

Sheriff Court Decrees against Barclays of Ury.

In the archives of the Kincardineshire Sheriff Court there are records of three decrees against members of the above family for disturbances raised during divine service within the church of Fetteresso—being the church of the parish within which the house of Ury was situated. These papers contain in each case certificates of the citations by the Sheriff officers, minutes of the evidence signed by the Sheriff and Sheriff-Clerk, and the decrees signed by the Sheriff. The first prosecution was directed against Christian Mollison, the widow of the Apologist, and the others against her son, Robert Barclay the Second, of Ury.

It is believed the documents have never been printed.

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I.—PROCURATOR-FISCALL CONTRA CHRISTIAN MOLLISON, LADY OF URIE.

Upon 19th August, 1691, William Saidler, mair (or messenger-at-arms) “summoned Chrystian Mallaysoun, Laydy of Urie, David Wallace in Urie, to compeir before the Sherreff of Kincardine or his deputis in ane court to be holden at Stonehayve upon the 20 day of August instant to anser at the instance of the prōr-fiscall for the disturbance of Mr Johne Mylne minister at Fettresso Kirk in tyme of divyne service and administrating of the Sacrament ” and this he did “ by delyvering and serveing off two litterall copies in the lock holl of the inner zet of Urie efter the cnocking of thrie severall cnocks before thir two witnesses John Wobster yo^r in Stonhayve and Gilbert Read yo^r ther.”

At the hearing of the cause in the Sheriff Court at Stonhyve on 20 August, 1691, “Christian Molleson Lady Urie being conveyned for disturbing y^e min^r att the Church of Fetteresso in tyme of divyne service upon Sunday last and examined y^ron she acknowledges and confesses that upon the s^d day she heard a pairt of the sermon silently and did not offer to sturr till the minister

comeing doune furth of the pulpit she desyred him to stay and speak with her for she hade heard him with patience and she not takeing notice of what he ansred she insisted in her discourse and being interogat why she did not remove when she was desyred she ansred she would not remove till she hade declaired her Commission from the Lord and thereafter she insisted both within & without the Church in long continewed discourss.

(Minutes of Evidence of Witnesses.)

Alex^r Burnet Chamberlaine to the L^d of Leyes examined as witnes in the ryot persewed at the Fiscall's instance ag^t the Lady of Urie, purged of partiall counsell, Deponed that he saw the s^d Lady sitting in her loft silentlie in the tyme that the M^r of Fetteresso wes using his exhortatione befor administratione of the sacrament to the people and qⁿ he was comeing from the pulpit to goe about the actione he heard the Lady call the M^r by his name Johne saying Stay and speak with her since she had heard him patientlie signifying to him that she had her comission from the Lord almighty to Impart to him q^runto she was ansred by the M^r that he was not to be Interrupted by her but wold proceid in his M^r God almighties service and thereafter he heard & saw the Lady insist in her discourss and speak over the breist of her loft to the people desireing that they might not believe in the M^{rs} preaching he having deluded y^m thir seall yeirs q^rupon efter long discourse James Patton Mr. Jon Johnstoune & oysr came and removed her furth of the Church to the Churchyard q^r she insisted in discourse for ane considerable tyme and heard her call the Minister ane hyreling & much more impertinent discourse al which is of truth as he shall anser to God. (Signed) A : BURNET.

David Steiven in Innercarron examined as witnes and purged of partiall counsell Deponed that he heard the Lady begine hir discourss to the minister at his comeing doune to administrat the Sacrament & y^refter heard her call the M^r hyreling and that he had misled the people thir seall yeirs, and insisted in the Kirkyeard ane considerable tyme to y^t purpose q^{ch} wes of truth as he sall anser to God. (Signed) DAVID STEIVEN.

The Sheriff-Deput being interrogating the s^d Lady of Urie upon the dittay¹ she efter some cavilling anent the Interrogators she returned him ansr that she knew his tricks q^rupon the Sheriff took instrts. in face of Court.

David Wallace examined, it is found that he was serv^t & acted nothing except as a serv^t towards his Mistress & Therfor the s^d Sheriff deput assoilzies² him.

(Sheriff's Decree.)

The Sheriff Deput In respect of the Ladies confessione & witnesses depositions & the notorietie of y^e actione and also In respect of the injurious & unroulie expression by the Ladie ag^t him amerciats³ the Ladie Urie ane hundreth pounds Scots

(Signed) J : KEITH.

II.—PROCURATOR-FISCALL CONTRA LAIRD OF URIE.

Robert Barclay of Urie—and also his tutors and curators—were summoned by William Craig, mair, to “ane court to be holden within the tolbuith of Stonhyve upon the nynteen day of Febry instant (year 1695) to anser at the instance of Robert Keith, pr^{or} Fiscall, for his disturbing the people and raiseing of ane tumult in the Kirk of Fetteresso in tyme of divyne service and interupting divyne worship particularly in the tyme of singing of psalmes upon Sunday last the tenth of this instant by his publict vocifera^{ne} pretended preacheing and his declaireing his hereticall & schismaticall doctrine of his quaker principles att that tyme and underly the law y^rfor.”

(Minutes of Evidence.)

19 Febr 1695. The said Robert Stout in Kirktoune of Fetteresso being examined, purged of partiall counsell, Deponed that the said Robert Barclay of Urie about the tyme of the reading of the first lyne of the psalmes (did) stand up in his own laft upon Sabath day was eight dayes & y^r begine and spake ane number of words but what they wer he could not tell be reasone of the tumult

¹ Dittay=indictment.

² To assoilzie=To acquit.

³ To amerciat=To fine.

which his appeiring & publict cryeing & speaking in the Kirk of Fetteresso then maid but only in generall that he dissuaded the people for hearing or . . . the minister who (he) allegat was leading them all the black gett and that therby he interupted divyne worship for a short space whyle he . . . himselfe which is a truth as he shall anser to God.

(Signed) Ro : STOUT.

There was no appearance nor defence for Robert Barclay, and the Sheriff's deliverance was in the following terms :—

Stonhavine—19 Feby. 1695—Amerciat Ro^t Barclay of Urie In the sume of ten libs. Scots In respect of his contumacie and not-appearance and ordaines him to be of new ceitted to underly the law for the cryme laid to his chaarge and to heir and sie such farder probatione led y^r anent as sall be found necessar in the s^d matter.

(Signed) J : KEITH.

III.—PROCURATOR FISCALL CONTRA ROBERT BARCLAY OF URIE.

In view of the above deliverance William Craig, Sheriff officer, served personal summonses upon Robert Barclay of Urie, and likewise upon James Brown in Magrow and Archibald Strachane at Walkmill of Red Cloak & Robert Young in Hyndwalls to compeir at the Sheriff Court upon 25th February, 1695, to lead leall and suthfast witnessing in the actione of ryot persewed at the instance of Robert Keith, procurator fiscall agst said Robert Barclay for disturbing the Kirk of Fetteresso in tyme of divyne service.

(Minutes of Evidence of Witnesses, 25 Feby 1695.)

The said Archibald Strachane at Walkmill of Reid-cloak examined, purged of partiall counsell, Deponed that he did see Robert Barclay of Urie stand up in his owen Laft upon Sabath day was fortnight when the last salme was begining to be sung & begane to speake but ther was such noyse and tumult in the Church that he could not understand what he spak Deponent being in the nether laft which Interrupted the singing the psalm

whyle [until] he removed which is al truth as he shall anser to God.

(Signed) ARCH : STRACHANE.

The said day Ja : Broun examined, purged of partiall counsell, Depones *in omnibus* conforme to Archibald Strachane's deposition.

(Signed) JA : BROUN.

There was again no appearance for Robert Barclay, & the Sheriff's final deliverance was as follows :—

25 Feby. 1695.—The Sheriff Deput haveing considered the witnesses depositions & the Def^r his citatione to have compeired to have heard them . . . and depone in the matter within written and he not compeiring nor his tutors & curators for y^r entrest albeit laullie sumonded Jn respect y^rof the Sheriff amerciats the said Ro^t Barclay in the soume of fyftie libs. Scots to be payed to y^e pr^{or} fiscall as accords.

(Signed) J : KEITH.

O England, my Native Country, Come to Judgment, bring thy deeds to the true Light ; see whether they are wrought in God or no.

—WILLIAM PENN, *Address to Protestants*, 1679, p. 6.

Cross not the Genius of your Youth, Match their Talents well.
—*Ibid.*, p. 50.

True Faith in God is entirely believing and trusting in God, confiding in his Goodness, resigning up to his Will, obeying his Law and relying upon his Conduct and Mercies respecting this Life and that to come. . . . This Holy Faith excludes no Age of the World, the Just Men, the Cornelius's in every Generation have had some degree of it.—*Ibid.*, p. 81.¹

Freedom from Actual Sinning, and giving Newness of Life to the Souls of Men, was the great Reason of Christ's Coming.—*Ibid.*, p. 129.

Men are too often the worse for their Wit, for their Learning, ay for their Religion too, if Charity does not humble and sancify them . . .

They that act not from Religion, can never act rightly for Religion.²
—*Ibid.*, Preface to Second Edition, 1692.

¹ Cf. Penn's Letter to His Wife and Children, written 1682 ; also Janney's *Life of William Penn*, 1852, p. 199.

² Cf. *Maxims*, part 1, nos. 530, 533, 538, 539, 540.