
The Dismantling of the Second Reformation and the Kirkcudbright Riot of 1663

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Introduction

The recent publication in the *Scottish Historical Review* of a collection of articles on the Covenanters indicates a revival of interest in a subject dear to the hearts of friends of the First and Second Scottish Reformations.¹ This follows a relatively lean period of research on the latter period of dissent from 1660 to 1688 with only a few doctoral theses piercing the gloom with fresh historical analysis from original sources.² This lack of interest is all the more surprising considering Ian Cowan's important reassessment in 1968 in which he noted that the preponderance of work on this subject has been undertaken by supporters or opponents of the Covenanters. Cowan advocated that more attention should be given to economic and social factors.³ In fact, Cowan himself did not take that approach in his more

¹ 'Covenants and Covenanting', *Scottish Historical Review*, Vol. 99, Supplement (December 2020).

² See A.J. McSeveney, 'Non-conforming Presbyterian women in Restoration Scotland, 1660-79' (PhD thesis, University of Strathclyde, 2006); J.M. McDougall, 'Covenants and Covenanters in Scotland, 1638-1679' (PhD thesis, University of Glasgow, 2018); N. McIntyre, 'Saints and subverters: the later Covenanters in Scotland, c.1648-1682' (PhD thesis, University of Strathclyde, 2016). There have been a few collection of essays covering the covenanting era from 1637 to 1688 but in the later period at least it is the doctoral students who have grappled with the original sources and provided fresh insights. For two collection of essays, see S. Adams and J. Goodare (eds.), *Scotland in the Age of Two Revolutions* (Woodbridge, 2014); C. Langley (ed.), *The National Covenant in Scotland, 1638-1689* (Martlesham, 2020).

³ I.B. Cowan, 'The Covenanters - A Revision Article', *Scottish Historical Review*, Vol. 47 (1968), pp. 38-52.

extended work on the Covenanters and relatively few in a sparse field have focused on economic and social and factors, choosing rather to study the more religious aspects of the men and women of the Covenant.⁴

The renewed interest in academia on the Covenanters has stimulated the author of this paper to return to a subject he first considered in 2005 as part of a doctoral thesis in order to review it in the light of recent research. This paper will focus on the attempts of the authorities in Scotland from 1660 to dismantle the Second Reformation attainments of 1637–51 before focusing on a riot that occurred in the Kirkcudbright in 1663 as one of the first overt expressions of dissent against an Episcopalian Church settlement. In doing so, it will set out the religious and political background of Scotland in this period before turning to the incident in Kirkcudbright and assessing the nature of the riot; who was involved; and why it took place. We will demonstrate that economic factors were unlikely to have led to the riot in Kirkcudbright in 1663, while social status may have led the dissenters to riot rather than respond in a more sophisticated manner. The pre-eminent reason, as we will see, why the riot took place was that Kirkcudbright was steeped in an atmosphere of Presbyterianism which was hostile to the imposition of an Episcopalian curate against the wishes of the parish.⁵

I. The Dismantling of the Second Reformation

The period from 1637 to 1651 is generally regarded from a Reformed Christian standpoint as a high point in Scottish ecclesiastical history which contains within it the Second Scottish Reformation.⁶ During

⁴ See I.B. Cowan, *The Scottish Covenanters 1660–88* (Littlehampton, 1976); L. Yeoman, 'Heartwork: Emotion, empowerment and authority in covenanting times' (PhD thesis, University of St Andrews, 1991); M. Jardine, 'United Societies: Militancy, martyrdom and the Presbyterian movement in Late Restoration Scotland, 1679 to 1688' (PhD thesis, University of Edinburgh, 2009).

⁵ A similar riot also took place in Irongray at approximately the same time. See the relevant chapter in McSeveney, 'Non-Conforming Presbyterian Women'.

⁶ For further details, see D. Stevenson, *The Scottish Revolution, 1637–44* (Newton Abbot, 1977); D. Stevenson, *Revolution and Counter-Revolution in Scotland, 1644–51* (London, 1977). For the origin of the Covenanting movement, see A.I. MacInnes, *Charles I and The Making of the Covenanting Movement, 1625–1641* (Edinburgh, 1991). For an insight into the Scottish Presbyterian Church in this period, see W. Makey, *The Church of the Covenant* (Edinburgh, 1978). For the proceedings of the Scottish Parliament, see J.R. Young, *The Scottish Parliament, 1639–1661* (Edinburgh, 1996). More recently, Laura Stewart has sought to revisit this period in a fresh historical analysis; see L.A.M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651* (Oxford, 2016).

those tumultuous years of wars and revolution, Scotland subscribed a National Covenant and Presbyterianism became the established form of national Church government. This expression of national commitment to Presbyterianism was extended through the Solemn League and Covenant of 1643 to an obligation entered into by England and Ireland to embrace that form of Church government also.⁷ Several eminent Scottish theologians of international rank from this period, such as Samuel Rutherford, George Gillespie, and James Durham, remain well-known and are consulted almost four hundred years after these events.⁸ While the Cromwellian occupation may have dampened the more established nature of this reformation, and a dispute led to two different Presbyterian factions, nevertheless, scenes of revival observed at the taking of the National Covenant were consolidated in a sober godly atmosphere at least in lowland Scotland throughout the 1650s.⁹

The Restoration of Charles II in 1660 was greeted with jubilation by those who had suffered under the Cromwellian regime but with trepidation by others who doubted the new monarch's commitment to the Covenants he had sworn previously to uphold.¹⁰ Moreover, as just noted, by this time Scotland was not only divided religiously between Presbyterians and Episcopalians but Scottish Presbyterianism itself was divided into two factions. This was due to conflict over whether the Act of Classes of 23rd January 1649 (which excluded all who were involved in or had sympathy with the Engagement to rescue Charles I from imprisonment

⁷ For a reasonably sympathetic view of this period from a latter day Presbyterian historian, see J.K. Hewison, *The Covenanters* (2 vols., Edinburgh, 1908), Vol. 1, pp. 239-458.

⁸ See J. Macleod, 'The Second Reformation Galaxy', in *Scottish Theology* (Edinburgh, 1974), pp. 66-102.

⁹ For revival scenes at the taking of National Covenant, see John Livingstone's account in 'The life of John Livingstone' in W.K. Tweedie (ed.), *Select Biographies* (2 vols., Wodrow Society, Edinburgh, 1845-47), Vol. 1, p. 160. For the religious life of lowland Scotland in the Cromwellian period, see J. Kirkton, *The Secret and True History of the Church of Scotland*, ed. C.K. Sharpe (Edinburgh, 1817), pp. 54-55.

¹⁰ The standard modern work on politics and religion in Scotland in the 1660s and 1670s remains J. Buckroyd, *Church and State in Scotland, 1660-1681* (Edinburgh, 1980). Several doctoral studies have looked at different aspects of political history in Restoration Scotland. See R.W. Lennox, 'Lauderdale and Scotland - a Study in Restoration Politics and Administration, 1660-1682' (PhD thesis, University of Columbia, 1977); R. Lee, 'Government and Politics in Scotland, 1661-1681' (PhD thesis, University of Glasgow, 1995). For an analysis of Royalist politics in Restoration Scotland, see J.C.L. Jackson, *Restoration Scotland* (Woodbridge, 2003). For a Presbyterian viewpoint of the feeling of Scots as to the Restoration of Charles II, see Kirkton, *History*, pp. 65-9.

in Carisbrooke Castle, or were deemed immoral) should be revoked to allow a bolstering of the Scots forces in the continuing conflict against Oliver Cromwell and the Parliamentary army.¹¹ Those who resolved to accept this revocation were known as Resolutioners, while those who opposed were known as Protestors.¹² This overt division was a practical expression of underlying differences as to how far a Presbyterian model of theocracy should be set up in the three kingdoms.¹³ The two factions were still divided by 1660 and at the Restoration both Resolutioners and Protestors attempted to persuade Charles II to accept their version of Presbyterianism.

The activities of the Resolutioners centred around their envoy, Resolutioner minister and soon to be Archbishop of St. Andrews, James Sharp.¹⁴ In September 1660, Sharp delivered a letter to the Resolutioner ministers in Edinburgh from Charles II which stated that the 'discipline and government of the Church would be preserved as it is settled amongst us.'¹⁵ This letter further ratified the General Assemblies of St Andrews and Dundee in 1651 (which favoured the Resolutioners) and forbade any preaching or private conventicles which would bring disaffection against the government.¹⁶ While this letter was written in June, events between then and September clarified Charles II's intentions in this letter. In July, warrants were issued for some of the foremost proponents of the radical regime of Covenanters: Archibald Campbell, eighth Earl and Marquis of Argyll; Sir Archibald Johnston of Wariston; Sir John Chiesley of

¹¹ Buckroyd, *Church and State*, pp. 7-11.

¹² *Ibid.*

¹³ For full details of this dispute, see K.D. Holfelder, 'Factionalism in the Kirk during the Cromwellian Invasion and Occupation of Scotland, 1650 to 1660: the Protestor-Resolutioner Controversy' (PhD thesis, University of Edinburgh, 1998).

¹⁴ For full details of Sharp's actions on behalf of the Resolutioners, see Buckroyd, *Church and State*, pp. 12-41. The most modern biography of Sharp is also by Buckroyd; see J. Buckroyd, *The Life of James Sharp, Archbishop of St Andrews, 1618-1679* (Edinburgh, 1987). Sharp's letter-book can be viewed in Glasgow University Special Collections Unit, GUL, MSS Gen 210.

¹⁵ R. Wodrow, *History of the Sufferings of the Church of Scotland from the Restoration to the Revolution*, ed. R. Burns (4 vols., Edinburgh, 1828), Vol. 1, pp. 80-1, Charles R to Edinburgh Ministers, 10th August 1660. The Edinburgh ministers included Robert Douglas and David Dickson. Both were leaders of the Resolutioner faction and elder statesmen in the Church of Scotland. See Buckroyd, *Church and State*, pp. 24-5.

¹⁶ *Ibid.* The term 'conventicle' should be noted. As will be seen, even prior to the Episcopalian Church settlement, this term was being used concerning any meetings of Presbyterians which the government deemed unsympathetic to it.

Carsewell; and Sir John Swinton.¹⁷ On 23rd August 1660, on the day the Committee of Estates convened for the first time since 1651, a meeting of Protestor ministers and elders was interrupted as it sought to draw up a petition reminding Charles II of his obligations to Presbyterianism. Those apprehended were imprisoned in Edinburgh Castle, with James Guthrie eventually being executed and becoming the Presbyterian ministerial proto-martyr of the Restoration period.¹⁸ A subsequent act denounced this gathering as a conventicle and outlawed any such future meetings.¹⁹ A proclamation the next day reinforced this and barred all ‘seditious petitions and remonstrances’.²⁰ These acts were followed by two further acts in September which ordered the covenanting movement’s legal doctrine of kingship, *Lex Rex*, to be burned, together with a pamphlet entitled *Causes of God’s Wrath* which blamed the calamities of Scotland during the Protectorate on less than fervent Covenanters.²¹ On 20th September, Protestor hopes of their form of Presbyterianism becoming law seemed finished as a general proclamation was made that confirmed Charles II’s power over all ecclesiastical meetings and forbade ‘all seditious railers and slanderers whether civil or ecclesiastic’.²²

In a conference in London in December 1660 of leading statesmen (including former Royalist soldier and High Commissioner to the 1661 Parliament, John, Earl of Middleton; Lauderdale; and English Chancellor, Edward Hyde, Earl of Clarendon), Charles II began to lean towards introducing Episcopacy in Scotland because he thought it could be set up peacefully.²³ This was not without dispute. While Middleton was in favour of Episcopacy and ably supported by Clarendon, Lauderdale sought to oppose in favour of Presbytery. However, he could not overcome the

¹⁷ Wodrow, *History*, Vol. 1, pp. 62-4. Argyll was executed in 1661. Wariston escaped but after allegedly being poisoned by a government spy on the continent, returned to the country in ill-health and was executed in 1663. The others escaped with imprisonment.

¹⁸ *Ibid.*, pp. 66-74. The Protestors’ petition is conveniently included in this section of Wodrow.

¹⁹ NAS, PA 11/12 *Register of the Committee of Estates*, 23rd August-13th October 1660, fol. 4, ‘Act for securing James Guthrie and others’, 23rd August 1660.

²⁰ *Ibid.*, fol. 5, ‘Act prohibiting all unlawful, unwarrantable meetings or conventicles in any place in Scotland etc.’, 24th August 1660.

²¹ *Ibid.*, fol. 28, ‘Proclamation against two seditious books or pamphlets, the one entitled *Lex Rex*, the other, *The Causes of God’s Wrath*’, 18th September 1660.

²² *Ibid.*, fols. 32-34, ‘A proclamation against seditious railers and slanderers whether civil or ecclesiastic’, 20th September 1660.

²³ Buckroyd, *Church and State*, p. 27.

influence of Middleton and Clarendon, and Episcopacy was chosen as the state religion of Scotland.²⁴ Nevertheless, the legal basis on which Presbyterianism became a state religion during the covenanting era in the 1640s, required to be removed. The first session of the first Scottish Parliament since the Restoration gave an opportunity to do so. Within two months the Solemn League and Covenant of 1643 (which bound Scotland, England, and Ireland to Presbyterianism) was renounced; the Engagement in support of Charles I in 1648 was approved at the same time as the Parliament of 1649 which abolished patronage was renounced; and the Oath of Allegiance confirmed the royal supremacy 'over all persons in all causes'.²⁵ On 28th March, the attack against Presbyterianism reached its climax in this Parliament in the passing of the Act Rescissory. The act dismissed all Parliaments going back to 1640 as 'pretended'.²⁶ Those who framed this did so with the express wish of removing the legal basis for Presbyterianism.²⁷ By the end of this parliamentary session there appeared to be no hope for a Presbyterian Church settlement.

A meeting of the Scots Council in London in June 1661 further confirmed that Episcopacy and not Presbyterianism would become the form of Church government in Scotland.²⁸ While some of those present such as John Lindsay, nineteenth Earl of Crawford were in favour of Presbyterianism, the influence of Clarendon ensured that Episcopacy was set up in Scotland.²⁹ A proclamation confirming this was issued by the Privy Council on 6th September 1661.³⁰ This proclamation

²⁴ Ibid.

²⁵ T. Thomson and C. Innes (eds.), *Acts of the Parliament of Scotland* (12 vols., Edinburgh, 1814–1875) (cited hereafter as *APS, 1661–69*), Vol. 7 (1661–1669), p. 18, 'Act concerning the League and Covenant and discharging the renewing thereof without his Majesty's warrant and approbation', 25th January 1661; pp. 30-2, 'Act approving the Engagement 1648 and annulling the Parliament and Committees 1649', 9th February 1661; pp. 44-5, 'Act anent the oath of allegiance and acknowledgement of his Majesty's prerogative by all public Ministers', 27th February 1661.

²⁶ Ibid., pp. 56-7, 'Act rescinding and annulling the pretended Parliaments in the years 1640, 1641, etc.', 28th March 1661.

²⁷ Buckroyd, *Church and State*, pp. 33-4.

²⁸ The Scots Council was effectively a committee of the English Privy Council.

²⁹ Buckroyd, *Church and State*, pp. 39-40. For a full discussion of this latter council, see Sir G. Mackenzie, *Memoirs of the Affairs of Scotland from the Restoration of King Charles II, AD 1660*, ed. T. Thomson, (Edinburgh, 1821), pp. 52-6.

³⁰ P. Hume Brown (ed.), *Register of the Privy Council of Scotland, 1661–1664* (Edinburgh, 1908) (cited hereafter as *RPCS, 1661–64*), pp. 31-2, 6th September 1661; T. Harris, *Restoration* (London, 2005), p. 113.

was reinforced by two further Privy Council proclamations on 12th December 1661 and 9th January 1662 which banned presentations of ministers to parishes and the function of Church courts until bishops were in place.³¹ The second session of the first Parliament continued in this vein by calling in the bishops to the legislature on its first day.³² Thereafter, a general act was passed restoring archbishops and bishops to their place in the Church.³³ On 11th June, Presbyterian clergy were required to submit to Episcopacy with those in posts who had not been presented by a patron required to receive such together with collation from a bishop.³⁴ On the same day, an act was passed discharging all ministers who would not keep 29th May as a day of thanksgiving for the anniversary of Charles II's birth and Restoration.³⁵ According to Presbyterian minister and historian, James Kirkton, this was odious to Presbyterians who did not even celebrate Christmas or Easter, far less the anniversary of an earthly monarch.³⁶

The acts passed in the 1662 parliamentary session were enforced at the end of 1662 and the beginning of 1663. On 1st October 1662, an act of Privy Council (which became known as the Glasgow Act through the Privy Council's sitting there) discharged all ministers from their posts who had not received presentation and collation or who had not kept 29th May as the anniversary of the Restoration of Charles II.³⁷ While Presbyterian ministers were allowed until February 1663 to receive collation from a bishop, it became clear that the enforcement of an Episcopalian Church settlement would lead to Presbyterian dissent.³⁸ Various estimates exist as to how many Presbyterian ministers left or were deprived of their

³¹ *Ibid.*, pp. 119-20, 12th December 1661; pp. 130-1, 9th January 1662.

³² *APS, 1661-69*, pp. 370-1, 'Act for calling the bishops to the Parliament', 7th May 1662.

³³ *Ibid.*, pp. 372-4, 'Act for the restitution and re-establishment of the ancient government of the church by archbishops and bishops', 27th May 1662; Harris, *Restoration*, p. 113.

³⁴ *Ibid.*, pp. 372-4, 'Act concerning such benefices and stipends as have been possessed without presentations from the lawful patrons', 11th June 1662; Buckroyd, *Church and State*, p. 46.

³⁵ *APS, 1661-69*, pp. 376-8, 'Act for keeping the anniversary thanksgiving for the King's Majesty's birth and restoration', 11th June 1662.

³⁶ Kirkton, *History*, pp. 105-8.

³⁷ *RPCS, 1661-64*, pp. 269-70, 1st October 1662; Harris, *Restoration*, p. 114. Kirkton blamed this act on the Archbishop of Glasgow, Andrew Fairfoul who supposedly suggested it to Middleton. Buckroyd, however, disputes this. See Kirkton, *History*, pp. 149-50; Buckroyd, *Church and State*, p. 50.

³⁸ Buckroyd, *Church and State*, p. 50.

parishes for refusing to conform to Episcopacy. The lowest figure given is two hundred and seventy (out of approximately nine hundred) with the highest being approximately four hundred.³⁹ This suggests that somewhere between one-quarter and nearly one-half of the entire ministry of the Church of Scotland refused to conform to Episcopacy.⁴⁰ These vacancies were concentrated in the south-west and Fife.⁴¹

The government continued its imposition of the Episcopalian Church settlement by legislative, judicial, and military measures. A series of acts were passed in the parliamentary session of 1663 against Presbyterian dissent. These included an act on 10th July which required all ministers who entered their parishes after 1649, and who had not received presentation or collation, to be pursued as seditious.⁴² The act further stipulated that those who withdrew from church attendance because of dislike of Episcopacy were to be arraigned before the Privy Council.⁴³

By 1663, the attainments of the Second Scottish Reformation were therefore in ruins. An Episcopalian Church settlement had been introduced which several hundred Presbyterian ministers had refused to accept, with the consequent loss of their pulpit ministries, in some cases banishment, and for at least one of them, James Guthrie, execution and martyrdom.

II. The Kirkcudbright riot of 1663

Having set out the manner in which the Restoration authorities in Scotland dismantled the Second Reformation and the response by faithful Presbyterian ministers, we turn now to see how the people responded to this new state of affairs.

On 7th May 1663, William Sharp wrote to the Secretary of State for Scotland, John Maitland, second Earl of Lauderdale, referring to a decision of the Privy Council in Scotland to send troops and horses to

³⁹ For a concise summary of the different estimates, see E.H. Hyman, 'A Church Militant: Scotland, 1661–1690', *Sixteenth Century Journal*, Vol. 26:1 (1995), p. 55. The lower figure of 270 was proposed by Gordon Donaldson; see G. Donaldson, *Scotland: James V-James VII* (Edinburgh, 1965), pp. 365-6.

⁴⁰ The figure for Scotland can be compared to the latest figure of 1000 or one tenth of the total ministry of the Church of England who refused to conform to Episcopacy. See Harris, *Restoration*, p. 53.

⁴¹ Hyman, 'Church Militant', p. 55.

⁴² *APS, 1661–69*, pp. 455-6, 'Act against separation and disobedience to ecclesiastical authority', 10th July 1663; Harris, *Restoration*, p. 116.

⁴³ *Ibid.* The embracive character of this act led to its becoming known as 'The Bishop's Dragnet'.

Kirkcudbright to suppress disorder.⁴⁴ On 16th May, Sharp clarified that ‘some foolish women’ were responsible for an incident.⁴⁵ This incident was in fact a riot which took place upon the introduction of an Episcopalian curate in a burgh renowned for its Presbyterianism.

1. Background of Kirkcudbright

Kirkcudbright is a burgh in Galloway on the south-west coast of Scotland which had the status of a royal burgh from at least 1455 and includes a harbour.⁴⁶ In terms of its economic importance in the early modern period, two well-known sources give contrasting impressions of Kirkcudbright. William Camden concluded that the land in Galloway generally was more suitable for grazing cattle than growing grain and that the inhabitants of that area (including Kirkcudbright) engaged in fishing in the sea, rivers, and lochs as well as breeding ‘nagges’ which were in great demand.⁴⁷ Over a hundred years later, Daniel Defoe had a more sombre view of Kirkcudbright concluding that it had all the available prerequisites for prosperity such a harbour and plentiful fish but no enterprising merchants to take advantage of these.⁴⁸ One of Scotland’s most important historians, Christopher Smout has, however, honed in on the period from the Restoration to the period of the Glorious Revolution. He noted that at the Restoration, Dumfries was the head office for customs with Kirkcudbright having a branch office. He also drew attention to the trade in cattle, animal skins, and various sundries to locations including Ireland but mainly England.⁴⁹ That the fluctuating nature of Kirkcudbright’s prosperity was affected by trading conditions in England is particularly evident in a letter which a former provost, John Ewart wrote to Thomas Wylie who had to leave his ministerial post in Kirkcudbright in 1662 for not accepting the Episcopalian Church settlement. On 29th August 1663, Ewart stated to Wylie that he would have

⁴⁴ BL, Add. MSS 23119, fol. 26, William Sharp to Earl of Lauderdale, 7th May 1663.

⁴⁵ BL, Add. MSS 23119, fol. 27, William Sharp to Earl of Lauderdale, 16th May 1663.

⁴⁶ J. Gordon, (ed.), *The New Statistical Account of Scotland by the ministers of the respective parishes, under the superintendence of a committee of the Society for the Benefit of the Sons and Daughters of the Clergy*, Vol. 4, Kirkcudbright (Edinburgh, 1845), p. 13.

⁴⁷ W. Camden, *Britain or, a Chorographical Description of the Most Flourishing Kingdomes, England, Scotland and Ireland*, trans. Philemon Holland (London, 1610), Section: Galloway, Novantes.

⁴⁸ D. Defoe, *A tour thro’ the whole island of Great Britain, divided into circuits or journies* (3 vols., London, 1724–27), Vol. 3, Letter 12.

⁴⁹ C. Smout, ‘Foreign Trade from Dumfries and Kirkcudbright’, in *Dumfries and Galloway Natural History and Antiquarian Society*, Third Series, Vol. 37 (1958–9), pp. 36–47.

difficulty collecting his stipend for 1662 as there had been a ban placed on beasts (cattle) going to England and therefore money was scarce.⁵⁰ It will therefore be necessary to assess in the course of this article whether economic issues contributed to the reasons for the Kirkcudbright riot.

2. Presbyterianism in Kirkcudbright

Having set out how Presbyterianism was renounced and Episcopacy introduced in Restoration Scotland, it is now necessary to trace how this affected Kirkcudbright. Kirkcudbright has roots of uncompromising Presbyterianism which can be traced as far back as the sixteenth century.⁵¹ Prior to his translation to Ayr in 1590, John Welsh served as minister of Kirkcudbright.⁵² Welsh is one of the best known of Presbyterian preachers due to his intense private prayers, powerful preaching, and his fidelity to the Headship of Christ over his Church and Presbyterian Church government that led ultimately to Welsh's banishment to France. James Young, in his extended biography of Welsh, has set out the long term effects of Welsh's ministry in Kirkcudbright and, citing James Kirkton and John Livingstone, has positively drawn a connection between those converted under Welsh's ministry and those who were part of Samuel Rutherford's congregation at Anwoth.⁵³

Welsh was succeeded in his ministry by Robert Glendoning whose committal to Presbyterianism was such that he was willing to suffer at an advanced age rather than accept Episcopalian innovations. This will be discussed more fully later.⁵⁴ While not a minister in Kirkcudbright, Samuel Rutherford's tenure in nearby Anwoth strongly accentuated the ministerial committal to Presbyterianism in that area. Almost from his first days in Anwoth, Rutherford corresponded with Marion McNaught, the wife of William Fullarton (Provost of Kirkcudbright).⁵⁵ These letters are

⁵⁰ NLS, Wodrow Quartos, Vol. 29, fol. 96, John Ewart to Thomas Wylie, 29th August 1663. See also Introduction to *RPCS, 1661-4*, pp. xxv-xxvi.

⁵¹ It is arguably problematic to seek to prove the existence of *continuous* uncompromising Presbyterianism over the space of seventy years. However, Kirkcudbright certainly had important uncompromising Presbyterian ministers during this period that left a direct impact on the population.

⁵² J. Howie, *The Scots Worthies*, ed. W.H. Carlaw (Edinburgh, 1870), pp. 119-39; Rev. J. Young, *Life of John Welsh* (Edinburgh, 1866).

⁵³ Young, *Life of John Welsh*, pp. 86-8.

⁵⁴ H. Scott (ed.), *Fasti Ecclesiae Scoticanæ* (7 vols., 2nd edn., Edinburgh, 1915-28), Vol. 2, p. 416 (cited hereafter as Scott, *Fasti*).

⁵⁵ *Letters of Samuel Rutherford*, ed. A.A. Bonar (Edinburgh, 1891), p. 33, Samuel Rutherford to Marion McNaught, 27th July 1628. It should also be noted that Rutherford's brother

generally read for devotional reasons but historian John Coffey has argued that Rutherford's correspondence, particularly with Marion McNaught, is also filled with exhortations to exert influence on her husband to act on behalf of Presbyterianism.⁵⁶ Rutherford's letters indicate that there was a network of uncompromising Presbyterians in Kirkcudbright in the 1620 and 1630s.⁵⁷ These included figures such as the Commissioner for the burgh of Kirkcudbright during the Covenanting wars, Provost John Carson, who is relevant to this paper.⁵⁸ Rutherford also corresponded with Lady Jane Kenmure, sister of Archibald Campbell, eighth Earl (later Marquis) of Argyll, and a relative of Marion McNaught.⁵⁹

Rutherford's letters are a useful source for analysing an incident in 1637 that indicated the reluctance in Kirkcudbright to submit to pressure from bishops to accept Episcopalian ministers. By the time that Thomas Sydserff became Bishop of Galloway, Robert Glendoning (the Kirkcudbright minister) had reached an advanced age.⁶⁰ Glendoning refused to implement Episcopalian ceremonies and would not accept an 'assistant' that Sydserff wanted to impose upon him in order to introduce these.⁶¹ At around this time, Rutherford wrote to John Ewart, William Fullarton, and William Glendoning exhorting them to stand

George was schoolmaster and reader in Kirkcudbright at this point. See *Letters of Samuel Rutherford*, p. 265 note.

⁵⁶ J. Coffey, *Politics, Theology and the British Revolutions: The Mind of Samuel Rutherford* (Cambridge, 1997), pp. 98-102. Perusal of the letters in question justifies Coffey's conclusion but, nevertheless, the devotional aspect of these letters should not be underestimated.

⁵⁷ D. Stevenson, 'Conventicles in the Kirk, 1619-1637: The Emergence of a Radical Party', *Records of the Scottish Church History Society*, Vol. 18 (1972-4), pp. 99-114.

⁵⁸ *Letters of Samuel Rutherford*, p. 251, Samuel Rutherford to John Carson, 11th March 1637. Rutherford also expressed appreciation of John Carson during the difficult period in 1637 when both Rutherford and Robert Glendoning were under threat from Thomas Sydserff, Bishop of Galloway for refusing to submit to liturgical innovations. See p. 431, Samuel Rutherford to Marion McNaught, 8th July 1637. Carson's name and that of namesakes was further linked with such eminent Presbyterians as Jean Brown and her son, the famous Presbyterian apologist, John (later of Wamphray). See pp. 94-5, Samuel Rutherford to Marion McNaught, 2nd March 1634; pp. 480-1, Samuel Rutherford to Marion McNaught, 7th September 1637.

⁵⁹ *Ibid.*, pp. 37-40, Samuel Rutherford to Lady Jane Kenmure, 27th July 1628. See also pp. 41, 136 note. Coffey has helpfully counted Rutherford's letters to Lady Jane Kenmure as fifty-six with forty-four being written to Marion McNaught.

⁶⁰ Sydserff was a supporter of Laudian innovations such as kneeling at communion. See *Letters of Samuel Rutherford*, pp. 145-6 note.

⁶¹ *Ibid.*

firm.⁶² He also wrote to Robert Glendoning urging him to persevere until he was released by death. This was due to Glendoning failing in health and having arrived at the advanced age of eighty.⁶³ As a result of the magistrates' intransigence and unwillingness to incarcerate Glendoning, they were themselves imprisoned in Wigtown.⁶⁴ This impasse continued until the political upheaval of the covenanting revolution of 1637. The people of Kirkcudbright showed their sympathy with the National Covenant in their petition on its behalf.⁶⁵ The unrest in 1663 was therefore not the first time that the people of Kirkcudbright had opposed the introduction of an Episcopalian curate.

In 1638, John McClellan was appointed minister of Kirkcudbright.⁶⁶ McClellan had impeccable Presbyterian credentials.⁶⁷ He was minister of Kirkcudbright until around 1650.⁶⁸ His principles and influence were such that Thomas Wylie, after having been deposed from his Kirkcudbright parish in 1662, reminded his parishioners of McClellan and linked him with John Welsh as being significant in the Presbyterian heritage of that burgh.⁶⁹ McClellan's presence, coming swiftly after Rutherford's term, ensured that there was a strong ministerial line of exhortation in favour of Presbyterianism over at least twenty-five years prior to the induction of Thomas Wylie, the last Presbyterian incumbent before the implementation of the Episcopalian Church settlement.

⁶² Ibid. See p. 262, Samuel Rutherford to John Ewart, 13th March 1637; p. 263, Samuel Rutherford to William Fullarton, 13th March 1637; pp. 265-6, Samuel Rutherford to William Glendoning, 13th March 1637. All three were town officers in Kirkcudbright. The Ewart mentioned here is John Ewart elder, and not the younger John Ewart who was involved in the 1663 incident.

⁶³ Ibid. See pp. 264-5, Samuel Rutherford to Robert Glendoning, 13th March 1637.

⁶⁴ Ibid. See pp. 145-6 note. According to Scott, *Fasti*, Vol. 2, p. 417 a George Buchanan was translated to Kirkcudbright in 1638 and deposed in 1639 for contumacy. He was granted £100 sterling from Parliament on 22nd May 1661 on account of his suffering and loyalty. He appears to have been the curate whom Sydserrff wished to impose upon Kirkcudbright.

⁶⁵ J.D. Ogilvie, 'The Kirkcudbright Petition of 1637', *Edinburgh Bibliographical Society Transactions*, Vol. 14 (1928), pp. 47-8.

⁶⁶ Scott, *Fasti*, Vol. 2, p. 417.

⁶⁷ Ibid. McClellan was schoolmaster in Newtonards, County Down prior to becoming a minister. He was thereafter deposed and excommunicated before coming to Scotland. Stevenson has shown that McClellan was linked in these years with John Livingstone and Robert Blair – two of the foremost Presbyterians in this period. See Stevenson, 'Conventicles in the Kirk, 1619-37', pp. 108-11.

⁶⁸ Ibid.

⁶⁹ NLS, Wodrow Folios, Vol. 32, fol. 84.

The civil war years saw Kirkcudbright taking an active part on the side of those who had signed the National Covenant. The surviving *Minute Book of the War Committee of the Covenanters in the Stewartry of Kirkcudbright* affords much detail as to this.⁷⁰ It also has various mentions of names relevant to this case study. These include John Ewart elder, John Ewart younger and John Carson.⁷¹ Other leading men in the area were also prominent in the conflicts of these years. Thomas McClelland, second Lord Kirkcudbright (a zealous Presbyterian), was colonel of the South Regiment.⁷² He was at the Battle of Philliphaugh in September 1645 and was awarded £10,000 from Lord Herries' forfeited estate.⁷³ He died in 1647.⁷⁴ Kirkcudbright also played a part in the Whiggamore raid of 1648.⁷⁵ Under John McClelland, third Lord Kirkcudbright, who was a consistent supporter of Presbyterianism, a body was raised in support of this. This regiment was also sent into Ireland to participate in the continuing Scottish campaign there but met disaster at Parliamentary hands at Lessnagarvey on 6th December 1649.⁷⁶

3. Thomas Wylie, minister of Kirkcudbright

Thomas Wylie was appointed minister at Kirkcudbright around 1655.⁷⁷ Having already been minister at the neighbouring parish of Borgue a few

⁷⁰ J. Nicolson, *Minute Book of the War Committee of the Covenanters in the Stewartry of Kirkcudbright in the years 1640 and 1641* (Kirkcudbright, 1855).

⁷¹ *Ibid.* For example, see pp. 7-8, 6th July 1640. Both are mentioned as being cited with others in order to discuss the borrowing of money for the cause.

⁷² *Ibid.*, pp. 196-7. See also J. MacClellan, *Record of the House of Kirkcudbright* (Dumfries, 1906), pp. 33-8 for more details on the activities of the second and third Lord Kirkcudbrights during this period. For the military exploits of Thomas McClelland, second Lord Kirkcudbright, during the Covenanting wars, see E.M. Furgol, *A Regimental History of the Covenanting Armies* (Edinburgh, 1990), pp. 27, 56.

⁷³ MacClellan, *Record*, pp. 32-8; Furgol, *Regimental History*, pp. 150-2.

⁷⁴ MacClellan, *Record*, pp. 33-8.

⁷⁵ Nicolson, *Minute Book*, p. 198.

⁷⁶ *Ibid.* For a summary of Scottish participation in combat in Ireland during the Covenanting wars, see Furgol, *Regimental History*, pp. 330-1.

⁷⁷ Scott, *Fasti*, Vol. 2, p. 417. For a positive estimation of Wylie, see R. Wodrow, *Analecta* (4 vols., Maitland Club, Edinburgh, 1843), Vol. 3, p. 119. For Wylie's role in obtaining the MS of David Calderwood's *History of the Church of Scotland*, see T. M'Crie (ed.), *Memoirs of Mr William Veitch and George Brysson* (Edinburgh, 1825), p. 495. One other Kirkcudbright minister between MacClellan and Wylie was John Craig, but there appears to be no further information about him other than the brief reference in Scott, *Fasti*.

years earlier, he is likely to have been well known in the area.⁷⁸ Wylie appears to have been at that time a worthy successor to Welsh, Rutherford, and McClellan. He had already proved his credentials with his role at the skirmish at Mauchline Muir in 1648.⁷⁹ It is important to dwell for a moment on this skirmish as it also involved Major General John Middleton (the future High Commissioner to the 1661 Parliamentary session) in his role as commander of the forces being mustered for the Engagement of 1648 to free Charles I from imprisonment.

The parish of Mauchline was opposed to the Engagement and petitioned against it, with Wylie's name heading the signatures.⁸⁰ Wylie took a leading role in a meeting held at Mauchline Muir at this time that was attended by other well-known Presbyterian ministers such as William Guthrie.⁸¹ This meeting, while ostensibly part of a communion season, was also attended by many men from Clydesdale who were fleeing the forced levies in that shire in connection with the Engagement. David Stevenson has documented the details of the skirmish that ensued between government troops and those who were assembled for worship.⁸² It is only needful here to stress that Middleton was wounded in the back in the skirmish and Wylie suspected that this matter was likely to be held against him after the reintroduction of Episcopacy. In addition, Wylie had identified himself with the Protestor faction.⁸³

In fact when the Glasgow Act was passed in 1st October 1662, Wylie as minister of Kirkcudbright, was singled out, with the act to be intimated to him personally, or at the market cross in Kirkcudbright, or wherever

⁷⁸ Scott, *Fasti*, Vol. 2, p. 395.

⁷⁹ D. Stevenson, *The Battle of Mauchline Muir* (Ayrshire Archaeological and Natural History Society, 1973). Neil McIntyre has also covered this incident in some detail in his doctoral thesis. See McIntyre, 'Saints and Subverters', pp. 23-9.

⁸⁰ NLS, Wodrow Folios, Vol. 29, fol. 59.

⁸¹ Stevenson, *Mauchline Muir*.

⁸² *Ibid.*

⁸³ *Ibid.* See also NLS, Wodrow Quartos, Vol. 35, fol. 133. Wylie was among those Protestors who were against the revocation of the Acts of Classes and thus opposed to the Public Resolutions and the Resolutioner faction. He also led a supplication from Mauchline parish against the Engagement of 1648 and was also reckoned to be present at the commission where 'The Causes of GOD's Wrath' was drawn up. See NLS, Wodrow Folios 29, Vol. 17, fol. 59; and Hewison, *The Covenanters*, Vol. 2, pp. 36-7n. In 1660, he was compelled to respond to Resolutioner Robert Douglas for alleged anti-monarchianism. Douglas had charged Wylie with not baptizing a child named Charles. See NLS, Wodrow Folios 26, Vol. 2, fols. 29-30.

he could be found. As Presbyterian minister and historian, James King Hewison noted, this effectively meant that Wylie was a marked man in the eyes of the Privy Council.⁸⁴

4. Background to the Kirkcudbright riot of 1663

With a long history of commitment to Presbyterianism, and a well-known Protestant minister in Thomas Wylie, it is little surprise that the people of Kirkcudbright reacted to the imposition of the Episcopalian Church settlement. We will now trace the background and nature of that reaction.

In April 1661, the Synod of Galloway, to which the Presbytery of Kirkcudbright belonged, met to draw up a petition to the Parliament against Episcopacy. This meeting was stopped by James Stewart, second Earl of Galloway.⁸⁵ A brief confrontation took place between him and the moderator of the synod, John Park, before the meeting was closed.⁸⁶ On 7th January 1662, the Presbytery of Kirkcudbright sent two of its ministers to deliver a petition to the Privy Council against the reintroduction of an Episcopalian Church settlement.⁸⁷ From May 1662 to September, the second Parliament of Scotland of Charles II's reign sat in Edinburgh. As noted previously, this effectively established the Episcopalian Church settlement. In June 1662, the failure of the Presbytery of Kirkcudbright to abide by an order banning the meeting of Synods and Presbyteries, led to a feeling by Thomas Wylie that danger was imminent. He therefore decided to have one last communion season with his Kirkcudbright parishioners before any trouble began.⁸⁸ This communion season commenced on 8th June. The importance of Wylie's choosing such a form of service to conclude his ministry requires to be emphasized. Historian L.E. Schmidt has highlighted the fervour that marked such meetings and stated that in the Restoration period, they were evangelical events where commitment was expressed to God within a Presbyterian context while opposing 'Royal and Episcopal authority'.⁸⁹

On 9th June, Wylie was informed that there was a possibility that Middleton would move against the Presbytery of Kirkcudbright

⁸⁴ Hewison, *The Covenanters*, Vol. 2, p. 155.

⁸⁵ Wodrow, *History*, pp. 123-8.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*, p. 251.

⁸⁸ NLS, Wodrow Quartos, Vol. 35, fol. 129.

⁸⁹ L. E. Schmidt, *Holy Fairs: Scottish Communion and American Revivals in the Early Modern Period* (Princeton, 1989), pp. 38-41.

for keeping Presbytery meetings. On 13th June, Wylie learnt that only some of the Presbytery would be apprehended. Wylie continued with the communion season until Monday 16th June when an alarm of approaching troops was given. Wylie was advised to withdraw from Kirkcudbright before the troops arrived. After ascertaining that not only was there a general order to apprehend four 'Brethren' but also a special order to apprehend him, Wylie withdrew as he felt that his being distinguished would lead to him being punished more severely. When the troops eventually left Kirkcudbright, they gave orders to the magistrates to apprehend Wylie. To escape capture, Wylie moved incognito between Edinburgh and Kirkcudbright at least until July. By 12th July, Wylie had written a vindication. His wife urged 'friends' in Edinburgh to present this to Middleton. However, Middleton had specifically told the members of the Presbytery of Kirkcudbright who were imprisoned, that he particularly wanted to see Wylie and that Mauchline Muir would not be held against him. Towards the end of July, Wylie wrote a supplication to Middleton, which his wife was instructed to present. In August, Wylie was reunited with his wife who reported that she had spoken to Middleton two or three times and that he had guaranteed that Wylie's life would be safe.⁹⁰ As noted earlier, the Glasgow Act of 1st October specifically mentioned Wylie and sentenced him to remove himself and family north of the Tay before 1st November.⁹¹ Wylie's wife appealed to Lady Cochran (a daughter of John Kennedy, sixth Earl of Cassillis and sister to the eminent Presbyterian Lady Margaret Kennedy) who obtained more time from Middleton. Wylie met Middleton himself on 22nd October, when the Commissioner came to Kirkcudbright. This meeting was amicable and Middleton expressed his respect for Wylie although they disagreed as to Church government and the Covenants. Middleton also promised Wylie that he would be allowed to stay on the south side of the Tay although he later stated that the Privy Council would not grant it.⁹² Wylie was sentenced to go north of the Tay in November 1662.⁹³

While these events were occurring, local government began to break down in Kirkcudbright. On 24th September 1662, John Ewart elder, John Ewart younger, and Thomas Robson were amongst those elected as burgh

⁹⁰ NLS, Wodrow Quartos, Vol. 35, fol. 129.

⁹¹ *RPCS, 1661-4*, pp. 269-70, 1st October 1662.

⁹² NLS, Wodrow Quartos, Vol. 35, fol. 134.

⁹³ *Ibid.*, fols. 134-5.

councillors.⁹⁴ All refused to swear the Oath of Allegiance to Charles II. On 5th October, John Ewart younger was elected Provost. Subsequent excerpts in the Burgh Court minutes and Privy Council report indicate that Ewart did not fulfil his duties. His brother Master William Ewart (who was a Baillie) presided in the Burgh Court. The lack of assistance from those elected may account for the small amount of business concluded by April 1663.⁹⁵ The unwillingness of these officials to swear the Oath of Allegiance marks them out as committed Presbyterians who would not accept the terms of that oath and indicates the continued importance of that form of Church government in Kirkcudbright.

In February 1663, the Privy Council also took steps to deal with other members of the Presbyterian ministry in Galloway. On 24th February, several ministers in Galloway, and at least thirteen in the Presbytery of Kirkcudbright, were ordered to remove themselves, their wives, and their families from their parishes before 20th March.⁹⁶ They were also to appear before the Privy Council on 24th March. Some of those in the Presbytery of Kirkcudbright had parishes in the near vicinity of Kirkcudbright, such as Samuel Arnot of Tongland.⁹⁷ On 3rd March, the Privy Council ordered the Diocesan meeting of the Synod of Galloway to be postponed until the second Tuesday in May.⁹⁸ This was apparently due to 'very grave and just considerations'.⁹⁹ What these considerations were is not stated. The proposed introduction of Episcopalian ministers into Galloway may have allowed at least a quorum to meet at the Diocesan meeting of the Synod of Galloway. It is important to see that the removal of the Presbyterian ministers was not an end in itself.¹⁰⁰ Their places

⁹⁴ Stewartry of Kirkcudbright Museum (SOKM), MS, *Burgh Court Book of Kirkcudbright, 1658–1669*, fol. 66, 24th September 1662. This source is badly deteriorated in some places although the sense is almost always apparent.

⁹⁵ *Ibid.*; fol. 70, 8th April 1663. See also the judgement of the Privy Council regarding local government in Kirkcudbright in *RPCS, 1661–4*, pp. 372–6, 9th June 1663. John Ewart younger was exempted from the Act of Indemnity in 1662 and fined £360. He was therefore regarded by the authorities as an uncompromising Presbyterian who would not be sympathetic to an Episcopalian Church settlement. See M.D. Young (ed.), *The Parliaments of Scotland: Burgh and Shire Commissioners* (2 vols., Edinburgh, 1992), Vol. 1, pp. 232–3.

⁹⁶ *RPCS, 1661–4*, pp. 338–9, 24th February 1663.

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*, p. 345, 3rd March 1663.

⁹⁹ *Ibid.*

¹⁰⁰ There seems to have been concerted action in the early months of 1663 to move the Church settlement on. Galloway, as a perceived bastion of uncompromising Presbyterianism, was a particular focus of the government.

would soon be filled by ministers sympathetic to an Episcopalian Church settlement.

5. Letters from Thomas Wylie to the Presbytery and congregation of Kirkcudbright

The prospect of curates being introduced into Galloway may well have been the impetus for two letters that Thomas Wylie sent to his Presbytery and parishioners in April 1663. On 15th April, Wylie wrote to the Presbytery of Kirkcudbright from Dundee.¹⁰¹ He recalled their unity in the Lord's work (which would include the promulgation of a Presbyterian form of Church government). He also expressed his confidence in their united 'judgement in affection in suffering for the cause of Christ'. Wylie's letter also referred to the 'inexcusable disloyalty were it not to espouse, avow and maintain and that upon all hazards the cause and quarrel of the prince of the Kings of the earth'. Wylie also stressed the need for 'as much real, pure unmixed zeal in the hearts of his servants for the maintenance of his (Christ's) prerogatives royal'. He further acknowledged the sufferings of the Presbytery and, that as they were now deposed, their 'silent pulpits' and their 'expulsed families' would preach for them. After criticizing bishops, and affirming that Presbyterianism was consistent with loyalty to the king, Wylie asked the Presbytery to 'remember my condition and the condition of my family'. The tone and purpose of this letter appears to have been aimed at bolstering the Presbyterian clergy in the area of Kirkcudbright to stand fast in the defence of the favoured form of Church government, even if it meant suffering.¹⁰²

On the same day, Wylie also wrote a letter to the congregation of Kirkcudbright.¹⁰³ Wylie immediately began by referring to the 'sad and forced distance' between the people of Kirkcudbright and him. He also referred to them as the result of his labour there. Wylie further stressed the very real danger that 'grievous wolves enter in amongst you not sparing the flock'. He further recalled the 'plenty and purity of ordinances' that they had received, and reminded them of the labours of John Welsh and John McClellan. Because of this, Wylie exhorted his parishioners to be even more wary of 'the violent intrusion' of 'hirelings.' Wylie went on to

¹⁰¹ NLS, Wodrow Folios, Vol. 32, fol. 84, 15th April 1663. The individual pagination of this source and others by Wylie is unclear. The whole source should be consulted for clarification of the page involved.

¹⁰² Ibid. All the extracts are taken from this source.

¹⁰³ NLS, Wodrow, Folios, Vol. 32, fol. 82, 15th April 1663.

speak of the danger of ‘seminary priests’ and the ‘unbloody sacrifice of the Mass’ being set up amongst them. In doing so, Wylie is not referring to the Episcopalian curates, but the very fact that he mentioned elements of Roman Catholicism is evidence that he was using a powerful tool to persuade the people of Kirkcudbright to cling to Presbyterianism. Wylie stressed that Presbyterianism was a ‘fixed determinate government’ which God would not and could not change. Wylie ended his letter by stressing the kingly rights of Christ as opposed to any earthly king, and exhorting the congregation of the need of ‘submission and patience to endure sufferings’ and ‘public mindedness for the house and work of God’. Wylie’s letter is a powerful exhortation to his parishioners on behalf of uncompromising Presbyterianism. However it should also be noted that it does not advocate resistance or violence, and does not refer to either the National Covenant or the Solemn League and Covenant or the Westminster Confession or Catechisms.¹⁰⁴ The date of both of these letters is worthy of note. They were both written on 15th April. If the riot in Kirkcudbright took place at the end of April (as will be argued) then it is possible that these letters may have been received prior to the riot’s taking place, with the potential to have an incendiary effect on the local population. Whether these letters were received and were responsible or influential in the riot, will be discussed more fully later.

6. The Kirkcudbright riot of 1663

Establishing an exact account of the riot in Kirkcudbright in 1663 is more problematic than describing the background to the incident. The sources from which this can be ascertained consist mainly of accounts by the Presbyterian historians William Row, James Kirkton, John Blackadder, and Robert Wodrow. Their versions can be briefly summarized. Blackadder, only briefly mentions Kirkcudbright and focuses instead on a riot in Irongray which occurred at approximately the same time.¹⁰⁵ Kirkton follows Blackadder’s account in only briefly mentioning Kirkcudbright and is not accurate in his details as to this.¹⁰⁶ More detail is provided

¹⁰⁴ Ibid. All the extracts are taken from this source. In terms of the threat of Roman Catholicism it should be noted that some landowners in the area, such as the Maxwells of Munches, were avowed Romanists. There is no evidence, however, that they attempted to introduce Romanism at this point into south-west Scotland. See NLS, Wodrow Quartos, Vol. 97, fols. 11-2 for a reference to the Maxwells of Munches being Roman Catholics.

¹⁰⁵ NLS, Wodrow Quartos, Vol. 97, fols. 21-2.

¹⁰⁶ Kirkton, *History*, p. 163. Kirkton stated that ten women were taken from Kirkcudbright and imprisoned in Edinburgh. These had to stand at the market place with papers

by Row and Wodrow. Row indicated that John Jaffray, the prospective Episcopalian curate, came to Kirkcudbright and offered to preach. This led to a stir and opposition by some women.¹⁰⁷ Wodrow, writing sixty years after the event, follows Kirkton's version (as he commonly does) but also records almost verbatim the Privy Council Register excerpts which gave a different account from Kirkton's in terms of the number of women punished for the riot.¹⁰⁸

There appears to be a distinct lack of historiographical references by chroniclers who were more sympathetic to the Episcopalian or at least the Royalist cause. A pivotal source for this period in Restoration Scotland is the account by Sir James Turner, a veteran soldier and commander of the King's forces in south-west Scotland, of his incursions into Galloway and the later incidents which led up to the Pentland Rising. Turner referred to the Kirkcudbright incident as the precursor and reason for his first foray into this region.¹⁰⁹ He stated that the incident at Kirkcudbright was 'a quarrel between the minister and some of the people of Kirkcudbright'.¹¹⁰ He also stated that some women were carried to Edinburgh, imprisoned in the tolbooth there, and Provost John Ewart younger was banished from Scotland for failing to appease the riot.¹¹¹ A letter from Henry Coventry to James Butler, Duke of Ormond on 12th May also referred to the Bishop of Galloway being present when the riot took place.¹¹²

There is also a paucity of eyewitness accounts of what actually took place at Kirkcudbright. The official report of the Commission set up to deal with these riots only presented summary reports. In these

on their head. This is incorrect. As we will see, five women were taken to Edinburgh, imprisoned, and later underwent this sentence.

¹⁰⁷ W. Row, *The Life of Robert Blair & Supplement To His Life and Continuation of The History of the Times to 1680*, ed. T. M'Crie (Wodrow Society, Edinburgh, 1848), pp. 437-8. Comments of Presbyterian historians have been restricted to those alive at the time or shortly after.

¹⁰⁸ Wodrow, *History*, Vol. 1, pp. 363-9.

¹⁰⁹ Sir J. Turner, *Memoirs of His Own Life and Times* (Edinburgh, 1829), pp. 139-40. There appears to be no mention of the riot in Burnet's *History*. See G. Burnet, *History of My Own Time*, ed. O. Airy (2 vols., Oxford, 1897).

¹¹⁰ Turner, *Memoirs*, p. 139.

¹¹¹ *Ibid.*

¹¹² Henry Coventry to James Butler, Duke of Ormond on 12th May 1663. See Historical Manuscripts Commission, *Calendar of the Manuscripts of the Marquess of Ormonde, K.P., preserved at Kilkenny Castle* (8 vols., H.M.S.O., London, 1902-1920), Vol. 3, pp. 52-3.

reports, it is recorded that depositions were considered from witnesses.¹¹³ However, no written record of these depositions appears to be extant. This, in effect, means that only a circumscribed report exists of these incidents. Outside of these official reports, there are isolated references in correspondence of statesmen that at best are reports from persons who were a great distance from the relevant areas at the time of the riots.¹¹⁴ However, there is at least one reference that seemed to have been the result of interrogation of those involved. In a letter to Lauderdale, Sir John Gilmour, President of the Lord of Session, indicated that the burgesses from Kirkcudbright ‘looked through their fingers’ in their houses while their wives were ‘most eminent and active’ in the riot.¹¹⁵ The various accounts of chronologers and eyewitnesses suggest that what follows is an accurate description of the riot.

It is difficult to place an exact date on which the tumult occurred in Kirkcudbright. However, an excerpt from the Burgh Court minutes of Kirkcudbright on 27th April indicates that they had received a communication from Chancellor Glencairn and that because of this they nominated William Ewart to ‘repair to Edinburgh’ to respond to this letter.¹¹⁶ Glencairn’s letter does seem to fix the tumult in the latter part of April.¹¹⁷ According to the Privy Council report, Glencairn sent a letter to John McClelland, third Lord Kirkcudbright, prior to the tumult’s taking place.¹¹⁸ On being questioned by the Commission after the tumult, Lord Kirkcudbright confirmed that he had received this letter.¹¹⁹ While this letter appears to be lost, the Privy Council report indicates its contents. The report stated that Lord Kirkcudbright ‘acknowledges the receiving of my Lord

¹¹³ *RPCS, 1661–4*, pp. 372–7, 9th June 1663.

¹¹⁴ British Library, Add. MSS 23119, fol. 26, William Sharp to Earl of Lauderdale, 7th May 1663; fol. 27, William Sharp to Earl of Lauderdale, 16th May 1663. .

¹¹⁵ Edinburgh University Library (EUL), Laing MSS, Vol. 3, fol. 33, Sir John Gilmour to Earl of Lauderdale. Unfortunately, this is undated. By the substance of the letter, it appears to have been written sometime in mid-May 1663.

¹¹⁶ SOKM, *Burgh Court Book of Kirkcudbright*, fol. 71, 27th April 1663.

¹¹⁷ According to the Privy Council records, Glencairn was appointed to deal with a riot in Neilston (near Glasgow) similar to those in Kirkcudbright and Irongray. The excerpt in question is on 14th April. This appears to be distinct from the tumults now being looked at and almost certainly earlier. Gilmour’s letter to Lauderdale includes a reference to the Chancellor being in the West. He seems to have been there dealing with the matter in Neilston. See *RPCS, 1661–4*, pp. 354–5, 14th April 1663.

¹¹⁸ *Ibid.*, pp. 372–7, 9th June 1663.

¹¹⁹ *Ibid.*

Chancellors letter before the tumult, and that he refused to compece the tumult upon his own particular interest...¹²⁰ This implies that notification had been given that a minister was to be presented by the government and bishop. A newsletter from Robert Mein to Henry Muddiman also suggested that the bishop felt the need of official support from the Privy Council in order to ensure that the curate's entry was peaceable.¹²¹ The delivery of this letter may or may not be equivalent to Row's statement of John Jaffray, the proposed Episcopalian curate, 'offering to preach'.¹²² The actual tumult appears to have taken place when Jaffray *persisted* in his attempt to preach.¹²³ Mein's letter also intimated that 'the parishioners declared that they would pull him out of the pulpit, if he attempted to preach' and that when 'he persisted...a tumult arose, and the women especially would not let him go on.'¹²⁴ This indicates that the place of the tumult was the church. It appears that the riot lasted for an extended period. Both John Carson and Lord Kirkcudbright were asked by James Thomson, commissar 'to go with the rest to compece the tumult'.¹²⁵ John Ewart younger was also asked his advice by William Ewart and Robert Glendoning, baillies, on how to stop the riot. None of those who were asked agreed to help. However, the time taken to speak to them suggests a lengthy period during which the riot took place. After these failed attempts to secure help, the remaining town officers seem to have gone to the place of the riot. As a result, the tumult ended.¹²⁶ This is the extent of the information available as to what took place at the riot.

7. The Privy Council response

The Privy Council reacted swiftly and rigorously to the riot in Kirkcudbright. According to Sir John Gilmour, Glencairn was notified of the tumult in

¹²⁰ Ibid. This suggests that Lord Kirkcudbright felt that he had the right of presentation. It appears strange that someone attached to Presbyterianism should be adamant to secure his right of patronage as opposed to leaving this in the hands of the kirk session. However, this may possibly be because he felt that he had the right of presentation rather than someone else. The later Episcopalian curate Alexander Mortimer was presented and collated in 1667 by the Bishop of Edinburgh, Scott, *Fasti*, Vol. 2, p. 417.

¹²¹ M.A.E. Green (ed.), *Calendar of State Papers Domestic in the Reign of Charles II, 1663–1664* (London, 1862) (cited hereafter as *CSPD, 1663–4*), p. 131, Robert Mein to Henry Muddiman, 7th May 1663.

¹²² Row, *Life of Robert Blair*, pp. 437-8.

¹²³ *CSPD, 1663–4*, p. 131, Robert Mein to Henry Muddiman, 7th May 1663.

¹²⁴ Ibid.

¹²⁵ *RPCS, 1661–4*, pp. 372-7, 9th June 1663.

¹²⁶ Ibid.

Kirkcudbright while he was ‘in the west’.¹²⁷ Glencairn’s response was to summon ‘persons whose wives or children had chief hand in the tumult’.¹²⁸ No specific meeting of the Privy Council was called and Gilmour had to justify to Lauderdale at length their reasons for not doing so.¹²⁹ As noted earlier, according to the Burgh Court minutes of Kirkcudbright, the letter from Glencairn was discussed by the Town Council on 27th April.¹³⁰ As a result, Master William Ewart was chosen to go to Edinburgh to answer Glencairn’s letter. Ewart was to carry a letter of explanation from the town officials in Kirkcudbright.¹³¹ Adam Gannoquhin, John Halliday, John McStaffen, James Hunter, Alexander McClean, Alexander Keuchton, John Carson, Alexander McKay, and Samuel Carmont (all from Kirkcudbright) were cited to appear before the Privy Council on 5th May.¹³² All with the exception of James Hunter appeared. They all subsequently denied being present or being involved in any way in the riot. John McStaffen and Alexander McClean were ordered to give a guarantee that they present their wives before the Privy Council. The rest were confined to Edinburgh Tolbooth and ordered to remain there until their wives appeared before the Privy Council.¹³³

On the same day (5th May), the Privy Council set up a Commission to deal with the tumult in Kirkcudbright. This was composed of George Livingstone, third Earl of Linlithgow; James Johnstone, second Earl of Annandale; James Stewart, second Earl of Galloway; William Douglas, Lord Drumlanrig; and Sir John Wauchope of Niddrie.¹³⁴ The terms of the Commission highlighted the lack of ‘settled magistracy and government within the ...burgh of Kirkcudbright’.¹³⁵ It went on to state that due to several persons who had been chosen as magistrates refusing to take up their office, no civil policy existed within Kirkcudbright and the inhabitants were at liberty to do what they wished without fear of restraint from any authority.

¹²⁷ EUL, Laing MSS, Vol. 3, fol. 33, Sir John Gilmour to Earl of Lauderdale (n.d.).

¹²⁸ *Ibid.* The reference to children should be noted. However, there is no further record of any involvement from children in the riot although a daughter of a local inhabitant was deemed one of the most responsible.

¹²⁹ *Ibid.*

¹³⁰ SOKM, *Burgh Court Book of Kirkcudbright*, fol. 71, 27th April 1663.

¹³¹ *Ibid.*

¹³² *RPCS, 1661–4*, pp. 357–9, 5th May 1663.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ *Ibid.*

Concerning the riot, the Commission was instructed to go to Kirkcudbright and to 'call the persons who have either been assisters, plotters of, assisters to or connivers at the insolvencies and abuses foresaid'. After witnesses had been heard, if there were 'just grounds', those guilty were to be secured and sent to Edinburgh or a bond taken for them to appear before the Privy Council when called for. The Commission was to further examine why there were no magistrates and find out if there were those who obstructed the establishment of lawful government within Kirkcudbright. Magistrates who had been chosen and subsequently refused office were to be imprisoned or take a bond under caution of penalty, if the terms were broken. The Commission was also to see that a formal election took place by those well affected in Kirkcudbright for the office of magistrate. If the Commission saw fit, the charter of the burgh was to be secured and exhibited before the Privy Council. The final part of the brief of the Commission was to aid and assist 'the bishops of the respective dioceses for settling such ministers in these places as they shall ordain and appoint'. In order to ensure that there was no resistance, the Earl of Linlithgow was to take one hundred horse and two hundred foot of the King's Guards. These were to have free quarters in Kirkcudbright with thirty shillings to be paid to each horseman and twelve shillings to each footman, daily. If any resistance arose, the commissioners were given power to suppress it and call upon stewards and other civil officers for assistance.¹³⁶

By 8th May, plans were in place for the commander of the troops, Sir James Turner to uplift the excise of Ayrshire as he went through that county on his way to Galloway, presumably as a further means of funding the Commission.¹³⁷ From a statement by the Earl of Linlithgow on 12th May at Glasgow to the Commissioners of Excise of Ayrshire, it is clear that he was proceeding in that direction to get to Kirkcudbright.¹³⁸ Certainly, by 7th May, the town-officers of Kirkcudbright were aware that soldiers were imminent. Plans were therefore instituted in order to give them full quartering.¹³⁹ By 20th May, the Earl of Galloway and Sir John Wauchope of

¹³⁶ Ibid. All the above information is taken from the terms of the Commission. To fund the military, the Earl of Linlithgow was to be advanced £6000. A further £1440 was to be paid to the Earl of Linlithgow to meet his charges, with £600 to Sir John Wauchope of Niddrie. These sums of money were to be met from outstanding excise.

¹³⁷ NAS, E 78/22/3, 12th May 1663.

¹³⁸ Ibid.

¹³⁹ SOKM, *Burgh Court Book of Kirkcudbright*, fol. 71, 7th May 1663. The reader may note the relatively short time that it took for word to reach Kirkcudbright from Edinburgh. It

Niddrie had witnessed the remaining town-officers of Kirkcudbright take the Oath of Allegiance to Charles II and the Declaration of Parliament against the Covenants.¹⁴⁰ On 22nd May, the Earl of Galloway and Sir John Wauchope of Niddrie also attended the burgh court meeting.¹⁴¹ At this meeting, John Ewart younger and Patrick Carson were found to have been elected Provost and baillie at the previous election.¹⁴² On interrogation, they both refused to accept the election. Because of this and because there were at least five other councillors 'dead, sick and absent', eight persons were elected as councillors. These all took the Oath of Allegiance and the Declaration against the Covenants. In the ensuing elections, Master William Ewart was elected Provost with John Newall and Robert Glendoning elected as baillies.¹⁴³ These town-officers together with the other magistrates gave a bond that they would live peacefully in loyalty to Charles II and protect the Bishop of Galloway and his ministers.¹⁴⁴ A penalty of £12000 was payable within a month if the Privy Council proved the terms of the bond had been transgressed.¹⁴⁵

8. Sederunt of Privy Council Commission

On 25th May, the Commission sat at Kirkcudbright. Twenty-three women were cited to appear along with Lord Kirkcudbright, John Carson, and John Ewart. As a result of the investigations of the Commission, five women (four of them widows) who were deemed to have been most active in the riot were ordered to be carried prisoner to Edinburgh and appear before the Privy Council.¹⁴⁶ These were Jonet Biglun, Marion Broun, Agnes Maxwell, Cristian McCavies, and Jean Raynie. Ten other women (many of them the wives of burgesses) were deemed to be accessory to the riot and were to be imprisoned in Kirkcudbright until they each found £1200 caution to appear before the Privy Council or Parliament when called.¹⁴⁷ The women gave

will be argued later that this was in stark contrast to the delay in time when the sentence passed on the guilty women was communicated officially from the Privy Council to the Kirkcudbright Burgh Court.

¹⁴⁰ *Ibid.*, fol. 72, 20th May 1663.

¹⁴¹ *Ibid.*

¹⁴² *Ibid.*, fol. 72, 22nd May 1663.

¹⁴³ *Ibid.*

¹⁴⁴ *RPCS, 1661–4*, pp. 372–7, 9th June 1663.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ *Ibid.*

these bonds on that day.¹⁴⁸ Lord Kirkcudbright was deemed accessory to the tumult for failing to appease the rioters and saying he would have done this if *he* had presented the minister. He was therefore to be carried with a guard to Edinburgh.¹⁴⁹ This was also to be the case with John Carson for refusing help to Commissar Thomson to appease the riot.¹⁵⁰ John Ewart younger was also to be carried to Edinburgh for failing to give advice for appeasing the tumult as well as refusing to be Provost although he sat as a Commissioner of Excise.¹⁵¹

9. Actions of the Privy Council subsequent to the Commission

The report of the Commission was read out in the Privy Council on 9th June. At this point, five burgesses of Kirkcudbright who had appeared when called earlier were now allowed to go free, as their wives had found caution. They were freed on condition that they took a bond to submit themselves peacefully to the present government of Church and state and to give due reverence to the bishop of the diocese, the magistrates of the burgh, and the local Episcopalian minister.¹⁵² They were also to promise to go to church and take the ordinances and to stop any riot that should arise if required by the magistrates.¹⁵³ No further action appears to have been taken during June against those who had been brought to Edinburgh. On 23rd June, David Falconer (Lord Halkerton) and Sir Robert Murray were appointed to examine Linlithgow's accounts and the report of the Commission.¹⁵⁴ On the same day, the Privy Council ordered the keeper of the tolbooth to take notice of those who visited the prisoners and their conversation and behaviour.¹⁵⁵ This was because of reports of ministers and lay persons visiting the prisoners and

¹⁴⁸ Ibid

¹⁴⁹ Ibid. An excerpt in the Privy Council records on 30th July confirms that Lord Kirkcudbright was not carried prisoner to Edinburgh. On that day a supplication was entered by him in which he claimed that due 'to a most sad and dangerous indisposition' he was unable to appear before the Privy Council on 24th June. He now sought for his appearance to be dispensed with and 'his bond retired and the term prorogued'. The Privy Council decided to 'dispense with his appearance' and to return his bond. See *RPCS, 1661-4*, pp. 398-9, 30th June 1663.

¹⁵⁰ *RPCS, 1661-4*, pp. 372-7, 9th June 1663.

¹⁵¹ Ibid.

¹⁵² Ibid., p. 377. These were Adam Gannoquhen, Jon Halliday, Samuel Carmont, Alexander McClean, and Alexander Keochton.

¹⁵³ Ibid.

¹⁵⁴ Ibid., pp. 385, 23rd June 1663.

¹⁵⁵ Ibid., p. 384.

praying with them to persist and that ‘God...(would) give them an outgate.’¹⁵⁶ Also on the same day, one of the widows from Kirkcudbright (Jean Raynie) was granted the liberty of Edinburgh due to a doctor’s certificate being provided which stressed the danger to her life, because of being bedridden and lacking fresh air. The same ‘favour’ was sought by the other four women from Kirkcudbright and John Carson and John Ewart.¹⁵⁷ On 14th July, the Privy Council approved the service and report of the Commission and recommended the Exchequer to pay Linlithgow’s accounts as they had been checked by Lord Halkerton and Sir Robert Murray. The Privy Council then decided to move further in dealing with the prisoners by adding James Graham, second Marquis of Montrose and Alexander Montgomerie, eighth Earl of Eglinton to Lord Halkerton and Sir Robert Murray. These were instructed to call the prisoners before them, to consider their temper and disposition, and to examine the report of the Commission.¹⁵⁸

10. Sentence of the Privy Council

On 13th August, sentence was pronounced on the rioters. It is noteworthy that the men, who at the most only failed to help stop the riot, were dealt with first and punished more severely than the women.¹⁵⁹ John Carson and John Ewart were judged guilty of the riots and abuses. As a result, Carson was fined £5332. John Ewart was sentenced to banishment out of Scotland, to leave within twenty days and was not to return without licence from the King or Privy Council.¹⁶⁰ The five Kirkcudbright women brought to Edinburgh were sentenced to stand for two hours on two separate market days at Kirkcudbright market cross, each having a paper on her face stating that her fault was contempt of the King’s authority and rioting. If they failed or delayed in this, they were to be whipped through the town and banished from its liberties.¹⁶¹ On giving a bond to obey the sentence, the

¹⁵⁶ Ibid. Sir James Turner claimed that the women went home richer than they came. See Turner, *Memoirs*, p. 140. While this may be exaggerated, this excerpt from the Privy Council records does indicate the prisoners were a source of pity to Presbyterians in Edinburgh.

¹⁵⁷ *RPCS, 1661–4*, pp. 372-7, 9th June 1663.

¹⁵⁸ Ibid., pp. 390, 14th July 1663.

¹⁵⁹ Ibid., pp. 401-2, 13th August 1663.

¹⁶⁰ Ibid. The subsequent mitigation of these fines will be discussed shortly.

¹⁶¹ Ibid. The other women imprisoned in Kirkcudbright Tolbooth are not mentioned in any sentence. They were presumably released when the Privy Council failed to prosecute their case any further.

prisoners were to be released.¹⁶² On the same day, Alexander Keuchton and Alexander McClean (both Kirkcudbright burgesses) were to be freed from prison, providing they subscribed a band of relief in keeping with that of the Kirkcudbright magistrates for the ‘peaceable and loyal carriage’ of all in Kirkcudbright.¹⁶³

11. Infliction of sentence upon the rioters and efforts at mitigation

Unofficial and official steps were taken to mitigate these sentences. The Burgh Court at Kirkcudbright discussed the case of the women on 10th September. It was admitted that Sir Peter Wedderburne, Clerk to the Privy Council, had written on 13th August detailing the sentence to be inflicted on the women. It therefore charged that the sentence should be carried out on the following day, 11th September.¹⁶⁴ On that day, the Burgh Court again met. Those present stated that the sentence had been carried out and that a report should be sent to the Privy Council to that effect. However, the report was also to mention, that the letter of 13th August detailing the sentence, was only received on the night of 10th September. Due to this, there were no more market days until after 15th September and therefore they could not make these persons undergo another day’s punishment without further notice from the Privy Council.¹⁶⁵ This implies that it took Sir Peter Wedderburne four weeks to send a letter to Kirkcudbright. This seems highly unlikely and is in direct contrast to the few days it took the Commission to travel from Edinburgh to the Stewartry of Kirkcudbright.

Carson and Ewart sought to have their sentence mitigated. Ewart stated in a petition heard before the Privy Council on 25th August that the time allotted to him to depart from Scotland was insufficient and would lead to the breaking of his father’s affairs, with which he was entrusted. Ewart further testified to being weak due to consumption and having six children of nine and under, with his wife due to give birth.¹⁶⁶ However, the only positive result of this was to extend the time of preparation for banishment until 1st March 1664.¹⁶⁷ On the same day, Carson also petitioned for the mitigation or remission of his fine. Carson stated that he did not live in

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ SOKM, *Burgh Court Book of Kirkcudbright*, fol. 75, 10th September 1663.

¹⁶⁵ Ibid., fol. 75, 11th September 1663.

¹⁶⁶ RPCS, 1661–4, pp. 419–20, 25th August 1663.

¹⁶⁷ Ibid. Whether this was ever carried out will be discussed in a moment.

Kirkcudbright. He further stated that he was sorry for omission of duty but that this was through ignorance and not disloyalty as he thought he should not meddle in a public matter because he was not in a position of public trust. He also stated he was unable to pay the fine and his family were in danger of being scattered. His fine was subsequently reduced to £2666 to be paid before Martinmas.¹⁶⁸ The change in the sentences meted out to Ewart and Carson appear to be attributable to intercession on their behalf by sympathetic friends. A letter by Ewart to Thomas Wylie on 27th August, which gave details of the reduced sentences, stated that he had visited that day ‘the ladies at court’ and thanked them for their frequent intercessions on his behalf. These ‘ladies at court’ had told Ewart that Wylie’s wife had been extremely active in soliciting for all the prisoners but in particular for him. Ewart also stated that he was free at the moment but Carson remained in prison because he was going to make another petition.¹⁶⁹

It is difficult to ascertain from available sources whether all these sentences were executed. There are subsequent records of Ewart’s attendance at the Conventions of Royal Burghs in 1689.¹⁷⁰ Correspondence of Lady Margaret Kennedy to Lauderdale indicates that in 1664 she appealed to him for mitigation of the sentence of Carson and Ewart. In early 1664, Lady Margaret wrote to Lauderdale, and begged him to answer the petitions of the Kirkcudbright prisoners because of the nearness of the 1st March deadline and that they had trusted solely on these petitions rather than taking any other action.¹⁷¹ Ewart’s sentence of banishment was to take

¹⁶⁸ Ibid. Carson (sometimes spelled Carsan or Corsan) was prominent on the Committee of War in 1648 and 1649. He also represented Kirkcudbright at three Conventions of Burghs in 1648 and 1649. Like Ewart, he seems to have been singled out by the authorities as having uncompromising Presbyterian sympathies. See Young, *Parliaments of Scotland: Burgh and Shire Commissioners*, Vol. 1, p. 144. The sum of the fine was recorded as 4000 merks but has in the text of this article been converted into Scottish pounds (as opposed to pounds sterling).

¹⁶⁹ NLS, Wodrow Quartos, Vol. 29, fol. 253, John Ewart to Thomas Wylie, 29th August 1663. It is likely that these included Lady Margaret Kennedy. For further details on this Presbyterian lady, see the relevant chapters in McSeveney, ‘Non-Conforming Presbyterian Women’.

¹⁷⁰ See J. Robinson, *Burghal Life in Kirkcudbright in the Olden Time* (Kirkcudbright, 1912), p. 70 for an account of representation from Kirkcudbright at the Convention of Royal Burghs in this period. Ewart seems to have lain low during the whole of the reigns of Charles II and James VII.

¹⁷¹ *Letters from the Lady Margaret Kennedy to John, Duke of Lauderdale*, ed. C.K. Sharpe (Bannatyne Club, Edinburgh, 1829), pp. 10-11. This letter is undated, but according to its statements appears to be from early 1664.

effect from 1st March. He therefore appears to be the person referred to in this letter.

A further letter of Lady Margaret's on 24th February appears to confirm this. In this letter, she referred to a letter of Lauderdale being brought by one of the 'poor Kirkcudbright women' in the hope that 'the answer of her husband's petition' was in it.¹⁷² Lady Margaret urged Lauderdale in this letter to ensure that an answer was sent before 1st March.¹⁷³ A further letter of Lady Margaret to Lauderdale on 2nd March suggests that not only Ewart had petitioned but also Carson.¹⁷⁴ There is no further reference to this in the Privy Council records although (as already stated) Ewart did mention in a letter to Wylie at the end of August 1663 that Carson was going to petition again for further mitigation of their fines.¹⁷⁵ In the letter on 2nd March, Lady Margaret stressed how concerned she was for Carson. This was due to his being too sick to travel to Edinburgh to enter into prison and not able to pay the £2666. As a result, Lady Margaret thought that the fine would be exacted and the 'poor people will be ruined'. This was particularly galling to her, as she appears to have told them they need not take any other action but depend on her assistance.¹⁷⁶

In a further letter to Lauderdale on 19th March, Lady Margaret, in strongly worded sentiments, gave more information as to the way the Kirkcudbright petitioners had taken for redress. Lady Margaret stated that she stopped them making application to the Privy Council because the sentence was so unjust that Charles II should remove the sentence. In this letter, Lady Margaret seemed to suggest that two previous letters of Lauderdale to her on 8th March and 12th March held out little chance of redress.¹⁷⁷ In the last letter extant that Lady Margaret sent to Lauderdale dealing with this subject, she indicated that there would be no remission for at least Carson. Carson's fine of £2666 was still outstanding but Lady Margaret requested that the bond to the Exchequer should be obtained from the Exchequer and sent to her in order that she would satisfy an unnamed Edinburgh man who had acted as guarantee for the bond.¹⁷⁸ Correspondence

¹⁷² Ibid., p. 14, 24th February 1664.

¹⁷³ Ibid.

¹⁷⁴ Ibid., p. 15, 2nd March 1664.

¹⁷⁵ NLS, Wodrow Quartos, Vol. 29, fol. 253, John Ewart to Thomas Wylie, 29th August 1663.

¹⁷⁶ *Letters of Lady Margaret Kennedy*, p. 15, 2nd March 1664.

¹⁷⁷ Ibid., pp. 16-17, 19th March 1664.

¹⁷⁸ Ibid., pp. 19-20, 30th April 1664. This correspondence also throws some light on the 'Edinbrow man' who was tormenting Carson. This was Thomas Moncrieff who had a minor post in the Treasury and in the mid-1660s was involved in a further scandal

between Lauderdale and Tweeddale in 1668 indicates that Lauderdale was successful in getting Carson's fine suspended in 1664.¹⁷⁹ Lady Margaret seems to have pursued Lauderdale for the next four years until Charles II officially absolved Carson from paying the fine.¹⁸⁰

III. Why did the women riot?

Having addressed the background and nature of the riot, we turn now to the rioters themselves to discuss why they engaged in such an overt demonstration of hostility to the Episcopalian Church settlement. As noted earlier, Cowan has asserted the need for economic and social factors to be taken into account when discussing the reasons for dissent against the Restoration Church settlement. These will therefore be dealt with first before turning to the more religious aspects.

1. Economic condition of Kirkcudbright

The economic background of Kirkcudbright as a royal burgh with a harbour is set out at the beginning of this paper. There appears to be no extant evidence available that Kirkcudbright in this period was impoverished above any other part of Scotland. Certainly, Smout's comments from his earlier cited article on Kirkcudbright's trade does not suggest this. It is evident from the letter quoted earlier from John Ewart to Wylie that the minister may have had difficulty collecting his stipend from 1662 due to the lack of money in the burgh because of the ban that the government had put on the transport of cattle to England.¹⁸¹ However, this must also be discounted as the cause of the riot as the relevant Act in question was passed *after* the riot took place.¹⁸² It may also be enquired, that even if there

relating to a foreign ship caught when coming from the West Indies. See *Miscellany of the Scottish History Society, Vol. 6* (Edinburgh, 1939), pp. 189-91, Earl of Lauderdale to Earl of Tweeddale, 9th January 1669; pp. 197-8, Earl of Lauderdale to Earl of Tweeddale, 30th January 1669. In the former letter, Lauderdale refers to 'vile embezzlements made in the West India prize taken at Zetland...' In the second letter, Lauderdale mentions Moncrieff's role in concealing evidence of a notebook detailing goods on the ship that appeared now to be missing.

¹⁷⁹ *SHS Miscellany, Vol. 6*, pp. 150-2, Earl of Lauderdale to Sir Robert Moray and Earl of Tweeddale, 28th January 1668.

¹⁸⁰ *Ibid.*, pp. 155-7, Earl of Lauderdale to Sir Robert Moray, 27th February 1668. Lauderdale stated, 'Yow have also the King's pleasure signified as to J. Carson's bond, of which you must give our wife notice your self.'

¹⁸¹ NLS, Wodrow Quartos, Vol. 29, fol. 96, John Ewart to Thomas Wylie, 29th August 1663.

¹⁸² See Introduction to *RPCS, 1661-4*, pp. xxv-xxvi.

were economic difficulties in Kirkcudbright, why should a riot take place on the introduction of an Episcopalian curate as opposed to a market day? Therefore, a case for economic reasons leading to the riot is, at the very least, not proven.

2. Social background of the women rioters

In terms of their social background, it is evident that the women involved in the riot were related to burgesses in the town.¹⁸³ The term ‘burgess’ is wide enough to include wealthy merchants and poorer tradesmen.¹⁸⁴ However, both retained the social classification of burgess status as opposed to aristocracy or landless labourer.¹⁸⁵ In Kirkcudbright, the women involved were related to burgesses who were part of the fabric of a parish steeped in Presbyterianism and determined to oppose any deviation from this. However, it is important to note that those regarded as leaders in the riot were either widows or described as a ‘daughter’. Blackadder indicated that one of these (Agnes Maxwell) was an eminent Christian and the other four inconsiderable.¹⁸⁶ The relative social status of those involved in this particular instance does not appear to be significant for them engaging in rioting beyond its being perhaps the only way that persons of their status could express their dissent at the imposition of an unwelcome Episcopalian curate. It has been earlier noted that a female Presbyterian member of the aristocracy, Lady Margaret Kennedy, was able to use the influence of her position to write to Lauderdale for the mitigation of Ewart and Carson’s sentences. Elsewhere in the Restoration period, women who were widows of ministers and of a similar social status made their houses available for conventicles or presented petitions on behalf of liberty for Presbyterian ministers to preach without persecution. However, in the particular circumstances in Kirkcudbright, arguably the only way open for women of their particular social standing to express their dissent against

¹⁸³ Logue has shown, for a later period, that women are generally referred to in the sources as the wives, widows, or daughters of men. The historian has, therefore, to follow suit. See K.J. Logue, *Popular Disturbances in Scotland, 1780–1815* (Edinburgh, 1979), p. 191.

¹⁸⁴ See J.K. McMillan, ‘A Study of the Edinburgh Burgess Community and its Economic Activities, 1600–1680’ (PhD thesis, University of Edinburgh, 1984), pp. 23, 30.

¹⁸⁵ It is important to remember that a titled male could become a burgess. However, while having the right to buy and sell in a particular town or city, his social status was always that of an aristocrat rather than a burgess. It is noteworthy that Sir John Wauchope of Niddrie was made a burgess of Kirkcudbright while part of the commission dealing with the riot. See SOKM, *Burgh Court Book of Kirkcudbright*, fol. 72, 22nd May 1663.

¹⁸⁶ NLS, Wodrow Quartos, Vol. 97, fol. 21.

the introduction of an Episcopalian curate was to raise a tumult in such a way that their feelings would be unmistakably expressed.¹⁸⁷

3. Religious reasons for rioting?

In terms of this specific riot (and another in Irongray which took place at approximately the same time) Hewison has stated:

The evicted clergy harangued the people on the sin of intrusion. Apart from this, it is not natural to expect the Scottish temper would have submitted to these cruel and unwarrantable acts of tyranny, and the substitution of lewd clodpates for their loved and learned leaders.¹⁸⁸

Hewison's rather colourful language effectively can be summed up as implying that the women rioted for religious reasons and a love of local preference in choosing their ministers rather than having them imposed by others.

4. Did Thomas Wylie incite the riot?

In testing Hewison's claims, it is necessary to question the role of Thomas Wylie in this riot. It is not uncommon for historians to claim that Presbyterian ministers incited acts of violence over the wider Covenanting period from 1637. Perhaps the most notable example of this is John Nevay's alleged role in the massacre of royalist MacDonald kindred at Dunaverty Castle in 1647 which Neil McIntyre has drawn attention to in his doctoral thesis.¹⁸⁹ The relevance of Nevay to this paper is more than passing as he corresponded with Wylie in 1664.¹⁹⁰ In assessing whether Wylie was directly responsible for inciting the women to riot in Kirkcudbright, it is necessary to turn again to the letter that he wrote to the congregation of Kirkcudbright in April prior to the riot.

As already noted, in this letter Wylie emphasised his labours amongst them and the importance of Presbyterianism as the fixed determinate government of God. He dwelt on the previous ministries of

¹⁸⁷ This point, with the instances cited regarding petitioning and conventicles, is effectively the thesis set out in McSeveney, 'Non-Conforming Presbyterian Women'.

¹⁸⁸ Hewison, *The Covenanters*, Vol. 2, p.160. The Irongray riot was also covered in McSeveney, 'Non-Conforming Presbyterian Women'.

¹⁸⁹ McIntyre, 'Saints and Subverters', p. 29.

¹⁹⁰ See NLS, Wodrow Quartos, Vol. 29, No 98c, fol. 263, John Nevay to Thomas Wylie, 29th April 1664.

John Welsh and John MacLellan and warned against Roman Catholicism. Perhaps most tellingly he stressed the danger of ‘grievous wolves’ entering in who would not spare the flock.¹⁹¹ On the strength of these statements, such a letter received from a beloved minister could well be interpreted as a stimulus for a riot. However, while it is possible that this letter reached Kirkcudbright prior to the riot at the end of April (as the author of this paper argued in his doctoral thesis), it is not certain that it did so – at least in terms of the available evidence. The official evidence in Privy Council records and the extant correspondence between Wylie and Ewart does not mention the letter, nor make any reference to a preconceived plot or intention by Wylie to provoke a riot. Indeed, Wylie’s letter ends by exhorting the congregation of the need ‘of submission and patience to endure sufferings’.¹⁹² It was certainly possible for a letter from Edinburgh to reach Kirkcudbright in the period between Wylie’s writing the letter and the riot. However, Wylie sent his letter from Dundee and the additional time taken in seventeenth-century Scotland for a letter to reach Edinburgh from Dundee across the Tay and the Forth makes it less certain that it was received prior to the riot taking place.

It should also be noted that when Wylie had to leave his ministerial post in Kirkcudbright he was studious to solicit Middleton to ameliorate any suffering inflicted upon him and would subsequently petition to come south of the Tay in 1664 on the basis of the ministers (presumably Episcopalian) and magistrates of Dundee validating his peacefulness and inoffensiveness since being in Dundee.¹⁹³ It appears that Wylie’s formerly uncompromising adherence to Presbyterianism may have been waning and it is notable that there is no reference within his letter to the congregation of Kirkcudbright to the National Covenant, Solemn League and Covenant, Westminster Confession or Catechisms.¹⁹⁴

Care must be taken before concluding either way whether this letter was received or had an effect on the rioters in Kirkcudbright. However,

¹⁹¹ NLS, Wodrow Folios, Vol. 32, fol. 82, 15th April 1663.

¹⁹² Ibid.

¹⁹³ Wodrow, *History*, Vol. 1, pp. 215-6. Later Wylie would minister in Ulster and subsequently be the indulged minister of Fenwick; see J.S. Reid & W.D. Killen, *The History of the Presbyterian Church in Ireland* (2 vols., Edinburgh & Belfast, 1834-37), Vol. 2, pp. 407.

¹⁹⁴ This can be contrasted with a letter from a former correspondent of Wylie – John Livingstone. In his letter to his parishioners in Ancrum prior to his banishment from Scotland in 1663, he refers to the Confession of Faith and Larger Catechism. See Tweedie, *Select Biographies*, Vol. 1, p. 229.

it can reasonably be stated that while Wylie was prepared to encourage his parishioners to maintain their commitment to Presbyterianism there is nothing explicit in the letter that was a call to engage in such an overt expression of dissent as rioting. Therefore, if the women rioted in Kirkcudbright after receiving this letter, it can be inferred that this was not due to any tendency of the letter to promote this but rather due to an underlying militant commitment to Presbyterianism by the rioters.

5. Did the women act on their own initiative?

One further possibility for the women rioting is that they were used by Presbyterian men of the burgh to express their dissent, knowing that the women would not be punished as severely. There may be some substance to this proposal. It is clear that Sir John Gilmour asserted that the councillors imprisoned in Edinburgh 'looked through their fingers while their wives were most eminent and active in the tumult'.¹⁹⁵ This suggests that there *could* have been a strategy of using women to minimise the risk of punishment. Certainly, the women were punished less stringently than Carson and Ewart. Initially the five women from Kirkcudbright deemed most responsible were taken to Edinburgh along with the men.¹⁹⁶ However, once the women arrived in Edinburgh the emphasis changed and the men were treated with more severity. Ewart and Carson were fined or sentenced to banishment for not appeasing the riot.¹⁹⁷ In contrast, the women, who were regarded as leaders in the riot, were only sentenced to two days in the pillory.¹⁹⁸ As noted earlier, the Burgh Court of Kirkcudbright intentionally sought to restrict their appearance in the market place with a paper on their face to only one occasion instead of two.¹⁹⁹

However, it should be noted that the women who were eventually punished were not the wives of councillors but mostly widows. Also, the Commission was specifically ordered to enquire as to whether there were 'committers, plotters of, assisters to or connivers at the insolencies...'²⁰⁰ There is no evidence that they found any proof to suggest that this was a premeditated action designed by men but using women. Ultimately, the main

¹⁹⁵ EUL, Laing MSS, Vol. 3, fol. 33, Sir John Gilmour to Earl of Lauderdale, undated.

¹⁹⁶ Ibid.

¹⁹⁷ RPCS, 1661-4, pp. 401-2, 13th August 1663.

¹⁹⁸ Ibid.

¹⁹⁹ SOKM, *Burgh Court Book of Kirkcudbright*, fol. 75, 10th-11th September 1663.

²⁰⁰ RPCS, 1661-4, pp. 357-9, 5th May 1663.

charges against the men involved were for failing to stop the riot and not for planning or taking part in it.²⁰¹ Care should therefore be taken before concluding that the women were merely pawns of men in rioting. As noted previously, Presbyterian women played an extremely important role in various ways in opposing the Episcopalian Church settlement including rioting, conventicling, and petitioning. It is simply not tenable continually to dismiss their actions as male-dominated and male-directed. There is certainly no extant direct evidence to conclude that the Presbyterian men of Kirkcudbright used women who had no convictions of their own or no desire to act on their own initiative to protest against an Episcopalian Church settlement.

6. Possible reasons for the women rioting

If there is no clear evidence that the women who rioted in Kirkcudbright were either moved by uncompromising male Presbyterians within the burgh or by a letter from their former minister, then it may well be asked, why *did* they riot? At this point, the historian has to be careful before arriving at any single conclusion to this question. We have seen that there were various elements that entered into the background of events that led up to the riot in Kirkcudbright. The burgh had had various close associations with many of the most eminent Presbyterians of the early modern period including John Welsh and Samuel Rutherford. Thomas Wylie was also a notable Protestor who had a previous connection in the area as minister of Borgue and was several years preaching in Kirkcudbright before 1662. He therefore had a long-standing connection with the Kirkcudbright area and ample opportunity to impress upon them the importance of Presbyterian Church government before being removed from his pulpit. Local town government had also commenced to break down with prominent citizens refusing to take official positions within the burgh due to their unwillingness to compromise their Presbyterian convictions. In addition, it has already been noted that Samuel Rutherford's letters have several references to appealing to Marion McNaught to urge her husband to uphold Presbyterianism in Kirkcudbright. Therefore, women within Kirkcudbright had previously been distinguished as uncompromising in their commitment to a Presbyterian form of Church government. It is therefore plausible to argue that the women who rioted in 1663 were merely following a tendency within Kirkcudbright for females to work actively on behalf of Presbyterianism and against any Episcopalian innovations.

²⁰¹ Ibid., pp. 372-7, 9th June 1663.

An additional, though little considered, factor is the desire of local parishes in this period to have the minister of *their* choosing preach to them. It should be noted that even by this point in Scottish Church history, there was already a distinct lack of sympathy in some parishes for ministers to be imposed upon them by outside judicatories. Hewison cites from Robert Baillie incidents of unrest and violence from both Resolutioner and Protestor factions in the 1650s at the imposition of ministers with whose views they were not sympathetic.²⁰² The women in Kirkcudbright should at least be credited with having their own preference as to who ministered to them.

In these circumstances, while Hewison's charge of ministers haranguing about intrusion cannot be firmly substantiated as the cause of the riot, he appears to be on safer grounds when suggesting that parishes with Presbyterian sympathies would not be happy to accept Episcopalian curates being imposed upon them.

IV. Conclusion

This paper has set out in detail the steps that the authorities after the Restoration took to dismantle the attainments of the Second Scottish Reformation. It has then turned to a specific instance of protest in discussing the riot of women in Kirkcudbright in 1663 at the imposition of an Episcopalian Church settlement. In doing so, it has set out the background and nature of the riot and tested whether economic and social factors contributed to this. It has concluded that there is no firm evidence that economic reasons contributed, and that in terms of social factors, their importance appears to lie in the women engaging in rioting, as virtually the only way of openly expressing their dissent at the time against the imposition of an Episcopalian curate. However, in terms of why they dissented at all against the Episcopalian curate's imposition, it has been concluded that an underlying commitment to Presbyterianism within Kirkcudbright led to an overt expression of dissatisfaction from women in a burgh that was famous for the commitment of females to these Church principles. Other factors were no doubt important such as a breakdown in local government due to committed Presbyterians refusing to take the Oath of Allegiance, memories of a former minister, and possibly a letter from him before the riot. However, even without this letter there was sufficient commitment to a Presbyterian form of Church

²⁰² Hewison, *The Covenanters*, Vol. 2, pp. 46-7.

government within Kirkcudbright for some of its female inhabitants to react against an Episcopalian Church settlement and the imposition of a curate in their parish.

While the revived interest in academia in the Covenanters is to be welcomed, caution should be exercised in employing Cowan's hypothesis of economic and social factors to understand the issues at stake. Social factors may help to understand the way that Presbyterians reacted but the main reason, at least in the instance of Kirkcudbright in 1663, why parishioners were prepared to respond as they did was their commitment to the Headship of Jesus Christ as expressed in Presbyterian Church government.