

I.

A DECLARATION AGAINST THE NATIONAL COVENANTS OF SCOTLAND, 1685. COMMUNICATED BY DAVID LAING, Esq., F.S.A. Scot.

(THE ORIGINAL DOCUMENT WAS EXHIBITED BY JOHN ALEXANDER SMITH, M.D.,
SEC. S.A., SCOT.)

There prevails a very general misconception regarding the National Covenants and Confessions of Faith, received at various times by the people of Scotland. The three most memorable are,—

I. The NATIONAL COVENANT, or the KING'S CONFESSION, signed by James VI. and his household in 1580.

II. The same NATIONAL COVENANT or CONFESSION, renewed, with additions, when Presbytery was triumphant in Scotland, in 1638.

III. THE SOLEMN LEAGUE AND COVENANT for England as well as Scotland, in 1643.

I shall not enlarge on these public deeds, having, several years ago, read a paper to the Society on the subject, when exhibiting various copies of them with original signatures. I allude to the subject at this time, in immediate connexion with a Declaration of an opposite character, signed by the Lord Chancellor, the Judges of the Court of Session, and other officials, the original of which will now be exhibited to the meeting by my friend Dr John Alex. Smith.

Before reading this document, which has no date, but which unquestionably was written and signed in the year 1685, a few stray notices of the reaction that took place subsequent to the Restoration, regarding these Religious Covenants, may be adduced, by way of supplement, to my former communication.

It is well known that Charles II., after some negotiations, in 1650, was invited to Scotland by the Covenanters, and that he solemnly swore to observe and uphold the NATIONAL COVENANT, and SOLEMN LEAGUE and COVENANT, at the time of his coronation at Scone, on the 1st day of January 1651. His sincerity in taking this oath has never been maintained: it was a mere political artifice, which signally failed to serve his purpose. After his Restoration, therefore, in 1660, neither he nor the adherents of Episcopacy were likely to regard such Covenants with any, the least favour.

One of the earliest demonstrations that occurred was the burning of the Covenant, by the hands of the common hangman, at London, 22d May 1661. This proceeding was imitated with similar profanity at Linlithgow, on the king's birthday, 29th May 1662. Both events were commemorated in the form of what Wodrow calls "senseless roundells and ballads," which were printed at the time, or circulated in manuscript.

Twenty years later, when religious persecution was at its height, some of the Covenanters issued violent Declarations at Rutherglen, Sanquhar, Lanark, and other places, against the tyrannical proceedings of the Government. Thus, on the 12th of January 1682, thirty to forty of the Cameronian party came to the town of Lanark, and at the market-cross publicly burned the Act of Parliament concerning the Test, issuing at the same time a proclamation of their own, denouncing the King as a tyrant. For this outrage the Privy Council lost no time in imposing a fine of 6000 merks on the town of Lanark; and still further to manifest their displeasure, on the 18th of that month they caused the Solemn League and Covenant, with the Lanark Declaration, and what was called Cargill's Covenant, to be burnt by the hangman at the Cross of Edinburgh, the magistrates being present in their scarlet robes. Fountainhall, in noticing this proceeding, says, "Some thought it but a sorry politique to burn the Solemn League, to revive the memory of what was so long ago buried in oblivion;"¹ and, in another place, he adds, "This set people more a work to buy it and read it."²

In the Oath "to be taken by all persons in publick trust," known as the Test, imposed the last of August 1681, there is this declaration

"That there lies no obligation on me from the NATIONAL COVENANT, or the SOLEMN LEAGUE and COVENANT (so commonlie called), or any other manner of way whatsoever, to endeavour any Change or alteration in the Government, either in Church or State, as it is now established by the Laws of this Kingdom."

The original document in MS., now exhibited, formed a sequence to the Test Act, and is a DECLARATION by the LORDS AND SENATORS OF THE COLLEGE OF JUSTICE against the lawfulness of the NATIONAL COVENANT

¹ "Historical Observes," p. 58.

² "Historical Notices," vol. ii. p. 346.

and SOLEMN LEAGUE. It is indorsed, "THE DECLARATION," and is in the following terms:—

" I Doe sincerely affirme and declare, That I judge it unlawfull to subjects upon pretence of reformation, or other pretence whatsoever, To enter into Leagues and Covenants, or to take up armes against the King or these commissioned by him, And that all these gatherings, convocations, petitions, protestations, and erecting and keeping of Councill tables that were vsed in the beginnings and for carrying on of the late troubles, were unlawfull and seditious; And particularly that these oathes whereof the on[e] was comonlie called THE NATIONALL COVENANT (as it was sworne and explained in the year on[e] thousand sex hundreth and threttie eight and thereafter); and the other, entituled, A SOLEMNE LEAGUE AND COVENANT, were and are in themselves unlawfull oathes, and were taken by and imposed upon the subjects of this Kingdome against the fundamental Lawes and Liberties of the same, and that there lyeth noe obligation upon me, or any of the subjects from the saids oathes or either of them, To endeavour any change or alteration of the Government either in Church or State as it is now Established by the lawes of the Kingdome.

QUEENSBERRIE *Thes*.
ATHOLL

AL. GIBSONE
RO. M'KENZIE
JA. DALRYMPLE
MR W. MORE

J. WEDDERBURN
JO. FOULIS
GEO. ROBERTSON
D. GRAEME.

PERTH, *Cancell*.
DA. FALCONAR
GEO: M'KENZIE
JA: FOULIS
J. LOCKHART
DAVID BALFOUR
JAMES FOULIS
A. SETON
ROGER HOG
A. BERNIE
PATRICK OGILVIE
J. MURRAY
GEO: NICOLSON
J. WAUCHOPE
T. STEUART
P. LYON."

On examining the Privy Council Records and Acts of Sederunt to ascertain its date, I find no notice of this DECLARATION; but it may safely be assigned to the month of April or May 1685, or soon after the accession of King James II. King Charles II. died on the 6th of February 1685. In the Proclamation by his successor it is intimated,—“That it hath pleased God this day to call out of this life from the possession of an earthly diadem, *to the fruition of an eternal crown of glory*, His late Majesty our Royal and most dearly beloved Brother Charles the Second,” &c. The Declaration is nearly in the same words as an Act of Parliament passed on the 6th of May 1685. We also know that James Earl of Perth was appointed Lord Chancellor 21st June 1684, and that Sir David Falconar of Newton died on the 15th December 1685. Of the Clerks who sign, Alexander Gibsone of Pentland, was Clerk of the Privy Council. Roderick Mackenzie (brother of Lord Tarbat), and Sir James Dalrymple of Killoch, were Principal Clerks of Session. The last name is “D. Graeme.” Charles II., on the 19th June 1684, directed a letter in favour of Mr David Graham, tutor of Gorthie, to be conjoint Clerk of the Bills with Mr John Wedderburn of Blackness, Advocate. But this letter was not produced, nor ordered to be recorded, until the 4th of February 1685, or two days before the King’s death.¹

At the meeting of Privy Council, on the 20th of April 1685 :—

“The Lord Newton, president, produced a New Commission, granted by the King’s Majestie in favours of the whole Lords Ordinarie and Extraordinarie,” whereof the tenor is inserted in that day’s minute, and the names of the judges are thus specified :—

SIR DAVID FALCONAR of Newton, President,
 SIR GEORGE M’KENZIE of Tarbat, Clerk-Register,
 SIR JAMES FOULIS of Colinton, Justice-Clerk,
 SIR JOHN LOCKHART of Castlehill,
 SIR DAVID BALFOUR of Forrett,
 SIR JAMES FOULIS Junior, of Redfuid,
 SIR ALEXANDER SEATON of Pitmedden,
 SIR ROGER HOG of Harcarse,
 SIR ANDREW BIRNIE of Saline,

¹ Acts of Sederunt, 1790, p. 164.

SIR PATRICK OGLIVIE of Boyne,
 SIR JOHN MURRAY of Drumcairn,
 SIR GEORGE NICOLSON of Kemnay,
 JOHN WAUCHOPE of Edmonston,
 SIR THOMAS STEWART of Blair, and
 SIR PATRICK LYON of Carse,

Ordinary Lords and Senators of our College of Justice. Also,
 WILLIAM DUKE of QUEENSBERRIE, our Principal Treasurer of
 our said Kingdom of Scotland,
 JOHN MARQUESS of ATHOLE, Keeper of our Privy Seal,
 ALEXANDER EARL of MORAY, Secretary for our Ancient King-
 dom of Scotland, and
 CHARLES EARL of MIDDLETON,
 Extraordinary Lords; and the said SIR DAVID FALCONER to be Presi-
 dent in the absence of our Chancellor (dated 3d March 1685).

“ After reading of which Commission (it is added), the Earl of Perth, Lord Chancellor; the Lord Newton, President; Tarbett, Clerk Register; Collington, Justice-Clerk; Castlehill, Forrett, Redfuird, Pitmeddie, Harecars, Saline, Boyne, Drumcarnie, and Balcaskie, Ordinar Lords of Session, nominated by the foresaid Commission; and the Marques of Atholl, Lord Privy Seall, one of the Extraordinarie Lords of Session, being present, did all take the Oath of Alledgiance and the Test upon their knees, and did subscrivye the Test and Declaration. And the Lord Chancellor did administer the Oath *De Fidei Administratione* to the Lord President, and the rest of the Lords who were present.”

Other two of the Judges took the oaths on the 2d of May.

Wodrow, in his great zeal, notices that three “ most iniquitous Acts were made” by the Scottish Parliament, on the 6th of May 1685; “ the first, whereof, my written account says, was passed *nemine contradicente*; and all of them, with the former two, were that same day touched with the sceptre, to the lasting reproach of this Parliament, and as evidences what men, Protestants, and Presbyterians in particular, may expect under a Popish Prince. They demand (he adds) our particular consideration.”

The first of these three Acts is that against the Covenants, and is the only one which it is necessary to quote :—

“OUR SOVEREIGN LORD and Estates of Parliament, do hereby declare, that the giving or taking the National Covenant, as explained in the year 1638, or of the League and Covenant (so commonly called) or writing in defence thereof, or owning them as lawfull or obligatory on themselves or others, shall infer the crime and pains of Treason.”¹

Wodrow adds, “No doubt, by this Act the Prelates and enemies of Presbyterians reckoned they had gotten the *Grave-stone* put upon the Covenanted Work of Reformation; but a very great body of people still owned it, and that notwithstanding this Iniquity established by a Law; and this work, which was THE GLORY OF THESE KINGDOMS, had and hath its witnesses, and even a resurrection at the Happy Revolution, when our Doctrine, Worship, Discipline, and Government, were legally settled.”²

I shall not occupy any time in quoting Wodrow’s farther reflections as to “how much iniquity and wickedness is wrapped up in this short Act;” but only add, that it was, as he justly remarks, a necessary prelude to the intended introduction of Popery into Scotland.

DR JOHN ALEXANDER SMITH stated, he accidentally met with this very interesting original document in a collection of miscellaneous papers, where it had been apparently overlooked, in the possession of his friend, R. E. SCOTT, Esq., C.A.³ He alluded to the fact, as shown by the document itself, of the complete agreement between the arbitrary will of King James VII., immediately upon his Accession, and the whole staff of Officials of the COLLEGE OF JUSTICE in Scotland.

Dr Smith added, that as Mr Laing’s former communication on the NATIONAL COVENANTS had been read during the interval between the printing of the *ARCHÆOLOGIA SCOTICA* and the commencement of the New Series of the Society’s Proceedings, he begged to propose that it should now be placed on record by being printed in the PROCEEDINGS of the Society.

This suggestion was unanimously approved of by the Meeting. The communication is accordingly here annexed.

¹ Acts, Parl. Scot., vol. viii. p. 460.

² Wodrow’s History of the Sufferings of the Church of Scotland, vol. ii. p. 519.

³ At a subsequent meeting, Dr Smith, through the kind permission of Mr Scott, deposited this original document for preservation among the collections of the Society.