

Barry

THE
HISTORY
OF THE
ORKNEY ISLANDS.

BY THE
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WITH
A PREFATORY ACCOUNT OF THE
AGRICULTURAL PROGRESS AND PRESENT STATE OF THE ISLANDS.

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which, notwithstanding divine service is performed with becoming regularity. For some time after the change took place, they were all united into one Presbytery ; but they were afterwards divided into two ; and, for many years past, they have formed three Presbyteries, consisting of six ministers each ; the whole composing a provincial Synod ; and, while each Presbytery meets occasionally, the Synod is held annually, or oftener, in Kirkwall. In this town, which is the capital, civil as well as ecclesiastical affairs are taken cognisance of in the Commissary, Justice of Peace, and Sheriff Courts, and in that of the Admiral. The three Presbyteries choose each three members, and the burgh one, to represent them in the General Assembly of the Church ; the county which they compose elects one knight of the shire ; and the burgh, in conjunction with four others, makes choice of a Burgess ; and these two commissioners represent the inhabitants at large in the British Parliament.

About the time of the union of the kingdoms [1707], James Earl of Morton repeatedly stated to Parliament the hardships which his family had suffered in consequence of the reduction of the grant to his predecessor ; and, while he complained loudly of the manner in which the degree of nullity had been obtained, he made express application to have the grant renewed. To carry a point which he had so much at heart, and in which his interest was so much concerned, he represented the islands as in an uncultivated state, though in many respects highly improveable, and declared his intention, provided his request was granted, to apply himself instantly to their improvement by draining lakes and marshes, cultivating waste lands, dividing commons, and promoting different kinds of fisheries.

By this representation he obtained a new grant of the islands from Parliament (subject to an annual feu-duty of five hundred pounds) to himself and his heirs, in the old form of a mortgage, redeemable to the Crown on the payment of thirty thousand pounds sterling.

This mode of holding them, however, did not continue long ; for, in the space of little more than thirty years, the grant was not only confirmed by an act of the Legislature, but rendered absolute and irredeemable, on which a charter under the Great

Seal was issued [1742] in his favour of the whole earldom of Orkney and lordship of Shetland.

The Earl of Morton, having thus got entire possession of what his family had long aimed at, advanced still farther, and was so fortunate as to obtain, in addition, a temporary lease of the rents of the bishopric, and a donation of the rights of Admiralty, which, in these isles, had always been considered as distinct from those of the Admiralty of Scotland. The revenue resulting from all these sources was very considerable, being upwards of three thousand pounds sterling, independently of all the advantages that arose from the heritable jurisdiction. To give some ground for estimating these advantages, it may be observed that, when the Act in the reign of his Majesty George the Second abolished these jurisdictions in the north, the earl received seven thousand two hundred pounds sterling as a remuneration for the benefits of which that Act had deprived him.*

The proprietors of land, trusting to the promises that had been made in his applications to Parliament, now fondly expected that they would be fulfilled; the people rejoiced in the prospect of employment; and the whole inhabitants were elated with the thoughts of having such a nobleman at their head, who had a permanent interest in the place that would probably induce him to make such improvements as would both meliorate their condition and enhance the value of the islands. Their expectations, however, were disappointed; for, instead of the alterations, which they had good reason to expect, the old system was retained, and the rents, feu-duties, &c., were exacted in the same way, and with the same rigour as formerly. Much indignation was roused against him on that account; and complaints were made against the conduct of their new master, who, they alleged, had not only disappointed their hopes, but increased their burdens, and had taken care to fix high fiars† for the arrears of their services and rent in kind. Though some of

* *Statute 20th, George II.*

† In Scotland the Sheriff of each county, after having received from the farmers an account of the quantity and price of the grain which they have sold during the year, fixes the average price (which is called the *fiars*), according to which all rent in grain is paid.

these complaints might have been well-founded, the ground of others is not so obvious ; and certainly several accusations were, from time to time, brought against him for things of which he appears to have been perfectly innocent.

The earl, notwithstanding the excellence of his estate, found much inconvenience in holding it, as every man must do whose revenue arises from feu-duties. The vassals of a subject-superior ever have been, and ever will be, the prey of discontent. Blind to their own circumstances, they seem to forget that they inherited or purchased their lands under that tenure, and that the descendant or successor of those that feued them has the same right to his feu-duties in kind, or the value of them, that they can produce to their property. Hence the constant murmurs that prevail on account of the restriction they are under in disposing of the produce of their land ; their reluctance in complying with almost every service, and even the attempts that are sometimes made, on frivolous pretences, to withhold altogether the just rights of the superior. Here the vassals were numerous, and from the extent of their feus, their talents, and their education, very powerful ; and, from the natural influence which these men of property had acquired among the people, ever ready to adopt their passions and imbibe their prejudices, their complaints against the earl and his agents at last became general. Molested with these without end, opposed in every measure, and embroiled in quarrels and lawsuits that were troublesome and expensive, the earl grew weary of an estate from which he reaped little personal or political advantage, and therefore disposed [1766], for a valuable consideration, of every right he had in these islands to the Right Honourable Lord Dundas.