin, the Episcopalians were in the ascendant, but after the Revolution settlement in 1689, when the Presbyterians proved the stronger party, the inhabitants of Inverness accepted the changed condition of things with their usual good grace, hence we find Episcopalians and Presbyterians filling up the same minute-book in their order of succession as if nothing extraordinary had happened. A writer of the period says, "One part of the Church is used for the English Kirk and another for the Eirshe Kirk, and when a chaplain was here they had Church of England service in one of them at another hour," an example worthy of imitation, if well-nigh impossible of attainment.



INVERNESS

KIRK SESSION RECORDS

1688-1711.

No. I.



ms seems to be the day of looking into the past. It may be the hurry of our present day life more than any other reason which has made the slower and more deliberate lives and customs of our forefathers seem so fascinating. But whatever be the reason, there is a charm in casting the mind backwards and trying to bring into being the shadowy forms of the past. And it is almost impossible to study old records of any kind without a feeling akin to sympathy for the people and times they depict. Perhaps our Kirk Session records of 200 years ago present, on a limited scale, as good an opportunity as any of viewing our ancestors as they were in Inverness at that time, and for examining what manner of men and women these old-fashioned people were. Then, more than now, the lives of the people were closely linked to the Church, and the history of the Church and the town have gone together in great part for several centuries.

It might not be difficult to piece together from the records, bit by bit, Old Inverness—the Tolbooth; Bridge with the vault below; Town House with laich Council Chamber; the Crose, all stand out in bold relief. Then the streets—the East Street, Church Street, Castell Street, Bridge Street, and the Vennels. The Citadel, and that part vaguely spoken of as “the oyer syd of the watter;” “the Peer and Shore, wher companies of people use to resort upon the Lord’s Day,” also come into view.

On all of these the hand of time has been heavily laid, only the river flows along as of old, unaltered by the hand of man. On its right bank, not far from the mouth, on a gentle elevation, stood the churches. The familiar structure the High Church, of which all are so justly proud, still stands on the same spot, and has had a prominent part in the annals of the town. It would be worthy of veneration on that account alone.

In 1688 there were but two churches in Inver-

ness—the High Church, even then occasionally so called, but more commonly spoken of as the Old Church; the other, known as the New Church, sometimes called the Highland or Irish Church. Of these old churches much cannot be said definitely. Stone and lime do not last for ever, and the structures have followed the course of nature. It is the opinion of some, whose views on such matters are entitled to respect, that the High Church existing in 1688 was the same as that in which the Catholics worshipped before the Reformation. Against that must be placed not only the hostility of the Reformers of the sixteenth century to all buildings of the Roman Church, but the no less hostile feeling of Cromwell and the Commonwealth, so that it was unlikely the Church could withstand the animosity of both sections of reformers, even if it had escaped that of one of them—unless, indeed, its plainness, which has been imputed to it as a serious fault, saved it from destruction. On all hands, its tower is admitted to date from Cromwell's time; one authority has it that the tower was erected by Cromwell, but what is more probable is that the tower may be of Cromwell's time, but not built by him. It was entirely inconsistent with Cromwell's character and acts to build towers as appanages to churches. From all that can be gathered, it is a fair deduction that the Church of 1688 was the Catholic Church, with a new tower added about the date of the Commonwealth. It gives an element of romance to the spot to think of tonsured heads and white-gowned monks, with their cowls and black crosses, and priests chanting their Pater Nosters and counting their beads in the same building in which afterwards worshipped the stern disciples of Knox. However it may be regarded as the original fabric, one fact remains, amid all the vicissitudes of time—the Church has clung to the spot for centuries.

The internal fittings of the churches at this period were of the plainest and scrimpest, and were easily moveable, "as pious and dasks and lofts" seem to have been shifted about freely at the will of the Session. At Communion times particularly the area was cleared out entirely, and long tables fitted up for the accommodation of the Communicants.

"The Session appoint the seats be removed in the place where we tables are to stand, and that the tables be repaired and set up in time, and yt James Dunbar pay the workmen who shall be employed yrin."

It is recorded from 1688 that the Magistrates and the Trades Incorporations had seats or spaces

allotted to them in the High Church for their use, and from certain references it is clear the arrangement dated from a much earlier period, although how much earlier in the absence of record cannot possibly be stated. Most precise Acts of Session were given to the Trades to preserve their claim and right to such seats against all other claimants.

“11th June 1695.

“The said day the Moderatour and remnant members of the Kirk Session of the said burgh, Having sufficiently Considered the petitione of James Porteous Visitore of the tailores of Inverness, in name and behalf off himself and the rest of his vocacione for that Dask for the present possesst by them in the South Isle of the Old Kirk of the said burgh, Bounded betwixt the Skinners Dask ore pues one the East and thet wall at the West and South and the little door at the North parts. Wee, the said members above written, be the tenor hereof, fully impowers, authorise, and ordaine the said James Porteous and the remnant freemen of his trade and Vocacione and ther Successors, to peaceable possess, enjoy, repair, uphold, and maintain the samen ad futuram rei memoriam. And by the putts restrict and prohibit any person qtsomever to antrocede one the said Dask, or hinder the above-written persones ore ther successors of ther peaceable enjoyment of the samen grupon Act.”

Such elaborate Acts in favour of seat-holders appear in the present day as extravagant and totally unnecessary, but it was not so at that time. It is difficult to realise the bitterness of disputes which church seats gave rise to in the old days between rival claimants, heritors, and others. Inverness was no exception, but the Session was wise in its generation, and when it got more than ordinarily bewildered by the different claims, it sought safe refuge by referring the difficulties to the Presbytery.

One can only speculate as to the causes which led to such disputes, for there was undoubtedly much unoccupied space in the Church. Probably the litigons instincts of prominent citizens and heritors got scope in this direction with greater latitude and less expense than in the Civil Courts. Or it may be that social considerations or questions of class distinctions were involved. There is no doubt about the claims of class being acknowledged by the Session. The records contain numerous instances in which poor relations of dignitaries and benefactors were recognised and treated with respect becoming such kinship.

“The Session doe hereby appoint that Elspet

Cuthbert, spouse to Wm. Keiloch and Jean Hepburn, be allowed to sit wt'out any molesan upon the footgang before the seat, sometyne belonging to Provest Alex. Cuthbert, ay & untill they give furyr order."

In 1688 and for many years after no seat rents were charged. Proposals were made in 1709 to charge rents for the church seats, as the following entry shows:—

"Overtured that all the Dasks and pews in the high Church be taxed at a certain rate to be condescended on payable yearly to the Session for reparation of the Church, and the Session to pay Mr Ro. Baillie such a seume yearly.

"1 November 1709.

"The former overture adhered to, viz., that so much be imposed one each pew in the High Church, payable yearly, Whereby the Provest is to acquaint the Town Councill and Culloden and Kinmylies to acquaint the rest of the Heritors."

An Act had been previously passed resolving that no part of the reparation money should go to the repair of the ministers' manses. This was evidently in order that the heritors and Town Council might fulfil their obligations in regard to them. The present resolution to tax the seats had been brought about by the necessity of augmenting Mr Robert Baillie's stipend, of the inadequacy of which he had been complaining.

How little some people think of the peal of the High Church bell! Yet for two hundred years it has rung out the time of day and night. There is something more than pathetic in its chime, and sweeter than melody to many an old "toun's child" as it recalls events and personalities of other days. The practice of ringing the church bell at night is referred to as follows:—

"7th October 1703.

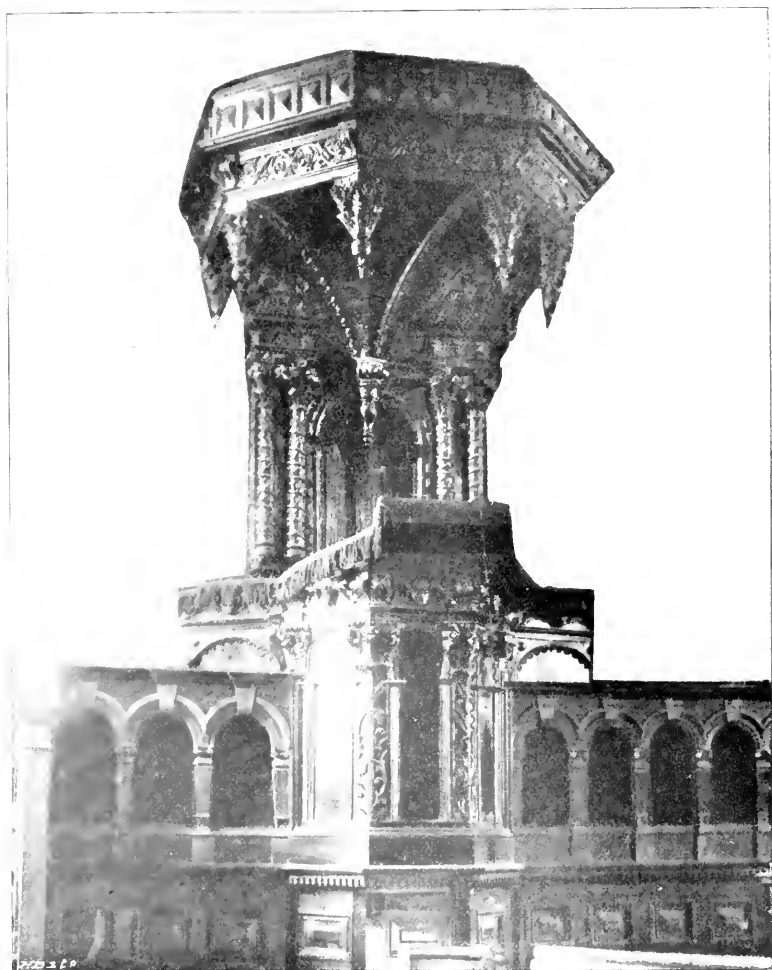
"Its enacted that the Church Bell be told every night at ten o'clock, and that the officers be spoken too, whereby the same may be duly gone about by them."

"26th December.

"James Thomson, thesaurer, was ordered to gave the Kirk officers ane pound candles monethly during the long nights for toleing the church bell at 10 o'clock at night, and withall that he pay the said officers for what expense they were in buying of candles befor the date of ther putt."

"27th April 1708.

"Ordered that James Dunbar, thesaurer, pay



OLD CARVED OAK PULPIT. GALLIC CHURCH.

the officers £4 Scotts monethly as formerly for candles for the ringing of the bells morning and evening qch shall be allowed him in his compts."

"November 2, 1708.

"Resolved that there be a necessity for hyseing the Kirk bells, whereby the whole parioch might hear yr sound the better."

The earliest reference to tokens and Communion cups was in 1707. The absence of earlier mention of them indicates that Presbyterianism had not established itself in Inverness sufficiently firm to admit of the administration of the Sacrament in the new form until this date.

"30th September.

"The Session appoint that James Dunbar pay for the casting of tokens as the minirs. shall judge necessary."

"October 21st.

"A motion being made ament the necessity of repairing the cups, which are light and small, and that it is not proper they should not be proper to the whole country, without security, and something for keeping of them up; the same was referred to the Committee to bring in an overture about it."

Quaint references are made throughout the register to alterations and repairs to the Church, and the necessity for the same. One interesting allusion is made to the Gaelic Church pulpit, which since has become locally famous on account of the elaborately carved work on it.

"February 3rd, 1689.

"John Bishop, Carpenter, gote 14 p. Scotts for helpin^g of the Irish Church pulpit of the reparation."

"The Session ordained when it pleased God to bring home James Dunbar, church thesaurer, to clear aecompts since his intromissions yrwith, since they see the church is lyk to turn ruinous."

"15th of September 1691.

"That day it was ordained by the Session that Baillie Dunbar should enter to repair the Church quever his harvest should be over, and yrafter to be called to ane account since his intromission with the repartu money."

"21st May 1694.

"Compeared James Dunbar, baillie and church thesaurer, being desyrd be the Session to give in his aecompts of the reparation money since his

intromission qrwth, replied that he would not give in his account till he would erlie put the Church in repair and make it wind and water tight, as also desyred that the Session should pass Act in his favour that qtever charge and expense he should be at by and above qt reparation money he hes. That the Session should refund him of the samen, to qch the Session assented and passed Act as follows :—

“At the Session House of Inverness, the twenty-first day of May 1694 years.

“The said day the Moderatour and remnent members of the Kirk Session of Inverness have by these past Act in favoures of James Dunbar putt baillie and Church thesaurer of the sd burgh that qtever charges he should be at in repairing the churches over and above he has of the reparat n money that the said Session should becom his debiteuer, and pay him qrupon Act.”

“21 May 1694.

“Alexr. Stewart, Skipper, burgess, was chosen and appointed Church thesaurer, who was seriously exhorted to looke to the repairing of the Churches.”

“5th October 1702.

“That day, in face of Session, it was required by James Vaus, in name and behalf of the Skinners, that they should have the freedom to sett up deals above their seatt for preserving their Dask from the filth of the houll which frequently sits above them, the which desire was thought reasonable, and therefor granted Nemine Contra dicente.”

“12th December 1710.

“Ordered that James Dunbar, Church thesaurer, employ workmen to build up the windows in the roof of the Church where the Scholl loft is, and agree with and pay them for the same.”

“7th August 1711.

“The sd day the Masons petitioned the Session for ane addition to their wages, formerly condescended on, for pointing the steeple of the Church, in regard they were at pains to fix the water spouts here, which was not in their bargain.

“The Session referre to Baillie Stewart and James Dunbar to agree with them and make report.”

“7th August 1711.

“Anent the Masons, Baillie Stewart and Baillie Dunbar made reports that they had communed with them for putting up a large window in the gavel of the South Isle for fraing the spouts in

the Steeple, for pointing the Church, and doing all that was requisite and needfull about it, and that they had offered them four score pounds Scotts, but the Masons would not agree under twenty merks more. The Session having considered the same, did call the Masons, and ordered them to build that window, and doe all other things as sd is needfull about the Church, and if they did their work sufficiently to contentment, the twentie merks in debate should be given them, which is all they crave, they furnishing all materials, except lime and sand, which the treasurer is allowed to give.

“June 24th, 1718.

“The Session being informed that George Rodger hath a cargo of Good Sclates lying in the Harbour, and considering that the Church will stand in need of them all if the intended enlargement thereof goe one; And if it should not, It will stand in need of a good many of them. Considering also that ane occasion of so good Sclats may not happen for a long time to come, And it being put to the vote whether they should buy them or not, It carried unanimously that they should be bought. Therefore, they did appoint David Hoome, Church Treasurer, to commune with and Bargain the said George Rodger for the said Sclats in as frugall a manner as he can.”

From such entries it is gathered the churches were not luxurious. In other respects the conditions under which public worship was sometimes conducted were exhilarating, if not conducive to that spiritual calm which is supposed to be the possession of devout minds.

No II.

Many stirring scenes have been witnessed in the streets of Old Inverness, but none more picturesque than that in which the peace-loving but undismayed burghers were compelled to resort to arms to defend the town from the Highlanders who were pressing in on it. The entry in the Session Register is the only record of the event so far as known.

“28th Aprile 1689.

“That day sermon preached be Mr Gilbert Marshall in the forenoone at the Cross, and that by reason Cole M'donald was about the town boasting to com in with his whole force, consisting of 8 ore 900 men, to plunder the town. Afternoone, Mr Mackenzie preached as aforesaid, all the citizens being necessitate to stand in a posture off Defence.”

“May 5th, 1689,

“Tuesday.

“No sermon, and that by reason of our Confusions.”

(Supposed to have reference to the troubles arising from the revolution changes.)

“August 24th, 1690.

“That day sermon preached by Mr M'Kenzie in his ordinaire, but before sermon ended wee wer surprysed by Generall Buchan's highland armie, who lay betwixt Castell and Culloden, so that qt Collection was uplifted, was given to the poor.”

It looks as if in the general hurry to be off, the collection got leave to take care of itself. Perhaps the poor got it; perhaps not.

Below, as an item of interest, and for the purpose of easy reference, is a tabulated statement, taken from various authorities, of the names of the ministers of Inverness since the Reformation. It is extended rather beyond the period under consideration for the sake of completeness:—

MINISTERS OF INVERNESS FROM THE REFORMATION.

1st Charge.

| | |
|------|--------------------------------------|
| 1567 | Thomas Honston (Died 1605), |
| 1605 | Jas. Bishop, A.M. |
| 1620 | Wm. Cloggie, A.M. |
| 1640 | Murdo MacKenzie, A.M. Transferred to |
| 1645 | Elgin 1645. |
| 1645 | John Ammand, A.M. From 2nd Charge. |

| | |
|------------------|---|
| 1660 } 1673 } | James Sutherland, A.M. From 2nd Charge. |
| 1674 } 1683 } | Alexr. Clerk, A.M. From 2nd Charge. |
| 1683 } 1688 } | Angus MacBean, A.M. Deposed. |
| 1688 } 1691 } | Hector McKenzie. |
| 1691 } 1719 } | Demitted, but retained benefice. |
| 1719 } 1720 } | Died. |
| 1720 } 1726 } | Wm. Stuart (from 3rd Charge). |
| 1726 } 1727 } | Transferred to Kiltearn. |
| 1727 } 1762 } | Alexr. McBean, A.M. From 3rd Charge. |

2nd Charge.

| | |
|------------------|---|
| 1624 | John Annand, A.M. Translated 1627. |
| 16 | } Alexr. Clark. |
| 1635 | |
| 1638 } 1640 } | George Munro. Demitted for want of maintenance. |
| 1640 } 1645 } | John Annand, A.M. To 1st Charge. |
| 1645 } 1647 } | Duncan McCulloch. From 3rd Charge. |
| 1648 } 1659 } | Wm. Fraser. |
| 1660 | James Sutherland. To 1st Charge. |
| 1663 } 1674 } | Alexr. Clark, A.M. To 1st Charge. |
| 1674 } 1691 } | Gilbert Marshall. |
| 1701 } 1726 } | Robert Baillie. |
| 1727 } 1750 } | Alexr. Fraser, A.M. |

3rd Charge.

| | |
|------------------|----------------------------------|
| 1642 } 1645 } | Dun. McCulloch. Trans. 2nd 1645. |
| | Gap 59 years. |
| 1704 } 1719 } | Wm. Stuart. To 1st Charge. |
| 1720 } 1727 } | A. McBean. To 1st Charge. |

As everybody knows, the Established form of Church government in Scotland in 1688 was Episcopal. It is recorded in the Session minutes that the inhabitants of Inverness were honoured at least twice in this and the following year with the ministrations of the Bishop of the Diocese. The entries in the register read—

“Aprille 15th. 1688.

“The Right Reverend father in God Master William Hay, Lord Bishop of Murray, preache! forenoone. Text, 59 Chap. of Isaiah and 20th verse.”

“10th February 1689.

“forenoone, Mr William Hay, Lord Bishop of Murray, preached.”

On the abolition of Episcopacy, the Bishop came to Inverness to reside at the house of his son-in-law, Cuthbert of Castlehill. He is remembered chiefly as the author of a notable saying. When appealed to by his clergy as to how they should best combat the Schismatic preachers, he replied—“Excel them in life and doctrine.” Although, so far as the register shows, there was only one officiating minister in Inverness at the opening of the year 1688, namely, Mr Gilbert Marshall, yet Mr Angus MacBean, afterwards deposed, was still one of the ministers. The Presbytery Records show that, being “convinced that Presbitrie was the only government that God owned in these nations, he disowned the Church government established by law, and demitted his charge.” He signalled the courage of his convictions by beginning “his schisme in one of the most lovall, orderly, and regular cities in the nation.” After “all brotherly, prudent, and tender methods for reclaiming him to his duty” had failed, sentence of deposition and deprivation were pronounced against him. He was imprisoned in December 1687, by the Episcopacy, and kept in confinement, notwithstanding impaired health. Substantial bail was offered on his behalf by the Lairds of Culloden and Gordonstown, but it was a vindictively refused. His release was effected by a mob in December 1688, and he died in February following aged 33 years. “The blood of the Martyrs is the seed of the Church.” Mr Hector Mackenzie was appointed to the vacancy arising by Mr MacBean’s deposition. The Session minutes on the subject are very brief, merely recording that—

“May 6th (1689).

“Mr Hector Mackenzie was presented minister off Inverness, the sd day preached psalm 73 C, Last verse.”

It is perhaps singular—or is it singular?—that Mr MacBean and his successor each preferred principle to place. The former resiled from Episcopacy and was deposed, and the other refused to conform to Presbyterianism, and consequently remained Episcopalian incumbent in the Parish of Inverness for many years after the Establishment of Presbyterianism. The sacrifice in his case, however, could not have been material, as by taking the oath he appears to have retained his benefice, which he held till his death, in 1719. Meanwhile, however, he and Mr

Gilbert Marshall appear to have carried on the duties of the parish with harmony and cordiality. Both preached in common in the two Churches, and interchanged hours of service, and took their turn at presiding at the Session meetings. This continued till the death of Mr Gilbert Marshall, in the winter of 1691. The Session minute, recording the event in brief but comprehensive terms, alludes to his worth—

“26th off Feby. 1691.

“Departed, Master Gilbert Marshall, about six of the clock at night, who preached the Gospell at Inverness for the space of sixteen years and nine moneths, to the satisfaction of all his hearers, and was interrd in Baillie Duffs buriall place, upon the 28th of moneth, being Saturday thereafter.”

There is a marginal note, “memento mori,” and a fantastic sketch of a skull and cross-bones, no doubt pregnant with meaning at the time, but appearing now somewhat out of place, as well as crude in execution.

After the death of Mr Marshall, steps were taken to fill up the vacancy so caused.

“Tuesday, 14th July 1691.

“Session mett, consisting of magistrates, Counsellors, heretours, and Elders. The name of God being called upon, proceeded, the Session being fully met, consisting of the Magistrates, heretoures, and Elders, anent the calling of a minister for filling the vacancy made through the decess Mr Gilbert Marshall, late minister, did list the under written persones and to vote any of these whom they thought most sufficient for this place, viz.:—Mr Alex. Sutherland, Chaplain to Livingstone’s Dragonnes (12); Wm. Mackay, at Dornoch (2); Thomas Fraser, at Suddie; Andrew Ross, minister at Urquhart, in Ross; David Cumming, minister at Breamurray (4); William Stewart, expectant.

“The above written members, having considered that the sd listed persones wer sufficiently quallified for serving and filling up the vacancy, do run yr plurall votes in favoures of Mr Alex. Sutherland, and to this effect ordained all persones that had any objection against the sd Mr Alexr. Sutherland should compear the next Session day, and ther give them in.”

“19th off July 1691.

“After sermon it was intimated to all persones qt somever that hade any objections agst the calling of Mr Alexr. Sutherland to compear the next Tusday, and ther give them in.”

“22nd of July.

“Session mett and craved any objection agst Sutherland, but finding none, did proceeded in the call.”

Mr Sutherland was an ex-master of the Grammar School of Inverness, but at the date of his appointment to the Church of Inverness, he was officiating as Chaplain to Livingstone's Dragoons, who, it is surmised, were then quartered in Inverness. He preached several times in the Church after his appointment, but it does not appear that he was settled in the charge. He disappears altogether from the records after the 23rd August. Probably his departure was accelerated by the events leading up to the entry under date 14th October 1691, which is significant for what it omits as well as for what it says—

“That day the presbyterian pairties took possession of the Highland Church.”

Even a Chaplain of Dragoons might be excused from preaching under Prelacy one day and Presbyterianism the next. It is apparent from the fact of the above entry, and that the Episcopal minister, Mr Hector Mackenzie, was still officiating in Inverness, that the force of the Ecclesiastical Revolution did not reach the Highland Capital, or, at all events, did not take practical effect so early here as in the South. Mr Mackenzie continued to preach and act as minister of the parish down till July 1694, and evidently to some extent, but without Ecclesiastical recognition, to a much later date, namely, 1703. This is borne out by the fact that he continued to disburse money belonging to the Session, although, so far as appears from the Session Records, he neither preached nor took part in the Session proceedings after 1694. What time he took the oath is not seen. But it is certain that although not recognised by the Presbyterian party, he never divested himself of his ministerial functions. Probably the truth is that, backed by a considerable portion of the community partial to him, he continued to minister to the people on the old lines, as far as he was permitted. It is perfectly clear that he never officiated as a Presbyterian minister, but his personal popularity doubtless induced an influential portion of the Session and the community to hope that he would conform, as will be seen later on under Session minute quoted (dated 15th November 1703). Mr Mackenzie, however, being obdurate on this point, his friends were still powerful enough to bring about an agreement, dated October 1705, between him and the Rev. Mr Robt. Baillie, the first Presbyterian

minister settled in Inverness under the Orange regime. To this agreement, which is rather curious, the Magistrates, Town Council, Heritors, and Elders subscribed as consentors. No official record of this agreement by the Session exists till May 14, 1717, "when it was ordered to be laid in before the Magistrates and Town Council whereby they may decide and determine therein, and that by reason of Differences that arise by Mr Hector Mackenzie's taking the third Sabbath as it falls in course, and the Council's Determination to be reported with convenience. The tenor of which agreement follows:

"For removing all differences betwixt the ministers and parochners of Inverness. It was agreed betwixt Mr Robert Baillie, minister, and Mr Hector Mackenzie, minister, there, with the Special advice and consent of the Magistrates, Council, Heretours, and Elders, in manner following Primo, that after Mr William Stuart, minister at Kiltearn, shall come and settle here. The sd Mr Hector Mackenzie shall preach in English in the High Church every third Sabbath day in the afternoon, and on a week day once every three weeks, in the sd English language, either in the old or new Kirk, as he shall find most convenient; 2nd. It was agreed in manner for said that dureing Mr William Stuart's stay in this place and continueing to preach here, the sd Mr Hector Mackenzie shall take an equall burden with him both in preaching and Catechising in the Irish language; 3rd. That one the Sabbath day Mr Hector Mackenzie and Mr Will Stuart shall preach by equall turns or Catechise in the New Kirk, in the Irish language only. In testimony whereby the sd Mr Robert Baillie and Mr Hector Mackenzie, together with the Magistrates, Council, Heretors, and Elders of the said town and parioch of Inverness, have subscribed their puts, written by Mr Thomas Jaffray, maister of the Grammar School of Inverness. At Inverness, the twelvth day of October, one thousand and seven hundred and five years. Before those witnesses to the subscriptions of the sd's Mr Hector Mackenzie and Mr Robert Baillie, to w^t George Mackenzie of Inchconter; Aeneas Macleod of Cadboll, and Livetenant Collinell Duncan Mackenzie, in Foot Guards, and the said Mr Thomas Jaffray, writer, hereof sic sub'cr.

"Hector Mackenzie, Robert Baillie, George Mackenzie, Witness; Eneas Macleod, witness; Duncan Mackenzie, Tho. Jaffray, witness; James Dunbar, Elder, consents; John Cuthbert consents, James Vaus consents, George Leith consents, David Fraser consents, William Neilson consents,

David Stuart consents, James Thomson consents, James Cuthbert consents, William Hoome consents, George Cuthbert consents, William Robertson consents, Da Polson consents, Robert Robertson consents, Alexr. Stuart consents, John Lockhart, William Duff, provost, consents; Robert Ross, Baillie, consents; Alexr. Duff consents, David Fraser consents, George Duncan consents, John Cuthbert consents, John M'Intosh consents, Alexr. Fraser consents, John Robertson consents, Alexr. Hark consents, John Taylor consents."

This agreement carries us rather beyond the narrative, and for the present it may be dismissed with this comment, that it shows an utter absence of persecution and intolerance on the part of the Presbyterians, then all-powerful, and it is in striking contrast to the treatment meted out to the Rev. Angus M'Bean, by the Episcopate. To return to the narrative, the minutes show that Mr Hector Mackenzie preached on 8th July 1694, and suddenly, as it were, he disappears from them in his capacity of Moderator and member of Kirk Session. For some time after that the minutes preserve a discreet silence regarding him and the circumstances of the times, merely recording the usual routine offices and the names of the preachers.

No. III.

The disappearance of Mr Hector Mackenzie from the Church Judicatories was contemporaneous with the appearance in Inverness of the Committee of the General Assembly commissioned for the North. Circumstances had worked together to retain him in his office up to this point. Probably he had taken the Oath of Allegiance to William and Mary; other factors in his favour were his popularity, his excellent knowledge of Gaelic, and the lack of ministers qualified to officiate in Highland parishes. The visit of the Committee, however, brought matters to a crisis, and he was forced to the alternative of subscribing the Declaration of Assurance and the Westminster Confession of Faith or quitting his charge. When the Commissioners arrived in Inverness they were met by 14 ministers, who lodged with the Commission a paper containing questions and a protestation against the authority of the late General Assemblies. Was Hector Mackenzie one of the 14? There is no information regarding this, but he seems for the time to have deferred subscribing the necessary formula, taking full advantage of the extension of time allowed. Fortunately for him, in the following year, by the moderation and good sense of the Presbyterians, the Scottish Parliament was able to modify the conditions to this—"That all who should qualify themselves within the time appointed and behave as became ministers of the Gospel in doctrine, life, and conversation, should enjoy the Royal protection as to their churches and benefices, they confining themselves within the limits of their parochial charges, and taking no part in ordination or Church Government, unless duly assumed by a competent ecclesiastical judicatory." Hence the subsequent somewhat fitful and rather fretful appearance of Mr Hector Mackenzie's name in the pages of the Session Records.

The Presbyterians continued to use the same Session minute book as the Episcopalians had, but as if to mark the epoch, it is observed that contrary to custom one page about the centre of the book is only half-filled and the two leaves following are torn or cut out, and it is evident from what follows that a new era ecclesiastically has begun, for the next page is numbered I., and opens under the appointment of the Committee of the General Assembly for the North for the purpose of adding 32 names to the Eldership of the parish. The whole proceedings savour of abruptness, but there

is an evident desire to be precise and legally formal in them. The existing Session numbered 20 members, so that with the 32 additional members they were a considerable body, including as they did many of the most worthy and prominent names in the town and district. The minute runs in the following terms:—

“August 8th 1694.

“Session met (God’s name being calld upon), proceeded sederunt. At the Session House of Inverness, 8th August (94), Mr John Spaldin, Moderatour; Mr Thomas Thomson, Assistant.

“Appointed by the Comittie of the Generall Assemblie for the north to convene to the Session of Inverness as they are this day by the appointment of the said Comittie, Constitute according to yr Act ther annent the tener qrof as follows:—

“At the Kirk of Inverness, the seventh day of August, sixteen nyntie four years, be four of the clock in the afternoone.

“Wheras ther was by the Magistrates and heretoures of the town and parioch of Inverness Given into the Comittie of the Generall Assemblie Comissionat for the north a list of severall persones to be added to the Elders of this congregation. The Comittie haveing apointed severall of yr number to conferr with and try the persones contained in the said List as to ther fitness for that office, who reports that they hade tryed and wer satisfied with these they mett with, and wer present at home, whose names are as follows:—

“William Duff, Provost; John Barbour, Baillie; William Duff of Diple, Baillie; John Mackintosh, Baillie; James Maclean, Dean of Gild; Alexr. Duff of Drummoore; Mr Alexr. Fraser, Thesaurer; Alexr. Mackay, Mer’t; James Dunbar, younger, solicitor; Robert Elphinstone, Goldsmith; Robert Rose, late baillie; William Wilson, Mert.; Alexr. Rose, late baillie; Robert Rose, younger; Mr William Robertson of Inches; Hugh Robertson, late provest; William Baillie of Dunain; Donald ffouler, late thesaurer; John Cuthbert, late provest; Robert Cuming of Relugas; Andrew fraser son & provest fraser; John Lockhart, Mert.; John Stewart, Mert.; Samuell Cuthbert, toun clk; Robert Robertson of the lyn; Alexr. Stewart, Skiper; James Keiloch, Skiper; Joseph Robertson, Apothea Carie; Thomas Hossack, Mert.; John Cuthbert, Mert.; William Hoome, Mert.

“Which the Comittie approves, and haveing caused serve yr edict the last Lord’s day that if any person have anything lawfully to object agst them why they might not be admitted Elders, they might repair to the Comittie against

Tuesday, being the seventh day of August Instant, at five a clock in the afternoon, And the Comittie having caused call at that tyme at the most pntent Doores of the church if ther wer any to object agst them. Ther wer none appeared. Therfor the Comittie appoints Mr Thomas Thomsons, Minr., at ffors. to ordain them tomorrow after sermon, being Wednesday the eight day of August, sixteen nyntie four yeares, and to declaire them to be additionall to the legall Eldership already found here And as for these contained in the List whose edict was served the last Lord's day, and who either are sick or not at home, the Comittie recommends to the Presbiterian minister, who by the Comittie's appointment is to preach here for some tyme, to keep Sessions, and with the advise and consent of the Session here to try and ordain them as they shall be found willing and quallified. Extract out of the Records of the Comittie by Will Macky, Clk. Comt.

"The old Elders are as followes:—

"Duncan fforges of Culloden; George Cuthbert of Castleill; James Stewart, late billie; David Stewart, Mert.; George Duncan, Mert.; James Thomson, Mert.; Robert Wilson, Mert.; Donald ffrazer; George Leith; John Clerk; Alexr. Squaire; James Porteous; James Vans; David Monro; John Polson; Alexr. Sage; William Miller; Robert Murray in Culloden; Donald Young, younger; John McBean, Mert.

"T. W. T. Thomson, Clk. Assistant,
Jo: Spalding, Modr. P.T."

The Session having added to their number, at once reappointed their former Session Clerk, Bishop. In course of the month (August 1694) they appointed four of the most prominent of their number to communicate with Mr Wm. Crichton, minister of Halkirk, Moderator of the Committee, commissioned by the General Assembly for the North, for a minister for supplying the vacancy of the Kirk of Inverness. Three names were mentioned—Mr John McLauren, Mr Robert Munro, and Mr Dunkinson, any of whom would be acceptable. The favourite was Mr McLauren, but in the end none of them came, and Inverness pulpit was practically derelict.

Supplies ought to have been furnished by the Presbytery, the General Assembly having made provision accordingly. These supplies, however, were by no means so regular or so satisfactory as was desired, and so severe a body as the Session were constrained to joke slyly humour at the Presbytery on account of its remissness. Fre-

quently one or more of the elders were commissioned by the Session to go to the Presbytery with the view of securing a supply, while in the absence of Gaelic-speaking ministers, delinquents have often to be deferred "till it please God to send a minr. that can speak in the Irish tongue." However, on the 22nd October 1695, the Session met under the Moderatorship of Mr Hugh Kemp, minister of Foregone. The minutes reveal that the Session were not of one mind. The Magistrates and Council, who were now by law conjoined with the Kirk Session in the calling of a minister, appear to have nominated one candidate and the other part of the Session another, an unfortunate beginning certainly. Hitherto, as might be expected, there was a very close connection between the Session and the town's civic rulers. The Magistrates, or part of them, were generally members of the Session, as were also some of the Councillors. The relations between the two bodies were thus for the most part very harmonious. Differences did occasionally arise, but they seemed to be always happily adjusted in a friendly spirit, both parties being mainly concerned as to how best to serve the well-being of the community. In the present difficulty the same good feeling ultimately manifested itself, as the record bears out—

"7th October 1695.

"The Session having met, spoke anent the provyding of the place for a minister. It was unanimously concluded That the presbeterie be applyed to appoint one of yr number to give public intimation from the pulpit Sabbath next for the Toun Counsell, heretoures, and Elders, to meett upon nist day of October instant for the drawing and subscriyveing of a call to minister."

"22nd of October 1695.

"The Magistrates and Kirk Session being mett anent the election of a minister, and the thing being put to a vote, the magistrates and Council were for the most for Mr John Paselay, but the pluralite of the Session were for Mr James Fraser of Brea. After the votes past, some of the most considerable of the place made a difficultie anent Brea, because of his not takeing the oathes, but withall did declare that if the generalitie should be pleased to goe along with the Magistrates in the call of Mr John Paselay because of Brea's circumstances, and that thers difficulties found in obtaining Mr Paselay. Then the Magistrates would be unanimous in prosecuting the call to Brea before they made any proposale to any therd person qch the Kirk Ses-

sion has taken to advyse upon to the next meeting."

Afterwards there were several, as it appears, abortive meetings, and then the Session, as foreshadowed, gave a call to Mr James Fraser of Brea, minister of Culross, and proceeded to prosecute it with more than ordinary vigour, successfully almost, as it would seem, when an unfortunate demand by Mr Fraser brought the proceedings to naught, and he, too, disappears from view. The demand follows:—

"8th of November 1698.

"After Sermon the Session meett, The said Mr James fraser of Brea, moderatour. The name of God being called upon, proseded. The moderatour proposed to the members of Session That in respect of his being called to be ther Minister, They should take it to ther serious consileration the giving to him one of the churches to preach in forenoone and afternoone. The qeh, the Magistrates, and oys took to advise till fryday next, again Qeh tym they are to return yr answer."

No. IV.

As mentioned in No. III. hereof, the call to Mr James Fraser of Brea, then minister of Culross, came to nothing, apparently because the Session were unable to agree to his preaching in one church only, forenoon and afternoon. At length a call was presented to Mr Robert Baillie, who, after much by-play, reasons, and counter-reasons, and petitions, was finally settled in Inverness about the beginning of 1703, by command of the General Assembly.

“15th Jany. 1700.

“That day the Sessions being sensible of the great loss The burgh and parish wer att in wanting of a minister, and haveing experience of Mr Robert Baillie, now att Lamington, his good life and sound doctrine, and that they finde the Session to be full, consisting of Magistrates, heretoures, and Elders, did unanimously vote the said Mr Robert Baillie to be yr. minister, and in order thereto did subt. a call to him, Qch call was sent along with Mr Robert Cumming of Relugas, one of the Elders to the presbitery of Murray, to get ther approbation yrto, and that the said Robert bring a report yrof from the presbitery again the next Session day.

“Att Edr., Fryday, March the 13th, One thousand seventeen hundred and Two years post meridiem.

“Annent the affair of Mr Robert Baillie’s goeing up to be admitted minr. at Inverness, Conform to the former sentence of Transportation by the Generall Assemblie, seven hundred and one years, and appointment of yr Commission, delayed in the forenoone till this dyet, parties being present as in the forenoon, and the Commission of the Generall Assemblie, proceeding yrto where they then left. William Baillie of Lamington gave in a Commission from the Heretoures and Elders of the Parish of Lamington to the Earl of Forfare, and him impowering them, or either of them, to compear before the late Assemblie, and in name of the sd parish to give in petitne. to the said Assemblie, and to reason and debate in the presence as should be found necessarie in order to continueing Mr Robert Baillie to be ther minr., Qch commission was read, and the sds parties heard and removed, and after Long reasoning hinc inde in open Commission concerning that affair, parties wer again calld in, and Mr Robert Baillie and the Laird of Lamington desyred to say and represent all that they hade to say in

that affair, and why the sd Mr Robert should not goe up to Inverness as fully and freely as if there had been no sentance of Transportation yet pronounced. Whereupon the said Mr Robert Baillie gave in a paper entitled 'Remarks upon the Call and Reasons of Transportation,' given by the parish of Inverness to him, which was read, and the sd Mr Robert Baillie and the Laird of Lamington were furder as fully and at Length heard viva voce, as if there had been no sentance of Transportation in the said affair, and p'ties being removed, the Commission of the General Assemblie haveing yet furder reasoned and seriously considered that affair and what was therein represented by either p'tie, and findeing no new thing yrin but what was formerly known both to the Gen-rall Assemblie, one thousand seven hundred and on years, and Commission thereof. They therefore, by the vote, did and hereby doe appoint the said Mr Robert Baillie in obedience to and compliance with the said sentance of Transportation, To repair to and be admittet minister at Inverness, Betwixt and the first of June next, with Certificatn. ; if he doe not, they will then proceed agst him according to the instructions. Whereupon the said David Steuart asked and tooke instruments, and the Commission, for the encouragement of the said Mr Robert Baillie, appoint a Letter to be wrytten to the town and parish of Inverness, showing them what is done, and in that in case Mr Robert Baillie is not provided of presbiterian Colligue or supplied with some probatner or assistant haveing the Irish language within a year after his coming up to them. That then and in that case he is hereby allowe^d, and the Commission declare they will concur with him, to represent his circumstances and case to the Generall Assemblie, so that qch is grievous and ought to be remeded.

"Extracted by me,—

Sic Subt. Da: Dundas, Clk."

Thus, after a lapse of twelve years from the death of Mr Gilbert Marshall, the pulpit of the Second Charge of Inverness was again filled, and by a not unworthy successor. In connection with this long vacancy, Shaw, in his History of the Province of Moray, says:—

"And in Inverness so great was the disaffection (to which Mr Hector Mackenzie contributed not a little, although he himself had qualified to the Civil Government) that upon the death of Mr Marshall in 1691 the Magistrates would not suffer the charge to be declared vacant. Upon 21st June that year all avenues to the church were be-

set with armed men, and double sentries placed at the doors, that no minister might enter, and when Duncan Forbes of Culloden sought to open the doors he was thrust back and struck violently. This made Culloden and others represent the case to the Council, and in August 1691, Leven's Regiment was sent north to protect the well-affected in obeying the law. They made patent doors, but for ten years no minister could be got settled in that town."

Shaw's statement requires modification to a considerable extent, for the first part of it, that the Magistrates would not suffer the charge to be declared vacant, seems inconsistent with the facts as recorded in the Session minutes, which have been fully quoted in No. II. hereof, and which show that Mr Marshall died in February 1691, and that on the 14th July next the Magistrates, Councillors, heritors, and elders elected Mr Alexander Sutherland, chaplain to Livingstone's Dragoons, to the vacant charge, and that they further, on 19th July, craved objections in the usual form from the pulpit, and only proceeded finally in the call on the 22nd July, after again asking for and receiving none. Then, again, the Session records clearly establish that on the first date mentioned by Shaw, 21st June 1691, Mr Hector Mackenzie himself preached, and in the afternoon Mr Alexr. Denoone, parson of Pettie, officiated. The fact that a collection was taken and apporportioned as usual rather precludes the idea of a disturbance such as Shaw describes. Here is the Session minute—

"Sabbath, 21st June ('91).

"ffornoone, Mr Mackenzie preached, text ordinary. Afternoon, Mr Alexr. Denoone, parson of Pettie, preached, text, 21st Luke and 43 verse.

Collection.

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|---|---|---|---|----|----|-----|
| R | - | - | - | 00 | 18 | 00 |
| P | - | - | - | 1 | 09 | 2 |
| A | - | - | - | 02 | 13 | 0." |

If digression be permissible, it should be observed that the ecclesiastical circumstances of the times were most peculiar. Although by the middle of 1689 Prelacy was abolished, nothing was immediately established in its place. Difficulties arose about Patronage which for obvious reasons Presbyterians wished abolished; the Oaths of Allegiance and the Declaration of Assurance also gave a good deal of trouble, and resulted for the time in delaying the establishment of a substitute for Prelacy. From motives of State policy, the King and his Councillors had a strong desire to conciliate the Episcopalians of

Scotland, and in fact had no special liking for Presbyterianism. So long as the religion of the kingdoms was of the Protestant faith the King was credited with not being particular as to the form of Church Government, hence in high quarters there was a general tendency to toleration, which in many cases led to the Episcopal clergy retaining for a considerable time their benefices and functions. This was comparatively easy in cases such as that of the Rev. Hector Mackenzie, of the First Charge of Inverness, where his congregation was composed mostly of gentry and the well-to-do of the community. When the General Assembly met in October 1690 there was no representative there from the North. Under all the circumstances, the requisite legal formalities relating to the change of Church Government could only operate slowly in the Highlands. If the Presbyterians in Inverness tried or threatened to dispossess the Episcopalians, who were in possession, then the latter might have been justified in resorting to a display of force for the purpose of counteracting such proceedings and protecting themselves, but that there was any violence or disorder justifying these terms is most improbable. Indeed, had the rule of the Bishops been as mild and temperate elsewhere as it was in the Highlands the course of ecclesiastical events might have been different, for there were powerful influences at work for the continuance of the hierarchy. It was not to be, however. Presbyterianism was firmly established by law, and if more gradually, not less firmly in the affections of the people.

While Mr Baillie seems to have settled down to the work of the parish with much acceptance, it is apparent he found his position anomalous, and realised it in as much as he could not speak the mother tongue of the people, and his usefulness was consequently restricted.

According to the terms of his settlement, a colleague able to speak Gaelic was to be settled in the parish within twelve months. It rather appears that Mr Baillie had to remind the Session of this, and they in consequence seem to have made certain proposals to Mr Hector Mackenzie. At any rate, the Session minute suggests that.—

“15th Novr. 1705.

“It being represented to the Session that Mr Hector Mackenzie had scruples of accepting the care and charge of the whole Irish part of the congregation, They being by the nearest calculation can be made of them about three thousand Catechisable persons, and a spacious wide parish, which he judged and found by experience to be

a burden which he was neither able or obliged to take on him, especially considering That at his admission to the office of minr. with the town and parish of Inverness he was duly and Legally entered to the equall half of the parish of both languages.

“The Session appoints the Clerk not to record this minut, nor give any extracts thereof without the Session’s special consent, being only sett down here as a memorandum.”

From 20th January 1704 till 15th April 1707 there is no Session minute, the reason being explained in the minutes of the latter date, which follow—

“This day it was represented in the Session That an accidental fire happened in the clerk’s chamber betwixt the hours of ten and twelve o’clock at night, which continued until two o’clock in the morning, being the eight and ninth instant which fire during the continuance of it was most violent, and that the whole roof, loft, and other things belonging to himself was consumed by the sd fire; only the registers were very providentially preserved, and that the minutes for the years of God seventeen hundred and four, five, and six years, untill this date were burnt, as also the register of baptisies from the year of God seventeen hundred and three the 26th day of January were burnt, together also wt the register of marriages and burials from the year of God one thousand six hundred and eighty eight years, Which being considered, the Session appointed that publick intimation be made after forenoone sermon on Sabbath next in both churches, that the whole inhabitants of town and parish who have had children baptized These four years bygon should come to yr clerk, Alexr. Bishop, and give up the names of their children, wt the date of their birth and baptism to the nearest of their remembrance, to gether wt the names of the witnesses for the tyme for said, and that in order to make up the forsd register of baptism that is lost, and that the same shall be recorded gratis.”

Mr W. Stuart, formerly minister at Kiltearn, presided at this meeting, having become settled in Inverness as minister of the Third Charge, in the year 1705.

It has been stated that Mr Duncan Macculloch was minister of the Third Charge, 1642-45; but it is extremely doubtful whether this was not merely a temporary appointment to meet a special emergency; at any rate, there seems to have been no permanent stipend attached to the charge if created, and when in 1704 the General Assembly dealt with the question of settling a third minister

in the town and parish the matter was treated entirely as if a third minister was being settled there for the first time. As bearing on this question, the following document, which has already been printed, is very interesting:—

“Anne, by the grace of God, Queen of Great Britain, France, and Ireland; To all good men of her whole realm, cleric and laic; Greeting: Since we, considering the condition of the city and parish of Inverness, and parish thereof, and from information that there are therein about four thousand persons above the age of fourteen years, three thousand and more (of whom) can only speak the Gaelic language, and that said parish is very wide, and very many of the parishioners are eight miles distant from a church, whereby the ministerial duty is rendered too heavy for two ministers, especially since one of the present ministers of that parish is ignorant of the Gaelic tongue, and the other, who can speak in the Gaelic, is obliged to undertake the cure of one-half only of these Gaelic people, on which account about fifteen hundred of these poor Gaelic people have, to their great loss, no one to superintend them; And considering the great influence of said city and parish throughout the North Highlands of Scotland, and that the placing of a third minister at Inverness is right and necessary, which would tend greatly to the glory of God, the good of souls, and the promotion of the Reformed Protestant religion, and that it would contribute much to the preservation of peace and good order in those quarters, and also that the foresaid city and parish have been lately reduced to very great poverty through the decay of commerce and other causes; and the tiends thereof have been exhausted, and so no fixed fund can be found as a stipend for a third minister in that place; and the Magistrates and heritors hitherto are agreed as to the necessity for a third minister in said city and parish, and that they have given an invitation to Mr William Stewart, minister at Kiltearn, which afterwards was considered by the National Synod of the Church of that our ancient kingdom of Scotland, and the said National Synod finding it necessary that a third minister be established at Inverness, have translated the said Mr William Stewart from Kiltearn to be one of the ministers of Inverness. And we are desiring much that ministers of the Gospel have every due and requisite sustentation in the faithful administration of their office. Therefore, we, of our Royal bounty, and from our maternal care for the Church and zeal for the promotion of the true Protestant religion, with special advice and consent of our very trusty and beloved cousins

and counsellors—James, Duke of Queensberry, our Chief Commissioner; James, Earl of Seafield, High Chancellor; James, Marquis of Montrose, President of the Secret Council; James, Earl of Galloway; Archibald, Earl of Forfar; David, Earl of Glasgow, Lord-Depute of the Treasury; William, Lord Ross; and Master Francis Montgomery of Giffan, Lords Commissioners of the Treasury, and Comptrollers of our new augmentations: And also with advice and consent, with the rest of the Lords and other Commissioners of our Exchequer, have given, granted, mortified, and disposed, and for us and our successors for ever confirmed, as also we, with advice and consent foresaid by the present charter, give, grant, mortify, assign, and dispose, and for us and our successors for ever confirm, to the foresaid Magistrates and Town Council of Inverness for the time, and to their successors in office in all time to come for the use and benefit of the said Mr William Stewart upon his admission to the office of one of the ministers of Inverness, and of his successors in office in all time to come, provided always that they be lawfully called and admitted to the incumbency of the cure, as one of the ministers of Inverness, according to the constitution of the Church as presently established: All and whole the sum of eight hundred and eighty-one pounds one shilling and sixpence of the money of Scotland, to continue as a constant modified stipend yearly, for the foresaid Master William Stewart, and his successors in office; and which stipend we ordain to be paid yearly at the Feast of St Martin, beginning the first term of payment at the Feast of St Martin, in the year of the Lord 1706, and thereafter to continue to be paid yearly in all time to come at said term, to the foresaid Magistrates and Town Council of Inverness, or to any others whomsoever having their mandate from the rents of the Bishoprick of Moray, and particularly from those lands undermentioned, viz., from the ecclesiastical lands of the Lord of Gordonston, lying within the parish of Kinnedar, the sum two hundred and eighty-eight pounds and twelve shillings of money foresaid: Item—From his lands of Kirkton of Dallas, six pounds thirteen shillings and four pence: Item—From the ecclesiastical lands of the Lord of Brodie, in said parish of Kinnedar, £129 12s: Item—From the Lord of Muirton for his lands of Blairvie, lying in the parish of Rufford, £81 7s: Item—From the Lord of Muirton for his lands of Myreside, in the parish of Spynie, £20: Item—From said Lord of Muirton for his lands of Sheriffmiln, in said parish of Spynie, £2: Item—From the Lord of Bishopmiln for

his lands of Bishopmilln, in said parish of Spynie, £66 13s 4d: Item—From the Lord of Miltounbrody for his lands of Inverlochty, in the parish of Elgin, £52 2s: Item—From Master David Polson of Kylvilie for his lands of Kylvilie, and other lands formerly belonging to Hugh Baillie, in the parish of Inverness, £60: Item—From the Lord of Kilravock for his temple lands in the parish of Ardelough, £40: Item—From the said Lord of Kilravock for his lands of Kildrummie, in the parish of Nain, £16: Item—From the Lord of Dipple for his lands of Dipple, £24 11s 4d: Item—From the Sheriff of Moray for the lands of Inchbraik, in said parish of Spynie, £15 16s 10d: Item—From said Sheriff of Moray for his lands in the parish of Rothes, £4 14s 8d: Item—From Abraham Lesly of Findrartie for his lands in the parish of Spynie, £36 7s: Item—From the Lord of Innes for his lands of Essell, £10 12s: Extending in whole to the sum of £381 1s 6d of money of Scotland foresaid, as part of the rents of the Bishoprick of Moray, which fell into our hands and came into our donation and disposition by the laws and acts of the Parliament of this kingdom, which ordained the abolition and suppression of Episcopacy, and ordained the rights, duties, and superiorities thereof, to pertain to us and our successors in all time to come, and we, with advice and consent aforesaid, give power, grant, and require the hereditary vassals, tenants, and possessors of the lands above written to make exact payment at said term, or at other terms used and wont, of the respective proportions of money to the foresaid Magistrates and Town Council of Inverness, who, for the time, may be in office, and to their successors in all time to come, or to their treasurer, or to any one having their mandate, for the use and benefit of said Mr William Stewart, and of his successors in office, ministers in Inverness who have been lawfully ordained, admitted, and called to the incumbency there as said is: Declaring by the present charter that the receipt of the city of Inverness or their treasurer, or of any one having their mandate, shall be received, and be sufficient for the proper payment of the stipend to Mr William Stewart and his successors in office because of the said lands, and the receipt or exoneration shall contain the obligation of the city of Inverness, which shall be bound to bestow the sums of money above mentioned according to our intention, giving and delivering them to the said Mr William Stewart, or the ministers his successors in office in Inverness; and which obligation must be immediately registered and an extract thereof given to said minister, and

which payment must be instructed by a registered receipt or exoneration from the said Mr William Stewart or his successors in office; or if said Magistrates shall neglect or procrastinate to levy the sums foresaid for the use and benefit above mentioned, then the foresaid Mr William Stewart and his lawful successors shall be at liberty immediately to levy them by themselves, and to grant receipts, which shall sufficiently exoner said persons liable in payment. And that our bounty and pious intention may be more effectual, we, with consent foresaid, constitute and ordain that in all assedations and commissions of said Bishoprick to be granted hereafter, the foresaid lands destined for payment of said third stipend shall be expressly excluded from said assedation or commissions; and decern or ordain said Lords Commissioners of our Treasury to cause the premises so to be done and effected; to be held and had the aforesaid annual stipend of us and our successors as pure charity, freely, quietly, and without any revocation; giving, therefore, yearly, the foresaid Master William Stewart and his successors in office, ministers of Inverness, prayers and supplications to God omnipotent, both publicly and privately, for perpetual benedictions to us and our successors in all time to come; and this for every other burden, exaction, question, demand, or secular service whatsoever, which can be demanded of the said Mr William Stewart and his successors in office; and in fine, we, on the word of a prince, faithfully promise to ratify this present charter in the next session of this Parliament, if there be any, or in the next following, or of any other Parliament of our said ancient kingdom, by requiring the States of Parliament to ratify the same. Moreover, to the Sheriff of . . . and his bailies, and also to our beloved . . . and to any of you conjunctly and severally, Sheriffs of the Sheriffdom of . . . in that part specially constituted (we send) greeting; and command and order you that without delay ye cause sasine to be justly given of the foresaid annual stipend to be levied as is foresaid to the foresaid Magistrates and Town Council of Inverness for the time, and their successors in office in all time to come for the use and benefit of the said Mr William Stewart upon his admission to the office of one of the ministers and of his successors in office, or to their certain attorney, bearer of these presents, according to the form and tenor of the aforesaid charter which they have from us thereupon, under the above-written provisions, and that this ye in no way omit, for the doing of which to you and each of you con-

jointly and severally, our Sheriffs of the sheriffdom of . . . in that part aforesaid, we commit power; in testimony of which thing to this our present charter we have commanded our great seal to be appended. Witnesses—Our very beloved Counsellors, Lord James Murray of Philipshaugh, our Clerk of Archives and Registers; Adam Cockburn of Ormistoun; and our beloved Lord Charles Kerr, director of our Chancery. At our Palace of Newmarket, the 4th day of the month of October, the year of the Lord 1706, and fifth year of our reign.

“This is a true copy of the principal charter above set forth, registered in the Registers of Charters of the Chancery of our supreme Lord the King, and from the same extracted, copied, and collated word for word by me, Master John Russell, Junior, Clerk to the King’s Signet, and depute of the honourable man, Robert Kerr, Esquire, director of the said Chancery, under this my subscription,

“JOHN RUSSELL, Dep.”

No. V.

In the records we are presented with many sides of real human nature, ingenuously set down. Some matters, it may be confessed, are detailed in language unnecessarily plain, as well as unrefined, according to our more fastidious modern tastes. But it must be borne in mind that the times were rude, and grossness of language was characteristic of them, and also that the Kirk Session had to deal with things as they found them. It did deal with matters in a firm and thorough manner, not without a touch of ruthlessness at times. Still, it was not void of bowels of compassion—rather the saying which has become familiar and hackneyed to our ears, applied to the Kirk Session, had some point, for in truth it was “a terror to evil-doers and a praise to such as did well.”

In the present day the differences of form between Episcopacy and Presbyterianism are so pronounced that at first one is left in wonder as to how Elders could find a place in even the most subordinate Court of the Episcopate when in the ascendant after 1660. Episcopal writers endeavour to explain the fact away in this fashion, that—

“Inasmuch as lay Elders were not sanctioned by the Scriptures or the primitive Church, but it was not less necessary that fit persons should assist the minister in repairing the fabric of the Church providing the Elements for the Holy Communion, collecting contributions for the poor, and such like services. Ministers should therefore make choice of wise and discreet persons within the parish for the performance of those duties, and present their names to the ordinary for his approbation.”

But the functions of Elders under the Episcopate included more than is stated above. They were censors of morals as well, and whatever theory was formed regarding them then, in the Highlands at least, they were by no means restricted in practice from taking part in public worship: hence the assumption of Elders by the Episcopate must be regarded more as a measure of necessity or expediency rather than as one of Church polity. Civil and municipal laws were not then the complex machinery of to-day. Hence much more devolved on the Church, and the functions of Elders were wide and far-reaching. They dealt with morals, they took care of the poor, the aged, infirm; the youth at school, the orphan, and the foundling. In short, they controlled the whole

social economy. How, then, could Episcopacy dispense with such a body? They were far too important to be done away with, and therefore we find them just as powerful under Episcopacy as under the strictest Presbyterianism.

The Kirk Session, whatever its faults and deficiencies, was suited to the times, for it was undoubtedly a representative body. The names and designations of the Elders show that although not popularly elected as such elections are now understood, yet the men were chosen with an evident desire that all classes of the community should have due representation. The Elders, with the ministers, constituted the Kirk Session then as now.

The admission and ordination of Elders under the Episcopacy seems to have been a comparatively simple affair, at all events the records are brief, and suggest that the appointment was an easy matter. In one respect they were rather in advance of the present day in the year 1688, for the reason given for the election of new Elders is "others being put off," a proceeding which might be imitated with beneficial results occasionally in these times.

"26th March 1688.

"That day Compeared Alexander Speediman, John Gordona, John McIntosh, younger, and Thomas Hossack, merts; David and Farquhar Macleans, burgesses and indwellers in Inverness, and now chosen and elected elders to the said Session, others being put of, and accordingly now solemnly sworn to be true and faithfull in their statione, and that nothing should be concealed be them that might bring Sin or Scandall one the place."

"7th Oct., 1690.

"That day Alexr. Duff off Drummoore, present baillie, wes receaved Elder, and wes solemnly sworn to be faithfull and true as becam a man of yr function."

"21st October 1690.

"That day Alexr. Stewart, Skipper; Rorie Macleod, William Hoome, David Cuming, Thomas Ritchie wer chosen and sworn Elders to the Session."

Under Presbyterianism full weight and solemnity were given to the proceedings, which are powerfully depicted at length in the minutes, and would seem to differ little from the forms of the present day.

"15th Apryle 1707.

"The Edict anent the Elders to be chosen returned, and the Officer called at the church door

three seall times if yr was any objection, and yr was none. The names of such as were chosen are as follows:—

“William Bailey, Comissary; David Fraser, Baillie; Thomas Fraser, late Thesaurer; John Fraser, merchant; Will Maclean, Goldsmith; John Monro, writter; Mr David Scot; David Holm, mert.; David Angus, Glover; John McGibban, Combmaker; Alexr. McIntosh, Tobacco Twister.

“After prayer, Sederant Mr Wm. Stewart, modr., Mr Robert Baillie, assessor, did officiat as clerk pro tempore, in Alexr. Bishop his absence through indisposition. Old Elders are as follows:—

“Baillie John McIntosh; Baillie Mr Alexr. fraser; Baillie Robert Rose, Elder; The Laird of Castlehill; Jam Dunbar, merchant; Jam Thomson, merchant; John Polson, Glover; Jam Vaus, Glover; Jam Porteous, Tayler; Wm. Fraser; Don. Fraser, jr., Lockhart.

“Anent the ordination of Elders according to a former appointment anent this day, Mr Wm. Stewart preached Rom. 12 8. And after a discourse suitable to the occasion, did Intimate to the Congregation the whole progress of the purpose choosing, nominating, and ordaining some new Elders, and that the edict of the names of the persons following being duly served and returned endorsed, and no objection moved, the sd Mr Stuart did further propose that if there were yet any person who had anything to object they should do it before he should proceed to ordain sds persons after entered. And haveing made some little pause, yr was no objection, qr upon the sd Mr Stuart desired that these to be ordained Elders should draw near unto the pulpit in his view, qch accordingly they did, and haveing exhorted them at great length unto faithfulness and diligence in the station of Elders, he signified unto them that if any of them were not clear to accept of the charge of ruleing elders they might sit down, for their consciences were not to be imposed on, and some time yr after he desired them to hold up their hands, which accordingly they did. Dureing which time he take their engagements in the name of the Eternal God that—

“1stly, They would be sworn enemies to sin, especially the sins of the place particularly such as abounded most yr in such as uncleanness, swearing, drunkenness, profaneness, Sabbath-breaking.

“2ndly, That they would own the Scriptures of

truth as the only rule of faith and manners, together wt. the Confession of faith of the present Established Church, and that they would be ready to subscribe it as the Confession of yr faith when required.

"3rdly, That that they would own and maintain the true Protestant religious work of reformation from popery and anti-christian errors as it is owned in this National Church as now by law Established and Specially ratified and confirmed by a late act in the last Session of Parliament, and that they would support the same in doctrine and worship, discipline and government, and that by the Grace of God and in the strength of the Lord they would adhere yrto all the days of their lives.

"4thly, That they would appear against Schism and Separation from this National Church, and parlarly the Schism and division that is lately sprung up in this place.

"5thly, That they would go about family worship in their families, and be exemplary in their carriages as becomes the Gospel of Christ, and in a word in the office of Elders to suppress sin and encourage piety, and exercise discipline faithfully and diligently, qeh obligations and engagements being distinctly pronounced in the audience of the congregation. It was particularly proposed whether the persons after mentioned were willing to come under them, and in these terms did accept of the charge of Ruleing Elders in this church, wt. power to them to consult, vote, and determine in all the Judicatorys thereof as they shall be orderly and regularly called, whose names are, as follows:—Commisary Will Baillie, David fraser, present Baillie; Thos. Fraser, late Treasurer; Jo. fraser, merchant; Wm. McLean, Goldsmith; Mr Dav. Scott; David Holm, mert.; David Angus, Glover; Jo McGovan, Combmaker; Al. McIntosh, Tobacco Twister; J. Munro, wrytter.

"Thereafter the sd Mr Stuart did more particularly from the Scriptures exhort the above ordained Elders unto yr work and duty, and concluded the sermon wt. exhortations and directions to the people how to behave towards them, and closed the work with prayer and singing of psalms. And now the whole above named persons being present in Session, were welcomed in the usual manner unto the fellowship of discipline and government by the ministers and the old Elders present."

At the Session meetings about 1688 the opening formula was almost invariably the same. "Session mett. The name of God being called

upon, proceeded." That being the key-note to their deliberations; a serious view of their duties was sure to follow. The Session usually met on Tuesdays, after church service, when questions of finance, discipline, and business generally were disposed of. The occasions on which this rule was interfered with were sufficiently rare to justify being noticed and the reason stated—

"18 September (1688).

"No Session by the reason of the Marcatt."

"Apprile 9th, 1689.

"No Session by the reason the Magistrates wer taken up and wuld not attend it."

"26th November 1689.

"No Session by reason the Magistrates wer taken up in matters yt concerned the town."

"Tuesday 10th.—No sermon nor Session, and that by reason the most part of the inhabitants went to Chanry mercat."

"6th June 1693.

"Notwithstanding of the Sessions being appointed to meet this day, Did not meet by reason the provost was not in health."

The day of meeting was permanently changed towards the end of 1698.

"13th of December 1698.

"The Session thought fitt and convenient to alter the weekly sermon from Tuesday to Thursday in respect that the Tuesdays are the post and Court Dayes. This to be intimated next Lord's day."

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No. VI.

The personal duties of Elders in those remote times were very varied, and implied activity both of mind and body. They were often most unpleasant, for they included the functions of moral police; nevertheless, to their credit be it said, that every page of the Session book bears witness that they endeavoured to discharge their duties efficiently and conscientiously. Sometimes they made big mistakes. A whole world of tragedy lies in the background of the two following entries. The ruthless march of Justice in the first is quickly pulled up, and Mercy tries to lay a veil over the wreck of a human soul.

"22nd of October 1695.

"It was ordered by the Session that intimation be made the next Lord's Day anent Hellen Leith, against whom yr was ane act of banishment a long time since, that if any of the inhabitants should either cohabit with ore Lodge the said Hellen, That they shall be proceded agst. as scandlouse persones."

"18th November.

"The Session ordered Alexander Bishop, clerk, to give fourteen shilling Scots weeklie for the maintainence of Helen Leith, who of late hes becom Demented, and withall in a sterving condition."

A general idea of the onerous and very precise nature of the duties devolving upon the individual members of Session may be gathered from the following minutes, which are selected with a due regard to their brevity:—

"7th off August.

"The members above prest., considering the severall abuses committed by the inhabitants in carrying home watter one the Lord's Day, did pass ane act vt iff any should be found so doing any tym hersafter should be chaired as scandolous persones, and to this effect ordained the officers of town and church to watch yr motione, and to imprison them, and ther to remain whyll they be brought to the Session, and examined as breakers of the Sabbath day grupon act."

"June the 3rd, 1690.

"That day the Session ordained yt a pairt of yr number should goe and speake to Colonell Lesslie anent the severall abuses comited be his souldiers, and yt especially of the sin of uncleanness, and intreat his concurrence for suppressing this sin, and to this effect the said Session ordained

the Provost, Moderatour, and Baillie Ross to speake to the said Colonell upon the point."

"12 October 1690.

"Isobell Ross is delayed till David Stewart, one of the Elders and oysr who wer appointed Sessionaly to attend her when she wes in her pangis, to gett a true account of the fayr of her childe, in respect the man who she gives to be fayr to it is att London."

"June 3, 1707.

"Some complaints being made by the members of Session anent breach of Sabbath for remedy thereof, the Session appoint that these Elders who collect at the Church door on the Lord's day shall go about the Church and through the streets in the time of publick worship, forenoon and afternoon, to observe and delate such as are guilty of profaneing that day, and also that they goe through the streets betwixt five and six afternoon from the beginning of March to the end of September, and do what in them lyes for preventing of disorders upon the Lord's day."

"20 off November 1688.

"The said day it was delated yt yr was some people in Culloden who made it a practice to gather mussells on the Lord's Days. The Church officers were ordained to charge to the Session the Elders att Culloden that they give information of the persones who were guiltie of this fact, that they may be proceeded against as breakers of the Sabbath day. As also it was ordained that it should be intimated out of pulpit that if any should be found guiltie of such scandlouse and sinfull act, that they be proceeded against as breakers of the Lord's day qrupon act."

"21st May 1689.

"The most of the business was to settle collectors for uplifting the collection appointed and read the Last Lord's day for the use of the French and Irish protestants. And to this effect ordained and appointed John Cuthbert, Thomas Hossack, James McIntosh, and William Keilach, merchants, and Alexander Stuart, Skipper and burges of Inverness to goe the next Lord's Day in the after noone to the severall doores of the Old Church and receive the good will and Charity of the inhabitants."

"10th febry, 1691.

"The Session findeing to be pestured with stranger servants, did ordaine the under sd. to goe search all the houses in the town and see if ther be any to be found who have not their testificat.



BEGGAR'S BADGE.

and such as have not are to be proceeded agst according to act of Session. The persones who are appointed for this effect are John Hattmaker and Alexr. Monro for the Church Street; Robert Innes and James Covy, for the East Street; Hector and Angus Mackintoshes, for the Castell Street; William McBean and George Vaus, for the Bridge Street and the oyr syd of the watter."

"20 September 1692.

"The Act of Privie Counsell anent the maintaining of town and parish beggares, expelling of stranger beggares, was read in face of Session, and to the effect the same may be the better put into execution they appointed the under mentioned Ellets to search the town for stranger beggares, and the sds person to make yr reportt again the next Session day (viz.) William Hoome and Donald Deas, for the Church Street for the back syd of the town; Robert Rose, younger, and John McCra, Alexander Mackay and James Robertson, for the East Street; Thomas McEanire and Hector McKintosh, for the Castell Street; George Vaus and William McBean, for the Bridge Street; Donald Forbes and John McKintosh, younger, for the oyr syd of the watter.

"The Session ordered that after the said act of Counsell was intimated that the names of such as were appointed for putting the samen in execution may be read also, and that such beggares as belongs to the town & Parish shall have the town's badge.

"16th October 1692.

"The intimation anent Strangers beggers was intimated, and all the town and parish beggers was ordered to com in tuesday next receive yr bages."

"18th October 1692.

"The Session being taken up wholly with giving out of the pores bages, referred delinquents till the next Sederant."

"8th Aprile 1695.

"The said day the Session of the said burgh, being informed of severalls who in tym of Devyn Service went to the tavern houses, and ther drank to excess, Did pass act that who ever of the retailers of ale or any oyr strong liquors shall be found to retale either of the forsd liquors in tym of Devyn Service, That they shall be liable to Kirk Censour, besides ovr punishment that may be inflicted upon them by the Civill Magistrate. As also it is hereby intimated to the up-lifters of the Collectiones each Sabbath day, that four of them, viz., two in the forenoone and two

in ye afternoone, with two of the borrow officers, go through the town and tavern houses, and if they finde any either extravagating ore Drinking one the Sabbath in tym of Devyn Service that they be delyvered to the said officers and committed by them to prison till they be brought to Session or Condigne punishment, qr upon Act.

“10th May 1697.

The Session ordered that ther should be ane intimtn. made from pulpit the next Lord's day, That if ther be any found to extravag through the streets in tym of Devyn Service, whether childrein, that the parents of such childrein ore masters of such servants shall be comptable for them and censured accordingly, as also to request the constables careful and diligent to discharge the trust put into their hands.”

“8th June 1701.

“The Session haveing considered the many grievances made by the Elders anment severalls who doe Extravag on the Sabbath day, particularly servants and childrein, did recommend to the Moderatour that he intimat to masters of families that they restrict their childrein and servants, or oyr wayes they be proceeded agst as breakers of the Sabbath.”

Perhaps one of the most objectionable of the Kirk Session's functions, and one common under Episcopacy and Presbyterianism, was the power it possessed of punishing delinquents by fine, such penalties going into a fund administered at the will of the Session. While it is not apparent that this appropriation of the money did to any extent prejudice the cases adjudicated upon, yet suspicions might not have been altogether unwarranted under the circumstances. The members of Session were undoubtedly stern and uncompromising when dealing with the frailties of unregenerate human nature, or the phases of it that came before them; but they were rarely harsh, still more rarely unjust, towards repentant sinners, while to the needy, the sick, and the unfortunate they were uniformly kind and compassionate.

The Session never resorted to that mean and well-known device of these latter days of saying to their petitioners, “We have no funds.” On the contrary, if the object were worthy they almost invariably granted the petitioner's desire, and then when the question arose of where the money was to come from, they, with undeviating faith in their treasurers, ordered them to “think on a fund for paying of the samen,” or to “fall

upon a methode" of doing so, and should the treasurers' thinking powers prove, as sometimes happened, to be unequal to the task, they still ordered the amount to be paid and a bill drawn on the treasurers, "by way of friendly borrowing of samen." In fact, their faith in one of their treasurers extended to his wife.

"May 4th, 1690.

"Withall the Session ordained me, Alexr. Bishop, wrytter hereof, to go to James McLean, baillic, and hospitall thesaurer, ore to his spouse, and to get notice if they hade ane hundreth merks of ready money to be distributed amongst severall poor people in this place, and to give a report of same again the next Session day."

Thus it is seen that the Session was eminently benevolent. Further, its sympathies knew no geographical bounds. Even Aberdonians were not excluded from its tender consideration. Our Eastern neighbours then (how much earlier is not known) were exploiting the Highland Capital, no doubt with the same energy and push which has since so distinguished them. In the two immediate cases the Aberdonians died in Inverness without the means of burying themselves, and the Kirk Session, with that charity which thinketh no evil, had compassion on them.

"30 of October (1688).

"The said yr was a bill Drawn on Donald Grant, thesaurer, for giving a poor woman yt cam from Aberdone here & dyed for four eln Linen to be her winding sheet."

"18th November.

"The said day ther was three merk given to a poor man com from Aberdone to buy a coffin for his deceast spouse."

A poor townsman always excited their charitable regard, but the Session's charity was not strained. Between James More, prisoner in the Tolbooth, who got two merks "to the two objects of charity yt were piladged at Urquhart, who got twenty shilling Scots," there were varying degrees of necessity, but the following is perhaps unique, and would appeal to the sympathy of sterner stuff than the Session:—

"7th November 1700.

"Ther was a petition given in be Donald Chisholm, salmon fisher, qrin he craves yr charity for the maintainance of three childrein brought forth to him by his wiffe at one birth. The Session ordered this day's collection to him, whyll they fall upon some oyr fund."

It was not unusual to divert the collections to objects such as the following:—

“25 October.

“The Collection given to a souldier wounded at Lochaber.”

There is evidence that on occasion the charity was given with due regard to the susceptibilities of the recipients.

“15/1/1708.

Two poor gentlewomen two pounds scots.”

“18 Januarie 1711.

“There was twelve pounds Scotts reserved, which the minister appointed to give to some indigent families whom they thought not fitt to name in publick.”

Nevertheless, upon occasion the Session could be firm and decisive, too—

“12th Janry. 1699.

“Its orderd that non gett any charity but such as doe frequent the ordinances.”

In addition to such casual charity as the foregoing, collections, exclusive of the ordinary weekly and bi-weekly ones, which were divided between the poor and the reparation fund, were made with great frequency, for, including other objects, such as the relief of French Protestants, German ditto, Irish Protestants, for destitute strangers, and for the children of destitute strangers; for slaves in Turkey, for losses by fire at various places in Scotland, including Leith and Edinburgh; for losses sustained by the depredations of the Highland Army, and for losses occasioned by the French privateers; while the beggars and the indigent poor of town and parish were also dealt with, as already indicated, by the same means systematically, and, on the whole, sympathetically.

“8th August 1698.

“The Session haveing considered the condition of the poor inhabitants in this hard and strick tymes of ffamine, ordered that a lyn be given the minister the next Lord’s day intimating a general contribution to be made for them in both churches Sabbath day com eight days.”

Apart from these, again, collections were made by order of the Privy Council for such purposes as the Bridge of Bervie, Cullen Harbour, Eyemouth Harbour, and similar works of public utility. To all genuine appeals Inverness Kirk Session gave a ready response. Altogether, the virtue of Christian charity was fairly understood and acted upon by the Session, and the community through it.

No. VII.

In general financial matters the Session had a sharp eye for details, and they scanned narrowly all questions of income and expenditure. They were careful to see that they got full value for their money, but in spite of all their business aptitude, they occasionally suffered losses.

"29th June 1701.

"The Session taking to their serious consideration the disadvantages that they sustain by delaying the fitting accounts, with the respective thesaurers, ordered that in tym coming they sitt yr accounts once a year."

"27th of June 1703.

"The Session considering that there is much trouble in uplifting of the penalties, for preventing whereof doe appoint That the man shall pay the penaltie for both himself and the woman, and this but prejudice of pursueing the woman for both in caise the man be not able, and in caise that neither be able to pay the ordinary penaltie, that address be made to the Magistrates that they be corporally punished according to law."

"June 24th, 1707.

"The book containing an account of the penalties resting to the Session was delivered to Mr David Scott, formerly chosen Collector of the penalties, and it was recommended to the ministers, with the said Mr David, to apply to the Magistrates that they might interpose their authority for obtaining paytt. of ys penalties which are resting anent James Fraser, an offender with Mary Fraser, who was detained eight days in prison because he had nothing to pay his penalty. James Vaus reported that the Magistrates for his fuyr punishment ordered them to be scourged, which was accordingly done in terrorem."

"28 May 1703.

"In reference to the forty pounds Scots, the Session being tender of taking any oathes upon that head, Thought fit by their wott to pass from it altogether, and appoints that matters be better looked to in time coming, And that they count frequently, or at least once a year, with the Thesaurer."

When the Session could not get money from delinquents, it was not above taking poynds or pledges.

“Febry 10th, 1708.

“Janet McLean being cited, called, compeared, and was ordered to appear next Lord’s day in order to be absolved, in case Mr Baillie were satisfied upon her Examination some days preceding the sd day of her compearance, as also that the poynds given in here by her were not relieved within a founnigh (the which poynds were given in pledge of the penalty, qch She was obliged to pay), then and in that case were to be comprysed by any two or three judicious men, and payed in to David Angus, penalty treasurer.”

“24th february 1708.

“Margaret Ross, party to Evan McLean servitor to Captn. Cameron, her pledges are ordered to be first offered to herself upon paytt of her fyne, the qch if she did not relieve, the same is ordered to be sold also and the money payed unto David Angus.”

All round, it must be granted, they looked pretty sharply after their monies. But they were equally anxious about the spiritual concerns of the town and parish. After the decease and the demission of the ministers appointed before the end of the 17th century, they are found continually appealing to the Presbytery to send ministers to supply the pulpit; while for the Gaelic portion of the community they always employed an “Irish reader.” The poor man seems to have had rather a hard time of it.

“May 31, 1697.

“That day Donald Gillmor, Irish Reader, supplicated the Session ffor payt. of qt is Due to him by them ffor his bygone selary and affond for the future.”

“5th of July 1697.

“The Session taking to yr consideration the present necessity off Donald Gillmor, Irish Reader, and considering themselves to be much indebted to him for serviees done, hav ordained Alexr. Stewart, thesaurer, to give him for his present supply fourtie three pound one shilling ten penies Scotts, and that in part of payt. untill ther be a ffond fallen one to clear all qt is resting to the sd Donald.”

“13th of June 1699.

“Severall persones that have petitiones from the Session as Mr Thomas Jaffray, Master of the Gramore Schole, and Donald Gillmor, reader in the new Kirk for ther service to the Church, had ther conditions represented to the Session, and that severall yeares were unpaid and themselves in some straits, and the Session considering that

ther was no present founds for supplying of them, the hospitall Thesaurer being exhausted and some oyr indigent persones craving supplies, and that ther wer severall yeares both of the hospitall and Church thesaurie for which they reserve collections to accompt, and if after clearing of accompts were found to be due by in the hands of the said Collectores, That the samen be employed for the payt. and relieff of the foresaid persones, observing always the Declared purpose and will of the Donor of the hospitall money, and not swerving therefrom in the distribution of anything that concerns the said hospitall."

"23 of May 1703.

"The Session thinks fitt to appoint that Ie that Catechises the Irish people shall have two shillings Scotts out of every buriall, also much out of everie baptism, and four shilling Scotts out of each marriage, and that by and atour. the clerk and officer's dues, and that this act be extended againe the next dytt.

"Donald Gillmore gott ane whyte plaid at the payse of eight merks in part of payment of his dues."

No. VIII.

It is gratifying that there is no trace in the Kirk Session proceedings of Witchcraft in any form. The nearest to it is a case of effigy-making at the Bught.

“6th May (1691)

“The name of God being called upon, proceeded. That day ther was ane effigie of a childe brought from the Bught, made of clay, with the shapes of a liveing childe.

“The Session ordained all the persones of the Bught and Kinmylies to be summoned to the Session the next Session day to clear themselves by oath of this base and un-Christian work.”

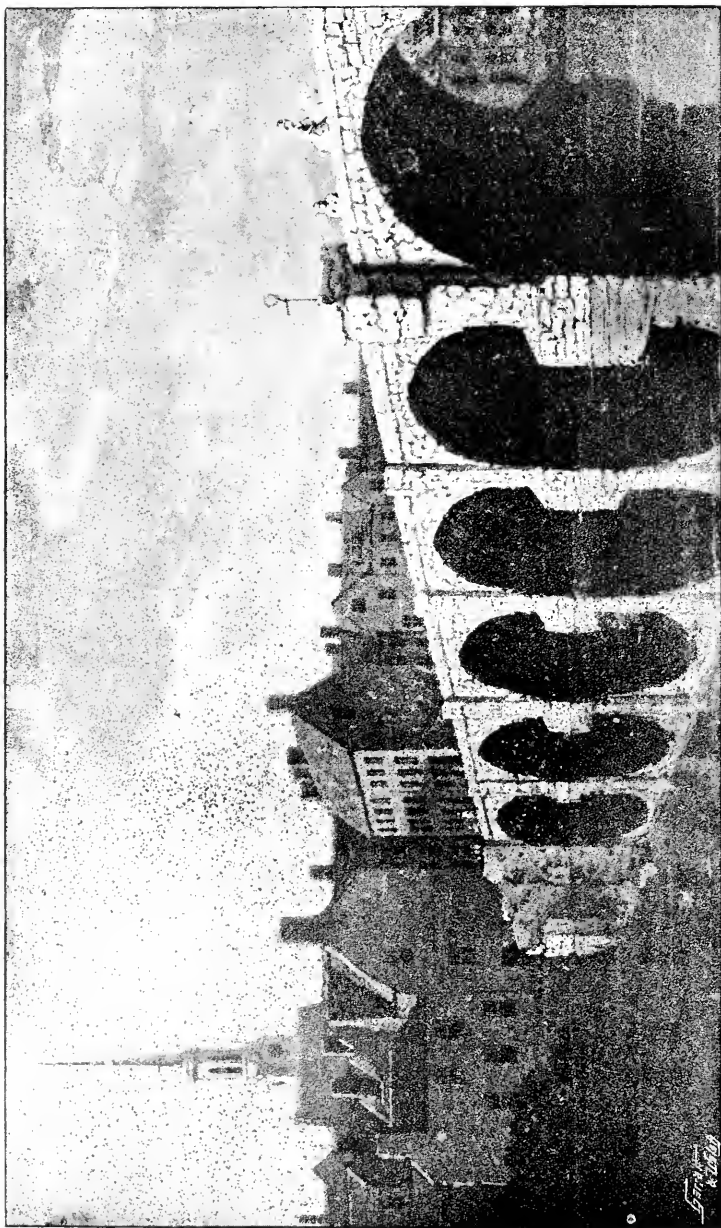
“16 of June 1691.

“The said day the persones who wer ordained to be citted the last Session day anment the clay effigie compeared. The saids persones being seriously exhorted by the moderator to be iugeniouse and not to conceal the maker of it, knowing any that had a hand in it to be void of the fear off God, and to this effect all of them were sworn to tell the truth—Andrew McKilleain, Marie fraser, Janet fraser, William McAlister, Donald Gow, Margaretine Warran, Donald MacGilebie, Alexr. fraser, Christian McLean, Joan Schieviz, Anna McKillican, Christian McRabbie, Marie McMurdow, John McFarquhar, Alexr. Glassach, Kathrin McLean, Hendrie Davidson, Alexr. fraser, Christian Clerk. All these persones being sworn and interrogate, Denyed they knew any that had a hand in making of that clay effigie any manner of way. Wherefor the Session, knowing no oyr way for devulgeing of this base and heathinish action, did receive it for a time till God of his infinit power wes pleased to finde it out, qeh was heartily prayed by the moderatour.”

By this time it must be borne in on the reader that the Kirk Session did nothing by halves; everything it did was stamped with thoroughness, and when it grappled with the temperance question, which gave trouble then as well as now, it did so in a way that left no doubt as to its intentions or sincerity. The following extraordinary method of reforming a parishioner, if not successful, was at least deserving of a radical cure, and the most ardent temperance reformer of modern times could scarcely wish for anything more drastic—

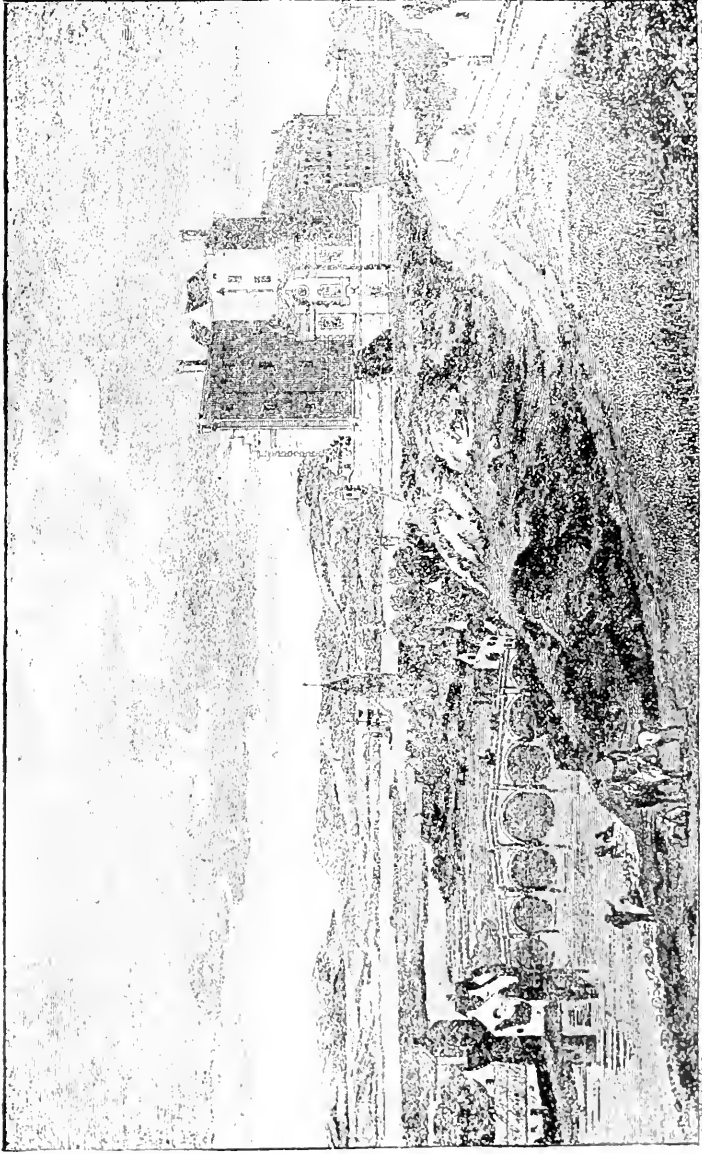
“6th May 1691.

That day John Clerk, weaver, was sharply reproved by the Moderatour for his debaucht car-



THE BRIDGE, WITH VAULT BELOW, 1855.

FRANK & JOSEPH



ANOTHER VIEW OF THE BRIDGE WITH CASTLE.

riage, and after being reprov'd as aforesaid, did inact himself under pain of being imprison'd in the vault of the bridge, ther to remain for eight days, and fed upon bear bread and water: if any should see him either debaucht himself by swearing ore Drinking, and to this effect hes empowered me, Alexr. Bishop, to subt for because he cannot wrytt."

"The vault of the bridge' here referred to was a cell measuring 12 feet square, built in the solid part of the third arch near the town side of the bridge. There is a tradition, supposed now not to be well founded, that a man was eaten by rats in it some time before the collapse of the structure in the first part of the 19th century. Under the most favourable circumstances it was a most gloomy retreat; the darkness is said to have been intense, except for a feeble glimmer of light from a small grating looking up the river.

It is an interesting fact that the bridge was built partly by the voluntary contributions of the Scottish people, collected through the Kirk Sessions by order of the Privy Council, in accordance with the custom of the times. Inverness itself often contributed to similar works throughout the kingdom.

It is observed that in regard to baptism, in cases involving Church discipline, parents were most anxious to conciliate the Kirk Session, although reluctant to satisfy the discipline, and in order to get the children baptised, delinquents resorted to courses implying some sort of friendly negotiation between themselves and one or more members of Session—the convenience of a quiet and not unfriendly meeting of Session can be understood. The Session as a whole, however, strongly resented any partiality of this kind, and therefore found it necessary to pass the following Act:—

"17th June 1695.

"That day it was inacted that no childe shall be baptised without a sessional order, and failling of a Session, that five of the Elders be present at writing of thé order qupon act."

Here is a peculiar case relating to an unbaptised child:—

"March 30th, 1690.

"After sermon, the Session met anent a childe yt was found buried at the shore off Mooretown. The fayr of the childe compeared and confessed yt he buried the childe and yt because it dyed unbaptised, and to this effect brought in two witnesses yt saw the childe born and dy, and helped to burie it in the said place."

"10 Sept. 1695.

"John Bain owned the holding up the child of Roderick McKenzie to be baptised as his own. The Session having maturely considered the matter, have referred him to the Presbyterie" as being too serious a matter for them to deal with.

Contracts of marriage could only be made under due supervision and responsible cautioners.

"28th Aprile 1691.

"The said day the Session revived ane Act made prohibiting ther clerk to booke ore Contract any person qt somever within the parish without parties wer present and sufficient Cautioners hade within the toum ore parish that both parties shall perform the bonds of marriadge within forty days after the date of ther contract qrupon act."

Clandestine marriages were always viewed with strong disfavour by the Session, who claimed from the Magistrates of Inverness part of the fines exacted for them. The Magistrates, on their part, were always profuse with promises to give the Kirk Session's claims their most favourable consideration, but so far as appears from the records of the time they retained the fines. The law on the point at the time was uncertain, as it was not till a much later period that the Civil Courts decided that Kirk Sessions were entitled to share in such fines. The law generally affecting clandestine marriages appears, however, to have been very severe, and included the punishment of the contracting parties, the celebrator, and the witnesses. One law for the rich and another for the poor was literally true here, but the application was inverted in this case, the poor man having much the best of it. Both rich and poor were subject to imprisonment and fine, but the poor man got off with only 100 merks, while others, according to their gradations in rank, paid up to £1000 Scots. In the immediate case the Kirk Session were more lenient than severe in demanding the punishment of the celebrator only.

"10th february 1696.

"The Session earnestly entreated that the Magistrates should cause cease the person of Mr Charles Ritchie for his marrieing of scandalous persons withut the decent order of proclamtn., and that they wer ane act of parliament for proceeding against any minr who did marrie such as hade not a testimonie of yr Civil Department, Qch the Magistrates promised to doe."

The custody of the hand-bell and the mort

cloth was matter of serious consideration between the Session and the Town Council. The question was the subject of much weighty debate between five prominent Elders and the Provost and Magistrates, who, being deputed to confer on the matter, could only agree in differing.

“7th of October 1703.

“The Session having considered the overtours of James Dunbar anent the hand-bell and the mortcloathes, did appoint Culloden, Castlehill, Kinnylies, and George Duncan, and ane other heretour to wait upon the Provost and the rest of the Magistrates and confer anent the accomodating of the said affair, and bring a report the next Session day.”

It appears to have been the practice, even in Presbyterian times, to lay corpses in the Session-house.

“Tuesday, 27 Aprile.

“Ordered by an unanimous consent of the Session that henceforth the Kirk officers have out of every corpse that shall be laid in the Session-house half a dollar for yr attendance upon the sd corpses and friends therein concerned.”

Markets were a great feature of the olden times. They were resorted to from far and near, and when being held, the Ecclesiastical machinery of the district was suspended for the time.

“Tuesday, 10th June 1690.

“No Sermon nor Session and that by reason the most part of the inhabitants went to Chauncy mercat.”

“June 27th, 1708.

“No Session by reason the members were for the most part at markets.”

It may be gathered from this that to the initiated the means of getting about were not quite so inadequate as travellers from the South usually described. In further confirmation of this surmise, it is recalled that during the long time the pulpit of the Second Charge of Inverness was vacant, ministers from almost every parish in Scotland preached in Inverness. The peripatetic movements of the reverend gentlemen were rather surprising, and in the absence of anything to indicate that they suffered inconvenience or hardship in travel, it is possible that locomotion must have been made comparatively easy for them; at all events, there is nothing to indicate that they endured physical fatigue, except such as was induced by travail of the spirit

No. IX.

Some curious items of miscellaneous information are found throughout the pages of the Session proceedings—some things not generally known, or perhaps known, but forgotten.

It is said in a legendary sort of way now-a-days that Inverness had a direct trade with the Continent in the 17th century, and this is borne out in more than an odd entry. The case of Donald Sligoe, an Inverness seaman, delated to the Kirk Session was deferred, "he having gone a voyage to Danzick," which was regarded as quite a common thing by the Session, for they passed from the matter without remark; nevertheless, it may be remarked in passing, that Sligoe was dealt with on his return, and put the Session in good humour by his humility and readiness to give them all satisfaction. Probably his foreign travel enabled him to look upon the matter philosophically. Again, a Dutch seaman belonging to the French Nero, lying within the pier and shore of Inverness, so captivated Elspet Papplea by his blandishments, that she was "delated for a scandalous deportment upon the Sabbath day."

Towards the end of the 17th century, Scotsmen shed their blood freely in Flanders, and there is ample evidence that Inverness men fought and died there, as well as that they served in the King's fleet. If in the sphere of morality they were not stainless, there is some reason to be proud that they went furth the Kingdom and took their part in the glorious work of empire building.

The interesting fact that The Mackintosh's chaplain preached in the High Church, October 7th, 1688, is mentioned. He must have created a favourable impression on the Session Clerk, for on a subsequent occasion his office is magnified to that of "Chaplain to the Lord M'Intosh."

"William ifraser, Pyper to the Lord Lovat," payed four pounds Scots of a penalty for doing what he ought not to have done—a thing which it is not necessary to further particularise.

From the conspicuous nature of their duties, of which some traces are found below, the Kirk officers are judged to have been important functionaries. With their coats of office enhancing their dignity, they must have been as imposing as any Bumble. Curiously, the officers did not deeply regret if their duties caused them to lose the spiritual benefits of an occasional sermon. In a quiet way they contrived to fuss about so as to

miss the sermons, but any idea they may have formed of evading the service or dissembling was rudely dispelled. The watchful eye of the Session quickly brought them to book, see the under-mentioned Acts referring to them and their duties—

“25 August 1695.

“It was enacted that one of the Kirk officers should attend the new Kirk in the afternoon under pain of deprivatione.”

“9th Feby. 1702.

“The elders having represented to the Session the Church officers did not frequent the ordinance in due time, and the reason why they say that they were detained by those who give up the lists of the sick in respect that they were not in due time to advertise them, and that some of them do not come to them whill after the first prayer: all qch the Session considering off did appoint intimation to be made Sabbath day next to all sick in the burgh and parish to give up the names of the sick to the officers betwixt the third and last call.”

“May 20th, 1707.

“The officers represented the great toyl and labour they are put to by citeing delinquents, and that they get nothing for their pains, qch being considered and reasoned by the Session, appoint with consent of the Magistrates that for every citation within the town and territory the officer should have a penny, and every other citation shall be two pence over and above their present casualty.”

“2nd off March 1697.

“The Kirk officers to get eight pound Scots for buying their coats, the same being due be the Session to them yearly.”

It was dangerous to one's peace of mind to keep stranger servants in domicile, but just as bad to have a stranger child in the house.

“24th Feb. 1696.

“Delated John McGormick, in Culloden, for nurseing a childe and will not give account to whom it belongs. The Session caused order to charge him to the next Session.”

“14th April 1696

“John McGormick, at Culloden, was citted and did not compear. Duncan Forbes of Culloden (his master) promised to send him to the next Session, and till that time was delayed.”

McGormick was one of the few who successfully eluded the Session's care.

Even to give a lift to a woman on the road was not always safe.

"19th August 1707.

"John McDonald was delated for carrying a woman wt. childe, viz., Agnes Bain, out of the town. The officer is appointed to cite the sd John McDonald, hirer, to the next Session, 29th instant."

Fast Days and Court Days were on Tuesdays. The week-day service in church was a regular institution. References show that soldiers occupied the Citadel in 1694, as well as that they were quartered on the inhabitants in the burgh. Duncan Mackenzie, a "drummer in the Citidale," was delated to the Session.

Guisers were looked upon with disfavour.

"12th day of Janry. 1702.

"Compared Robert Rioch, Donald Monro, Hugh Grantt, Norman McLeod, and James fraser, violer, and acknowledged that they went in disguise. All of them were sharply rebuked, and appointed to compear the next Sabbath and make public satisfaction."

Lords of Justiciary are mentioned as holding their meeting at Inverness in 1709. The Lords gave a guinea for the benefit of the poor.

There was preaching at Loch-End, June 3, 1707, when an attempt was made to institute a regular Sunday service.

Incidentally it is mentioned that an Inverness man was killed at the battle of Killiecrankie; one of many, no doubt.

Some of the Inverness vennels were causewayed early in the 18th century.

"November 2nd. 1708.

"Moved by James Dunbar, Kirk Thesaurer, that the vennal at the back of Mr Hector McKenzie's house be caulsd for the better accommodation of the inhabitants of town and parioch."

Nearly all the local and district place-names are mentioned, but generally under the unedifying auspices of a delinquency or scandal. The Bught, Kinmylies, and the "green of Moortoun" come into some prominence. Kingsmiln, the Milnburn, Drakies, Culloden, Culduthel, Dochfour, Aberarder, Abriachan, are thus introduced. Urquhart and Strathspey, as has been seen, are hinted at as the scenes of evil deeds.

Chanonry was the seat of a great market.

The Lamp of Learning burned in remote Cromarty, and Inverness was not above going there in those days for its master of the "Gramore Schole." Indeed, learning and the Arts were not neglected, as might be expected in the turmoil of changing dynasties and other conflicts. Inverness had a Music School in 1690, as well as a Grammar School, which existed in 1689, probably earlier. The Inverness "Gramore Schole" continued to do good work until, by a new set of circumstances, it was merged in the Inverness Royal Academy.

Rewards were not always commensurate with merit then more than now, as witness—

"9th Feby. 1702.

"Ther was a pet'n given in by Mr Thomas Jaffray, master of the Gramor Schole, qrin he craves the Session of six years selarie duely resting him, viz., twenty pounds Scotts yearly, Qch the Session considering off, did appoint Cul-loden, Kinnylies, Castlehill, Drumore, Dunbar, and George Duncan, ffive of these to be a quorum, to meett and to consider of ffond for clearing Mr Jaffray and William Neilson's bill, and that upon Munday next, being the 16th of the current moneth."

The town frequently borrowed money from the Kirk Session.

"28th April 1702.

"That day it was requyred by the Magistrates that the hospitall thesaurer (viz.) George Duncan, should give a receipt of the soumnes qch the town was resting to the Session in respect the accompts was already caste, and all that was owing was accumulat in one soume. The Session takeing the thing to their consideration, delayed their answer untill the next Session day."

Not many of the authorities of the time bore Highland names. The Town-Clerk was an exception.

"Mr Charles McLean, Town Clerk, his petitione being read, qrin he creaved paytt for work done by him to the Session."

The Session sometimes got inconvenient presents.

"13th March 1694.

"That day there was ane infant belonging to John Schaw who was sent to Flanders as a souldier, presented before the Session, qch infant was recommended to George Ross, Kirk officer, for maintenance, and ordered Alexr. Mackay, thesaurer of the poores portiones, to give the said

George Ross seven shillings Scotts a week for maintaining the sd childe."

Deserving students were encouraged by the Session.

"50 January 1701.

"That day ther was a recommenda'n in favoures of George Brodie, a poor boy sent by the Presbiterie, qrin they desyr a contribu'n to be made for him in respect he resolves to goe to the Colledge, qch the Session took to ther consideration whill ther next meeting."

"Nov. 30th, 1708.

"The Moderatour presented an Act of Synod for choising Mr George Brodie to be yr burser in attending the profession, and knowing him to be a town's child and of good character, did recommend him. The Session appointed him 20 Lbs. Scots for the year, and a bill to be drawn on James Thomson by way of friendly borrowing of the samen."

There was no hospital in Inverness for the alleviation or cure of disease two hundred years ago. Doctors did practice in the town, and occasionally "there was a man for the time in the place who had skill" in special diseases. Sufferers are found supplicating the Session for means to pay the fees. In one case a man is "resolved to go to London to use means for recovering his sight, and begged the Session to order some money to him to help him on his way," which was done.

While touching on ailments it may be mentioned that a form of influenza, called "defluction in his head and eyes," so troubled one of the ministers that the Sacrament had to be postponed from 14th September till 12th October 1707.

It is not stated what were the peculiar mental or physical characteristics of young Inverness which necessitated the attendance of a doctor (i.e., assistant) at the Grammar School, but the proposal was a startling one, and the cause of much cogitation.

"June 6, 1708.

"Mr Rob. Thomson, mr. of the Grammar School, presented a petition qrin he required and held out the necessity of a doctor to his aid and assistance in furthering the youth under his charge in yr educ'n and learning. The Session continues the same till next meeting, meantime desires that the Modr., two Bailies Roses, Prett, and any other Magistrates wt. whom they may have occasion to meett, confer yr anent, and give in yr thoughts next Session day."

The obligations of the Kirk Session were not confined to mere parochial matters.

“By order of the Privie Council, Fasts were held for National calamities, such as: (29/6/90) The sines abounding the Land, and withall for the good success of King William in Ireland. (4/1/1691) For the King's good success in Ireland both by sea and land. (13/1/95) For the removal of Queen Marie from this to Eternity. (18/9/96) By reason of the famine that abounds in the Land. (23/5/97) For the judgment threatened by a foreign invasion from France upon this land. (1/4/1708) Against the plague and pestilence raging now in Danzich and Pole.”

The birth of the old Pretender is thus chronicled:—

“June 24th, 1688.

“A sermon intimated to be on Thursday, 28th instant, being a thanksgiving for her maties safe Deliverie of a young prince of Wales.”

“Thanksgiving sermons were also preached. (5/5/1689) For our safe delyverie from the power and tiranie of the papists. (10/8/90) For the Victorie obtained by King William in Ireland. (22/11/91) For the King's safe aryvall to London: and his good success at Ireland. (19/6/92) For the good success of the inglesh fleet agst the french. (6/11/92) For the King's safe aryvall from flanders, and the eminent danger he escapt yrin. (26/11/99) For the seasonableness of the harvest and ingathering of the cornes. (3/6/1708) For the deliverance of this nation from the power of the french, who came to our Coasts upon design to invade us, but by the power of Almighty were returned in great confusion and considerable dunnadge. (26/8/1708) For the late Victorie obtained by her maties armys under the command of Captn. Genll. Marlborough over the french at Audinard in Flanders.”

No. X.

The Kirk Sessions of olden times are often misjudged from a wrong conception of what their powers were. They did not make the immorality laws then more than our Magistrates do now, but were simply charged with certain duties in connection with their administration. The laws themselves reflected the standard of ideas current among the clergy more than any other section of the people, and it is an unpleasant tradition that they were always inclined to be least pitiful in their application. Presumably all round the dispositions of the members of our Kirk Sessions were no better and no worse than is found among the judges of the very subordinate Courts of to-day, although no doubt the finer sensibilities were blunted in both judges and delinquents by the coarser methods of punishment sanctioned and practised in the ruder civilisation of 200 years ago. Nevertheless, according to their lights considerable discrimination was observed in the manner of dealing with delinquents. There was a refinement of cruelty in the varying degrees of severity. Simple imprisonment, imprisonment with bare bread and water, imprisonment with bread and water alternately, and so on through all the different kinds of punishment which could be inflicted.

On going through the records one is forced to the conclusion that there was remarkably little general wickedness among the people. The vigilance and oversight continually exercised by the Elders is a strong presumption that it could not exist without coming under their notice. Even the delations for what the Session euphoniously and comprehensively called the sin of uncleanness are comparatively few among so large a population, and, on the whole, the cases are rather commonplace. Usually the delinquents confessed with a manner more callous than repentant, but the more wily sinners knew better, for the Session laid great stress upon outward and visible signs of repentance, and dealt strictly with what they considered hardened cases.

“10th May 1697.

“Compeared Marie McCowll, who stood her severall Lords Dayes in face of Congregation, but the Session seeing the sd Marie not to be weighted enough ffor her sin, appointed George Duncan, David Stewart, and James Thomson, Elders, to deall effectnally with her, to see

whether or not she may be brought to sense off her sin and guilt, and to make a report again the next Session day."

"May 31, 1697.

"Compeared Marie McCowll, but the Session findeing her still hardened in her sin, and no wayes any sense of it, recommended her to the persones who wer appointed to converse with her annent her state and condition, and the persones appointed to this effect were exhorted to be serious with her in setting furth the danger of her sin, and the punishment due for it if unrepented."

"22nd off June 1697.

"Marie McCowell was called and not compeared. The persones who were appointed to speak to her, James Thomson, George Duncan, and David Stewart, being required to give their report annent her, reported that they could not mett with her. They were again requested to call for her, and bring her to the minr's Chamber between the hours of eight and nine in the morning."

In contrast to this, when there was clear and evident signs of remorse, the Session was disposed to be tender and gentle.

"August 12, 1707.

"It was represented that William Martine was come a long Journey from the Isle of Sky on purpose to satisfie the discipline in this place, and that without any citation he was voluntarily attending, grupon the officer being ordered to call him, he compeared and Judicially acknowledged his guilt, and being seriously exhorted to humble himself before the Lord, was appointed to converse wt. Mr Baillie in order to bring him to a further sense of his sin. He discovered his inclination to give satisfaction as soon as possible, because of some pressing affairs which called him home. He is entered to give satisfaction next Lords day, and is referred to the minrs to shorten the days of his public appearance as they shall find him penitent, considering his submission, great journey, and pressing affairs which call him home. The Magistrates did fine him in nine pounds and a merk, to be paid to Mr David Scot, treasurer, or in his absence to James Vaus."

"19th August 1707.

"William Cumming, Mertt. in Edr., having about seven years ago fallen into sin, did without citation compear before the Session and acknowledge his sin, and wt. humble submission and tears did beg pardon for it, entreating sym-

pathy in regard his affairs did call him into England, and begged leave to go to that kingdom, oyrwise it would be greatly to his prejudice: wherefore being removed, the Session did reason at length upon this case, and afterwards came to this conclusion, that he should get liberty to go into England about his affairs, and in regard that he gave very much satisfaction to them by his humble acknowledgement, and that he is now married and hath a family, and these six years past hath behaved very soberly, without offense, and that in regard it is more than five years since this scandal was noticed in this place, and that it might break the young man's credit if it should be brought to public there, and that a late Act of Assembly imports yt after five years it ought not to be revived again, and considering that the thing is dead here in a great measure, and that the great end of discipline is gained in reclaiming the young man, who appears to be under a deep concern about it. Therefore, they thought fitt to delay his appearance in publick, but withall appointed that it be intimated to him that the Session will keep this over his head, and in case that ever he should be guilty of any unsuteable behaviour, that then this will be minded to him, and that they are resolved to keep a watchful eye over him for his good. In the mean (time) his penalty is referred to the Magistrates, which he being called, was intimated to him."

Occasionally a case of rough justice crops up, such as that of Anna McGillmichael, who was delated for a scandalous carriage with a souldier in Capt. Mackenzie's Company. The said souldier did declare upon oath yt he was no manner of way guiltie, lykways the said Anna declared the same. However, the Session being informed of a scandlous carriage in the woman, did ordain her to compear next Lords day in Sack-cloath.

Donald McSim confessed his fall, "and was committed to prison till he find caution to satisfy church discipline and pay his fine." After six weeks in prison,

"The Session haveing interrogate the said Donald what methode he intended to use for paying of his penaltie, replied that he knew no way for clearing of the samen without he wer sett at Liberty, whereby he might by his industrie pay the same, did grant him a month to clear the half of his penalty, qch is ten merks Scotts."

"18th September.

"That day Donald Bain, alias McSimin, payed ten merks to Donald Grant in pairt of payt. of his penaltie, qch is 20 merks."

Breaches of promise of marriage were not unknown, but they were not to be lightly indulged in.

"Compeared Isobell Squair, being matrimonially contracted with Alexr. Gillmor, who denyed to marrie the said Alexr., notwithstanding they were three severall Lords (days) proclaimed without any interruption; qfor the said Isobell was ordained to prison whyll she pays the penaltie contained in the register off contracts."

"8 off July.

"Christian Ross, in the King's miln, payed to breach of promise of marriage two pound sixteen shilling."

Matrimonial disputes also were better kept out of the Session's view.

"19 November 1689.

"The said day compeared Alexr. Beasac, who was cited for his base and unchristian carriage with his married wife. Both compeared, and being enquired of the sd Alexr. why he dealt so cruelly with his wife, answered that his wife did most unchristianally fall upon him by byting him and scratching him, haveing severall tymes swore to doe him ane ill turn. The Session haveing found both of them to be wrong and unchristian, did ordaine them to compear the next Lords Day before the pulpit, and yr to stand in tym of sermon, qn sermon is over to be rebuked for their miscarriages and unchristian living."

"10th Decr. 1689.

"The said day John Grigor, Wright, presented a complaint against Elspet Anderson, his spouse, wherein he says that his said wiffe most unnaturally and unchristianally left him in the moneth of August last, and went after the souldiers in Lord Levein's regiment, as also the said John complained that his said spouse severall times beat and abused him, and particularly that she was in company with two or three souldiers in the said regiment, and the said John being come qr she was about twely off the clock, desyring her to com home and give him his dinner, without as much as one word spoken to her, raise up and stroke him with a point stape in the head, and then a little after cast a ston at him, qh drew blood of him.

"The Session haveing heard the said complaint read, did referr the royot to the Magistrates, being nothing of the Session's concern to meddle in the Civill Law. Both pairties were referred to the next Session day, only did ordain the said

John Grigor to bring in such witnesses as he says was privie to her debaucht and scandlouse cariadge."

"December 17th, 1789.

"Compeared John Grigor, Wright, and Elspet Anderson, his spouse. The said John produced the witnesses qch, as he says, was privie to her scandlouse cariadge, consisting of five, viz. :— James Anderson, Weaver; Donald Tailore, Weaver; Thomas Mansone, Weaver; Donald fraser, Smith; and John fraser, fayr-in-law to the sd Elspet. The Moderatour haveing sworn the said witnesses, did call the first inrold here, viz. :—James Anderson was enqyred qt he knew of the sds Elspet Anderson her cariadge with her husband and souldiers, Declared yt he had nothing to say to her Determent, but that it was a generall report that she went after the souldiers.

"Donald Tailore call'd and confest as aforsaid; Thomas Mansone call'd and confest as aforsaid; Donald Fraser, Smith, declaired that the said Elspet one a certain night was in Hector M'Intosh house in Castell Street, and that he saw her there with a souldier in a close room, yt could desern no cariadge in them that caused a suspition, either in him or any that was in his company, only that they frequently drank to one ane other. John Fraser, fayr-in-law, Confess'd and declaired the same.

"The Session referr'd the said Elspet whyll they be beter informed of her scandlouse deportment, in the meantym they were both Ordained and Exhorted be the Moderatour to behave in tym to com as becometh man and wiffe to doe."

No. XI.

The undernoted Act regarding the non-acceptance of cautioners does not seem to have worked satisfactorily, for shortly afterwards it is found that cautioners are being accepted, and the practice continued for a long time, notwithstanding many threats to the contrary.

But persons who became surety for their friends that they would satisfy the Church discipline had good grounds for weighing well their responsibilities before undertaking such friendly offices as the sequel shows.

“26th March 1689.

“Its in act that from the date of ther putts that no cautioner shall be accepted for any delinquent.”

And again—

“Enacted by unanimous consent that henceforth there be no letters of excuse or caution sustained for any delinquent by eyr magistrate or minister in so far as concerns their fyne wt certifiem; whoever receives the same and pleads for the delinquent shall be obliged to pay the fyne imposed by the magistrate upon demand.”

“February 18th, 1692

“James Heudrie citted and not compeared; her fayr, who was surety, was sent for, and ordained to prison whyll she compear before the Session.”

“30th December 1707.

“Donald McAndrew Bain, father to the said John, became caur [cautioner] for his son's penalty, but in regard that the said Donald McAndrew Bain was formerly caur for one Duncan Tailzier at the Loch End in the soume of nine pounds and a merk, which, with his son's penalty, amounts to nineteen pounds half-a-merk, and in regard the Session were sensible of his former shifting of them, they represented the matter to Baillie Robert Rose, younger, who ordered the sd McAndrew Bain unto Jayle until he should either pay the said nineteen pound and a merk or give good security yrfor wt. in the town of Inverness, such as David Angus, the penalty treasurer, can answer for, unto the Session.”

The Session seems not to have spared themselves in anything, least of all in such cases as referred to the paternity of the children of women delinquents charged before them. And what a

terrible scent they had for an erring bailie or other prominent citizen fallen away from grace, as Bailie Alexr. Rose and Donald McMarquess, Irish reader, knew to their cost.

“2nd March 1709

“Compeared Isobell Ross, daughter to George Ross, Kirk officer, the sd Isobell Ross haveing stood two severall Lord’s days in face of congregation and adherin to none else to be fayr to her childe, the sd James Robertson, servitor to James Keiloch, who for the tyme is a seaman in the King’s fleet, the Session ordered her to compear the next Lord’s day in the ordinary place of delinquents and be received, but with this caution: That if it please God to return the sd James, whom she aledges to be fayr of her childe, and that if he doe not acknowledge his guilt with her, that she be obliged to finde out ane oyr fayr to the sd childe.”

In connection with certain discipline cases where paternity was denied, the Session sometimes had much anxiety and trouble. The culprits having appeared before the Session and being confronted and the statements of each party having been heard in great detail, they were seriously urged, entreated, and exhorted to make an “ingenionse confession to repentance and give the glory to God.” The climax of warnings and exhortation being reached, and the elders and ministers having spoken privately to the delinquents without avail, the parties were again summoned to the Session, when the man was furnished with a copy of the oath of purgation. He was then again warned to consider well of what he was doing, and if he still persisted in a denial after an interval for reflection, he was ordered to appear in face of the congregation, the woman being also required to attend with the child. Meanwhile, if the Session had reasonable doubts of the innocence of the suspected person charged, and if it appeared to the members that the administration of the oath of purgation would not remove the scandal, the Session might, and frequently did, refuse to administer it, in which case the person suspected had ultimately to satisfy the discipline or live in the odium of Church censure, a state so intolerable that few dared to brave it out. If, however, the Session had an open mind as to the guilt or innocence of the accused, he was brought before the congregation after the foregoing preliminaries, and, standing beside the woman, with the child in her arms, in face of the whole church assembled, the man placed his one hand on the child’s head, and with the other

stretched up towards heaven he took the following oath:—

“I, Donald McDonald, now under process before the Session of Inverness for the sin of adultery alledged to be committed by me with Elizabeth McGregor, Slander being Repute as one guilty of that sin, I, for ending the said process and giving satisfaction to all good people, doe declare before God and this Congregation that I am innocent and free of the said sin, and Hereby call the Great God, the Judger and Avenger of all falsehood, to be Witness and Judge against me in this matter if I be guilty, and that I doe by taking His Blessed Name in my mouth and swearing by Him who is the Great Judge, Punisher, and Avenger, as said is, and that in the sincerity of my heart, according to the truth of the matter and myn own conscience, as I shall answer to God in the last and great day when I shall stand before Him to answer for all that I doe in the flesh, and as I would partake of his glory in Heaven when this life is at an end.”

The degrading punishment of standing on the Cock-stool was frequently resorted to. At one time the Cock-stool was erected near the Highland Kirk, at another period it is mentioned as at the Cross, and at a later date as being within the Highland Kirk. The first mention of the Cock-stool in the Kirk-Session minutes is—

“19th December 1693.

“The Session findeing the town to be pestered with so many lous and debauched persones, erected a Cock-stool to be built near the Highland Church for punishing of these who will not be admonished to forsake their uncleanness and scandalous deportments, and to the effect that the same be the more speedily gon about, ordered that John Bishop, Carpenter, should be called and employed to the building of it forthwith.”

The new Cock-stool was got ready in due time, and delinquents put to stand on it. There is a suggestive complacency about the entry recording that among the first of them was Hector Ard, executioner.

“21st May 1694.

“Compeared Janet Tulloch, who acknowledged her being with one Duncan McKenzie, a drummer in the Citadel, upon Sabbath day, wes eight days under his plaide, and that she was with the said Duncan the most part of the Sabbath, and that she was not in church all that day.

“The Session being sufficiently informed of her scandlous deportment formerly, and now of her

breach of Sabbath, ordered that she be brought immediately to the Cock-stool, and ther to stand for ane half-hour, and thereafter to be imprisoned till she finde bale to compear next Lord's day in Sackcloth befor the pulpit all the tym of Devyn service, and ther be rebuked for breach of Sabbath."

The Cock-stool seems to have been so well patronised that in a few years it became necessary to pass the Act which follows:—

"27th January 1708.

"Overture made anent erecting of a Cock-stool for the punishment of delinquents, viz.—Such who are guilty of Confusion or giving two fayrs to one childe, or a relapse, unless ther repentance be more remarkable, yea and all whom the Session shall think fitt to refer to the Magistrate to be put there for punishment and terrour."

A case in which an offender was sentenced to stand in Sackcloth has already been quoted. It was a common form of punishment. There are very many cases throughout the records. The most drastic of all, however, was the revolting punishment inflicted by whipping at the Cross, from which the despairing wail of the helpless and suffering sinner must often have gone up to heaven for the mercy denied here. The ghosts of such unfortunate waifs might well groan over the ceremonial restoration of the Cross the other day.

"29th of July 1690.

"That day Compeared Barbara Gray, Margaret Fraser, and Kathrin Sutherland, three scandlouse and Debaught persones. The Session being sufficiently informed of yr base deportments by severall of the inhabitants, and particularly by yr own confessions, the Magistrates did ordain them to be Delyvered in the hands of the hangman, and to be brought be him through the streets, and then scourged and banished from this, never to be seen here under pain of being more severely used qupon act. Withall, the Moderator ordained yt it should (be) intimated from pulpit the next Lord's day that none of the inhabitants should give lodging to either of these under pain of Church Censour, besyd qt danger they may sustain by the Civil Magistrate."

"5th April 1692.

"That day Compeared Katherin Fraser. The Session finding her to be a base and vile persone in her life and conversation, referred her (to the



INVERNESS MARKET CROSS IN 1726.

Civil Magistrate), who ordained her to be carried to prison, and immediately the Session dissolved to be brought to the Crose and whipt by the hands of the hangman, and banished from town and parish, with certificatn. if she shall be seen here again that she shall be strictly dealt with qupon act."

"17 July 1701.

"Compeared John Fraser, being found Sabbath night last in naked bed, as is said, with Elspet fraser, servetrix to John Lockhart. The woman also compeared, and being both of them interogatt, denyd any guilt, only the woman acknowledged that she went to the room wher fraser lay to seek the candle, that he drew her to the bedsyd where he lay, but did not move. The Session haveing considered the matter, remitted both to the Magistrates for corporal punishment."

"february 10, 1708.

"Anne Blair was fyned by Baillie Robert Rose, Elder, in the soume of nine pounds thirteen shill four pennies Scots, wt. certifien, if she payed not the sd fyne imposed aganst the next Session day. the sd Baillie ordered her to be whept and banished the place."

"Tachlan McIntosh formerly referred to the Presbitery for censure, and seeing he wants money, as is pretended, for the paying of the thirtie pounds Scots imposed upon him by the Magistrates, and of qch if he makes not paytt to the penalty treasurer is referred to the Magistrates for corporal punishment."

The Session beyond doubt was always quick to punish the grosser forms of immorality where reasonable presumption of guilt was established, and it was not slow to punish where there was only a weak presumption of guilt, and even when no proof existed. It reversed such proverbs as "Two's company, three's none," and in other respects it had just that touch of ruthlessness which came of conscious and arbitrary power. Where it could not intlict punishment it gave good advice in form of rebuke and serious exhortation.

"23 Apprile 1689.

"The forementioned John Simson confest that he had made a pair of shoes for the said Margaret Green, and that the said Margaret brought him to Alexr. hay, his house, to gett payment for his work, and that they only drank four ore five chapines of ale when they were apprehended by the guard about twelv of the cloak at night, lykways the said Margaret being examined, con-

fest as said is. The Session finding the sds pairties to be out of their houses that tym of night and none found in ther company but themselves both, though nothing proven against them, yet being sufficiently informed of themselves that it was scandlouse to such persones as they wer to be found together, Did ordain that both should stand the next Lord's day befor the pulpit, and yr so stand all the tym of devyu service and qn sermon ended, that both be reproved publickly before the Congregation."

"3rd off December 1633.

"Elspet Grant, servitrix to Andrew Jacksone, compeared, being enquiryed at for her scandlouse deportment with a souldier quartered in the said Andrew Jacksone's house, but was free to give her oath that she had nothing doe with the said souldier, but in fair generalls the Session having found out nothing to her determent, was seriously exhorted to have a special care that she behave herself Discreetly and Christianly, and hoping that this might be a means to help her to do it, did dismiss her."

"28th of Aprile 1691.

"Agnes fraser, Servitrix to Widow McPhaille, who was citted for her Scandlouse Deportment with one Beasand, a souldier, Compeared, but confest nothing, but the Session having a pregnant presumption of her carriage, ordered her to prison till they were better informed of her deportment."

"20th of November 1694.

"Compeared John Tailyour, who confessed that he was severall tymes in bed with Margaret fraser, who lodges in his house, but was willing to depone that he never had carnall dealing with her. The Session findeing the said John to be ane old poor man, about the age of 74 or 75, rebuked and seriously exhorted him with this certification if he should be found to cohabit with the sd Margaret that he should be brought to public censeur."

"8th March 1703.

"William Miller, being interogatt anent the knowing of his wiffe befor marriage, denyed the same and that he has no suspicion of his wiffe. The Session recommended to David Stewart, James Thomson, and Donald Fraser to speak to the midwiffe anent the childe whither it be a seven months' childe or if it be come to the right time, and that they bring their report again the next Session day."

"25th March 1703.

"The persons appointed to speake to the Midwife anent William Miller's wife, report that her judgment was that the child wanted of the full time, but in respect that the Session could make nothing of it. Therfor absolved him."

Here is a singular case both as regards the crime and punishment—

"Aprile 15th, 1690.

"The said day delated Alexr. Monro, Creamer, who was married the thretty day of December last, 1689, with Marie fraser, and now the said Marie being lying in Childe bed, notwithstanding that the said Alexr. Morro Did solemnly swear before Mr Gilbert Marshall and two of ye elders yt he was free of his said wife before the deat of yr marriage, was charged to appear this day to give an account qther ore not he is fayr to the said childe.

"Alexr. Monro compeared and confessed to be father to the childe. The Session findeing the said Alexr. Monro guiltie of perjurie, Did first ordain him to pay his penaltie, qeh was eight pound Scotts, and withall to stand three severall Lord's days at the Church Door yt opens to the West, being the most conspicouse place, and yr to stand whyll the people goe to Church with a paper one his breast wrytten in Capital Letters Declair his guilt, and till all this be performed he is ordained to prison whyll he find beal as said is."

"22nd Apprile.

"Marie McCurrich Compeared and was comitted to prison, and the Church officers to bring her after Session to the hangman in order to be banished from the town and parishes with certifi'c'n iff she shall be seen here That she shall be scourged and banished from town and parishes."

It will be readily understood that delinquents did not submit tamely to the Session's discipline.

For four years the Session harried young Fraser of Culluthell, and it was only after all manner of procrastination had been practised and exhausted that it finally compelled him to submit to the discipline.

"16th Februy. 1692.

"Also delated Alexr. fraser, younger of Culluthell, for keeping a woman in his house and, as it is reported, is with childe to him, qrfor wes ordained to be citted again ye next day."

"5th January 1696.

"Alexr. Fraser, younger of Culluthell, was citted from pulpit to compear the morrow be two

of the clock in the afternoone to the Session under pain of being remitted to the Presbiterie."

"Alexr. Fraser, younger of Culldithell, wes yesterday call'd from pulpit, meanwhyll did not compear, only sent a letter to one of the Elders wherein he promised faithfully to come the Lord's day to church and give the Session and Congregation all the satisfaction imaginable. The letter the Session haveing taken to yr serious consideration, delayed him with this certific'n. if he did not that furthwith he should be remitted to the Presbiterie, as also the Session ordered me writter hereof to go to the said Alexr. Fraser of Culldithell that he com to the minister's lodgings whereby he may converse with him in presence of two or three of the Elders."

' 12th January 1696.

"Compeared Alexr. Fraser of Culldithell and was shareply rebuked and exhorted, and was afterwards ordered to wait the Session the morrow."

13 Janry. 1696.

"Compeared A'lexr. ffraser of Culldithell, haveing yesterday appeared in face of the Congregation, the Session finding the said Alexr. to be as to the outward appearance sufficiently remorse for his fall, voted that his rebuke yesterday and exhortation should serve for his absolvitor."

"John Grant being charged pro 3trs for his fornication with Elspet Dow and not appeared, is holden contumacious. Ordered that James Vaus speak to Collonel Grant annent the sd John, which the sd James afterwards did, and received this answer from the Collonel, that he would oblige the sd John to give punctual attendanee and obedience, otherwise he would cause tye him neck and heal and send him to be Session's prisoner."

"15th November 1703.

"The Session takeing to consideration that ther is difficulties in getting delinquents to appear befor the congregation, such as officers of the Army, gentlemen of the Country at a considerable distance, papists, and oysr of note, as also sell scandalls lying over some fourtaine years, some of twelve, some of ten, of which sealls married. Therefor the Session referr this affair to the Presbitry for advyce."

"7th November 1700.

"The Session appointed two of their number, viz., David Stewart and James Porteous, and see whither or not Marjorie Ross, liveing bewest the watter, be in health in respect she pretends not

to be in health particularly, that day the Session meett, and to bring a report yroff next Session day."

"30th May 1710.

"Elspet McGilivray delated . . . with Alexr. Grant, who went to Flanders with Lieut. Cummyng, the Magistrate did order her to prison till she find hale to satisfy discipline."

No. XII.

Numerous devices were resorted to in order to postpone and if possible to evade altogether the evil day of reckoning; but very seldom successfully.

One form of evasion was for delinquents to pretend that they could only speak and understand thoroughly in the Gaelic language, by which means they were enabled to put in their repentance in the Gaelic Church instead of in the High Church, which entailed greater publicity. Another way was to get under the protection of some influential heritor or burgher until things quietened down. But almost invariably the zeal of the Session broke out, and resulted in acts which put temporising out of the question.

“10th february. 1708.

“Enacted by unanimous consent of the Session that none of any rank or degree of whatever after the date hereof who falls being found to have English shall be allowed to stand in order to their giving satisfaction in the new Kirk, where Irish only is taught, but that they shall be hereby obliged to give all punctual attendance and due obedience to the minister who preaches English in the High Kirk, ay, and until the sd minister report his being satisfied wth. the signs of remorse and repentance in the delinquent or delinquents.

“There was a letter sent to the Session be Mr David Polson of Kinmylies anent Marjorie Walker, who for the time is nurseing a childe to the said Mr David, quⁱⁿ he oblidges himself to present the said Marjorie Walker when it please God she is done with nurseing the childe.”

“25th May 1696.

“Yr was a letter read in face of Session, sent be Comissary Baillie anent Marjorie McQueen, his nurse, quⁱⁿ he oblidges himself to present the sd Marjorie and pay her penalties when it please God she has done with her fostering, qch Letter the Session having considered off, Did Acquess yrto.”

“17th Feby. 1708.

“Evan McLean, according to Captn. Cameron's promise, was sent in to give obedience to the discipline. The sd Evan being interrogate anent his guilt, acknowledged the same. He was rebuked for his sin and exhorted to repentance. His fine was required, to qch he answered that he had

no money for the time. The Magistrates present ordered that he should make all possible haste to pay the same, to which he replied that he had taken on to be a souldier, thinking to mitigate the fyne and the discipline, qch expression of his was taken as an aggravation of his former guilt. The Magistrates forthwith orderd the sd Evan to be brought by the burrow officers at the sight of David Angus to Baillie McIntosh, and in case the sd Baillie was not fully persuaded and convinced that the said Evan should return to his master's service upon the baillie's report of not going or returning, the said officers were appointed to secure him untill Captain Cameron, his master, were acquainted."

"March 23rd, 1708.

"Evan McLean being called, was by reason of ye present clamour of an invasion excused and delayed a little longer."

"3rd January 1693.

"The officers were ordered to seize the person of John Cuthbert and imprison him till he find caur. satisfie Kirk discipline."

"12th March 1693.

"John Cuthbert, shoemaker, has taken to be a souldier, qfor the Session Clerk to speak to his Captain, to witt Hunter, that he oblige him to satisfy Church discipline."

Sufficient has been said to indicate the nature of the more serious of the offences with which the Kirk Session dealt and the punishments meted out unstintedly for such offences, but many others were dealt with, such as Sabbath-breaking, swearing, &c. A fairly good idea of them is got from the quoted cases below, and the Immorality Overture with which the contribution concludes conveys a fair conception of the aims and objects of the Kirk Session and its arduous struggles to keep the private and public life of Inverness pure and undefiled.

"7th July 1695.

"Compeared Anna Miller, and was sharply rebuked for her untenderness of oath, and was seriously exhorted to be warrie in tyme to come."

"30th September 1695.

"Compeared Anna Mackenzie and Elspet fraser, servants to Alexr. Moncrieff, who were delated the last Session day for abuse of Sabbath in drinking in tym of Devyn Service with souldiers. Both acknowledged that they did not drink untill five of the clock at night, but being confronted by some of the Elders who saw them in La-hlan

McIntosh, his house, Could not goe against it. In the meantime the Session being sensible of yr abusing the Sabbath and Shunning the ordinances, have ordered both to compear the next Lord's day befor the congregation and ther make acknowledgement of scandall by their remorse."

"16th Dec. 1695.

"Archibald McDonald compeared, and seemed to have a remorse for his abuse of Sabbath, and did faithfully promise that through the help of God he should never be found in the Lyk error again. The Session ordered that he and wife should give their testificat again the next meeting."

"7th Jul-

Archibald MaekDonald has gone to the highlands, and is referred whyll he com home."

"24th June 1710.

A letter from the Kirk Session of Tarbat read, informing that the befor named fishers appeared befor their Session and confessed that they losed upon Sabbath morning from Wilkhaven and sailed to Meikle Tarroll, and from that to Inverness in May or June last, but refused to give satisfaction. They being called, compeared, and being interogatt thereanent, declared that they were straitened for want of victuals, and that they had lived four or five days upon fish only, and did offer money for bread there, but could not have it, as also that they were not safe at that place as the wind did then blow. They are ordered to return, and Mr Wm. Stewart is to writte with them to the minr. to know what truth was in what they alleadged."

"14th Feby. 1710.

"The Magistrates having fined two persons for cursing twentie shill. Scotts, it was ordered to be given to Mungo Campbell, a poor, blind supplicant."

"10 Feby. 1696.

"Delated John Schivize on the green of Mooretown for drinking of Acqua vitie with ane highland man to that quantity that the Highlander died within twelv hours after."

"9th off March 1698.

"Compeared John Schivize and did acknowledge his Drinking of Acqua vitie with a highland man, but that all the quantitie they drank wer about two mutchkines. In the meantym the Session findeing the said John to be the provoker, ordered

that the said John Schivize should appear the next Lord's day befor the Congregation and then be rebuked for his drinking to excess."

"4th May 1696.

"John Chivize being charged the last week to mak his public appearance the last Lord's day, refused. The Session have remitted him to the Sheriff of the Shyr, and appointed David Stewart, one of the Elders, to speak to the Sheriff annent him."

"12th of August 1703.

"Delated Hugh Fraser on the green of Mooretown for Intertaining Drunkards on the Lord's day, and for calling one of the Elders a dogg for rebuking him, for which the Session appointed him to be citted again the next Session day."

"13th of Sept. 1709.

"The sd day Mr David Schoeitt, Collector of Excise gave in a complaint showing that it was the custome of some brewers in the town to encroach upon the Sabbath by their brewing, and desired that ane act of Session might be made discharging the same. It was answered that they wer standing laws already made thereanent, both civil and ecclesiastick, and they recommend it to the Magistrates to put the laws in execution thereanent."

"21st August 1711.

"Ordered that intimation be made next Lord's day that no change keeper sell aquas or keep their cellar dorres open in time of divin service."

"21st of July 1695.

"Compeared John Daunt, Coil Donich, John McAndrew, and Murdow Dow, in Mooretown, and being interrogatt whither or no they wer guiltie of yoking their horses one the Sabbath night, denyed any such thing, but acknowledged that they yoked betwixt twelv and one of the clock in the morning. In the meantime they wer sharply rebuked and seriously exhorted to observe the Lord's day in tyme to come."

"11 of July 1703.

"The overtour animent Immorality was read and approved of by the Session. The tenor whereof being as follows:—

"1mo. For preventing abuses on the Lord's day, from walking abrod in the fields in time or after devine service, and Injoined to spend the Lord's day in ther houses, as becometh Christians, and

that all masters of families shall take care to keep their children and servants within doors, instructing them in the articles of the Christian faith, and requiring of them what they heard in the publick ordinances, and that they spend the rest of the Lord's day in the exercise of private worship with their families, as the Lord shall enable.

"2do. When it shall be found needful that some persons most stay at home to keep the house, waite on children, or attend the sick, that they shall keep shoot doors, intertaine no Idle Companie in time of devine service, with certification.

"3. That no drink shall be sold in Taverns to anee person whatsomever in time of publick worship, and that no person or societie being entertained in change houses upon the Lord's day, except strangers, lodgers, boarders, or such as come from the countrie to hear sermons, and that the Magistrates be addressed to impose qt penalty they shall think fitt upon the house which gives Interments, and also on the persons Intertained.

"4d. That a Constable and Elders and town officer shall be appointed to goe through the streets to the Shore, and other places wher companies of people used to resort upon the Lord's day in time of devine service, and that they shall narrowly observe all such as they discover guilty of profaining the Lord's day by Idleness or Immorality, and delate the said person to the Court, which is to sitt upon the Munday ther after at nine of the clock in the forenoon, wher the saids persons being convicted of ther fault are to be fined or punished according to Law, provyding always that the officer who attends, the Elders, and Constable give summons unto the said delinquentts to attend the dyott of said Constable Court.

"5to. That the forsaid Elder and Constable and officers shall likeways after sermon goe through the streets and other places wher companies use to resort and observe such as they find Immorally or Idly employed in Companies, the officer citing the said persons unto the said Comrt, as also that they search ale houses as they think fitt, and that they summond and delate the house and the persons Intertained.

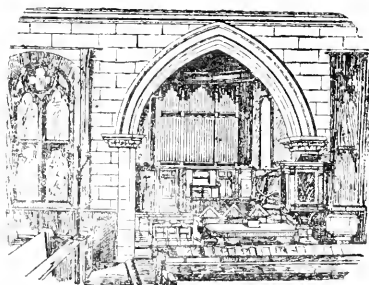
"Do. Overtours for preventing abuses on the week days—

"1mo. The Session recommended unto all the Elders that as they regard the glory of God, the edification of the place, and ther own peace, That they faithfully delate all such as they find guilty of Immorality, such as prophaining the Sabbath, Cursing, Swearing, &c.

"2d. That every man is free to give in a delation, and that the delatours shall have half of

the fines if they please to take it, and that the other half be at the Judges disposal.

"3to. In a speciall manner with respect to imprecations and oaths, swearing, or taking the Lord's name in vain, and that all such as are witnesses unto the like fault do not wink at them, but faithfully delate the same unto the Magistrates.."



CHOIR OF HIGH CHURCH.

PART II.

INVERNESS
KIRK SESSION RECORDS
PART II.—FROM 1711.

No. I.

DEALINGS WITH PEWS.

IN beginning fresh extracts from the Kirk Session Records, the first subject that falls to be dealt with is that of Pews. The Session's "Acts," some of them in favour of the Trades Incorporations, and others granted to prominent heritors, give the best and, indeed, the only data from which an idea can be formed of the internal appearance of the old churches. They are interesting for the descriptions they present, as also by reason of the account they give of the position assumed by the Magistrates and Town Council, even in the internal affairs of the churches.

Reference has already been made in a former article to a resolution of the Kirk Session to ccess the pews in the Old Kirk. That "Act" remained inoperative, because the proposal was unpopular. In the year 1750, driven to it by their necessities, in connection with church reparation, a similar resolution was again brought up and agreed to, but, like the preceding one, it remained ineffective, and for very much the same reason. As will be seen later on, a Committee of the Kirk Session reported—"The affair occasioned so much clamour they did not think proper to proceed in it," and this disposed finally of the question of seat rents during the existence of the old High Church, and in fact until the present High Church was built in 1769-75. In 1776 the area of the Highland Kirk occupied by the Communion tables and the Cockstool was fitted up with seats and pews, which were let, the Session collecting the rents and distributing them among the poor.

"23rd October 1716.

"The sd day the glovers presented a petition craving that the Comm above Drakies' seat, possessed for the time by Drummuir, which hinders their seeing the minister, might be removed.

The Session, takeing the said petition to their consideration, craved that the ministers may speake to Drakies concerning it, and report."

"November 6th, 1716.

"The ministers reported that according to appointment they did speak to Drakies about Removing of the Coum from off his seat, now possessed by Drumnuir. The which he willingly condescended to, and appointed that it should be taken down as soon as possible."

"8th Jany. 1712.

"Anent the difference betwixt Baillie Rose and B. Dunbar about the bounding of their seats in the Old Church, Mr David Rose produced ane extract Act of Session, particularly bounding Baillie Rose his seat, which being read, he desired it might be here recorded: The tenor whereof follows:—

"At Inverness, the eleventh day of August 1663 years, the which day Robert Rose, Provost of Inverness, petitioned the Session thereof for repairing, renewing, and transforming his desk in the North Isle of the Old Church by building the samen as he thinks most fit and expedient, which Petition the whole Session in one voice did give their assent, consent, and approbation foresaid to the said Robert Rose, Provost, with power and warrand to him to repair, renew, transform, and build his said Desk as he thinks most convenient, marked and bounded as afterwritten, viz.: The Desk at the West marked within eight inches to Alexr. Dunbar his footgang; marked at the North to the deceased the Lady Lovat and William Cumming their Tombs; marked to the South-east to the side of Alexr. Cummyng's Desk; marked at the South-west to the end of Alexr. Paterson's desk; marked at the South the floor and common passage to the said Isle: The which Desk built, the Session declared to be properly the sd Robert Rose, his Heirs and Successors, and to be possessed, brooked, and enjoyed by them as it is marked aforesaid, without any controlment or contradiction for ever: whereup Act Extract be me. Sic Subscritur, T. FRASER, Cls."

"8th Jany. 1712.

"James Dunbar alledged that eight inches was not sufficient to let the door open freely, and that people might sit upon the foot gang. The Session desired them to endeavour to make up the difference betwixt themselves by the mediation of some friends."

“12th Feby. 1712.

“The said day Provost Duff reported that he had met with Baillie Rose, Mr David Rose, and James Dunbar, and had accommodated the difference betwixt them in reference to their seats. Seeing it was found that eight inches was not sufficient to let the door freely open, and that people might sit on the foot gang, but that five inches more would be necessarie, both parties did pleasantly agree for the said five inches, and the said James Dunbar desired that an act of Session fixing their bounds now on might be granted, which the Session agreed to. In the meantime a petition from William Rose of Markinch being presented, was now read, desiring that all Action concerning desks in the Church belonging to him might be superseded for a season till the Action of Sale of his estate were discussed; also desiring that it might be recorded in the Session Register that the five inches which Mr David Rose condescended to be added to the eight inches contained in his father's Act of Session beyond Provost Dunbar's foot gang, was granted only by way of favour and kindness unknown to Markinch, and that during the said Markinch and his successors to the said Desk their good will and pleasure only.”

ACT IN FAVOUR OF FORBES.

“2nd of June 1713.

“At Inverness, the second day of June 1713 years, That day Roderick Forbes, merchant in the said burgh, gave in a petition to the Kirk Session there, Mr Wm. Stuart being Moderator, and remnant members fully convened; shewing that he had acquired a Right of disposition from John Cuthbert, son and heir to the deceased Alexr. Cuthbert, sometime Provost of Inverness, Bounded by the pulpit and Latron at the West, Alexr. Duff of Drumoor his Desk at the East, and the common passage to the pulpit at the South; and therfor craved that the Session might ratify and approve of the said Disposition in his favours, as is usual in such cases. Which Disposition being read in presence of the said Moderator and remnant members of the said Session, and considered by them, and they being well and ripely advised therwith, have all una voce, nemine contra dicente, ratified and approved, and by thir presents doe ratify and approve and confirm the said Right in favours of the sd Petitioner, in the whole heads, Articles, and clauses thereof; and hereby disposes the said Desk to him, his Heirs and assignies, with full power to them to possess the same in all time

comeing without any molestation, hereby discharging and prohibiting any persons whatsoever from encroaching on the sd possession, or molesting them therein with certification. Whereupon Act.

ACT IN FAVOUR OF CUTHBERT.

“15th September 1713

“At Inverness, the fifteenth day of September seventeen hundred and thirtein, in presence of Mr Wm. Stuart, Modr.; Mr Robert Baillie, Assessor; and remnant Elders of Session, fullie conveyed, Compeared John Cuthbert of Castlehill, yor and presented before the sd Session a Right and Disposition he hade acquired from Mr John Cuthbert, some time Town-Clerk of Inverness, who was served heir to the deceased Alexr. Cuthbert, sometime Provost of the sd Burgh. Dated at Stonefield, the twentie second day of Novr. seventeen hundred and twelve years, in and to a Desk consisting of two Pews in the new Church of Inverness lying under the Pend and under the King's loft within the West Isle, over against the pulpit: Bounded with the Laird of Culloden his seat on the right hand, Provost Rose his seat on the left hand, and Culduthell and Davochfure's Pews at the Back; and that in favours of the sd John Cuthbert and Joan Hay his spouse. And therfor humbly craved that the Session might ratify and approve the sd Right and Disposition in his favours, as is usuall in such cases. Which Disposition, as also ane Extract Act of Session in favours of the Deceased Provost Cuthbert, being read in presence of the Moderator above specified, and the whole members of Session present, and duely considered by them, and they being well and ripely advised thereanent, they did all, nemine contradicente, ratify, approve, and confirm the said Right and Disposition to and in favours of the sd John Cuthbert of Castlehill, yor his Heirs and assignies whatsoever, &c.”

ACT IN FAVOUR OF FRASER.

“2nd March 1714.

“The sd day there was an Act past in favours of John Fraser, Mert., for a Desk in the Irish Church, the Tenor whereof follows:—At Inverness, the second day of March seventeen hundred and fourtein years, in presence of Mr R. Baillie, Modr.; Mr William Stuart, Assessor; and remnant Elders, fully conveyed, Compeared John Fraser, Merchant, brother german to James Fraser of Achnagairn, and one of the Elders of the

Kirk Session there, and presented befor the sd Session a Right and Disposition he hade acquired from Hugh Monroe of Teaninich, Heir in generall, served and retoured to the deceased John Fraser, sometime merchant in Inverness; his Uncle in and to ane Desk being within the new Church ther and in the body thereof: Bounded betwixt the Desk belonging to the Laird of McIntosh at the South, Desk belonging to Mr David Polson of Kinmylies at the North, the Kirk wall at the West, and the common passage from the East Door of the sd Kirk to the North end thereof at the East parts respective; and Therefore humbly craved that the Session might ratify and approve the said Disposition in his favours, as is usuall in such cases, which Disposition being read and considered, &c." [The confirmation follows in the usual terms.]

No. II.

DEALINGS WITH PEWS.

Continuing our extracts on this subject, we quote Act in favour of the brother of George Duncan, who mortified the lands of Diriebught to the Kirk-Session, who still hold them. Then follow several Acts in favour of the Trades and Incorporations, but they refer to the New or Irish Kirk.

ACT IN FAVOUR OF DUNCAN.

“March 25th, 1718.

“It was represented in favours of John Duncan, brother Jerman and Heir of the Deceast George Duncan, some time Merchant of this Burgh, that his deceased Brother did peaceably bruck, Injoy, and possess a Pew, desk, or Seat in the Old Church of Inverness, bounded on the South with the Seat or Desk of John Robertson, Son and Heir of the Deceased Hugh Robertson, some time Provost of this Burgh, and on the North by three Pews or Desks, one whereof belongs to James Dunbar, Dean of guild, and the other two belonging to the Laird of Castellhill, albeit they are for the tyme possessed by others, and on the East it is bounded with the Common Entry from the South isle, and on the West by the Seat of Alexander Fraser of Culduthel. Notwithstanding the said peacable possession, some persons gave uneasiness unto the sd John Duncan, the only Heir forsaid of the deceased George Duncan, in possessing the said desk. Wherefor it was Intreated that the said John might be Confirmed and Established in his Brother's Right in regard that the said George Duncan hade bought these Lands unto which the Room of the said Desk did properly belong, and over and above the said George Duncan hade Mortified a Sume of Money, the Interest whereof to Contribute toward the upholding of the Fabriek of both Churches, and that it would sound harsh with posterity if the Heir and Representative of the said George should not have Room in the said Church peacably to hear the Word of God. Therefor the Session's Confirmation unto the said John Duncan of the Room of the said Pew or Desk, Which being considered by the Magistrates and others giving in their opinion by turns and the Sevrall Elders speaking fully on this affair, Mature deliberation, it was put to the vote whither John Duncan should be Confirmed in the peacable possession of the foresaid Desk or pew, and the votes being asked by the Moder-

ator, it was Carried Unanimously in the affirmative. Likeas the Church Session of Inverness did and hereby doe Ratify and Confirm the forsaid John Duncan, his Heirs and Assignies, in the peacable possession of the Area Desk and Pew forsaid possess by the Deceast George Duncan, with power to the said John to possess the samen and Injoy all the days of his life in all full ample and peacable Manner, as any other Seat in the Church is possessed, and that he may Use the same as his property in disposing thereof as he shall think fit and just—Just, providing alayws it be not lockt up and kept Empty when other hearers are oblidge to stand and cannot find accomodation by a seat, with this express provision that Jean Kinaird, spouse and Widow of the said George Duncan, shall have the priviledge and liberty to Sitt in the said Desk wt out Moles-tation all the days of her life when she comes to hear the word."

ACT IN FAVOUR OF WEAVERS.

"5 Aprile 1715.

"At Inverness, the 5th day of Aprile 1715, which day in presence of Mr Robert Baillie, Moderator, and remnant Elders of the Kirk-Session fullie convened, compeared David Leitch, Overseer of the incorporation of weavers in the said Burgh, and gave in a petition for himself and in name of the rest of his trade, shoewing that such of the petitioners as were of the Irish congregation were these fourtie years past and upwards in use to sit in that loft in the Irish Kirk at the gavel next the Old Kirk, and that the said loft being now decayed through time, your petitioners and others of the Communitie will want seats if a remedie be not provided, and Therefor humbly craved that they might be allowed to build and repair the same, and that they would make it contain twice as many of the common people as it used to doe, if there were ane Act granted in their favours to possess the same.

Which petition being read and considered, and the Session finding the same reasonable and for the benefit and advantage of the Societie, They all agree and consent nemine contradicente to the reparation thereof, and hereby allow and authorise the sd Petitioner, for himself and in name of the rest of ye Incorporation, to build and repair the said Loft in manner above expressed, providing it be done without prejudice of any other or eneroaching upon another's priviledge; allowing and authorising the said Incorporation of weavers and their successores to possess the same in all time coming without trouble or molestation.

Providing likewise that they hinder none of the common people to sit in the said Loft if there be more room than serves themselves whereupon Act."

ACT IN FAVOUR OF BAKERS.

"July 17th, 1716.

"Thomas Fraser, Elder, Baker, presented a petition Craveing the vacancy in the new Kirk under the weavers' loft at the wester gavel next the Old Kirk, with what the bakers formerly possessed in the said place. Whereby the Baker Trade might be priviledged by ane Act of Session to build thereon for their accommodation to hear the word. The which Petition being read, and after Mature deliberation, the Session did unaniously agree, after viewing the Bounds and finding the said Petitioners deserveing, doe by their Act hereby dispose of the said Bounds to the Baker Trade of this Burgh, to be built upon and possessed by them and successors in the Baker Trade without any disturbance or molestation by any whatsomever in all time comeing, the bounding whereof is as follows, viz., from the wester gavel seven foot forward facing to the pulpit from the south side wall to the stair leading to the Weavers' Loft; and orders that this Act be Recorded and Ane Extract be given to the Petitioners when required whereon Act."

SEAMEN'S LOFT.

"June 19th, 1722.

"The ministers haveing represented the great Disturbance and the uneasiness of there being a stair within the new Kirk that leads up to the Seamen's Loft, that the Congregation is greatly Disturbed by the peoples going to the said loft; They therfor Intreated that the Session would appoint some of their number to speak to the Magistrates anent building a stair without, and make a more convenient entry by which the people would have easie access and without Disturbance, especially at Communion occasions: Which being heard and considered by the Session, they did unaniously Recomend it to be Represented to the Magistrates and Council by the Ministers."

The Magistrates appear to have given effect to the recommendation, for the new stair is referred to in a petition presented by the seafaring men shortly after.

"July 17th, 1722.

"This day Donald Skinner and Donald Mac-kay, in name of the Fishers and Seafaring Men of this Burgh haveing the Irish Language, gave in a petition Craveing that they might have

liberty to Repair and Enlarge the Seats possess by them in the new Kirk in the North Loft, Immediately from the entry of the new Stair, and that for the causes fully narrated therein: Which petition being considered, the Session did and hereby doe allow the said Company of Fishers to repair and enlarge the seats possess by them from the breast of the said North Loft unto the North Gavel. The pews extending from the East Side wall to the body of the Church nine foot, providing always that ane open Trance from the new Stair head be left for access to those who sitt in the Western part of the said loft whereupon Act."

APPLICATION FROM MASONS.

"Deer. 24, 1728.

"At Inverness, December twenty-fourth, one thousand seven hundred and twenty-eight years, In presence of Mr Alexr. Fraser, Moderator, Mr Daniel Mackenzie, Mr Alexr. McBean, Assessors, and Remanent members of the Session there, the petitions of the Massons of the said Burgh being again Read, setting forth that they have no place in either of the Churches in this Burgh for accomodating them to hear the Word of God, by which means they are necessitate to stay at home or walk the fields on the Lord's day in time of Divine Worship, very much contrary to their Inclination, and then seeing there is a vacancy in the East side of the New Kirk adjacent to that vacancy, lately given to the Wrights and Coupers of this Burgh, wherein they have built a loft, and that they are willing at their own expense to erect a loft for themselves in the said vacancy, which will not in their humble opinion Eneroach upon any, and therfor craveing that the Session would be pleased to grant them a tollerance and Act in their favours to that effect.

"Which petition being considered, and the Session having Reasoned thereon, they did then remove to the said Church, and having survoyed the space above specifyd with respect to the common loft in the South end of the said Church, and also with respect to the seats below, and with respect to the lights of the sd end of the Church, and having thereafter returned to the Session-house and resumed consideration of the said petition, found it reasonable to grant, as also hereby do grant, the desire of the same. But for preventing of any Eneroachments on the seats or lights above named, the Session appoint the limits and boundings of the said loft to be as follows, viz. :—Primo, the said loft may extend in length from the face of the common loft, no nearer to the pulpit than the distance of nine foot and ane

half; Secundo, the lowest part of the breast of the said loft fronting the pulpit flooring and gests included to be no further downwards from the top of the hanging post on the side wall of the Church than ten foot and three inches, and the height of the breast from thence upward to be no more than three foot and three inches, viz., no nearer to the top of the side post than seven foot; Tertio, the Breadth of the loft from the side wall towards the area of the Church must advance no more than seven foot and an half, Including the pillars, and in case of any Inroachments by these dimensions on the height or hearing of those who sitt in the common loft as the seats of it are at present. The said petitioners are (if need be) at their own charges to heighten the seats of the said common loft proportionally, so as the hearing and sight of the minister may be preserved to all that sitt in that part of the common loft, and the Session did, and hereby do, grant to the said petitioners and their successors in trade the tollerance and permission sought in their said petition, with full power to them to build a loft in the space above, and enjoy the same in all time comeing, providing always they observe the Dimensions above narrated, and that they make the Entry thereto thro' the middle of the breast of the said common loft whereupon Act."

"January 7th, 1729.

"Then compeared Alexander Baillie, Town-Clerk, and in name and by order of said Magistrates and Town Council Represented, that whereas they had been informed that the Session had by their act of the twenty-fourth December last granted a tollerance to a certain number of people to erect a loft for their own accomodation in that part of the New Kirk specifyd in the said Act, the said Magistrates and Town Council had declared that it was their Judgement that the Kirk-Session had no power to have granted the said tollerance, and thereby to have disposed of a considerable part of the said Church, and therefore desired, in name of the said Magistrates and Town Council, that the Session would be pleased to Recall the said Grant.

"The Session, considering the above representation, and likewise what the practise of the Session has been in like cases time out of mind, as appears by their records, they agree to wait upon the Magistrates and Town Council in order to come to more easie and amicable settlement of that point, and Recommends it to the Moderator to speak to the people who have obtained the said Act not to proceed till they hear further

from the Session ; and they appoint the ministers, Wm. Maclean, late Baillie David Angus, David Hoome, George McKilligan, James Mackay, and Alexr. Chisholme as a Committie of the Session to wait upon the Magistrates or a Committie of the Council to commun on the said affair."

"January 13th, 1729.

"The members of the Committie mett, and being informed that the Magistrates and Town Council were now sitting, they appoint one of their number to attend the said meeting and Represent that the Committie were Readie to commune with the Magistrates and Town Council or their Committie on the subject laid before the Session by the Town-Clerk the Seventh Instant.

"The said member, after some time, Returned, and Reported from the Magistrates and Town Council that they would not commune with the Session untill their Act called in Question the seventh instant were Recalled, and this the Committie agree to report to the Session."

No. III.

A FIGHT ABOUT A SEAT.

On one occasion a fight about a seat took place in the Highland Church. There is, happily, no other case like it in the Records. One is more than enough, most people will think.

“15th May 1722.

“There was presented to the Session an extract of a minute of the Session of Croy, held at the Leyes, the fifteenth of Aprile last, complaining of one **Alexr. Mackenzie** in Esick, who, upon the twenty-fifth of March last, being the Sabbath Day, the said **Alexr. Mackenzie** had stricken one **John Macpherson** in the Leyes to the effusion of his Blood, and that in the Highland Church of Inverness, when the congregation had mett, and adduced the witnesses following—**David Vaus** and **Donald McGuirman** in the Leyes; **Hugh Fraser**, fisher; and **Alexr. Mackenzie**, shoer. in Inverness. They being called, compeared

“**Donald McGuirman**, ane unmarried man, aged about 22 years, and being sworn and purged of malice and partiall council, being Interrogat, deponed—That **Alexander Mackay** came to a seat where **John Macpherson** was sitting, and commanded him to Rise, who Refuseing the said **Alexander**, sat upon him, and the other put him off, upon which the said **Alexander Mackay** rose, and gave **John Macpherson** two stroakes with his hand, and This is Truth, as he should answer.

“**Hugh Fraser**, a married man, aged about twenty years, being purged of malice and partiall council, being Interrogat, deponed cum precedentes, with this addition, That he heard **John Macpherson** call **Alexr. Mackay** “a son of a bitch.” and this is Truth, &c.

“**Alexander Mackenzie**, ane unmarried man, aged about 20 years, being sworn and purged of malice and partial council, being Interrogat, deponed cum precedentibus, &c.

“All which being considered by the Session, They did unanimously agree that they should both be Rebuked sharply befor the Session, with this caution, That hereafter if they or any others should be found guilty of such disturbance hereafter, That they should stand before the congregation, which was intimated to them, and accordingly were exhorted and dismissed.”

BELLS.

The references to the bells are still interesting:—

“November 15th, 1720.

“John Forbes of Culloeden, present Provost, signified to the Session that the church bells did ring so short upon the Lord’s Day that befor he could get to the church the worships did begin, and therefor hoped that the Session would be pleased to appoint their servants to ring them longer. Unto which the Session did unanimously agree. As also it was proposed in Session that the church bell should ring at 8 and 10 at night every night throughout the year, and at six in the morning in winter. and at five in the morning in summer.”

“November 29th, 1720.

“The Session appoint Mr William Stuart, Mr Robert Baillie, Mr Alexander McBean, ministers; Baillie John Hossack, Baillie William McLean, William Neilson, David Hoome, To meet as a Committie in order to consider what the officers ought to have for Ringing the Bells morning and evening as aforesaid.”

“Decr. 13th, 1720.

“The Committie appointed to consider what the officers should have for Ringing the church bells at five in the morning in summer and six in the morning in winter, and at eight and ten at night the whole year over, Reported as follows:—That they think that the officers should have Thirty pound Scots yearly for Ringing the sd Bells at the sd times.”

“May 16th, 1721.

“The Session appoint Bill to be drawn upon David Hoome for fifteen pound Scots as a half-year’s salery to James Fraser, Kirk officer, for Ringing the Bells morning and evening.”

“Nover. 28th, 1721.

“James Pitcathie, Gardiner, compeared, and told the Session that he would oblige himself to furnish a man to ring the Church Bells more punctually than heretofore, both morning and evening at the hours appointed in summer and winter, and the Session having enquired James Fraser, officer, if he was willing that they should grant the demand to James Pitcathie, he said he was. Whereon James Pitcathie was appointed to have the management of the sd Bells, and that he should begin thereto the first day of December next.”

CUPS AND TOKENS, &c.

“August 5th, 1712.

“Ordered that the Communion Cups be given to the goldsmith in order to be reformed and made more fashionable.”

“16th September 1712.

“Ordered that Wm. McBean, goldsmith, his accmpts for translating the silver cups and making them larger and more fashionable, be paid by the Church Treasurer.”

The fashionable cups seem to have mysteriously disappeared, for no more is heard of them.

“June 19th, 1722.

“The Session further considering at this time what was Requisite towards the Insueing solemnity of the Lord's Supper, they did appoint their Kirk Treasurer to cause have the Tables, Table-Cloaths, cups, &c., in readiness against that time, and that he write a letter to the Session of Calder desireing the use of Two Communion Cups from thence, which are necessary, besides the two that belongs to the Session. They also appoint that publick Intimation be made that the People in Town and parish may apply to the ministers according as their present Inspection of the severall pairts of the Town and Parish is Proportioned for their toakens.”

“September 18th, 1722.

“The Session appoint Bill upon David Hoome for three pound Scots to James Fraser, Kirk officer, for his going twice to Calder for the Communion Cups.”

“October 5th, 1724.

“The Session appoint Mr McBean to write to Calder for the use of their Communion Cups, and the Session resolve to have Cups of their own against next occasion. The Session desired Gillies McBean, Convener, to go to Baillie Dunbar's heirs and get the Communion Cups, which accordingly he did, and brought them. The Session appoint that for hereafter the Communion Cups be lodged with the Hospitall Treasurer, and also the Table Cloaths.”

“30th August 1763.

“James Dallas, Pewterer, being appointed to make four tin cups for the use of Sacrament occasions, he produced his accot. therefor, amounting to one pound ten shillings.”

“6th October 1778.

“The Session have appointed eight pewther plates for the conveniency of holding the elements of bread for the Sacrament, and they hereby appoint Mr Willm. Murray, Hospital Treasurer, to pay James Dallas, Pewtherer, for the same, and that out of the reparation funds.

“It being reported that the Latron of the Highland Kirk is almost ruinous, the Session appoint a workman to inspect and repair the same.”

“22 July 1794.

“The Session considering that the cloths used on the tables at the administration of the Lord’s Supper in the Gaelic congregation are entirely worn out and unfit for use, they judge it necessary to order that new cloth be immediately provided, and the expence paid out of the Reparation Fund. The Session considering that by lending out the Communion Cups and Cloths they have greatly suffered, particularly the Cups lately lent out to the ministers of Moy, which were returned much injured and cloured; therefore the Session have come to the determined resolution of never lending out in future either Communion Cups, Cloths, or tokens, and they resolve and determine accordingly.”

The cups mentioned below are still in use in the High Church.

“2nd March 1802.

“It was reported that the late Mr John Baillie had bequeathed in his will to the Session money in their favours, the tenor of which follows:—“I leave and bequeath to the Kirk Session of Inverness the sum of fifty pounds ster. for the express purpose of being applied by them to the purchase of six silver Communion Element Cups. Item.—I leave and bequeath to the proprietors of the Chapel of Ease of Inverness, thirty-five pounds stg., to be applied by them to purchase four silver Communion Element Cups, and I desire and request that the said Element Cups shall be kept by the said Kirk Session and proprietors of the Chapel of Ease, and to be used by them on Sacramental occasions in their respective places of worship; and I hereby desire that there shall be engraved one each of the said cups the following inscription:—To the Kirk Session of Inverness, Gift John Baillie, house carpenter in Inverness, to the Kirk Session of Inverness.”

"9th March 1714.

"The Modr. informed that he and his colleague designed to administer the Sacrament of the Lord's Supper about this time, and desired to understand by the Session what day they thought most proper, which being put to vote, was carried upon the first Sabbath day of Aprile next, which was agreed to, and intimation thereof to be made from pulpit next Lord's day."

"4 April 1714.

"The Sacrament of the Lord's Supper was orderly and regularly administered, the elders and all concerned duely attending their severall posts according to appointment, and everie thing thereanent gone about decently and in order. Mr Ro. Baillie preached befornoon, Heb. xii. 24. Mr Wm. Stuart preached afternoon, text Eph. iii. 16. Coll., mintie nine pound sixteen shill."

"15th Aprile.

"Reported that according to appointment, it was intimate in both churches last Sabbath that the Sacrament of the Lord's Supper was to be celibrate upon the 27th instant, and it was overtur'd for maintaining gravety and order in the new Kirk when the Communion is to be given in the Irish Language, that from the South door to the pulpit on both sides of the Tables all the seats contained in that place shall be appointed that day for the communicants, and that they shall sight the toakens, and this to be intimate Sabbath next in the forenoon and Saturday, the 26th instant. Which overture being read, it was put to the vote, approve or not, and it carried unanimously approve by the Magistrates, Heritors, and Elders then present, with this addition, that ane Elder waite at the North End of the table to prevent confusion: also appointed that the Latrons in both churches should be reserved for the ministers"

"26 Novr, 1771.

"An Acct. was presented to the Session by the Kirk Officer amounting to five shillings stg. for levelling a part of the Chapel-Yard for the Communion tables for five days' work to two men. The Session appoint Wm. Murray, treasurer, to pay same."

"5th November 1776.

"The Session considering that a proper Lavar and Stand are wanted for administèring Babbitim in the High Kirk, appoint Mr Wm. Murray, Hospital Treasurer, forthwith to purchase them."

No. IV.

THE REPAIR OF THE CHURCHES.

The previous sketch of the churches in Inverness gave the reader some idea of the scantiness of the resources at the command of the Kirk-Session for the repair and upkeep of the fabrics, as well as of the Session's poverty in other essentials connected with the proper performance of public worship. It is apparent the funds are still low, and that the fabrics could scarcely be in worse condition. Occasionally an energetic and popular Kirk Treasurer received the thanks of the Kirk-Session for "the building of dykes about the Church-yard, the keeping of the whole fabrick of the churches in repair, repairing the casways at the entries to both churches in the venal," and such like, but the votes of thanks it is evident, were intended more than anything else to round off gracefully the treasurer's term of office, for it was small mercies indeed the Session had reason to be thankful for. For instance, the Session, with something of conscious fatuity, appoints the Kirk Treasurer to speak to the glazier about repairing the windows of both churches, and he, in reply, craves five years' salary owing to him. The bill thereupon granted led to no material improvement for any length of time, for later the Glovers' Corporation is found complaining that the window above their seat "is all broke," and there are other evidences that matters do not seem to have mended much with the Session as time went on. The minutes record that the porch is ruinous, the windows are reported in such a state that "great expence and outlay" would be necessary to bring them at once into a proper state of repair, hence a gradual process of restoration was resorted to, which abruptly ended by the churches being seized and used as a prison in the time of the rebellion (minute 25, Aug. 1746). The churches were left practically wrecked by the soldiery.

This reference to the churches being turned into prisons during the rebellion, and the damage they sustained in consequence is about the only allusion made to the rebellion. On the main questions the minutes observe a total and discreet silence.

"21st Janr. 1718.

"David Hoome, church treasurer, is appointed to speak to Robert Innes, glazier, about the Repairing of the windows of both churches, and reports next Session day."

“January 28th, 1718.

“Robert Innes represented to the Session that there was five years’ salarie owing him by the Session, and craved that they would allow him Twenty pounds Scots, and that he would sett about repairing the church windows with all expedition, upon which the Session ordered Bill to be drawn upon David Hoom, Kirk Treasurer, for the said twenty pound Scots.”

“Sept. 12th, 1721.

“Gillies McBean, in name of the Corporation of the Glovers, Represented their great unconveniency and hinder in hearing the word preached, by reason of the window above their seat being all broak, and that now it was not possible for them to sitt in it when the winter comes. Therefore hoped the Session would be pleased to cause help it. The Session appoint some of the Elders to speak to Robert Innes, glassier, in order to the speedy help of ye same.”

“Decr. 26th, 1721.

“The Session appoint that David Hoome, out of the Saleries Resting to Robert Innes, glassier, doe pay and see the right application thereof for the compleat and sufficient reparation of the glass windows of both churches, for which this shall be his warrant.”

The Session, with apparently commendable foresight, in as frugal a manner as possible, to quote the words of the minute, had purchased out of reparation money a store of slate and lime to be used in making enlargements and repairs to the churches, but their chronic state of impecuniosity not only put all schemes of enlargement and extensive repairs out of the question, but, as they were driven to shifts for money, induced them to think of selling the slate and lime so frugally purchased, and applying the proceeds to quite different purposes, the purposes varying according to the necessities of the moment. The immediate cause of the proposed sale was the want of funds to pay the expenses of Commissioners sent by the Kirk-Session to the General Assembly in connection with the call to the Rev. Mr Macbean to Inverness. Although there was practical unanimity, yet the sale was not effected because of the objections of one member—there always is one member who is painfully and inconveniently conscientious. The member in this instance was Bailie Hossack, who afterwards became rather prominent in local annals.

“July 25, 1721.

“The Session, in pursuance of their former Resolve anent clearing the Commissioners’ accounts, proceeded to consider what funds they had for the Hospital Treasurer’s security in case of Borrowing the equivalent sum from him as before proposed, and found that the only fund they can now touch is the slate and lyme belonging to them, and now lying in the Vestry Steeple and Church-yard. There was therefore a motion made to sell the said slate and lyme, and Raise money therefrom for the foresaid purpose as far as the price may extend. In a full reasoning, upon which one member insisted that the Session could neither dispose of nor apply the said materials for payment of the Commissioners, the question was put whether the Session could and ought to Dispose of and so apply the price of the said lyme and slate. It carried in the affirmative by all except that one member. Thereupon the Session did and hereby doe appoint and resolve to sell and dispose of the said materials for the purpose above mentioned, and ordain the Moderator and such members of this Session as he shall call for in name of the Session, to make the first offer of the said materials to the Honourable Magistrates and Town Council, in case they shall think fitt to purchase the same towards the Intended Reparation of their church, if not, that the Session may cause sell them otherwise to the best advantage. Baillie Hossack dissented in manner following—That he believes the Session cannot apply the slate and lyme to any other use than that to which it was purchased, viz., For repairing of the church, the same having been bought a long time since with the Reparation money, which is the part of the weekly collection which is sequestrate for the use of the fabrick of the church, and ought therfor to be applyd to that use which was designed, which will appear from the minuts of the Session, which appointed and designed it.”

“The Clerk is appointed to give an extract of the Session’s resolve to sell the slate and lyme to Baillie Thomson, that he may lay it before the Council.”

The reply of the Council, if they gave one, is not recorded.

Although for a different purpose, the next move of the Session to raise funds took the strange form of appropriating money ear-marked for the reparation of the churches. It is evident that by this time the question of the liability of the town to maintain the fabric was coming prominently to the front, and the minute is instructive on that account.

"Feby. 27th, 1722.

"It was overtured That in regard there is ane Act of Parliament of Great Brittain appointing a fund for repairing or building our churches as need require, that therfor the Session may address the Honourable Magistrates and Council of this Burgh to allow the Reparation money from the date of that act, if any such money be in the hands of our Church Treasurer, to goe for the present Relief of poor objects within the town and parish. The Session approve thereof, and appoint ane extract hereof to be given to the Council at their first meeting."

The Council's reply is not recorded.

The Kirk-Session's necessities were becoming more pressing, and they again overtured (20/11/1722) that a "representation be laid before the Town Council anent selling the Lyme and slate to them, bought by the Kirk Treasurer. They also considering that the town are obliged to uphold the fabrick of the church since June 1719. Doe think that the Session has no more to do with the paying of Robert Innes, glazier, and therefor that the Session should discharge him, and appoints the same be intimate to Robert Innes."

The evolution of time had somewhat reversed the relative positions of the Kirk-Session and the Town Council. In the earlier minutes the Kirk-Session, if they did not regard themselves as the superior body, at least assumed a position of equal standing with the Town Council, who were ever ready to adopt the Kirk-Session's suggestions. Gradually, however, the Town Council and the Magistracy adopted a superior tone in their dealings with the Session, and the more pronounced this became on their part the more deferential the Kirk-Session became to them. Hence those who have followed the intercourse between the two bodies are not surprised by the following minute:—

"February 16th, 1725.

"The Session being informed that if a representation from them to the Council were offered in a manner proper, that the Council was disposed to give a favourable answer to the affair Relating to the Slate and Lyme, and that speedy payment might thereby be obtained to David Hooime for the Ballance due to him by the Session. The Session being pleased with the Information, the draught of it was presented and read, and being considered, the Session did approve thereof, and appoint the Moderator to sign it, and Baillie William McLean to deliver it to the Council at their first meeting, and he to Report."

The Town Council, apparently well satisfied with the note of humility running through the application, were graciously pleased to accede to it, and (9/3/1725) Baillie William McLean reported, with some elation, "that having laid the Representation about the Lyme and Slate before the Council, they had allowed the Session to dispose thereof as they thought proper for the speedy paying of the Session's debt."

Notwithstanding the above authority, procured at the cost of their self-respect, the Session had great difficulty in disposing of the lime, for let it be noted that years later the subject of the lime still haunts the Session's deliberative hours.

Sept. 3, 1728.

"The Moderator reports that application being made to him and his collogue, Mr Mackenzie, by Mr Charles Mack, master mason of the Barracks, Craveing that the Session would allow him the old lyme belonging to them, and promising to give them in a few days the same quantity of sanded lyme; They thought fitt, with the advice of some Elders, to call the Session together to consider of the same; which being considered by the Session, they did approve thereof, and therefore the Session did enter upon the consideration of the said affair, and having reasoned thereon, they unanimously agreed that Mr Mack should have the said lyme upon the terms he proposes, and accordingly did appoint their Treasurer to see the same measured to the said Mr Mack, and receive his obligatory receipt, and in regard the Town Council have agreed some time agoe that the Session shall dispose of the said lyme: The Session appoint the Clerk to get an extract of the said minit."

"14th October 1740.

"John McIntosh, Kirk Treasurer, reported that according to appointment he took the advice of Slaters as to the slate belonging to the Session, and that the said tradesmen reported that they are not Aisdale slate, nor proper for Repairing the church, upon which the Session appoint him to Buy Aisdale slate from Baillie John Fraser, at 24 pounds Scots p. thousand, or from any other person who can best serve him."

"14th February 1744.

"The Session appoint John McIntosh, Kirk Treasurer, to dispose of the slate belonging to the Session, and sequestrate the money till it be ordered to be applied."

“31st May 1744.

“The Session, observing that the dykes and fences of the Church-yard have for some time been neglected, and that there are large breaches therein which necessarily ought to be repaired to prevent further damage. They therefore appoint the remaining slate be sold by the Kirk Treasurer, and the price applied for the Reparation of the said Church-yard Dykes, and the ballance, whatever the same may be, to be given to the Kirk Officers in part of the Salaries Due to them, and they appoint the lyme lying under the Session Room to be applied for Harling the outsides of the said Dykes.”

No. V.

The following extracts are in continuation of the entries on repairs of the churches:—

“12th August 1746.

“The Session, entering upon the Reparation of the High Church, Do find upon enquiry that there is a Fund of the mortification applicable for that purpose Due. They do appoint their Treasurer, with all convenient speed, to Disburse a proportion of that money on slate and timber as far as it will go.”

“25th August 1746.

“George and James Cummings, Glaziers, being now present, and the Session having conversed with James Cumming upon the agreement made with him by the Session, Dated eight day of January 1743, about the Repairing and upholding of all the glass windows of both churches as they then were, and at a certain rate repair yearly, as the said paction more fully bears; and the Session considering now how greatly the most of the said windows had been damaged by the Churches being made prisons of in time of the Rebellion, and also that there is a duty to his Majesty laid upon glass: The Session and the said George and James Cummings conjunctly and severally on their part Do mutually agree in Lien of the former bargain, which is hereby declared to have ceased from Candlemas last: That the said glaziers do forthwith set about Repairing and Compleating all the said windows so far as they require at the Session's expense, and that how soon the same is compleated and Reported: The Session agree and covenant with them that they shall have Thirty Shillings in the year for upholding and keeping the said glass work in the same condition, to commence from the date of the said Report.”

“20th June 1749.

“George Cumming, Glasier, having presented his accots. of glass and weir work done to the new and old church, as the same was visited and Reported by a Committee of this Session, April 6th, 1747, as done, and which accots. amount together to the sum of Twenty four pounds eighteen shillings and sixpence sterling, as demanding payment thereof, acknowledgēing at the same time that he had Received from John McIntosh, late treasurer, in part of the same ten pounds sterling, so that now there is due a Ballance of fourteen pounds eighteen shillings and sixpence

sterling: The Session considering the said demand as equitable, and that there is money in the said John McIntosh's hands of George Duncan's Mortification for repairing the Kirks, Do hereby order him to pay to the said George Cumming the above Ballance of Fourteen pounds eighteen shillings and sixpence sterling, which shall be allowed in the said John McIntosh's accotts. of the fund above named.

"James Fraser Smith and one of the Elders gave in his accott. of smith work done to both Churches from July 1746 to this date, amounting to three pound seventeen shillings sterling, and demanded payment. The Session having revised and examined the said accott. coram, and finding the same Just and Reasonable, appoint John McIntosh, late Kirk Treasurer, to pay the said accott. out of the fund for Reparation of the church.

"Alexander Fraser, mason. gave in his account of the mason work done to the church, amounting to eight shillings and sixpence sterling, which the Session finding Just and Reasonable, appoint John McIntosh, late Kirk Treasurer, to pay the said accott. out of the Reparation money."

"22 August 1749.

"As John McIntosh, who has Reparation money in his hands, is not at home, the Session ordered Andrew Murray, present Kirk Treasurer, to pay to James Wilson, boatman, for slate brought this week to the church, the sum of seven pounds nine shillings and seven pence sterling, which money is to be Reimbursed to the said Mr Murray by Mr McIntosh, as also to pay for the carriage of the said slate from the Shore, and recover the said money as above."

"30th January 1750.

"The said Committee gave in the following accots., Laid out on Reparation, which is a debt on the Reparation fund to the Poores' money.

"In adjusting the accott. of collections and Debursements with Mr McIntosh, they find due to the collection fund—

| | | | | | |
|--------------------------------------|-----|-----|-----|----|----|
| Laid out on Reparation | ... | ... | £56 | 13 | 10 |
| Likewise of the Session House Rent | | | | | |
| Money | ... | ... | 90 | 0 | 0 |
| To Cash paid Mr Murray for Slate, | | | | | |
| Lime, and Carriage | ... | ... | 99 | 13 | 0 |
| To Cash Due Donald Fraser, Wright, | | | | | |
| p. accot. | ... | ... | 120 | 0 | 0 |
| To Cash Due the Slaters as per ac- | | | | | |
| cot. | ... | ... | 48 | 0 | 0 |
| To James Fraser, Smith, as per acct. | | | 15 | 12 | 0 |

| | | | |
|--|----|-------------|-----------|
| To James Cuthbert, Merch., for nails | 79 | 14 | 0 |
| To Alexr. Mackintosh, Combmr., for timber, as p. acct. | 14 | 8 | 0 |
| To George Cumming for a new window in the Kirk roof | £6 | 12 | 0 |
| To his Salary from Mar- tinmas 1748 to Do., 1749 | 18 | 0 | 0 |
| | | <u>24</u> | <u>12</u> |
| To Alexr. Fraser, mason, as p. acct. | 1 | 10 | 0 |
| | | <u>£550</u> | <u>2</u> |
| | | | 10 |

The Session, having considered the above Report, do not find it expedient at this time to give in to a visitation of Presbytery, and with respect to the alternative of cessing each pews Room in both Churches in a shilling sterling each, they so far agree to it as to appoint Mr Fraser and Mr Mackenzie, with Provost McLean, Baillie James Fraser, and John McIntosh, as a Committee to draw up a memorial for obtaining the approbation of the Heritors and Inhabitants, and make Report."

"27th February 1750.

"Mr Fraser reported that the Committee appointed to meet about the overture anent cessing each pew in both churches in a shilling sterling, did meet, and in regard that that affair occasioned so much clamour, They did not think proper to proceed in it, and gave it as their opinion that the Session should take the whole of the Reparation affair under their consideration of new. The Session, considering this report, did not enter upon any deliberation about it at this Dyet, because of the paucity of their number, and do appoint that a full Session meet on Thursday first at four afternoon to consider the manner in which the Session shall be Relieved of the five hundred and fifty pound two shillings and ten pennies Scots expended upon Reparation of the old church, and for payment of which they have no present fund."

"1st March 1750.

"This Dyet being appointed for considering the manner in which the Session shall be Relieved of the five hundred and fifty pounds two shillings and ten pennies Scots expended on the last Reparation of the Roof of the Old Kirk. It was agreed that the Magistrates write to a Lawyer at Edinburgh to know how Kirks are repaired where there is a Burgh and Landward, and what proportion each should pay for Building or Repairing them, and that Mr McBean write to the procurator and agent to the same purpose."

“24th July 1750.

“Mr McBean Reported that he had spoke to the Provost anent the Session's money Laid out upon the Reparation of the Church, and that the Provost said he did not think it proper to write to Edinr. according to concert. The Session delay the consideration untill a full meeting, which they appoint to be intimate from the Pulpit next Lord's day, to hold on Tuesday thereafter at 4 o'clock afternoon.”

“31st July 1750.

“The minute anent the Reparation of the Church appointing this Dyet of Session was Read, and after Reasoning upon the affair with Deliberation, they find by the Report of a Committee given in to the Session upon the 30th January last, 550 pounds two shillings and ten pennies Scots money was expended upon the last Reparation, and they judge it just and equitable that the said money should be returned to the Session for which they are still indebted. It was proposed that a collection should be made from house to house that the parishioners in general in town and country may have an opportunity to give chearfully whet may Relieve the Session of the above Debt, and the Session do agree to the above overture, and do hereby certify that this is not in any shape to be drawn in as a precedent for any Reparation hereafter; and they appoint that Intimation hereof be made from the pulpits next Lord's Day, and that the following persons do go about the week thereafter, and continue the said collection untill they have gone through the parish, viz. :—The Moderator, with John McIntosh, James Cuthbert, John Munro, and Donald Fraser, for the Kirk and East Streets.

“Mr Mackenzie, with Baillie McIntosh, James Rose, David Gordon, and Alexr. fraser, for the Castle Street and Bridge Street, with the other side the Bridge.

“Mr McBean, with George Sheviz, James Clark, and Andrew Murray to the east of Kingsmilns and Castlehill, both Included.

“To the West of Castlehill and Kingsmilns, Mr Mackenzie, Donald fraser, and Willm. McPherson.

“To the West part of the Country parish, Mr Mackenzie, John Baillie, Willm. McPherson.”

“19th February 1751.

“The Session appoint that the money collected in the town and parish of Inverness for the Reparation of the Church be lodged in the hands

of Mr Murray, Kirk Treasurer, and that he make report to the next Session of the amount of it. Mr Andrew Murray reported that he Received nineteen pounds ten shillings sterling, collected in Town and Country for paying the debt contracted in Repairing the churches."

"30th April 1754.

"The Session have appointed William McPherson, Reparation Treasurer, to cause set about the Reparation of the wall at the back of the Pulpit Immediately, and to Look out for Lime and other necessaries in the most frugal manner, in order that what Reparation is wanted for both churches may be set about this season."

"30th July 1754.

"The Session appoint William McPherson, Reparation Treasurer, to pay Robert Fraser, Slater, his account for Slating and Repairing several Breaches in both churches, amounting to three pounds sterling."

"24th January 1758.

"With respect to the appointment on the Committee to Inspect the windows of the churches, they reported that it was their opinion that the windows that were next the seats of the respective Corporations should be kept in Repair by each of them, to which Report it was also aded that each of the Trades did agree to this Report.

"The Session finding that there is a daily continued expence upon the small fund of an hundred pounds Scots for Reparation of the churches by the windows thereof being broke by Boys and Children, and that this disadvantage is occasioned by the want of Dykes about the Church-yard, the Session propose it to the members to bring in some overture for the reparation of the said dykes."

"1st March 1764.

"The Session, considering the very bad condition of the Church-yard dykes for some years bygone, and how prejudicial this has been to the Fabrick of the Church, particularly the windows, as they have been from time to time broken, and the church thereby become so cold that people have been discouraged from attending divine worship in the winter and spring seasons, and understanding at the same time that about £20 or upwards of the mortification of the lands of Dirie-bught for reparation of the Kirk due by the heirs of John Clark, late possessor thereof, will very soon be paid off, they judged that repairing

the Church-yard dykes is a very proper application of this money, and very consistent with the original purpose of the mortifier, in regard that the Fabrick, and particularly the roof windows, would be preserved, and understanding there is an Act of Council appointing the money that is appointed for ringing the bells on funeral occasions to be laid out for repairing said Dykes, the Magistrates here present immediately agreed that what of the money is in the hands of James Dunbar, present collector of that should be paid up when demanded by the undertaker for this purpose. The Session considering these things, appointed the minister to treat with Mr Hector Fraser, or any other that will undertake the work, and provide materials, and see the same execute properly this season."

And so exit the "Old Kirk of Inverness." The present relations between Kirk and town are interesting, but the continuation of the narrative must be taken up from sources other than the Kirk-Session Records.

No. VI.

THE HIGHLAND CHURCH.

It will be noticed that in a few instances throughout these extracts the designation of the churches has been interchanged. It happened in this way: when the Old (or High) Kirk was rebuilt, 1769/75, it was called the New (or High) Kirk, and so the hitherto New (or Highland) Kirk then became the Old (or Highland) Kirk.

“19th August 1740.

“The Session considering that the East part of the roof of the New Kirk is much broken and out of repair, and that there is money in the hands of Joan Mackintosh, Kirk Treasurer, arising from that half of George Duncan’s Mortification, which is destined and allocated for the reparation of the Churches, they appoint the said Treasurer forthwith (after the advice of craftsmen) to provide materials for slating a piece in the middle of that roof from the Tabling to the Rigging Stone, with Aisdale Slates, and in case that the Treasurer thinks proper buy Slates from the Session, he may have them at Eighteen pounds Scots per thousand, and appoint John Munro, James Pitkethly, and Angus Campbell, Elders, to count out and deliver the said Slates, and that the Session allow John McIntosh trust for the price of the said Slate till Candlemas, and the Session ordered him that the work be done as soon as possible..”

“17th July 1744.

“The Session considering that there is a vacancy in the loft in the North-West part of the North Isle of the New Kirk, they appoint the Kirk Treasurer to build it up with seats in the form of Degrees for the greater accommodation of the Commonry.”

“13th March 1770.

“There was laid before the Session an account of the masson work done to the window and South door of the Kirk, amounting to £7 18s, as also an account of the iron work, amounting to £2 16s; as also an account of the wright work, amounting to £9 4s, as also for repairing the slate work, £1 11s, amounting in all to £21 9s. The Session appointed the Treasurer upon George Duncan’s Mortification of Durbrugh to pay (out of the fund for keeping the Kirk in repair) to Robert Duncan, masson; James Fraser, smith; Donald

Fraser, wright; and Richard Paterson, sclater, their respective accots. above mentioned, and appoint extract to be given the Treasurer."

"9th Apl. 1776.

"The Session appoint that the whole of the Elders be charged to attend next Dyet of Session in Order to Concert proper measures how to employ the Area in the Highland Kirk, it being the property of the Session."

"23rd April 1776.

"The Session having resumed the Consideration of the area of the Highland Kirk, appoint Intimation to be made from both pulpits first Lord's Day, that the area wherein the Communion Tables are ordinarily placed for administrating the Sacrament of the Lord's Supper, which has for many years been transferred to Chapple Yard on Acct. of the area's being too little to Accommodate the Vast Number of People that attend that Ordinance; As also the seats which is now in the place where the Stool of Repentance was."

"30th April 1776.

"The Session have resolved and hereby Do appoint that the whole of the Seats in the Area and that of the stool of repentance be Converted as a fund for the Poor of the parish, and that such persous as occupy or possess such seats wait of the Committee Appointed by the Session for possessing the said Seats, and who shall settle with them for the Rents. The Committe apptd. are the Ministers, John Grant. Wm. Murray. Wm. Grant, George Schiviz, Elders. The Session also appt. the above Committe, with the help of a workman, to Inspect the Walls of the Hospital Gardens, as they Seem to be in a ruinous condition, and to report according against Next Dyet of Session."

"3rd June 1777.

"The Session appoint as a Committee to Divide the Money Collected by Mr Schiviz out of the Seats in the Area of the Highland Kirk, John Grant. Willm. Murray. Wm. Grant, Alexr. Macleod. and Donald Munro, Elders; and Alexr. Munro as their Clerk, and to report to the Session accordingly."

"May 14th, 1776.

"The Session approve of the Estimate of the Roof of the Highland Kirk, as also the Estimate for the Reparation of the Garden Dyke, and appoint the Committee to agree with workmen accordingly."

“15th April 1777.

“They also appoint Willm. Grant, Elder, to Employ Simon Fraser, slater, to begin and finish the Repairation of the Roof. &c., of the Highland Kirk according to the Estimate given in by him last year; and if there are more Breaches or Necessary Repairs the same may be added to the said Estimate.”

“15th April 1777.

“The Session appoint James Simpson, their officer, to cause the Dung at the fore part of the Highland Kirk, Lodged there by Donald Sligo, to be Removed, other ways it will be ordered to be taken away by another. And no Dung or Carts to be placed there for the future.”

“13th July 1790.

“The Kirk Session appoint that the Chair possessed by the late Donald Munro in the Highland Church be given to Donald Fraser, present Catechist; that the two seats behind the door be given to the two Kirk Officers for the use of their Wives.”

“19th April 1791.

“The Report of the Tradesmen appointed to inspect the Highland Church found that part of the Walls are off the Plumb, particularly the back Jann is quite insufficient; the whole Roof is strained, and rotten in the joints, and a great many of the rafters are rotten on the back, and the whole sarking is entirely rotten—Signed, William Sibbald and John Symond and Simon Fraser. The Session appoint a Report of the above to be made to the Presbytery at their first Meeting, Continue the appointment on the Committee respecting the non-entry, to which Committee is added Simon Fraser, senr.”

“19th May 1791.

“In consequence of the Opinion of the Presbt. respecting the Highland Kirk, the Session hereby appoint the Officers to summon the several members of Session against Tuesday the 24th, to consider the same.”

“20th June 1791.

“In consequence of an appointment of Session, the 24 May, respecting the Highland Kirk, Edict was regularly served, duly returned, and indorsed; and on this Day, in Consequence of the said Edictal Citation, met the following Magistrates and Heritors—Provost Phineas McIntosh, Provost William Chisholm, Provost William McIntosh, Bailies William Inglis, Alexander McIntosh, and Thomas Young, Capt. Baillie of Dun-

ain, Capt. Fraser of Culduthel, Duncan Grant, Esqr. of Bught, for himself and Muirtown; William Scot, Esqr. of Sea Bank; Arthur Robertson, Esqr. of Inches; Alexr. Fraser, Esqr. of Torbreck; Simon Fraser, Esq. of Barn Hill; Conveener Macleod; Angus McIntosh of Holm, Esqr.; and having entered upon the consideration of the subject of their Meeting, and Minutes respecting being read, they were unanimously of opinion that it was not proper on account of the paucity of their number immediately to proceed to any decided measure, and therefore requested the Moderator to write to the absent Heritors intimating that a Meeting was to be held on the same Business on this Day fortnight.—Simon Fraser, senr., is appointed ruling Elder.”

“4th July 1791.

“In consequence of the Moderator’s Letter to the absent Heritors respecting the Highland Kirk requesting their attendance on this Day, the which Heritors and Magistrates did meet accordingly.

“The Magistrates and Heritors resolved to appoint four approved Workmen in order to inspect the Old Kirk, and to give in their Report respecting the state of it against this day fortnight, and they resolved to communicate the same to the Session on that day.”

“18th July 1791.

“On which day the Magistrates and Heritors met according to appointment, and gave into the Session the Report of the four workmen whom they employed, which follows.

“It was suggested by some persons and agreed to by the whole meeting that it would be necessary for the accommodation of the Congregation to widen the back Jamm and rease the Walls of the Church three feet more than the hight mentioned in the Estimate. Accordingly, a Corum of their number was empowered to meet on Thursday senight and call Tradesmen to give in Estimates of the whole, and that these Estimates be presented in a full Meeting of the Magistrates and Heritors to the Session on Thursday thereafter.

“In consequence of an appointment from the Heritors and the Magistrates to inspect the Parish Church of Inverness, in which Divine service is performed in the Galic Language, We give it as our Opinion that the East Front should be taken down and rebuilt, new Doors and Windows put into it. Two pieces of the side wall in the Isle next the New Church will need to be rebuilt, the Expençe of which will amount to

£72 10s. The Gables and west wall of the Church are in good Condition.

“If the Roof should be taken off, three feet might be added to the height of the walls, as the present roof is too high a pitch. Expence will amount to £17.

“Wright Work.—The Wing between the New Church and the Old will require a new Roof, which will amount to £33 5s 3d. If the Walls of the Front are to remain as they are at present, the Roof may stand, but new sarking will be required, amounting to £30. But if the walls are to be rebuilt there will be a new roof required, which will amount to £84. New Windows are required for the Front, with second Crown Glass, and two Doors, will amount to £26 13s 2d.

“Slate Work.—Of the Front and Isle, £74 14s 6d.

“This is our Report, according to the best of our Judgement, and the same is attested, Rober. Lees, Charles Smith, William McDonald, Thomas McGregor.

“Inverness, 2nd August 1791.

“After prayer by the Revd. Mr Rose, Moderator, Sedt. with him the Revd. Mr Watson and Fraser. On which day the Magistrates and Heritors met and produced to the Session the Estimates of the Repairs propos'd on the Old Church, together with a plan of a new Church.

“They did not come to a final Resolution which to adopt, untill they shall have an opportunity of consulting a Man of Business on account of some difficulties which occur in the Repairs. Therefore they appointed a full meeting of their number on Windnesday the 29th, and requested the Moderator to intimate this to the absent Heritors.

No. VII.

THE HIGHLAND CHURCH.

(Continued.)

"19th Sept. 1791.

"The Committee having met in compliance with the recommendation of the last general Meeting of the Heritors, having fully considered the matter referred to them by that meeting; and having also, with the assistance of Messrs John Baillie and William McDonald, Wrights, examined the State of the Seats in the Body of the Highland Church, which they find to be very ruinous, are unanimous of opinion that it is more for the interest of those concerned that a new Church on a moderate scale be built, than a Reparation of the present one. A Plan and Estimate of a Church fit to contain twelve hundred Persons being presented to the Committee, and Mr Fraser giving it as his opinion and that of his Colleagues that such a Church would amply suffice for that part of the inhabitants of the Parish who attend Worship in the Gaelic tongue: the Committee recommend to the Heritors to adopt this Plan: The Expence of which, after deducting the proportion to be paid for by the Incorporation, and a small sum which it is reasonable the Church Session will advance out of the Reparation Fund, will not exceed £600. Which sum the Committee recommend to the meeting to proportion on every Proprietor of Lands in the Parish, according to the stipends they at present pay, which proportion will not exceed two and a half years' amount of the stipend paid by each Heritor. This is the most equal mode that presents itself to the Committee."

"Inverness, 20 Oct., 1791.

"Met in terms of last appointment, Arthur Forbes, Esqr. of Culloden; John Baillie of Dunain; Arthur Robertson of Inches; Alexander Fraser of Torbreck; James Fraser of Culduthel, Esqrs.; William McIntosh, Esqre., Provost of Inverness; Duncan Grant, Esqr. of Bught; Mr William Welsh; Baillie William Inglis; Mr Simon Fraser, Conveiner; Alexander Macleod, for himself and Trade; Mr Godsman, for his Grace the Duke of Gordon; Mr James Grant; Bailie Young; Bailie Alexander McIntosh; which Meeting made a choice of Arthur Forbes, Esqr. of Culloden, their Preses.

"The above Meeting unanimously resolved that a new Church shall be built agreeable to a Plan now before them, the Expence of which Plan

shall not exceed £740, out of which the Ministers and other Members of the Session here present engage to pay £80 stg. out of the Reparation Fund under their management. Mr Alex. Macleod, Deacon Conveiner of the six Incorporated Trades, and Duncan Grant, Esq. of Bught, their General Boxmaster, engage to pay the sum of £120 in consideration of their getting one Wing of the Galleries, and as much more as may be sufficient for the accommodation of two hundred persons.

“There will then remain the sum of £549 Ster. to be paid by the Proprietors of Lands within the Parish, which the meeting unanimously resolve shall be proportioned according to the stipends paid out of each property, whether held of the King, of the Town, or of any Subject Superior. And the meeting resolve that when the Church is compleatly finished it shall be divided upon the several Heritors in proportion to the sum they shall have paid, and that for this purpose two respectable men, with power to choose an Oversman, shall be by a General Meeting appointed to fix on that part of the Church which shall then become property of each Heritor, always keeping in view the principal Heritors shall have their Lots in the Choicest Situation of the Church.

“The Meeting afterwards unanimously appointed Arthur Forbes of Culloden, Esqr.; John Baillie of Dunain, Esqr.; James Fraser of Culduthel, Esqr.; Alex. Fraser of Torbreck, Esq.; Arthur Robertson of Inches, Esqr.; William McIntosh, Esqr., Provost of Inverness; Bailie William English; Bailie John McIntosh, a Committee with powers to enter unto Contracts with Tradesmen, and superintend the Carrying on the Building. Three of them to be a Corum; and the Meeting appoint James Grant, Esqr., younger of Bught, to collect the proportions payable by the different Heritors, for which Trouble he shall be intitled to make a proper Charge by three different Instalments, being the Manner in which it is customary to pay money to Tradesmen carrying on Works of this Nature; the first Instalment to be payable at the Commencement of the work. The second when half of it is built, and the third when it is fully finished; and the Meeting request of Ministers and other Members of Session to apply to the Presbytery for a Decreet in terms of the Resolution of this Meeting.

“ARTHUR FORBES.”

“17 March 1792.

“Met Alexander Fraser, Esqr. of Torbreck; John Baillie of Dunain, Esqr.; James Fraser of

Culduthel, Esqr.; Bailies John McIntosh and William Inglis; Duncan Grant, Esqr. of Bught, Members of the Committee appointed by the Heritors, 20th October 1791, for superintending and carrying on the building of the New Kirk. Who made choice of John Baillie, Esqr. of Dunain, Preses.

"In consequence of the Request of said Meeting, the Ministers and Session applied to the Presbytery for a Decreet, according to the terms of the Resolution entered unto; and which Decreet was obtained and laid before the Meeting this Day, and having been read over, it was delivered by the Preces of the Meeting to the Moderator to lie in the Session for the Inspection of all concerned, and afterwards to Mr James Grant, younger of Bught.

"The Meeting having considered several Estimates laid before them respecting the Masson work of the Church, find that the Estimate given in by Hugh Suter is the cheapest; and they accordingly give him a preference, amounting to two hundred Pounds. Also the estimate laid before them of Wright Work, Slater, and Glazier from William McDonald was preferred, amounting to five hundred pounds. The Committee adjourn untill Friday next, being 23 March, and Request Mr James Grant to intimate this to all the Members: and that he shall have the Contracts again that Day ready for signing."

"19 March 1792.

"The Session considering that a new Church is to be built, appoint intimation to be given to the Gaelic Congregation, that on the second Sabbath of April, the eight Day of the Month, publick worship is to be performed in the Chapel-yard."

"23 March 1792.

"The following Members of the Committee appointed to inspect, &c., the building of the Church, met—John Baillie, Esqr. of Dunain; Alexander Fraser, Esqr. of Torbreck; Bailies John McIntosh and William Inglis, and Mr James Grant. The Committee choose Mr Grant preses. In terms of the Minute of last Meeting, Scrolls of the Contracts to be entered with Tradesmen were submitted, and the same being perused by the Committee and Workmen, they were approved of, and the Collector was ordered to extend them. Accordingly, the Meeting direct Mr Grant to put the Decreet in Execution against those refuse their proportions of the sums discerned against them.

(Signed) "JOHN BAILLIE, P."

“10th April 1792.

“Met John Baillie of Dunain, Esqr. ; James Fraser of Culduthel, Esqr. ; Alexander Fraser of Torbreck, Esqr. ; William McIntosh, Esqr., Provost of Inverness ; Bailies John McIntosh and William Inglis, Committee for inspecting and building the Church ; and chose John Baillie, Esqr. of Dunain, Preses. The Contracts were read, approved of by the Meeting, and signed by the Committee, the Tradesmen, and their Cautioners. Agreeable to the terms of their former Meeting, the Committee and Heritors present considering that the intended Church agreeable to the Plan given in, will be rather too small to accommodate this populous parish, and that an Addition could be made to it so as to accommodate two hundred persons, for the small additional Expence of sixty pounds, and this Sum can be got without laying any additional Burden on the Heritors ; have agreed that the Church shall be three feet longer than was intended by the first Plan, and one Foot and a half in breadth. And they authorise the Committee to make a Bargain with the Tradesmen for this alteration.

“The Ministers of Inverness, who were present, have signified to the meeting that the Session were willing to advance for the above purpose, in addition to the eighty pounds given out of the Reparation fund, making together a Hundred and ten Pounds sterling—Signed.

“JOHN BAILLIE.”

“27th July 1792.

“Met Alexander Fraser of Torbreck, Esqr. ; John Baillie of Dochfour, Esqr. ; John Falconer, Esqr. of Drakies ; Duncan Grant, Esqr. of Bught ; Mr Alexander Macleod, Conveiner ; Mr John Ross, Deacon of the Taylor Incorporation ; Roderick McDonald, Deacon of the Shoemaker Incorporation ; John McKenzie, Deacon of the Skinner Incorporation ; which Meeting chose John Baillie, Esqr. of Dunain, to be Preses. A representation was made by the Deacon Conveiner and the Deacons in name of the different Corporations that it would have been of great advantage to them that the part of the Kirk to be allotted to them should be as near the Pulpit as possible, and all contiguous, because it would give the different Masters an Opportunity of having their Children, their Journeymen, and apprentices under their Eye. Which being considered by the Heritors present, they do, from that desire which at first led them to admit the Incorporation to a Share of the Church, agree that

the Trades shall have the One-Sixth of the Church in that part of the Area which is on each side of the pulpit, consisting of twenty-two pews, together with the five single Table Seats in front of the pulpit, with which arrangement the Deacon Conveener, the Deacon, and General Box Master, in names of the Trades, declare themselves perfectly satisfied."

"26th Novr. 1793.

"The Commt. reported to the Meeting that the Church is nearly finished, and that the Tradesmen are Urgent for the full payment of the Sum contained in the Contract, and as Mr James Grant, the Collector appointed for ingathering the funds, informs the Meeting that the third and last Moiety payable by the Heretors is still due by many of them, he is hereby authorized and required to ingather the last Moiety, and what remains unpaid of the different proportions of the Heretors as soon as possible. And in order to prevent any delay, he is hereby required to put the Decreet in Execution against such as delay payment of what is due by them. And the Meeting unanimously certify to those who neglect to pay the Sum due by them in the space of One Month after the Report given in by the Gentlemen who shall make a division of the Kirk, that the proportion which would fall to each of these diffioit shall be given to the Kirk-Session to be disposed of as they shall think proper, the Kirk-Session, however, paying the sums due by the several Heretors, who shall forfeit their Right by neglecting to pay in the foresaid Space.

"The Committee afterwards proceeded to the choice of two gentlemen as Arbiters and a third as Oversman, for determining the proportions of the Church which are to become the property of the different Heretors in terms of the Minute, 20th October 1791. And they unanimously made choice of Thos. Gilzean, Esqr., Sheriff-Substitute of Inverness; Capt. Alexr. Godsmen, residing in Inverness, as Oversman, being Gentlemen in whose honour they have the greatest confidence, and who are not personally interested in the Division. And they request of Mr Gilzean, who is present, and has been so obliging as accept, to procure the acceptance of the other Gentlemen; and that they proceed to the Division with all the Expedition they conveniently can, keeping in view the resolutions of former meeting respecting the South part of the Church to be appropriated for the Trades, and the preferences to be given to the Heretors according to the quantum of stipend paid by each of them. And they recommend to the Cashier

to employ a proper person to number the Seats in any way that the Arbiters shall direct. The Meeting observing that in the Minute of 27th July only Five Table Seats are allotted for the Corporation, they consider that as an error crept into the Minute because there being six Incorporations in the Town, they judge it necessary that there should be a Table Seat for the Masters of each, and therefore recommend to the Arbiters to allot Six Table Seats instead of the five mentioned in the former Minute.

"The Meeting considering the Ministers as justly entitled to Accommodation for their Servants in this Church, recommend it to the Arbiters to make a proper division for them.

(Signed) "JAMES FRASER, Pr."

The following interesting letter from the widow of Sir George Mackenzie of Cromarty, Bart., to the Town-Clerk of Inverness appears in Letters of Two Centuries:—

"Inverness, 21 Jany. 1793.

"Lady Mackenzie's compliments to Mr Mackintosh. She understands that this day at noon there is to be a meeting of the hereditors in the Highland Kirk to have pews. And as you are the factor upon the Dempsters, and by my permission paid five pounds sterling for building the Kirk, you will please attend the hour of 12 o'clock at the Kirk, and claim a pew. In the Old Kirk there were two pews for the proprietors of the lands upon which you are the factor at present."

No. VIII.

THE HIGHLAND CHURCH.

(Continued.)

In concluding these extracts on the fabric of the church it is pleasant to note the harmonious intercourse which prevailed between all parties concerned in rebuilding it, also that in making over his portion of the new Gaelic Church to the Trades Incorporations, Arthur Forbes of Cul-loden acted liberally and in a spirit becoming the traditions of his house. A rather unusual thing, too, was done, the division of the church was made with strict impartialty, yet it was done to the "satisfaction of all parties." The conclusion that our forefathers, in their slow way, were thorough and capable business men is irresistible. Accounts were scrutinised with praiseworthy fidelity, as the Master Masons and Master Carpenters found. The account of the former was reduced by £1 4s 7½d, and that of the latter by £1 13s 7d. The contract price was £700, and the whole of the extras amounted to only £27.

The Session knew its business, and did not scruple about doing it. But while looking so closely after the accounts, yet in order to evince their satisfaction with the perfection of the work done, the Session presented the masons with a guinea and the ocarpenters with one and a-half guineas as a mark of their approbation, which the minute records to their credit and to the confusion of any suspicion which might be entertained against their liberality.

"Inverness, 17th Jany. 1794.

"Met, John Baillie, Esq. of Dunain; William Inglis, Esq.; Alexr. Macleod, as Heretor; Alexr. Fraser, Esq. of Torbreack; Duncan Grant of Bught, Esq.; Capt. Godsman, for his Grace the Duke of Gordon; Bailie Scott; Mr Simon Baker; Angus Mackintosh, Esq. of Holm; Mr Alexr. McIntosh, for Dochgarroch; Mr Hugh Chisholm, junr.; Mr John Ross, as Heretor; James Fraser Smith; Donald Mackenzie; Mr Alexr. Macleod, Conveener, and Deacon of the Hammermen; Mr Duncan Munro, Deacon of the Wrights; Andrew McIntosh, Deacon of the Shoemakers; John Mackenzie, Deacon of the Skinners; John Ross, Deacon of the Taylors; Donald Fraser, Deacon of the Weavers.

"The Heretors having met in consequence of a former Meeting with the Conveener and Deacons of the Trades, and having Inspected the Church, which is now fully finished, it has been finally agreed on that the Share of the Church to

be allotted for the Trades shall consist of the three front pews in the North End or Wing of the Church, with all the pews behind them, being equal to one-sixth part of the Seats in the Church.

"In Witness of the Satisfaction of all parties with their arrangement the Praeses, Major Baillie of Dunain for the Heretors, and by the Deacons for the Trades, Subscribe this Minute. This Allotment being declared final and superceding all arrangements formerly proposed.

"Sign'd.—John Baillie, Pr.; Alexr. Macleod, D. Cour.; Dun. Munro, Deacon; John McKenzie, Deacon; Andw. McIntosh, Deacon; Donald Fraser, Deacon; John Ross, Deacon.

"Deacon Macleod having afterwards represented to the Meeting that in a Conversation which he lately had with Arthur Forbes, Esqr. of Culloden, that Gentleman had Signified his inclination to give to the Corporations that Share of the Church which may fall to him as an Heretor on such Terms as shall afterwards be settled betwixt the Corporations and him, with the Views that all the Members of these Corporations shall be fully accommodated in the Church: and it being expedient in order to render this Accommodation as perfect as possible that Culloden's share of the Church shall be immediately adjoining to that already allotted for the Trades. The Heretors present do for that purpose recommend it to the Arbiters to comply with the proportion made for Culloden as to his share of the church.

"Sign'd.—John Baillie, Praeses; Alexr. Macleod, Deacon."

"Inveſs, 22d Janr. 1794.

"Met, Alexander Fraser, Esqr. of Torbreack; Arthur Forbes, Esqr. of Culloden; Captn. Godſman, for the Duke of Gordon; William Inglis, Esqr., for the Town, and for himſelf; Dr Duncan Grant, for Kinmylies, Muirtown, and Dochfour, and for himſelf; William Scott, Esqr., Messrs Welch & Cuming; Mr Simon Fraser, Fairfield; Mr Simon Fraser, Baker; Mr Alexr. Macleod, for himſelf and Trades; John Ross Taylor; Simon Fraser, Esq. of Farraline; Revd. Messrs Rose and Fraser, for the Hospital; Mr Hugh Chisholm; Donald McKenzie; James Fraser Smith; and Mr Gilzean, for Dunain, Castlehill, Inches, and himſelf.

"The Arbitr having fixed on this day for producing this Scheme of Division of the New Gaelic Church to the Heretors, of which Intimation was made laſt Sabbath from the Preſentor's Desk,

and the Heretors whose names are mentioned in this Minute having accordingly Met and considered the said Scheme of Division attentively, they unanimously declare themselves satisfied with it. And they take this opportunity of returning their Acknowledgements to the Gentlemen who so kindly undertook the troublesome Task of acting as Arbiters and oversman in this Business, and of expressing their Sense of the strict Impartiality with which they conducted it.

“The Heretors considering that there has been some additional work done in the Church by the Tradesmen, of which Accounts have not yet been delivered to Mr Grant, the Cashier, and being anxious that all the expence attending it should be paid forthwith, they request of Mr Grant to procure these Accounts and to lay them before the Committee, that they may be examined and paid, and the Heretors present recommend it to John Baillie, who was employed to superintend the building of the Church, to give in his Report with regard to the Execution of the Work to the Committee without delay. The Heretors are of opinion that the Scheme of Division made by the Arbiters and now lodged with the Session-Clerk, should be engrossed in the Records of the Session, in order that Extracts thereof may be given to these having Interest, upon paying a reasonable fee to the Clerk, and that it may remain as evidence of the Division made by the Arbiters, and the Obligation which the Town and Parish have to them. The Meeting appoint the Minute to be signd by Alexr. Fraser, Esqr. of Torbreack, their Praeses.

“Signd.—Alexr. Fraser, Pr.”

“29th June 1794.

“Met, William Inglis, Esqr. ; William Scott, Esqr. ; Simon Fraser, Boblainy ; James Grant, younger of Bught ; in Consequence of the former Appointment, when the Accounts of Extra Work were laid before them by Mr Grant. Having examined them and taken the opinion of Mr John Grant respecting them, they deducted from the Masons’ Account of additional Work the Sum of one pound four shillings and seven pence half penny, leaving thirteen pounds to be added to the Sum formerly bargain’d for with the Mason. And they have deducted from the Carpenters’ Account the Sum of one pound thirteen shillings and seven pence, leaving Fourteen pounds to be added to the Sum formerly engaged to be paid him.

“Thereafter Mr John Baillie, who was employed to oversee the Building of the Church, being called upon for his Report, declared that he had carefully examined the whole Work, and

found the same in every Respect performed in terms of the Contract, and quite Sufficient and Substantially finished: with which Report the Committee being perfectly Satisfied, they hereby authorize Mr Grant, the Cashier, to pay the different Tradesmen the Balances due to them, taking proper discharges for the same, and they recommend it to Mr Grant to give One Guinea to the Masons and one and a half guinea to the Carpenters, who was employed by the Contractors, to be divided among them by their respective Masters, as a mark of the Approbation of the Committee, of their Conduct in carrying on the Work; and One Guinea to Ludwick Ross, as an allowance for the trouble he had in going frequently to summon the Heretors to the different Meetings.

"In testimony of the Satisfaction of all Parties, this Minute is subscribed by Hugh Sutter, James Grant, and John Davidson, the Contractor, by Mr John Baillie, Overseer of the Work, and by Mr Inglis, Praeces of this Meeting.

"Signd.—Hugh Sutter, James Grant, John Davidson. John Baillie, Willm. Inglis. Praeces."

"6th Feby. 1794.

"The arbiters in the division of the Gaelic Church have in their scheme allotted to the Hospital four pews west of the Magistrates' seats in front of the pulpit, Number Twenty - Nine, Thirty, Thirty - One, and Thirty-Two, two of which pews and three bottoms belong to the land of Diriebught, and one of said pews and five bottoms belong to the Hospital fund in proportion to the sums which each of these funds have bestowed for building the Church. The Session have appointed that of the said four pews, Number Thirty-Two and Thirty-One, and three bottoms in Number Thirty, be allotted to the lands of Diriebught, and Number Twenty-Nine and five bottoms in Number Thirty be for the lands of the Hospital."

"10th Jany. 1797.

"The Session appoint Mr Simon Fraser, Treasurer of the Reparation Fund, to pay John McPherson, square wright, and Hugh Sutter, slater, the sum of twenty pounds sterling for the Gateway Pillars, &c., to the Church and Steps to the Highland Church, and also to have the Highland Church looked at, as it needs some Repairs. And as he has no money in hand belonging to that Fund, they desire him to discount a Bill of thirty pounds for the purpose."

No. IX.

THE MINISTERS.

It will be remembered that Mr Hector Mackenzie, Episcopal incumbent, having taken the oath, was permitted to retain the parochial stipend of the First Charge. This he held till his death in 1719. When the stipend became vacant, the

REV. WILLIAM STUART

was appointed by the Electorate to the First Charge, being transferred there from the Third Charge, which he had held since 1705. Mr Stuart received a call from Kiltearn in 1723, of which parish he had previously been minister. He declined the call then, but being again called by the same parish in 1726, he accepted the invitation. There is ample evidence that he was a very popular minister. The first minute in the election proceedings indicates that the Session had been outmanœuvred somehow, and promises some lively intercourse between the various parties to the election, but the subsequent transactions produce nothing more active than a simple dissent, the non-contents having apparently concentrated their opposition in efforts to prevent Mr Alexander Macbean succeeding Mr Stuart in the Third Charge.

“30 Nov. 1719.

“And it being represented that a presentation to a minister to this place to succeed Mr Hector Mackenzie, late Incumbent, was to be given in to the Presbytery to-morrow, the Session did appoint Baillie William Maclean, and Thomas Alves, Hospitall Thesaurer, two of their number, to attend the Presbytery, that they may enquir by what warrand and authority the said presentation is given in to the Revd. Presbytery.”

“Janr. 19th, 1720.

“The Session appoint that the two ministers and Thomas Alves and David Scott, two of the Elders, may meet with two of the Magistrates and two of the Heritors, as a Committie for Rypning matters concerning the calling of a minister.”

“January 21st, 1720.

“Mr Lachlan Shaw, minister at Calder, Moderator. The Magistrates and Conncilors of the town, the Heritors, Wodsetters, Lyfrenters, and Eblers of the Town and Country parioch of Inver-

ness, and according to the Presbytry's appointment, proceeded to the Election of a minister to supply the vacancy present at Inverness. The Reverend Mr William Stuart and Mr Robert Baillie Returned the Presbytrie's Edict, duly served and indorsed. Then the Modr. having asked if a Lite should be made, the following persons were put upon the Lite:—Mr William Stuart, minister at Inverness; Mr Alexander Fraser, minister at Urquhart; Mr Alexander McBean, minister at Douglass; and Mr Rob. Thomson, minister at Kirkhill. The Roals called and votes marked By a great majority of voices, Mr William Stuart was elected, whereupon Baillie James Dunbar, in his own name and in name of all that should adheir to him, entered his dissent, gave in a paper subscribed by him containing the reason of his dissent, and a call to the said Mr William Stuart being subscribed by the Magistrates and Council, Heritors and Wodsetters, Lyfrenters and Elders, forsd and attested by the Moderator, the Provost and John Cuthbert of Castlehill were commissioned to give in the sd. call to the Presbytery of Inverness at their first meeting, and require their approbation of and concurrence with the same, and Commissioners forsd. were appointed to draw up and present Reasons for the desired translation.

“Baillie William McLean protested in the Clerk of Session's hands that the Baillie Dunbar entred his dissent to the calling and Ellecting of the Reverend Mr William Stuart, that non of the Magistrates, Councilors Heritors, Wodsetters, Lyfrenters, or Elders adhered to him in his sd. dissent, wherenpon the sd. Baillie took Instrument.” The

REV. ALEXANDER MACBEAN,

the able and popular minister at Douglas, was elected to succeed the Rev. William Stuart as minister of the Third Charge at Inverness in 1720, and when Mr Stuart removed to Kiltearn, Mr Macbean was presented to the First Charge, for which, as seen, he had already been put forward when Mr Stuart was preferred. Mr Macbean was known as the John Knox of the North. During the period of the '45, he wielded considerable influence, which he exerted in mitigating the cruel circumstances of the Highlanders and in suppressing the spirit of rebellion among them. The life of a Highland minister in those times was very trying, and it required great tact and good sense to be loyal to, and retain the confidence of both sides. The following proclamation made at Inverness on 5th May 1746, indicates the difficult position in which

ministers were placed by the governing authorities:—

“The officers of the law above mentioned are to take informations from the ministers of the Established Church of Scotland touching the behaviour of the inhabitants within their respective parishes, and of the present haunts and places of abode of such rebels as may be lurking in their several neighbourhoods, and the said ministers of the Gospel and all others his Majesty’s dutiful subjects, who shall have any knowledge of the places of abode or lurking places of such rebels, and of the places where such arms may be lodged, are hereby required to give informations to the officers of the law aforesaid.”

Mr Macbean was the last minister popularly elected in Inverness under the 1690 Act, which conferred the right of calling a minister upon the Magistrates, Town Council, Kirk Session, and Heritors of a landward parish. By a later Act (Anne 10-11), the right of presentation reverted to patrons who had not subscribed a formal renunciation of their right to present, hence all later ministers are presented, and the Session Records merely contain a formal entry of their presentation, admission, and welcome.

As will be seen, the election proceedings in Mr Macbean’s case were not quite harmonious.

“16th Febr. 1720.

“According to appointment of the Presbytery, the Magistrates and Councilors of the town, Heritors, Wodsetters, Lifrenters, and Elders of the Town and Country, parioch of Inverness, Mett in Session about the calling of a minister to supply the vacancy at Inverness. The Modr. read the Edicts, duly served and Indorced, and thereafter read a List of the Severall Ellectors. Whereupon Baillie James Dunbar and John Hossack, Baillie, in name of the Magistrates and Town Council, protested and took Instrument that the Heritors of the Borrow Roods and holding of the town should have no vote, as the said protest bears, the tenor whereof follows, viz. :—The Heritors of the Borrow Roods or lands holding of the town adjacent thereto, are no Intitled to a vote in calling a minister to any vacancy within the Burgh, because their Lands hold Burgage, and are within the priviledge and Jurisdiction of the Burgh, and so those Heritors are represented by the Magistrates and Town Council.

“2do. By the Act W. and M., Parl. 1. Sess. 2, Chap. 23, Intitled Act concerning Patronages, the power of calling ministers to Royal Burghs is to be by the Magistrates and Town Council and

Kirk Session when there is no landward parioch, and where there is a considerable part of the parioch in Landward, Ministers are to be called by the Magistrates, Town Council, and Kirk-Session, and the Heritors of the landward parioch, which plainly infers ane exculsion (exclusion) of the Heritors of the Borrow Roods, and if it were not so, giving power to Burghs Royall to call their ministers by their Magistrates, Town Council, and Kirk Session would be entirely useless, because there is not one Burgh in the Kingdom which is not possessed of some Borrow Roods, and therefore we, James Dunbar and John Hossack, Baillies of Inverness, in name of the Magistrates and Town Council of Inverness, doe protest against the said Heritors of the Borrow Roods their voting in calling a minister to the vacancy occasioned by the translation of Mr William Stuart from the Benefice he enjoyed by the gift or Mortification of the late Queen, and that they may be lyable in any damages the Town may sustain in ascertaining their privileges against the Heritors the said usurpation. In witness whereof we have subscribed their puts at Inverness, the sixteenth day of Feby., 1720 years, and in like manner doe object against the votes of the Elders of the Landward parioch, because they are debarred by the sd. Act of Parl. where the landward is not joynd to the Burghs Sic Scribr., James Dunbar, John Hossack. The sd. Baillie Dunbar referred power to himself to enlarge on the said reasons.

John Cuthbert of Castlehill answered that the sd. protest is contrary to the constant practice of this and other burghs, and to the Act of Parliament whereon it is founded, and the constitution of this Church, and reserved power to himself to answer the said protest at large *In foro Competenti*. Whereupon he protested and took Instrument. The said Castlehill protested likeways that the Heritors objected against should be allowed to vote in this present collection, and took Instrument. The Modr. then proceeded to the calling of the Roalls, and some of the Ellectors haveing voted for Mr Alexander McBean, minister at Douglass, Baillie James Dunbar protested that a man who preaches not the Irish Language is not fitt to be called to an Irish Congregation, whereupon he took Instrument. The Roalls being called fully and votes marked, it carried by a plurality of 41 to 24 that Mr Alexander McBean, minister at Douglass, be called to the vacancy in this place. Whereupon John Cuthbert of Castlehill took Instrument and protested.

Then a paper subscribed by the merchants and Guild brethren of the Burgh of Inverness,

consisting of fifty-six subscribers, was given in and read. The terms whereof follows, viz. :— Wee Subscribers, being merchants and Guild brethren of the burgh of Inverness, haveing taken it to our serious consideration, That by ane Edict served upon the last of January last by past in order to call a minister to supply the present vacancy of this place, occasioned by the translation of the Reverend Mr William Stuart, and finding that contrary to the usewall Custome of this place the votes of approbation have not been called for or Enquired after: Therefore we doe think it our duty by these to signify to the Honourable the Magistrates and Council of this Burgh, the Heritors and Elders and others, That we doe heartily and cheerfully approve and recommend the calling of the Reverend Mr Alexander McBean, minister of the Gospell at Douglass, to supply our said vacancy as the only fittest and most acceptable person to us, being fully convinced and assured of his ability to discharge all his ministerial Duties in the English and Irish Languages to the satisfaction of all his bearers. In testimony whereof we have subscribed their putts at Inverness, this fifteenth day of Febr., 1720 years, Sic. Subtr.—John Cuthbert, &c.

“Baillie James Dunbar gave in reasons against the said call to Mr Alexander McBean, and his dissent from it in name of the Magistrates and Town Council forsd., and craved the same might be considered and protested, and took Instrument thereon, the Tenor whereof follows: Primo. The benefice of the charge now vacant was given by Queen Anne out of her Royal bounty for the Edification of fifteen hundred Irish, so that the person to be called to that charge must be in a capacitie upon his acceptance to instruct these Irish, and to take immediate charge of their souls, which we cannot suppose Mr McBean is in a position to do, considering that it is undenyable that he refused absolutely to undertake any part of the ministeriall function in that Language befor his removeall from this Country (and it is not to be supposed) that by his haveing their severall years past (lived) in a country where perhaps he has not heard a sentence of Irish, he has become more qualified to undertake a charge in that language. so that the calling of him must at first view appear to be inconsistent with the Queen's said gift or mortification. The consequence must be either the taking away the benefice intirely or the putting it in the hands of some other managers, who will take care to answer the charitable designe of the Royal doner.

“2ndly. The persons authorized by Law to call should consider that they act as trustees for

the said fifteen hundred Irish, and considering that it is the approven practice of the Church of Scotland that the people should hear and know the man to be chosen for their minister, and that the callers shall have the consent of the heads of families. It will appear surpryseing that people who profess to be Presbyterians should impose a person on the Irish whom they never heard preach or perform any ministeriall work in their own Tongue, contrary to the liberties of the people and the Acts of the Church.

3dly. This call must be carried on exactly according to the Constitution of the Church of Scotland, qch is a condition expressed in the mortification itself, and if any Ineroachments be made yron it will without question annull the call, and to give Mr McBean a call to a flock who never preached in their Language & hitherto, hath declared it is contrary to common sence, as well as the Constitution of the Kirk of Scotland, and the express words of the mortification.

4thly. The call must bear expressly, according to the formula of the Assembly, the Experience of the people, and the Suitableness of the gifts of the person called to their capacities, no doubt in their own Language, so that it must be thought not very agreeable to a good conscience for the callers who act as Trustees for the poor Irish to subscribe a call to Mr McBean in these terms, because we are all convinced of the contrary.

5thly. There is ane Act of Assembly forbidding the Transportation of Ministers from Parioches where noblemen have their Chief Residence, so that the calling of Mr McBean from Douglass, where dwelleth a Peer of the Highest Quality, must unavoidably prove tedious, chargeable, and uncertain in the Event, and therefor Wee, James Dunbar and John Hossack, Baillies, doe, for ourself and in name of the greater number of the Magistrates and Town Council of Inverness, and all others who may adhere to us, declare our dissent from calling of the sd. Mr McBean, and crave it may be marked in the minutes, and ane Extract given out, to be presented to the Red Presbytery at their first meeting to cognise thereon, reserving liberty to enlarge and give in other reasons. In witness whereof we have Subt. their puts at Inverness, the sixteenth day of February, one thousand seven hundred and twenty years, Sic Subtr.

“James Dunbar, John Hossack, baillies.”

No. X.

M I N I S T E R S.

(Continued.)

A call to the Rev. Alexander Macbean was drawn up in form and subscribed by the several electors who voted for his being called, as stated previously. It is unnecessary to quote further minutes, which show the large majority in favour of the call, Bailie James Dunbar protesting. The Presbytery proceeded with the call. The Session appointed Commissioners to go to Lanark, and agreed "that they should have necessary charges (excepting) only Baillie Ja. Dunbar, who thought fit to give his dissent from it." The Rev. William Stuart, who had been appointed to attend the Assembly, also received a commission from the Session to act in conjunction with the other Commissioners in prosecuting the call. On the 24th of May the Session considers a letter from Mr Stuart asking "whether he shall stay till the Presbytery of Lanark meet, which is within fourteen days, and thereafter till they give sentence, which will be twenty days more"; and this question being put to the vote, "it carried that he be desired to stay and wait upon the dyets of the said Presbytery untill they give decision in this affair," which illustrates the leisurely fashion then in vogue. In those days when men went to Edinburgh they acted in a manner consistent with the distance which separated the Capital of the Highlands from the Capital of Scotland, hence the Session seemed in no way surprised when Mr Stuart remained away not thirty-four but ninety-four days to finish the business. It is to be observed, however, that he asked the consent of his Session, which is probably more than ministers would do in these days. This little visit of 14 weeks saddled the Kirk Session with an immediate debt of £500 Scots, which being unable or unwilling to pay, they granted a bond for. Some thirty years later the bond was still floating, but had then, with accumulating interests, reached the respectable sum of £1200 Scots, the final payment being left to another generation of office-holders, a comfortable way of meeting debts.

In connection with the election proceedings, the honourable appellation of "My Lord Provost" applied to the chief municipal ruler of Inverness conveys the idea that even then the burghers were impregnated with just notions of the dignity which should appertain to their civic head. May the laudable ambition, if rather long deferred hope of a Lord Provost of Inverness

have a speedy realisation. Both Mr Macbean and the Presbytery of Lanark were opposed to the translation, but he had nevertheless to come to Inverness. On the 5th July 1720, we find the Session appointing "the Moderator and Castell-hill to write to Mr Duncan Forbes, advocat, to advise Mr Stuart at the Commission of the Assembly." The story of the call to Mr Macbean is told in the following minutes:—

"21st May 1720.

"The which day, in presence of the Generall Assembly of the Church of Scotland, there was presented and read a letter from the Synod of Murray, entreating the Assembly would give all suitable concurrence and necessary directions anent the Settlement of a Third Minister at Inverness. There was also transmitted from the Committie for bills a petition of the Magistrates, Heritors, and Elders of the Town and Paroch of Inverness, representing that as the Town of Inverness, by its situation, is a place of great consequence, being the key of the neighbouring Highlands, the people surounding the same being for the most part Enemies to our Happy Constitution in Church and State; so the venerable Assemblies of this Church have always showed a distinguishing regard for the expeditious Settlement of that place with able ministers: There are three or four thousand Irishes, besides those haveing the Scots in the said paroch, and the Reverend Mr Stuart the only minister to serve these for many years past, Mr McKenzie, the Episcopal Incumbent, who possessed one of the Benefices, being for many years old, sickly, and incapable to discharge the duties requisite to that people, who but dyed in June last, which left ane unsupportable burden on Mr William Stuart, whose health is sensibly impaired for want of ane helper. The Venerable Assemblies of this Church have, by many repeated Acts, favoured the North, and particularly Inverness, as by Assembly Ninty-four, Act Twenty-one, Against planting ministers haveing the Irish in low land paroches, and for Expeditious Settlement, Assembly Ninty-five, Act Twelve, Assembly Ninty-seven, Act Sixteen, Assembly Ninty-eight, Act Thirteen, &c.

"And therefore humbly craveing that it might please the venerable Assembly, for the expeditious Settlement of the place and Mr Stuart's speedy relief, to recommend it to the Commission of the Venerable Assembly to give such dispatch as in their wisdoms they should think fit to any call orderly proceeded that shall come

from the aforementioned Town and paroch of Inverness to any minister having both the languages; and upon Appeal or Reference to determine finally therein without waiting the Synod or Generall Assembly, according to the justice and forsaid Acts of Assembly:

“The Generall Assembly having heard and considered the said letter and petition, and the opinion of the Committie for Bills thereupon, They did and hereby doe refer to, and Instruct their Commission to hear, cognise, and finally determine in any process that shall be brought before them for planting the said Town and paroch of Inverness with a minister having both the Languages of English and Irish, and that without waiting the Synod’s determination, or the sitting of the next Assembly.

“Edinburgh, The Tenth of August, One Thousand and seven hundred and Twenty, The Commission considering that it is remitted to them to call, Cognosie, and finally determine in a process that shall be brought before them about planting of the Town and paroch of Inverness: and that ane Appeal was lodged in the Clerk’s hands to this effect. They resolved to proceed to the Consideration thereof to-morrow in the forenoon.

“Edr. The Eleventh of August, One Thousand and seven hundred and Twenty years, The Process and appeal of the Town and Paroch of Inverness from the sentence of the Prby. of Lanark, unanimously continuing Mr Alexr. McBean, Minister at Douglas, in the exercise of his Ministry there, and refusing to transport him from thence to the said Town and paroch upon their call to him was moved, and parties being called, there compeared for the pursuers of the said Appeal, John Cuthbert of Castellhill, Ane Heritor of the paroch of Inverness; and Mr William Stuart, Minister of the Gospel there; and Mr Duncan Forbes, Advocat and Elder of the said paroch; and for his Grace the Duke of Douglass and paroch of Douglass, The Laird of Nisbet, and Mr James Graham, Advocate, as pror. for the Heritors, Elders, and Inhabitants of the said paroch; and for the Presbytery of Lanark, Mr Thomas Lumin and John Orr, Ministers, and also the said Mr Alexander McBean himself.

“Parties being sisted, the Assembly’s reference of this affair by the late Assembly to this Commission, the Call of the Town and parish of Inverness, duly attested and concurred with by the Presbytery of Inverness, Reason for transportation and answers thereto. The sentence of the Presbytery of Lanark continuing Mr McBean at Douglas. Appeal Therefrom, reason thereof, and

answers thereto were all read, and Mr McBean was heard to read his own reasons against his transportation, which he gave in to the Presbytry of Lanark, and his Grace the Duke of Douglass' Letters signifying his desire to have Mr McBean continued at Douglass, were also read, and parties were fully heard; particularly Mr McBean was heard to deliver his own sentiments with respect to his transportation, and then the Commission being about to proceed to the Determination of the cause, a Brother was named by them to put up their prayers to God for light and direction in their reasoning about and determination of this affair.

"Prayer being ended and parties removed, They did fully discourse of this matter, and after mature deliberation thereupon the vote was stated, 'Transport or continue.' And the Rolls being called and votes marked, it carried 'Transport' by a great Majority, and therefor the Commission of the Generall Assembly did and hereby doe transport the said Mr Alexander McBean from his present charge in the paroch of Douglass to the town and paroch of Inverness, and appoints him to goe and be admitted Minister of the sd. Town and paroch, betwixt and the third Sabbath of October next, and appoints the Presbytry of Lanark to declare the Kirk of Douglass vacant upon the fourth Sabbath of the said moneth, and parties being called in, the premises were intimated to them, and thereupon the Laird of Castellhill Asked and took Instrument in the Clerk's hands.

"Extracted by me Sic. Subtr.

(Signed) "NIC SPENCE."

"August 30th, 1720.

"Mr Wm. Stuart, Modr., signified to the Session that he gave them an account of his diligence when at Edr. in the prosecution of their Call to the Reverend Mr Alexander McBean to be their Minister, and that now he had the satisfaction to present the Act of the Commission of the Generall Assembly which gave the finishing Stroke to that affair in their favours, Transporting him from Douglass to Inverness, and Appointing him to enter his Ministeriall Work there after the second Sabbath of October: with which Report the Session were well satisfied, and Ap- point the said Act to be Insert in their Register."

"Nover. 15th, 1720.

"The said day the Ministers, Magistrates, Heritors, and Elders in Session Conveened, Welcomed

the Reverend Mr Alexander McBean as one of their Ministers."

"June 20th, 1721.

"The Session appoint that the following members may meet betwixt and next Session as a Committie, in order to Think upon ways and Means to pay the Commissioners' Accompts. in prosecuting Mr McBean's Call."

No. XI.

The Rev. Robert Baillie, minister of the Second Charge of Inverness, notwithstanding strong inducements to leave Inverness, remained minister of the town and parish till his death in 1726. He had previously received calls from Glads-muir in 1710, and from the Scots Congregation at Rotterdam in 1714, the latter call being renewed in 1723. Mr Baillie was greatly respected in the Councils of the Church, and he had the honour of going to London to represent it, along with Carstairs in 1712. His son William was also one of the ministers of Inverness, but died comparatively young. Mr Baillie had some difficulties with the town and Heritors of the parish about his manse, which had become ruinous. There is an interesting entry in the minutes relating to the manse of the Second Charge. It may not be inappropriate to mention how the manse originated. Shaw states regarding it and the glebe that John Annand (a friend of the great Montrose), minister of the Second Charge, and Murd. Mackenzie, minister of the First Charge (afterwards Bishop of Orkney), "a bold, well-spoken man," with consent of Strichen, Patron; James Cuthbert of Drakies, Provost; and James Rose of Merkinch, Commissioners from town and Presbytery to the General Assembly, held at Aberdeen, 1640, did, with approval of the General Assembly, agree that the whole stipend due to said ministers for 1640, with 700 merks advanced by the Magistrates, should be laid out in purchasing manse and glebe for the said Mr Annand and his successors in office. The deed is recorded at large in the Synod register.

"Aprile 20th, 1714.

"The sd. day Mr William Stuart did represent that the Scots congregation at Rotterdame had given a call to the Rev. Mr Robert Baillie to be their minr., with Reasons enforcing the same, which was to be tabled before the Presbytrie the 22 current. Which reasons he read with a letter from the Magistrates of Rotterdam to our Session, they appoint Provost Duff, elder, &c.; Mr Al. Fraser, late Baillie, to represent the town, and the Lairds of Castlehill and Kinmylies to represent the Parish befor the next Presbytrie, according to the Commission given for that effect, the tenor whereof follows:—

"At Inverness, the 20 of Aprile 1714. Which day the Session considering the Reasons of the

Call of the Scots Congregation at Rotterdam for transporting the Rev. Mr Robert Baillie, one of their ministers, from Inverness to Rotterdam, and having considered our proper answers to these reasons, have appointed the persons following, viz. :—Wm. Duffe, late Provost of Inverness; George Cuthbert of Castlehill; Mr David Polson of Kinnylies; Mr Alexr. Fraser, late baillie, as Representatives for Town and Parish, to deliver the answers and defences of town and parish for continuing the Rev. Mr Robert Baillie, our minister, among us, and give what further answers either by word or write, as shall by them be found necessarie to be given to the Rev. Presbytrie to meet at Inverness the 22nd instant, and to doe everie thing also thats needfull for advancing the forsd. end; this in name and at the appointment of the Heritors and Elders in Session conveyed is subscribed by Sic Subscritur,
WILL. STUART."

"Aprile 26, 1714.

"The Modr. did inform that the Presbytrie hade past sentence continuing the Rev. Mr Ro. Baillie, upon which the Commissioners for Rotterdam appealed to the Generall Assembly. Therefor it was thought fitt to commission some one from this to represent the town and parish befor the sd. Gen. Ass., and after some deliberation it was resolved, and unanimously agreed on, to send a Commission to Mr James Cuthbert, minr. at Culross, to represent them, and defend the right of the town and parish to the Reverend Mr Robert Baillie."

"Oct. 15, 1717.

"According to Intimation given last Sabbath, the Magistrates, Heritors, and Elders mett and conferred together about what the Reverend Mr Robt. Baillie wants of Town and Parioch, and that for eight years preceeding Whitsunday last, due to him as rent payable be them to him for a Manse, extending to Eight Hundred pounds Scots, whereof two parts payable be the Town, and a Third by the Heritors of the parioch, and in Regard the Gentlemen Heritors did not so Chapterly meet, ordered that a Circulat Letter be written to them, Subscribed by the Provost, Giving them Intimation to meet Tuesday next, being the 22d instant."

"October 22d, 1717.

"According to former Appointment, the Provost mett with the Ministers and Elders, Supposing the Heritors would have mett in obedience to the Circulat Letter sent and subscribed by him, but some of them being tender, excused them-



ALEXANDER ROSE, A.M., D.D.

MINISTER OF THIRD CHARGE, 1795-1801; SECOND CHARGE, 1801; DEMITTED, 1850.

selves by a letter, and others of them taken up with the Harvest could not meet. The Provost told that he had conferred with some of them anent the matter, and did not doubt their Willingness, as also that the Council would take speedy Measures for Clearing their part."

"October 8th, 1723.

"By Reason of ane Edict in the Church of Inverness last Lord's Day, By order of Presbytery, Anent a Call from the Scots Congregation at Rotterdam to the Reverend Mr Robert Baillie, one of the Ministers of Inverness, the Session Therefor Entred first upon the Consideration of that Call and Reasons thereof, which Being read with other Papers relating thereto. After Reasoning Thereament, Came to this Resolution—1, That they with full and Inteer Harmony, without any Contradicting Voice, doe Resolve to Maintain their Right and Title to the Reverend Mr Robert Baillie, and by no means yield to this desired Transportation."

"31st March 1724.

"Reported that there was Commission given according to appointment to the Reverend Mr William Miller, minister at Edinburgh, and William Mackay, junior, merc., and that Mr William Stuart had writen a letter to the said Master Miller to which he had got ane answer Signifying that the Prosecutors of the said Call had not insisted on their appeal before the Commission, and that it's Reckoned that this affair is at ane end, and the same appears by William Mackay's Return."

"Febr. 22d, 1726.

"It has pleased the Lord of the Vineyard since our last meeting, to our great loss and grief, to have Called from us By Death the Very Reverend and Worthy Mr Robert Baillie, who had as one of our Pastors Faithfully Laboured Among us in the work of the Gospell for the Space of Twenty-three years: He dyed the Eleventh of this Moneth."

The tabulated list of ministers of the Parish of Inverness is continued below. They were all good and worthy men. In this list the names of Dr Rose and his son-in-law, Dr Macdonald, complete an unbroken chain of ministers in Inverness from 1567 down to living memory. Dr Rose declined the honour of being Moderator of the General Assembly. Both names are still affectionately remembered in the community, especially that of Dr Macdonald, whose brilliant pulpit oratory and

elevated and scholarly style can never be forgotten by those who had the privilege of hearing him. His great gifts were acknowledged and appreciated beyond the bounds of his immediate sphere.

Inverness - 1st Charge (Continued).

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- 1763—Murdach Mackenzie, A.M. (from 2nd Charge), died 1774.
 1774—Robert Rose (from 3rd Charge), died 1799.
 1800—Patrick Grant, A.M., translated to Kiltarlity November same year.
 1801—Alexander Fraser, A.M. (from 2nd Charge), died 1821.
 1821—Thomas Fraser, A.M. (from 3rd Charge), died 1834.
 1852—Donald Macdonald, D.D. (from 2nd Charge).

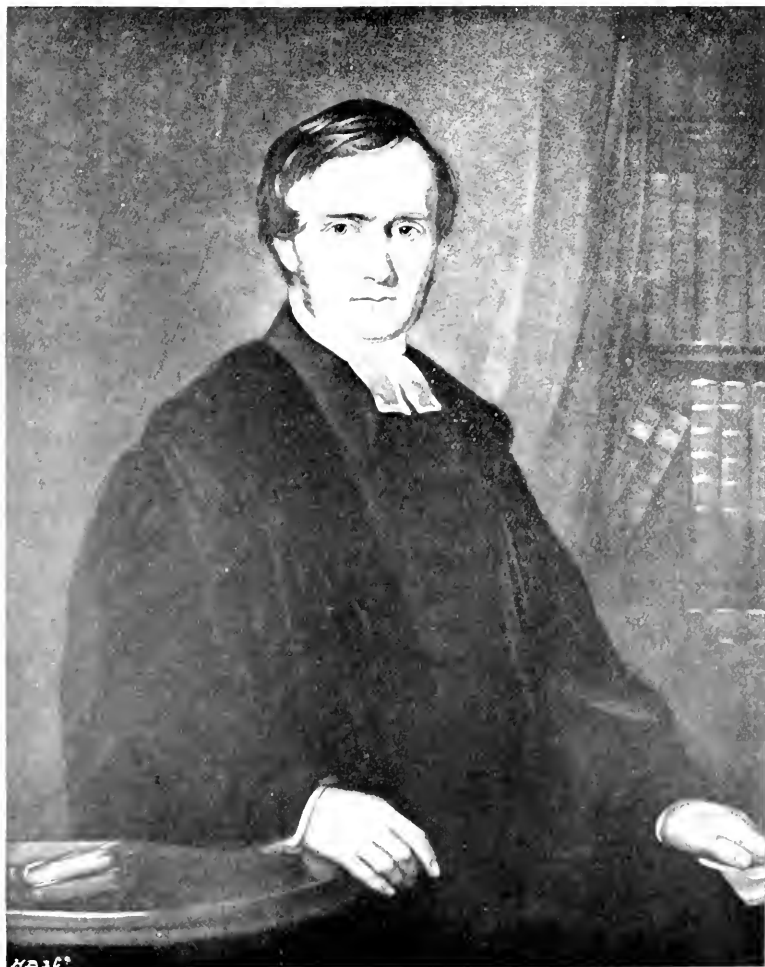
2nd Charge (Continued).

- 1751—Murdach Mackenzie, A.M. (from 3rd Charge), translated to 1st Charge 1763.
 1763—Alexander Fraser, A.M. (from 3rd Charge), died 1778.
 1778—George Watson, A.M. (from 3rd Charge), died 1798.
 1798—Alexander Fraser, A.M. (from 3rd Charge), translated to 1st Charge 1801.
 1801—Alexander Rose, A.M., D.D. (from 3rd Charge), demitted 1850.
 1834—Alexander Clark.
 1842—Donald Macdonald, D.D., to 1st Charge, 1852.

3rd Charge (Continued).

- 1727—Daniel Mackenzie, A.M., died 1730.
 1731—William Baillie, died 1739.
 1741—Murdach Mackenzie, A.M., to 2nd Charge 1751.
 1752—James Grant, died.
 1754—Alexander Fraser, A.M., to 2nd Charge 1763.
 1763—Robert Rose, to 1st Charge 1774.
 1775—George Watson, A.M., to 2nd Charge 1778.
 1778—Alexander Fraser, A.M., to 2nd Charge 1798.
 1798—Alexander Rose, A.M., to 2nd Charge 1801.
 1801—Thomas Fraser, A.M., to 1st Charge 1821.
 1822—Alexander Clark, A.M., to 1st Charge 1834.

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THE REVEREND DONALD MACDONALD, D.D.
MINISTER SECOND CHARGE, 1842; FIRST CHARGE, 1850.

No. XII.

THE KIRK SESSION.

The duties of the Kirk Session become more onerous and varied in time. The body continues, however, to be thoroughly representative, from the lairds downwards, in the social scale. But all the proceedings are conducted with a cordiality and unanimity which speak well for the personal relations between the members. There seems to have been an entire absence of domination in any form. One of the elders is described as an armourer. Among them are also the names of Duncan Forbes, advocate; John Forbes of Cul-loden, Provost of Inverness, and it is a curious fact that the name of Lovat is among those of the Kirk Session who subscribed the formula in 1716, a copy of which was reproduced in the Session minutes under date July 3, 1729.

Nominations to office were sometimes accepted with perturbation, if not with absolute reluctance, and were occasionally declined altogether. The epitome of the elders' duties given below might well cause men to shrink from undertaking the office, however honourable. Two peculiar incidents are recorded, the refusal of the Session to attest the Commission of Bailie Hossack to the General Assembly, and the protest of the Session against the action of the Presbytery in refusing to admit two ruling elders from the Kirk Session of Inverness.

The unusual spectacle of reprimanding and suspending an elder, and the somewhat cavalier treatment of another elder's widow are unique and interesting readings.

“July 25th 1721.

“The Session unanimously agreed on the following distribution of their Respective Bounds of the Town to the Several Elders afternamed, in reference to which the Session Recommended to them these Articles, viz. :—

“Primo. That Elders Strictly Inspect the Christian Behaviour of persons and Families in their Said Bounds use their utmost Intrest with Heads of Families, to perform the Worshipe of God daily in their Houses, and take pains to Instruct their Domesticks in the first Principalls of Religion, Exhort them to the Sanctification of the Lord's Day by themselves, Children, and Servants, and attendance on publick Ordinances.

“2do. That They Diligently Enquire after the Testimonials of all New comers to any house or

family within yr Respective Bounds, and present to the Session a List of Such as want Testimonials, and of Such as are Idle, and have no Employment. That They may use the methods most proper in that Case.

"3to. That they take notice of the Circumstances of the poor in their Bounds, and acquaint the Session who are the most Necessitous and proper objects of Charity therein. and see that no Countenance or Support be given to such as are Idle, tho' able to work, or Such as are Vicious or profane.

"4to. That Such in their Bounds as refuse to hearken to their admonition for preserveing peace and good order in their Families and Neighbourhood. they Inform the Minister of their Quarter for the time therewith, that if their Con-junct Admonition prevail not for the Ends above Said, Such disorderly persons may be delated to the Session and Censured, as the Cause shall deserve.

"5to. Over and above what may be afterwards concerted by the Magistrates and Session for perambulating the Town in General to prevent the profaneing of the Lord's Day. It's hereby recommended to the Elders to take Notice of their own Bounds on that day that there be no open abuses or Idle Crouds or Wandering of People on their parts of the Streets.

"The Distribution of the Respective Parts of the Town to the Severall Elders is as Upon the following page.

"Kirk Street (East Side).

"1. Baillie William McLean, from the Common Vinnel to the Cross, together with the South Side of the Said Common Vinnel.

"2do. Baillie William Fraser, from Baillie Barbour's House to the Said Common Vinnel, with of the Said Common Vinnel (Fraser St.).

"3to. Baillie Dunbar, from Hugh Angus House to Barbour's Inclusive.

"4to. David Geddes, from Hugh Angus House Downwards to the Sconce East Side of the Street, takeing in the houses belonging to Mr Baillie's Gleib.

"Kirk Street (West Side).

"1. Baillie John Hossack from the Tolbooth to his own house, including the water side.

"2do. Collector Stuart and Alexr. Fraser, from the Vinnel at Baillie's Hossack's to Baillie James Thomson's Vinnel.

"3to. Baillie James Thomson, from his own Vinnel to the Church Yard Vinnel.

"4to. John Fraser, from the Church Yard Vinnel to the Peer.

“Bridge Street (North Side and South Side).

“1d. Donald Grant, the whole North Side from the Bridge to the Tolbooth.

“2do. Thomas Alves, from the Bridge to his own house, and the Close he lives in.

“3to. James Kinnaird, from the said Close to the Castele Street, Including the Castlewynd.

“Bewest the Water.

“1d. George Mackilligin, from his own house Alongs the Water Side to the Green of Muirtown Exclusive.

“2do. William Neilson, from George McKilligin's house along the Waterside to the Green of Muirtown Exclusive.

“3to. Provost Alexander Fraser, the Bridge End to the Goose pool, both sides of the Vennel.

“4to. Baillie David Fraser, from Donald Buie's house to the Green of Muirtown.

“5to. Alexander Chisolme and David Miller, from Alexr. Chisolm's own house All to West and North, with the Green of Muirtown and Markinch, with the Vennel that Leads to John Stark's.

“Castle Street (West Side).

“1. William McIntosh, Treasurer, from the Corner to his own house.

“2do. John Polson, from William McIntoshe's house to his own house.

“3to. Angus McIntosh of Culclachie, from John Polson's house to the head of the Street.

“Castle Street ((East Side).

“1to. Duncan Grant, from the Corner of the Street to the Barnhill Vennel, and the North Side of the Said Vennel.

“2do. Robert Low, the Southside of the said Vennel to Mr David Scot's Close.

“3do. Mr David Scot, from his own house to young Culclachie's Inclusive.

“4to. William Shaw, from young Culclachie's to the _____, together with the Haugh and the families on the Hill.

“Castle Street (North Side).

“1. David Angus, from the Corner to David Grant's house Inclusive.

“2do. Gilbert Gray, from David Grant's house to the East Side of the Vennel that leads to the back of the Town.

“3to. Alexander McIntosh, the East Side of the Said Vennel to William McWirich's Barn.

“4to. Gilbert Gordon, from the Corner of the

Castle Street to Alexander Thomson's Land Inclusive.

"5to. David Hoome, from Alexander Thomson's Land to the Barn-hill Vennel Inclusive.

"Back of the Town.

"6to. David Munro and James Murray, from the Barnhill Vennel to Thomas Tulloch's, in the Barronry, Inclusive. Gillies McBean, from his own Kiln to Gilbert Gow's on that side his Kiln is in."

"August 8th, 1721.

"The Session the Clerk to have a Coppy of all the Directions for the Elders to Each Elder a Coppy, and the Session will Consider his pains, and pay him for it, And that against next Session day."

"Octor. 17th, 1721.

"The Session Appoint Thomas Alves, Mert. in Inverness, and George McKilligin, Apothecary yr., two of the Elders who have Subt. the Confession of Faith, According to the Act of the Genll. Assembly thereanent, to attend the Very Reverend the Synod of Murray, who are to meet at Forres the Last Tuseday of October, or when or where they shall happen to meet, Willing to attend all the dyets thereof, to Consult, Vote, and Determine in all matters yt. shall come before them, to the Glory of God and the Good of his Church, Conform to the Word of God, the Confession of Faith, and Acts and Constitution of this National Church, And that they attend the Respective dyets of the presby. of Inverness from the dyet of this Synod to the next Synd. thereafter whereon Act."

"Aprile 3rd, 1727.

"Compeared Alexander Baillie, Town Clerk, and presented a Commission from the Magistrates and Town Council of Inverness, Electing John Hossack, late Baillie and present Dean of guild, as their Commissioner to the ensuing General Assembly, and asked thereto the attestation of this Session. Which Commission being Read, and the Said Alexander Baillie Removed, the Session Reasoned sometime thereon; then the Question being put, Attest or Not, and Rolls Called and Votes Marked, it Carried by a Considerable plurality of Voices Not. Wherfor, the Session do Refuse to attest the Said Commission, because it appears to them the Said Baillie Hossack, upon their Commission to him to attend the Presbytery, acted a part not Agreeable to the Inclinations of his Constituents, or the Interest of this Community, in using his utmost

Endeavours to prolong the vacancy, and upon that point did openly before the Presbytery and in a passionat manner, Reproach our present Minister for a Neglect of his duty, Which wee know no ground for, and when the Minister Required him to Condescend on particulars, he answered he did not Regard what he Required, and Untill this Matter is adjusted, the Session see no Cause to Attest a Commission to the Said Baillie Hossack As a fitt person to be Member of the Supream Judicatory of this Church.

“Baillies William Fraser, Thomas Alves, John Fraser, Gilbert Gordon, and Mr David Scot dissented for the Reasons following, that the said Baillie Alves being Appointed Member by the Session to attend the Presbytery Equal to Baillie Hossack, did not see nor Could learn that Baillie Hossack did postpon the Declaring of the Vacancy, or to the Detriment of the Community, and If there was a few passionat words past betwixt Our Reverend Minister Mr Alexander McBean and him, In his humble opinion did not Amount to a Reproach, and If the being absent and the Matter not Judged, Can not hinder why the Said Baillie Hossack should not be attested As A Member to the General Assembly, and that what is Alledged is altogether unknown to the plurality of voices in Session who vote to the Contrar of his being Attested As a member. Thereafter Alexander Baillie, Town Clerk, being Called in, the Act of the Session was Read and Intimat to him, whereupon he protested against the said sentence, and appealed To The Very Reverend the Presbytery of Inverness, at their first meeting, for Reason to be given against Eight of the Clock to-morrow Morning, and thereupon took Instrument in the Clerk hands, and Required the Moderator to Cite to the sd. Presbytery the Session to Compear befor the sd. preby. to-morrow afternoon, and that the Clerk may transmitt the Commission with an Extract of the Act of Session and Reasons of Appeal to the Presbytery.”

No. XIII.

John Hossack, with whom the Session dealt so summarily in the preceding article, by refusing to attest his commission to the Assembly, lived to become Provost of Inverness. If a trifle consequential, he was nevertheless a man of some character in his time, and some good stories of him still survive. One is that after Culloden, actuated by motives which did credit to the goodness of his heart, he visited the apartments of the Duke of Cumberland to urge upon his Grace the wisdom of tempering judgment with mercy. Whether the moment was inopportune or whether he pressed the point not wisely but too well, cannot be said, but the result was that in an astonishingly short time, he "found himself" precipitated downstairs, bruised in his feelings and person. Surely never before nor since did a Provost of Inverness suffer such indignity. Another story told of him is that when the Government proposed in 1747 to erect at Inverness Fort-George, which had been blown up in the previous year by Prince Charlie's Highland army, he offered such strenuous resistance and influenced his brother magistrates so strongly against it, that the proposal was abandoned, and the Fort was eventually erected at Ardersier, at a cost of £160,000. The secret of all the opposition was that Provost Hossack had pretty daughters, and he dreaded the fascination of the soldier officers. One learns with a glow of comfort that he married one of them at least safely into the bosom of the Church. She became the wife of Rev. Murdoch Mackenzie, of whom it is recorded that he was so impressed by his own oratory that his feelings frequently sought relief in tears. Happy Miss Hossack! and no less happy Mr Mackenzie, for with the daughter he succeeded to most of the Provost's property, including the ground on which the "Courier" Office now stands.

The following are further extracts relating to the Kirk Session. The first is the declaration which had to be signed by office-bearers:—

"July 3d, 1729.

"Wee, the Ministers and the Church Session of Inverness, do own the Confession of Faith of the Church of Scotland Ratified in Parliament, 1690 and 1707, to be the Confession of our faith. Wee also own the Presbyterian government Now Settled by Law, in Kirk Sessions, Presbyterys, Provincial Synods, and Generall Assemblies, to be according to the Word of God, and the only Government of this Church, and that wee will submit thereto and Concur therewith, and never en-

deavour directly or indirectly, the prejudice or Supervision thereof; and that we will observe uniformity in worship and the administrations of ordinances within this Church, as the same are at present performed by Presbyterian Ministers. In witness whereof we have subscribed these presents at Inverness, this ninth day of October, One Thousand Seven Hundred and Sixteen years.

“*Sic Subtr.*—

Robert Baillie, Minr.
Will. Stuart, Minr.
Lovat, Elder.
John Forbes, Elder, Cullodin.
Duncan Forbes, Elder, his broyr.
George Cuthbert, Elder, Castlehill.
Alexr. Fraser, Elder, Prov. Fraser.
George McKiligin, Elder, Surgeon.
John Fraser, Elder, Treasurer.
William McLellan, Elder, Baillie.
Duncan Grant, Elder, Mert.
James Thomson, Elder, Baillie.
James Dunbar, Elder, Baillie.
William Fraser, Elder, Baillie.
David Fraser, Elder, Baillie.
Robert Low, Elder, Burges.
Donald Grant, Elder, Burges.
David Hoome, Elder, Mert.
William Shaw, Elder, Glover.
David Angus, Elder, Glover.
James Vaus, Elder, Glover.
Will. McIntosh, Treasurer.
James Porteous, Elder, Taylor.
Gilbert Gray, Elder, Wigmaker.
David Geddes, Elder, Cooper.
David Millar, Elder, Smoker.
James Mackay, Elder, Labourer.
John Fraser, Elder, Labourer.
Ludowick Young, Elder, Labourer.
Alexr. Taylor, Elder, G.
Rodrick Urquhart, Elder, G.
Gilbert Gordon.
William Neilson, Elder, Mert.
Gillies McBean, Elder, Burges.
David Scot, Elder, Cornseller.
John Hossack, Elder, Baillie.
James Murray, Elder, Mert.
David Stuart, Elder, Coller.
Alexr. Fraser, Elder, Burges.
Thomas Alves, Elder, Treasurer (of Ship-
land).
George Rodger, Elder, Captain.
Alexr. Chisholme, Elder, Couper.
Alexr. McIntosh, Elder, Mert.
David Munro, Elder, Labr.
John Polson, Elder, Glover.

Robert Edwards, Clk. Sess.”

Dr Thomas Alves of Shipland mentioned above was the maternal grandfather of the late Colonel Inglis of Kingsmills. Captain Rodger owned a small schooner, with which he traded between Inverness and London, and would be the courier of the day between Inverness and the world at large.

“18 April 1769.

“The Session understanding that the Presbetry at their last meeting had refused to admitt the two Ruling Elders Chosen by them the 21st of last month to attend the next meeting of Senat (sic) and Dyets of Presbetry, till then attending; that the Session of Inverness, notwithstanding there are two Colledget ministers there, have no right to Chose no more than one Elder there: The Session apprehending this conduct of the Presbetry's to be a manifest Letion to them, as it deprived them of a priveledge hitherto enjoyed by them, and was Contrary to the Acts and Constitutions of the Church, whereby it is expressly declared that Colledget Kirks where there used to be two or more ministers, are to be Considered So Many Distinct Parishes: they therefore did resolve to Complain to the Very Revd. Senat of Murray to meet this month at Forres. Accordingly, a scroll of Complaint being drawn up and approven, was ordered to be signed by the Modtr. and transmitted by him to the Modr. of the Senat for the above purpose.”

“13th Decemr. 1791.

“The Session considering that John Colly, Elder, by his being married by Bishop McFarlane, has given Offence, particularly his shuffling Conduct in having engaged two of the Parish Ministers to perform the Marriage, and having Disappointed both, with other aggravating Circumstances. The Session consider this as an Insult upon their Society, and after reasoning there anent, they resolved that John Collie shall be sharply reprimanded before the Session, and for the space of two years prohibit him from exercising the Office of an Elder. He is appointed to appear next session.”

“30th March 1779.

“The Session Appoint Mr George Schiviz to give the Widow of Thomas Fraser, Elder, Ten Shillings Str. On Account of the Regard they had for the Deceast, and not to be further troublesome to the Session.

The Session appt. the Precentor, either by himself or another, to Read the Lord's Word each Sabbath both forenoon and afternoon from the beginning of the Skellat Bells till that of the Minister's begin.”

No. XIV.

The interest of the Session in the reform of manners was not confined to Sundays, as will be seen; but it is to be regretted that the improvements in public morals were of slow growth, despite all efforts to raise the tone of the community. The conditions attached to testimonials read strangely, showing as they do the very restricted freedom enjoyed by the people. The abuse of Sabbath is always a pressing question; among the minor offences are fishing, carrying peats, and leading the corn, and unfortunately there are always cases of the grosser abuses, such as drinking, swearing, &c., which, according to certain authorities of our own day, the higher culture and latter-day civilisation have not even now entirely eradicated. A minister under whose notice came this record of the remote habit of cursing and swearing, has called attention to the fact that it was only on Fridays it was specially bad. He therefore inferred that nearly all the swearers came from the country on market days, and that on other days Inverness was comparatively free of the evil practice. The distinction is rather fine for the lay mind, but there is no reason why we should not take what consolation the suggestion affords, that after all Inverness was not so very wicked in this respect then or now. It is an easy transition from servants without testimonials to stranger beggars and vagrants. The Session's endeavours to deal effectually with them are plainly set down, but although it invoked the aid of the civil law, beggars continued to increase and thrive, and "ate up the meat of the native poor, to their great prejudice."

"15 Aprile, 1712.

"The Session address the Magistrats to have the abuses which are to frequent upon the Sabbath Day restrained. And the Magistrates having appointed one of their officers, the Session appointed two of their Elders to go together with him, whether before, at, or after Divine service, and write down a particular attempt of the abuses and persons guilty, and make report thereof to the Baillie Court, to be held upon Monday thereafter."

"Aprile 7th, 1721.

"The Session being Informed that a great many Abuses happen upon the Lord's Day by People's walking on the streets and drinking in Ale Houses in time of Divine Service, did appoint

that the Elders who attend the Collections shall perambolate the Streets, and observe and Reprove Abuses, and Apply unto the Constables to Incarcerat the dilinquent as they shall find Cause, and that they Report till the next Session thereafter."

"June 20, 1721.

"Delated the following persons for fishing upon the Lord's Day a Eight a Clock at Night, John Dingwall, John Fraser, Allan McDonald, Robert Polson. The officer was ordered to Summond them to the next Session. They compeared and confessed their sin; they were seriously exhorted to repentance, and ordered to compear before the Congregation next Lord's Day, and be rebuked."

"November 19th, 1723.

"The Moderator Acquainted the Session of his being well Informed that one Thomas Fraser, alias Kent, and his wife Catharin McDonald, had profaned the Lord's Day last bygone by Drunkenness, Quarreling, and Fighting, the Dangerous Merks whereof are viseable in the face of the said Catharin: Therefor he had given order to Summond them before this Session, together with Witnesses, to Attest the Said Scandalous Miscarriage in Case by them Deny'd, and the Said Thomas Fraser Being Accordingly Called, did Compear, and Being Interrogate upon the Said points, Acknowledged the same, and Therefor Witnesses were not called, And he Arpointed to Compear before the Congregation Three Sabbaths successively, and to Begin the next Sabbath. And his wife, Catharin McDonald, Being found Innocent, Excepting in that She went with her Husband in time of Divine Service to Walk, for which she was Sharply Rebuked and Exhorted."

"January 26th, 1725.

"John McBean, in Altnaskiach, Being Called, Compeared, and Being Interrogate According to the Delation given in against him, Answered That Upon Sabbath was a Fortnight he gave orders to his Servants, As he Exprest, to Save his Corns and peats from the wind, Upon which Witness Being Called, Compeared John McKenzie, Ane Unmarried Man, Aged about twenty-two years, and Being Sworn and purged of Malice, and partial Council being Interrogat, Deponed that the Peats were Carried in on the Sabbath Evening forsaid, and when he was Enquired whither he saw them Carried in on a Barrow, he seem'd first in a Demurr, but at last was Brought to that he Saw one.

“James Mackay, Ane Unmarried Man, Aged about Twenty Years, Compeared, and being deeply Sworn and purgd of Malice and partial Council being Interrogat, Deponed Cumpraecedenti.

“Catharin Fraser, Ane Unmarried Woman, Aged about fifteen years, Being sworn and purgd of Malice, and partial Council being Interrogat, Deponed Cumpraecedentibus, with this Addition, that the Peats were ordered to be taken in, but not the Corn.

“The Session deffer the Consideration of this affair till their next Meeting.”

It appears to have been dropped.

“November 29th, 1720.

“The Session Appoint That the Ministers, with Two Elders and one Magistrate, doe attend upon The Fridays in the Market place, in order to observe those who curse or swear, That the Magistrate then present shall fine the offenders according to Law. This to be Done every Friday untill a Reformation be seen, and appoints for the next Friday Mr William Stuart, Baillie David Fraser, John Fraser, and William Neilson, and so one by Seniority of Ministers and Magts., and They to Choose any Two Elders They please.”

“January 7th, 1724.

“The Session Recommend to the Magistrates and Ministers To goe through the Streets upon the Fridays, Because of the Frequency of Cursing and Swearing on that day, and that they goe in their Seniority. The Eldest Magistrat and Eldest Minister to Begin, and soe on.”

“Deer. 24th, 1717.

“The Session Appoint that Elders may be nominat to goe through the whole parts of the Town and Territory, In order to give in full lists of all Masters and Servants, with their names and particular parts, who are Town's people, and who are Strangers to the End that those who want Testimonials might be made to account both Masters and Servants, as accords in Law and Agrecable to the Lawdable Customs of this Burgh. And for that end Appoints Baillie James Dunbar and Baillie William Fraser for to goe Through the East Street, and Baillie James Thomson and William McLean to goe through all the Houses of the Kirk Street, and David Hoome and Rodrick Urquhart to goe through the Castell Street, and William Neilson and Alexander Chisholm to goe through the Bridge Street and bewest the Water. This work is to begin to-morrow, and all of them to Report next Session day.”

No. XV.

The following are further minutes relating to the subject of testimonials:—

“Janur. 21st. 1718.

“The Session considering the state of the burgh with Respect to Testimonials, and that the Laws of the Land do require that those who come from one place of the Kingdom to Another either to reside or sojourn should be duly qualified by passes and Testimonials Concerning their former good behaviour from those Competent in Law to give them, And considering also that within these few years bygone many new residenters do now live in the Burgh as Masters of Families, who have not brought testimonials along with them, and that many bad persons doe Shelter themselves in this Burgh who Cannot give any Satisfieing account of themselves, And further Considering the report of the Committie which they appointed to Search into this affair and prepare such Overtures Concerning the future Regulation of this Matter, as they should find just: After deliberation upon the whole, the Session Appointed as follows, namely—Primo, That the names of all persons who are notoriously Scandalous be given to the Magistrates that they may be punished according to the degrees of their Scandals as accords; 2do. That publick Intimation be made from the pulpits in both Churches after Divine Service in the forenoon, that all the Indwellers in the Burgh, both old Inhabitants and new Residenters, whether Masters ore Servants, who either have Testificats, or being old inhabitants, born and bred in the place, Neid no Testimonials, That they attend a Committie of the Session upon the days aftermentioned. The old inhabitants are to attend to prove and verifie that they are such, and need no Testimonials, that their Names and designations may be recorded accordingly in a book for that purpose, and the new residenters and Servants who have testimonials are also to attend the said Committie with their Said Testimonials, that they may be Judged, Approven and recorded; and for preventing confusion the Session appoint that all inhabitants in the Church Street Shall attend the Committie of the Session in the Library upon Wednesday next, from Nine forenoon to twelve, and all the Inhabitants in the East Street upon the Said Wednesday, from Two afternoon till five. And that all the Inhabitants in the Castell Street Shall attend the Committie

upon Thursday next from Nine to Twelve forenoon, and all the Inhabitants in the Bridge Street and Bewest the Water, upon the sd Thursday, from Two to five afternoon; 3to. The Session appoint that all Masters of families and Servants who have not brought Testimonials along with them shall use their diligence to purchase them within a Moneth after the Intimation hereof, and that after the sd Moneth is elapsed they produce them to be Recorded, as shall be publicly Intimated to them, Appointing withall that all Such as Shall Neglect to purchase testimonials against the time Appointed Shall be proceeded against according to the Laws of the Land and Statutes of the Burgh. And Appoints our Clerk to give ane Extract hereof to each Minister that Intimation may be had as above next Lord's day."

"May 21st, 1723.

"The Session Appoint that Intimation be made in both Churches Next Lord's Day that non Receive Servants into their Families without Testimonials."

"January 21st, 1735.

"John Fraser, Dean of Guild, having Represent that the Magistrates have been at great pains to find out Vagarent Persons that Lurked in this Town and oblidged them to Remove from it: Which Representation being Considered, The Session did Appoint the Moderator in their Name to Give The Honble. Magistrates their Most humble and Hearty Thanks for that good office, and appointed that Intimation be Made from both Pulpits next Lord's day, That no Masters of Familys take into their Houses any Servants without Testimonials, Either Male or Female, And all such as are now Servants not having such, are Appointed A Moneth's time to get them. At Which Time All Families will be Visited for that End."

"Octor. 18th, 1720.

"It being Moved in Session that the Town was opprest with Strange Beggars who Come in great Multitudes from other paroches and provinces to this place to the great prejudice of the poor of the place: The Session therefore thought it their duty to Address the Honorable of the place for doing in that Matter as they thought fitt according to Law, And Appoints Ane Extract hereof to be given in to the Council the First Council day, and the Magts. present promised to put the Law in Execution in that affair."

"Aprile 10th, 1722.

"It Being Represented by the whole Elders that a great many Beggars haunted the Town, who

are wholely Strangers, and Eate up the Meat of ye native poor, to their great prejudice. Therefore the Session did Unanimously agree that all the Native poor in the place who are Beggars shall have Bages of Distinction, made of hard peuter, with Inverness upon Each of them. And that they be all numbered According to the Number of the poor; and Hereby Appoints David Hoome, Church Treasurer, to Employ any peuterer he thinks proper to Cast them, and Report next Session."

"May 15th, 1722.

"David Hoome Reported that he had caused make Meddals for the poor of The Town and Parish According to Appointment, Which being Considered by The Session, They did Appoint That all the Beggars in Town and Counrv Be Warned to Come to the Church-Yard, and that a Committie of the Elders meet there upon Thursday next, in order to See the Said Meddals or Bages Delivered them."

"May 29th, 1722.

"Reported That all the Beggars were Convened, and Received their Bages to the Number of 35."

"9th June 1778.

"The Session Appoint Intimation to be made from both Pulpits first Lord's day, That the Congregation should with hold their Charity from Common beggars that Sit at the Kirk Entry, As it is their Common Practice after worship is begun, to return to their Several Abods, and not attend Divine Service."

"21 Febr. 1792.

"The Provost represented to the Session that the Magistrates, observing with Concern the great increase of the Beggars who of late crouded the streets of this place, and that a great number of them appear to have come from remote parts of the Country, who tho' they may be Objects of Compassion, are certainly not so well Intitled to a relief from the Inhabitants as the Natives of the Town and Parish, or those who having spent a Life of useful Industry among them, have become destitute by age or Infirmity, They Judge it absolutely necessary that endeavours should be used to check this growing Evil, and it occurs to them that the most likely manner of accomplishing this will be by selecting the real and deserving Objects, born in the Town and Parish, or such as have after an Industrious Life become indigent thro' Age or Disease, from the idle and vagarent who at present rob the deserving Poor; and they have with a view to this

procured Badges, which they wish to distribute in Concert with the Ministers and Session to those who upon strict Enquiry shall be found entitled to them.

“Which being considered by the Session, they give their sincere approbation to the Measure, and in compliance with the proposal from the Magistrates, they appoint Donald Fraser, Catechist, to use his utmost diligence in making out a certain list of all the Poor, who are either Natives of the Parish and Town, or have spent a great part of their lives irreproachably in it, and that he give in such a List eight Days hence to Revd. Mr Fraser, describing in the List the place of Residence of each Object, their Age, the Persons with whom they, and the time they have been begging in the Parish.”

“10th April 1792.

“In consequence of a Resolution entered into by the Magistrates and Ministers on February 21st respecting bestowing Badges on the Beggars who are natives of the place, or such as have spent a great part of their time industriously therein. They according met this Day, and did distribute Badges to a number of very needy Persons. The Session recommended to the Ministers to request the Congregation to regard these poor Persons to whom Badges are given as objects of their Charity.”

“3 July 1792.

“The Session appoint that some of those who have got Badges to entitle them to beg publicly shall be put on the List of the Poor, who receive the Charity of the Sacrament.”

No. XVI.

Among the multifarious duties of the Kirk Session was that of looking after foundlings, whom they disposed of as best they could, generally by handing the children over, with a pittance, to some poor person in the community. The Session always took up the search for the parents with great zest, and never seemed to weary in the quest, but they often displayed unnecessary, and, indeed, unreasonable, irritation when pressed for payment for the keep of the foundlings. One sees them groaning in spirit as with a bad grace they have to disburse some small sum for such pitiful maintenance as they gave, which with strange irony was described as a "heavy load on the poor's funds." They acted very much in the same way towards those orphans who were so unfortunate as to be left to their care. In one case they record that "they do not think the orphan should be a burden any longer, seeing she is eight years, and can travel about for her bread." It is easy to see that before her, poor child, there lay a rough road in life's journey. To the poor, as distinct from common beggars, and the casual poor, the Kirk Session consistently show the utmost kindness, and as far as their means allow, they relieve their necessities. The lamentable condition of the poor is a frequent theme, and all kinds of plans are considered for the purpose of relieving their straits. About 1783 the destitution in the town seems to have been very great, and resulted in a power from the Exchequer to grant relief in the form of meal, peat, and bear (barley). General compassion seems to have been aroused, and after this a number of benevolent persons gifted sums to the Kirk Session for the benefit of the poor, but notwithstanding all the poverty in the district, collections continue to be ordered for objects far removed from the Highlands, and with which its inhabitants had little concern, such as "for Chas. Epsome, of York, who lost his all by fire," and for the Harbour of St Andrews. One deserving object for which collections were made was the Aberdeen Infirmary, which deserved well of the Highland Capital. On the principle that what is worth getting is worth going for, the collection was made by a house to house visitation. Others of the collections, although not strictly local, were well designed and useful, such as the collection for translating the Gaelic Bible, and that on behalf of the widows and orphans of Avoch fishermen who had been drowned in a storm in the Moray Firth. Reference is made to

the institution of the Inverness Infirmary, and in the records proposals are made for a collection for the maintenance in it of the insane indigent of this town and parish.

“August 30th, 1720.

“The Session Considering a petition given in by the Man that has the found Child, Wherein he Craves Two years and ane half's Board Resting him, the which if the Session will pay he promises in the said petition never to Seek any More from them for the Said Child; or if they will take the Child away from him he will seek nothing of what is Resting. Which being Considered by the Session, They did Appoint That Bill be drawn upon Alexander Chisolme, penalty theasurer, for The said Two year and ane half's board, which Amounts to the Sume of Fifty pound Scots.”

“February 12th, 1734.

“The Session Appoint Alexander McIntosh, penalty theasurer, to affoord out of the first and Readiest penalty Money in his hands, a Boll of Oat Meal to Colen Fraser's Spouse for Maintaining the Foundling Child in her Care.”

“16th January 1764.

“It was reported to the Session that about two o'Clock this Morning a Male Child was laid down at the door of Baillie Pheneas McIntosh's house, which was discovered by the Infant's Cries, and he having ordered his Servants to take up the Child and bring it in lest he should perish with Cold, he thereafter sent it to a proper person, to be taken care of, till the Session should Concert what was to be done in the affair.”

“16th January 1764.

“The Session having considered the above report, Appoint that the Elders should be divided into different Parties, and Perambulate the whole Parish with a Constable and Burrow officer, to find, if possible, the Mother, and at the same time that proper Care be taken of the Child.”

DISTRICTS.

Kirk Street—Donald Munro, Donald Fraser wright; William Chisholm, Constable; Mrs Hampton, midwife, and Mrs Hendry; Alex. Munro, William Murray.

Bewest the Water—John Munro cooper; James Fraser, smith; Widow McCoilroy, midwife

East Street and Barroury—Jno Grant, Alexr. Fraser, shoemr.; Jno. Gilzean, constable; Mrs Lauder.

New Street and Vennels—Jno. Fraser, shoemr. ; Alexr. Fraser, glover ; Donald Mackenzie ; Isabel Fraser, midwife.

Bridge Street and Castle Wynd—George Scheviz, Wm. McPherson, David Dunbar, constable.

Castle Street—William Grant, Hector Scott, Alexr. McLeod, Alexr. Fraser, constable ; Mrs Robertson, midwife.

Clachnaharry, Muirtown, and Kinmylies, and the Bught—Jno. Fraser, in Balafery ; Jno. McAndrew, Jno. Fraser, in Kinmylies ; and bring some honest woman along with them.

From Dunean to the Lochend — Donald McAldonich, John Munro ; and to bring a Discreet woman along with them.

Essick, Torbreck, Knocknagial—J. Holme, William Baillie, Hugh Ross, David Denoon ; to bring a Discreet woman with them.

Culduthel, Londuach, Altnaskiach — Alexr. Munro, Kenneth McKenzie, and to bring a discreet woman.

Bogbain, Inches, Castlehill, and Kingsmillns. Little Drakies, and Cradlehall, &c.—William Fraser, Jno. Mackenzie, Donald Munro, and to bring a discreet woman with them.

Easter Drakies and Culloden, with the Moor—Jno. Noble, Hugh Clark, Thomas Fraser, and to bring a discreet woman wt. them.

Instructions to each of the above districts :— That they pass no house whatever without searching. That they take a strict Accot. of any woman that has left the family, or of any Strangers that has lately come into any family, and that the Midwives be told they are to make their Report on Oath.

The Wife of Jno. Anderson, glover, offering herself to nurse the Child, and being recommended as proper for that purpose by a Midwife, the Session appointed Andrew Murray, Hospital Treasurer, to give the Nurse an half-guinea for the last Quarter."

"24th January 1764.

"The Elders appointed to visit the different parts of the Parish in order to find out the mother of the Foundling child, Reported that After the most diligent Search, they could make no Discovery. John Fraser, in Ballaferie, reported that one Ann McDonald went with Child from the house of Clerk Fraser, but knows not where she now is. Jno. Noble reported that there is one Mary —, with Child, now in the house of and service of James Clark, in Ballin loch, in Culloden. She is appointed to be Cited against next dyet of Session.

"The Session appoint the Clerk to write to James Smith, to Enquire narrowly about one Ann McDonald, who went from here to Strathern with Child, especially at the house of Donald Fraser that lived at Culduthel, now at Polochaig, and Report.

"A petition was given in by Jno. Anderson, glover, for a plaid and Clothing to the Nurse and foundling child. The Session Appoint Mr Andrew Murray to advance twelve Shillings Stg. to buy a plaid and three yards Plaiding for the said Child."

"12th June 1764.

"The Moderator reported to the Session that to his personal knowledge the Parents of the Foundling Child was discovered. That by Precognition taken by the Sheriff, it was found that Isobel Clark, daughter to Alexr. Clark, ffarmer in Easter Geddes, was the moyr., and that McPhail, late servant to the said Alexr. Clark, was father thereof.

"Mr Alexr. Clark, mercht., and one of the Elders of Session, reported that the Above Clark, grandfather to the said Child, came to Town, and had agreed to pay what was advanced by the different Session Treasurers for the maintainance of the said Child, and had delivered the money to him accordingly, and had taken charge and burden of the Child off the Session's hands.

"The Session appointed Mr Alexr. Clark, mercht., above mentioned, to pay into the Several Treasurers the money they had advanced for the foundling child, and as they Judged Thirty Shillings too small an Allowance for Donald Fraser, wright, his Services as precentor for 9 Months. They appoint Ten Shillings more to be added thereto, and Appoint Mr Andrew Murray to advance the said Forty Shillings to Dond. ffraser. Extract hereof to be given him."

"22nd Decem. 1779.

"The Session Considering that the Foundling has for twelve Months past been a heavy Load on the poors' funds, and that it is Customary in such cases to Solicit the Charity of Individuals for Support and Mantinance, knowing that the Humane and benevolent will be ready to Bestowe Libraly Something upon an Object of Sympathy and Compassion, They therefore appoint that a Collection be Made up for the above purpose on Sabbath Come, being the Second day of January next. And Intimation thereof to be Made first Lord's day from the Pulpit Immediately after Public Worship, and before Dismissing the Congregation."

"1st October 1782.

"The Session appoint George Schiviz to give Twenty Shillings Str. for the Support of the two Orphans till a further Session Meet, and When any Penalty is Got in, to give a Blanket to the woman who has them."

"22d August 1786.

"The Session Appoint Mr Schiviz to Clothe the orphan Fundling to the Amount of ten or twelve shillings, and They do not think that she should be a burden any longer on the Session, seeing she is eight years of age, and can travle about for her Bread."

"13th Octr. 1788.

"The Session continue the Orphan Girl till the first Feby., and after that period they determine to bestow no more upon her."

"10th June 1794.

"The Session considering that the relations of the Orphan Boy Fraser, maintain'd for some years by the Kirk Session, are desireous to take the Burden of the Child themselves. The Session, therefore, withdraw the Weekly allowance of a Shilling a week bestowed upon him, and appoint the same to be given to the Orphan Black, recommended by Miss Reid, Torbreak."

"11th Novr. 1794.

"A petition was given by Orphan Fraser, whom the Session put off their Funds in June 10th, 1794, to make room for Orphan Black, requesting Aliment. Although the Session thought that the Boy's relations would have taken charge of him, it seems that nothing has yet been done respecting the charge of him. The Session therefore appoint that Twenty Shillings be given to support him for the space of Twenty weeks. The Session also requested of Bailie Young during the space above mentioned to use his influence with the Boy's relations to take the charge of him, as the Session are determined to abide by the Resolution of the 10th June."

"25th Augt. 1795.

"Notwithstanding the former Minute respecting Wm. Fraser the Orphan, for several reasons the Session appoint that he be continued for a year from this date, that the Woman who keeps him be paid from the date of the former Minute when the Orphan was to be discontinued, and

also that Bailie Young be pleased to give him a Suit of Clothes; also it is recommended to Cameron that he be sent to School, and that he attends it."

"27th August 1805.

"The Session appoint that the Orphan, Charles Ansley, be clothed with a Course Suit and two Skirts."

No. XVII.

The following are further extracts relating to the poor:—

“30th Decr. 1712.

“Wm. Riach, pyner, haveing supplicat the Session for some supply in order to pay the funerall expenses of his mother, because he had nothing himself to pay for it, The Session order their Church treasurer to give him four pounds Scotts for that end.”

“1st June 1714.

“The sd. day Jannot **McIntosh**, spouse to James Reid, glover in Inverness, did supplicat the Session for so much money as might satisfy the Doctor for cutting her child and cureing him, because she was not able her self to defray the expense of it, the Session, considering that their treasurer was not present, and not knowing if he had so much to spare, did appoint their Clerk to draw up a paper testifying the truth of the matter, and to recommend her to the charitable contribution of all within the Town and Parish for that end.”

“8 March 1715.

“Ordered that intimation be made from pulpit next Lo. day of a Contribution to be made through both churches for the poor in the place.”

“May 13th, 1718.

“According to former Appointment, the several Elders gave in their lists, and appointed the persons following as a Committee to put all the Said Lists into one, and to Class them into Three Ranks according to their merit and necessity, Reserveing a power to the Said Committee to keep a Reserve for Honest people of Reputation, whose necessity is great, although they Incline not to Seek. The Committee is to consist of the persons following:—Mr Robert Baillie, Mr William Stuart, Baillie Alexander Fraser, James Dunbar, Dean of Guild, James Thomson, Late Baillie William Neilson, John Fraser; and they are appointed to meet this day at 4 a Clock in order to Receive lists for distributing of the forsad Collection of 170£ 7S 2D.”

“Feb. 27th, 1722.

“The Committee Appointed for to Draw up overtures Anent the Relieveing of the poor in their Lamentable Condition, and for geting of

Cloaths for the two Idiots, gave in the overtures following:—

“Primo, That the Session by Ane Act Appoint a publick Collection in Both Churches for Relieving the Necessitys of the poor, And that Intimation thereof be made Next Lord’s day in both Churches in the forenoon. That the Said Collection is to be uplifted Sabbath Thereafter: Which being Considered by the Session, they did approve thereof, And apts accordingly.

“2do. It was Overtured that enquire should be made Into the Voluntary Contribution which was taken up in this Town for Redeeming the Captives in **Mequenes**, and if its found that there is any Remainder of it that may be of Use to our present purpose, that it be Recommended to the Collectors thereof in conjunction with ye **Ministers** to Enquire the Gentlemen Contributors if they Shall think it proper to bestow that Remainder for the Use of the poor of the place in their present straits. Which Overture being Considered by the Session, They did Approve thereof, And appointed Accordingly.

“3to. It was Overtured That in regard there is ane Act of the Parleament of Great Brittain appointing a fund for repairing or building our churches as Need require, that therefor the Session may address the Honourable **Magistrates** and Council of this Burgh to allow the Reparation **Money** from the date of that Act, if any Such **Money** be in the hands of our Church Treasurer to goe for the present Relief of poor objects within the Town and parish. The Session Approve thereof, and appoints ane Extract hereof to be Given to the Council at their first Meeting.”

“**March 20th. 1722.**

“**Mr Robert Baillie** reported that according to appointment he, in Conjunction with others, addressed the several Gentlemen within the Town of Inverness, and enquired them if they would allow what remains of their Contribution for the Relief of their friends who were in Bondage at **Mequenes**, being they are now Redeemed by the King’s Bountie, to be disposed and distributed for the Relief of Necessitous Families in the place, and seeing all were willing to dispose of their proportions, a very few excepted. Therefor the Session did appoint **Mr Robert Baillie**, **Mr William Stuart**, **Baillie Thomas Alves** to Call for the Remainder from **Baillie John Stuart**, and Recommends to the Elders to bring in a list of the **Most Necessitous Families** behaveing themselves honestly, against next Session day.

“2nd July, 1783.

“The Session having Recd. a letter from the Exchequer respecting the distribution of grain for the support of the poor, and the same being read before the Heritors and Members of Session, they appoint the Elders to bring in lists against 5 o’Clock To-morrow Afternoon.”

“2nd September 1783.

“There was a letter presented to the Session from Simon Fraser, Eskr., Shirriff-Depute, which being read, imported that he had a power from the Exchequer to give one hundred and thirty-eight Bolls in Peat, Bear, and Meal, for the poor of this and parish.”

“15th Octr. 1783.

“The Heritors and Elders having met in session to Concert proper Methods concerning the Meal arrived for the poor of this parish, have given it as their opinion that intimation be made from the pulpits first Lord’s day that such of the poor as intend to purchase the Meal attend on Munday and Tuesday next, and have ready Money in their hands at the rate of 6½d per peck, and that also there may be intimation immediately made by the hand Bell that such of the poor as mean to buy apply to Mr Fraser or any of the Ministers for an order who are to be preferred to others, and that a number of them may join together and give in a note of Such Quantities they take, and ready money to be given with their note of the Quantities, and no quantity less than a furlot be given at a time.”

“23d June 1795.

“It was represented in behalf of the Country part of the parish that none of their poor received any benefit from the Weekly Collections on Sabbath days, and therefore begging the Session to take into consideration the Propriety of affording them some relief out of the said Collection somewhat in proportion to what the Gaelic congregation contributes to the Public Charity.”

“9th July 1790.

“Mr Collie, Elder, reported that Colonel McDowal, of the 79th Regiment, gave him five Guineas from the Regiment for the Benefit of the Poor of the Parish. That the half-crown arising from the Marriage Fund be added to the Weekly Collection to enable the Elders to be more liberal in putting poor on the weekly list.”

“13th March 1781.

“The Session Appoint Mr Alexr. Fraser, Minister, and John Grant, Elder, as a Committee to speak with the Magistrates the Necessity of having a Collection among the inhabitants in Town and Parish in order to be transmitted to the Managers of the Infirmary at Aberdeen, which has been a long time neglected, and of bad Consequence to Many distress'd poor people who are refused the Benefit of the Infirmary.”

“20th March, 1781.

“The Session having considered that there has not been a Collection for the Infirmary at Aberdeen for these Twenty years past, and that several diseased persons have been sent from this place, and notwithstanding our neglect to collect for so long a time, the Managers till very lately received objects into the Infirmary, and treated them with as much care and attention as if regular Contributions had been made and remitted to them; but believing that no Contributions were to be expected from this place in future, they at length resolved to receive no diseased from this place or parish, and accordingly Returned Objects recommended to them without administrating any advice or medicine.

“The Session therefore appoint Intimation to be made first Lord's day from the pulpit that a Collection might be made on the Monday following.” [The following seems to be the intimation.]

“The Session having considered that several years have now elapsed since any Collection has been made for the Aberdeen Infirmary, and that the President and Managers thereof have notwithstanding been in the constant use of receiving the number of sick Objects recommended to them from this place and Parish without any hesitation, many of whom returned home in health. Therefore the Session came to a Resolution of Concerting with the Magistrates what is the most proper manner of making a suitable return for this favour. The Session appoint the Ministers as a Committee to converse with the Magistrates respecting the above, and also respecting the common Beggars.”

“9th Feb. 1796.

“The Session appoint that Intimation be made from the Pulpit for a Collection to the Infirmary at Aberdeen the second Sabbath of March, that the Collection shall not be at the Church doors, but by the Ministers and Elders in different districts of the Town.”

"17 Feby. 1789.

"The Revd. **Mr** Fraser reported that he remitted to the Revd. **Mr** Kemp sixteen pounds five shs. and threepence stg., being money collected through the Town to help the Translation of the Bible unto Gallic, and for which Sum he presented **Mr** Kemp's Receipt."

"4th July 1792.

"The Committee appointed by the Session to collect **Money** from the Charitable and Benevolent of the Town in behalf of the old men's and young Families of the Parish of Avoch, whose Husbands and Children were lately drowned, having met, and having given in the **Money** collected, amounting to thirty two pounds five shillings, they transmitted the same to **Mr** James Smith, Minister of Avoch."

No. XVIII.

MANAGEMENT AND EDUCATION.

The monetary and business transactions of the Kirk Session appear to have grown with the times, but from first to last the Session did not neglect their duty in small things. They buried the poor because they were obliged to do so, but others they also buried by acting as money lenders for the occasion, as on July 22, 1712, when they ordered "that bill be drawn upon their Treasurer to advance the sum of twenty shillings sterling for defraying the expenses of the deceased John Robertson, Dean of Guild Officer, his funerals, and this to be repayed to the Church Treasurer by the Representative of the said Defunct when his debts are got in." For nearly a century, too, they lent money to the Town Council for all kinds of purposes, including that of putting the finishing touches on the new Court-House and Jail (17/2/1789). About 14 years earlier, John Howard, the philanthropist, visited Inverness in course of a tour through Scotland on the inspection of prisons. He reported "The Tolbooth of Inverness has no fire-place, and is the most dirty and offensive prison that I have seen in Scotland." Sometimes the Session's system of finance was simplicity itself, but yet not without design, as in their instructions on one occasion to their Treasurer, whom they order to pay to Alexander Brodie the sum of £12 Scots, and appoint him to take no receipt for it.

They controlled and set tacks of two stretches of fishing on the Ness (one, called Inches fishing), at £40 sterling, each cobbles fishing, and not unmindful of the interests of the community, they earned, if they did not secure, the gratitude of the town and parish, by reserving to the inhabitants a supply of salmon for family uses during the whole of the fishing season at the equivalent of a penny of our money per lb. They also gave tacks of farms and mills, such as Gallowhill and Milnfield, and Kingsmills, which they let after intimation at the Cross, according to appointment. The phrasology is peculiar, and is probably meant to cover more than appears. "Whereupon the officer was ordered to call if there be any person or persons who design to have a tack of Gallowmoor and Milnfield, let them appear instantly, and whoever offers most shall carry it, and they being called three severall times, and none appearing, it was given to Paul McPhail." They required collateral security

with the "principle borrower," they sold their houses to good advantage, and then invested the money to better purpose, and conducted their operations to the extent of being prosperous and almost enviably successful.

In 1723 the regiment nicknamed "Kirke's Lambs" was stationed in Inverness, as appears from an entry recording the frailty of a certain Margaret Sligo. In the same year there is a reference "about cutting trees of the old bridge under the water," probably some of the supports or stumps of the old wooden bridge which fell in 1664. The Session at the time of the Rebellion stored the bread for the King's Army in the Kirk Officer's house, and some two years later they recovered a rent for the use of it, which is a further proof of the Session's determination to have their rights.

The records give an occasional glimpse into the industrial habits of the community, and so we learn that in the early part of the eighteenth century the prosecution of the fishing industry was important in Inverness, and even Session meetings had to be postponed to suit it. On July 14th, 1719, "the Session considering that a great many of the members of Session will be employed about the Haring (herring) fishing, they did appoint their next meeting to be upon the 8th day of September next." There was about the year 1750 a company in Inverness for encouraging manufactures. They rented a loft above the library in Dunbar's Hospital. It is interesting to learn, although rather difficult to believe, that so much lint was stored in the loft that the weight of it broke the great joists, and, as might be expected, the Session, saw to it that the Company repaired them.

The Records bear witness to the slow but inevitable changes which time brought about in the "religious observances" of the community. On October 7th, 1712, "it was ordered that sermon begin Sabbath next, half ane hour before nine in the morning, and intimation to be made thereof from pulpit next Thursday.' Singing without reading the line was practised in most Scottish churches by 1761, and the High Kirk of Inverness of course adopted this new evidence of progress and learning. About the close of the 18th century Sabbath Evening Schools were established.

The record of thanksgivings is nearly blank, except in the early registers, but no doubt this simply arose from changed methods of keeping the registers, and did not mean that there were no thanksgiving days. On 5/12/1786, the Presbytery considered the expediency of appointing a day of thanksgiving for the favourable interposi-

tion of Providence in the latter end of harvest, and left it to the Sessions to express their public acknowledgments on a week day or a Sabbath day, whichever was most expedient. The Session of Inverness judged it more expedient to do so on a "Lord's day," evidently unable to spare one of their own for the purpose. The weekly Tuesday preaching flickered according to circumstances, but a struggle was made to keep it up. It is also evident the weekly Sunday Evening Catechising had a big fight for existence.

Alas that it should have to be written, towards the end of the century the moral decadence of the Session became marked. The members themselves, to do them justice, realised that they were falling away from their former state of greatness. They ordered the minutes of Session not to be given out except by approval of one of the ministers (12/7/1789), and for this there must have been a good reason, but, worst of all, they resented the outside talk regarding their affairs, and the evidently unfavourable criticism to which they were subjected, and then they gave a sure sign of their downward course; they stooped to the very questionable process of using threats towards the unworthy tale-bearers of their body (19/1/1790). "The Session considering that their business is carried abroad and undue liberties taken with them, they hereby resolve to censure any one of their members who may be guilty of such a trespass."

Educational matters do not figure so largely in the records as some other things, but the history of public education in the town can be traced throughout the pages, and it is clear the Session gave what encouragement they could to teachers and students, but their funds for the purpose were always low. The entries are quaint:—

"7th February 1716.—The Session ordered bill to be drawn upon David Hoome for 10s sterling, to be given to William Monroe, student of Philosophie, he being now upon his journey to the Colledge and standing in need." "Lachlan Shaw Bursar, got twelve pounds Scots, Alexr. McComie, a young man of genius, was granted three pounds sterling to assist him in prosecuting his studies at College."

The Master of the Grammar School, who complained of old, still complains, and indeed is always complaining, that his salary is in arrears. The resignation of Mr Jaffray in 1712 led to considerable friction between the Session and the Magistrates regarding the patronage of that important position. The Session, while reserving their claim, acquiesced for the sake of peace in the appointment made by the Magistrates. In

the next appointment the Session appear to have reasserted themselves, and the appointment was a mutual one. The invitation to applicants follows:—

“Aprile 1st, 1718.

“The Session and Magistrates, takeing to their consideration that the Grammar School of this Burgh is to fall vacant at the term of Whitsunday next, being the 15th day of May, did appoint that ane edict should be served Sabbath next after publicke worships in the forenoon, inviteing all skilled in Humanity duely attested for their good Principalls and Loyalty to come to the said Burgh and Debeat publickly befor the Presbytry, or other ways submit to Tryall, with all promising that such that are left qualified and deserving shall be preferred.”

In the year 1719, a strange and unauthorised schoolmaster set up a school, and began to teach in the Green of Muirtown, to the consternation of the lawful instructor of the parish youth. The complaint reads as follows in the Kirk Session minutes:—

“Ap. 28, 1719.

“Mr George Steele, Master of the Grammer School, haveing represented that he is discouraged in his work by a great number in the burgh and parioch who support Mr Donald Forbes, to sett up another Grammar School in the Green of Muirtown, did intreat that the Session might take it up to their consideration, and propose some remedy, which representation being considered, the Session did refer it unto the Presbytry to examine Mr Forbes by what authority he sets up a school there, and next that the Ministers lay this befor the Magistrates that they may give orders to the Burgesses of Inverness that they may not support such ane unorderly man, and if need be that the affair likewise be laid befor the Justice of Peace.”

The planting of Raining's School in the town marked an epoch in the education of young Inverness and in that of the youth of the Highlands generally. The correspondence and regulations relating to this school, which has had so marked an influence on the Northern youth for nearly 200 years, cannot fail to please many, nor will the record of the bequest of Mr Hector Fraser (now incorporated in the Inverness Royal Academy Scheme, 1887) be read without interest. Mr Hector Fraser's bust, by Westmacott, still adorns the Academy Hall. The letters from Aberdeen University regarding

Dr Fraser's Bursaries will also be read with satisfaction, as they point to the careful nursing of a fund to which a number of our promising students have been indebted for timely aid down to the present day:—

“Septer. 21st, 1725.

“A Letter from Mr Alexander Dundas, Doctor of Medicine, and Prescise to the Society for Propogateing Christian Knowledge in the Highlands and Islands of Scotland, was presented before the Session, and Read, and it Being Anent An Important affair, viz., of Raining's Mortification for a School, &c. The Consideration of it was Referred to the Committie on the Hospital Accompts.”

“Nover. 30th, 1725.

“A letter was produced from Nicol Spence, Secretary to the Society for Propogateing Christian Knowledge, dated Nover. Eighteenth, one thousand seven hundred and five, shewing that Mr Raining's School is to be settled at Inverness, upon the terms offered by the Town and Session in their Correspondence with the Said Society for that effect, with which the Session are well satisfied, and do Recommend to the Ministers and Magistrates to prepare an Act of Session about George Duncan's Mortification, so farr as by their Letters they have obliged themselves to anex a certain proportion thereof to the said funds dureing the continuance of the said School with us, and Report their Diligence this day fortnight, and in the Mean time delivered the said Letter to the Magistrates in order to prepare what is proper for them on the part of the Town, in order to the settlement of the said school. And the said Committie are appointed to meet on Thursday next.”

“August 23d, 1726.

“The Committie Appointed to Consider of the draught sent by the Society anent Raining's School, and George Duncan's Mortification, Report that it being provided thereby that the Session should present only children who had been for some time taught at other of the Society's Schools, the Committie Judged such a Clause Inconsistent with George Duncan's intention, and prejudicial to the poor of this place, and therefore had Writen to the Society of the Said Exception, and the said Committie produced a Letter from Nicol Spence, showing the Acquiescence of the Society, and that they dispensed with that Clause. The Session Approved of the Conduct of the said

Committie, and being otherwise Satisfyd with the whole draught, ordered the same to be extended, that it may be Subscribed Coram, and sent South with first Conveniency."

"Aprile 11th, 1727.

"Mr Alexander McBean presented a Letter from Nicol Spence, which he had Communicated to the Magistrates, as now to the Session, Acquainting us that the Honourable Society for Propogateing Christian Knowledge had Concluded to Settle Mr Raining's School in this place, according to their Act produced with the Said Letter. The Tenor whereof follows:—

"At Edinburgh, the Sixth day of January, one Thousand Seven hundred and twenty Six Years. The which day, in presence of the General Meeting of the Society in Scotland for Propogateing Christian Knowledge, the Committie of the Said Society showed that they had Writen a Letter to the Magistrates of Inverness, Acquainting them that the two hundred pounds sterling allotted by Mr Raining for building of a school not being as yet payed up, the Society could not make the purchase, nor undertake the building proposed in their Letter, but that they accepted of the offer made of an House in the Interim for the Accomodation of the Schoolmaster and Schollars, and were Content upon the other Encouragements proposed, to take a trial how the Said School will prosper in Their Town; and when the Mortified Money for Building of a School comes in, they will then consider of the purchase, either of the ground for building or house already built, if they find the settlement of the School at Inverness the most expedient mean for advancing the Ends of the Society and design of the Mortifier. And the Committie informed that they had got a Return to this Letter from Mr Alexander McBean, Minister at Inverness, bearing that the Resolution of the Society had been Intimated to the Town Council and Kirk Session there, and that it gave them much satisfaction and joy, and was to them an ample proof of the Society's wisdom, Uprightness, and Impartiality, and the Magistrates were preparing what was proper for them, and he was appointed by the Session to Inform the like on their part, and to Assure of the Zealous Concern of them all for the Encouragement and flowrishing of that School.

"The Committie shewed also that they had two letters from the Presbytery of Tain, Signed by Mr Hector Fraser, Moderator, dated the Ninth of December last, bearing that the Accounts they

had of Mr Raining's Mortification had moved Several Gentlemen of the best note in that Country to a Willingness to Join with the said fund very near the like sume, upon Condition the said school should be Erected in Tain, where provisions of all sorts can be cheaper had than in any place that can pretend to the Benifite of that school. That said Town is a Royal Burgh and in the heart of a Country where the Gentry are well affected to the present Constitution in Church and State; that the Northern and North-west Highlands and the Countries of Caithness, Orkney and Zetland can have easier access to that school at Tain than any where else that can be proposed for it. And the Committie shewed that they having heard the forsaid Letters, and considered what steps are already made towards the Settlement of Raining's School at Inverness, they could not take upon them to give any answer to these Letters from Tain, but left it to the General Meeting to do therein as they should see Cause, and to give directions to them in that Matter. And the Committie also laid before the Society the Scroll of a paper made by the Kirk Session of Inverness, annexing to the school, so long as it continues at Inverness, One Hundred pounds Scots yearly Mortifyd by the Deceast, George Duncan, merchant there, for Maintaining and Educating Six poor Boys, and also a letter that came alongst with the said Scroll, desiring the Societie's advice and opinion and Direction as to the said Draught.

The General Meeting having heard and Considered the Said Report and Letters and paper Relative thereto, they Resolved that a Kind Letter should be written to the Presbytery of Tain, Shewing them the great regard the Society had to their Charitable proposal; But before their Letter came to hand they had gone on so far in the Treatie with the Town of Inverness about takeing a Tryal of the Settlement of Raining's School in their Town, that they found themselves not at liberty at this time to Enter into any Communing upon that Subject with them. Yet the Society hoped and Expected that this will not discourage the Charitable persons who have designed to give the Liberal Contributions the Presbytery mentions in their Letter from going on to accomplish their Design, for that the Society will give all Encouragement to the Erecting of another school in Tain of the same kind which the same the Gentlemen in their Bounds design to Contribute, will give a good foundation to, and the Society Remitted it to their Committie to Consider the Scroll sent from the

Kirk Session of Inverness, and to give their opinion thereabout to the Said Session, and to go on further to adjust all Matters both with Town and Kirk Session of Inverness Concerning the Settlement of Mr Raining's School there that they see Needful. Extracted from the Records of the Society by Sic Subtr.,

“DUNDAS, Secr., Soc.”

No. XIX.

RAINING'S SCHOOL.

(Continued.)

“16th March 1727.

“Att Edinburgh, the Sixteenth day of March, One Thousand Seven Hundred and Twenty-seven Years, the which Day the Committie Reported that they having wrote a Letter to the Magistrates and Kirk Session of Inverness, shewing them that Mr Alexr. Moncrieff is to come there at Whitsunday next in order to take up Raining's School, and desireing them to make ready what concerns that School without delay, and to return an answer to the last letter sent them with their opinion upon the overtures for Rules, and to give an answer to the objection as to the place proposed for the School, and that the Committie had received a return thereto from the said Magistrates, bearing that the Town Council had resolved that the seat in the High Church where the schollars of the Granimar School some years agoe used to sit, should be repaired and appointed for Raining's Schollars. That the Council will take care that the near neighbourhood of both Schools shall not prove discouraging to the Charity School, and in case their endeavours shall be ineffectual, another more remote and convenient would be provided without Loss of time, and that they recorded in their Council Books the Coppie of the Rules sent them, and a resolution mad that they will take care to have the same observed. As also two Letters from Mr Alexander McBain, minister at Inverness, Bearing that the Kirk Session had agreed to the said Rules, and do long to have the same settled. The Committie, finding their Demands are satisfied, Did transmitt the forsaied Letters to the General Meeting, and are of opinion the forsaied Rules should be Established by the General Meeting, and a Subscribed Extract thereof sent to Inverness, to be kept in the School, and that Mr Moncrieff enter to the forsaied school against the first of May next, and his salary to commence from the time he takes up the school, and that Letters should be written to the Magistrates, Kirk Session, and Mr Moncrieff, intimating the premises to them. The General meeting, having heard the said Report, and also an extract of Town Council of Inverness, dated the twenty-seventh day of January last, likewise an Act of the Kirk Session there, dated the twenty-fifth day of

October also last, and the Draught of the Rules formerly mentioned, and maturely considered the whole of these papers, Did approve of their Com-mittie's management, and opinion in this matter in all points, and accordingly do hereby Estab-lish the forsaid Rules, and ordains the same, As likewise the forsaid Extracts of the Town Council and Session to be recorded. Extracted by sic subtr.,
NICOL SPENCE, Clk."

"At Edinburgh, March 16th, 1727.

"Statutes and Regulations for John Raining's School Agreed upon by the Society in Scotland for propagating Christian Know-ledge.

"John Raining, merchant in the Parish of St Giles, in the City of Norwich, having mortified a Thousand pound Sterling for Settling a school in any part of Great Britain, the General As-sembly or their Deputies should think proper, and the forsaid General Assembly having by their Act dated the fourtteenth of May, one Thousand seven hundred and Twenty-five, constituted the Society in Scotland for propagating Christian Knowledge, and their Committee to be their Deputies, and the forsaid Some being payd in and lent out on Heritable Security, the So-ciety have Resolved for a trial to settle the forsd School in the Town and Parish of Inverness, and the following Rules and Statutes are agreed up-on:—1to. The forsaid school is to be called in all time comeing Raining's School. 2do. The sole nomination and presentation of the master of the forsaid school is to be in the forsaid General Assembly or their Deputies, and he is to be tryed by the Presbytery where he resides for the time as to his knowledge in the principles of the true Religion now Established by Law in this Realm. His abilitie to teach Reading and Speaking English and Latine, also Writing, Arithmetick, and Church Musick, and before his admission to trial must produce sufficient Testimonials thereof, and of his pietie, pru-dence, and Christian conversation, and of his good affection to the present Constitution in Church and State. 3to. The forsaid school-master so Qualified and presented is to have twenty-five pounds Sterling Yearly, to be payed half-yearly, twelve pounds ten shillings at each of the terms of Whitesunday and Martimas, with which he is at his Entry to declare himself satisfied, without Demanding or Exacting any furdur wages from those who presint him, or from his Scholars, or other on their behalf. That the Scholars to be Educated in George Duncan's

Mortification, under the management of the Kirk Session of Inverness be presented in the terms of that mortification. These Schollars that are to have their maintainance from John Raining's fund be presented by the General Assembly or their Deputies, and the Rest of the scholars in the Said School to be presented by the said General Assemblies or their Deputies, or by the Magistrates or Kirk Session of Inverness, and the Master is to teach such to Read and Speak English and Latine, as also Writing, Arithmetick, and Church Musick, and Especially he is to Instruct them in the Knowledge of Christianity as it is set down in the Holy Scriptures, and as an help thereto that the Westminster Assemblies Catechisim, both Larger and Shorter, with the Scripture Proofs, be taught every week in the Said School, and that he oblige the Schollars to get the Same perfectly by heart, beginning with Such Questions as are most Easy understood and of greatest necessity, and to make them understood the same, and in order thereunto to Set a part for that end an hour every Monday and Saturday Before noon, the Master is Constantly to attend his proper business in the School during the hours appointed for teaching, viz., From Seven to Nine, and from ten to twelve in the forenoon, and from two to five in the afternoon, Except in the short days of Winter, viz., from the first of October to the first of February, and for these four moneths the Schollars are to Conveen at nine of the Clock, and Continue together till Twelve, and in the afternoon to Conveen at two and be dismissed at four.

"The Master is to take particular Care of the Manners and Behaviour of his Schollars," and by his own example, as well as Instructions, Recommend to them the Several parts and duties of a sober and religious conversation, and by all proper methods to discourage and correct the beginnings of vice, and particularly Lying, Swearing, Cursing, prophanning the Lord's day, Stealing, and all other Immoralities, at the same time minding them of the such parts of the Holy Scriptures, Confession of faith, and Catechisms, where such things are mentioned as forbidden by God, and the contrary duties commanded, that so they may the better Remember and understand the use of the Holy Scriptures and the Confession of Faith, and Catechisms, and learn to govern their life by them.

"7o. The Master shall pray Evening and Morning in the School, and endeavour to instruct and engage the Schollars to pray in private at least morning and evening, and to beg a Blessing Before, and to give God thanks after meat.

"80. The Master shall not only attend the Publick Worship himself on the Lord's Day and other occasions, but shall also take care that his schollars shall do the same, and that he go upon their head thereto, and see that they behave themselves in the Church, with due attention and reverence, and to oblige them to the greater attention, he shall either on the Lord's Day, in the Evening, or Monday Morning, call them to an account of what they remember of the Lecture and Sermons which they have heard.

"90. The Master is to teach his Schollars to read, and for that end shall teach them the true spelling of words and distinction of syllables, with the points and stops which is necessary to right reading, and serve to make them more mindfull of what they read, and after they are taught to read, the Master is to make them read every Day some portions of Holy Scriptures, especially such parts of them as are most suitable to their capacities.

"100. That so soon as they can read competently well, the Master shall teach them to Write a fair, Legible hand, and also instruct them in the Elements and most necessary Rules of Arithmetick, that they may be thereby Rendered more usefull in their several stations in a World.

"110. That the Master take the most proper methods for obligeing the schollars to attend at the hours appointed for teaching, particularly he is to use his Interest with the parents of the Children, or others whose care they are under, that they may not Suffer them to be absent at such hours, and he is to Call over the names of his Schollars every morning and afternoon, to know whether they come Instantly at school hours, and if any be Missing, to mark their names with a Note for Tarde, and another for absent in Quarterly Bills. Whereon also any Gross faults the Schollars shall be guilty of are to be marked and laid before the Visitors, in order to their Correction or Expulsion.

"120. There being at present a great scarcitie of persons having Irish fit to teach schools, and great need of such, and this Mortification being piously designed, It is agreed, in order to make the same more extensive and usefull, that the Remainder of Mr Raining's Mortification, after paying the School Master's fees and the expenses for furnishing necessary books, be applyed for Maintaining at the said school Fatherless or other poor children, and Qualifying them to teach schools in the Highlands and Islands, under the following Limitations, viz., That the persons who shall enjoy the benefite of the forsaide

maintainance shall be presented thereto only by the General Assembly or their Deputies, being such as have either been two years before at Raining's School, or have been schollars at one or other of the Societies' Schools in the Highlands or Islands, and neither these of Raining's School, nor such as shall come to it from the Societies' schools, shall be capable of this encouragement, unless it be duly certifyed to the Society that they are above Twelve years of age, and do understand Both the Irish Language and something of the English, and that they have a more than ordinary Genius for Letters, and are so poor that they are not able to maintain themselves, and who shall become engaged at their entry to this maintainance, that they shall serve as School-masters in some of the Societies' Charity Schools so soon as the Society shall Judge them Capable for that office, and for the encouragement of these who shall become so engaged, each of them shall have eighteen pennies Scots for every day that they attend the School, and as much for the Lord's day, and twelve pound Scots at the end of the year for a sute of cloaths and a pair of shoes, and this allowance shall continue during the Assemblies or their Deputies their pleasure, and because the Master of Raining's School is to have no allowance for a Doctor. The forsaid poor Schollars, after they are capable, shall assist him in teaching the other Schollars by his Direction, because the General Assembly and their deputies cannot themselves visit, and give all the particular orders needful about their school, the Presbytery of the Bounds, Magistrates, Ministers, and Elders of the parish, where the school is or shall be, are empowered to visit foresaid school the first Monday of February, May, August, and November, or oftener, as they shall see cause, any three of them to be a quorum, who are to enquire into the attendance and carriage of the Master and Schollars, & how the forsaid rules are observed, and also to try the proficiency of the Schollars, examine these concerned, as to what is amiss, and proceed against such as are found guilty of any gross faults, as they see fit, and acquaint the Assembly or their Deputies from time to time with the state of this School, and what farder Regulations they judge necessary, and these visitors are to give orders for payment of the masters and poor schollars above-mentioned, and to see that the Accompts of this Mortification be kept clear and regular, and distinct from all other funds whatsoever, and that the same be yearly filled once before Candlemas for the preceeding year, and be reported to the General Assembly or their Deputies.

"14o. These rules are to be affixed in proper places in the forsaid school, to be read by the Masters and schollars, and any who please, and they are to continue in force, and to be punctually observed by all concerned until the same be altered. Sic Subtr.,

"Jo. DUNDAS, Sec. Soc."

"July 18th, 1727.

"The Session being Informed there are Several Children at Mr Raining's School whose parents are in Case to pay their School Wages, They did appoint Baillie McLean, Alexr. Chisolme, Alexr. McIntosh, George McKilligin, Alongst with one or both of the Ministers and Clerk as a Committie to Visite the said School, and Report to the next Session as they find the matter to be."

"July 25th, 1727.

"The Committie Appointed to visite Raining's School Reported that they did Accordingly, and found the Number of the Schollars to be one Hundred and Twenty-five, and that there was little or no ground for what has been Talked of Children their being Sent to that School, Whose Parents were well able to pay their School fees. And that they had Recommended to the School Master to Call at one of the Ministers or some of the Elders to whom the Relations of those Children that are offered to him may be best known, and that before the admitting of such Children he may have their opinion as to their being proper objects of the Instruction of that School, Which Report was Approven of By the Session.

MR HECTOR FRASER'S BEQUEST.

"10th Jany. 1797.

"The Revd. Mr Fraser represented to the Session that Mr Hector Fraser, late Rector of the Gramar School of Inverness, had bequeathed the sum of One Hundred Pounds Sterling, in order to promote and establish an Academy at Inverness, reserving to Simon Fraser, Esqr. of Faraline, William Inglis, Esq. of Kingsmill, Simon Fraser of Boblaine, and the said Revd. Mr Fraser, of Inverness, his Trustees, or the survivor of them, and after their decease to the Provost and Eldest Minister of Inverness whom the said Mr Hector Fraser appointed as Trustees (for this special purpose) the power of presenting constantly and successively a Student to the said Academy of the name of Fraser, son of a Burges of the Town, or one of the Name born in the Town or Parish."

DR FRASER'S BURSARIES.

"26th November 1818.

"A letter from Mr McPherson of the University of Aberdeen to Provost Robertson was presented and appointed to be recorded.

"Coppo Letter, Dr McPherson, King's College, Aberdeen, to Provost Robertson.

"28th September.

"Dear Sir,—I have great pleasure in stating to you for the information of your colleagues in the Magistracy and the Clergy of Inverness that in consequence of having advantageously feued a property in which the Fraser Bursaries, among other Trusts, have been secured, the College has been enabled to raise the present Philosophy Bursary of £5 10s to £15, and the Divinity Bursary of £6 to £16 10s. They have further come to the determination of adding two more of equal value, so that a new presentee in each department from the same patrons will be admitted for the approaching session, in addition to the two already upon our List. I need not say how gratifying it is to the University to render so satisfactory an account of the Charity committed to their care by their worthy benefactor, Dr Fraser, and which amongst other ties has so long connected them with the respectable body upon which he devolved the patronage of his bursaries.—I have the honour to be, with great respect, Dear Sir, your very obedient and faithful humble servant,

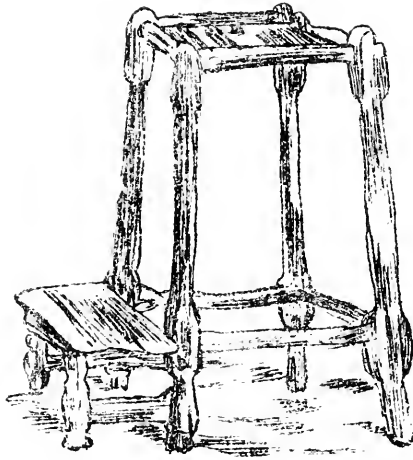
(Signed) "HUGH MCPHERSON."

"Extract of a Letter from King's College, 7th November 1818, to Provost Robertson.—

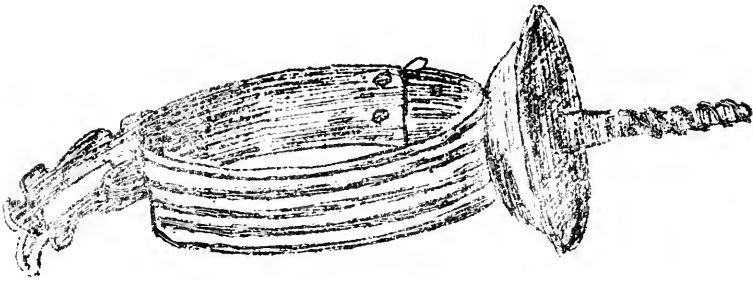
"I am now authorised to state for your information and that of the other patrons of the Fraser's Bursaries, that altho' in consideration of the low state of their Funds the Clause in the Original Deed of Mortification, by which the Divinity Bursar was charged with the important Duties of Librarian to this University, had ceased to be enforced, the College now feel it their duty to avail themselves of the provision of the Deed on this particular, and to request that the patrons will intimate to their presentees that they will be required by the College to take charge of the Library accordingly.

"As, however, now with the great increase lately added to it, the income of the divinity Bursar must still be inadequate to the maintenance of a student here for the whole year, the College, with a view to the strict fulfilment of the

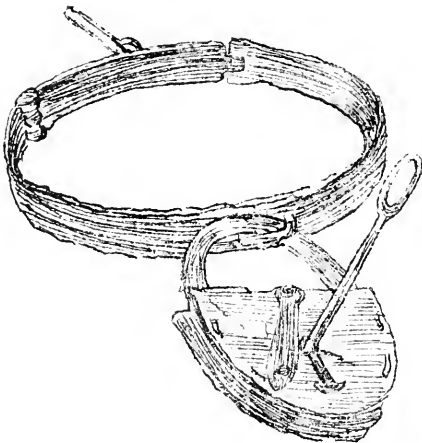
duties of Librarian in future, will consent not only that the thirty-three pounds per annum, lately proposed to be divided between two shall actually be conferred upon one divinity Bursar; but also that his Income be further augmented to forty pounds per Annum, a Sum which it must be obvious to the patrons will render the situation of Bursar and University Librarian highly desirable to any young man on literary pursuits. I shall hope to be favoured with an answer from you at your earliest convenience, and there being at present no divinity Bursar of the name presented on the Mortification Deed, it will be for the patrons to direct the present Incumbent to comply with its regulation until the philosophy Bursar of the name shall have completed his course. (Signed) HUGH MCPHERSON."



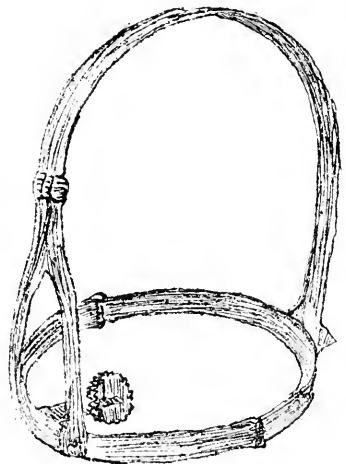
COCKSTOOL.



DELINQUENT'S BRACELET.



JOUGS.



BRANKS.

No. XX.

DISCIPLINE.

The various forms of Church Discipline and punishment at an earlier date have already been illustrated. The following may be regarded as typical of the methods of discipline in force from 1712 down to the time that such customs were abolished.

There is some small satisfaction in the reflection that in the town and parish of Inverness barbarous implements, such as the Jongs and the Branks, were, so far as can be traced, not used during the seventeenth and eighteenth centuries. This may have been owing to the fact that there always was in the town resentment and persistent resistance to such Church punishments, to which feeling traditions of Cromwell's Ironsides in the place largely contributed. Dr Rogers says, in "Scotland, Social and Domestic"—The soldiers of the Commonwealth beheld with surprise and disgust the degrading sentences inflicted by the Church for offences which they deemed utterly trivial. In a burst of rage they everywhere swept away repentance stools, jaggs, gyves, and sackcloth habits.

"1 May 1712, Thursday.

"Lachlan McIntosh, called pro. & not comparing, the Session order that he be cited to the next dyet, with certification, & in the meantime desire that Thomas Fraser, one of the Elders, acquaint him of the Session's forbearance and his hazard."

"July 8th, 1712.

"Alexr. McKenzie called, compeared, & being rebuked for his scandalous cohabiting with his party, he was ordered to attest her being removed from his family betwixt & the next Session day, otherways application to be made to the Justices of peace to be punished according to Law."

"July 8th, 1712.

"Isobel Robertstone, called, the officer reported that she refused to come, whereupon the Provost ordered the officer secure her in prison, whenever he could apprehend her, till she found sufficient bale to satisfy the discipline of the Church."

“20th of July 1712.

“And further, with reference to this affair of Thomas Robertson and Janet Excellie, The Session find that the report that was in some people’s mouths anent a rapp was altogether unvidious and callumnious, In regard—1mo, The woman acknowledged judicially and to severalls of the elders that she was not forced; 2do, That she did not cry; 3d, She denied the guilt, and used means for consealing of it for some days; 4to, The Session’s convinced that Excellie’s parents, moved to make such a slanderous report, of purpose that they might procure a piece of money from Thomas Robertson for making agreement with him.”

“July 22nd, 1712.

“In regard there are severall delinquents who refuse to give obedience to Disciplin, the Clerk is ordered to draw out a list of them, & of all who have not payed their fines, that applicatn. may be made to the Com-misar or Justices of Pease, in which number are Lachlan McIntosh, Colin Falconer, & Angus McIntosh.”

“16th Decr. 1712.

“In regard there are a good many delinquents who refuse to obey disciplin or to attend the Session when called, the Clerk is appointed to draw up a list of them, & give warrant to the officer to give each of them citations, and writte, that he may return the executions in order to a legal process.”

“Sept. 16th, 1718.

“William Simpson, Miller in King’s Milns, gave in a Complaint upon William McPherson, in Culcabuke, for Breach of Contract with his Daughter, and Begged he might be Refounded of his Charges, upon which the Session ordered that the said William McPherson be cited to the next session with his Caur, Donald McPherson there.”

“Nover. 18th, 1718.

“William McIntosh, who brake Contract with Elizabeth Simpson, being called, Compeared, and Craved yt. he might have his fine modified, being he hade Small Children, Upon which It was put to the vote, and it Carried in the affirmative, that he should pay only Ten pound Scots, Which accordingly he did to Alexr. McIntosh, penalty Treasurer.”

“June 9th, 1719.

“The Session Receiving a Delation against ane Alexander Christie as a man of a very bade Character, particularly that he does not attend the Ordinances Since he came to the Town, and Severall other Aquasations given in against him, The Session therefor, Considering that his Staying in the place ore his being Received into it by any of the Inhabitants is Contrary to Ane Act of Council of this Burgh, Therefor they thought fitt to Complain thereof to the Magistrates, not doubting but they will Execute this particular at their Conveniency, & order our Clerk to give Ane Extract hereof to one of ore Either of the Magistrates.”

“Deer. 15, 1719.

“The Session considering that ther are severall women that have nothing wherewith to pay their penalty, and Therefor did apply to Tho Magistrates that there might be a Cockstool erected at the Cross for punishing of Those, The which the Magistrates agreed unto, and the Session ordered their Theasurers to agree with Workmen, and Cause doe it as soon as possible.”

“Janr. 19th, 1720.

“The said day The Magistrates gave full power to Alexander Chisholme, penalty treasurer, to pursue and Imprison all delinquents untill they payed their penalties. Ore Gave Sufficient Bale for the Same, and Satisfying of the discipline, and the Town officers were ordered by the Magistrates to obey the said Alexander Chisholme (or his Successors in office) at any time he Calls for that purpose.”

“March 15, 1720.

“The Session also gave it as their opinion That the Women that are with Child, or are giveing Suck, Should be let alon untill their Children either dye or be Nurced, and then that they Should be Corporally punished, if they have not wherewith to pay their penalty.”

“June 20th, 1721.

“Delated the following persons for fishing upon the Lord's day at Eight a Clock at Night:—John Dingwall, John Fraser, Allan McDonald, Robt. Polson, William Chisholme, Hugh Fraser, Murdow Polson, The officer was ordered to Summon them to the next Session.”

“Aprile 10th, 1722.

“Christian Ross, being called, Compeared, and adhered to her former Confession, and that Mr John Polson, younger of Kinmyles, was Father of the Last Child She brought Forth. And it was Reported That the said Mr John Polson owned the Same, And promised to give some Acknowledgement to the poor, Which being Considered by the Session, They did Appoint the said Christian to Compear befor the Congregation next Lord’s day, and be rebuked.”

‘May 15th, 1722.

“Reported that Christian Ross, who fell with Mr John Polson, Younger of Kinmyles, had Satisfy’d the Discipline, and was absolved, but was referred to Gillies McBean for her penalty, & Mr Stuart & Mr Baillie were appointed to Mind Kinmyles of his promise to give Simething to ye poor.”

“May 15th, 1722.

“Reported that Catharin Sinclair did Compear before the Presbytery, but made no Confession, and was Remitted by them to the Session.

“Simon McKenzie Compeared, and Represented to the Session That his wife was going to See her friends, And that he did not think it proper to keep Catharin Sinclair Longer in his house, and being She was Ready to goe down to Caithness to Answer to the Session of Thurso and Presbytery of Caithness, who by their Letters to this Session were Calling for her, Therefor pleaded That The Session might give her Leave and Liberat him from his Cawrie.”

“October 23d, 1722.

“Reported that Margaret Mill had gone from the place, but that Alexander Baillie, Cleireach a Bhaile, had owned to be Father of the Child She is with. The Officer was ordered to Summond the Said Alexander Baillie to the next Session.”

“November 20th, 1722.

“Alexander Baillie Being Called, Compeared, and Confessed a fall in fornication with Jean Mill. He was seriously exhorted to Repentance, and Craveing this his publick Appearance might be delayed untill he would Converse with the Ministers, and for some

other reasons. It was granted him, and The Session Referred him to the Magistrates for his fine."

"May 12th, 1722.

"Compeared before the Session Alexander Baillie, Cleireach a Bhaile, Inverness, and in the Humblest Manner he could Reach, Confessing the guilt of fornication with Jean Mill, and Scandall given to the Church thereby, and Representing that he was in Extraordinary Circumstances, which he Represented at Large to the Session, and which Required their Sympathy in Shortning the time Appointed By the Rules of the Church for Removeing the Scandall. He would not presume to prescribe to the Session, but after due Consideration of his Circumstances he expected they would doe all they could for advancing his good. The Session haveing Considered the Representation and Confession of the Delinquent at a former dyet of Session, as also what is Extraordinary in his present circumstances, and haveing Reasoned at Large, and allowed tho Delinquent to be present for his Edification, particularly when tho Ends of Discipline were Considered, whither they could be Reached by Shortning the time or not; Some Expressing grounds of hopes, and others as pointedly the grounds of fear. It was at Last put to this State of the Question, absolve now in presence of Session or hereafter in face of the Congregation, and it Carried, Now in face of Session by all the Elders, The Modr., with all due Regard to the judicatorie, Entered his dissent when Required, and so left the Chear, Whereupon Mr William Stuart, Hopeing the more Effectually to gain the Delinquent, and Being sure thereby to maintain the Harmony of the Court, Took the Chear, and haveing with a deep Concern Represented to the Said Delinquent his Sin with the Aggravateing Circumstances thereof, Rebuked him for it, Received his Confession and Solemn promise for Better Guard & Conduct for Hereafter, Absolved him from the Scandall of fornication given to the Church, and Exhorted him by the fruits of Repentance to Confirm their Charity and his own hope of Remission in the Court of Heaven."

"July 23d, 1723.

"The Session Recommend it to the Magistrates to Cause Banish one Catharin Bean for her Scandalouse Behaviour in following the Souldiers from this place Under a pre-

tence of Being Married, and is now Returned, Being Banished from the Regiment."

"November 19th, 1723.

"Catherin Ross, Servant to Hugh Robertson, Compeared before the Session, and told that upon the third day of August last she had been Basely Maltreated upon the High ways betwixt the Town and the King's Mills by William MacRobert, youngest of Oirleachin, in Company with Ensign Collums & Cadie Jackson in Collonel Kirk's Regiment, who had tossed and tumbled her in a most Indecent and Barborous Manner, and Declared that the said William MacRobert was the Chief Instrument and Instigator of the others in the Rude Assault made upon her, haveing himself first wrestled with her, and then taken the plaid and Bonnet from Ensign Collums, whom the said William provoked to drage her into the Corn, where they Shuffled her Cloaths, and the said William Beat her naked Body with a Drawn Brod Sward, All which being Considered, The Session did Appoint the said William to be Summoned to the next Session."

"December 24th, 1723.

"It was Signify'd to the Session that William MacRobert, youngest of Oirleachin, desired a Conversation with the Ministers and any of the Elders the Session pleases, which being Considered, they did grant the same, and did Appoint Baillie John Fraser and David Hoome with the Ministers to Converse with him and Report."

"Aprile 7th, 1724.

"The officer reported that he had Summoned John Fraser to this Session, who Being Called, did not Compear. It was suggested that the Session should not Insist upon Chargeing the said John, Being it might have had bad Consequences, which being Considered by the Session, They did agree to the same, and Appointed the Ministers to apply to his Mother, in order to pay his penalty, & the woman, she being Miserably poor, Also Appointed her to Compear before the Congregation next Lord's, & be Rebuked."

"May 5th, 1724.

"It was represented to the Session that one Barbara McKenzie, Late Servitrix to Widow Lockhart, had fled from this place, and was

Suspected to be with Child, and to be Convoeyed by William Hay, Mert., and Alexander McKenzie, Taylor; Anna McKenzie, Sister to the said Alexander; Isobell Hay, Sister to the said William, and one Isobell Logan, And they being all Cited to this dyet, and being Called, Compeared William Hay, and Confessed that he had the said Barbara McKenzie's Chist in Custody in his Shope, and that the sd. Barbara Delivered it to his sister when he was absent, and Injoyned her to Secrecy; Also Compeared Alexander McKenzie, Taylor, and Confessed that the said Barbara was in his house a Night before she went from this place, but knew no more about her. The Session considering both their Circumstances and Confessions, Recommend to them to make Diligent Enquiry for the said Barbara for their own Exhoneration. The Rest of the above witnesses being Called, did not Compear."

"Febr. 22d, 1726.

"Isobel McKenzie, Being Called, Compeared, and Confessed a fall in fornication with John Fraser, Brother to Fairfield. She was seriously Exhorted to Repentance, and ordered to compear Before the Congregation next Lord's day. Mr Stuart Reported that the said John, since he took his voag for America, did draw upon his Brother for three pound sterling to the poor of this place, to be disposed of By the Session, As his fine for this fall and the former, which Bill was delivered to the penalty Treasurer in order to pursue Fairfield for the Said Sume."

"May 19th, 1726.

"The Sossion, takeing under Consideration the Continued Scandalous Behaviour of Christian Hepburn, who hath lately brought forth a Child, We know not to whom, As she did Severals before, in Uncleaness, and that all the pains used by Session & Magistrates in time past have had no Effect for Reclaiming the said most Lewd and Infamous person, but that Rather she waxeth worse, and hath been often Surprized in Acts of Wickedness, Therefor The Session, not thinking it to Edification to proceed Longer with her in Usual Course of Church Discipline, Did and hereby do Refer the said Christian Hepburn to the Authority of the Magistrates. Intreating they will in Such ways As they Judge proper, by Exemplary punishment, Banishment, or otherwise, Endeavour to Redd the place of a person so Infamous and Incurrigable."

“May 24th, 1726.

“John McKenzie, being called, Compeared, and his wife, with his Mother in Law, And he being asked If he did beat his wife on the Sabbath day, peremptorily deny'd it, And they being Enquired whither or not he did so, were in a great strait what to say, only owned the Effusion of Blood, without Chargeing him therewith. The Session haveing Considered the same, with the Nearness of relation between them, and willing rather to Maintain than break the peace of the Family, Dismissed them with an Exhortation to their duty & Better Behaviour hereafter, with certification to him that if the least Complaint of Misbehaviour Come to the Session hereafter, They will make the outmost Search into the present as well as into after Complaints.”

“May 14th, 1728.

“George McIntosh being called, There was a Letter sent by him to the Modr. owning his guilt, and Intreating he should be Delay'd for a time, because If it came to his Grandmother's Ears, it would prove hurtfull to him, because that by her he had his liveing at the time, Which being Considered by the Session, they granted the delay, and appointed the said Catharin McIntosh to Enter her publick Compearance next Lord's day.”

“January 27th, 1730.

“Delated to This Session one Isobell McLeod, who upon her being apprehended in a Chamber with Soot Doors and Indecent posture with Souldiers, The The said Door having been made patent by the Call of the Guard and Town officers, had been thereupon Incarcerat in the Tolbooth, by Order of the Magistrates, where she had Continued for about a fortnight. Baillie John Fraser being in Session, Caused The Said Woman to be brought, and being Sisted By a Town officer before the Session, and the said Acquisition Appearing to The Session to be too well grounded, and finding That the Said Isobell is a Stranger, and had brought no Testimonials to this place, The Moderator did, in their Name and presence, Sharply Rebuke her, and discharged her to Continue any Longer in this Town or Parioch Without produceing Testimonials, or finding Bale for her future good behaviour, And Did Recommend her to the Justice of the Magistrate Now present for Such Corporal Chastisement as he in Law may Inflict.”

“March 17th, 1730.

“The Session having Caused Read over their former Minutes for Some Dyets of Session past, and finding thereby that a great Number of Delinquents had been Again and Again Often Summon'd, Who Notwithstanding had not hitherto Compeared, They do hereby Appoint the Clerk to put a full and perfect List of all the Said delinquents lyable to Discipline into the hands of the officers, Who are, Denova, to Summond the Said Delinquents to such dyets of the Session As Shall be Appointed them, and to Verify their Citations by Subscribed Executions, That the Session thereupon may lay before the Magistrates the Names of Such as Shall be found Refractory or Contumacious to Discipline, as they Shall See Cause.”

“March 17th, 1730.

“Mary McRae, about whom, as a very flagitious person, The Presbytery of Garloch had sometime agoe written to The Presbytery of Inverness to make Enquiry in there bounds, And She, having been discovered and Apprehended in the Parish of Calder, and presented before this Session, They Appoint Their officers to Convoy and Deliver the said Mary McRae to the Minister of Kirk-hill, that She may from Parioch to Parioch be Returned to the bounds of Garloch, And Appoints James Murray, Kirk Treasurer, to give them Eight pence for their Labour.”

“October 13th, 1720.

“William MacRobert of Oirleachin Compeared, and Confessed a fall in fornication with his Lady before Marriage; he was seriously Exhorted to Repentance, and Ordered to Compear before the Congregation, and be Rebuked and Absolved.”

“December 8th, 1730.

“Donald McKenzie, Squair Wright, and Margaret Fraser, Being Delated to This Session as Cohabiting together under a pretence of being Married, and They being Summond, Were Called & Compeared, And they being Interrogat by The Moderator of the Truth of their allegation, both of them denyd their being Married, Upon Which the Session ordered them to give their Names to the Clerk in order to be Proclaimed & Married Legally,

and Both were Seriously Exhorted to Repentance, and Sharply Rebuked for their former Behaviour.”

“2nd September 1735.

“The Session having agreed that a Separate Register be kept for Discipline, They appoint that nothing but what concerns the Hospital, and poor’s money, with what other matters necessarily concern the Session, be here inserted.”

PART III.



WEST PARISH CHURCH.

INVERNESS
KIRK SESSION RECORDS
PART III.

No. I.

THE LIBRARY.



IT has been characteristic of Presbyterianism that it has always fostered and encouraged the learning and enlightenment of the people, and the re-establishment of the Presbyterian form of Church government in 1690 was closely followed by a movement to form libraries in the remote districts of the Highlands. In the year 1704 the General Assembly of the Church of Scotland declared their approval of a scheme devised by some piously-inclined people in England and Scotland for providing libraries in the Highlands of Scotland, and in the following year, by an Act of Assembly, they divided the whole of the books into territorial libraries of two kinds, presbyterial and parochial. Of the former, Inverness (including the shire, it is presumed) was to get one and of the latter three. In 1706 the Assembly issued instructions to their Commission to demand from their Committee of the preceding year (1705) a return giving particulars of receipt and disposal of the books supplied to them. Three years later—1709—finding the books were not sufficient to go over the whole of the Highland Presbyteries, as anticipated, the Assembly recommended to such Presbyteries as did not receive any of the books sent from England for making up public libraries, to contribute amongst themselves so as to lay the foundation for a library in each Presbytery seat, and also to endeavour to procure collections in their several parishes more or less for that end.

The foregoing remarks substantially describe the origin of the Inverness Library, generally known now, where and when known at all, as the "Session" Library. The parish libraries promised to Inverness must have gone to the county if they were sent north at all, which is doubtful, as there is no trace of them. Nevertheless, in the beginning of the year 1706 the Kirk Session had under its

control the nucleus of a good library. There is written in the first page of an old book at present in the Library the following entry:—“A catalogue of the books sent by piously disposed persons in London to the town of Inverness as the beginning of a Presbyterial Library in that bounds, with an account of the value put upon the said books by Mr Henderson, stationer, Edinburgh.” Then follows a detailed list of books extending to some seven folio pages and comprising about 200 volumes. In addition to above, there were also received 30 Irish Bibles and New Testaments bound together, 45 Irish New Testaments, 150 Catechisms, 12 copies “A Plain Man’s Reply to the Roman Missionaries.” The whole was valued at £775 0s 8d. Mr Robert Baillie, one of the ministers of Inverness, certifies the entries in the following memorandum:—“The soume of the whole books sent from London being appreciate by men of skill as they might be bought in this place, amounteth unto seven hundred and seventy-five pounds eight pennies Scots money, they being sent to the Shore of Inverness without any cost or trouble to this place.

“RO. BAILLIE.”

The Library at first put the ministers into something of a dilemma. A library cannot be kept together without a suitable place to keep the books in. The ministers do not appear to have had any proper place for the purpose, and at last they were obliged to make representations to the Kirk Session, who provided a room in Dunbar’s Hospital, which, however, seems to have been contrary to the intentions of the founder of the Hospital. From this time forward the Library appears to have passed entirely into the control of the Session, who not only housed it, but, as will be observed, provided various accessories from time to time as needful out of the penalties funds.

“22nd April 1707.

“It being represented to the Session by the ministers that a proper place be thought upon for the Library, qrfor the Session considering that, did speak to James Thomson, hospitall treasurer, that he look out for a room in the hospital house that may be fitt and convenient for that purpose, and that the said room be made good and sufficient for that end.”

“13 May 1707.

“Some of the Session were appointed to go to the hospital house and consider of a room for keeping and preserving the Library.”

“May 30th, 1707.

“The Committee appointed to view and make report of the most convenient room in the hospital for the Library, report that the large room toward the north, on the second story, appears the fittest room, qupon the Session did appoint that room to be repaired for yt end.”

“Oct. 21, 1707.

“It was represented to the Session that the Library was now set up in the hospitall, in the hall above the weigh house, and that all benefactors would have access to make use of or borrow books conform to the rules thereanent two days in the week, namely, Tuesday and Thursday, from two till four in the afternoon.

“It was likewise proposed that if the Session had any fond they would be pleased to mortifie something to the Library, which is still under consideration, as also that the minirs. might be allowed, in the Session’s name, to adrese the Magistrates and Town Council to bestow something ysway out of what fond they think fit in regard to sd library may be of good use to the burgh in a very little time, which was granted.”

“4th November 1707.

“Mr Baillie reported his diligence in petitioning the Town Council on behalf of the Library, and that they appointed John Tailzer, treasurer, to give ten pond sterling qn in cash for encouraging that good design, an extract qrof was read, qupon the Session appointed their humble thanks to be given to the Provost and Magistrates present, which was accordingly done.”

“March 7th, 1708.

“It was represented that the two closs presses in the Library are as yet resting, and the money given in by gentlemen donators to the Library was only mortified by them to buy books and not to buy presses, and therefore it is necessary yt some fond be thought upon, not only for paying the presses already made, but also for making of two new presses, in regard the presses in the Library cannot contain the books, whereupon the Session appointed Mr Rob. Baillie, Mr Wm. Stuart, James Dunbar, Kirk Treasurer, and James Vaus to meet and consider what the expense of building the church-yard dykes might amount to, and that they compaire the expense wt. the fonds of penalty, according to ane former Act yranent and reparation money in the hands of the respective treasurers, and that the

presses already made and to be made be payed out of the penaltys of the sd. delinquents imposed since that Act."

"March 23, 1708.

" . . . As also ordered that out of the subsequent money the two presses bought some time agoe from Matthew Moore be cleared, and yt half-a-dozen chairs bought from William Grant, carpenter, be payed, as also yt two new presses for holding of books be bought, which shall be allowed to David Angus upon his producing receipts of ye sd paytts."

"April 3rd, 1709.

"Ordered Nemine Contradicente that out of the first and readiest of the penaltys David Angus or his successor in office make paytt to Wm. Grant, carpenter, for an dozen and an half chairs, with a table, for the use of the Library, which shall be allowed them in their accompts of the penaltys upon Wm. Grant's receipts."

"December 27, 1709.

"Ordered that the Clerk give twentie pounds Scotts to Matthew Moor, carpenter (there being so much of the fines at the time) in part of payment of some presses he made for the librarie books."

"24 Jan. 1710.

"The Clerk reported that he gave twentie pounds Scotts to Matthew Moor in part of payt for worke done in the Librarie, according to order."

No. II.

For some years after this the history of the Library seems to have been quiet and uneventful, but exceedingly prosperous. The project had been taken up heartily by the local community, who made substantial gifts to it both of books and money. During the first ten years of its existence no less than 105 individual names are recorded as benefactors in the form of donations, and the list includes all sorts and conditions of men, landed proprietors, merchants, glovers, ministers, a Dean of Guild of Inverness, apothecaries and physicians, the Provost and ex-Provosts of Inverness, the postmaster, a professor of music, collectors, maltsters, bailies and ex-bailies, the treasurers and ex-treasurers, advocates (Duncan Forbes, &c.), writers, carpenters, peri-wig makers, watchmakers, the Town Council of Inverness, goldsmiths, chirurgeons, a commissar, a litster, a collector of Excise, students, Excise officers, brewers, and skimmers.

If one man's money is as good as another's, why was the Right Honourable the Laird of Mackintosh's "ane guinea" —14 04 00—and the Laird of Kilravock's "ane guinea" only worth £13 20 00? Surely a case of weight?

Chief of all the benefactors was Mr James Fraser, Secretary of Chelsea Hospital. This gentleman was a son of the Rev. Alexander Fraser, minister of Petty, 1633-81. Mr James Fraser and his brother William, governor of Fort St George, in the East Indies, both took a deep interest in the Library from the time it was founded till their death. Besides gifts in books and the sums mortified for the benefit of the Library, Mr Fraser selected the books, made the purchases, and sent them to Inverness. One such consignment got shipwrecked, and the entry relating to it is subjoined as showing how methodical the custodians were in those days in their care of the Library.

"A catalogue of the books which were preserved when Skipper Bell's ship was cast away upon the rocks at Carnsbulgh head in two large cases from Mr Stretton, and two boxes from Edinr. There was lost at that time two large cases and a cask of 32 Scots gallons full of books, the case from Mr Stretton, minr., London, and cask from Mr Fraser at Chelsea, with an account of the ordinary value of the Library as if none of the books were damnified yet; where the letter 'D' is prefixed it signifieth that the book is damnified."

After classifying the books into an alphabetical list, Mr Ro. Baillie wrote the following entry at the end of it:—

“Of all which books with the donations in money and gold above mentioned, Mr Robert Baillie grants the receipt and oblidges myself to hold count to the Presbytery of Forres and Inverness, as wit my hand at Inverness, sixth day of April 1708. RO. BAILLIE.”

A librarian had, however, been previously appointed; a careful man, as is seen from the statements he recorded in the old manuscript catalogue.

“At Inverness, the Eleventh day of December, one thousand seven hundred and seven years, received the above written books contained in the foregoing thirteen pages, each of which pages are subscribed by Mr Robert Baillie, one of the ministers of Inverness; in the keeping of which books I obleige myself to be faithful and to walk by the special advice of the ministers of Inverness in observing the rules of the General Assembly anent the Highland libraries. As also received four presses, two of which have wear doors, two closs doors, wt four locks and two keys. In witness whereof I have subscribed this, the day and place above mentioned. ROBERT THOMSON.”

“At Inverness, the 14th June 1709 I delivered up my charge of the Library and gifted these books following. ROBERT THOMSON.”

Apparently after this one of the ministers took over charge of the Library, and subsequent entries are confused and erratic.

One curious entry may be noticed here—

“Andrew Kilgour, son to the said Thomas, gifted the Library a stamp for marking of the bookes and other good offices to be done the Librery. A quorum of the ministers, viz.—Mr Ro. Baillie, and Mr Wm. Stuart, Mr John Morrison, allowed him the liberty and use of the Librery.”

The stamp referred to was a questionable gift, and cannot be better described than by saying it resembles the brand burnt into barrels of beer now-a-days. It speaks well for the quality of the binding, but if that was solid, so were the books. As the novel had no existence then, the works quoted below would probably be considered as the light literature of the time—“A Kind Caution to Profane Swearers,” “A Disausive from the Sin of Drunkness,” “Human Prudence, or the Art whereby a Man may Raise Himself, “A Cap of Grey Hairs for a Green

Head, or the Father's Counsel to His Son," "The Genteel Sinner," "A Discourse Against Drunkenness, Swearing, and Cursing," "Warr with the Devil: Cabinet of Spiritual Jewels in Eight Sermons," by Cragge.

An erroneous notion of the Library must not be formed from these quotations, however. The oldest book in it is dated 1529. Many of the books are no doubt rare and valuable as well. They are mostly standard works of their time in all branches of literature, including treatises on Philosophy and Medicine, works on Theology, Polemics, Social and Political Economy, History, Biography, Geography, Travel, and Adventure. There are also Dictionaries in Gaelic, English, Latin, Greek, French, German and to bring up the rear a Low Dutch Grammar.

No. III.

The Library appears to be still carried on in as creditable a manner as the circumstances permit. Further donations are acknowledged from Mr Fraser, of Chelsea, whose portrait the Session order to be painted in recognition of his generosity to the Library. This portrait still adorns the wall of the Library in the Church Hall, Academy Street. The Deed of Mortification by Dr Fraser is handed over by his agent to the Session, recorded in the Minute Book, and formally acknowledged with thanks.

“Ap: 28, 1719.

“The Session did and hereby doe Appoint Baillie Dunbar, Hospitall Treasurer, to Remitt the @ rents of a Thousand Merks to Mr James Fraser, at London, Since the Giving of that Mortification, in order to Buy books, the which is to be directed by Mr Wil. Stuart and Mr Ro. Baillie.

“ROBERT EDWARDS, C'k. Sess.”

“August 23d, 1720.

“The Committie Appointed to Receive the Books Bought by Mr James Fraser, and to consider the Ballance that was due to him, did report that they Veiwed all the Books, which were Set up in a press by themselves in the South End of the Library, that they were all in good condition and cheap bought, as they judged, and that there was non wanting, Save Camdene Epistale in 4to, and the Devil on Two Sticks, and the Vanity of Philosophizing, and Parish State of Rushie in Sto, of which Mr Robert Baillie acquainted him by a Letter of the 12th Instant. And they considered the Ballance due to Mr Fraser, and found it to be Sixteen pound Six and Eight pence Sterling. Including his picture, which Cost four pound four Shillings Sterling; and they further Report that Mr Fraser Complemented the Library with a new Donation of books to the Value of four pound Sterling, the sd. Picture being Bought and Sent down by order of Session formerly, Which Report being Considered, the Session did appoint Thomas Alves, Hospitall Treasurer, to Borrow the said Ballance of Sixteen pound Six and Eight pence Sterling, and Remitt a Bill to London of the value with the first post, and that in respect the



DR TEASDALE OF CHELSEA.

Intrest of the Sumes of Money Mortified by Mr Fraser is not at present in the Treasurer's hand, and although it were, does not amount but to Ten pound Thirteen and Nine pence Sterling."

"MR FRASER'S MORTIFICATION.

"30th May, 1724.

"Inverness: Compeared Alexander McLean, writer in the Said Burgh, and procurator for James Fraser, After Designed. and gave in the Mortification Underwritten, Desireing the same to be Insert and Registrate in the Borrow Court Books of Inverness, therein to Remain, In futuram Rei Memoriam, conform to the Clause of Registration therein Contained, Which Desire the Said Judge found reasonable, and Therefor ordained the Same to be done accordingly, of which Mortification the Tenor follows, And is thus:—Be it known to all men be their presents Me, Mr James Fraser, Secritary and Register of the Royall Hospitall of Invalids at Chelsia, For the Glory of God, Father, Son, and Holy Ghost, The Blessed Trinity and Undivided Unity, and in Thankfull Acknowledgement of the Many Mercies, Spirituall and Temporall, Bestowed on me, and for Pure and perfect Charity, for promoteing Christian Knowledge, and to that Effect Human Litrature in Manner After Exprest; To have Given, Granted, Doted, and Mortified in the most firm and absolute and Elimosinary Manner, the Sumo of One Thousand Merks money of Scotland, which Sume I have already Remitted and payed to The Reverend The Ministers, Magistrates, and Remanent Members of the Church Session of Inverness, and that in the Moneth of November and December, One Thousand seven hundred and Twelve years, As is clear from the Hospitall Books of the Said Burgh, And to the Effect that a Just and Charitable Improvement may be made of the Yearly Annalrents ariseing from the Said Mortified Sume, and for preventing all Debates and Differences which possibly may Arise About the Manner of Bestowing and laying out thereof, and that the Design I had in view may be perfectly known, and that my will in Mortifying the Said Sume may be punctually observed, I earnestly Recommend it to the Magistrates, Ministers, and Elders of the Church Session of the Burgh of Inverness, and their succes-

sors in office, to accept of being my Trustees, Fide Commissioners and Executors of my will in this Burgh, in manner following, Primo—It is my will That my Said Trustees present and to come, Shall be holden and obliged, Like as by acceptation hereof doe Bind and oblige themselves, to Send out and Employ the Said Mortified Sume on Sufficient Security, Heretable or Moveable, for Yearly Intrest, as Realy and Effectually as they are bound to secure the other Sums of Money which Belong to the Hospitall of Inverness; Secundo, that how soon and oft-soever the Annalrent of the said principall Sume is payed, That the same shall be laid out for purchaseing and Buying usefull Books for the Benefite and Encrease of the Library of the said Burgh, at my Sight and as I shall direct, dureing the time it shall please God to continue me in this World; In the mean time Reserveing a power to myself to give or not to give, as I shall see cause and find Expedient, The Equall portion and half of the said yearly Intrest Ariseing from the said Mortified Sume, to the Master of the Grammar School of Inverness, in case he shall be keeper of the Library, According to the Rules prescribed, published, and Enacted by the Generall Assembly of the Church of Scotland, the Twenty-ninth of March Seventeen and four years; and Tertio, After my Demise, That my Said Trustees Shall have the Management of my will in Manner following, that is to say, my Said Trustees Shall lay out and bestow the yearly Intrest of the above Mortified Sume in two Equall portions, The one half for Books for the good of the Burgh of Inverness and Encrease of the Publick Library, As the Ministers of Inverness or any two of them shall direct, and the other half to the keeper of the Library, If he be not one of the Ministers of the Burgh, In which case the whole Intrest Ariseing from the forsaid sume is to be bestowed Upon Buying of Books, But in case the Ministers Shall find the Schoolmaster a worthy, deserveing person, and Shall See the School Increasing and flourishing under his care, then and in that case, for his Encouragement to be faithfull and diligent in his office, and Cheifly and principally as a Salary for keeping of the Library, and for teaching Some Boys of the Name of Fraser, of a good Capacity and Genius for Learning, Whose parents are not in condition to pay the School Master's fees, But Befor the said School

Master be admitted to be keeper of the Library as above, he must be Regularly presented to the Said School According to Law, with the Approbation of the said Presbytery of the Bounds, and Subscrib the formula, conform to the Acts of Assembly, And next he must give Bond and Cationrie for his faithfull administration, as Library keeper, conform to the Rule abovementioned, the twenty-ninth of March Seventeen and four years. As also I, the Said Mr James Fraser, haveing full power and Commission from William Fraser, Esquair, Late Governor of Fort St George, in the East Indies, My Brother German and Deceased, to allocate and direct the Legacies for publick Charitable Uses left by him in his last will and Testament; And haveing, by vertue of the forsaid power and trust Committed to me, Remitted and payed to the Abovementioned Ministers, Magistrates, and Elders, the Sume of Nine hundred Merks Money of Scotland, and that upon the Second day of July Seventeen and Eighteen Years, as the Receipt thereof at full Length Bears. It is my will that the Said Sume of Nine Hundred Merks Be Secured, Improven, and bestowed in all Respects as the abovementioned Thousand Merks, And for the Better Knowledge, Remembrance and observation of the contents of this Mortification, I Hereby Will and Appoint, That not only the Same be Read in the Said Church Session Whenever the same is Returned, Signed, and Sealled by me, to the Said Trustees, and so oft thereafter as the other Mortifications to the Said Hospitall are Read therein, But also yt. the Same be Registrate in the Town Court Books of Inverness In futuram Rei Memoriam, and that Three Exemplifications or Extracts thereof be taken out, whereof one to be sent to me, And another to be kept by the Magistrates present, and to come among the other writes of the Said Burgh; A Third by the Trustees present, and to come among the other writes of the sd. Kirk Session, And to the Effect Their presents may be Registrate as a forsaid, I constitute Alexr. McLean, Writer in Inverness, My Pror., In witness whereof Their puts Writen by Alexr. Baillie, Town Clerk of Inverness, Are Subscribed by me Att Granhill The Thirtieth day of Aprile One Thousand Seven hundred and Twenty-four years. Before these witnesses, William Fraser, my Grandson, and Robert Urquhart, Student of Philosophy, Being filled up by the

Said Robert Urquhart, sic Subtr., James Fraser, William Fraser, Witness; Robert Urquhart, Witness. Extracted by me, Sic Subtr., Alexr. Baillie, Clerk."

"Which deed Above Nominated the Session did and hereby does Gratefully Accept of, and Appoint The Modr., in the Session's Name, to Write a Letter of thankfull Acknowledgements to the Said Mr James Fraser."

"The Session Also Appoint Bill to be Drawn upon Baillie William McLean, Hospital Treasure for a guinie to Alexander Baillie, Town Clerk, for Drawing up the originall paper and Extracts."

No. IV.

In 1793 the Library was removed from the room in Dunbar's Hospital to the Academy Hall, where it remained till 1817, when it was shifted back again to the old Library Room.

"22nd Jany., 1745.

"Messrs Fraser & McBean Report That at the Sale of Books belonging to the Deceast Mr William Baillie, They bought the following Books for use of the Library, viz., Bennet's Oratory, two volumes; Waterland's Sermons, Dapin's method of Studying Divinity, Verlot's Revolutions of Rome, 3 volumes of Spanheim's Introduction to Church History, Ductor Historicus placettes Miscellanies, 5 Volumes; 4 Volumes of Ditto Do. on Diverse Subjects; 2 Volumes Jurien's Critical History, 2 volumes Morning's Exercises; 5 volumes Gillespie's Miscellany Questions, Haliburton against Deists, Cambridge Concordance, Bera's New Testament, Tertullian's Works, Boyd on the Ephesians, Bayle's Dictionary, 5 volumes; Mill's Greek New Testament, Paucæ Opera, 2 volumes; Origen's Chiefest Opinions, and Sibellius. The amount of the price of the said Books is Eleven Pounds Twelve Shillings and Two pence Sterling. The Session appoint Provost John Hossack, Hospital Treasurer, to pay the said money out of the fund appropriated for Buying Books for the Said Library, to Provost William McLean as Executor to the Deceast Mr Baillie."

"12th Dec. 1752.

"The Session appointed the moderator, Mr McKenzie, Provost McLean, and Donald Fraser, as a committee to Enquire into the Interest Due on Dr Fraser's & his Brother's mortification for Buying Books for the Library, and make Report."

"19th December, 1752.

"The Committee to Enquire into the Interest due on Dr Fraser & Brother's mortification to the Library for Buying Books, do make Report as follows:—

10. They find the Deed of Mortification Recorded in the Session Register, page 554, Anno 1724, One Thousand merks paid in Novr. and December 1712, and Nine hundred Merks paid the Second day of July 1718 years.

| | |
|--|-----------|
| 2do. They find in the Session Register, page 379, Anno 1720, that the Interest of Said Fund was Superexpended | £5 12 11 |
| 3tio. By order of Session, paid to Mr George Steele for Books | 1 2 10 |
| By William McLean, Hospital Treasurer, 20th June 1723, and in page 547 of the Session Register, Anno 1724, William McLean, Hospital Treasurer, paid to Alexr. Baillie, Town Clerk, for drawing up the original paper & Extracts of this Mortification, one Guinea | 1 1 0 |
| 4to. From Baillie Gordon's Accot. of his Intromissions with the hospital funds, they find in An Article Stated therein, that he advanced out of the Interest of this Mortification for Books | 3 15 0 |
| 5to. They find the Amount of Debursements by Provost Hossack, hospital Treasurer, for Books, Salary to the Library keeper, &c., to Martinmas 1750 | 26 9 9½ |
| 6to. They find paid by Mr Andrew Murray, present Hospital Treasurer, to Mr Ferguson, Grammar Schoolmr., for Salary as Library keeper, to Whitsunday 1752 | 2 15 6½ |
| | £40 17 1 |
| 7me. They find the Interest of said Mortification from Whitsunday 1752 Amount to ... | £168 17 9 |
| Debursements | 40 17 1 |
| Ballance of Interest Due by the Hospital at Whitsunday 1752 for Buying Books | 128 0 8 |

“The Session having Considered the above Report, do Return their thanks to the Committee for their Care & Diligence for bringing the same into So Distinct a form, & do order the said Report to Ly on the Table, to give an opportunity to any Member of the Session that take the trouble to Compare the said Report with the Session Register and Hospital Accounts Referred to, and they

further appoint that Two Quire be bound and kept in the Hospital Treasurer's hands, in which this minute may be Inserted, & the further management of this mortification may be Continued."

"22d December, 1753.

"The Session, Considering that they have not Laid out but a Small part of the Sum Allotted for purchasing books for the Library, they Recommend to the Ministers to purchase Such books as they shall think most Useful and proper for the Increase of the Library, to the Extent of Twenty pounds Sterling or thereby, and to Report Catalogues of Such Books at times Convenient."

"12th June 1764.

"The Session being informed this day by Mr Hector Scott, Mercht., & one of their Ministers, that the late reverend Mr Alexr. McKenzie, Episcopal Minr. at Edinr., now deceased, son to the revd. Mr Hector McKenzie, sometime Minister in this place. had bequeathed in Legacy to the Library of this Town all his Greek & Latin books, & having produced a letter from Sir James Wood, Bart., at Edinr., acquainting that the said books are Contained in two wooden presses, the key of which is in his Custody, & that he or Mr Jno Bell, Clark to the Signet, Lawn Mercat, will deliver these books to any who are properly Authorised by the Session to receive them. The Session understanding that the revd. Mr Murdach McKenzie sets off for Edinr. to-morrow (if the Lord will), They Judged most proper to Appoint him to receive the said Books, as they hereby do, & to order the Transportation of them to this place. & Appoint Extract hereof to be given him."

6th Feby. 1776.

"An Acct. being presented to the Session by William Cuming, Glazier, for furnishing Glass, Painting, &c., for the Library, Writing School, and Garrets, to the Extent of £5 3s 9d, They Appt. Mr William Murray, Hospital Treasurer, to pay the same, and take Mr Cuming's Receipt Accordingly."

"22nd Decem. 1779.

"The Session considering that Mr Robert Rose, One of the Ministers, has taken the Charge of the Library Since Mr Hector Fraser, late School Master, resigned his

office, they appoint the Said Mr Robert Rose and Mr Watson, with Baillie Murray and John Grant, Elders, to revise the Severall Accompts. of Books bought since Mr Hector took Charge of the Said Library, together with an Acct. of the whole Books in the Library, and what Number of them May be Amissing, and report Accordingly."

"12th Novr. 1793.

"A letter was this day received from Baillie Inglis respecting the Library, and the Answer thereto, & with a Letter in consequence of that answer."

(Copy).

"Inverness, 12th Novr. 1793.

"The Revd. Mr Alexr. Fraser.

"My Dear Sir,—There are several matters to which it is necessary to call the attention of the Directors of the Academy, but I am ashamed to propose their meeting untill the Ministers and Magistrates perform their engagement as to the Library, the Presses for the Books having been long since expected in the Hall. I pray you to mention this matter to your worthy Colleagues, and let us not be deterrd from doing what is right by unfounded opposition, come from what quarter it may.—I am, &c.,

(Signed) "WILLM. INGLIS."

(Copy).

"Inverness, 14th Novr. 1793.

"William Inglis, Esq.

"My Dear Sir,—I hereby acknowledge your favour of the 12th curt., and which, having communicated to my Colleagues, We have resolved that the Books shall be removed with a'l convenient speed, and placed in the New Presses prepared for them. This removal is Consonant to the last Will and Testament of the Donor; were it not so we could not find ourselves at Liberty to agree to it; And by the Deed of Mortification we find that the Librarian must be either One of the Ministers or the Master of the Grammar School. But as in the event of appointing the Grammar Schoolmaster to the Office of Librarian, a Salary is annexed of no less than the half of the Interest of the Mortified Sums, and as the Sums mortified cannot bear it, We are

resolved that one of the Ministers shall take that trouble to attend for the giving out and receiving of Books as often as may hereafter be judged expedient. It must be understood that the Librarian will admit of no Keys but those in his keeping, as no person would take the charge of the Books on the Supposition of other Keys to the Presses.—I am, &c.

(Signed) "ALEXR. FRASER."

(Copy).

"Inverness, 18th Novr. 1793.

"The Rev. Mr Alexr. Fraser, Inverness.

"My Dear Sir,—I received your favour of the 14th, & have communicated what your Colleagues & you have resolved on as to the removal of the Library and the subsequent management of it, which is entirely agreeable to them, and the thanks of all interested in the Institution is most certainly due to them and you for this fresh proof of your desire to make it flourish. If the removal is once begun, we will get the Directors to meet for examining the Cashier's Accounts, taking measures for calling in the Subscriptions, and considering some other matters of consequence to the Academy.—I am, &c."

"5th May 1794.

"The Session Considering the Labour which Mr Thomas Fraser, of the Academy, has taken to arrange the Books in the Library, appoint Baillie Young to give him Five Guineas for his trouble, & Twenty Shillings to the Officers who assisted him; Also, to let the Library room."

"19th Decemr. 1798.

"Wat next sould be attend to was the Library Fund of £165 11s 1½d, and on inspecting it, they find that there is four years' Interest due to it, amounting to £33 2s."

"29th July 1817.

"The ministers and Remanent Members of the Kirk Session having observed, with regret, that the Books under their Management in the Hall of the Academy have been much injured, and also that liberty had been taken with the Presses, They resolved to withdraw the Books from the Hall, and replace them in the Old Library Room. For this purpose they direct that the said room be fitted up, they further appoint that seven

Guineas be paid annually to the Hospital Funds, from the Marriage Fund, by way of Rent, and the first payment to commence Whitsunday 1818."

"25th May 1824.

"It being stated that the Library Fund has now for many years been mingled with the Hospital Fund, & the accts. kept in the same Books, it would be desireable to have these Accounts separated, & kept so for the future: The Session appoint such to be the manner in which these monies be hereafter settled, & accordingly the Treasurer was instructed to lodge the Library Money in the North of Scotland Branch Office here, & take a Receipt for the same separately from all other monies belonging to the Session."

"8th June 1824.

"The Treasurer reported that of the Library Money, amounting in all to Two Hundred and Seventy Nine pounds thirteen Shillings and three pence, he had laid in Bank, per order, Two hundred & Seventy eight pounds, that he paid accounts due by Library for airing the Books & taking care of the room, Seventeen Shillings & Six pence, & that he has in hand now fifteen Shillings & Nine pence Stg. The Acct. of the Library was appointed to be entered in the Library Acct. Book, & the same to be adhered to strictly at every settling of the Annual accounts."



DUNBAR'S HOSPITAL, 1665.

No. V.

DUNBAR'S HOSPITAL.

Near the bottom of Church Street, almost under the shadow of the churches, there is a quaint old building which at once attracts the attention of the stranger passer-by. For one reason, the house abuts on the street at an angle; its masonry, a mixture of dressed and undressed stone, carved panel above the doorway, and other singular characteristics, including its archways and projecting bases, tell everyone that it has a history distinctive from every other building in the street, and indeed in all the town there is no other like it. This is "Dunbar's Hospital," a building for which all men and women Inverness born should have an affectionate regard as being now one of the few links which connect the Inverness of to-day with Old Inverness of the seventeenth century. Although built in 1668, it is not the original Hospital of Inverness, for in the old "Count Book" of the Kirk Session references are made as early as 1661-3 to the hospital house in the Hospital Treasurer's discharge which takes note of "disbursements for peyng ye house to ye hospital, peyng for lyme, sand, and pynerfries, with what was given Robe McCoul, Bedmaue, with sever oyer debursments," which also indicates that there were thus early pensioners on the funds. There had been for certain an Hospital Treasurer from 1657, John Hepburn by name, and he must have had almost certainly a predecessor or predecessors, for the accounts show that monies belonging to the hospital had been lent since 1641. In Hepburn's discharge, dated 1663, the hospital possessions are summarised—"The soume of all ye moneys resting to ye hospitall, either be bonds, precepts, or decreets, infestment, or money in hand is ye soume off ower and above ye hospitall house, £5994 6s 8d (Scots)."

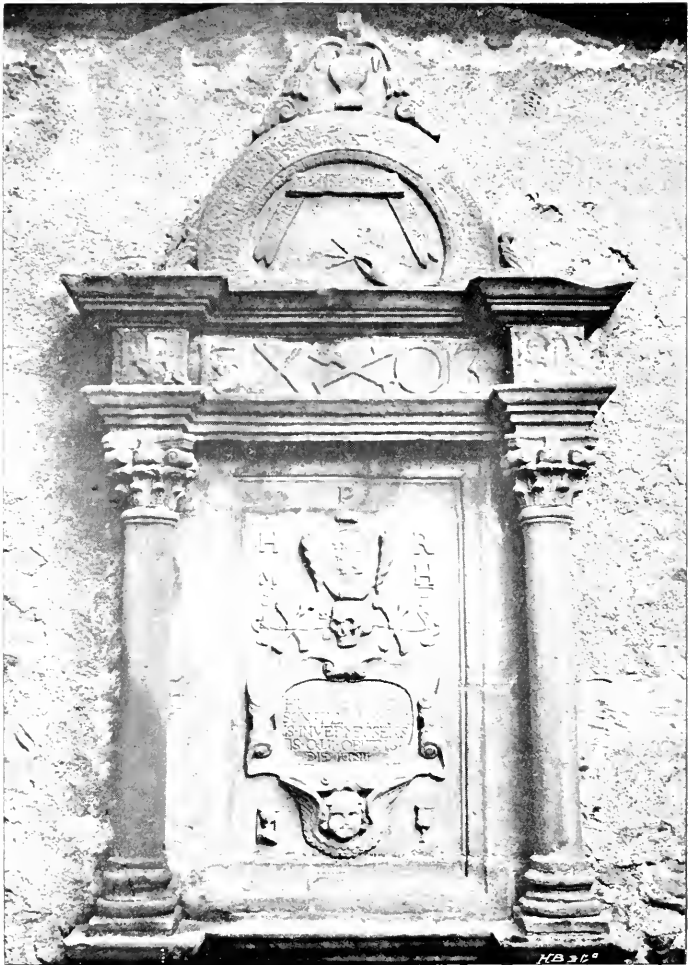
In King James's Charter to the town, dated 1591, the Hospital of Inverness is mentioned.

It is to be feared the "Count Book" would not satisfy the requirements of up-to-date accounting, but it betokens a trust and faith, beautiful in its simplicity, and doubtless rare, even in those simple times. If figures are eschewed much cannot be made out of the contents of a "Count Book," yet here and there there is an oddity and also a variety of expression which attracts one, as in the entry apostrophising Robert Barbour, merchant in Inverness, "whois memory is recorded for worth," and for whose 1000 merks "the Lord will surely repay him and his. Bessie Wright, the

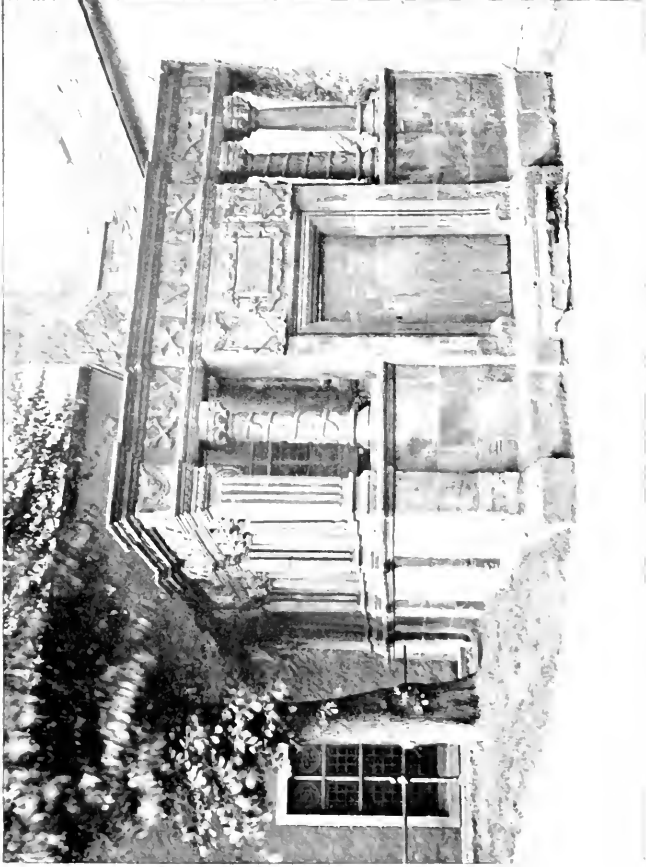
“umqll wyff” of Robert Thomson did not forget the hospital, and it also received a “frie will offer” of £40 Scots from James Fuller. William Bailzie, Cordinar, gifted £14 Scots. Many others also mortified sums to the hospital according to their ability and fancy, which proves that there were good and charitable souls about Inverness who had regard to the temporal welfare of the less fortunate of their townfolk. Their works live after them, and their memory should not be lost sight of.

Among those whose memories have a claim on the gratitude of succeeding generations of poor beneficiaries are :—

| | | | |
|--|------|--------|---|
| James Robertson | £100 | 0 | 0 |
| Thomas Robertson | 136 | 0 | 0 |
| John Cuthbert of Little Drakies | 66 | 13 | 4 |
| Jon. Croy's wyiff | 13 | 6 | 8 |
| Rot. Neilson | 16 | 0 | 0 |
| Janett Morray, spowse to Jon. McConchie | 26 | 13 | 4 |
| James Cuthbert off Drakies ... | 33 | 6 | 0 |
| William Neilson, Elder | 33 | 6 | 8 |
| James Gordon, mr. mason ... | 53 | 6 | 8 |
| Jannet Syncklar, spowse to Jon. Rotson of Inches | 133 | 6 | 8 |
| (200 merks of above given for Inches Burial Place.) | | | |
| James Dunbar, younger, merct.... | 84 | 0 | 0 |
| Alexr. Dunbar—the Dunbar par excellence, who dnring his treasurership wrote with his own hand in the “Count Book” this entry:—“Morti- fied be the said Alexr. Dun- bar, provost of Inveiness, Hos- pitall thesaurer, the ground right off the Hospitall and yard yroff with ye wholl hospi- tall weyhouse, and all uyr cas- nalties within the same, all weh he buylded on his own ex- pensis, qch. extends to, and weh hospitall and yard hes been mantaint and repared on ye said Provest, his expensis since the buylding thereof till the tearme of Martinmas, six- teen hundred four-score three years | 4000 | merks. | |
| The much-honoured Hugh Robert- son, late Provest of Inver- ness | 333 | 6 | 8 |
| The vorthy Burges, Thomas Mac- nuyer | 425 | 0 | 0 |
| George Duncan, Hos. Treasurer... | 104 | 13 | 0 |



MONUMENTAL STONE. INCHES BURIAL GROUND.



THE INCHE'S BURIAL PLACE.

With regard to Alexr. Dunbar's two donations of 2000 merks each, although inserted above as among the earliest gifts, it has to be observed that the 4000 merks are not charged up directly in the "Count Book" against the Treasurer of the Hospital till a much later period. The Inches Burial Place, for which 200 merks of above was allotted, can still be seen in the High Church-Yard. Its carved pillars and ancient appearance plainly indicate it belongs to the past.

Provost Alexr. Dunbar succeeded John Hepburn as treasurer, and retained office till 1683, when he was succeeded by Hew Robertson, bailie, whose charge in "Bonds, Precepts, Acts off Counsell and wyr. ways was £9957 8 0 and money 1306 18 4

£11,264 6 4

showing that the Hospital funds were accumulating under careful management. Hew Robertson retired from the office at Whitsunday 1688, in favour of James Maclean, whose charge is:—

| | | | |
|----------------|----------|-----|-------|
| Bonds, &c. ... | £13,056. | 01. | 4 |
| Money ... | | 14. | 05. 4 |

£13,070. 6. 8

During Maclean's tenure of the treasurership the foundation of considerable trouble and confusion was laid up for the Kirk Session in connection with the funds. The usual Audit Committee of the Kirk Session was appointed to examine Maclean's accounts, and found that instead of the ordinary charge and discharge in detail, as given in by previous treasurers, Maclean, on this occasion produced only single Dr. and Cr. entries on pages 18-19 of the Count Book, under the designation of "James McLean, his accompt enrant to the Hospitall of Inverness." Maclean takes no note of his charge account, £13,070 6s 8d, taken over from his predecessor; he simply debits himself with a lump sum, £8571 2s 8d, and then clears the amount by a credit entry equally as vague. "The Committee certify that the Thesaurer did deburse this sum conform to the instructions given in to the Committee, appointed by the Session for revising his accompt, and conform to yer report given in to the Session the nynteinth day of June last (1701). The report made to the Session by its Committee is a strong one, and although rather lengthy, is worth quoting, not for the sake of the figures, which are of little interest, but because it suggests that Mr Hector Mackenzie and

his friends during the unsettled condition of the place in the transition period dipped their hands freely into the hospital money-bag for the purpose of proselytising—

“15th June 1701.

“The Session approves of the report of the Committee that were appointed and ordained to revise the accounts of Baillie McLean, late hospitall thesaurer, and the Session refers the bussiness interly in cumullo to the Presbiterie. The tenore yroff follows:—

“The Report of the Comittie appointed by the Session of Inverness upon the nynth day of June 1701, for inspecting, revising, and fitting accompts of Baillie James McLean, hospitall thesaurer, left by him. The Session taking to their most serious consideration how long the acctts of James McLean, Hospitall thesaurer, hade lyen over unfitted and uncleared, and withall deliberately considering the advantage that might acruie to the hospitall on that account, did nominat and appoint the persons following ((to witt) The Magistrates, Mr Walter Allan, Moderatour of Session; George Cuthbert of Castlehill; James Dunbar, George Duncan, David Stewart, and James Thomson, Elders, to be a Committee to fitt and examine the sd acctts. of the above Mr James McLean, Baillie.

“In obedience to which appointment the sd Committee did meett in the Laich Counsell house, the place appointed by the Session, and being constitute by prayer, did elect and choise James Dunbar, one of yr number, to be yr clark, and having taken up severall sederunts in examining of the sd accotts, gave in the following report:—

“That they finde that James McLean, hospitall thesaurer, had instructions for all his disbursements. But yet upon the reasons following could not approve of his accotts., because having exactly compared the principll soumes of the bonds given in to the said Baillie McLean by Provost Robertson, late thesaurer, with the principll soumes now remaining, they doe finde that there is sunk and deficient of the principll stock four thousand two hundred and fiftie four pound seventeen shilling eig^t pennies Scotts money, and this contrarie to the designe of all mortifications or donations qt somever.

“They finde depursed by private orders of the Magistrates and Mr Hector Mackenzie, the Episcopal Incumbant, interpelled by authority, most yr off was subscriyved by our Session Clerk contrarie to ms oath de fidele administrac^one. We finde

also some precepts drawn upon the Thesaurer by the Toun Counsell, all amounting to the sum of one thousand nyn hundred and three pounds fourteen shilling Scotts money. Ther thus meddling is the mor agravated when we consider that not only the legall Session according to the foundation and use and wont qeli wee are ready to instruct, are sole managers, and upon this account, whatever should be disposed off, should be by ther speciall order and warrand. But also that most of the said precepts wer drawn by the Magistrates after they themselves wer joined to the legall Eldership by Act of the Committee of the Generall Assemblie for visiting the North, of date eight day of August, on thousand six hundred and nyntie four yearss, and when actuall ministers of the present establishment wer here upon the place, some of whom wer under call to this Congregation, who by vertue of yr commission wer Moderatours of the Legall Session during the time of yr Commission, as if they wer settled ministers of the place. For these two reasons the said Committee declare to ther Constituents (the Session) that they could not in conscience approve of these accompts as Just, Legall, and formall, and they give it in as ther humble opinion and propose it as ane overtour, that the whole affair in cumulo and the above-named persons be referred to the Reverend the United Presbyteries of Murray, given in to the Session by the sd Committee in ther name, the eighteenth day of June 1701, by sic subt.

“WAL. ALLAN, Modr.”
“J. DUNBAR, cl. com.”

No. VI.

In the last instalment a Committee was found disapproving of the accounts submitted by the Treasurer of the Hospital, on the ground that although he had received instructions for his disbursements, yet these disbursements were of an improper kind, and had made serious inroad on the funds. The subject continues to excite attention:—

“23rd June 1701.

“It was required by the Magistrates and oys of the Elders who wer absent the last Session day that the report made by the Comittie appointed to revise accotts. of Baillie McLean should be read, qch accordingly was done: against qeh report the Provest and oys of his adherants protested as follows:—

“That day Provest Duff, in name and behalf of himself and remneant magistrates, heretours, and Elders, adherants, protest against the pretended report as altogether illegall and unwarrantable, In respect the Session haveing nominat and appointed the Magistrates, Provest Robertson, Diple, and Drumoie, to be members of the Comittie jointly with those who sat and made the pretended report, yet non of them, tho the major part of the Comittie, wer present thereat, and so without them ther could be no lawful Comittie, especially considering that the Session gave no allowanee for a select quorum to sitt in absence of the rest, and even those who satt wer under no necessity to make a report in that (juncture) per se without the oyr members seeing at the very next Sessions on application the Act might have been rectified as to that point after qeh and not before the quorum might warrantably in absence of the rest make a report. The Provest, for himself, and in name and behalf for sd protest against the pretended reference following on the report that no respect be hade yrto. Because the report, qch is the foundation yroff, is altogether illegall and unwarrantable, for the reasons forsaid, and the foundation being taken away, the superstructure falls of course, and in super at the making of the referrance itself ther was nothing lyk a full Session, the magistrates and Eminent Elders being absent, without whom ther ought no act to pass in ane affair of such consequence.

“To qch it was replied by the Moderatour that they sustaned themselves as a Legall Comittie, in respect these who wer appointed to meet would

not appear, notwithstanding that they wer seriously exhorted to stay and join with them according to the Session's appointment."

"22 June 1701.

"The Session haveing taken to consideration the affair of Baillie McLean, late hospitall thesaurer, to salve the Session's credit, allowed the referrance to stand, but did appoint a Comittie of yr number to meett and conferr about the affair, and bring in ane healling overteur. The persons that were appointed to this effect are the Provost, Baillie Barbour, Baillie McIntosh, the Laird of Culloden, Castellhill, Dumain, Provost Robertson, Diple, James Dunbar, George Duncan, James Thomson, and David Stewart, and to make report the next Session day."

"29th June 1701.

"The Comittie appointed to bring in ane healing overteur, report that takeing to consideration that Mr Walter Allan, minister of the Gospell at Collington, that he was now to remove from this, his Commission being expyred, and also his aversion to dip furer in the affair of Baillie McLean, They did propose that a letter be sent by the Magistrates to the Reverend the Presbytery of Murray, desyring that a prudent, grave, and experienced minister be sent up to moderate in the affair of the Session, and particularly to accommodate in the affair of Baillie McLean, late hospitall thesaurer, as also that the reference do stand in case of no accomadn. The qch the Session did approve."

Immediately after these reports, on 1st July 1701 another meeting of the Session's Audit Committee was held, when a new "state of affairs" was produced, which showed funds amounting to a sum of £11,823 10s 2d of principal and interests, and which were handed over by Maclean's friends to George Duncan, his successor as Hospital Treasurer. Even then it was by no means a clear or honourable settlement, as on 15th December 1701, it was urged by George Duncan, hospitall treasurer, "that ther is a debt owing be James McLean, late thesaurer to the hospitall, qrin he craves the Session's advyce annent it. The qch the Session considered off, advised the sd George Duncan to accept of the principll. soum of three hundreth and fiftie pounds, and to pass from the @ rents from the date of the bonds."

Baillie Maclean's slovenly methods of accounting roused the Kirk Session into action, which

resulted in the under-mentioned set of instructions:—

“1mo. That the Hospitall Thesaurer shall use all Dilligence to secure the Debts Resting by Bonds or other wayes to the Hospitall, and to have them transacted in his own persone before the Caurie be prescribed by Law.

“2do. That the prinll. summes shall not be disposed at any tyme, but still kept whole and entire, and no more yearly depursed than the @ rents.

“3tro. That what prinll. summes and @ rents were left by the Donors and to be disposed according to their will, but the @ rent acciesiones at the discretion of the Session.

“4to. That a thousand marks shall be borrowed on the credit of the Hospitall stock since ther is no cash at present to be given in by the late Hospitall Thesaurer, qch is to ly in the new Thesaurer's hands for pre-advanceing, and is to be payed with the @ rents of the stock at the year's end, or sooner if possible.”

“5to. That ther shall be no draughts in time comeing on the Thesaurer, but by publick orders and Act of Session, and recorded in the Session Books.

“6to. That the @ rents shall be raised once in the year, and a clause in the bonds relative yrto, and what shall not be depursed of the said @ rents shall be improven by giveing the same out upon bond, bearing interest.

“7mo. That a particular number chosen by the Session shall yearly examine the Thesaurer's accots.

“8vo. Whatever Debtor shall let three years @ rent run on unpayed, both prinll. and interest shall be raised out of his hands, and shall be stocked in ane other's.

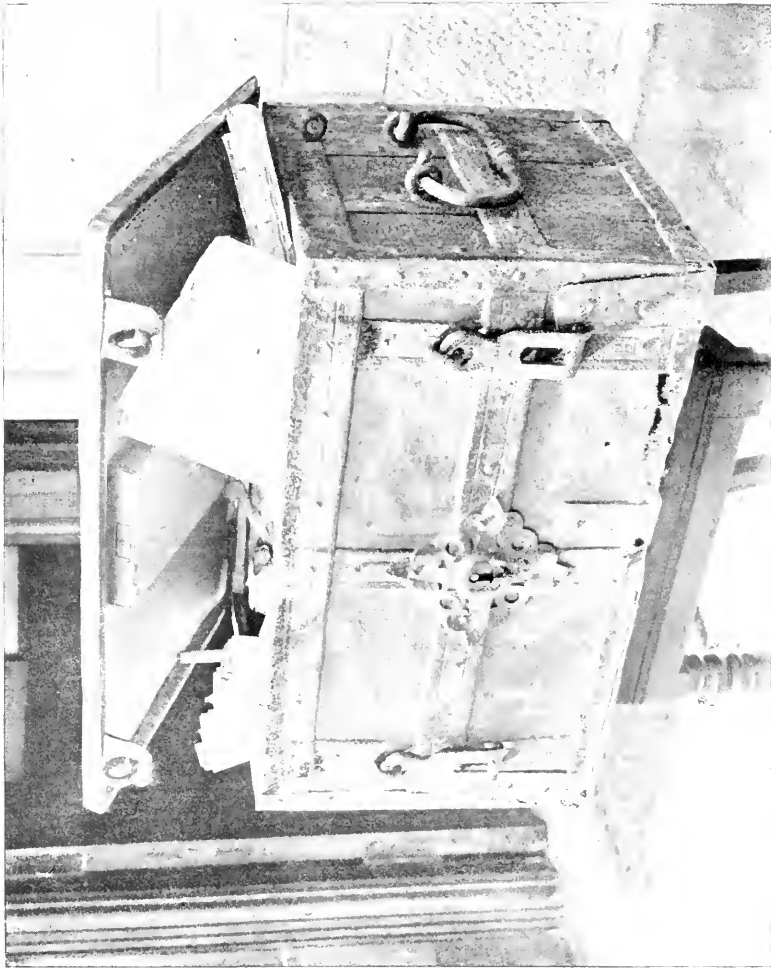
“9no. That when a prinll. summe due be bond is payed to the Thesaurer he shall acquaint the Session yrof, and likewise take their advice in giveing it out or any other money in lend.

“10mo. That non of this stock shall be lent to any man, tho never soe responsall, without a caur. for him.

“17th day of July 1701. The said day the Session approves of the above written instructions.

“ALEXR. BISHOP, Clk., Session.”

In 1706 George Duncan relinquished the treasurership to George Thomson, whose charge account amounted to £13,597 14s 6d. Thomson held the appointment till 1712. Under the administration of these two treasurers the Hospital



VERY STRONG, AND CURIOUS IRON CHEST
GIFTED TO THE KIRK-SESSION, 1712, BY JAMES THOMSON, KIRK TREASURER.

finances began again to improve. When Thomson handed over the affairs of the Hospital to James Dunbar (Whitsunday 1712), the latter accepted as his charge £15,467. The inconvenience arising from the want of a capital account was seriously felt not for the first time. The financial methods practised were simple in the extreme, and led to important items being dropped out, and these were only recovered by subsequent examination of the securities, which of course then involved rectification of accounts. In connection with Thomson's discharge a note is made by the Audit Committee in their report regarding a half coble of fishing on the River Ness purchased by the Session, more correctly held as security from James Dunbar, late bailie, and valued at £2000 Scots. In addition to the half coble, Bailie Dunbar's heirs owed the Session £2666 13s 4d Scots, for which in his lifetime Bailie Dunbar "gave off the lauds above the hill." The Committee also found there was still owing to the Hospital by Bailie Dunbar's said heirs £609 16s Scots, and they also found that £333 6s 8d was "doted to the Hospital about Lambas last" (1712) by the heirs of the deceased John Mackintosh, late bailie of Inverness, not charged up against their treasurer.

The Audit Committee acknowledged receipt of and mentioned as worthy of notice "a very strong and curious iron chest, that the aforesaid James Thomson hath gifted unto the Session for the use of the hospitall." The early financial history of the Trust scarcely calls for further remark at this time. It may be more interesting to return to other hospital matters.

Baillie James Maclean only owed the Session a debt out of the monies he was handling, but another of his clan, Baillie William Maclean, subsequently Provost, and styled of Dochgarroch, charged against the Hospital a/c "Expenses and trouble of 3½ years @ £60 per annum, £210," an example which his successor was quick to imitate. The Audit Committee, reporting on Bailie Gordon's accounts, 1725-31, report—"The said Committie observe that the said Baillie Gordon takes credite to himself for the sum of sixty pounds Scots p. annum on acct of the expenses and trouble in managing the affairs of the Hospital Stock," which, as the same was not preceeded except on the accounts of his immediate predecessor, whose a/cs tho' they were received and extended in the Treasurer's book, after revising by a Committee, were not yet discharged, and therefore the said article is referred to the Session, and for six years £360.

No. VII.

The subject of Dunbar's Hospital is still continued.

Unstinted praise is given to Alexander Dunbar of Bermuckattie, Provost, and Hospital Treasurer, for his great liberality to the Hospital, but it has to be confessed that the Dunbars were rather a mixed lot. Alexander Dunbar of Bermuckattie himself, evidently the successor of the ex-Provost in the estate, and no doubt a relative, was delated to the Session, and stood the discipline in August 1697. The Provost's other heirs also gave considerable trouble before the legacy bequeathed by the Provost was recovered, and another Dunbar made away with a large sum of the Reparation money, which was only recovered after legal proceedings had been instituted. At one time there was no less than three persons named Dunbar in the Session at the same time. They seemed to be of the same family, so it is rather a puzzle to identify the transactions of each separately.

The entry written by Provost Dunbar in the earlier part of the Count Book, setting forth his gift of the Hospital, has been referred to already. Further on in the book another and more extended entry is made, and this time the signature is witnessed by the Treasurer and the Dean of Guild of the burgh, and another person surnamed Dunbar, evidently a relative of Provost Dunbar. It may be that the Session had misgivings about the adequacy of the former conveyance; if not for that, for some other reason this record of the gift was considered necessary. It is inserted here—

“At Inverness, the tenth day of Jary, sixteen hundred and four score and four yiers, the said day, in presence of the Session fullie convened, Alexr. Dunbar, late Provost of Inverness, having bought ye ground right and buynt on his owin proper charges and expenssis, ane hospitall house for ye use of the poor of the sd burgh, and ane yard thereto belonging and mortiffied, and dedicat ye same on his expenssis till the tearme of Martimes, sixteen and four score and thrie yiers for ye use of poor, to be disposed off at ye prudence of ye said Session, and that this his mortifficac'ne might be the mor fullie confirmt and whollie given to ye use forsaid, Desyred the gift might be insett and registrat in this Session book, after the manner following:—First, he mortiffies and dedicats the lower roome in ye

The forlaw soume, off 3000 thousand twa hundred
 = three score & four pounds for 30 flour pennies
 mody is the whole that the said George Robertson
 is to be charged with at most Compting, and which
 is the forlaw and noy delay as your reporte
 And subscribed the same ced thirteenth day off
 January 1607 & flour score & flour 200

For our Robertson &
 G Marshall
 Jurors

Arg: Peter Minz at Guines

Wm Fraser of Baillie

Wm Baillie

James Baird of Baillie

James Stewart

James

south end of the said hospitall to be a grammer schoole ffor the use of the towne of Inverness ffor ever. Secondlie, he apoynts the Weyhouse in ye north end and ye yarde (the rent therof being at present ffourtie twa pundis Scotts moey: ffor upholding ye whole ffabrick and all the rowms above ffor the use of the poore, to be placed therein by the Session of Inverness, and for ye forder confirma'ne hieroff he hath subscribed thir puts beffor the members off the Session, consisting off Magistrats, ministers, and elders thereof, beffor witness Wm. Duff, thesurer off ye burgh of Inverness; James Dunbar, merchant ther; and Robert Barbour, Deane of Gild off the said Burgh wryter hieroff.

"A. DUNBAR.

"Rob. Barbour, witness.

"J. A. Dunbar, witness.

"Wm. Duff, witness."

"In Slezir's view of Inverness, dated 1662, the Hospital of Inverness is shown with a spire, which has long since disappeared, but an entry relating to it follows:—

"29th Nov. 1757.

"David Taylor, junior, gave in an account for Reparations to the Spire of the Hospital, and the same having been read, was committed to a Committee to Examine and Report."

It will be remembered that by Provost Dunbar's Mortification "all the rowms above" were to be set apart for the use of the poor to be placed therein, but this condition does not seem to have been strictly observed by the Kirk Session, for it is seen that early in the history of the Hospital a complaint and protest is made by the Treasurer, who was anxious to carry out the well-known wishes, directly expressed, of the late Provost under his own hand. The minutes bearing on the subject are rather interesting. They point to conflicting opinions between the members of Session. The Magistrates possibly claimed rather more than their share of the patronage in the Hospital affairs. Whether it came of supineness on the part of the remainder of the Session or of sweet reasonableness, it must be admitted that the Magistrates generally had their own way.

"18th Sept., 1711.

"In reference to the Hospital, the question was stated whether the will of the mortifier was best observed to have the poor people inhabiting the Hospital, or if they will not possess it, that the rooms be otherwise improven for the best advantage to the poor rather than be vacant.

“James Dunbar, church treasurer, and one of the Elders gave in a complaint that there was encroachments made on Provost Dunbar’s donation, and the Trust he reposed in the Reverend Judicatorie by the Magistrats of the sd burgh, their taking upon them to appoint the setting of a part of the hospital house upon rent without consent of the Session, who are made sole patrons thereof by the sd Provost Dunbar, and contrarie to ane Act of Session intimat to the Magistrats in their baillie Court, showing that the Hospital Treasurer hade no power to sett any part of the sd Hospital, and therefore the sd James protested that both the upper stories of the sd Hospital be made void and redde for receiving the poor, according to the will of the mortifier, other ways that the Magistrats be made lyable for all loss, skaith, and damage sustained thereanent, and hereupon took instruments in the Clerk’s hand. To which Baillie Stewart returned answer that possess the rooms who will the next year, the Magistrats have decerned in favour of him to whom it was set for this year, and that they will own it.

“Provost Dunbar’s Charter of Mortification of the sd Hospital, land, and rent thereto belonging being read, was ordered to be here recorded, the tenor whereof follows:—

Here follows the charter recorded in similar terms as before noted, of date 10/1/1684.

“The said day, Session, in testimonie of their thankfulness to the said Alexr. Dunbar, Provost, and that his memorie for so pious and charitable a work may be kept always in remembrance among them, have appointed that the sd Alexer. Dunbar, his name and coat-of-arms, should be sett up one several places thereof, and there continued so long as the said house shall endure.

“Secondly, That in all time coming if any person of the name of Dunbar living within the burgh of Inverness, if ther condition requir to be put in the said hospital, they being qualified and deserving, they shall still be preferred before any in competition with them.

“Thirdly, That there shall be no hospital treasurer chosen during the life of the sd Alexr. Dunbar without his special advice and consent

“Fourth, That during the said Provost Dunbar his life there shall none be put in the hospital or enjoy any maintainance of same without his consent and advice, and thereafter without asking the advice of Robert Barbour, Dean of Guild of Inverness, and James Dunbar, merchant in the said burgh, or their successors, who are nominat by the forsd Provost to the sd effect, and in respect that the rent of the wey house being at



ARMS OF PROVEST DUNBAR.

"SCULPTURE TRIBLE."

"ALEXANDER DUNBAR, PROVEST OF INVERNESS."

"This weyhous belongs to the Hospital of Inverness, the rent thereof payable to be master of the weyhous."

present twenty-four pounds Scots, and the rent of the yard eighteen pounds per annum, extending to forty-two pounds Scots, which is mortified as said is, for maintaining, decoring, and repairing the said hospital.

“Therefor, we, the said Magistrats, minister, elders, and deacons of the Kirk Session of Inverness, oblidges us and our successors in our forsd offices to bestow the same in all time coming for maintaining, decoring, repairing sd hospital house, and also oblidge us and our forsd ever hereafter that if the rent of the sd house and yard should fall short to maintain, repair, and decor the sd hospital, that then the charge for doing thereof should be taken out of the hospital stock or annual rent thereof, whereby the sd hospital may be as in good condition as now it is, which is hereby declared to be sufficiently sclated and watertight, and all the windows cased with oak, and in homologation of ane act containing ane discharge to the sd Alexr. Dunbar, late treasurer of sd hospital, which is written in the Hospital Treasurer his accompt book of the forsd date, which act and discharge is subscribed by John Innes, Session Clerk. We, the sd Magistrates, ministers, and elders, for us and our successors forsd, discharges the sd Alexr. Dunbar of all his intronmissions with the sd hospitall bonds, receipts, or evidents, or anything whatsomeever he hade in his custodie by virtue of his charge as Hospital Treasurer, by gone preceeding the day and date of these pnts, and in testimonie of the premises these pnts are written by the sd Robert Barbour at our desire and subserved by us, day, date, and year of our Lord forsd, befor witnesses.

“Sic Subscribitur—Joe Cuthbert, Provost ; Jm. Fraser, bailie ; J. Rose, bailie ; Wm. Duff, bailie ; Hugh Robertson, bailie ; Robert Barbour, Dean of Guild ; Wm. Duff, treasurer ; Jas. Dunbar, one of the Elders ; Geo. Cumming, one of the Elders ; David Teulor, one of the Elders ; John Hepburn, one of the Elders ; John McIntosh, one of the Session ; Wm. Thomson, one of the Session ; James Dunbar, ditto ; Robert Ross, ditto ; J. Dunbar, sessioner ; Wm. Baillie, on of Elders ; Wm. Paterson, of the Session ; Mr Gilb. Marshall, minr. at Inverness ; Mr Angus McBean, minr. at Inverness.”

No. VIII.

HOSPITAL MATTERS.

"THE AFFAIR OF JAS. ROY DUNBAR.

"26 Feby. 1712.

"The sd. day James Dunbar, late baillie, appeared & desired that the arrestment upon his rents should be loosed in respect that he is willing to give all satisfaction to the Hospitall for payt. of what he owes by giving security in his lands to the Session's contentment, & in order thereto that he shall use all dilligence to get these Charters & papers relating to the lands above the hill now given to the Hospitall, & the half Coble of the water of Ness, & that he shall give security in that part of his tenements called Baillie Hepburn's houses in the bridge street, not only in warrandice of the sd. lands above the hills, but also for payt. of the publick dues thereof, & that betwixt & the day of next to come, & upon this his performing the premises, the Session orders the arrestment to be loosed, & no otherways, whereupon Act subscribed with his own hand.—Sic Subscriptur,
"JA. DUNBAR."

"August 5th, 1712.

"Appointed that Provost Duff, James Dunbar, with the Modr., meet with Baillie Dunbar anent the securitie of what he owes to the Hospital."

"March 19, 1713.

"The sd. day compeared James Dunbar, Hospital Treasurer, & produced some papers and instructions which he obtained from some Advocats at Edinbr. in reference to what is owing by the deceased, Baillie Dunbar & his representatives to the Hospital. The Session approved of his diligence, & desired him to go on in the pursuite."

"21st December 1756.

"Andrew Murray, merch., Hospital Treasurer, Reported That upon the Day of A Summons of Reduction & Declarator, at the Instance of George Baillie, Surgeon, the Eldest Son & heir of the Deceast John Baillie, Writer to the Signet, as representing Baillie James Roy Dunbar, for finding the rights and securities given by the said

deceast Baillie James Roy Dunbar for payment & Satisfaction of the Mortification made by Provost Alexander Dunbar to the Hospital for the poor of the Burgh, to be Satisfied & Extinct by the possession of the Lands & Fishing, That the Ministers and Several Members of the Kirk Session had been Cited for their Interests to Compear before the Lords of Council & Session upon the day of

“Reported that he, the said Hospital Treasurer, by advico of Some of the Members, had Spoke to John Fraser, Writer to the Signet, who did Revise the Conveyances & the Diligences consequent of them; That the said John Fraser had Drawn out a Memorial Relative thereto, And that now, by letters from the said John Fraser, Dated Edinr., 30th November & 16th Decbr. Last, he is advised that the said George Baillie Insists in his process of Reduction, & Desires that the Dispositions made to the Managers of the Hospital Funds, hail vouchers & Adjudications, may be Sent up to Edinburgh, & advised in order to Support the Claim of the hospital.

“Reported further that Mr Fraser having peremptorily Demanded that the Adjudications Should be sent in Course of Post, he accordingly did, by Yesterday's mail, Send them. The Session appointed Provost Hossack, Provost Maclean, Baillie James Fraser, & Mr Mackenzie, with the Hospital Treasurer, as a Committee to Correspond from time to time with Mr John Fraser about this affair, & Report, & Do therein what will be needful.”

“16th March 1762.

“The Session having met Extraordinary upon the affair of Provost Alexr. Dunbar's Mortification, & in regard there has been a very tedious Process of Reduction, &c., at the Instance of George Baillie of Mid Leys, Heir & representative of the said Alexr. Dunbar & Baillie James Dunbar of Dalross for recovering Possession of the lands & fishing presently in the hands of the Kirk-Session, for payment of the annual Rent of the said Mortification, & as the Kirk Session & the said George Baillie have come to an Amiable agreement, That upon the said Mr Baillie's paying them four hundred & Seventy-five pounds Sterling, They, the said Kirk-Session, shall renounce, Discharge, upgive, & deliver the said lands & fishings in their hands to the said George Baillie, & to that Effect & purpose, The said Kirk-Session have at this dyet chose, nominated & appointed Messrs Alexr. McBean & Murdoch McKenzie, Mini-

sters; Provost William McIntosh, Baillie James Fraser, William McPherson, George Schiviz, & Hector Scott, Elders, to Subscribe a Discharge & renunciation in their name to that purpose, & they hereby Enact, & hold their Subscription to be as valid as if the whole Elders of the Kirk-Session were Signers to the said Deed."

"10th August 1762.

"Mr Andrew Murray, Hospital Treasurer, reported that in obedience to the appointment laid on him by the Session of date 23rd March last, he did Lodge Four hundred Seventy-five pound paid by George Baillie of Mid Leys at Edinr., To Mr John Fraser, Agent for the Session in that affair, with Twenty-five pounds Sterling more Transmitted by him to the said Mr Fraser in the Bank of Scotland at 5 pct. upon the Twentieth of April last, & the Bank's security was laid before the Session, a Copie whereof follows:—

"Bank of Scotland,
Edinr., 20th April 1762.

"Received from Andrew Murray, Hospital Treasurer in Inverness, on Acct. of said Hospitall, per Mr Jn. Fraser, Five Hundred pounds Sterling, to be paid in the Company's Notes at the End of Twelve months with the Interest at 5 p. Centum p. annum."

"ROBERTSON OF INCHES' HALF COBLE.

"October 6, 1713.

"The sd. day Mr Charles McLean, Town Clerk, gave in a petition shewing that where James Thomsons, Mercht. & late Hospital treasurer, was infest in a half cobles Salmon fishing, conform to the disposition granted be Mr William Robertsons of Inches to the Hospital Treasurer, yr. upon, & now that the sd. Infestments are now of a long time exped, desired that they would appoint James Dunbar, present Hospital treasurer, to take up the papers & pay the Accompt, which amounted to the soume of twentie lbs. fourteen shill. Scotts money. The Session considering the same, appointed the sd. James Dunbar to take up the papers from the Clerke, & clear his accompt, & like wise to pursue Inches for repayment."

"August 30th, 1720.

"The Laird of Inches Intreated that the Session would be pleased to Appoint a Com-

mittie to meet with him in order to State Account betwixt them and him, The which The Session agreed unto, and Appointed the following persons for the sd. Committie, viz. : —Baillie James Dunbar, Baillie John Hos-sack, Thomas Alves, Hospitall Treasurer; John Fraser, William Neilson, And appoints Inches to Call for them when he would have ym. meet."

"INCHES' DEBT.

"Novr. 21, 1721.

"The Modr. and Baillie McLean are appointed to wait upon Alexander Baillie, Town Clerk, in order to know Mr Duncan Forbes advice Concerning the Debt resting by Inches to the Hospitall."

"Feby. 27th, 1722.

"The Session Considering the Advocat's Advice in Reference to the Heretable Bond which Inches Gave to the Hospitall upon his half Coble Salmon Fishing, That upon offer of the Money that's due by Inches, They might discharge and Renounce the Debt, but not dispone and Assigne, did All Resolve to adhere thereto."

"JOHN CUTHBERT'S DEBT.

"Feby. 26th, 1717.

"The sd. day John Cuthbert of Castlehill did Intimate to the Session that he was to pay the money he was resting to the Hospitall, for which his share of the milis were wadeset at Whitesunday next, and desired that the said Intimation might be marked."

"20th Septr. 1774.

"A petition was presented to this Session by Doctir John Alves, in Name of Alexr. Cuthbert, Esqr., Lawfull Son to the Deceast John Cuthbert of Castlehill, and offer is made of Sixteen Hundred pounds Scots money in payment of the sum of two thousand four hundred and five pounds Scots money due by the Estate of Castlehill, to the Kirk Treasurer of Inverness, Which in itself More fully bears The Magistrates and Session, Consisting of the preceeding Members, Having Considered the foregoing petition, & having Maturity advised and Examined the Same, Do hereby agree to Accept of The Sum of Two thousand four hundred and five pound Scots Money, being the principle due the Hospital Funds of this Bough by the Late John Cuthbert of Castlehill by his two

Separate Bonds Mention'd in the forgoing Petition, & upon which Bonds an Adjudication follow'd, And that upon the Special Condition that the Money Shall be Immediately paid to the Hospital Treasurer. Or that the petitioner shall Grant his bill for the same, payable At the Term of Martinmas next to come, either of which being Immediately done, They oblige themselves to make over to the said Alexr. Cuthbert, Esqr., their Rights to the said debt, and Adjudication preceeding thereon, And that being done At his own proper expense, Whereupon Act to be Extracted by the Clerks."

"4th October 1774.

"In Consequence of the Last Session, An Answer was presented befor them, agreeing to the Terms propos'd by the Session, Signed by Alexr. Cuthbert, Esqr., Dated at Edinr. the 27th Sepr. Last past, Which in itself bears more fully and is here into Annexed:—

"Unto the Honble. The Magistrates and The Revd. The Ministers and Kirk-Session of Inverness, The petition of Dr John Alves, physician here, Humbly Sheweth.

"That the Estate of Castlehill has been under Sequestration, and a process of Ranking of Credrs. upon said Estate has been depending before the Court of Session for a great Many Years past, That the Treasurer of the Hospital of Inverness is rank'd as a Credr. upon Said Estate for two Separate Bonds of the Deceas'd John Cuthbert of Castlehill, Amounting to gether to the Sum of Two thousand four hundred and five pounds Scots Money of Principal, With Penalty and Annual Rents, as adjudged of the 11th June 1745 by the Said Hospital Treasurer, That Alexr. Cuthbert, Esqr., Lawfull Son to the Said John Cuthbert of Castlehill, who Also Claimed to be Rank'd as a Credr. upon Said Estate, Seeing That by the Management had in the Ranking there is Little prospect that the disputes between him and the other Credrs. can be brought to any Issue for Several Years to Come, dureing which time the sums due to each of them respectfully must ly dead, and fearing that the preferable debts which are always growing will in a few years so exhaust the whole Subject as to Leave little or Nothing to the other Credrs., Who are not in that Class; being more over desirous to bring his family affirs to Some Speedy Conclusion, He has

Authorized your Petitioner to make offer to the administrators of the Hospital funds by way of Computation for their Claims as it Now Stands, The Sum of Sixteen Hundred pounds Scots Money, to be paid Immediately upon their giving him a proper Conveyance to their Said Claim, Which offer your Petitioner humbly hops will be thought adequate and Reasonable, the circumstance of the Ranking Considered, and accepted of Accordingly, In Respect.

(Signed) "JOHN ALVES."

"The Magistrates and Session, Consisting of the preceeding Members, Having Considered the forgoing petition, and having Maturely advised and Examined the Same, Do hereby agree to Accept of the Sum of Two thousand four Hundred and five pounds Scots Money, being the principle Sum due the Hospital funds of this Burgh by the Late John Cuthbert of Castlehill, his two Seperate Bonds mentioned in the forgoing petition, & upon Which Bonds an Adjudication Follow'd, and that on the Special Condition that the Money Shall be Immediately paid to the Hospital Treasurer, or the petitioner Shall Grant his Bill for the Same, payable at the Term of Martinmas next to Come, On either of which being Immediately done, They obledge themselves to make over to Alexr. Cuthbert, Esqr., their Rights to the Said Debt and Adjudication thereon, and that to be done at his own proper Expence."

No. IX.

"HOSPITAL TREASURER APPOINTED.

"Januarie 8th, 1712.

"The which day James Dunbar, Mert., younger in Inverness, & one of the Elders, was unanimously chosen Hospitall Treasurer, with power to him to doe every thing usuall or necessarie for the good of the Poor, as he shall be answerable Conform to his instructions. He is appointed to make up his accompts of his intromission with the Collections for the poor as Church Treasurer, & to give them in befor the Committie of this Session betwixt & the 6th of March next. The members of the Committie hereby appointed to meet for that effect are the Lairds of Castelhill & Drumoor, John Barbour, Baillie; Rob. Ross, Baillie; George Duncan, Thomas Fraser, Wm. Neilson, James Vaus, Elders."

"CHURCH TREASURER.

"Jan. 8th, 1712.

"Mr David Scott was unanimously chosen Church Treasurer, with power to him to uplift & take care of the Collections for the poor."

"PROTEST BY HOS. TREASURER.

"Aprile 7, 1713.

"The sd. day James Dunbar, Hosp. treasurer, gave in a paper which was read in Session, the contents whereof follows:—That whereas the deceased Alexr. Dunbar, late Provost of Inverness, by his Mortification of the Hospital house, dated 10th of Janr. 1684, dedicated the five upper storries thereof for the use of the poor, to be placed therein by the Session, & for making his will the more known, he not only causes record his sd. Mortification in the Hospital Book, & Subscribes it with his own hand, places Bedmen in the sd. Hospital house in his own lifetime, but also in one of his Mortifications of two thousand merks left for subsisting of the poor, he appoints the yearly @ rent thereof to be bestowed on such poor persons as shall be brought in to the sd. house, & further in the bodie of his mortification does appoint dykes to be built to the Hospital yeard for the accommodation of them that shall happen to live within that house. & in the close thereof

& his other mortification of other two thousand merks, both dated the sixteenth of July sixteen hundred & eightie-eight, he words them thus—I conjure the Patrons & others concerned, as they shall be answerable to the Great & eternall God, father, Son, & Holy Ghost, & their own consciences, to be faithful & true in their administration, & to keep his will & mortifications unviolable & unalterable to all intents & purposes, by all which it is evident that the sd. Provost Dunbar appointed the sd. house for lodging of the poor, & not for to be sett one rent ore bestowing it after privat use, & likewise your wisdoms by your of Act of Session, dated the 13 Sept. 1711, not only concurre in fulfill Provost Dunbar's sd. will in opposing the setting thereof for privat use, but confirms the same on the 21 of Novembr. last by past in the instructions given by you to the sd. James Dunbar at his admission, ordering him strictly to observe the will of the dead, & conform to the trust ye reposed in him, not only did he apply to the Magistrates & council of this Burgh to give him the possession of the uppermost storie, but also consulted an expert Advocat in Edinbr. how he should obtain the possession thereof in order to the making of the sd. House habitable for lodging of the poor in terms of Provost Dunbar his will, but after all it is no small surpryse to the sd. James Dunbar to find the time he was at Edinr. discharging his trust as above, that you should place a man in the lower storrie thereof whom ye cannot pretend to be a bedman that possessed it without waiting for the Key, that lay in the sd. James his house, & who lately entered a publick charge disagreeable to your constitution, & without the legall tryall and qualification appointed by Act of Parliament & Articles of the union, & there placed by you contrair to Provost Dunbar's will that had the above certification contrary to the sentiments of the most known Lawiers in Scotland, contrary to your sd. former practise, contrary to your instructions given to the sd. James, and contrary to the acts of the General Assembly, therefore the sd. James protests against your sd. procedure, & that you concur in getting possession of the stories & that this representation shall be recorded in your Session Register, & appeals to the Presbytrie of the bounds, the Provincial Synod & Generall Assembly, for remead and damage.

“This paper being read and given in to the Clerk to be recorded, the Modr. desired that they have their thoughts upon what

answer to make against the next dyet. Ordered that the next Session meet upon the 21 current."

"Aprile 22, 1713.

"The members of the Committee met according to appointment, when James Dunbar produced the deceased Provost Dunbar's papers and evidences anent the Hospital, which were read & considered, yet they did not conclude upon any answer till next meeting."

"PATRONS OF DUNBAR'S MORTIFICATION.

"2 March 1714.

"James Dunbar, Hosp. treasurer, did represent that since the decease of James Dunbar, late Baillie, there has been no patrons chosen for that Mortification of the deceased Provost Dunbar, being two thousand merks, the interest of which to be divided among eight poor, weak, & indigent persons according as the Patrons shall think fitt, & it being expressly provided in that Mortification that the two minrs. and five Elders shall be Patrons of this particular donation, & chosen by the Session, the sd. James did therefor desire that the will of the mortification shall be observed, & that they should proceed to elect the Patrons. Which the Session, taking to their consideration, did make choise of Wm. Duff, late provost, Geo. Duncan, James Dunbar, & James Thomsons, Elders, the deceased B. Dunbar's sone, Barmukitie, being the fifth with the two ministers, & betwixt and the next meeting they are to advise whom they shall think most fitt to be admitted pensioners."

"SUPEREXPENDITURE OF HOSPITAL FUNDS.

"8th March 1715.

"The Hospitall Treasurer represented that he was superexpended in paying the Pentioners belonging to the Hospitall, and that severall debtors were resting above three years' interest, to the Great loss of the poor, & craved advice how to behave in that case. Upon which the Session appointed Mr Dunbar, Treasurer, to put in execution ane instruction formerly recorded in the Hospitall book, viz., that evrie one who is resting money by bond to the Hospitall, & are resting the @ rents for three years, that he shall use all legal dilligence gainst the sds. persons for recovering the rents, & raising the principal soume out of their hands, with certification that if the Treasurer be negligent, he shall be made lyable."

“AUDITING ACCOUNTS.

“Janr. 19th, 1720.

“The Session Appoint that the Committie for viewing Baillie Dunbar’s Accompts may meet to Sign their Report, and also to draw up a discharge to the Said Baillie Dunbar, who is to be one of the Committie, and they are also Appointed to Call Alexander Baillie, Town Clerk, in order to Inventer the papers that belongs to the Securities of the Hospitall Lands, and that all those who did Mortify to the Said Hospital! Their names may be Registrare in the new book with what they dotted to the Said Hospitall So fare as Can be hade.”

“Feb. 2nd, 1720.

“Reported that according to Appointment The Committie mett and did appoint Alexr. Baillie, Town Clerk, to Inventer all the papers belonging to the Hospitall, and that was doeing it Also that a list of the Mortifiers with what they Mortified was made up as farr as could be hade, & also that they hade made a draught of a discharge to Baillie Dunbar, late Hospital Treasurer, The Tenor whereof fellows:—

“THANKS AND DISCHARGE TO HOS. TREASURER.

“Thee Session having Considered the Report of the Comittie Appointed for Revising Baillie Dunbar’s Accompts as Hospitall Treasurer, as the same is Insert & Subscribed in the Hospitall Books of the Date the fourteenth day of January 1720 years, Doe not only Return The Said Baillie Dunbar their Hearty thanks for his good service in the said office, but also Exhonors and discharges him, his Heirs and successors, of his Intromition with the Stock of the Said Hospital, and hail Management in Relation to that affair, and ordain ano extract hereof to be given him for his Security, which the Session declares to be as Sufficient as if ane ample discharge were Extended with all Solemnitie-Requisite, and ordains their puts to be Registrare in the Church Register of Inverness.”

“March 13, 1722.

“The Session Appoint the Hospitall Treasurer to Call for ano Inventer of the Hospital papers from Alexander Baillie, Town Clock, and that he and the former Treasurer Enquire what is proper to be Given him for making up the Said Inventer, which is to be payed him by the present Treasurer.”

"1000 MERKS TO BE KEPT ON HAND.

"November 7th, 1721.

"The Session Appoint that a Thousand Merks of the princ. Stock of the Hospitall Be kept without Intrest for answering the Necessitys of ye pentioners, and also they Appoint the Modr. & Mr William Stuart to Speak to Baillie McLean to Accept of Being Hospital Treasurer."

"HOSPITAL TREASURER AND REV. ROB. ROSE
DIFFER.

"21st Augst., 1776.

"Mr Robert Rose, Minister, Represented to the Session that he had different times applied to the Hospital Treasurer in order to have an account from him how the Hospital funds were disposed of, he being an entire stranger to the method as well as the persons who are pensioners on that fund, tho. he is now thirteen years minister of this parish. The Session having considered that there was a Commette appointed in the minutes of Session, dated 10th January last, to Examine and Revise the Hospital Treasurer's Accompts, They hereby renew the appointment of the Commette for that purpose, and appoint Mr George Watson an additional member to the said Commette."

"6th October 1778.

"The Session having the Deed of Mortification Granted by the Deceast Provost Dunbar anent the Hospital House, lead before them, They appoint that the upper rooms above the Ground flate (flat) be Inspected, and a Proper rent be assigned for each room in Terms of the Deed of Mortification."

"PAPERS RELATING TO SHIPLAND ESTATE.

"Sept. 9th, 1718.

"Reported that the Hospitall Theasurer Received on of the principall papers one the Estate of Robert Robertson of Shipland, to the value of five Thousand Merks, And that the other papers were Lodged in the hands of Tho. Fraser, writer, They did Appoint Baillie Dunbar to get them from him."

"Janr. 13th, 1719.

"Baillie James Dunbar Reported that he hade used diligence against Charles McLean in order to get up the papers upon the Estate of Shipland, that the sd. Charles hade, And

obtained yesterday befor a Baillie Court the Said papers in a very bad condition, abused with Ink, and have taken a new Infestment upon that pairt of Shiplands Lands that Hold of the Laird of Calder, and was appointed to Registrare the Bloted Security for its preservation, all which the Session approved of."

"PAPERS RELATING TO HOSPITAL.

"May 26th, 1719.

"The Session Appoint that Mr William Stuart may write to Mr Robert Baillie Anent the papers of the Hospitall in order to recover them from John Stuart, writer at Edr."

"July 14th, 1719.

"Mr Robert Baillie Reported that he did bring home the papers Belonging to the Hospitall Against the Estates of Inches and the Late Baillie James Dunbar, with a particular Inviter of the Said papers, the Tenor whereof follows:—Primo Extract Mortification be Alexander Dunbar of Balmuckatie, Late Provost of Inverness, of the Sume of Two Thousand Merks Scots money for the use & behoof of Eight poor persons within the Burgh of Inverness, dated the 16th day of June 1688 years, and Registrare in the Borrow Court Books of Inverness upon the 18th day of Sept. sd. Year. Secundo, Extract Heritable bond be James Dunbar of Dalcross, late Baillie of Inverness (in whose hands the Sumes contained in the above mortifications were depositate), to the Ministers and Elders of the Said Burgh of Inverness, for the Said Sume of Two Thousand Merks of prinell., with penalty & @ rents which Heritable bond bears ane obligation to Infest prory of Resignation, and Severall others provisions and Clauses, and is dated the 27th day of Aprile 1703, and Registrare in the Borrow Court Books of Inverness the 4th day of June 1706 years.

"3to. Extract Mortification be the sd. Alexander Dunbar of Barmukity, whereby he mortifies the Sume Two Thousand Merks Scots money to and for the Use of the Hospitall of Inverness, which Sum was depositate in the hands of James Dunbar, Mert. of Inverness, this Mortification is dated the 6th day of July 1688 years, and Registrare in the Borrow Court books of Inverness the 18th day of September Said Year. 4to. Extract Heritable Bond be the Said James Dunbar to the Ministers and Elders of the Burgh of In-

verness, as Trustees and Administerators to the poor of the sd. Hospitall, for the Sume of Money Contained in the Mortification last @ mentioned, This Heritable Bond is dated the 27 Aprile 1703 years, and Registrat in the Borrow Court books of Inverness the 4th day of June 1706 Years.

"5thly. Generall Charge to Enter Heir at the Instance of the Ministers, Magistrates, and Elders of the Burgh of Inverness, As Trustees and Administerators for the Eight poor persons named in the Mortification, and Heritable bond first mentioned Against Alexander Dunbar of Barmuckity, only Lawfull Son and Apparent Heir to the said deceast James Dunbar of Dalcross, Late Baillie of Inverness, Which General Charge is dated the last day of March, and Signed the Second day of Aprile 1713 years, and has Ane Exemtion against the Said Alexander Dunbar (being then out of the Kingdome) be William Gordon, Messenger, dated the 3d of Aprile 1713 years. 6ly. Summoned upon the Passive Titles proceeding upon the Said Generall Charge, dated and Signed the 22d day of Aprile One Thousand Seven Hundred and thirteen years, and has ane Exemtion against the Said Alexander Dunbar be William Gordon, Messenger, dated the Twenty-third day of Aprile and year forsaid.

"7thly. Generall Charge to Enter heir at the Instance of the Ministers, Magistrates, and Elders of the Burgh of Inverness as Trustees and Administerators for the poor of the Hospitall of the Said Burgh, Conform to the Mortification and Herible Bond last mentioned against the Said Alexander Dunbar of Barmuckity, only Lawfull Son and Apparent Heir to the Said deceast James Dunbar of Dalcross, Which Generall Charge is dated the last day of March, and signed the 2d day of Aprile One Thousand Seven Hundred and thirteen years, and has an exemption against the sd. Alexr. Dunbar (then out of the kingdom) be William Gordon, Messenger, dated the third day of Aprile and year foresaid.

"8ly. Summons upon the passive Titles proceeding upon the said Generall Charge, dated and Signed the 22d day of Aprile 1713 years, and has one Exemtion against the Said Alexander Dunbar be William Gordon, Messegr., dated the 22d day of Aprile 1713 years.

"9ly. Precept of pointing at the Instance of James Thomson, Mert. in Inverness, present Hospitall Treasurer of the Said Burgh, Against Mr William Robertson of Inches, proceeding upon the Bonds following, viz., A

Bond dated the 4th day of July 1691 Years, Granted be the Said Mr William Robertson to James McLean, mert. in Inverness, then Hospital Theasurer, and his Successors in office, for the Soume of one hundred & ten merks Scots money, of prinell., with penalty & @ rents; Another Bond, dated the 19 day of May 1703, granted by the sd. Mr Wm. Robertson to George Duncan, Mert. in Inverness, the Hospitall Theasurer, and his Successors in office, for the Sume of five hundred merks Scots of prinell., with @ rents and penalty. In a third Bond, dated the 17th day of December 1706 years, Granted be the said Mr William Robertson as prinell. and John Robertson, Younger of Inches, his Eldest Son, to the sd. James Thomson, then Hospitall Theasurer, and his Successors in office, for the Sume of Two hundred and forty pounds Scots of prinell., with penalty & @ rents this precept of poinding, is dated the 4th day of January 1710.

“10ly. Extract Bond be Mr William Robertson of Inches & John Robertson, Burges of Inverness, and John Grant, in Wester Inches, Conllre and Seallre, to James Dunbar, Hospitall Theasurer of Inverness, for the Sume of One Thousand Merks Scots of prinell., with penalty and @ rents, dated the 23d day of December 1712 years, & Registrate in the Borrow Court Books of Inverness the 6th day of August 1714 years.

“The Session appoint that Mr Robert Baillie may deliver the said papers to Baillie Dunbar, and get his Receipt.”

No. X.

HOSPITAL PENSIONERS.

The Hospital Pensioners were elected by the Session, generally in response to a humble supplication written to the Session by the applicant. This is the earliest recorded:—

At Inverness, the twentie sixth day of March,
1688.

“The said day the Session of the said burgh having considered the humble petitione of Thomas Dunbar, mert. and burges in Inverness, and lykwayes his former behaviour and present necessity, have by these ordained Hugh Robertson, present baillie and hospitall thesaurer, to give the said Thomas Dunbar four score merks money yearlie, begining at the date of his supplication, qch was at Martinmas Last 1687, and thereby to continue yearlie and quarterlie during the Session's pleasur and his Christian behaviour: it is hereby inacted that the said Thomas shall not gett any of his pentione whyll he wear a gown suteable for his pentione, qrupon act, days, and date forsaid insert be me,

“ALEXR. BISHOP, Session-Clerk.”

Sometimes the Session gave the gown, as in the case of John Tulloch, burgess, who got 48 pounds Scots yearly with a gown conform. From the representation of the gown which is seen on one of the carved figures above a window of the Hospital, it is not surprising that the pensioners were reluctant to wear the gown. It could only heighten any decrepitude, and would detract from the handsomest figure.

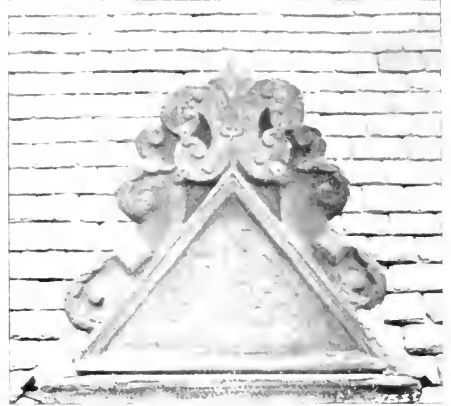
In addition to the old and frail, the young, if needy, were alimeted from the funds of the Hospital, as witness—

“The sad and indigent condition of George Hepburn, son to the deceast Baillie Hepburn, who was without food and rayment. This being the said day represented to the Session, they unanimously did appoint the thesaurer of the hospitall to aliment him in meat and cloathes not exceeding four score merks per annum till he be fitt for some trade or employment.”

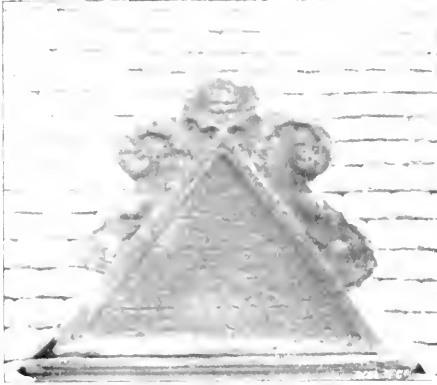
Regular pensioners were generally put on for life, but many poor people were relieved casually. The Session Records contain many orders on the Hospital Treasurer to relieve the necessitous for the time out of Hospital moneys. It is quite



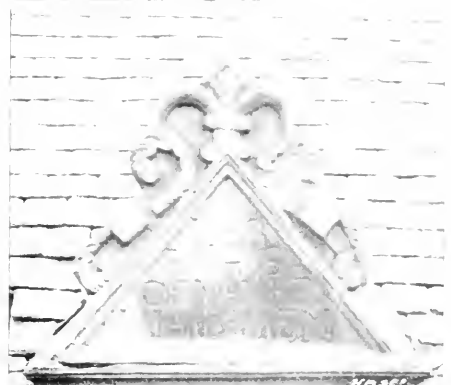
"This poor martyr you
 1668.



"And the King he was
 and saved his soul from death."



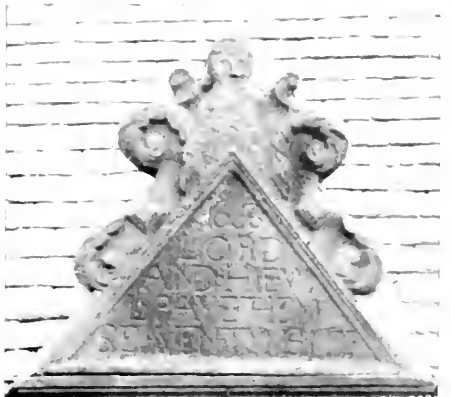
"While that righteous man
 both is better than the"



Relief of the King
 1668.



"He that giveth to the poor
 lengtheneth his life."



"Learn of the meek
 the lowliness of mind."
 1668.

evident the Session were more concerned about helping the "distressed ones" than they were scrupulous in their account keeping, which somewhat excused, if it did not condone, their peculiar ideas of book-keeping.

SUPPLICATIONS FOR PENSIONS, &C.

"July 8th, 1712.

"The sd. day David Gibson, Cooper, burges of Inverness, haveing supplicat the Session for some maintenance & support in this his infirm & sickly old age, not being able to work or want, The Session, takeing his case & condition to their serious consideration, did unanimously agree to settle him a pensioner of the Hospital dureing life, & order twentie pounds scotts to be given to him yearly, & to be payed quarterly, commencing from the first of May last, & the first term's payt., viz., five pounds scotts, to be made at Lambas next, & so quarterly to continue."

"August 5th, 1712.

"The sd. day Wm. McBain, burges in Inverness, did supplicat the Session shewing that according to his abilitie he had contribute for the benefite of the place according to his power hitherto, but that now, through old age and weakness, both of himself & spous, is rendered unable to work for a living, & haveing no other way of earthly relief than to apply to the Session, he Humbly craves a share of their bountie from the donations of the Hospitall for the maintinance of himself & spouse duering their pleasure. The Session takeing the same to their consideration, did unanimously agree to settle upon the sd. William McBain & his spous the soume of fourtie pounds scotts yearly duering the Session's pleasure, commencing the first term's payt. a Lambas last."

"August 5, 1712.

"The sd. day Elsbeth & Jannott McAlnsters did supplicat the Session to be de novo inrolled among the pensioners of the Hospital, being poor relations of Provost Dunbar, who being befor referred to, be payed by B. Dunbar, have now wanted it for severall years, & humbly craved that the Hospitall treasurer may be appointed to pay the ten pounds scotts yearly, which they were in use to have, The Session takeing the same to their consideration, did grant the petitioners' desire, & hereby orders & authorises the Hospital

treasurer to pay each of them the soume of ten pounds scotts yearly for all the time they wanted it, & to continue during the Session's pleasure."

"Decr. 30th, 1712.

"The sd. day Margaret McBain, relict of Lachlan McIntosh & brother oye to Provost Dunbar, & also Isobel McBain, relict of Alexr. Stephen, weaver, with two fatherless children, another relation of the sd. Provost's, & neice to the sd. Margt., did supplicat the Session humbly, shewing that by reasone of the infirmitie of their old age, they were not able to work or toyle for their living as formerly, & being in great povertie & want, were necessitat to apply for some yearly pension out of the Hospital rents, the Session takinge the same to their serious consideration, & seeing they were both relations of Provost Dunbar, did unanimously agree & hereby enact that the sd. Margt. McBain shall have yearly the soume of fourtie Merks scotts, & the sd. Isobel McBain shall have yearly the soume of twentie pounds Scotts payed to them by the Hospital Treasurer of the sd. Hospital rents, & that by equal proportions at four terms in the year, the first term's payment, commencing from Candlemas next, seventeen hundred & thirteen years, & so forth, to continue dureing their necessitous condition, whereupon Act."

"1st June 1714.

"The sd. day Isobel Dunbar, relict of the deceased Frederick Fraser, sometime taylor, burges of Inverness, did supplicat the Session, shewing that she had lived these fourtie years a widow in this place without being burdensome to any, & now being old & very infirme, & not in a capacitie to maintain herself, Therefore humbly craved they would consider her condition & allow her a maintainasce out of the Hospital rents during the remaining part of her life. The Session considering that she was a woman of good & honest reputation, & knowing that she was not able to maintain herself, & also knowing that she was a neice of the deceased Provost Dunbar, they did unanimously consent & agree to give her, & do hereby give & grant to the sd. Isobell ane yearly pension of fourtie pounds scotts money out of the Hospital rents of this Burgh, to be payed by the Hospitall treasurer quarterly by equall proportions."

“10th August 1714.

“The sd. day Charles Baillie, burges of Inverness, did supplicat the Session, shewing that his deceased father & certain others of his predecessors had sometime the honour to be Magistrats in this Burgh, & the Petitioner having of late (by reasone of a rupture in his right side & other incapacities naturally attending old age) become so infirm that he is unable to earn his bread, & therefor humbly craveing to be admitted a pensioner of the Hospitall, & that they would allow him such competencie of the Hospitall rents as they should think fitt yearly for his support in this his indigent case. The Session, takeing the Premises to their consideration, & finding that his circumstances, joined with his pretensions as the offspring of such Progenitors, doth furnish him a Just Tittle to be received into the Hospital, Therefore they unanimously consent & aggree to receive the sd. Charles as a pensioner of the Hospitall, & hereby orders their Hospitall treasurer to give him the soume of fourtie lbs. scotts yearly, to be payed quarterly by equal proportions, commencing the first term's pay'd presently, & so furth quarterly to continue dureing life and his good behaviour, whereupon Act.”

“November 28th, 1727.

“It Being Represented that Alexr. Cuthbert, Mert. in this Burgh, having a Smal Family of hopefull Children, is fallen into very Straitening Circumstances, that he has a prospect in a litle time of some Settlement, whereby his Circumstances may be bettered, In the Mean time that he and his Family Exceedingly want for present Subsistence for waiting the Said Relief, The Session having Considered The said Representation, and being Aprized of the truth thereof, Did and hereby do Appoint the Hospital Treasurer to advance to the said Alexr. Cuthbert, with his, the said Treasurer's Conveniency, the sume of four pound Sterling, to be Sustained in his Accompts, and for which this shall be his Warrant whereon Act.”

“Sept. 16, 1729.

“There was a petition presented from James Cuthbert, Lowrie's Son, setting forth that he has been in prison in the Town of Tain these two years by past, and is by that means reduced to great straits, and craveing that he may be reponed to his former pension

of forty pounds Scots yearly out of the Hospital funds, The Session considering the said petition, did grant the desire thereof, and appoint that his payment thereof shall commence from the first of August last by past."

"21st Oct. 1756.

"The condition of Kenneth Hossack, Late post, his age, and the Reduction of the office by which he served the Town & the Lieges being considered, they appoint the Hospital Treasurer to pay him £24 Scots in the year."

"21st October 1756.

"The petition of George Cuthbert, Lawful Son of Robert Cuthbert, Shoemaker, Setting furth his Malady from his Infancy, & the great Burden which he proves to his parents, The Session Appoint the Hospital Treasurer to pay the said Robert Cuthbert, the father, Twenty-four pounds Scots in the year in Ease of the Burden which he bears of his Son, and the Same to be paid in the manner above Directed."

"PENSIONS NOT BEING PAID.

"8th March 1715.

"In regard it was reported that many of the weekly pensioners were crying out for want of their pensions, & the money being delivered each Sab. day to the officer to distribute it, recommended it to David Holme & Jas. Vaus, Elders, to enquire who they are that want and how much, & for the future it is enacted that the Ch. treasurer only distribute that money."

"29th March 1715.

"James Vaus, one of the Elders being appointed to enquire if the weekly pensioners were duely payed, produced ane accompt of same who hade wanted in all the sune of nine pounds ninteen shill. scotts, which Donald Mckenzie, officer, hade kept up from them, the sd. Donald being rebuked for the same, was ordered to give in that money to James Vaus by four in the afternoon prempтары, as he will be answerable, in order to be destributed to the poor people who want it."

No. XI.

MORTIFICATIONS.

The following three mortifications are not apparently mentioned in the Kirk-Session Minutes, although the sums are taken to debit in the old "Count Book" already quoted—1714, Helen Baillie, £66 13s 4d; 1722, Robert Jackson, £333 6s 8d; 1747, Elspet Fowler, spouse to William Mackay, £333 6s 8d:—

"BAILLIE JOHN MACKINTOSH'S MORTIFICATION,
500 MERKS.

"June 24, 1712.

"The Moderator informed that he with some others of the Elders with him hade received from widow McIntosh the five hundred merks left by her deceased husband to the Hospitall, & hade given their receipt, which was thought fit to be recorded here, the Tenor whereof follows:—We, William Duff, present Provost, Mr Robert Baillie, & Mr William Stuart, Minrs. of the Gospel, of Inverness, & James Dunbar, Mert. in the sd. Burgh, Hospitall treasureer thereof, Grant us hereby for ourselves, & in name of the Kirk-Session of Inverness, to have received from Marjorie Cowie, relict & extrix of the deceased John McIntosh, late baillie of Inverness, with consent of the children & other exers. of the sd. defunct, the soume of five hundred merks Scotts money, which was destinate & appointed by the sd. deceased John McIntosh for the use of the poor of the sd. Hospitall, & therefore we, the forenamed persons, doe by these puts declare that the forsd. soume shall be applyed for the sd. use & no other wayes, in witness whereof we have subscribed these puts written be John Baillie, writer in Inverness. At Inverness, the twentic-fourth day of June seventeen hundred & twelve years, in name & presence of the Kirk-Session now Assembled befor these witnesses, George Cuthbert of Castelhill, Wm. Macbean, gold-smith, Mr David Scott, burgess of the sd. Burgh, witter of the witnesses' names & designations, who are likewise members of the sd. Session. Sic Subscribitur, Ro. Baillie, Modr.; Wm. Duff, Provost; Will. Stuart, Minr.; James Dunbar, Treasurer; George Cuthbert, witness; William Macbean, witness; Da. Scott, witness."

WILLIAM DUFF OF DIPPLE MORTIFICATION.

The distinguished family of Duff were intimately connected with the town of Inverness. The name of Paul Duff appears in the list of jurors who served on an inquest held at the Castle Hill, Inverness, in connection with the succession of Donald Thane of Cawdor to the lands of Dunmaglass in 1414, and from this time the name of Duff is more or less in evidence. The family claim descent from Macduff, the Thane of Fife, and the claim is generally conceded. It is said the descent can be traced in regular line from the fourteenth century. Be this as it may, the family have had an Inverness connection from the time of Adam Duff of Clunybeg (now called Auchendown), born 1598. He was father of William Duff, Provost of Inverness, and great-grandfather of William Duff of Dipple. The Provost and his son, Alexander Duff of Drummuir, and William Duff of Dipple are in the list of Elders of the parish. Alexander Duff was member of the first British Parliament, M.P. for Inverness 1702-7, for Inverness Burghs 1708-10, and then Provost of Inverness. His third son was William Duff of Muirtown, also Provost of Inverness. The lineal descendants of this branch of the family at the present day are Mrs Darwin of Muirtown and Colonel Warrant of Bught and Ryefield.

The first Duff of Muirtown and Wm. Duff of Dipple, as we see, were second cousins. In early life William Duff of Dipple, who was one of the Baillies of Inverness, was engaged in business in Inverness with his great-uncle, the Provost, but latterly lived in Elgin, hence the finesse required of the Session in addressing him. In 1718 he succeeded his nephew in the estate of Braco. Dipple died in 1722. His son was created Lord Braco 1735 and Earl of Fife 1759, and from him the present Ducal family of Fife is descended.

The earlier Duffs were a family of capable and far-seeing men who turned their talents to good account in the business in which they engaged. They are reported to have been just men, honourable in all their dealings, and strict in fulfilling their engagements; kindness and hospitality were characteristic of them towards their tenantry. It is reported of one of them that in 1783, a season of famine, he deducted 20 per cent. from the rents of his Highland tenants, and he sold his own grain and imported cargoes from

England for the poor at a loss to himself of £3000. Altogether, the family deserved the prosperity foreshadowed in the Kirk-Session's letter to Dipple.

"March 15th, 1720.

"It being represented that the Laird of Diple is Indisposed, the Session appoint that Baillie Dunbar, Mr William Stuart, Mr Robert Baillie, Thomas Alves, William Neilson, John Fraser, may meet as a Committie upon Thursday next in order to think upon a proper way to pay him a visite."

"5th Aprile 1720.

"There being a Report made by Some of the Members that were appointed formerly as a Committie in order to think upon a proper way to pay Diple a visite, That they did not meet according to the sd. appointment, Therefor it was Sugested that Just now the Persons Should be Chosen who were to goe; Accordingly it being put to the vote, They did all agree Unanimously that Baillie James Dunbar and Mr Robert Baillie Should goe, Also they appoint that There Should be a Letter written to the said Laird of Dipple, and Signed by the Members of the Session, The Tenor of which follows:—

"Honble. & Dear Sr.,

"It Cannot but be Matter of Joy to all the good Burghers of Inverness When they hear how God has been pleased to Bless & prosper you in your affairs and Concerns in this World, and in a particular manner the Members of the Kirk-Session doe Earnestly wish that the abundance of Temperall Blessings which Heaven hath bestowed on you may be a Sure forrunner and token of the uncorruptable Inheritance and Crown of Glory Reserved for you in Heaven, In the meantime they desire to perswade themselves that it is your Inclination to glorify God with the good things he has given you, the Necessity of the poor in this Burgh hath a Cry for your help, and your Casting of your bread upon the waters may bring upon you the Blessing of those who are Ready to perish, We have sent Two of our number, to Witt, James Dunbar, one of the present Baillies, and Mr Robert Baillie, one of the Ministers of the Burgh, to Salute you in our name as a token of that Respect wee owe unto you, and wee have referred it unto them to Represent our desires more fully into you, and wee doubt not but by them ye will

give us Ane Answer as may Refresh ye Bowels of the poor, perpetuate and Embalm your own name, and while the Burgh Continues, Give ane occasion unto posterity in this place to Bless your memory, This wishing that your life may be prolonged for the Glory of God, the Comfort of your Soul, and the Honour of your family and Relations, with all Respect and Sincerity, we are, Honble. Sr., Your most Engaged & very humble Serts."

"Ap. 19th, 1720.

"Mr Robert Baillie and Baillie Ja. Dunbar Reported that they went to Elgin, and payed a visite to the Laird of Diple according to Appointment, and that he was Confyned to his bed, That they delivered the Letters from the Council and Session, which he caused read in their presence, and that he was very sensible of the Respect that the Council and Seession hade put upon him in Remembering of him in that Manner, and that as soon as he Recovered So as to be able to write, he would find Ane Answer to the Council and Session which he hoped would Satisfy them; he ordered to Lay up the Letters Carefully, and desired that any person the Session pleased Should Call for the Answer; upon the whole he Seemed well pleased and behaved most Civily, The Session Appoint the Modr. to write up a Letter to Diple thanking him for the Civil Return he gave by word of mouth to their Letter, and to put him in mind of his promise to Send up ane answer in write."

"Decr. 13th, 1720.

"The Session Appointed the Modr. to write a Letter to the Laird of Dipple to mind him of his Promise, The Tenor of which Letter follows:—

"Honble. and Dear Sr.,

"The Kirk-Session of Inverness, Consisting of Magistrates, Heritors, & Honest Burghers, Cannot forget your promise to Baillie Dunbar of leaving a toaken of your kindness Unto the Hospitall of this Burgh, The whole Inhabitants whereof are most Earnest to have a memoriall of your name preserved among them, Being Proud of haveing Such a Considerable Person as the Laird of Dipple for their Burgher, They have therefor Impowered Thomas Alves, Your Acquaintance, and our present Hospitall Treasurer, to put you in Remembrance of the kind promise you mad

and Wee perswad ourselves That you will do something effectually in it which will Ingage the Inhabitants in this place to pray for your prosperity and the prolongation of your life, this in name and at the Appointment of the Session of Inverness, Signified unto you by Honble. & Dear Sr., your Most obliged & humble Servt., Sic. Subtr.,

“ROB. BAILLIE.”

“January 10th, 1721.

“The Session Impowers Thomas Alves, Hospitall Treasurer, to write to the Laird of Dipple, and to Transact with him about John McBean & Inches’ Bond of a Thousand pound Scots, Which he promises to Assign to the Hospitall fund, he allowing five hundred merks thereof as a Mortification to the sd. Hospitall funds in the best manner the sd. Hospitall Treasurer Can, and Report.”

“January 24th, 1721.

“Thomas Alves, Hospitall Treasurer, Reported that in Consequence of the Applications made to the Laird of Dipple in the Name of the Session, He Received a Letter from him dated the Nineteenth day of January One Thousand seven hundred And Twenty-one, The Tenor of which is as follows, viz. :—Sr,—I Received yours, and am only to Mortify five hundred Merks of the Sume Contained in Inches and Mr McBean’s Bond, Which I am to Assigne, and as for the Ballance, which is One Thousand Merks, I am Content to take your Bond in Common form, obligeing you and your Successors in office to pay the Same against Martinmas one Thousand seven hundred and Twenty-One Years, Bearing Intrest from Whitesunday last, Since what I assign you to does the Same, upon your sending whereof I shall return Inches’ and McBean’s Bond with an assignation thereto as you demand; you need make no great Scruple about the term of payment being, I will use no diligence So Soon as that, unless I be Straightned my Self. I would have (If the Good Town Incline What Mortification I make) so Constitute that any poor friend of Myne might have the benefite of it before Another At the Sight of the Magistrates and Council, Which I expect will not be refused, othorwise I am not to Urge it.—I remain, your most humble Servant, Sic Subtr.,

WILL. DUFF.

“Feby. 22d, 1726.

“Thomas Alves, Baillie, Acquainted the Session that he had a Letter from the Laird of Bracko, Informing that the Summ of five hundred merks Mortified by Dipple, his Father, for the poor of this place, was to bear Intrest from Whitesunday one Thousand seven hundred and twenty-three Years, And that the deed of Mortification in due form would Shortly be Delivered in: And that in the Mean time it was Bracko’s desire that one Marjory Sligo, A Widow in this Burgh, might have the @ rent of the Said Sumin, Commenceing from Candlemas last, to be pay’d her Quarterly, Which desire Being Considered by the Session, they Comply’d therewith, and Therefore did and hereby do Intitle the Said Marjory Sligo to the Said Quarterly pention as above, whereon Act.”

“21st March 1769.

“A letter was presented from the Earl of Fife to Mr Duff, Muirtown, presenting Katherine Stephen to the interest of 500 merks, mortified by the said Earl’s grandfather to the poor of Inverness. The said Katherine Stephen compeared, and the Session, finding her to be a girl of only 25 years of age, and able to work and gain her bread, and now in service, did not find her a proper object of charity to be put upon the said fund, and the Session resolved that when the said Earl or any other authorized by him shall present a proper object, the Session shall admit any such to receive the interest of that mortification, and the Session appoint Alexr. Munro, Elder, to appoint Mr Duff of Muirtown of such.”

“Inverness, 9 May 1769.

“There was a presentation laid before the Session, dated 19th Sept. 1768, by the Earl of Fife, in favour of Katherine Steven to the benefit of the mortification by his grandfather, being the interest of 500 merks. The Session appoint the said Katherine Steven to succeed William Steven, her father, and to commence the same from the date of the last discharge by the said Marjory Duff.”

“ALEXR. DUFF OF DRUMMUIR’S MORTIFICATION,
500 MERKS.

“A letter was presented from Drummuir, and its request granted, and let it be considered how far Drummuir has a right to make the request.

“Bath, 6th March 1795.

“To the Rev. Moderator of Church Session,
Inverness,

“Gentl.—Having been requested to make application to you in regard to the disposal of a garden, which I understand was mortified by my great-grandmother, Lady Drummair, and was first rented out for the benefit of William Stephen & Marjory Duff, his wife, and afterwards for that of Kath. Stephen, their daughter, lately deceased, and being informed that Isabel Stephen, their granddaughter, is a very proper object of charity, I should esteem myself obligated to you, if you have not already disposed of this ground in favour of some other person, to continue to her the small emolument arising from it.

“With regret that I have not the pleasure of that personal acquaintance with you which would Entitle me with more Confidence to make this request,—I have the honour, gentlemen, to be your very obedt. servt.,

“J. DUFF.

“CAPTAIN DUFF OF MUIRTOWN’S DONATION.

“30 Decembr. 1800.

“Mr Fraser, minister, reported that he had received a Letter from Captain Duff of Muirtown, inclosing £5 str. for the poor, and intimating his intention to enclose a like sum annually for the same purpose, The tenor whereof follows:—

“Muirtown, 25 Decembr. 1800.

“Dear Sir,—I beg to enclose £5 stg. as my gift, to be distributed as you may judge expedient among the indigent and industrious of the Parish. My being sensible that you will feel this as a pleasant part of your charge makes me now intrude, and I beg to say that it is my intention to inclose a similar sum for the same purpose annually.—Believe me to be your obedt. humble servt.

(Signed) “H. R. DUFF.

“Rev. Mr Fraser, minister, Inverness.”

No. XII.

"MACPHAIL'S MORTIFICATION

"Feby. 23d, 1720.

"The sd. day a discharge to George Forbes for two hundred pound Scots he hade in his hands, left by William McPhail to the Hospitall of Inverness to be Subscribed by the Session, The Tenor whereof follows:—

"We, Mr William Stuart and Mr Robert Baillie, Ministers of the Gospell at Inverness, and the other persons Subscribing, Elders of the Kirk-Session Thereof, doe declare hereby That George Forbes, Writer in Inverness, gave good Security at the Term of Martimas last by past, unto Thomas Alves, Mert. in the sd. Burgh, our Hospitall Theasurer, for the Sume of Two Hundred pounds Scots Money, which the deceast William McPhail, Mert. in the Said Burgh, did Dedicat and Mortify to the poor of This Burgh to be Secured by us and our Successors in place and office, So as wee may Appoint the Stock thereof to be in the hands of Responsible Debtors from time to time, and the @ rent thereof to be payed yearly to the poor of the place, those of the name of McPhail being always preferred in manner narrated in the sd. defunct, his Latter Will and Testament, dated the fifteenth day of September 1716 Years, Registrate in the Books of Council and Session, the 13th day of March 1717 years, as the Samen bears, Therefore Wee, for us and for our Successors in office, Exhonour Quite Claim and Simpliciter discharge the sd. George Forbes, his Heirs and Successors, and the Heirs Exers. and Successors of the sd. Deceast William McPhail and others whom it effirs of the sd. Sume and of all action, Instance, and execution, that is or may be Competent to us or our forsds against the sd. George or others forsds for payment thereof, with Warrandies at all hands and against all deadly as Law will, & further, We bind & oblige us and our sd. Successors in place and office, that the sd. Two hundred pound Shall be secured in the Terms of the sd. Latter will & the @ rent thereof, from and since the Said Term of Martimas last to the date hereof, and all time Comeing, payed Yearly or Termly to the poor of this Burgh, and that Those poor of the name of McPhail Shall be always preferred thoreto from time to time, As wee or

our sd. Successors in place and office Shall See Cause, In Witness whereof Wee have Subscribed their puts, Written by Thomas Fraser, Writer in Inverness, on Stamp paper in Session holden within the Library of Inverness The Twenty-third day of February one Thousand seven hundred and Twenty years, befor their witnesses, Robert Edwards, Session Clerk, and James Fraser, Kirk-officer, & the Blanks being filled up by the said Robert Edwards, Sic Subtr., William Stuart, Rob. Baillie, James Dunbar, Baillie & Elder; William McLean, Elder; Gilbert Gordon, Elder; George McKiligin, Elder; William Neilson, John Fraser, Elder; James Murray, Elder; Ghillies McBean, Elder; Alexander Chisholm, Elder; Gilbert Gray, Elder; Alexander McIntosh, Elder; Robert Edwards, Witness; James Fraser, Witness."

"FRASER OF FAIRFIELD'S MORTIFICATION.

"December 15th, 1724.

"The Session haveing a Letter presented and Read from Alexr. Fraser of Fairfield, and haveing Considered it, did Unanimously goe in to the Desire thereof, The Tenor whereof follows:—

"Reverend Sr., Inverness, December 5th, 1724.—You know that My Father, did Mortify to the Hospitall of Inverness the Sume of one Thousand Merks, and Qualified this his Donation with the Condition that I and my Heirs Should have the Sole power of presenting to the Kirk-Session of this Burgh proper objects, one or more, who should Enjoy the @ rent of the above Thousand Merks, I am of oppinion that Catharin Fraser, Spouse to John Fraser, Combmaker, and James Fraser, Butcher, in the Said Burgh, Are proper objects. As to the last, I'm sure no objection Can be advanced, & for the first, I hope there will be non, Seeing that when I promised her this Twenty pound Scots she was Undenyably ane object, and in Effect is so as yet, Considering her Birth and Quality and the frequent Bodily Sickness She is subject to. Therefor I do hereby Recommend her to you and other Members of Session, That She may Be Intituled to the Sume of Twenty pound Scots, and that from Whitesunday last only to Whitesunday one Thousand Seven Hundred and Twenty-five, and the above James Fraser to the Sume of Twenty Merks duranceing life, and by Seconding this you'l very much

oblige, Rd. Sr., your affect. Cousin, Sic Subtr., Alexr. Fraser. Directed to Mr William Stuart."

"Aprile 13th, 1725.

"The Session Appoint Baillie McLean, Hospitall Treasurer, to allow Fairfield the @ rent of the Thousand Merks Mortified by his Father, Baillie David Fraser, for this year, providing he produce Receipts under Catharin Fraser and James Fraser, Butcher, their hands."

"May 18th, 1725.

"Mr William Stuart, Represented that in Regaird Twenty pound Scots had been given to Catharin Fraser, Spouse to John Fraser, for one Year out of the Annual Rents of the Mortification of a Thousand merks left by Baillie David Fraser to the Hospitall, that now Fairfield, Son to the Said Baillie David, doth present Donald Fiulayson, Shoemaker, to twenty merks of the Said Twenty pound, and John Baillie, Bewest the Water, to the Remaining ten merks, Which Being Considered by the Session, they Did agree thereto, And Appoints the Same to be payed Quarterly, the first whereof to Commence from Whitesunday last, and also Appoints that Alexander Baillie, Town Clerk, be Applied to, with whom the Mortification is Lodged, that he draw up and bring in a Bond Conform to the Tenor of the Said Mortification, obligeing the said Fairfield to pay the Said Summ of a Thousand Merks to the Hospitall Treasurer, and that the said Fairfield bring in his Representation of the Said persons in write."

"May 14th, 1776.

"Mr Simon Fraser, Mercht. in Inverness, presented to the Seession a Caption and Horning at the Instance of Provost John Hossack, as Hospital Treasurer, Against Alexr. Fraser of Fairfield for the Sum of One thousand Merks Scots as principle, &c., together With a Discharge Signed by the Said Provt. Hossack of the Above Debt, being paid, Which Discharge is by Way of a Letter dertected to Said Alexr. Fraser of Fairfield, Dated 4th Feby. 1752. The date of the obligation by Fairfield is Registrate in the Sheriff Court Books of this Brugh, dated Octr. 1746.

"WIDOW CALD'S MORTIFICATION.

"12 Decembr. 1797.

"Reported that Widow Cald's Mortification is recovered, & now become a part of the stock."

“ALBERT MUNRO OF COUL’S MORTIFICATION.

“25th June 1776.

“The Session Appoint Mr George Watson to write Mr Munro, Teaninich, Anent One Hundred pound Stg., Mortified for the poor of this place by the Late Mr Albert Munro of Coul, & to Report Accordingly.”

“19th Novr. 1776.

“Mr George Watson Reported to the Session that in Consequence of a former Appointment he had written to and Waited on James Munro of Teninich anent the Hundred pounds Sterling Left in Legacy by the Late Albert Munro of Coul, & that Mr Watson had Reed. an Extract of the Registrate Deed of Donation of Said Albert Munro to the Ministers and Kirk-Session of Inverness, together with the Interest of Said £100 Stg. from the 20th July 1772, When the Said Mr Albert Munro Died, to the Second February Last, being Sixteen pound Seventeen Shillings Stg., Which Mr Watson having produced, the Session Appointed him to keep the same till Next Meeting, when a Regular Discharge Must be granted by the Kirk-Session Treasurer to Said James Munro of Tyninich; The Expences of Extracts and other things came to £2 9s 6½d, a third Whereof being deduced, the Above Sixteen pounds Seventeen Shillings Remain to be distributed According to the Will of the Doners.”

“LAIRD OF MACKINTOSH’S MORTIFICATION.

“28th february, 1738.

“The Committie appointed to write to the Laird of Mackintosh Reported that they had wrote to him, & had a Return Shewing that he was to be in the Country very Soon, and make the Session easy in that matter. Reported further by Mr Fraser that the Laird of Mackintosh, who is now come to the country, did call upon him, & allowed him to Signify to the Session that he would bring that matter very Soon to an end.”

“Presented a Letter from Principal Chalmers in name of the University of Aberdeen, Setting furth that it is their opinion That the affair of the mortification made by the Late McIntosh be no longer delayed, but that the Session should Join with them to bring it to a period, The said Letter being Read and Considered, it was put into the hands of Mr Fraser to give a Return.”

“14th August 1739.

“The Committee appointed to Insist, in name of the Session, in a process for Exhibition of a Write of Mortification made by the Late Laird of McIntosh, and described by former minutes of Session, Did produce a Decreet of Exhibition & Horning thereupon against Farquar McGillivray of Dunmaglass, The Session Appoint the Committee to proceed thereupon without Loss of time according to Law.”

“11th March 1740.

“Mr Fraser & Baillie Gordon Reported that they, according to appointment, obtained before the Lords of Session a Decreet of Exhibition against Farquar McGillivray of Dunmaglass, Decerning & ordaining him to Deliver up the Deed of Mortification Granted by the Late Laird of McIntosh & his Lady to the King's College of Aberdeen and the Kirk-Session of Inverness, and having Likeways obtained Letters of Caption and Horning upon the said Decreet, They did at Last Recover the said Deed of Mortification from Dunmaglass, and granted him, in name of their Constituents, a receipt of the same, Whereupon they delivered in the said Deed of Mortification, dated at Inverness the Eighteenth Day of March one thousand seven hundred & Twenty-Eight Years, And the Session Considering that the money mortified By the Said Laird of McIntosh to the Session is to be Lodged in the hands of the Hospital Treasurer, The said Deed was delivered to the Moderator to be delivered to Provost Hos-sack, Hospital Treasurer. Follows the Tenor of the

“DEED OF MORTIFICATION:—

“We, Lachlan McIntosh of that Ilk, Chief and principal of the Clanchattan, & Mrs Anna Duff, my Spouse, Do, for promoting the Glory of God and in Thankfull acknowledgement of His Mercies bestowed on us, and for the advancement of Religion, Learning, & Virtue, by the tenor hereof, Give, Grant, and Irreversibly Dispose & forbear, Dote, and Mortify The Sum of Five thousand merks Scots money to the ends, in the manner, and under the conditions, viz.:—We give, Dispose, and Mortify, to the King's College in old Aberdeen, to be in proper manner annexed to other, the like mortified Funds, for maintaining hopeful Students thereat, The Sum of Two Thousand merks of Principal, as part

of the said five thousand Merks, the Yearly Annual rents, of which two thousand merks is to be applied by the said College for Subsisting a Student in Philosophy and such parts of Learning for the Space of four Years Successive, in these terms, viz.:—Primo, That as this Mortification is to take Effect only after the Decease of me, the said Lachlan McIntosh, So Such Student not under the age of Twelve Years shall be presented to the said Benefite by me, the said Anna Duff, if I shall happen to Survive my said Husband, as oft as the said Benefit shall fall Vacant During my Life, & upon the Demise of the Longest Liver of us two, Such Students Shall be presented by the Lairds of McIntosh Successively in all time comeing; Secundo, That a youth of the name of McIntosh or of the Clanchattan shall be preferred to those of any other name in Such presentation, And if at any time the Patron shall Recommend two or more Young men to the Examination & Judgement of the said University for preferage, His title whom they shall Declare the most Deserving shall be Equally valid to the said Benefit with the patron's presentation; Tertio, That in case it shall happen at any time that no Youth or Student of the said Clan offers, that it shall be Leisom & Competent to the Patron for the time being to nominate & present to the said Benefit a well qualified youth of any other name or Clan; Quarto, That Such Youths, upon the patron's presentation as aforesaid, be as Exempt from a'l Servitudes & Restrictions, & possess of as ample Immunities & privileges as by the Constitution, Laws, or practice of that University are allowed to any Bursar Educate thereat upon any Mortification whatsoever; And further, we humbly Give, Grant, Dispone, and Mortify, the Remaining three thousand merks of the said Five thousand merks for the Maintenance of two boys, whereof one of the name of McIntosh or of the Clanchattan, & the other of the name of Duff, at their Education in the forms following, viz.:—That the said Sum be Lodged in proper manner in the hands of the Kirk-Session of Inverness & Hospital Treasurer thereof for the time being, to be applied to them for Answering the Ends and design of this Mortification; Secundo, That the full Yearly Annualrent of the said Sum of Three thousand merks shall in equal halves be applied for the Support and Maintenance of the saids Two Boys for the space of three Years Successive, being not under Years of age at

their Entry thereto at Mr Raining's free Charity School while it Continues at Inverness, or any other free Charity School at Inverness, at which they may be gratis taught to Read English perfectly, as also to write a good hand & Lay Accounts; Tertio, That if it shall happen that no such Charity School shall be at Inverness, the said Kirk-Session & their Treasurer shall be holden & obliged duely and quarterly to pay the annualrents of the said Sum for Maintaining the Said two Boys at the nearest Charity School to the town of Inverness for the Space foresaid; Quarto, That if at Expiring of the saids three years any of the saids Boys shall Incline to ffollow his Book, & shall be Judged by the Presbytery of Inverness of a very pregnant Genius, & Capable of good Improvements in Learning, In that case his half of the Annualrents of the said principal Sum shall be Continued to him, & he thereupon Educate at the Grammar School of Inverness till Such time as he shall be Judged by the said Presbytery of Inverness fit for University Learning; Quinto, That when it Shall not be found Expedient to advance the saids boys in Learning beyond the saids first years, That the Annualrents of the said Sum which would have fallen to them or either of them not found qualified for the next two Years, if Continued, be Sequestrate as an Apprentice fee, & he thereupon by a proper Indenture, at the Sight of the Session of Inverness, Setled to Such Lawful Trade or Calling within the Privilege of Inverness as he shall Incline to chuse, & the Session Judge him most Capable & fit for _____; Sexto, That the Boy of the name of McIntosh or Clanchattan be nominate and presented by the Same patron and in the Same manner as the Colledge Bursar in all Respects, and the other Boy of the name of Duff be, after our Demise, Nominate and presented by John Duff of Cubbin, or the next Male Descendent at age of the Late Alexander Duff of Drummuire that shall happen to Reside in or nearest the Burgh of Inverness for the time, Regard in these presentatees being always had to orphans & the Children of Decayed Gentlemen of those Names and _____; Septimo, Declaring that in case Boys of those names do not offer, it shall be in the power of and Competent to the saids patrons to nominate & present Boys of any other name; And I, the said Lachlan McIntosh of that Ilk, bind and oblige me, my heirs, Executors, & Successors, to pay & Deliver the Said Sum of Five thousand merks to the said Administrators & Gov-

ernors of the said College of old Aberdeen & Kirk-Session of Inverness and their Treasurer for the time, by the proportions aforesaid, and to the ends & purpose above mentioned, and that within the Year & Day after the time of my Decease, with a fifth part more of penalty in case of failzie and Annualrent of the said principal During the not payment thereof, after the said term of payment, Reserving always full power & Liberty to us, tho saids Lachlan McIntosh, Anna Duff, to alter the Conditions aforesaid at any time During our Joint Lives, and we Dispense with the not Delivery hereof, and Declare the Same Equally valid, though found in the Custody and keeping of us or either of us at our Decease, as if Actually Delivered, Consenting to the Registration hereof in the books of Council and Session, or others Competent thereunto to Remain ad futuram Rei Memoriam, and if need bees to have a Decreet of Registration Interponed thereto, That all Executionals needful pass thereon in form as Effeirs, & thereto Constitute our Proers., &c.

“In witness whereof we have subscribed their presents upon this and the two preceding pages (written on stamp paper by Evan Baillie, writer in Inverness), at Inverness the Eighteenth day of March seventeen twenty-eight years, before these witnesses, the Rev. Mr Alex. McBean, Minister of the Gospel at Inverness; and the said Evan Baillie, Sic. Subscrib.; Lachlan McIntosh, Anna Duff, Sic. Subscrib.; Alex. McBean, witness; Evan Baillie, witness.”

No. XIII.

"16th March 1742.

"Angus McIntosh, Laird of McIntosh, having Sent previous notice, was Received by the Session, And Represented that he was become Debitor to this Session for a Certain Sum of money by Lachlan McIntosh, Laird of McIntosh, his penult Predecessor, and Mrs Anna Duff, the said Lachlan's spouse, Mortified to this Session and the King's College of Aberdeen, as Respective Administrators, in Such manner and proportions as the Said writt Sett forth, The Contents payable upon the Death of the said Lachlan, But now, finding that the said Sum or any part thereof had not hitherto been paid to this Session or the College of Aberdeen, nor any presentee offered to Enjoy the Benefite of the said Fund as Destinate, and that he, the present McIntosh, was unknown to the Conduct by which that came about, being only Second Lineal Successor to Lachlan of McIntosh, the Donor; He therefore upon these Accopts. Requested that the Session would pass from Extracting bygone Annualrents on their princel. Sum, which principal Sum he was ready to pay in or Give at the Term of Whitsunday next Ensuing, with Sufficient Security to this Session or their Hospital Treasurer, Adding that he was well Informed the College of Aberdeen either had already Agreed to or were Disposed to Accept of their proportion in the terms above Requested; Then the Laird of McIntosh having withdrawn, The Session after Conferring Sometime on this request, thought proper to take the Same into further Consideration, and in the meantime appoint their Moderator by a Letter to acquaint the College of Aberdeen with what is above, & Require their opinion thereon; as also to remember them that our Kirk Treasurer having advanced a Certain Sum of Money upon a process for Exhibition of the Deed of Mortification in theirs & our Con-junct favour, Could not Dispense with the Said Writts or Extracts, to them till Reim-bursed of their proportion of the said Out-Lay, which proportion and Accots. they know, & therefore to Desire the Same may be Remitted to our said Treasurer."

"13th Aprile 1742.

"Mr Alexander McBean Reported that he wrote to Princel. Chambers, according to the

appointment of the Last Session, & Received his Answer, bearing Date 27th March 1742, Tho Contents whereof follows:—

“R.D.B. :—

“Yours of the 19th Curt., with the Lady McIntosh's Inclosed, came to my hand Tuesday Last, which I communicated to our University yesternight, & Considering that the present Laird of McIntosh is not to blame for the trouble and Expenses your Session and we have been put to Recovering that Deed of Mortification by his worthy Predecessor, and that he is willing to make payment of the principal Sum at Whitsunday next, without any Longer Delay, that it may be Applied to the use for which it was Destinated. We are Satisfied from the Respect we have to that Honourable Gentleman and his family to Accept of the principal Sum Due to our College at Whitsunday, upon payment of our Share of the Expenses in the Late process of Exhibition, and to Grant a formal & full Discharge of any further Claim. This we presume will be agreeable to the Mortifyers' Honourable Lady, who is Entitled to present During her Life; And as we should be glad to have the Concurrence of your Session, So we are Ready to pay to your order our proportion of the said Charges on your sending us an Extract of that Mortification, which I Signified in my Last to my friend Gilbert Gordon. This being all needfull on this Subject, I Remain, R.D.B., yours &c.,

“GEORGE CHALMERS.”

“26th May 1742.

“Mr John Shaw, Mert. in Inverness, presented a Letter of the Lady Dowager McIntosh, Relict of the Deceast Lachlan McIntosh of that Ilk, writ with her own hand, bearing date at Inverness May 20th, 1742, The Tenor whereof follows:—

Gentlemen.—As I am Informed by the Laird of McIntosh that he has made application to you to have Three Thousand Merks Scots paid or Secured by him at your Sight & to your Contentment, and to bear Annualrent as from this last term of Whitsunday, for the maintenance & Education of two Boys, in terms of the Deed of Mortification made & Granted by the Deceast Lachlan McIntosh of that Ilk, my husband, & me, in the year one thousand seven hundred and Twenty-Eight, and to Dispense with any demand of bygone Annualrents, as none has

been presented on that fund Since my Husband's death, And as the King's College of Old Aberdeen have Accepted in the Same manner of other two thousand merks mortified by the Same Deed, I for my Right & Interest in the said Deed of Mortification, not only Consent to your agreeing to McIntosh proposal, but also Concur in the Request he makes to you, & Expect your Complying therewith. As I gave thanks to some of your Number already, So I do by this again for your Care & Diligence in this affair formerly, and I hope it still will Continue, in Seeing it well Secured as a Lasting fund to the good & use of posterity, as it is Designed, & was, which will very much oblige.—Gentlemen, your most humble Serv.,

(Signed) "ANNA DUFF."

"Which Letter being Read and Mr Shaw heard upon that affair, The Session Considering the paucity of their Number, Delay the Consideration thereof untill Thursday next at 3 o'clock, and appoint the officers to acquaint the Elders to be then present."

"27th May 1742.

"Pro re nata: hora tertia post meridiem.

"The Session, taking under Consideration the Request made to them by Angus, Laird of Mackintosh, to pass from all bygone Annualrents Due on the Deed of Mortification by Lachlan, Laird of McIntosh, his Penult predecessor, & Mrs Anna Duff, the said Lachlan's spouse, preceeding the term of whitsunday past in this present year, As the said Laird of McIntosh, his Representation & Request Insert in Minut March Last Sixteenth more fully bears, As also a Letter from the Principal of King's College, Aberdeen, Containing their Condescension to the Like Request as to Annualrents of their princl. Sum, Mortified in the Same writt as the said Letter, Insert in Minute April last thirteenth, likewise more fully bears. Further, Considering that the Lady Dowager of McIntosh, the surviving Donor, Concurs in the Same Request with the present Laird, the Debitor, as by the Letter Insert in Minute May Curt. Twenty-fifth more fully bears: And withal, after Mature Deliberation on all the Circumstances of that whole affair known to them, Unanimously agreed to Dispense, pass from, & quit Claim to all Annualrents Due on the said principal Sum of Three Thousand merks to this Session till & pre-

ceeding the term of Whitsunday Last past in Consequence whereof The Session Did and hereby Do Impower & appoint John Hossack, Provost of Inverness, the Hospital Treasurer for the time, to Receive now from the Laird of McIntosh the said Principal Sum of Three Thousand Merks Neat, or Sufficient Security for the Same, to Bear Interest from the Term of Whitsunday last past, And further Appoint that the Session would Grant to the said Laird of McIntosh a Discharge in ample form of the said principal Sum and Annual-rents thereon, preceeding the term of Whitsunday Last past, and that the Members of Session Subscribe the Same, and a'so the Treasurer, who is thereby Burdened with the Receipt of the said principal Sum.

"The Session appoint John McIntosh, Kirk Treasurer, to Receive from the Laird of McIntosh payment of his Disbursements in the process of Exhibition in the Deed of Mortification in respect that, notwithstanding it was forgiven to the Late Drumnaglass for giving a Termination to that Process, Yet in Respect the Interest, according to the preceeding Minute, of the principal Sum is Dispensed with to the Laird of McIntosh, they therefore have made it a condition with the Laird of McIntosh to be Reimbursed of that Expencc, and that the Principal Sum Mortified may be Entire."

"WM. MACKINTOSH, MERCHANT, MORTIFICATION,
£25 STERLING.

"19th February 1751.

"A Letter from Provost Hossack, Hospital Treasurer, to the Moder. of the Session, was presented and Read, Bearing that he has now in his hands the Latter Will and Testament of the Deceast William McIntosh, senior, merch., and Late Treasurer of Inverness, Dated 20th May seventeen hundred & twenty-six, Wherein (among others) He Legat & Bequeath to the Hospital Stock of Inverness Twenty-five pound sterling. The Interest whereof is to be paid to the poor of the Burgh of Inverness, Reserving to his heirs whatsoever the Sole Right of presenting proper objects, one or more, from time to time who shall enjoy the said Annualrent. And this Mortification I do charge to William McIntosh, junior, Late Baillie, his only Son, his Universal Legator & Executor of his Last Will and Testament, and that the said principal Sums Bears Interest from Martinmas seventeen hundred and Twenty-six. The Ses-

sion Delay the further Consideration of this affair till next Session. (See Session Minutes 26/2/1751 and 14/1/1752 and 28/1/1752.)

“19th Feb. 1751.

“MORTIFICATION BY LADY MACKINTOSH,
1000 MERKS.

“A Letter from William Duff of Muirtown, bearing Date 15th february 1751, was presented & Read, by which he Acquaints the Session that the Thousand Merks Mortified by the Late Lady McIntosh to the Session is Ready to be paid by him upon the Session's Getting an Extract of that part of the Testament, now Recorded in the Commissary office, and that the same be Recorded in the Register of the Session. The Session appoint the Clerk to call at the Commisary Clerk, & get an Extract of that part of the Testament that Relates to this Mortificaion, & to be presented before the next Session, and in the meantime it is Recommended to the Ministers of the Session to Look for a proper person to whom the money may be given upon good Security.”

“4th April 1751.

“Particcate of the said Testament :—

“I, Anna Duff, relict to Lachlan McIntosh of that Ilk. & Captain of Clan Chattan, &c., leave and bequeathe, for a pious use only, a Thousand Merks. This thousand merks is to be settled by the Ministers and Session and assistance of the Magistrates of Inverness, on good security that the annual rent thereof may be Duely paid yearly to each person as Represented, As first I do by these, During her life to Katherine Campbell, spouse to Dalshangie, to her person, & then to be presented by my Brother, William Duff, or my nephew, Alexander Duff, to any old Decayed necessitious person, either man or woman, or failing any of the name of Duff to be presented, Then to the name of McIntosh of Clan Chattan, or Relation of either of these, my Executors.”

“7th May 1751.

“Mr Andrew Murray reported he received the thousand merks from Mr William Duff of Muirtown, and did Grant him Discharge.”

“LADY ANN DUFF, DOWAGER MACKINTOSH,
MORTIFICATION, 1000 MERKS.

14/5/1776.

A presentation was given the Session by Wm. Duff, Esq. of Muirton, in favours of Anne

Cumming, Daughr. to the Deceast Jas. Cumming, Dalshangie, to Succeed her father in the Interest of a thousand Merks, Dated to the Session by Lady Ann Duff, Dowagar McIntosh. The Session agreed to the same, and appt. an extract hereof to be given Mr Wm. Murray, Hospl. Treasurer."

"21st Aprile 1752.

"MORTIFICATION BY SARAH McDONALD AND HER HUSBAND, DON. CALDER.

"Mr McBean presented to the Session a Bill drawn by Sarah Macdonald, widow of Donald Calder, Baxter in this place, on Mr John Shaw, merch. & by him accepted to the Kirk Session of this place, payable at Martinmas next, for two hundred pounds Scots money, for the use of the poor of Inverness, Mortified by her & her Deceast husband in his Lifetime. The Interest of the said Two hundred pounds Scots to be Disposed of at her Discretion During her Life time to such objects as she shall Recommend, & after her Decease, at the Discretion of the Kirk Session. The said bill was delivered into the hands of Mr McKenzie untill a new Hospital Treasurer shall be chosen."

No. XIV.

DUNCAN'S MORTIFICATION.

(SEPARATE REGISTER.)

This consists of the Diriebught lands, extending to 26 acres 2 roods 1.75 poles, mortified to the Kirk Session by George Duncan. Sir Robert Chisholm in 1362 mortified them to the Altar of the Holy Rood. The name of Diriebught, written in 1376 as "Deyrbowchte," is derived from Gaelic *Tir-nam-bochd* (Land of the Poor). The old pre-Reformation Chapel, called St John's Chapel, stood on these grounds.

"At Inverness, the Tenth Day of March one thousand seven hundred and fifteen years, In presence of John Stuart, One of the Bailies of the said Burgh, Compeared David Cuning, writer there, as Procr. for George Duncan, after design'd, and gave in the Disposition & Mortification underwritten, Desireing the Same to be Insert & Registrate in the Borrow Court Books of the said Burgh in the terms of the Act of Parliament made Anent Registrating writes after the Grante's Decease, Which Desire the said Judge finding Reasonable, Has ordained and Ordains the said Disposition and Mortification to be Insert & Registrate in the foresaids Books, Interpones his Authority thereto to the Effect @ written of, the which the Tenor ffollows:—
Bo it known to all men be their presents Me, George Duncan, Merchant in Inverness, Heritable Proprietor of the Lands, & others underwritten with the pertinents, For as much as I, taking to my Serious Consideration That the Two parish Churches of Inverness have no particular ffund for upholding them in Repair, and that the keeping & upholding of them by a part of the weekly Collections or offerings or other funds designed & appointed for pious Uses, doth Considerably Impair & Diminish the portion of the poor, Indigent persons within the Parochin, And Lyke ways I, takeing to my Serious Consideration & Commiseration the condition of many poor Orphants & Indigent persons who, by reason of their want of human Literature & Education, are Rendered Incapable to Seve the publick in their Respective Stations, as their Indolis & Disposition otherways might enable them to perform, And I, out of a pious Disposition & Inclination, being resolved to Contribute thereto in man-

ner & to the Effect underwritten, Therefore, and for the Glory & Honour of God, The Father, Son, & Holy Ghost, and for the Service of his Divine Majesty, out of pure Love thereto, & meer Charity to the end above & after Specified, To have Given, Granted, Mortified, and Disponed, Lykeas I, be their presents (with & under the Conditions, provisions, Reservations, Limitations, & Clauses, Irritant and resolute, underwritten & not other ways) Give, Grant, Dote, Mortifie, and (tanquam ad Manus Mortuas) for ever Dispose from Me, my heirs and Successors whatsoever, now & in all time Coming (for the special & pious uses underwritten To and in favours of present Kirk Treasurer of Inverness, and to the Remanent Members of the said Kirk Session, and their respective Successors in place and office, Heretably & Irredeemably, All and traill, the Lands of Diribught, being Twenty-Two Aikers of Arable Land, & yeilding Fifty-Two Bolls or thereby of Yearly Rent, Lying within the parochin & Sleriffdom of Inverness, and Bounded with the King's High Road on the North, the Millburn on the East, The Barony of Castlehill on the South, & west parts thereof respective, and all and hail the Teind Sheaves & other Teinds great & Small, Pasonage & vicaradge of the said lands, Together also with all Right to the Interest, Claime of Right, property, & possession, as well petitor as possessor, which I, my Predecessors, & Authors, heirs and Successors, Had Have, or any ways may have, Claim or pretend thereto, or to any part thereof, for hereafter & in all time Coming, In the which Lands, teinds, & others above Disponed (for the pious uses after sett down), I bind & oblige me & my foresaids to Infest & sence, in due and Competent form, the said present Kirk Treasurer and the Remanent Members of the Kirk Session of the said Burgh (here holden as Repeated), and their Successors in place & office for the time being, be Charter & Seasine, to be holden of the Provost & Baillies and Town Council of Inverness, my Immediate, Lawful Superiors of the Same, in feu in Heritage, for paying, performing, & Relieving of me and my foresaids, of the feu Duties and other Duties, Services, & prestations, due and payable furth of the Saids Lands and others foresaid & for that Effect, to make, Grant, Subscribe, & Deliver all writes necessary Containing all Clauses needful, & for obtaining the said Infestment by Resignation, Witt

ye me to have made, Constitute, & ordain, likeas I hereby constitute & ordain, and ilk ane of them, my Procs., to the Effect underwritten, with power to them and Each of them to Compear before my saids Immediate Lawful Superiors of the Lands, Aikers, teinds, & others above written, with the pertinents or their Commissioners, having power to Receive Resignations & grant new Infestments thereupon time & place Convenient, and then and there, with all Due Reverence & Humility, pure'y & simply, bestaff & Bastone, as use is to Resign, Lykeas I, be the Tenor hereof (for the pious uses above and underwritten), Resign, Surrender, upgive, overgive, & Deliver, all & haill, the Lands above & underwritten (with and under the Conditions, provisions, Reservations, Limitations, Clauses, Irritant & Resolutive, after Exprest, & no otherways, viz., All & Haill, the Lands of Diribught, extending as said is & Bound in manner above Specified, with the teinds of the Same, & haill pertinents thereto belonging, in the hands of my saids Lawful Superiors, or their Commissioners aforesaid, in favours and for new Infestments of the Same to be made & granted to the said pres. Kirk Thesaurer, & Remanent members of the said Kirk Session here holden as Repeated, or their Successors in place & office for the time being, as Managers & Special administrators appointed, to the Effect under written, for using & disposeing of the fruits, Rents, profits, & Casualties of the said Lands (after my Decease or the Decease of Jean Kinnaird, my Spouse, the Longest Liver of us two), in manner ffollowing, viz. :—the one-half of the yearly Rent of the said Lands for Maintaining, Supporting, & keeping in Repair both the Churches of the said Burgh, and the other half for Educating and paying the Schoolmaster's fees of Six poor boys at school untill they shall attain to the age of fourteen Years Compleat, & also for mantaining & upholding them in Cloathis, Linnens, Shoes, Stockings, Books, and other necessaries, as far as the half of the yearly Rents of the said lands shall extend to at the arbitrimt & Discretion of the said Kirk Session and Thesaurer thereof, Beginning the first year's payment of the rents of the said lands at the term of Martinmas next, and immediately following my decease, or the decease of the said Jean Kinnaird, my spouse, the Longest Liver of us two, as said is, any payments of the Rents of the

said Lands are Superceded and Reserved, But allways with & under the provisions, Conditions, Clauses, Irritant & Resolutive, underwritten, viz., That in case the Reparation of the above Churches shall not exhaust the half of the said Yearly Rent for & at the year immediately preceeding any term of Martimas, when the saids Rents shall fall Due, Then & in that case, the Same or any part thereof that shall not be so expended to the Use and at the time aforesaid shall be Sequestrate & Ingrossed with the half of the Stock of the saids Lands for a Settled fund for affording annual Rent in all time thereafter for the said Use, & no part thereof to be Impaired for that or any use whatsoever, Provideing Lykeways, and Declaring Lykeas, by acceptation hereof, & by the writes & Infestments to follow hereupon, Be it Specially provided & Declared that it shall not be Leisome to nor in the power of the said Kirk Session nor Kirk Thesaurer for the time being, nor in the power of their Successors in place & office to Alter, Innovate or Change their presents in any Quality or Circumstance of the Same, nor in the Least to Dilapidate or Dispose of the saids Lands as they Tender the Judgement of God, And that any such Right or Disposition shall be Ipso Jure void, void & null, and this Right and Mortification shall fall and Accrisee to my nearest heirs and assigneys whatsoever without the necessity of using any Declarator to that Effect, with & under the which provisions, Conditions, Reservations, Clauses, Irritant & Resolutive, fore-said, their presents are granted and Accepted, & not otherways Acts, Instruments, and Documents, one or nor as needs bees in the premises, to ask & Raise and Generally, &c., And I bind & oblige me and my foresaids to Warrant this present Right & Mortification & Disposition at all Hands & against all deadly, And I hereby assign & Dispone in favours of the said Kirk Session & Kirk Thesaurer aforesaid, Now as then & then as now, all writes & Evidents, Rights, titles, & Infestments & Securities, both old & new, of, upon, & concerning the saids Lands & others foresaid, with the Hail Import of the Same, & maills & Duties thereof (for the uses aforesaid and in manner & at the time above Rehearsed, with full power to them to use warnings and prosecute removeings, Dispensing with the Generality of the said Assignation, Mortification, & Disposition, or any Nullity or Imperfection thereof, and admitting the same to be also

valid & Sufficient, as if every particular were here Insert, Albeit not swa done, Whereanent I have Dispensed & hereby Dispense for ever, And I hereby Ordain & Declare that their presents shall be a valid Standing & obligatory Evident in manner above Express, Albeit the Same be undelivered & found in my Custody after my Decease, dispensing with the not delivery, & declaring the Same to be as a delivered, evident & renouncing all Exceptions and objections in the Contrair or any ways against the formality or validity hereof, Any Law or practice, in the Contrair notwithstanding, And for the more Security, I consent to the Registration hereof in the Burrow Court Books of Inverness or others Competent for Conservation, Or if need bees, to have the Strength of a Decreet, that all Execution necessary may be Direct, hereupon in fform as Effeirs, & thereto Constitute David Cuming, writer in Inverness, my procr. In witness whereof I have subscribed their Presents (Written be Mr James Fraser, Merchant in Inverness), At Inverness this third Day of March one thousand Seven hundred & fifteen years, Before their Witnesses, Mr Robert Baillie, Minister of the Gospel in the said Burgh; and the said Mr James Fraser, writer hereof, Sic Subtr., Geo. Duncan, Ro. Baillie, witness; Ja. Fraser, witness.

“ALEX. MURRAY, Clk.”

No. XV.

“At Inverness the Twenty-Eight Day March one thousand seven hundred & twenty-six years, In presence of William McKay, one of the Baillies of Inverness, Compeared Alexander McLean, Writer in the said Burgh, as Procr. for William Fraser, William McLean, Thomas Alves, and the Heall other parties, Contracters on the one part after Designed, and Sicklike Compeared Alexr. Clerk, writer there, as procr. for Patrick McKay, party Contractor on the other part after Designed, and Gave in the Tack under written, Desiring the same to be Insert & Registrate in the Burrow Court Books of Inverness, That all Execution necessary pass there on Conform to the Clause of Registration therein Contained, Which Desire the said Judge found Reasonable, & therefore ordained the same to be done Accordingly, of which Tack the Tenor follows, and is thus—At Inverness the Second & Tenth Days of November one thousand seven hundred & Twenty-five years, It is Contracted & Agreed betwixt William Fraser, William McLean, & Thomas Alves, Baillies of Inverness; John Hossack, Dean of Guild; John Fraser & Gilbert Gordon, Merchants & Late Baillies of the said Burgh; Mr William Stuart, Mr Robert Baillie, & Mr Alexander McBean, Ministers of the Gospel at Inverness; Gillies McBean, Deacon, Convener; David Hoome & James Murray, Merchts. in the said Burgh, for themselves as Members of the Kirk Session of Inverness, and in Name & by Appointment of the Romanent Members of the said Kirk Session, Conform to their Act of the day of the past, on the one, and Patrick McKay of Scourie on the other part in manner following, That is to say, For as much as the Deceast George Duncan, Mercht. in Inverness, by his Deed of Mortification of the date the third day of March one thousand Seven hundred & fifteen years, did, with the Burden of his own Life Rent, and that of Jean Kinnaird, his Spouse, Mortife and Dispone to the Kirk Thesaurer and other members of the Kirk Session of Inverness, All and heall, the Lands of Diribught Lying within the Liberties of the Burgh of Inverness and Sherifdom thereof, and bounded by the King's high Road at the North, The Mill burn at the East, & the Barrony of Castlehill at the South & West,

and all and heall, the Teinds, both Parsonage & viccarage, of the saids Lands, and Ordained the fruits, Rents, & profits of the said Lands, to be Disposed of by them towards the purposes following, viz., the one half of the Rents of the saids Lands for maintaining, Supporting, & keeping in Repair both the Churches of the said Brugh, and the other half for Educating & paying the Schoolmaster's fees of six poor boys at School untill they shall attain to the age of fourteen years Compleat, and also for maintaining and upholding them in Cloaths, Linnens, Shoes, Stockings, Books, and other necessaries, as far the Same should extend, and by which Mortification the said Committie of Session Authorized as aforesaid, have power to Sett the Lands & others above & under written, and Accordingly they. the said William Fraser & other Members of the said Committie of Session above named, for themselves & in Name & Authority of the said Kirk Session, by the Tenor hereof Sett, and in Tack & assedation Lett, to the said Patrick McKay of Scourie, his heirs or assignies, for payment of the Yearly Tack, Duty underwritten, and in Consideration of the other performances to be made in manner aftermentioned, All and heall, the saids Lands of Deribught, Lying & Bounded in manner above mentioned, wt. the Teinds, both parsonage & Vicarage, of the same, and that for all the years & terms of five Nineteen years after the first term of Whitsunday next, & Immediately following the Decease of the said Jean Kinnaird, which is hereby declared to be the term of his Entry to the saids Lands be virtue of this Tack. Which Tacks & assedation the said William Fraser, William McLean, & the other Members above named of the said Committie of Session, Bind & oblige them, as Members of the said Kirk Session & the heall Remanent members thereof, presently being, and their successors' members of the said Kirk Session, to Warrant this Tack and possession to be apprehended be virtue thereof to the said Patrick McKay of Scourie & his foresaids at all hands and against all Deadly, as Law will, For the which Cause the said Patrick McKay Binds & obliges him, his heirs & Successors, to Content & pay to the Kirk Thesaurer of Inverness, for the time being, or any other having power from the Kirk Session of Inverness, all & heall, the Sum of Two Hundred pounds Scots money, in name of Tack Duty, & that at the term of Candlemas Yearly, begining the first

year's payment thereof at the first term of Candlemas next, after the said Jean Kinnaird her Right shall cease by her Decease, together with Such part of the Rent of the said Lands for the Year in which she shall Decease, as shall not belong to her in Law if any such shall happen to be), And so furth yearly thereafter, during the years of this Tack, with Forty pounds money for said of Liquidate Expenses for each terms ffailzie, As also he binds & obliges him & his foresaids to make payment of the Minister's Stipends, Cesses, Stents, & all other public Burdens that are or may be due and payable furth of the saids Lands from his entry thereto, During the continuance of this Tack, & to report Discharges thereof Yearly to the said Kirk Session, & that by attour the said Tack Duty, And Sicklike, and on Consideration of the said Long Leass, the said Patrick McKay of Seourie Binds & obliges him and his foresaid to Inclose the said heall Lands by a Sufficient Dyke, Or by Sufficient Ditches and Hedges, So as the Saids Lands shall be sufficiently fenced by themselves without Including any other lands within such Inclosure that the marches & Boundaties thereof may be Exactly preserved, As Also to make Several Subdivisions of the saids Lands by Sufficient Ditches & Hedges, as aforesaid within the said General Inclosure, & to leave the said Dykes, Ditches, & Hedges, in good Repair at the Ish of this Tack or at such other time as he, his heirs, his or their Assignies shall Cede the possession of saids Lands and others foresaid, after the Ish of this Tack, and if any dwelling house, office houses, or other Improvements shall be built or made on the saids Lands, These houses & other Improvements shall at the Ish of the Tack belong to the said Kirk Session, And which Dykes, Ditches, Hedges, houses, if any such be built, and such fruit & Barren trees as shall be planted in Gardens, or any part of the Fences of the saids Lands, shall accrese, belong, & Appertain to the Kirk Session of Inverness for the time being, as administrators aforesaid, appointed by the said George Duncan, and that without any price or Reward, to be paid therefore by them, excepting that the said Patrick McKay of Seourie and his foresaids may at any time, within Eighty-five Years of his Entry, Cut down such of the trees to be planted at or in the said fences as shall become fit for use, He & they being obliged to Replant Immediately an Equal Number of like trees in their place, And Declaring that

it shall not be Lawful for him or them to plant trees in any other part of the saids Lands, except in the saids Gardens and fences thereof, & other fences of the Saids Lands, Providing always Likeas it is hereby specially provided & Declared that in case the saids Improvements are not as far carried on as reasonably can be Expected within Nineteen Years after the said Patrick McKay of Scourie his Entry be vertue of this Tack, Then and in that case he & his forsaid, shall tyne, amitt, & forfeit all right & Title to the possession of the saids Lands be vertue of this tack, & a Declarator of Such forfeiture is hereby Declared to be Competent before the Baillies of Inverness or any of them, Who by their presents of Consent of either Party are chosen final Judges to Such Declarator Without Appellations from them, But if, notwithstanding such forfeiture, the said Kirk Session shall not Insist in & prosecute a Declarator thereof, & that the saids Lands shall not be Improven in manner above mentioned at the Isl of this Tack, or thereafter, when the possession shall be yielded as aforesaid, Then and in that Case He, the said Patrick McKay of Scourie, & his foresaid, shall and Are hereby Declared to be bound & obliged to make payment to the Kirk Session of Inverness for the time being of Such Sum or Sums of money as shall by two or more men to be Indifferently chosen by either party be Deemed & Adjudged Equivalent to the said Improvements, or such part thereof as shall not be made, & Existing in repair at the Time, Declaring also Lykeas it is hereby specially provided & Declared that as the said Patrick McKay of Scourie & his heirs Are & shall be Bound to this Tack, so whatever person or persons shall by themselves or others in their Name possess the Saids Lands of Divibught or any part thereof as Assignie or assignies, or any other way whatsoever Consequential to this Tack, shall & are hereby Declared to be bound & obliged to Implement, fulfill, & perform all and Sundrie the obligations @ mentioned on him, the said Patrick McKay of Scourie and his heirs, Provideing in like manner Likeas It is by their presents specially Declared that because the Rents of the saids Lands are to be applied to the ends @ Specified in the said Deed of Mortification, In case two years' Tack duty of the saids Lands Shall Remain unpaid through Default of him, the said Patrick McKay of Scourie and his foresaid, untill a third year's Tack duty fall due, He and they shall forfeit the

Right to possess the saids Lands be vertue of this Tack, and the forfeiture shall and may be Declared by the saids Magistrates of Inverness or any of them, Who are hereby Declared to be ultimate Judges to Such Declarator in the same manner as to the other Declarator @ Mentioned, And both parties Bind & oblige them and their foresaids to Implement their Respective parts of this Contract to each other, under the penalty of fifty pounds Sterling by and attour performance, And they Consent to the Registration hereof in the Books of Council and Session, or others Competent, That Letters of Horning & all other Execution Necessary may pass thereon in form as Effeirs, and to that Effect Constitute Alexander McLean and Alexander Clark, writers in Inverness, Theirs Procrs., In witness whereof, their presents written on this and the five preceeding pages of Stampt paper by Alexander Baillie, Servitor to Alexander Baillie, Town Clerk of Inverness, are Subscribed by both parties as follows, viz. :—By the said Committie of the Kirk Session party Contracting on the one part, At Inverness the Second Day of November and Year of God first above mentioned, before these witnesses, William McKay, one of the Baillies of Inverness; the said Alexander Baillie, Town Clerk; & Alexander Baillie, Writer hereof; And by the said Patrick McKay of Scourie, at Inverness the said Tenth day of November and Year of God @ written before these witnesses, the said William McKay, one of the Baillies of Inverness; & Evan Baillie, writer there, the Date & Names & Designation of the witnesses to the said Patrick McKay of Scourie, his Subscription being filled up by the said Evan Baillie, Sic Subscibitur. Will. Fraser, Will. Mack Leane, Thomas Alves, John Hossack, Jo. fraser, Gilbert Gordon, Wil. Stuart, Ro. Baillie, Alexr. McBean, Gillies McBean, J. Murray, David Hoome, Patrick McKay, William McKay, witness; Alexr. Baillie, witness; Alexander Baillie, witness; William McKay, witness to Scourie's Subscription; Evan Baillie, witness to Scourie's Subscription. The princl. hereof is written on Stampt paper Ext acted by me, Signd Alexr. Baillie, Clk."

"Augt. 23d. 1720.

"The Session Appoint that Thomas Alves, Hospitall Treasurer, Cause Draw George Duncans picture, and pay for it."

"30th March 1736.

"The Provost Represented that Mrs Duncan, Relict of George Duncan, Merchant, is Late'y Deceased, by which a Considerable Benefaction arises to the Session.

"The Clerk represented that he, having understood of Mrs Duncan's decease, gave in a petition to the Magistrates Intreating that in Respect the Rights of Diribought and other papers relating to the saids Lands are in the Custody of the said Mrs Duncan, that they would be pleased to Seal up her Cabinet and Drawers untill the said papers should be recovered in Due Form, The Session Referred The Consideration of the said affair untill the next meeting."

"21st Decr. 1736.

"The Session Nominate and appoint the following members as a Committie to Examine into the State of George Duncan's Mortification, and of any other deeds of mortification in which the Session may be Concerned, & Report Accordingly viz., Provost John Hosack, Baillie John Fraser, Baillie Alves, Baillie Gordon, Baillie McIntosh, Baillie McLean, James Pitkethly, & Angus Campbel, Elders; with the Ministers, and their first meeting to be in the Library Thursday next, three o'clock afternoon."

"18th June 1741.

"The Session having Called Before them the Boys at Raining's School on George Duncan's Mortification, viz., John Duncan, Son to Edward Duncan, weaver; Donald Fraser, alias McGilchrist; David Scot, Robert Robertson, James Fraser, John Munro, Malcom McKenzie, John Robertson, David Denoon, Donald Fraser, John Littlejohn, John Urquhart, Also their Parents & the Masters of Raining's, Found cause to Remove John Duncan, Robert Robertson, Donald Fraser, alias McGilchrist, & John Fraser, because of their Age & non attendance, & Did at the same time Intitle to the said Benefit William McKenzie, son to John McKenzie, weaver, aged 9 years; Alexr. Petrie, Son to Hugh Petrie, Smith, aged 9 years; John Ker, Shoemr., aged 11 years; And the Treasurer being asked at, Also the Children, & their Parents present, whether their Cloaths prescribed by the Session, to the Extent of 25 merks, were given each of them, & the Balance. He was answered in the affirmative, & no Denial."

“2d June 1752.

“The Session having under their Consideration George Duncan's Mortification, for the Reparation of the Churches, and the Maintenance of Bursars at Raining's School, They Resolved at this Dyet to Choose a Treasurer for that Effect, in Regard Mr James Cuthbert, present Treasurer is now Removed from this Town, and they Did make Choice of William McPherson, Mercht., to be Treasurer of that fund, and Appoint George Scheviz & Duncan Clark, with the Moderator, as a Committe to fit Accounts with James Cuthbert, in order to his being Discharged of his Intromission, & to make Report.”

“14th March 1798.

“The Committe have examined the Reparation Treasurer's accompts for two years past, find the same exactly stated according to their several vouchers, and have directed them to be engrossed in the General Account book for George Duncan's mortification, which has been done, pages 17 and 18. The Session, Considering the trouble which the Reparation Treasurer, Mr Simon Fraser, has had in his management of that Fund, and the fidelity with which he has discharged it for ten years past, do allow him thirty shillings sterling yearly.

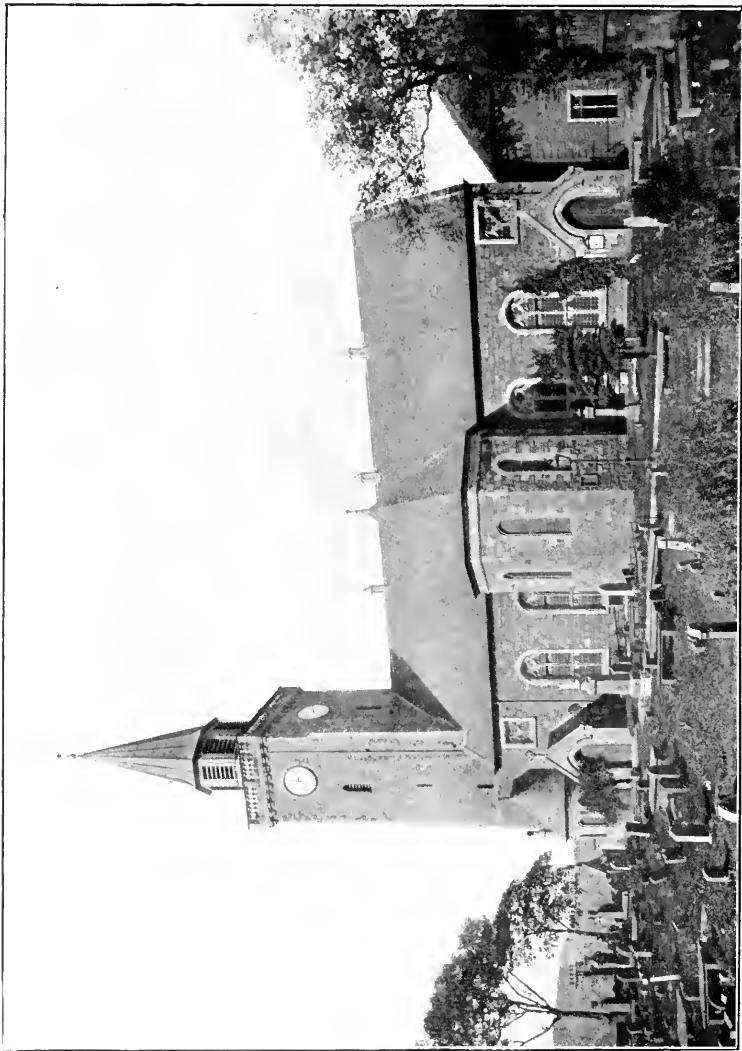
SESSION LANDS.

In addition to the lands of Diriebught, already dealt with, the Session possess the lands of Broadstone, lying between Midmills Road and Kingsmills Road, extending to 15 acres and 37.42 poles arable and 2.08 poles space between Maryfield Cottage and the retaining wall behind it; and Crotterton, lying on the south side—westmost end—of Old Edinburgh Road.

The lands of Broadstone were purchased from Robert Robertson of Shipland in 1715. In the Session Minutes instructing the purchase they are not designated, but are fully described in Robert Robertson's Disposition in favour of the Kirk Session, dated 13th June 1715, and recorded in the Borrow Court Books of Inverness 15th January 1719. In the minutes of 25th May 1716, they are also named, and in the Old Count Book, pp. 38, there are traces of the price paid, viz., "£1750 (Scots) paid, of the above princl. soumes, being bestowed on lands above the hill bought from Shipland at Whitsunday 1715;" and again, pp. 42, "By horrible bond and Disposition from Shipland for lands bought from him above the hill yt. cost princl. soume of £1750" (Scots). In 1766 Wm. Fraser, farmer on the Barnhills, possessed Broad Stone and acres thereto belonging, as also the Riggs, commonly called Knockerloin.

In 1789 Thomas Young, then Hospital Treasurer, purchased for the sum of £90 stg. an acre of the land adjoining Broadstone belonging to Evan Campbell, and in 1793 the Kirk Session excambed 1 acre 3 roods and 25 poles of the above lands for the same extent, lying more conveniently to their property, and belonging to Cuthbert of Castlehill.

The Crotterton lands were feued to the Inverness Gas and Water Coy. in 1832, for the annual duty of fifteen bolls barley, county measure, according to the friars' prices of the year.



THE HIGH CHURCH, INVERNESS.

APPENDIX I.

HISTORY OF PRESENT HIGH CHURCH.

Briefly, it may be said the history of the present High Church is as follows:—

When the Old Kirk was declared ruinous, about the year 1769, the Presbytery of the bounds negotiated with the Heritors of one Parish and Town Council of Inverness with the view of inducing them to provide a new church. The Town Council thereupon prepared and submitted to the Heritors of the town and parish a memorial setting forth the circumstances of the case, and proposed—

- “(1) To erect a new and larger church.
- “(2) To borrow money and enter into contracts for that purpose.
- “(3) That the community shall be bound to uphold and keep the fabrick of the church in repair in perpetuity.
- “(4) That the different seats in the new church should be estimated in proportion to the outlay on the whole church; and
- “(5) That after providing for the accommodation of the Magistrates and Councillors, the Heritors of the parish should have the first offer of seats for their accommodation, according to their quality and rank and the proportions of stipend payable by them, and that for such seats they should either pay at the rate of $7\frac{1}{2}$ p.c. on the outlay for the whole, or pay a yearly rent to the Magistrates and their successors.”

The new church was estimated to cost £1000, and the foregoing proposals having been accepted by the Heritors, the Town Council borrowed money and built the present High Church; but before it was completed, the Committee in charge of the building operations reported that the cost (£1000) was under-estimated, and that more money was necessary to complete the building. The Committee were thereupon authorised to borrow more money, and to sell the seats and to report. In 1775 the Town Council gave their Committee—two Councillors—who had acted as treasurers for the building, a clear discharge.

The total cost of the church was £1450, which was raised on the public credit. In the year 1776 Sir Hector Munro of Novar, a distinguished Indian soldier, who was member of Parliament for the Inverness District of Burghs, gave a donation of £1000 towards extinguishing part of the debt incurred by the town in building the church. £950 of Sir Hector's gift was applied to paying off the debt, and the remaining £50, with £2 17s 9d of interest, passed into the general funds of the burgh. This left a debt of about £500 still uncleared.

When the church was completed, the town appointed a treasurer to collect the seat rents, which up to the year 1811 are said to have yielded an annual revenue of about £84 sterling. In that year some alterations led to an augmentation of seat rents, which are said to have then yielded about £130 per annum, and within the next twelve years the seat rents collected by the Council are stated to have been sufficient to pay off the £500 of original debt remaining on the fabric—including also the usual annual charges and the charges for extraordinary repairs in 1811. It was reported by competent authority in the year 1842 that a balance of seat rents, amounting to £1177 13s 2½d, was at Michaelmas 1841 in the hands of the Council; and again in 1882 it was computed that after payment of all annual charges, and exclusive of arrears of seat rents and of interests on the rents collected, the town was possessed of fully £1300 as surplus revenue from the High Church. During the last twenty years the revenue from the seats have been increasing rather than diminishing, so it is thus evident that the seat rents have yielded a larger revenue than is necessary for the original purpose for which they were levied, and so far have proved a small gold mine to the town. Let it be acknowledged, however, that the Town Council has met its responsibilities in an altogether reasonable spirit. A copy of the agreement between the Town Council and the Heritors is appended.

“HIGH CHURCH OF INVERNESS, 1769.

“Memorial and Proposals by the Magistrates and Town Council of Inverness to the Heritors of the town and parish of Inverness.

“The Old Kirk some years ago having been declared insufficient, the Presbytery of the bounds

threaten a prosecution against the memorialists and the Heritors for building a new one, and the said Kirk having been deserted, several inconveniences arise therefrom, such as that for the greatest part of the year the English and Irish congregations meet but once a-day, and occupy the New or Irish Church by turns, and the rest of the year the Irish congregation is often exposed to the inclemency of the weather by attending public worship in the Church-yard.

"The memorialists cannot find out how or by whom the said old church was built, nor who contributed to the same. There are very old charters from the Crown in favour of the Town conveying to them the churches, and as public worship was always performed there in the English Language, so it was mostly occupied by the memorialists, the gentlemen of the parish, and inhabitants of the town, who had their different seats and lofts occupied and possessed by them, while the Tennants and Landward part of the Parish occupied the other church, where the Irish service was performed.

"In the above situation the memorialists proposed to set about building a commodious kirk sufficient to accommodate a greater number of hearers than the Old Kirk, as the place is turning daily more populous; and for that end they applied to Mr George Fraser, Depute Auditor of Excise at Edinburgh, for a plan and estimate of a kirk, and he, after a long correspondence, sent a plan in the model of the Chapel of Ease in the West Kirk Parish of Edinburgh, but that the one to be built here will be larger; and he likewise sent estimates, which in whole will amount to about £1000 sterling. The memorialists therefore propose that they set about borrowing the said sum, and enter into contracts with the different tradesmen and undertakers, so as the work may be begun early next year.

"That when the Kirk is completed, proper skilful men shall be appointed to estimate upon oath the different seats in the gallerys and ground flat in proportion to the outlay of the whole. That the community shall be bound to uphold and keep the fabrick of the church in repair in perpetuity.

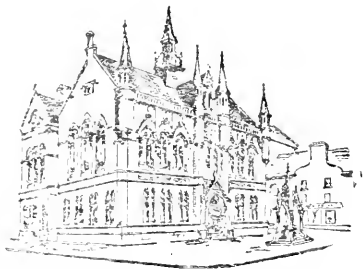
"That next to the seat for accommodating the Magistrates and Councillors, the Heritors of the Parish shall have the first offer of seats for their accommodation, according to their quality and rank, and as they pay of stipends, and they shall have such seats either for paying a yearly rent to the Magistrates and their successors, or to be sold to them at the rate of seven and a-half per cent. of the outlay for the whole; and as the memorialists from the foresaid considerations propose that no time should be lost in executing the said

plan; so they expect that such of the Heritors as approve hereof shall sign these presents adjecting consent to their names, and the date.

“Gordon Castle, Novr. 13th, 1769.

“I consent as far as I shall find necessary for the accommodation of my tenants.

(Signed) Gordon; Dun. Fraser, for John Forbes of Culloden, consents; James Fraser, for Culloden, and also for Geo. Ross, Kinmylies; Wil. MacIntosh of Holm consents; Dun. Grant, for Mr Sandiland of Drakies, consents; Alexr. Baillie of Dochfour consents; Alex. Fraser of Culduthel, consents; Robert Fraser of Phopachie, consents, proprietor of three-fourths of Merkie and Newlands; Wilm. Fraser, proprietor of Bught, and two enclosures in Town, consents; W. McIntosh, for Little Bealaferie, consents; Alex. Baillie of Duncan consents; Thomas Alves of Shipland consents; Hugh Chisholm consents; George Baillie, as proprietor of Deinster, Gallowmuir, and other Town lands, consents; Charles Macklean of DochGerach consents; Alex. Munro consents; Wm. Murray, Hospl. and Kirk Treasurer, 8th December 1769, consents; Simon Fraser, for Donald Cuthbert, consents; David Grant consents; Æneas McIntosh, for the lands of Essech, consents.”



INVERNESS TOWN HALL.

APPENDIX II.

Extract from a report, dated August 27th, 1890, made by the late Mr Allan Macdonald, Kirk Treasurer, on the origin and present condition of the funds belonging to or connected with the Kirk-Session of Inverness in so far as it applies to

THE LIBRARY FUND.

“This Fund was founded by Dr James Fraser, of Chelsea, about the beginning of last century. The deed of donation is recorded in the Session minutes, but the volume containing it is, unfortunately, at present missing, and in its absence it has not been found possible to ascertain its contents with absolute accuracy. However, from references to it in other documents belonging to the Session, as well as from a search made in the burgh records and in those of King’s College, Aberdeen, to which Dr Fraser also made large donations, the following statement is believed to be substantially correct:—At the beginning of last century there was, and for some time had been, a Public Library in Inverness, under apparently the joint charge of the Magistrates and Presbytery, the custody of the books being left with the Presbytery. Shaw mentions a Dr Bray as being one of the principal donors of this library. The Presbytery seem to have somewhat neglected their charge, as the remonstrances on the part of the Magistrates on the subject are found in the Town Council records. Somewhere about 1715 or 1720 Dr James Fraser, then Secretary of Chelsea Hospital, visited Inverness. Being a diligent book collector and in much repute for his knowledge of books, his interest seems to have been excited in the Inverness Library, and he exacted from the Magistrates a promise to build, in the Hospital of said town, a fit and decent library room to lodge their books in. To encourage such erection, he made a present of books, of the value of about 200 guineas, and mortified 1000 merks, the annual interest of which was to be divided, and one-half laid out, in buying useful books for the increase of the library, and the other half for the Schoolmaster, to encourage him

diligently to perform the duty of a School-master, and to take care of the library. So says Dr Fraser in his will, dated September 10th, 1730, speaking apparently from his memory of what had happened some 12 or 15 years previously. In a report made, however, by a Committee of the Kirk-Session on the Hospital Treasurer's Accounts, dated 21st September 1779, it is stated that in his deed of donation Dr Fraser provided that if the ministers of Inverness consider the master of the Grammar School a fit person to take charge of the library, and none of the ministers incline to take that trouble, the interest of 1000 merks to be given to him yearly in name of salary; but if one of the ministers shall take the trouble, the interest of 1000 merks shall go to the purchasing of new books for the increase of the library. Since that date, 1779, one of the ministers seems to have acted as librarian, and no charge has apparently been made for librarian's salary. It does not appear, or at all events the reporter has not yet been able to ascertain, how the entire control of the library and the fund passed into the hands of the Kirk-Session and the Hospital Treasurer, but in 1751 it appears from the Hospital Accounts that this had already been the case for a number of years. About 1718 Dr Fraser's brother, William, left a legacy of £50 to the town of Inverness, for, to quote again Dr Fraser's will, the further increase of the library, and maintenance of the Charity School, or poor of the said town. These funds were mixed up with the general funds of the Hospital, and treated as part of them till 1751, when the Session, who appear at that time, and indeed for many years afterwards, to have been very remiss in their supervision of the Treasurer and his accounts, appointed a committee to enquire into these accounts, with the result that it was found that the Hospital Fund was due to the Library Fund £128 0s 8d of interest. It was ordered that of this sum £68 0s 8d should be expended in the purchase of books, and that the balance of £60 should be added to stock. At this date the stock stood as follows, namely:—

| | | | |
|------------------------------------|-------|----|----|
| 1000 merks mortified by Dr | | | |
| Fraser | £55 | 11 | 1½ |
| Legacy by William Fraser | 50 | 0 | 0 |
| Proportion of interest as above | 60 | 0 | 0 |
| | <hr/> | | |
| | £165 | 11 | 1½ |

“The Committee made a number of excellent suggestions as to the necessity for greater care in the administration of the funds, and the more regular examination of the accounts, all of which the Session, of which the Committee themselves were members, cordially approved, and then took no further note of them. The same thing was repeated in 1769, 1779, and 1789, the Committee becoming stronger in their censures, and the Session more cordial in their acceptance of them, until in the last-mentioned year it had been discovered there had been lost of the capital of the Hospital fund the sum of £1293 19s 7¼d. This fact seems at last to have roused the Session, who then appointed Baillie Young as their Treasurer, under whose careful management, which continued up till his death in 1805 (February), the Hospital Fund was more than restored to its original position; and the library’s other minor funds included in it were paid up, with interest in full. From the year 1752 to 1789 there seems to have been expended on the purchase of books, £324 18s 9d. From that date downwards the management of this fund calls for no special remark. Sums were periodically spent on the purchase of books, and the unexpended balance was added to stock, until in the year 1850, when Dr Macdonald took charge of the fund, the capital amounted to £340. Since then, and apparently since 1817, the Library Fund has been managed, and its capital invested, separate and distinct from the Hospital Fund. The current account will show what books have been purchased and sums expended since 1850 to this date. The following is the state of the Library Fund as at 31st December 1889:—

“Capital, £430. This is invested as part of the bond for £3000 by the Gas Commissioners before referred to. Balance in Bank, £71 6s —total, £501 6s.

“It may be interesting to add that Dr James Fraser, above referred to, and whose portrait hangs in the Session House, was the third son of Alexander Fraser, minister of Petty. He was born 28th September 1645, and entered King’s College, Aberdeen, in 1660, where he took his degree in 1664. He afterwards went to England, and became tutor in various noble families, and then had the opportunity of visiting most countries of Europe. The young Duke of St Albans, son of Charles II., was for some time under his tuition, and

through Royal patronage Fraser was appointed Secretary to Chelsea Hospital, a post which he held for 40 years, down to the death of Queen Anne. He was made, by James II., custodian of the Royal Library and licenser of printing. George I. had a warm regard for him, and relieved him of the duties of his office, while continuing his emoluments. He was munificent in his contributions to Aberdeen King's College, restoring the old buildings and erecting new ones, and contributing very largely to its library. He also founded the Fraser Bursaries at that College for lads of the name of Fraser of the town or county of Inverness. The Magistrates and ministers of Inverness, and three delegates from the (Presbytery) parish of Inverness, are the patrons. Dr Fraser died on 26th May 1731. His virtues are recorded in superlatives on a marble tablet in the College Chapel, and his features are preserved on our walls."

MINUTES OF ORDINARY MEETING OF
TOWN COUNCIL OF INVERNESS,
1st October 1894.

"DR FRASER'S GIFT TO INVERNESS
LIBRARY.

"On the motion of Bailie Fraser, the Law Agent was instructed to submit the question of Dr Fraser's bequest of money and books to the Inverness Library for the opinion of counsel, and to lay the opinion, when obtained, before the Council."

MINUTES OF ORDINARY MEETING OF
TOWN COUNCIL OF INVERNESS,
4th February 1895.

"DR FRASER'S LIBRARY BEQUEST.

"There was submitted to the meeting a Memorial for Opinion of Counsel, dated 1st December 1894, prepared by the Law Agent, in connection with Dr Fraser's bequest. There was also submitted to the meeting an opinion, dated 12th December 1894, by Mr John F. Maclellan, advocate, on the subject."

"The Memorial and Opinion are printed as appendices to these minutes. Consideration of the matter was delayed in the meantime."

(Appendices.)

“Memorial by the Provost, Magistrates, and Town Council of the Royal Burgh of Inverness, for the Opinion and Advice of Counsel, with Opinion annexed.”

“1st December 1894.

“By deed of Mortification, dated 30th April 1724, a copy of which, as taken from the Town Council Minute Book, under date 30th May 1726, is sent herewith—‘Mr James Fraser, Secretary and Register of the Royal Hospital at Chelsea,’ expresses himself to have ‘given, granted, doted, and mortified, in the most firm, absolute, and elemosynary manner, the sune of one thousand merks, monie of Scotland, which sune I have already remitted and pay’d to the Reverend the Ministers, Magistrats, and remanent Elders of the Church Session of Inverness, and that in the months of November and December, 1712 years, as is clear from the Hospitall Books of the said Burgh.’ Counsel’s attention is specially directed to the terms of the nomination of the Trustees, viz., ‘The Ministers, Magistrates, and remanent Elders of the Church Session of Inverness.’”

“The donor prescribed the mode of investing the fund by the said Trustees to be as follows, viz.:—‘To lend out and imploy the said mortified sune, on sufficient security, heritable or moveable, for yearly interest, as really and effectually as they are bound to secure the other funds of monie which belong to the Hospital of Inverness.’”

“The donor directed that ‘how soon and oft soever the annual rent of the said above-mentioned fund is pay’d, that the same shall be laid out for purchasing and buying usefull books for the benefits and increase of the Library of the said Burgh.’ This was to be done at his own sight and as he should direct during his lifetime, and he reserved power to himself to pay one-half of the interest to the Master of the Grammar School of Inverness in case he should be keeper of the Library ‘according to the rules prescribed, published, and enacted by the General Assembly of the Church of Scotland, the 29th of March, 1704 years.’”

“After his death the Trustees were directed to lay out the income in two equal portions—‘The one-half for Books for the good of the Burgh and encrease of the Publick Library, as the Ministers of Inverness, or any two of

them, shall direct; and the other half to the keeper of the Library, if he be not one of the Ministers of the Burgh, in which case the whole interest arising from the foresaid sum is to be bestow'd on buying of Books.'”

“The Deed of Mortification further shows that Mr James Fraser, acting under the Will of his brother, William Fraser, some time Governor of Fort St George, in the East Indies, had on 2nd July 1718 paid over to the same Trustees a sum of nine hundred merks Scots money, to be employed in exactly the same manner as his own bequest of one thousand merks.”

“The donor likewise directed that the Deed of Mortification should be read in the Church Session of Inverness as often ‘as the other Mortifications to the said Hospital are read therein,’ and that it should be registered in the Town Court Books of Inverness; that three extracts thereof should be made, whereof one should be sent to himself, another kept by the Magistrates among the other Writs of the Burgh, and the third kept ‘by the Trustees present and to come, among the other Writts of the said Church Session.’”

“From an examination of the Minute Books of the Kirk-Session, it appears that for a number of years after the said sums of one thousand merks and nine hundred merks had been handed over by him to the Hospital Treasurer, Mr Fraser was in use to lay out the annual interest thereof in the purchase of books for the Library, and remittances for the sums so expended were sent to him by the Hospital Treasurer from time to time. Mr Fraser also seems to have made numerous gifts of books to the Library during his lifetime, over and above those purchased out of the interest on the mortified sums.”

“The value of Mr Fraser’s gifts is put by himself in a subsequent Deed of Mortification, dated 10th September 1730, at ‘above two hundred guineas.’”

“The Library had been founded prior to the receipt of Mr Fraser’s bequest by the Rev. Robert Baillie, one of the ministers of Inverness, and gifts of books were made to it by many other benefactors. It has all along been managed under the sole direction of the Kirk-Session, in whose custody are the books and the funds.”

“A copy of a report prepared in 1889 by Mr Allan Macdonald, solicitor, Inverness, the present Kirk and Hospital Treasurer, on the

Kirk-Session and Hospital Funds of Inverness, in so far as it relates to the Library Fund, is sent herewith."

"A report by the Law Agent of the town of Inverness, prepared at the instance of the Memoriaists in March 1893, is also sent."

"Recently questions have been raised in the Inverness Town Council as to the management and condition of the Library and its funds, with the view specially of ascertaining what (if any) are the powers and obligations of the Magistrates under Mr Fraser's Deed of Mortification, with respect to the administration of his bequest."

"That Mr Fraser himself conceived that the Magistrates were to take a certain amount of charge and responsibility in the matter is proved by the terms of his said Deed of Mortification of 10th September 1730, establishing certain bursaries in King's College, Aberdeen, of which the Magistrates and ministers of Inverness, and three delegates from the Presbytery of Inverness, are the patrons. That Deed of Mortification is engrossed in the Town Council Minute Book, under date 1st September 1740, and the subjoined is an extract from it bearing on the subject of the Library and its management:—

"And the said Magistrates are hereby required to make good their promise to me, made when I was last in Inverness, to build in the Hospital of the said town a fitt and decent Library Room to lodge their books in, towards the encouraging and erecting of which I made them a free gift of the value of above Two Hundred guineas, as appears by the estimate the late Reverend Mr Robert Baillie made of them, and that they will continue the performance of what was agreed upon when I gave them the Mortification of a thousand merks, lay'd out on a good security, the @ rent q'rof to be divided, one half to be laid out to buy useful books for the increase of the said Library, and the other half for the Schoolmaster, to encourage him diligently to do his duty of a Schoolmaster, and to take care of the Library."

"A collation of this extract with the Library Deed of Mortification of 30th April 1724, reveals some discrepancies between the terms of these two deeds. In the first place Dr Fraser states, in the second Deed, that he gave them (i.e., the Magistrates) the Mortification of a thousand merks, while the Deed of 30th April 1724 itself distinctly bears that the money was remitted and paid to 'the Reverend the

Ministers, Magistrats, and remanent Elders of the Church Session of Inverness, and that in the months of November and December, 1712 years, as is clear from the Hospital Books of the said Burgh.' As a matter of fact, the money was paid to the Hospital funds by Dr Fraser himself."

"Then, in the second Deed, Dr Fraser states that one-half of the annual interest of of the thousand merks was to be laid out to buy useful books for the increase of the Library, and the other half for the Schoolmaster, to encourage him diligently to perform the duty of a Schoolmaster, and to take care of the Library. But, in the first Deed, the provision is that one-half of the interest should be expended in buying books, and the other half should be paid to the keeper of the Library, if he be not one of the ministers of the Burgh, in which case the whole interest should be bestowed in buying books."

"From Mr Macdonald's report it will be seen that, since 1779, one of the ministers seems to have acted as Librarian, and that no charge has since that time, apparently, been made against the fund for Librarian's salary."

"Apart from the Extract already given from the second Deed of Mortification, by Dr Fraser, of 1730, the only reference to the administration of the Library which appears in the Town Council Records is the following Minute, of date the 10th January 1732:—

"That day, it being represented that the Library of the Burgh, which has been under the manadgement of the Presbytery, has suffer'd exceedingly by the neglect at least of the Presbytery, and that notwithstanding of a remonstrance made to them some years agoe, in name of the Magistrats and Town Council, and the Presbytery's promise thereupon to inquire into the Imbazlements that were made, and to rectifie the abuses, they, the said Magistrats and Town Council, appoint Baillie Alves and the Clerk to attend the Presbytery at their first meeting, and require them, against the 1st of June next, to take a State of the said Library, and inquire into the Imbazlements., and rectifie the abuses in the manadgement thereof; with certification that if they neglect, They, the Magistrats and Town Council, will enter a complaint against them in manner prescribed by law."

"Notwithstanding the apparent peremptoriness of this complaint (which, it will be

noted, was made by the Magistrates and Town Council, in Council meeting assembled, against the Presbytery, not the Kirk-Session, of, Inverness), nothing more seems to have been done by the Council on the subject."

"The terms of that Minute, passed as it was within a very few years of the date of the Deed of Mortification, and within a few months of the date of Dr Fraser's death in 1731, seem to point to the conclusion that the Magistrates of the time considered that the entire management of the Library rested with the Presbytery or Kirk-Session, and that they themselves, while believing it to be their duty to complain of faults and abuses, had no share in the administration."

Summarising the facts which have been gathered on the subject, it appears—

"1. That the bequest by Dr Fraser of One thousand merks, and the sum of Nine hundred merks allocated by him out of the Estate of his brother, William, were both paid over by himself during his lifetime to the Hospital or Kirk-Session Funds, and not to the funds of the Burgh.

"2. That the Trustees of the Bequest were 'the Ministers, Magistrats, and remanent Elders of the Church Session of Inverness.'

"3. That the Funds were directed by Dr Fraser to be lent out in the same manner as the other funds belonging to the Hospital of Inverness.

"4. That, after the donor's death, the one-half (and, in a certain case, the whole) of the interest of the mortified sums was to be expended in the purchase of books, as the Ministers of Inverness, or any two of them, should direct.

"5. That the Deed of Mortification was directed to be read in the Church Session as often as the other Mortifications to the Hospital of Inverness were to be read therein.

"6. That one Extract of the Deed of Mortification was directed to be kept by the Trustees, present and to come, among the other writs of the Church Session; and another to be kept by the Magistrates, present and to come, among the other writs of the said Burgh.

"7. That the entire control and management of the Library and its funds have always remained with the Kirk-Session, who are now in possession of the same.

"8. That, notwithstanding the terms of Dr Fraser's second Deed of Mortification of 10th

September 1730, it cannot be ascertained that the Magistrates of the Burgh, as Magistrates, have ever interfered with said control and management.

"9. That the Memorialists have no evidence as to the character of the management of the Library, and are not in a position to state that Dr Fraser's bequest has been administered for good in the Burgh, in terms of the Deed of Mortification."

In these circumstances Counsel is requested to answer the undernoted.

"QUERIES.

"1. Whether the Magistrates of the Burgh of Inverness, as Magistrates, had any powers and obligations under the Deed of Mortification of 1724, and, if so, what is the extent and scope of these powers and obligations?"

"2. Whether the fact that the administration of the Library and its funds has since its foundation been in the hands of the Kirk-Session exclusively would prevent the Magistrates of the Burgh from now claiming and exercising a joint right of administration with the Ministers and Elders of the Kirk-Session as Trustees nominated under Dr Fraser's Deed of Mortification?"

"3. In the event of Counsel being of opinion that the Magistrates have a joint right of administration with the Ministers and Elders of the Church Session, he is requested to advise what steps should be taken with the view of having Dr Fraser's Bequest applied for the benefit and use of the public of Inverness in accordance with the terms of the donor's will.

"4. Generally, Counsel is desired to give the Memorialists such advise on the subject as may appear to him proper and expedient."

"OPINION.

"1. In my opinion the Magistrates were, by the Deed of Mortification in question, nominated as Trustees for the purpose of holding, along with the Ministers and Elders of the Church Session of the Burgh of Inverness, the bequest of 1000 merks made by Mr James Fraser, and the further bequest of 900 merks derived from his brother, and of seeing to the proper investment of said funds from time to time. They further, in my opinion, become bound (along with their co-trustees) to see that the annual income derived from the trust investments was year

by year duly expended in the purchase of books for the Library of the Burgh. They have, however, no duty to discharge in connection with the actual purchase of books, that duty being specially committed by the donor to the ministers of the parish of Inverness. In my opinion, no real difficulty is created by the description given of the trustees in the Deed of Mortification as the 'Ministers, Magistrates, and remanent Elders of the Church Session of Inverness.' In another part of the Deed the Magistrates are mentioned before the ministers and elders, and it is plain, from the terms of the Deed generally, that the truster was under no error or confusion of ideas as to the fact that the Magistrates constituted an entirely different public body from the Kirk-Session. Such difficulty as there is arises from the use of the adjective 'remanent,' and when it is found (as, for instance, in the case of *Leslie v. Black*, 9th June 1814, F.C.) that the expression, 'the Ministers and remanent members of the Kirk-Session,' was a common mode of describing the whole members of a Kirk-Session, it appears to me that the word 'remanent' was used by the truster to connect the word 'ministers' and the word 'elders.' On this view the expression 'Magistrates' has got somewhat misplaced; but I cannot believe that Mr Fraser intended to limit the intervention of the Magistrates to the event of their being also members of Kirk-Session. I am fortified in this construction by the decision in the case of *Murdoch v. the Ministers and Magistrates of Glasgow*, 1827, C.S., 186, where a direction made by a Glasgow man that a charitable trust should be 'under the management of the Magistrates and ministers of the Established Church,' was held to designate as trustees the Magistrates of the City of Glasgow and the ministers of the Established Church there.

"2. I am of opinion in the negative. In the case of the *Magistrates of Edinburgh v. MacLaren*, 1881, 8R., H.L., 140, where by a Deed of Mortification the Magistrates and Town Council of Edinburgh and the ministers of the burgh were jointly nominated as trustees, it was held that the fact of the ministers having taken no part in the management of the trust for upwards of a century was no bar to their successors exercising their rights. In that case Lord Gordon, adopting the words of the Lord President of the Court of Session, laid it down that, 'The circumstance that the ministers of Edinburgh have

never claimed to be conjoined in the administration is of no consequence. No persons of an official character can give away the rights of their successors in office under a trust of this kind, and therefore the trust must be constituted and administered now as provided by the truster in his Deed of Mortification.'

"3. In view of the decision in Maclaren's case above referred to, I think it probable that the right of the Magistrates to share in the administration of the trust will not be seriously contested, but should it be so, an action of declarator would be the appropriate means for the Magistrates to adopt in enforcing recognition of their right.

"4. On consideration of the wide terms of Section 30, Sub-Section 3, of the Local Government (Scotland) Act 1894, I am led to doubt whether the trust in question may not fall within the scope of that provision. The trust is one under which a Kirk Session, conjoined with other individuals (the whole trustees numbering not less than six persons, I presume), hold property wholly or mainly for the benefit of the inhabitants of the parish of Inverness, or some of them, as such inhabitants, or otherwise for a public purpose connected with the parish not falling within the exceptions mentioned in that section. Consequently, a new committee of management of the Trust property will presently fall to be constituted under said third Sub-Section, unless the Trust is saved from the operation of that provision by the fact that the Library benefited is described as 'the Library of the Burgh of Inverness.' It may be that the Local Government Board may determine that the Trust in question does not fall within the purview of the Act; but on the assumption that it does so, the time appears opportune for the Magistrates obtaining recognition of their right, along with the ministers and Kirk-Session, to join in the appointment of representatives on the Committee of Management instituted by the Act. It appears to me that such a Committee, if formed, would in future have the financial control of the Trust funds, and probably that they would also supplant the ministers in the duty of expending the Trust income in the purchase of books.

"The opinion of

(Signed) "JOHN F. MACLENNAN.

"20 Heriot Row,
"Edinburgh, 12th Dec. 1894."

MINUTES OF ORDINARY MEETING OF
TOWN COUNCIL OF INVERNESS,
1st April 1895.

“DR FRASER’S BEQUEST.

“Councillor Ross moved that it be remitted to the Law Committee to take such steps as are necessary to carry out the terms of the Opinion of Counsel recently obtained in reference to Dr Fraser’s Bequest, which was agreed to.”

MINUTES OF LAW COMMITTEE OF THE
TOWN COUNCIL OF INVERNESS,
18th April 1895.

“DR FRASER’S LIBRARY BEQUEST.

“The Committee, having taken up consideration of the remit made to them by the Town Council on 4th March 1895, in regard to Dr Fraser’s Bequest to the Inverness Library, recommend that the Town-Clerk be instructed to communicate with the Inverness Parish Council on the subject, when that body shall have entered on its duties.”

At the ordinary meeting of the Town Council of Inverness, held on 6th May 1895, the foregoing minute of their Law Committee was read and adopted.



INVERNESS TOWN ARMS

APPENDIX III.

NOTES ON THE LETTING OF THE HOSPITAL,
pp. 216, 218, 227.

Very early in the history of the Mortification the conditions providing for the housing of the poor in the upper rooms in the Hospital seem to have been disregarded:—

“June 20, 1721.—The upper loft let to the Magistrates to be a Hospital for the Rege-ment of Fusaleers, Rent £3 stg.”

“Nov. 10, 1778.—Let to the Magistrates for Writing School and English School.”

“August 21, 1792.—Proposal to let the whole house to the Magistrates and Council as a Poorhouse for the town.”

“May 22, 1810.—The whole, except the Weighhouse, let to the Hon. A. Fraser of Lovat for seven years, Rent £15 stg. yearly.”

“1845.—Occupied as a Poorhouse till 1862, when the new house for the poor at Muirfield was opened.”

NOTES ON THE EDUCATIONAL BEQUESTS, &c.

“Duncan’s Mortification.—Since 1887 the half of the fund applicable to education is annually paid over to the Directors of the Inverness Royal Academy under their scheme No. 101, Educational Endowments (Scotland) Act 1882.”

“The Laird of McIntosh Bequest.—Also included in the Inverness Royal Academy Scheme, and interest paid over till 1st April 1891, when the principal sum, 3000 merks, was paid.”

“Hector Fraser Bequest.—Also included in the funds to be administered by the Inverness Royal Academy Directors.”

MORTIFICATIONS NOT PREVIOUSLY NOTED, &c.

| Year | | | |
|-------|----------------------------------|----|---------|
| 1803. | Bailie Thomas Young- | - | - £1600 |
| 1811. | Mrs Catherine Fraser or McIntosh | 80 | |
| 1835. | Collector Donald Smith | - | - 150 |
| 1863. | *Jane Robertson- | - | - 685 |
| 1863. | John Ross, Rose Street | - | - 24 |
| 1875. | Wm. Wilson of Inverary | - | - 200 |
| 1887. | †Janet Mann or Clark, when re- | | |
| | alised, probably | - | - 200 |

*Not included in Summary below.

†Not yet paid to Session, June 1902.

HOSPITAL MORTIFICATIONS, &c., 1902.

SUMMARY.

| No. of Pensioners. | Rate per Annum. | Amount per Annum. | Amount per Half-Yr. | |
|---|-----------------------|-------------------------|---------------------------|---------------|
| Young's Fund, No. I | 19 | £2 | £38 | £19 0 |
| Hospital „ No. II. | 21 | 2 | 42 | 21 0 |
| Dunbar's „ No. III. | 12 | 1 | 12 | 6 0 |
| „ „ No. IV. | 8 | 1 | 8 | 4 0 |
| Clan Chattan Fund, No. V. | 1 | 2 | 2 | 1 0 |
| „ „ „ No. VI. | 3 | 1 | 3 | 1 10 |
| Hospital General Fund, No. VI. | 48 | 1 | 48 | 24 0 |
| Albert Muir's Fund, No. VII. | 4 | 1 | 4 | 2 0 |
| | <u>116</u> | | <u>£157</u> | <u>£78 10</u> |
| No. of Persons receiving Gratuities. | | | | |
| From Hospital General Fund | 59 | £1 | £59 | £29 10 |
| | <u>175</u> | | <u>£216</u> | <u>£108 0</u> |



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- "Litigious," page 3, line 11 from bottom, "litigious."
 "A," page 10, line 24 from bottom, delete
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 "Baillies," page 240, line 22 from bottom, "Bailies."

