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OLD CHURCH LIFE IN SCOTLAND.

OLD CHURCH LIFE IN SCOTLAND :

LECTURES ON KIRK-SESSION AND PRESBYTERY
RECORDS.

SECOND SERIES.

BY

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“Remember the days of old, Consider the years of many generations.”—Deut. xxxii. 7.

“Yone is the court rethoricall :

.
Yone is the facound well celestiall :

.
Yone is the court of joyous discipline.”

—*Palice of Honour.* GAVIN DOUGLAS.

ALEXANDER GARDNER,
PAISLEY ; AND 12 PATERNOSTER ROW, LONDON.

1886.

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P R E F A C E .

THIS volume is a sequel to one that last year was published under the same title. Both volumes consist of lectures which, in a shorter form, were given in Mauchline in the spring of 1884, with the view of exhibiting the Church life and Church rule that prevailed in the parish in days gone by.

Last year's volume comprised half of the lectures embraced in the course referred to, and the other half of the lectures are now published in this volume. The first volume was published at the request of some parishioners; and the favour with which it was received by the press and public has emboldened me to venture on this second publication.

Four of the lectures published in this volume are on subjects of general interest, but it may be said that the subjects of the other two lectures are scarcely of that character. I trust, however, that these two lectures, written principally for the entertainment of parishioners, will nevertheless be found to have a wider bearing and interest than their parochial title indicates.

The book abounds in quotations from Kirk-Session and Presbytery records, and most of these quotations are taken from records that are unpublished. The manuscript records I have consulted and gleaned from are the Registers of the Presbyteries of Ayr and Irvine, and the Registers of the Kirk-Sessions of Mauchline, Galston, Kilmarnock, Fenwick (1645-1699), and Rothesay (1658-1662). To the custodians of these

documents I have publicly to acknowledge my obligations, and to tender my warmest thanks. And I owe the same courtesies to the Rev. John Patrick, Monkton, for several extracts of much interest he kindly sent me from the records of his Kirk-Session.

It need scarcely be said that it was not the selection but the interpretation of extracts that cost me most care and consideration in the writing of this book. It is in that part of my work, too, that error and misjudgment are most likely to be discovered, notwithstanding the pains I have taken to "prove all things."

On several points I have found it necessary to solicit information and counsel from friends, and even from strangers. To many gentlemen I am more or less indebted for help in this way; but, of these, I must specially name the Rev. Dr. Leishman, Linton; Dr. Joseph Anderson, Edinburgh; Rev. Dr. Joass, Golspie; and the Rev. James Strachan, Barvas.

Many defects and omissions will doubtless be noticed in this volume. It may, by some people, be thought strange that I have said little or nothing about the Scotch marriages at Gretna Green and Portpatrick. These marriages scarcely came under the scope of my subject, because the "contracting parties," being English or Irish, were not amenable to the Courts of the Church of Scotland.

It may possibly appear to some readers that Church life, as depicted both in this and the previous volume, was very petty and parochial. It must be remembered, however, that it is only the parochial aspects of Church life that are presented in Session records; and it is with such records that, in these lectures, I have had mainly to deal. The higher aspects of Church and clerical life must be sought elsewhere.

A number of archaic words, disowned in dictionaries, are

freely used in the course of this volume. It will generally be found that these words occur in old Acts and other public documents bearing on Church life in Scotland.

A. E.

The Manse, Mauchline,
June, 1886.

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Old Church Life in Scotland.



LECTURE I.

PROVISION FOR THE POOR IN OLDEN TIMES.

The Church's notions of duty to the Poor—Deacons—Sources of Provision for the Poor—1st, Assessment—2nd, Church Collections—How gathered—Amount of Congregational and individual Contributions—Bad Coppers—3rd, Fines—4th, Dues and Fees—5th, Bell-penny—6th, Mortcloth—7th, Benefactions—8th, Sale of paupers' effects—9th, Interest on stock—Rent of land—Bills and pledges—Straits to which Kirk-Sessions were sometimes reduced—Distribution of Poor's Funds—The Parochial Board—Heritors and Elders—Inspectors of Poor—Deacons or Elders or Kirk-Treasurers—Meeting for granting allowances to Poor—Pensions, appointments and precepts—Principle on which amount of allowance to the poor fixed—Amount of allowance per week to regular poor in money or meal—Orphan children—Casual poor and vagrants—Miscellaneous cases of Charity—Badges for Begging—Beggars at Church doors—Cost of poor to the Country—On whom the cost fell—Kindliness and care of Kirk-Session.

NEXT to the exercise of discipline the most important duty that devolved on Kirk Sessions in olden times was the sustentation of the poor. This was a duty that the Church of Scotland, from the earliest period of her history, considered to be specially entrusted to the Christian Church. It was a duty enjoined on Paul and Barnabas when they received at Jerusalem the right hand of fellowship from the twelve Apostles and were sent to Christianize the heathen. It was a duty therefore that the Scottish Reformers and their successors regarded as part

of Christianity itself, and which they took particular care to see fulfilled.* In the First Book of Discipline (1560), it is stated that "every several Kirk must provide for the poor within itself." And the way in which Knox thought that provision for the poor should be made was by stipends drawn from the teinds. The whole of the teinds, he maintained, are the inalienable property of the Church, and ought to be applied to the support of the ministry and teachers of youth, the maintenance of the poor, and the repair of church fabrics. The Church of Scotland, however, never succeeded after the Reformation in getting possession of the teinds. They were in the first instance either seized by rapacious potentates or gifted by the Crown to favourites, who, under the designation of Titulars, held them on the condition of paying to the clergy a sufficient stipend. About seventy years later the teinds were valued, and the owners of lands were allowed to possess the teinds on their own properties on payment to the Titular of a sum equivalent to nine years' purchase. The new possessors of the teinds came under the same obligations to support the clergy as did the former Titulars. But the teinds never were made available to the Church for support of the

* The whimsical views of Fletcher of Saltoun, on the causes and remedies of pauperism, may be quoted here as a political curiosity. Writing in 1698 he says, "At length I found the original of that multitude of beggars which now oppress the world to have proceeded from Churchmen, who, upon the first establishment of the Christian religion, recommended nothing more to masters in order to the salvation of their souls, than the setting such of their slaves at liberty as would embrace the Christian faith." As a remedy for the evil, he proposed that "every man of a certain estate should be obliged to take a proportionable number of those vagabonds, and either employ them in hedging and ditching his grounds, or in some other sort of work," and hold them in slavery as did the ancients. "And for example and terror three or four hundred of the most notorious of these villains, which we call jockies, might be presented by the Government to the state of Venice, to serve in their gallies against the common enemy of Christendom."

poor. Still, out of teinds or not out of teinds, the Church of Scotland maintained that the poor must be provided for by the several Kirks.

In the Reformed Church of Scotland there was at one period a class of officers, who went by the name of Deacons, and were specially entrusted with the distribution of charity to the poor.* Their function originally was somewhat wider than this. In the first Book of Discipline it was proposed that they should receive and collect all the teinds, and then at command of the ministers and elders pay what was appointed for stipend to the minister, the schoolmaster, and the reader, and also what was voted for the hospital, if there were such a foundation in the parish. In the Second Book of Discipline (1578), it was declared that the office of the deacons is "to receive and to distribute the haille ecclesiastical gudes unto them to whom they are appoyntit." The function of Deacon, however, was in practice if not in theory restricted in the Church of Scotland to the distribution of alms. At the Westminster Assembly, when the office of deacon was under discussion, it was contended by some of the Erastians that a Diaconate is unnecessary in the Church, seeing that in England the law of the

* In a small tractate published in 1701 under the title of "Presbyterial Government by a Presbyter" (Rev. James Clark of the Tron Church, Glasgow), it is stated that "as for Deacons they have no authority in *courts*, but in *counts* they have: being concerned in church collections, provisions for the poor, and the like."

The word Deacon is used in a totally different sense in the Presbyterian Church of Scotland from what it is in the Episcopal Church of England, or was in the Church of Scotland under Episcopacy. One of the articles in the Bill, or complaint against the "pretended Bishops" in Scotland in 1638 was, "whereas the office of a Deacon is set forth in the Book of Discipline, etc., . . . to have no meddling with the preaching of the word, etc., . . . yet they have given to certain persons the name and title of 'preaching Deacons' and have refused to admit divers men to the calling of the ministry before they be admitted to that order."—"Peterkin's Records," p. 96.

land makes provision for the poor. But the majority of the Divines maintained that the office of Deacon is of perpetual standing, on the ground apparently that whatever the State may do in the way of providing for the poor, the care of the poor nevertheless devolves on the Church by divine appointment. One member of the Assembly is reported to have said that "the provision of civil officers made by the Civil State for the poor should rather slip into the office of a Deacon than the reverse, because the latter bears the badge of the Lord." And this statement may be said to express the doctrine held by the ministers of the Church of Scotland both long before and long after the Westminster Assembly. In 1588 the clergy of Scotland were much exercised by a sermon that was preached by Dr. Bancroft at St. Paul's Cross, London. In that sermon the Presbyterians and their tenets were severely handled. Replies by Scotsmen were of course instantly forthcoming, and in one of these, which has been published and preserved, the following passages occur:—"The Church officers are appointed of God to execute all ecclesiastical matters. . . Will you have the *magistrate* preach the Word, administer the sacraments, take the charge of watching over the manners of the people, and *distributing to the poor within his parish*. . . . These are matters *we account ecclesiastical*, and wherein alone we hold it lawful for Church officers to deal." As recently as 1729, the Presbytery of Ayr delayed giving orders that a certain new act of the local justices in reference to the poor be read from pulpits, on the special grounds "that it would occasion some difference about a point of the power of an office of divine institution," and might bring the "management of mortifications into other hands than those to which it has been restricted by the donors."

Although the Church of Scotland continued long after

the Westminster Assembly to hold that Deacons are a distinct order of Church officers, it was in many parishes found impracticable to carry out the theory by the erection of a separate Eldership and a distinct Diaconate. In a Parish like Mauchline it was not easy to find a dozen men to undertake the office of Elder and another dozen the humbler duties of Deacon. Although therefore there were in the seventeenth and the earlier part of the eighteenth century many parishes with a staff of Elders and another staff of Deacons, there were probably more parishes in which there were not two such staffs of officials. About the beginning of last century some Episcopal writers alleged that the Diaconate had become extinct in the Presbyterian Church, and there was scarcely a parish in Scotland where a Deacon could be found. To this allegation a Presbyterian polemic, Anderson of Dumbarton, replied in 1714 that there were "Deacons in every congregation *where they could be had*—to my certain knowledge in the lesser as well as larger towns ; yea, in many country congregations."* In the "Treatise of Ruling Elders and Deacons," attributed to James Guthrie, the Covenanter and Martyr, and which, if penned by Guthrie, must have been written about 1650, it is stated that although the Deacon is an officer distinct from the Elder, yet "it is a defect and fault in some congregations that they put no difference betwixt these two, but so confound

* In their round of parochial visitations in 1710 the Presbytery of Irvine found that in Kilmaurs there was a "competent number of Elders and *some* Deacons," but that in Dreghorn there were no Deacons distinct from Elders. The Presbytery recommended the Kirk Session in Dreghorn to take steps for the appointment of Deacons according to the constitution of the Church. In 1695 a curious report was given in to the Presbytery by the Minister at Beith. "He had Elders distinct from Deacons, who were all sober and assisting to him, but being of the vulgar had not authoritie." At the beginning of the present century there were sixteen Deacons in the West Parish, Edinburgh. (Sime's Hist. of St. Cuthbert's, Edinburgh.)

and mingle them both together as if they were one, either appointing none for the office of Deacon but leaving that charge upon the Elders, or else giving the Deacons the same power and employment with the Elders." In Mauchline Parish, and in many other parishes, it was long the custom to ordain men to the office of Elder *and* Deacon. Such a form of ordination, however, seems to have been unnecessary, for as Guthrie remarks, "Whatsoever the Deacon may do by virtue of his office that same may be done by an Elder, as whatsoever is done by an Elder may be done by a Minister, because the higher and more eminent officers in the Church include the powers of the lower."

Between forty and fifty years ago a movement was made to revive the office of Deacon in the Church of Scotland. It was alleged that one reason why many excellent men, especially in large towns, declined to join the Eldership, was the trouble it entailed in attending to the wants of the poor. It was alleged also that unless the office of Deacon were revived the care of the poor would pass from the Church to the State, and would become a civil instead of a religious duty. The overseers of the poor might then be men of no religious profession whatever. They might receive their appointment, just because they were stern to the poor and would keep down pauperism. These strict Ecclesiastical views are now things of the past. The impracticability of meeting the wants of the poor by Christian charity alone forced itself on the mind of the legislature forty years ago, and the result was the Poor Law of 1845. From the main principles of that law we cannot now recede; and however defective that law may be, it at least makes better provision for the poor than did the system it supplanted. And the Church may well rejoice that she has been relieved by the State of an arduous work and a heavy responsibility.

In this lecture the two main questions to be considered, are—first, what in olden times were the different sources of provision available for support of the poor in Scotland, and secondly, how was the money contributed for the poor expended.

From a very early period one source of provision for the poor in Scotland was assessment. In 1579, an Act of Parliament was passed ordaining magistrates in towns, and judges in landward parishes, to tax and stent the whole inhabitants “according to the estimation of their substance,” in such weekly charges as shall be thought expedient for the sustentation of the poor of the parish. It does not appear, however, that the practice of levying assessments in terms of this Act ever became general in old times, for in 1672 another Act of Parliament was passed, directing that when the contributions at the church are insufficient to maintain the poor, deserving paupers should be supplied with badges or tickets entitling them to ask alms within their parishes. In other words, instead of being supported by assessment, the poor were to make their living by licensed beggary.*

The records of the Presbyteries of Ayr and Irvine shew that for a long time there was a general disinclination in this county to have recourse to assessments for support of the poor. The objects aimed at for many a day, both by the Presbyteries and

* There were cases of assessments for the poor both in the sixteenth and seventeenth centuries. In 1561, a duty of 12d. Scots was imposed on every ton of wine sold in Edlinburgh, to be given to the support of the poor, “failed merchants, and craftsmen.” And in 1564, the Magistrates of Edinburgh were authorised by the Queen to tax the inhabitants, at their discretion, according to their ability, for relief of the poor and bearing of the common charges of the kirk. Authority too was given “if need be, to poind and distraign therefor,” (Lee’s Lectures, Vol. II., p., 393). In September 1687, the church collections at Ratho were “so inconsiderable that the box was not able to maintain the poor, so an assessment was proposed according to Act of Parliament,” (Fasti). In September 1687, it may be here remarked, the collections in many churches were nothing more than nominal. See Lecture VI. in this Volume on James Veitch.

the Commissioners of the shire, were to make each parish support its own poor and to relieve each parish of all poor except its own, but without assessment. In 1725 an act of the local justices was by order of the Presbytery of Ayr read from all pulpits within the bounds of the Presbytery, directing Kirk Sessions to "provide for the poor of the parish by weekly collections, rents, and interests of mortifications, and begging with certificates within the parish," and to have a Sabbath-day's special collection for defraying the cost of "delivering parishes from poor that are not their own." Five years later, a stent was proposed as the best means of making up the deficiencies of voluntary contributions for the poor, but in very few parishes was the proposal adopted. In some cases Heritors and Kirk Sessions reported to the presbytery that they "maintain their poor within themselves, and so there is no stent laid on," in other cases they reported that they had "no occasion to obtain a stent because of the paucity of their poor." The Kirk Session of Coylton intimated that they had allowed such poor "to beg as were able to go," and "provided their bedrids with collections." Ayr, so far as I have noted, was the only parish in the presbytery in which at that day a stent was levied. And a small stent it seems to have been. For, first of all the heritors and then the different societies of merchants, sailors, writers, etc., made voluntary contributions, and thereafter the magistrates assessed "the inhabitants for the remains." Six years later there were a few more cases of assessment for the poor in South Ayrshire. In 1736, the heritors of Galston assessed themselves at a penny sterling for every hundred pounds Scots of valued rental, and the following year, on finding this assessment insufficient, they ordained their "stentmaster to stent moneyed men and tradesmen and others, conform to the Act of the Justices of Peace." In Mauchline, too, there was

an assessment for the poor in 1736, for in the Session Records of that year there is a minute, of date 4th January, which states that "the poor are to be served off the public stent by Robert Millar, collector, appointed by the heritors for that purpose."

There is abundant evidence that the practice of assessing for the poor, which was instituted in Ayrshire about or shortly after 1730, was in many parishes, not continued long. In the records of Kilmarnock Session for 1755, reference is made to the fact that about 22 years before, there had been a stent levied in that parish for the maintenance of the poor, and hope is expressed that the stent may be soon re-imposed. In 1771 a new agitation arose in the county. The Presbytery of Ayr drew up a memorial to the Justices of Peace and Commissioners of Supply, setting forth that the practice of vagrant begging, which for a while had been happily restrained, had of late years revived and had come to a very great height : that many disorders, such as lying, stealing, and drunkenness, had accompanied this increase of vagrancy ; and that the poor of every parish were wronged by vagrants intercepting a considerable part of public charity. The Presbytery accordingly besought the concurrence and assistance of the Justices in a stricter execution of the laws relating to the poor, and suggested that while the poor should be confined to their own parishes, "the rule of three years' residence giving settlement should be uniformly observed over the county." The Justices and Commissioners thereupon renewed former acts anent the poor, "with several amendments and alterations," and the Presbytery, having passed an Act conform to this Act of the Justices, enjoined each minister within the bounds to read both Acts from his pulpit on the first Sabbath of October at the close of the forenoon service, "and on the afternoon of the same day to preach on a subject suitable to the occasion."

It might have been expected that from this date the practice

of assessing for the poor would have become general over all Ayrshire, and that when once introduced the practice would never afterwards have been discontinued. It is doubtful if either of these things happened. Heritors were loth long ago to adopt new schemes that involved taxation, and they were not the least scrupulous on pretexts of inconvenience to abandon good practices after they had been adopted. In his survey of Ayrshire, published in 1811, Mr. Aiton says that "except in the Parish of Kilmarnock, and sometimes in Newmilns and a few others, such stents (for the maintenance of the poor) are unknown in Ayrshire." What happened in Mauchline probably happened in a number of other parishes; and I shall therefore explain, so far as extant records enable me, the course that events took in this parish.

On the 31st October, 1771, a meeting of the Heritors of Mauchline was held to consider the state of the poor in the parish, and the proper way of providing for their maintenance. At this meeting it was found that a sum of £19 10s. 2d. in addition to the Session's funds would suffice to maintain the poor of the parish for a year, without begging; and that it would be a great saving to the parish if begging were stopped. It was agreed therefore to raise this sum of £19 10s. 2d. by assessment of the heritors according to their valued rent, with relief to the heritors of one half of the rate from their tenants. It was agreed further that to prevent people "being oppressed by begging poor from other parishes," the Act anent vagrants should be rigidly enforced, and that the constables should receive 2s. 6d. for each beggar they apprehended within the parish and took to the prison of Ayr, over and above the allowance granted by the county in their said Act." And, so zealous were the minister and elders in this work of parochial reformation, that even before the heritors had passed these

resolutions the Kirk Session were giving vagrants notice to betake themselves out of Mauchline as fast as they could. On the 12th September, 1771, information was lodged with the Session that "Alexander Adam, a poor man from Sorn, is residing at present (within) and begging up and down this parish." The Session thereupon ordered "their officer to *advise* the said Alexander to return to the Sorn, with certification, that if he do not, he will be sent to Ayr Tolbooth."

Year after year the Kirk Session expressed in their minutes a hope that the heritors would be pleased to continue to levy the assessment, and one year at least the gratifying fact was announced that since the stent had been imposed the church collections had increased and the poor were better provided for. The heritors also referred year after year to the "happy effects" that had arisen from the imposition of the stent, and stated that "all begging within the Parish of Mauchline had been prevented, and the poor of the parish were decently maintained."

How long the stent continued from 1771 to be imposed for relief of the poor is not made clear in the Records. From what is said in the account of the parish published, under date 1791, in Sir John Sinclair's statistical work, it might be inferred that from 1771 to 1791 the stent had been annually levied and lifted. The course of taxation, however, did not run smooth in those days, and long before 1791 Parochial troubles had arisen in Mauchline out of this assessment. Burns' friend, Mr. Gavin Hamilton, had for three years been entrusted with the collection of the stent, and had failed to deliver to the Kirk Session all the money that should have been raised. He declined also on the ground presumably that it was to the heritors and not to the Session he was accountable—to give the Kirk Session any explanation of the matter, beyond stating that he retained

no money of theirs in his own hands. A long and bitter quarrel between Mr. Hamilton and the Kirk Session ensued, and the assessment, as the bone of contention, was dropped. At a meeting of heritors and heads of families held in January 1783, to consider the destitution that prevailed in the parish, it was "represented, that a few of the heritors had not paid up their proportion of poor's stent for a few years preceding the discontinuance of the same;" and it was minuted that "whereas there are some arrears in Mr. Hamilton's hands, or in the heritors' hands, during the three years in which he was collector, Mr. Hamilton is desired and appointed anew to uplift the arrears of these years, or give a list of those that are deficient." This interesting minute, it will be seen, not only shews that the imposition of a stent for the poor had been discontinued in Mauchline previous to 1783, but explains how Mr. Hamilton failed to satisfy the Session on the subject of his collections, and also how it happened that after the suppression of vagrancy in the parish in 1772, there could in 1785 have been in Nanse Ronald's such a gathering of jolly beggars as Burns witnessed and has immortalised.*

Whether between 1783 and 1791 the stent for the poor was re-imposed or not in this parish, it is clear that in 1796 and for some years previous there had been no assessment levied. In September 1796, during the unpopular incumbency of Mr. Reid, the Session minuted that "in examining the Treasurer's accounts they found the whole funds in his hands exhausted. They found also that the monthly disbursements for the poor amount to £3 16s., that the ordinary collections do not exceed 40s. monthly,

* In August 1785, within three months of the date of the Beggars' "splore" in Mauchline, a motion was made in the Presbytery of Irvine "anent the suppression of vagrant beggars, who are become a great burthen and a nuisance to the county."

and that the whole stock of the poor, amounting to £83 6s. 4d. including accumulate interest, is lying in the heritors' hands." The Session expressed a hope therefore, that the heritors would "at least order payment of what might be necessary, from time to time, to answer deficiencies, while the stock lasts," and that when exhausted, "a meeting of the heritors and parish might be held, in order that they may assess themselves for the future support of the poor." This minute will suffice to show not only how variable were heritors in rural parishes in their actings with Kirk Sessions, but also how hard pressed Kirk Sessions sometimes were to find ways and means to keep the poor alive, and how anxiously Kirk Sessions busied themselves in this important department of their duty.

Occasionally there was a little tiff between heritors and Kirk Sessions, which in rural parishes must have tended to relieve the tedium of church life. In 1817, the Kirk Session of Mauchline recorded in their Register, that notwithstanding their efforts "to administer with as much economy as possible the funds levied from the heritors and those collected from the congregation for the support of the poor," the heritors are not satisfied, and one gentlemen in particular has thrown out "reflections which the Session considers quite unwarranted." The Session being much aggrieved by these circumstances, resolved to give up the management of such of the poor's funds as were provided by the heritors, but to continue their distribution of the church collections "till the heritors shall establish their rights to these or any part thereof." The memory of that quarrel, however, has long since died away, and the heritors generously continue in this year of grace 1886 voluntarily to assess themselves for the poor as they did in 1771, and in the most friendly manner to associate the Kirk Session with them in the distribution of the stent. The legal assessment

authorised by the Act, 1845, has not yet been introduced into Mauchline parish, and the burden of poor's rates is unknown to its happy householders.

A second source of provision for the poor in olden times was church collections. Indeed, although called here the second source of provision, these might well have been mentioned first. Long before there was any stent for the poor, there were in most if not in all rural parishes voluntary collections for the poor, at the church on Sundays, and often on those week days on which there was preaching at church. In the very first minute in the extant records of Mauchline Session there is an entry, "collected the foresaid day (26th December, 1669), and upon Januar second, Januar 9, and Januar 16, 1670, £9 14s. 4d." In Galston Records there are still earlier entries of church collections. On the first Sunday of April 1592 there was collected at Galston Church, 3s. ; on the second Sunday, 11s. 2d. ; on the third Sunday, 3s. 8d. ; and on the fourth Sunday, 8s. 9d. And although the sums just quoted are small, it was church collections nevertheless, that till within a very recent date, constituted in most if not in all rural parishes the main source of provision for the poor.* In 1771 the stent in Mauchline realised about £20, and the church collections about twice that sum.

It may not be out of place to state here, that the mode of collecting contributions on Sundays for the poor, has varied from time to time in the Church of Scotland. In the Westminster Directory for public worship, it is stated that on Communion

* Kirk Sessions sometimes hinted that the church-door collections on Sundays were not so liberal as they should have been. In 1674 the Kirk Session of Kilmarnock went the length of putting on record that "they think fitt that the minister exhort the people to extend their charities."

Sabbaths “the collection for the poor is so to be ordered that no part of the public worship be thereby hindered.”* This is a very vague rubric, and it evidently allows great latitude of procedure. It neither indicates when nor how the collection is to be made. At one time it was common in Scotland for communicants to give their contributions to the poor on retiring from the tables,† and there is nothing in the Westminster Directory to forbid this practice. In 1648, however, that is three years after the Westminster Directory had been adopted by the Church of Scotland, the attention of the General Assembly was called to the fact that on *ordinary Sundays* “the collection for the poor in some kirks in the country is taken in the time of divine service.” This was held to be an “unseemly disturbance of divine worship,” and the General Assembly accordingly required all ministers and Kirk Sessions to take some other way and time for receiving collections. Pardovan states that in his day, (1709) the common practice was either to collect at the church door when people were entering the church, or within the church immediately before the blessing was pronounced. It may be presumed from what is stated in

* In the Scottish Service Book, 1637, (Laud's Liturgy), it was directed that on Communion Sabbaths, after the sermon, the curate should exhort the people to remember the poor, and that the deacon or one of the church wardens should then receive the devotions of the congregation “in a bason provided for that purpose.” When all present had made their offerings, the bason “with the oblations therein” was to be reverently delivered to the presbyter, who was to “present it before the Lord and set it upon the holy table.” At the close of divine service the collection was to be divided in presence of the presbyter and church wardens; one half to the presbyter “to provide him books of holy divinity,” and the other half to be “employed on some pious or charitable use for the decent furnishing of the church or the public relief of their poor.”

† In the diary of Lamont of Newton for instance it is stated that at the Communion at Scoonie in 1650, “there was no collection for the poore at the table as was ordinar. This custom was discharged by the late General Assembly 1649, and therefore instead of this there was a collection at the church door both forenoone and afternoone.”

the Session records of Galston, that previous to 1635 the collection for the poor in that parish had been made within the church; for it was that year intimated from the pulpit that "the collection for the poor shall be gathered *in tyme cuming* at the entrie of the people in the kirk." From the tenor of a minute in the records of Kilmarnock Session it may be inferred that in 1646 the collection for the poor in that town was also made outside of the church, as the congregation entered. The minute I refer to states, that "the Session apoyntis the vacand rowme betwixt Peter Aird's seat and the meikle door ane seat to be builded for the use of the Elders that collectis the charities, that they may the more easilie enter and goe furth as yr office requyres."*

In Mauchline parish, as probably in most parishes, the mode of lifting the church collection has been changed more than once or twice. At the present day all collections, whether ordinary or special, are made in an open plate as people enter the church, but many of us remember that forty years ago the collection was every Sunday lifted in ladles, which were carried through the church after the last Psalm had been sung. It is also said that in the latter days of the old church, about seventy or eighty years ago, the plan of collecting by ladles was in use; and that, to prevent all suspicions of dishonest dealing with the poor's funds, the elders who collected in the galleries, which were very low, handed down their ladles to their brethren beneath in presence of the congregation. For aught I know the story may be true, and the reason alleged for such ostentatious procedure may be quite correct also, for ever since Judas bare the bag and learned to love money the public have been

* As far back as 1573, the General Assembly ordained that "no collections for the poor be made in time of the ministration of the table of the Lord Jesus, nor yet in time of sermons, hereafter, within the kirks, but only at the kirk doore."

ready to suspect honest men's integrity, and honest men have found it necessary to clear themselves of all possible grounds of suspicion. It was not within the church, however, but outside the church, that the collections for the poor were gathered in Mauchline a hundred years ago. At a meeting of heritors called in 1783, to consider the state of the churchyard dykes, it was reported, that "the Session as Trustees for the poor, think it their duty to insist that there shall be none but one entry into the churchyard, at which two Elders may attend to receive the contributions of the congregation every Sabbath morning." And it was added that "the disadvantage of having two or three entries into the churchyard must be obvious to every person as occasioning loss to the poor." This was not very complimentary to the congregation. It was as much as to say, that while few people would have the hardihood to pass the plate without dropping something into it, there were many that would be glad to save their pockets by taking a circuitous route to church by a side stile where no plate would confront them. But at an earlier period, as well as at a later, the misers in Mauchline did not get the chance of passing the plate. The ladle was presented to them individually in church. On the fly leaf of an old scroll minute-book of the Kirk Session, there is a note of "the order that the elders are to collect for the poor, and their names." The note is dated 3rd Sept., 1704, and gives the names of fifteen elders. Of these, twelve were appointed "for the body of the Kirk," and one for "Killoch and my Lord's loft." The remaining two elders were Netherplace and Ballochmyle, but these two, it is stated, "doe not collect, being two principal heritors in the Parish." It seems probable that at a period still farther back, the mode of receiving collections had been by a plate at the principal entrance to the church, for in 1676 the

Session ordained that "the *two* elders who collect on the Sabbath shall goe through the town, and search who are in the houses the tyme of sermon."*

How much it was customary for people to put into the plate or ladle on Sundays, a hundred years ago or two hundred years ago, it is not very easy to ascertain. There are on record, as might be expected, many instances of very small and niggardly collections. In 1667 it was reported to the Presbytery of Lanark that at Lamington there is "a box for the poor, but nothing in it, and that they used to give nothing almost on the Sabbath for the poor." It is possible, however, that an unpopular incumbency, or a secession during the Episcopal usurpation at that date, may have been the cause of this unfortunate state of matters. At Mauchline, the collections in 1687 fell to 1s. 6d. Scots per diem, but a few months later when the old exiled Presbyterian pastor of the Parish was restored to his people, contributions rose to 20s., 30s., and even 50s., on a Sabbath. Opening the Mauchline records quite accidentally I find that on a day in 1673, during Mr. Veitch's ministry; and on another day in 1709, during Mr. Maitland's ministry; and on another day still in 1746, during Mr. Auld's ministry, the amount of collection was exactly 39s. 6d. Scots. In 1776, when sterling money had come into common use, the average Sunday collection at Mauchline was 12s.

* Complaint was sometimes made of old, both in Kirk-Sessions and in Presbyteries, that Elders were remiss in attending at the plate. In 1699 a complaint to that effect was made in the Kirk-Session of Kilmarnock, and it was "enacted by the Session that any Elder absent on his proper day from the plate be fined 4s. Scots. At the visitation of Coylton in 1714, it was reported to the Presbytery (of Ayr) that "they do not collect for the poor but at the Church door, when the people enter, and the Elders do not attend in their course in due time for that effect."

Sterling, or £7 4s. od. Scots,* and in 1796 during Mr. Reid's pastorate, it was much the same.

These statistics do not show how much individual persons were in the way of giving to the poor on the Sabbaths of old—whether it was a penny or a half-penny that people usually dropped into the plate, and whether there were few or many that passed the plate altogether. But I can furnish other statistics which will help to show what was the measure of Christian liberality in Mauchline a hundred years ago. The number of communicants who partook of the sacrament at Mauchline in 1788, was 1400, and it is not improbable that in the church or church-yard there were that day other 1400 worshippers who did not communicate. The total amount collected for the poor on that bright autumn Sabbath of high solemnity was £4 14s. 10d., or 1138 pence. For each communicant therefore who sat at the Lord's table that day, and was exhorted to extend his charity, there was less than a penny contributed to the poor; and if there were as many non-communicating as communicating worshippers at the church or tent service the average contribution all over must have been less than a half-penny each!*

* A minute in the Session Records of Auchinleck, states that in 1753 it was agreed by the Kirk-Session of that Parish that the Poor's funds should henceforth "be counted in English money." It was probably about the same date that the ecclesiastical nomenclature of the coinage was changed in the neighbouring parishes.

* Burns must have come very near the truth when in the following stanzas of the Holy Fair he described the usual contributions to the plate, and the larger donation expected from him as a poet and a man of consequence.

“When by the plate we set our nose,
Weel heaped up wi' ha'pence,
A greedy glowr black bonnet throws
And we maun draw our tiffence.”

The collection at Mauchline sacrament in 1788, was about eight times the amount of an ordinary Sabbath's collection. The following note of collections at the Kil-

Of course it must be kept in mind that money went a great deal further a hundred years ago than it does now, and consequently that when good copper was given in charity, a penny represented far more generosity than it now does. In 1744 the minister of the West Church, Edinburgh, made a gift of £10 to the poor of his parish. And the gift was belauded by his Session in their minutes as a most wonderful instance of liberality. In the sermons of Mr. Dun of Auchinleck published in 1790 the following passage occurs in a discourse on Divine Providence. "Providence, oh ye needy ones, has interposed remarkably for you! There is come to my hand, owing to the generosity and humanity of the family of Dumfries, as much money, which I shall distribute to you to-morrow, as will purchase fuel that may serve you during the more rigid winter months." In a note prefixed to the sermon, Mr. Dun explains that this signal interposition of providence for all the poor of the parish was a gratuity of £5 sterling, which he distributed on the Monday after the sermon was preached. He then pathetically adds, "the author's heart was gladdened on the Tuesday, a very cold frosty but fine clear sunny day, to see columns of smoke ascending from so many little huts, the houses of the poor now warmed with that bounty." And that Mr. Dun's account of the capabilities of a five pound note was not very much overstrained, will appear from the tenor of a letter

marnock "preachings" in 1716 and 1722 is interesting as shewing the probable comparative attendance on the different days of solemnity.

1716. On Fast Day,	£34 4 8	1722. £26 11 0
„ Saturday, Preparation day,	35 17 4	29 5 10
„ Sabbath,	62 6 0	48 7 7
„ Monday, Thanksgiving Day,	50 19 4	37 2 0
	<hr/>	<hr/>
	£183 7 4 Scots	£141 6 5

In the decade 1750-1760, the usual amount collected at the sacrament in Kilmarnock was about £20 sterling. In the West Church, Edinburgh in 1695, there was collected at the communion £1180 Scots, or £98 0s. 6d. Sterling.

received by the Presbytery of Irvine in 1767 from a gentleman designated "Doctor Hugh Baylie, Esquire." In this letter it was stated, that Dr. Baylie, Esqr., had "sent £6 16s. sterling, as a charitable donation to be distributed unto two old women in each of the seventeen parishes of the Presbytery after 1st November next, in the way of bying coals for them and some oyl for sight to enable them to spin at night for their better subsistence." Each of thirty-four women received from this donation the sum of 4s., and this sum of 4s. was expected either to keep an old woman in coals and oil for a whole winter, or to go a considerable way in doing so.*

Making due allowance, however, for the facts that money went further, and that there was less wealth in the country a hundred years ago than there is now, the contributions to the church

* The history of prices is a large subject which would require for its full treatment a large space. The following notes will serve to illustrate partially the changes that have taken place in the value of money. In September 1639, writes Spalding, "ane Holland schip with store of cheiss (cheese) cam in to Abirdein, 24 pund wecht thair of sauld for 8 shillinges Scottis, quhairof the people wes weill content." That is, three pounds of cheese were sold for one penny of sterling money.

A hundred years later, in 1740, an Ayrshire farmer purchased a milk cow for £2 2s., and another Ayrshire farmer sold a stallion for £5 5s., "which were both so much talked of as extraordinary prices that people came a considerable distance to see those animals. The ordinary price of draught horses was from £2 to £3, and of milk cows from 20 to 30 or 35 shillings. Till after 1770 butter was sold at from 4d. to 6d. per pound of 24 ounces." Aiton's Survey of Ayrshire, p. 112.

In 1797, however, matters were changed. The Presbytery of Irvine on the 28th March of that year, minuted that considering "the high price of provisions they should for this day and henceforth pay for dinner £1."

In 1612 Mr. James Pitcairn, the minister of Northmaving died, and left behind him an enormous stock of cattle, corn and other goods, of which the following particulars may be quoted:—(Fasti).

16 hors, pryce of the piece over-head,	£6	13	3	scots, <i>i.e.</i>	£0	11	1¼	ster.
19 meirs, ,, ,, ,, -	6	0	0	,,	0	10	0	,,
50 oxen, ,, ,, ,, -	11	0	0	,,	0	16	8	,,
56 ky, ,, ,, ,, -	8	0	0	,,	0	13	4	,,
782 of zeiris lambis and zeild scheip,-	1	0	0	,,	0	1	8	,.
Anelittel goblet for acquavitie, pryce thereof, 8	0	0	0	,,	0	13	4	,,

plate last century revealed anything but a commendable spirit of Christian liberality. There was wide-spread hypocrisy in church charity, and if there had been as much unreality in professions of piety the state of religion would have been rotten to a degree that words could scarcely exaggerate. Kirk-Sessions had in those days what was termed a kirk box. Into that box all the collections, or such part of them as was not presently distributed, were poured Sabbath after Sabbath, and at the close of the financial year the box was opened, and its contents examined and counted. In the records of Mauchline Session the following entry occurs, under date 1748, "found in the box, of good money £66 7s. 6d. Scots, and of bad copper £43 19s. 7d." And for many years afterwards, when the Mauchline Kirk box was opened, a similar fact was revealed. For every three pennies of good copper there were two of bad. The conclusion is forced on our mind that in olden times a large number of people kept their bad coppers for charitable purposes, so as to appear to be giving to the poor when they were not giving, and to be lending to the Lord when they were holding back, and the left hand doubtless knew on these occasions what the right hand did.*

Every other year there was at Mauchline a sale of bad coppers when the contents of the Kirk box were examined. The £43 19s. 7d. of bad coppers found in the box in 1748 were disposed of at the rate of 7d. per Dutch pound, and they realised £7 17s. 6d. In other words every penny of bad copper put into the plate, as a contribution for the poor, was worth only

* In 1674 the Kirk-Session of Kilmarnock thought "fitt that the minister exhort the people not to give their dootts (doits) to the poor now, when none will accept of them as currant." That just and pious exhortation seems to have been disregarded by the Kilmarnock people, for in 1706 the Kirk-Session directed their treasurer "to dispose and sell the dootts, and other bad money he got from the last treasurer, to the best advantage."

the sixth part of a penny or little more than half a farthing. In 1753 the price of bad coppers rose to 8d. per pound, whether because they were more run on for charitable purposes, or for some other equally laudable reason, is not stated, but it is at least pleasant to think that the poor derived some profit by the enhanced value of what was given for their support. In 1774 the market for bad coppers became very drug, possibly from being overstocked, and it was minuted that "every member of Session is desired to try the several smiths and coppersmiths to buy the bad copper." Like nuts at the end of a fair, they were to be had at a bargain—penny a quarter, two pence a half pound—cheap, cheap, cheap!*

* As recently as 1785, the Session of Mauchline had on hand several pounds of bad copper and bad silver.

Among the obsolete coins mentioned in the Mauchline records as having been found in the kirk box are dollars, rix-dollars, turners, bodles, and doits.

A Leg, or Leggat Dollar, named from Liege, the place of coinage, was equal to £2 16s. od., and a Rix-dollar to £2 18s. od.

Turners and Bodles might be described as two penny pieces of Scots money. There were different sets of turners, however. In 1639 Charles' turners were cried down at the cross of Edinburgh from two pence to one penny, while James' turners remained at their former value, and "the kaird turnouris simpliciter dischargit as false cunzie" (Spalding, Vol. I., p. 235). The following year, 1640, Charles' turners "wold give nothing, penny nor half penny." In the Mauchline Kirk Accounts for 1748 it was stated that there were "got for one shilling sterling of turners 11s. Scots, and for three shillings sterling of bodles £1 13s. od. Scots."

On 27th July, 1691, there was entered on the Mauchline Session Register, "Received this day 3 shillings sterling of doits." The doit was a Dutch coin, and was of the value of a penny, or (some say) a penny and a third of a penny Scots. In the printed records of the Burgh of Glasgow for 1660 there is a curious entry to the effect that the "country is like to be abused be the inbringing of French Doyts."

Groats and bawbees, which are reckoned coins of small value now, bulked largely at one time, from their being of sterling denomination. In Galston Records (1639) we find "collected 11 shillings. Gevin thereof to H. P., two *groats*. Rest three shillings, gevin to the poor." In other words a groat counted for four shillings Scots, and it was two hundred years ago the common payment for dressing a corpse, and for digging a grave. In the same record (1675) there is another curious entry, "gevin fourteen shillings and a *balbie* (bawbee) for a peck of meall to old Peter, o 14 6." In other words a bawbee was a sixpence Scots. Another odd entry in Galston Records (1645) is "seven shillings of French lobbis in the Laird of Cessnock's hands."

The fines exacted by Kirk Sessions from delinquents, together with certain penalties imposed by the Civil Courts, formed in all parishes a third source of provision for the poor. It is not to be inferred from this that all fines and penalties went to the poor. In many or perhaps most parishes there was one bag or box for the church collections, and another bag or box for the penalties. And each of these bags or boxes had its own keeper. At Kilmarnock in 1649, one Robert Crawford was chosen "thesaurer to the consignations and penalties" and on the same day one Robert Paton was chosen "thesaurer for keeping of the charities." Among the pious uses for which in Galston Parish penalties were appropriated may be mentioned "peyment of ye east glass windo" of the church (1638): "dails to bridge and work at bridge" (1640): "commissioners to the General Assembly, £6 8s. 4d. salary of Presbytery beadle, and allowance for drink to workmen (1640):" bottoming the pulpit, mending and making fumes, providing a heid to the Kirk spade, 5s., washing the baptism cloth, 4s., (1643). Most of the fines, however, that came into the hands of Kirk Sessions were destined either in whole or in part, by special statutes, for the benefit of the poor. And so, on every other page of old Church Records we meet with instances of fines' being thus applied. In 1673, an irritable woman appeared before the Kirk-Session of Kilmarnock, and confessed that in her wrath and haste she had said "the devill ryd to hell on James Thomson and leave the horse behind him." For giving utterance to this coarse malediction she was appointed to make public acknowledgment before the pulpit, and "pey 30s. to the poor." In many parishes, Mauchline among others, fines and church collections seem all to have gone into one box, and to have been applied in the first instance to certain church purposes, such as payment of the

session clerk's and the church officer's salary, and thereafter in alms and charity. And at one time a considerable sum must in every parish have come in to the poor from fines. The Session Records of Kilmarnock shew that from 8th September 1754 to 20th October, 1756, the fines received by the Session of that parish for "absolution from fornication" alone, amounted to £115 16s. od. Scots. In Mauchline Parish, fines as I have elsewhere shewn were in olden times rigorously inflicted, and in the days of Mr. Auld particularly, were, out of zeal for the poor, lifted with a measure of goodwill that bordered on enjoyment.

Besides fines there were certain dues and fees that brought in a small return for behoof of the poor, and these may be said to have constituted a fourth source of provision for the indigent. How far Kirk-Sessions had it in their power to exact such dues and fees, fix the amount of them, and determine their destination, need not be discussed. Lawyers say that the exaction and appropriation of these dues, for payment of precentors, session clerks, beadles, or for the good of the poor, were regulated mainly by the immemorial usage of each particular parish, and that Kirk-Sessions could not "enact the payment of new fees not sanctioned by such usage." When the Kirk-Session of Mauchline for instance passed a resolution in 1778, "that if parties proposing marriage shall choose to be proclaimed in the church for two several days only, they shall pay a crown for the poor, and a guinea if the proclamation be completed in one day," it might have been found that the Kirk-Session could not exact such extra fees; but unless these fees were paid, persons desiring to be proclaimed would have to content themselves with what the law entitled them to demand, namely, a proclamation protracted over three several Sundays. People were willing therefore for the sake of convenience to pay the extra dues. There was fairness in the arrangement.

People asked a favour and they made a payment which went to a good use. Originally, the dues exacted for Baptisms, Proclamations of Banns, Marriages, Testimonials and Citations went entirely to the session-clerk, and church-officer.* In 1673, for instance, the dues exigible in Mauchline parish were declared to be, in the case of a Proclamation of Marriage 20s. Scots, of which 16s. went to the clerk and four shillings to the officer; in the case of a baptism, 8s., of which 6s. went to the clerk and 2s. to the officer. But when people in the progress of refinement came to say, we wish our proclamation to be completed on one Sunday or two Sundays, we wish our marriage to be solemnised in our own houses instead of in church, and we wish our children to be baptised at home, they were told that besides rendering to the Session clerk and beadle all the customary dues payable to these officials, they must make an extra payment, which might be called a fine, to be given to the poor. Hence there came to be included in Poor's funds, fines or voluntary concessions, for private or chamber marriages, for private or chamber baptisms, and for abbreviated proclamations of banns. In 1750 both private baptisms and private marriages were quite common in Mauchline Parish, but apparently the shortening of proclamations had not come into use. In 1750 there were 12 private baptisms, for which a sum of £5 8s. Scots was realised for the poor,† and 13 private marriages, for which a sum of £11 7s. 6d. Scots was obtained for the poor's benefit. The tax on private

* In some cases to the reader and church-officer, but the reader and session-clerk were generally, if not always, the same person.

† In Kilmarnock the fines, or whatever else they may be called, were for private marriages, 2s., for private baptisms, 4s., and for "Twice proclaiming on same day 10s. 6d., more if it can be got." During the two years between September 1754, and October 1756, the money received in Kilmarnock for private marriages and proclaiming twice in one day amounted to £57 10s. 0d.

marriages seems to have been remitted soon afterwards, for neither in the Session's abstract of receipts for 1778 nor in their abstract for 1779 is there any entry of moneys got from private marriages. Probably by that date the more modern practice had been introduced of having a collection at the wedding, and giving it as a gratuity to the beadle, who should have opened the church door to the bride but didn't. The tax on private baptisms, however, was still continued in these years, and there are entries also for proclamations, which means proclamations completed on less than three Sundays. In each of these two years the money drawn for private baptisms was 13s. sterling, which implies that there were thirteen private baptisms each year. In 1778 the amount realised for special proclamations was 8s. and in 1779 it was 22s. 6d. These sums would not go far at the present day in making provision for the poor, but when the cost of maintaining the poor was only fifty or sixty pounds a year they were a welcome and an appreciable help.

Another item that figures prominently in the accounts of kirk treasurers long ago is the bell-penny, and this also in many parishes went to the poor, and became a fifth source of provision for their wants. The bell-penny, it need scarcely be said, was a due that was paid for the ringing or tolling of the church bell at funerals. It is stated in books of law that dues for the ringing of bells at funerals do not belong to the poor, but should be retained for the maintenance of the church fabric. Whether legal or not, however, the bell-penny in Mauchline and in many other places was retained for the poor. In 1696 the Kirk-Session minuted in a somewhat pompous style of latinised English that "considering the numerousness and indigency of the poor they did think it reasonable that whoever desired the tolling of the bell at the funeral of their relations should pay some small quantity of

money to the church treasurer to be disposed of for the poor's use, but upon some consideration did delay to make a particular determination anent the quota." Two months afterwards, the Session concluded in equally grandiose phraseology that for each time the bell was tolled on the occasion of a funeral "those most nearly concerned in the defunct should give for the poor's use at least 12 pence Scots." Instead of 12 pence Scots 12 shillings Scots came to be a common allowance for bell-penny in this parish,* but the amount being left to the payer's pleasure it ranged in 1750 from six shillings to twenty shillings. That year there were thirteen payments of bell-penny made to the Session of Mauchline, and the sum of these payments was £6 10s. 0d. Scots. In 1778 and 1779, the receipts from bell-pennies had fallen to 1s. 8d. Sterling in the one year and to 1s. in the other. The most notable contribution to the poor, in the way of bell-money, that appears in our parish records, was in the year 1705, when for ringing the bell to the Lady Gilmilnscroft's funeral there was handed to the Kirk-Session the handsome sum of one pound.

A sixth source of revenue for the poor in most parishes, and a much more valuable one than the bell-penny, was the lending out of mortcloths for burials. From a very early period mortcloths were used at funerals by all that could afford to pay for such trappings. But mortcloths were sometimes kept and given out on hire by trade corporations, funeral societies, and private persons as well as by Kirk-Sessions, and it was only when they were given out by Kirk-Sessions that the hire paid for them reverted to the poor.† For instance, in the parish of

* In 1698 the Kirk-Session of Greenock appointed that "none have the privilege of ringing the kirk-bell at funerals unless they pay 40s. Scots in to the treasurer, and 2s. Scots besides to the bellman for ringing the said bell."

† The law on the subject of mortcloths is thus laid down by Mr. Dunlop, and it

St. Cuthbert's, Edinburgh, the different incorporated trades had, previous to 1700, mortcloths of their own. Shortly after that date, however, all these mortcloths were bought up by the Kirk Session, except those belonging to the Cordiners in the Westport, which were surrendered without payment, on condition that the poor of that guild should in all time coming have from the Session free use of a velvet mortcloth at interments.

The following minute, of date 1635, occurs in the Session records of Galston, "The quhilk day, William Farquhar in Bucklestoune, and William Black, tailzeour in Galstune desyred libertie of the Sessioune to buy upon their awne chaarges and to have the commoditie and benefite of ane mortclaith for buriall, the samyn to be keipit within the claghan, the quhilk request the Sessioune thought reásonable; nevertheles the Sessioune had rayther have the benefite thereof to the Kirk, and therefore has ordainit that the Sessioune sall provyde the samyn betwixt and the first day of May nixt to cum, or failzeing, the said W. F. and W. B. sall have the place and libertie thereof, and no otheris."

In the records of Mauchline Church there is reference to a mortcloth, belonging to the Kirk Session, in 1672, which is nearly as far back as our extant records go. Like other perishable things this mortcloth in the course of time got

is illustrated by what is stated on page 30 to have taken place in Mauchline parish—"Kirk-Sessions, by immemorial usage, may acquire the exclusive right of letting out mortcloths to hire within the parish, and of charging certain dues therefor, which are generally appropriated to the use of the poor. Corporations or private associations may, by similar usage, acquire a joint right to let out mortcloths for hire, but, except where such a right has been so acquired, no individual nor association can let out mortcloths to the prejudice of the Kirk-Session's privilege. Private individuals may no doubt use mortcloths belonging to themselves, but they cannot lend them out to others even gratuitously; nor, it should seem, can a number of individuals subscribe for the purchase of a mortcloth for their joint use, although nothing be charged to each individual on the occasion of its being required, as this would effect an evasion of the privilege of the Kirk Session."

worn out, and for many years, apparently during the whole of Mr. Maitland's ministry (1695-1739), there was no mortcloth owned by the Kirk-Session. But during that long period of Sessional impecuniosity there was in the parish a mortcloth, which belonged to a private individual and was let out for hire. In 1744, a year or two after Mr. Auld's settlement, the Kirk-Session took into consideration "the necessitous circumstances of the poor and the small sum available for support of the poor," and resolved that the "old custom in Mr. Veitch's time of having a mortcloth for the benefit of the poor should be revived." The Session were alive to the fact, however, that no good would come to them from having a mortcloth, unless the use of all other mortcloths in the parish were prohibited. A committee of Kirk Session was accordingly appointed to wait on "Bruntwood and Mr. Arnot, Bailies of the Regalitie of Mauchline, in order to have other mortcloths discharged, and the privilege of providing a mortcloth for all such as are buried in the church-yard secured to the Kirk Session." It was further resolved by the Session to petition the heritors and others having an interest in the church-yard, to "disallow and hinder the digging of graves in the church-yard to any but such as will use the Session's mortcloth as soon as it shall be provided." And, either by prohibition or persuasion, either by coercion or constraint of the parish, the Session very quickly succeeded in securing for themselves the privilege they desired. About a month after the last quoted resolution was taken, a committee of their number was appointed "to speak with William Gibb to buy his mortcloth if they can agree upon the price." And so, first one mortcloth, then another and another was purchased, till the Session had a large wardrobe of mortcloths of all sizes and qualities to suit different requirements and different fancies.

Charges for the use of mortcloths varied in different parishes, and in the same parish in different periods. In Galston a mortcloth was in 1643 provided by the Kirk-Session, and the scale of charges fixed for the use of that mortcloth was 12s. Scots, to people within the parish, and 24s. to people out of the parish. The earliest rates, that I have discovered, in Mauchline were higher. In 1675 it was fixed by the Session that the payment for use of the mortcloth by people in the parish should be 30s. Scots, or at least 24s. according to the discretion of the outgiver. And this was over and above what had been previously appointed as fee to the officer for "carrying the mortcloth to persons within the town and paroch." Very likely the Mauchline mortcloth was woven of finer and more costly material than what sufficed for the Galston folks. Certain it is that the charge for the use of mortcloths depended on the class and quality of mortcloth used. In 1775 the Kirk-Session of Mauchline minuted, that "having provided a new mortcloth of Genoa velvet and furniture conformed," they considered that the lowest rate at which they could lend it to people in the town or within a mile of the town was 6s., and to parishioners more than a mile from the town, 7s. But the charges for the "old mortcloth and the little mortcloth" were only 2s. and 1s. respectively. In 1716 the Kirk-Session of St. Cuthbert's, Edinburgh, had "twelve mortcloths which bring in money to the poor, and six poor's cloaths, in all eighteen." These were elaborately classified by a double nomenclature A 1 and A 2, B 1 and B 2, etc. The charge for the use of A 1 was "10 merks, whereof 1 merk to the keeper: for A 2, £4 Scots, whereof 10s. to the keeper: for A 3 4s. Sterling, whereof 8s. Scots to the keeper," etc.

The sum of money derived by Kirk-Sessions in the course of a year from the hire of mortcloths was often considerable. At

Mauchline it amounted in 1674 to more than £22 Scots. A hundred years later it averaged about £4 sterling.*

A seventh source of provision for the poor in olden times was got from benefactions. The earliest entry of a benefaction to the poor that I have noticed in the records of Mauchline is one of £5 16s. Scots by the Earl of Dumfries in 1690. This may seem an odd sum to be given as a donation, and it may be wondered why his Lordship did not lay down even money, such as five pounds or ten pounds. The sum, however, that looks so odd when stated to be £5 16s. was in reality the aggregate value of two coins called rix-dollars, and a present of two such coins was, like a brace of grouse or partridges, quite a lordly form of gift. Since 1690 many benefactions ranging from a few pounds Scots to £200 Sterling have at different times come to the Kirk-Session of this parish for the benefit of the poor. And a similar thing may be said of nearly all parishes.† So numerous in fact were such benefactions and so necessary did Kirk-Sessions think it was to make public intimation of them, that in almost every church long ago there was a black board hung up, with a list of all donations received for charitable purposes

* It does not surprise us to hear that Kirk-Sessions kept mortcloths for hire. But it may surprise many to hear that some Kirk-Sessions gave out their communion plate on hire. It is shewn in *Old Church Life*, p. 141, that many parishes had little or no communion plate for years after the re-establishment of Presbytery at the Revolution. When the communion was celebrated in such parishes, plate had to be borrowed, and in some cases the loan had to be paid for. The Kirk Session of Kilmarnock (1754-1759) drew £3 sterling a year for the loan of their communion cups, and that was nearly as much as they realised from the loan of their mortcloths. In 1708 the Kirk-Session of Greenock "appointed that no neighbouring paroch have the use of them (the communion cups) except they ingage to answer for them and give 40s. Scots at each occasion, for the use of the poor of the paroch."

† In the Session records of Greenock there are several acknowledgments of mortifications made to the poor by sailors when "in eminent danger." In 1706 for instance "James Gallbreath, skipper in Carsdyke, and Archibald Yuill his mate, being present, informed the Session that they and company, having been in eminent danger on February last by-past made a free will offering of nine pounds sterling to be disposed of for behoof of the poor of this paroch," etc. etc.

within the parish from time immemorial. And it is not unlikely that ambition to have their names emblazoned on the board stimulated the charity of not a few people who desired to stand well with the public. Indeed this object was frankly avowed by the Kirk-Session of St. Cuthbert's, Edinburgh, in 1727, when they ordered a board to be suspended in their church. For they expressed in their minutes a hope "that the said mortifications being conspicuously inscribed in gold characters may be a motive to others to follow the example of the mortifiers."* And many acts of very paltry generosity have been extravagantly praised for this ostensible purpose. In the Session books of Dalry in Galloway there is a minute under date 25th November 1828, which is not inserted in its regular place as a record of Sessional procedure, but is written upside down on the middle of a page where it is sure to arrest attention. It states that this day a row of lime trees was planted on each side of both approaches to the church; that the two trees nearest the church-yard gate were planted by the minister, and the next tree on each side by the minister's wife, and that the plants cost twopence sterling each, except "the two red twigged" ones planted by the minister's wife, which were threepence each. It is then added that "it has been thought proper to enter a

* In 1770 the Kirk-Session of Mauchline resolved to hang up a board in church "for engraving thereon the names of such as shall make charitable donations for behoof of the poor in the parish of Mauchline." Next year one of the elders bequeathed £3 to the poor and got his name stuck up, and one of the heritors, determined not to be behind hand, made a gift of £5 to the poor. In Kilmarnock the board was hung up as early as 1718, but I have not investigated the immediate effects it produced in that town.

It can scarcely be doubted that some benefactions in some parishes have been lost sight of from not being properly recorded. An excellent plan was adopted a few years ago in the Presbytery of Ayr for preventing such occurrences. A separate Register is kept, in which are entered notes of all the mortifications held in trust by Kirk-Sessions, with a statement of how and where they are invested, signed by the minister of the parish to which they are severally conveyed.

statement of this circumstance in the records of the Session, that all future incumbents and members of Session may know how much they are obliged to (the minister), for thus endeavouring to beautify their, even now, beautiful church-yard, and that they may be encouraged to go and do likewise"!

As virtually constituting an eighth source of provision for the poor, it may be mentioned that Kirk-Sessions were able occasionally to recoup in part their outlay on particular paupers, by the sale of these paupers' effects. The Kirk-Session of Kilmarnock, for instance, enacted in 1700 that none get relief till they assign their belongings to the Session. And the rule adopted in Kilmarnock was generally followed in other parishes. In 1752 the Mauchline Session "unanimously resolved, that from this time forth, they would admit none to be stated pensioners on their charity funds but such only as should make assignation of all their means and effects to the Session their Treasurer, to be roused after their death for the use and behoof of the poor." And the Session Records shew that this resolution was for a while rigorously carried out. Indeed, before the resolution was passed, the Kirk-Session had on some occasions, after a pauper's decease, exposed his effects for sale. In a mutilated minute, which cannot now be wholly deciphered, and which bears the date July 1740, it is recorded that the Session having taken on themselves the burden of supporting Jean Mackie, who had departed this life about the beginning of June, and having considered that "none that belonged to her would own her whilst alive, nor burie her when dead, they thought proper to petition the Balye of Regality for a warrant to rouse her household plenishing and body-cloths in order to defray their charges." And it is added in an apparent tone of satisfaction that the Session's petition was granted, and that "the goods of the said Jean Mackie were *faithfullie* roused."

It may be mentioned here that Kirk-Sessions had generally on hand some accumulated funds or possessions which they called stock. The interest of such stock constituted a ninth source of provision for the poor in a great many parishes. For instance, it is minuted that in November 1773 the stock in the hands of Mauchline Session amounted to £104 19s. 1 $\frac{8}{12}$ d. while at the corresponding date in the previous year it was only £87 5s. 3 $\frac{7}{12}$ d. This implied that the stent, collections, fines, and dues, for the past year, had more than met the expenditure on the poor ; and shows how stock might accumulate at times. The occurrence of such items as $\frac{7}{12}$ of a penny and $\frac{8}{12}$ of a penny shows too that some pennies of Scots money, which were equal in value to a twelfth of the same denomination of Sterling coin, were in 1772 still in circulation. And not only had Kirk-Sessions stock in the shape of money, but they were sometimes owners of land. In 1755 the Kirk-Session of Kilmarnock had as much stock lent out as yielded £28 Sterling of interest ;* and they had, besides, what they termed a farm, which was let at £16 Sterling a year. Even the Session of Mauchline had in 1777 a pendicle named Braefoot, and another known as Hunter's yards, which together yielded a rental of £1 7s. 6d. Sterling. How land should have come into the hands of Mauchline Kirk-Session will be seen from the following minute, dated 23rd May, 1776. "The Session having convened the nearest of kin to Agnes Paterson the late proprietor (of Braefoot) . . . have got a disposition signed by the said persons to the said yard of Braefoot, for

* The Session of Galston too owned at times both stock and land. As far back as 1642 it is recorded that "G. Richmond in Milrig peyit to the Sessione £8 of anwel rent for the money in his hand and his brether preceding Witsunday, 1642." In 1752 they held no less than eleven bills for sums ranging from £104 Sterling to £15 Scots. In 1700 the lands of Braehead, over which they held a mortgage, were given up to them under protestation of the right of redemption in terms of mortgage.

which the Session have given formerly to Agnes Paterson, late proprietor, and to Agnes Cook her mother, the sum of £8 6s. 4d. and likewise on signing the disposition by the foresaid persons the Session did agree to give to each of these persons 11s. 6d., and also to Margaret Paterson for keeping the deceased Agnes Paterson one half year, 15s., amounting in all to £10 15s. 10d. Sterling." The land of Braefoot therefore fell to the lot of the Kirk-Session of Mauchline, as the forfeited security given by the proprietor for repayment of money advanced to her, when she was in reduced circumstances. And there are several instances recorded of pensioners in this parish giving up to the Kirk-Session not only an inventory of their household plenishings but other securities. The following minute of Session, dated 1777, shews how business of this kind was conducted: "J. W. (one of the pensioners) hereby assigns a Bill of £6 Sterling (whereof £2 9s. od. are paid) accepted by J. M. In witness whereof, this bill is delivered in presence of the Session to James Paton, treasurer, to pursue for payment thereof."

Kirk-Sessions, it may be said, plied the vocations of Parochial bankers, pawnbrokers, and bill exchangers. When they had money on hand they were in the habit of lending it out on bills and bonds. As far back as 1678 we find reference in the records of this parish to "Bardarroch's ticket for £48 os. od." Scots, as constituting part of the Session's property. And in 1719 the Session of Mauchline had a bond for £107 Scots from John Reid of Ballochmyle, but "because of the said gentleman's circumstances they were ordered (by the Presbytery) to do diligence against him for recovery of the sum." Four years later, at a visitation of the parish, the Presbytery found that the Session had proceeded against Ballochmyle "as to personal diligence, but had done nothing so as to effect his real estate with others of his creditors, and so it appears that there is no expecta-

tion of its recovery." The Presbytery accordingly found the Kirk-Session guilty of culpable negligence in the management of what were trust funds, and they not only minuted disapproval of that negligence but threatened to pursue the Session for recovery of the sum that was lost. The Kirk-Session of a parish, however, it need scarcely be said, is a permanent body ; and in Mauchline it survived the loss of what was lent to Ballochmyle. Under good management its stock again accumulated, and in 1748 there was £5 Sterling of lying money in the treasurer's box. The Session, remembering the parable of the wicked and slothful servant, resolved to put their stock to usury ; but, taking warning from former experience, they declared it should only be on "sufficient security," and they recommended their treasurer "to look out a good hand for it."*

A very strange entry in Mauchline records is "a list of pledges and bills in Mr. Auld's custody" in the year 1745. There is no account of how these pledges and bills came into Mr. Auld's hands, but it may be assumed from what is said elsewhere about the Session's revising their bills, that the pledges were securities deposited against advances or loans of money by the Kirk-Session. The "list" referred to comprised five gold rings, six bills, and "thirty-two pounds, four shillings, and six pennies of bad money in two baggs." The five rings are each specifically described so as to be identified when redeemed by their respective depositors. One is described as

* As was shewn in *Old Church Life* (Vol. I., p. 20), the stock held by Kirk-Sessions was sometimes laid out in the erection of church pews which were rouped or rented for behoof of the poor. In the records of Kilmarnock Session the following "inventorie of the pews in the Kirk built by the Sessioun, and set for the use of the poor and for maintaining a schollmaster" appears under date 1691.

"Two pews at the head of the Skollars seat, 6 pounds each, - - - £12
"Two ,, between John Aird of Miltoun his seat and the south door, £8
"Eight ,, in the syde loft, called the Elders' loft, . . . £63."

plain and posied, "where love I find my heart I bind," another is said to be carved and posied, and another to be plain and stoned.

Such were the principal sources of provision for the poor in Scotland in olden times. I have now to show how the supply was distributed.

At the present day there is in every parish a Parochial Board. This board makes up the roll of the poor, fixes the allowances for paupers, and imposes assessments for support of the poor. In parishes where the Poor Law Act, 1845, has been adopted, and that means nearly every parish in Scotland, the Parochial Board consists of the owners of lands and heritages of the yearly value of £20, the Provost and Bailies of Royal Burghs, several members of Kirk-Session, and several elected representatives of the remanent ratepayers. It may be said that ever since the Reformation there has been in every parish a Parochial Board for watching over the interests of the poor. The constitution of that Board, however, has undergone from time to time considerable alterations. For the first thirty years after the Reformation, the care of the poor, so far as that was provided for by civil law, was in the case of landward parishes entrusted to Justices appointed by the King's Commissioners.* In 1597 this jurisdiction was transferred to Kirk-Sessions, and in 1672 it was committed to the Heritors and Kirk-Session of each parish conjointly, and in their hands it continued till the passing of the Act 1845. A minute of date May, 1673, in the records of the Kirk-Session of Mauchline, shews how and when the Act 1672 was brought into operation for the first time in Mauchline parish. This minute states that "the Session appoints Robert Millar, Alexander Milliken, and John Reid, Elders, to meet with

* Of course in these pristine days of the Reformed Church there was an ecclesiastical administration of charities and collections.

Kingencleuch and Ballochmyle (heritors) anent the giving up a list of the poor in the parish upon Wednesday next." From 1597 to 1672 it was the Kirk-Session alone that determined how the poor's funds should be distributed, and from 1672 to 1845 it was the Kirk-Session and heritors jointly.

In every parish at the present day there is a salaried officer called the Inspector of Poor, who lays before the Parochial Board a list of applications for relief, with a detailed statement of the circumstances of each applicant, and conveys to paupers the allowances appointed them by the Board. It may be said that formerly the deacons of the church were the Inspectors of the Poor.* They were not paid for any work they did, but they watched over the poor in their respective districts, reported cases of poverty to the Kirk-Session, and carried to the poor whatever gratuities the Kirk-Session were pleased to grant. When it happened that in a parish there was no separate body of church officers distinctively called deacons, the elders acted as both elders and deacons, that is they both fixed, either with the minister alone in Session, or with the minister and heritors together as the case might be, the allowances for the poor, and personally distributed these allowances. It was common for Sessions to appoint one of their number to hand over one part of their charity, and another of their number to hand over another part of their charity, to particular persons

* In the First Book of Discipline (1560) Cap. X. Sec. 13, it is said "we think it not necessary that any public stipend shall be appointed, either to the elders or yet to the deacons, because their travell continues but for a year; and also because that they are not so occupied with the affairs of the kirk, but that reasonably they may attend upon their domesticall businesse." In the Second Book of Discipline (1578) Cap. IX. Sec. 4, it is said that there was anciently a fourfold division of the patrimony of the kirk, of which one part went "to the elders and deacons," etc. : and "we adde hereunto," etc. : as if to say that stipends were still claimed on behalf of what, in a sense quite different from the old meaning of the words, were called elders (Presbyters), and deacons.

named. In the Session records of Kilmarnock for 1647 there is a minute which states that "the Session ordaines ane distribution to be made of charities to the poor, and two merks to be given to ilk ane of them contained in the roll, to be divyded by the discretion of the elders in their respective quarters." Sometimes a stricter rule was found necessary. In 1650 the Kirk-Session of Fenwick "finding some inconvenience upon private disbursements of the collection both to poor strangers and to the necessitous within the parish, ordained that no part nor portion of the said collection be distribut, bot in face of Session." In like manner it was agreed by the Session of Mauchline in 1772, "that in order to prevent the dividing of charitable donations according to partial favour, whatever is given to any of the members of the Session for the use of the poor shall be intimated by that member to the Session at the next meeting, and the advice of the Session taken in dividing the same."

In parishes where paupers were numerous and the poors' funds were large, it was probably customary from a very early period to have in the Kirk-Session a treasurer, to furnish the Session from time to time with a statement of the moneys received and disbursed. But the association in 1672 of heritors with elders in the distribution of poor's funds made the appointment of such a treasurer after that date all but necessary. The heritors and Session did not meet together more than once or twice a year, perhaps not so often, and the Kirk-Session had therefore to account for intromissions over a considerable period. And to the credit of the Church of Scotland be it said, that down to a very recent date in the present century this office of treasurer was discharged in every parish by one of the elders, generally if not universally without money and without price, often without thanks, and not seldom with

ensorious faultfinding, always amid temptation and pecuniary risk, and sometimes with actual loss of both money and character. And the treasurer not only kept the accounts of the poor's funds, but he often was burdened with the distribution of the poor's aliment. This duty sometimes brought the treasurer into serious trouble. In 1817 complaint was made to the Kirk-Session of Mauchline that their treasurer, being a huckster, was in "the constant habit of forcing the paupers to take goods from his shop, instead of paying them in money, as he was bound to do." The Kirk-Session took occasion, on hearing that complaint, to record as their opinion that it is "very improper to employ a person as Kirk treasurer who keeps a huckster's shop," because it gives grounds for allegations that the poor "are compelled to purchase articles at a dear rate" from his shop, whether there be truth or not in such stories.

In some old Session Records we meet with the expression, "keeper of the poor." At Galston, in 1640, one John Paterson was "ordainit keipar of the poor," and he held that office for at least several years. In the year 1783 a new point of departure was unauthorisedly taken in Mauchline Parish. For some reason or other, the work of distributing the pensions was rolled over on the church-officer. His professional training led him to take a different view of church work from what the elders had been brought up to. He was a stipendiary, and they were not. To his mind, therefore, wage was the correlative of work. He thought with the temple servitors in the days of Malachi, that it was preposterous to expect any one to shut a door for nought, or kindle a fire on the altar for nought. He accordingly took on himself to charge the paupers a penny each time he delivered them their pension; but for this unauthorised proceeding he was taken to task and censured. At what date payment to the keeper of the poor, or whatever else

the uplifter and distributor of the poor's funds was called, came to be commonly allowed in country parishes, I am not prepared to say. When a stent was levied for the poor, the collector, or overseer, as he was termed, seems to have usually had some fee for his work, and probably when the clerical labour of the treasurer was considerable he also would receive some remuneration.*

At the present day, allowances to paupers are fixed and minuted at the meetings, half-yearly in most parishes, of the Parochial Board, and allowances determined at one meeting hold good till the next revisal of the roll. Long ago it was different. Sometimes, as at Galston in 1641, the Session distributed on the Sunday whatever they found in the church plate. More frequently the Session met fortnightly on a week day, and allotted what they had gathered since their last meeting. As early as 1643, during the incumbency of a famous Covenanter, Mr. Blair, the practice was introduced at Galston of having half-yearly meetings in January and June, and a special meeting after the communion, at which the whole or the greater parts of the funds on hand were divided.† These periodical meetings, at long intervals of six or twelve months, became more common after heritors were, in 1672, associated with Kirk-Sessions in the management of the poor's money. But besides cases of permanent poverty from age or infirmity, there were always cases of sudden calamity or temporary hardship or vagrant misery cropping up, and these had to be dealt

* The Proclamation of 1692 does not appoint a salary for the overseers to be paid out of the assessment, but it declares that the fees of the officer (or constable) "to serve under the said overseers for inbringing of the maintenance, and for expelling stranger vagabonds from the parish, is to be stented on the parish, as the rest of the maintenance for the poor is stented."

† The practice of giving out grants every Sunday was soon afterwards resumed at Galston.

with in a special way. The way of dealing with these cases doubtless changed in every parish from time to time. In Kilmarnock, from about 1720 to 1750, there was a classification of the different modes of granting relief to the poor under the three heads, or Ps, of pensions, 'pointments and precepts. The pensions were the weekly allowances fixed for the regular poor. The appointments were special grants made and minuted at meetings of Session. The precepts were orders by the minister on the treasurer during the period which intervened between Session days. The precept system in the hands of compassionate and generous ministers was obviously open to abuse, and in 1755 the Kilmarnock Board thought it necessary to minute a resolution that "no minister shall grant precepts upon the treasurer betwixt Session days to supply strangers or vagrants; but in case of any extraordinary emergency, either of the ministers may give out what he thinks absolutely necessary, and *it may be allowed him by vote of the Session* at their next meeting, and so be marked as part of that day's appointment."

The principle on which Parochial Boards at the present day proceed in granting allowances for the poor, is to consider what each applicant requires per week, and then to grant the sum, with option of a ticket to the poorhouse. Long ago, the principle of allocation was different. Kirk-Sessions just gave what they had to give. They cut according to their cloth, and preached according to their stipend. If a Session had little on hand, so much the worse for the poor, and if a Session was rich and increased in goods, so much the better for the poor. There was no uniform mode of distribution over all Scotland at any one time, nor in any one parish during all periods of its history. Sometimes, as in Galston in 1641, the whole collection was given one Sunday to one person, and another Sunday to another person. More frequently distribution was

made every Sabbath or every Session day to a number of pensioners. The main feature of dissimilarity, however, between distribution to the poor in olden times and distribution in modern times, is that formerly the amount of charity given varied very much from week to week. When, as at Galston in 1641, the whole collection was given to a separate pauper each Sunday, some, fortunate in getting a good day for their collection, would receive 30s. Scots, while others less fortunate in their day, would have as little as 10s. Scots. At Mauchline, in 1673, the alimnt was distributed fortnightly, but not always in equal sums to the same person. One man, in the middle of August of that year, received 6s. 8d. Scots, and the same sum was given him at each of the next two distributions. But in the beginning of October his allowance was raised to 8s. 8d., and it continued at that rate till the 24th November, when it fell to 8s. The same irregularity appears in later distributions. But as time wore on, this irregularity contracted itself within narrower limits, as if the fact were being more and more recognised that the poor need, and ought to get, for their maintenance as much one week as another. And it was doubtless owing to the difficulty that Kirk-Sessions had in maintaining regular and sufficient grants to the poor out of fluctuating generosity, that assessments for the poor were introduced.

It is sometimes said that dissent originated assessments for the poor, that up till the first secession in 1733 there were no such assessments in Scotland, and that after 1733 they became common. This is not the case. Dissent was not on its first appearance in Scotland such an *enfant terrible* as to disturb the whole social system, and necessitate a new mode of providing for the poor. The State judged it necessary in 1579 to provide by Act of Parliament for the imposition of a stent to sustain those that had to depend on alms. And in order to

determine what should be expedient and sufficient for this purpose, the Act directed that a list of the poor in each parish should be drawn up, and that it should be ascertained from those on the list what "they may be maid content of their awin consentis to accept daylie to live unbeggand." In 1692 the reigning sovereigns (William and Mary) required by proclamation of Council the "heritors, ministers, and elders of every parish" to levy and uplift such a stent as was necessary to entertain the poor in their parish according to their respective needs. And assessments for the poor were actually imposed in Scotland before dissent arose.* As far back as 1729, that is four years before the first secession, there was a stent imposed for the poor in Kilmarnock, and what is more strange, it appears to have been discontinued the very year in which the secession occurred. Either in 1729 or in 1730, there had been a movement made over Ayrshire generally to have assessments levied for the poor, and in 1730 the most of parishes were, as we have seen, excusing themselves to the Presbytery for negligence in that matter.

The allowance to the poor per week varied both in different parishes at the same time and in the same parish at different times. In 1674 the Kirk-Session of Kilmarnock "having information of the low condition that James Stewart's family is in, think it fitt that he have 12s. (that is 12s. Scots. or 1s. Ster-

* The statement that it was dissent which necessitated the imposition of assessment for the poor is supported by the high authority of Sir Henry Moncreiff, who says, "there was scarcely any regular assessment for the poor, which was continued for any length of time in any parish of Scotland previous to 1755. As long as there was no secession of Presbyterians from the Established Church, the weekly collections under the management of the Kirk-Session were in general found sufficient for the maintenance of the poor. In some years of peculiar hardship or scarcity, such as 1696-1700 and 1740, voluntary assistance was no doubt given, and in some instances temporary assessments were resorted to, to enable the Kirk-Session to meet unusual emergencies." The strain on Kirk-Sessions was greater than Sir Henry Moncreiff supposed.

ling) weeklie till March 1675." In 1699 the whole number of pensioners on the roll of Kilmarnock Session was 87, and the total sum allowed them per week, "to some less and to some more," was £17 19s. 0d., or about 4d. each on an average.* In 1737 the allowances per week to paupers in Galston ranged from 4d. to 1s. Sterling, and the sum given to one aged couple was 1s. 8d. At Kilmarnock a proposal was made in the Session in 1755 "that no pensioner have above ninepence or tenpence per week, except those nursing children, who are to be maintained no longer than they are able to beg or shift for themselves." And it was further proposed that "no pensioner have anything by appointment except in case of sickness or death bed." In Mauchline parish in 1748 the highest grant to any one pauper was 24s. Scots. or 2s. Sterling per month, while the average allowance was but half that sum, and there was one pensioner who received a pittance of three halfpence a week.† In 1771, the year in which the stent was imposed to put a stop to begging, the allowance had increased to nearly four times what it was twenty-three years previously, and ranged from 1s. 6d. to 7s. Sterling per month. In 1839, six years before the passing of the present poor law the weekly allowance was in some cases as high as 4s. per week, or about the same as it still is.

Sometimes meal was given to the poor instead of money.

* Fletcher of Saltoun writing in 1698 speaks of the regular poor as being "very meanly provided for by the church boxes." He says also, "the first thing which I humbly and earnestly propose to that honourable court (the Parliament) is that they would take into consideration the condition of so many thousands of our people who are at this day dying for want of food." Terrible statement if true, but Mr. Fletcher drew a long bow.

† The number of poor in the West Kirk Parish, Edinburgh, in 1731, was 60, and their monthly pension ranged from £1 Scots to £4 Scots each per month. (Hist. of West Kirk, p. 112.) In 1574 the ordinary poor in Edinburgh received 2s. Scots a week, and in cases of sickness 2s. 6d. and 3s. Scots.—Lee, II. p. 393.

In 1651 the Kirk-Session of Galston "ordained Thomas Young and Archibald Thomson to provyde half a peck meil each week for ane old man named Robert Cameron, quhilk the Session undertakes to pay." At a much more recent date I find that when meal instead of money was given to paupers in Mauchline it was at the same rate of a half peck per week to each person. The Session of Kilmarnock, however, were more liberal in their supplies, for in 1646 they ordained "the treasurer of the charities to give weeklie the pryce of ane peck meall for the space of ane half year, to lame John Boyd for his helpe to ane trade."*

The old law of Scotland gave to destitute children under fourteen years of age a title to parochial relief, but judging from a minute inserted in the records of Mauchline Parish in the year 1773 it would seem as if Kirk-Sessions were reluctant at times to obtemper that law in a generous spirit. The minute referred to states that A. B.'s "grandchild is now full nine years old, and that he may shift for himself with the help of his friends in time coming." What amount of help the boy's friends could afford to give him is not indicated, but it may safely be affirmed, that if the boy at nine years of age was sufficiently educated and sufficiently strong to be set to constant work, he must have been a wonderful specimen of precocious culture and precocious power. One would have liked to hear what became of that boy in after life, whether, for instance, he

* Mr. Dun of Auchinleck, in one of his volumes of sermons, published in 1790, says that Kirk-Sessions "provide for the poor as much oatmeal as mixed with water keeps them from dying of hunger." That the pension to the poor in Mauchline in 1783 was given in meal and not in money may be inferred from the following minute of Kirk-Session recorded that year—"The Session order every one of their pensioners to bring a pock with their name upon it to . . . their officer, in which they are to receive from him their monthly pension, with certification that they who refuse to obey this order shall receive no pension."

made a fortune, and left a legacy to the parish in grateful acknowledgment of kindness received in early youth.

Besides regular pensioners, parochial boards at the present day have an outlay to incur on what are termed casual poor. Long ago Kirk-Sessions had the same thing to do, and whether there were more or fewer people on the tramp then than now, it is certain that they met with much more commiseration than they now do from the custodians of the poor's funds. Down to 1690 or thereabouts, the stranger poor figure very prominently in the records of Mauchline Parish. At a later period, such as 1748, there occur in the notes of the treasurer's disbursements in this parish many such entries, as, "to a poor man," "to a poor soldier," "to a poor sailor"; but these are few and far between, compared with similar entries in the older records. And there is a wonderful variety in the designations of these supplicants. One is a poor schoolmaster, another a robbed merchant, another an Irish gentleman, another one of the king's bluegowns, another a man reduced by cautioning, another a woman with many children. Sometimes the casual is said to be a poor man recommended by the Synod or Presbytery, and in one instance* 24s. was given by the Session of Mauchline to a poor man recommended by Mr. Alexander Peden. This last-named donation was made in January, 1682, and it is just possible, therefore, that the Alexander Peden † who gave the recommendation may have been the famous Covenanter of that name, who was doubtless well known to

* In 1687 a pauper solicited charity from the Presbytery of Ayr, and the allowance he received was "a day's collection out of every parish within the bounds where there is preaching." That looks liberal enough. But in 1687 there were few parishes in which there was a Presbyterian Church.

† More probably it was Alexander Peden of Blocklerdyke, whose name appears in the list of "rebels and fugitives from our laws" appended to the Royal Proclamation, 5th May, 1684 (vide Wodrow).

both the minister and elders of Mauchline. A remarkable feature in the old Sessional entries of donations to casual paupers was their kindness of expression. Tender language is invariably used, and the objects of relief are designated by words that spring from compassion and awaken pity. In the Mauchline records we read of "distressed gentlemen" and "castaway sailors," and although supplicants are sometimes described in a way that is more graphic than sympathetic, such as "Turkey John," "Dumb Hugh," and "A man with polypus on his nose," there is a want of that unadjectived baldness which is characteristic of modern officialism. In the records of Galston Session, a similar sympathy appears united with similar humour. In 1672 a collection was appointed to be made in Galston on behalf of a poor man "*trysted with a sad dispensation of fyr.*" The same year a donation was sent to "an old godly sick man in Sorn." A less sympathetic entry, however, appears the year after, in the following terms, "to a Paslay body called Findlay." Sometimes very sorrowful tales, both of calamity and persecution, were comprised in entries of gifts to vagrants.* In 1642 there was collected at Galston, "for the help of those poor naked people come from Ireland, 50 merks." In 1686 there was given by the Session of Mauchline 30s. Scots to "Mr. Samuel Muet, late minister at Kirkconnell, and now under straits." This Mr. Muet was one of those faithful ministers who were deprived of their office for refusing to take the test in 1681, and were then left to starve in the cold.† In 1687 the charity of Mauchline Session was

* Sometimes the story of calamity is so sad as to be of suspicious verity. In 1641, for instance, the Kirk-Session of Galston accepted the story of a supplicant who represented that he "had his house, and father and mother and children, and all he had, burned up with fyre."

† Muet or Mowat was minister first at Kirkconnell and afterwards at Crawfordjohn. He seems to have been an Episcopalian, but one of the small number of

extended to another minister in straits, but in this instance the straits were not occasioned by persecution. The minute relating to this gift is as follows:—"October 5. Gevin at the Synod for the use of Mr. Cameron, late minister at Greenock, who, being under a sad distemper of mind, has by Act of Synod a dollar every year for his maintenance from every kirk-box, and there being two years resting, two dollars now paid, £5 12s." Two years later the case of this minister is again referred to in the Synod records, and he and his family are stated to have been then in starvation. The recommendation was accordingly renewed that "each minister should send in from his Session funds something for the relief of Mr. Cameron, to be gevin to his wife by the Synod clerk." Another instance of poverty in the family of a clergyman is quietly recorded without comment in the Mauchline kirk treasurer's journal for 1742. Following the note of grants to ordinary paupers, there is an entry "to Mrs. Simpson, relict to Mr. Simpson, minister of Finnik, £3 Scots."*

Episcopalians who refused to take the test in 1681. For this he was deprived of his living at Kirkconnell. He was settled in Crawfordjohn, however, before the Revolution; but when the Revolution came he was, like other Episcopalian ministers, ousted by the parishioners. He was thus persecuted on both sides. In his old age he tried to pick up a living by celebrating clandestine marriages, but in that also he came to grief, for it was a statute offence he committed, and he was therefore, in 1702, apprehended and imprisoned in the Tolbooth of Edinburgh. During one of his periods of persecution, that is, either after his deprivation at Kirkconnell in 1681, or his ejection from Crawfordjohn in 1689, he was "recommended by the Archbishop of Glasgow to the charity of all good Christians, because of his wife and family." His being an Episcopalian enables us to understand how he should have been so generously treated in 1686 by the Mauchline Kirk-Session, for it was an Episcopalian, Mr. David Meldrum, who was then officiating as minister at Mauchline. (See Fasti.)

* This is by no means a solitary instance of sessional charity to a minister's widow. Several cases are mentioned in Scott's Fasti. In addition to those referred to by Dr. Scott, I find in the records of the Presbytery of Irvine that in 1695 "Margaret Muirhead, widow of the Rev. Mr. Young, Dreghorn, was recommended by the General Assembly of 1694 to Presbyteries for charitable supply," and that in the

Kindly as Kirk-Sessions were to the poor, they were occasionally guilty of acts that had an appearance of inconsiderateness at least, if not even harshness. In the records of Mauchline there is an entry on the 25th June, 1699, "Collected this day, £4 7s. 2d.," and then it is added that "the whole of this collection is appointed to be given to James Leech, with this proviso, that he shall seek no more charity or supply from the Session of Mauchline." Perhaps less was meant than is here said, but the minute literally construed looks very like a contract by which old Leech was required to undertake that when his £4 7s. 2d. Scots (7s. 3d. sterling) was exhausted, he would close his mouth and die in peace. And such provisos as were attached to the collection for Leech, were not uncommon. In 1675 the Session of Galston agreed to give a woman the munificent sum of one merk, "providing she trouble not the Session further." A much fairer stipulation, however, was made the same year by the same Session, with a man named Wilson. The Session "advanced" him 10s. sterling, on condition that they should "not be troubled with him further until such time as the rest of the families in the paroch of his condition get as much."

One of the works of mercy for which a special collection in church, or a public contribution, was required in olden times, was medical attendance, especially when a surgical operation was needed. On a Sabbath in 1652 there was at Galston "ane publick collectione for the satisfeing of the doctour ingadging

Presbytery of Irvine there was "gevin in to the clerk for supply of Mr. Young's relict," by Mr. Warner £2 18s., by Mr. Hunter £1 8s., and by other two ministers 19s. 6d. each. In the same records it is stated that in 1732 Mrs. Clerk, a minister's widow, "in indigent circumstances and phrenetic," was receiving charitable aid from Kirk-Sessions. A very touching case of poverty and kindly treatment is the following, which appears in the records of the Session of Kilmarnock for 1698:—"The Session unanimouslie appointed a load of meal to a poor, honest, indigent member of the Session, whose name is concealed."

to cure James Walker of his infectious disease of the French pox." So frightened were the Galston worthies that Walker's pox would break out into a plague amongst them, that they contributed "*to much to satisfie the doctour,*" and the ordinary poor got the unexpected benefit of a considerable surplus.* In 1697 the Session of Kilmarnock went about a similar work of mercy in a way that was more characteristic of Scotsmen. Having ordained that some course should be taken to defray the expense of curing Janet Brown's breast, they first of all enquired what the cost would be. Then having learned from "Dr. Maitland and the chirurgions . . . that as the *cure* was dangerous so no less than 20 dollars or £5 sterling would be required to defray the charges," they appointed elders to go through the parish and collect to that amount

It may interest farmers at the present day, when so much is said about bad times and agricultural depression, to hear that their predecessors groaned under the same sorrows and had sometimes to fall back on the charity of the church for help. On the 2nd March 1735, "being the day appointed for the collection upon the account of those who had lost their corns by the storms of a year ago, the minister exhorted (the people at Mauchline) to extend their charity," and charity was accordingly extended to £8 10s. od. Scots. And the loss to individual farmers by storms was sometimes so great that the charity of the whole Presbytery was invoked. In 1736 a representation was made to the Presbytery of Ayr that "Matthew Goudie in Haugh Yett was a great loser by the hail that fell last harvest," whereupon "the Presbytery recommended him to the several sessions in their bounds for charitable supply."*

* At Galston, in 1633, there was "collectit £14 (Scots) and gevin to Maggie Watsonne haveing her leg cutt of." The same year there was a donation given at Galston to "ane unsteiffull wyff."

† While we have thus incidentally in Presbytery books the record of a severe hail

Besides granting relief in money to parishioners and strangers, Kirk-Sessions, Presbyteries and Synods were in the habit of giving badges or tokens to poor persons within their bounds to entitle them to the privilege of begging their livelihood. The law was very severe in its punishment of "strang beggars and vagabonds," but when badges or licenses were granted to poor people by competent authorities these badgers and licentiates were allowed to beg with impunity. This begging system was even sanctioned by Act of Parliament. The Act 1672 already referred to, directed heritors and Kirk-Sessions "to condescend upon such as, through age and infirmity, are not able to work, and appoint them places wherein to abide, that they may be supplied by the contributions at the paroch kirk, and gif the same be not sufficient to entertain them, that they give them a badge or ticket to ask alms at the dwelling houses of the inhabitants of their own paroch only, without the bounds whereof they are not to beg."* Long before the passing of this Act, however, the system of licensed begging was in operation in Scotland. The Act 1579, which authorised the levying of assessments for support of the poor, also authorised that "quhair collecting of money may not be had" license be given to "sik and so many of the saidis pure people as they sall think gude, to ask and gadder the charitable alms of the parochiners at their awn houses." As far back indeed as 1424 certain "thiggaris" were by statute "tholit to beg," but were required to have "ane certane takin on thame, to landwart of the schiref, and in the burrowis . . . of the Alderman or of the Bailies." Local acts of similar import were passed also by the

storm in 1735, we have in the minutes of Kilmarnock Kirk-Session the record of an earthquake in 1732. The date is Sabbath, 9th July, and the words of the record are—"this day a sensible shock of an earthquake was felt here, and (at) several other places a little before two in the afternoon."

courts of the Church. In 1642 the Presbytery of Ayr, on an overture from Mr. George Young of Mauchline, ordained that in all time coming such of the poor as should be thought by the Minister and Session of each parish worthy of a license to beg within the parish "should be marked with stampes of lead upon their breasts, for the purpose of discovering them from strangers and idle vagabonds." There came thus in course of time to be several orders of licensed beggars. There were first and foremost in the order of privilege and distinction the king's bluegowns, who had a badge to pass and repass over the whole country, and who made good and diligent use of their privilege, as old Session records testify. In 1673 the Session of Galston, in their liberality, gave "to tuo blewgowns 4s. 8d.," and in 1693 the Session of Mauchline shewed even more liberality, by giving to one bluegown 8s. Other beggars, again, had their badges from Church courts, such as Synods, Presbyteries, and Kirk-Sessions, and the perambulations of these suppliants were confined to the bounds of the jurisdiction of the court that granted license. It was appointed by the General Assembly that these Church licenses should also be limited to a specified time, at the end of which they might be renewed, if thought expedient. We find, accordingly, that in 1695 the members of the Presbytery of Ayr were ordered "to call back what general recommendations for charity they had gevin, and to beware of the lyke in tyme coming under pain of censure." And in authorising their clerk that year to sign a recommendation for charity in favour of two poor men, the Presbytery minuted that the license was confined to the

* John Ker, the minister of Lyne (1593-1627), took another way with beggars. He first *catechised* them and then gave them liberally !!—Select Biog. Wodrow Society Pub. Fasti. In 1644 the Session of Edinburgh ordained that the poor "be deprived of their weeklie pensione if they cannot answer to the catechise."—Lee's Lectures, Vol. II., p. 395.

bounds of the Presbytery and "restricted to the space of thrie months."

But while Synods and Presbyteries were fostering, with the one hand, one kind of beggary, they were at fully as much pains, with the other hand, to put another kind of beggary down. Deserving people in units and tens plied the trade with badges, while undeserving people in hundreds and thousands plied it without badges. Vagrancy, imposture, debauchery, and blackguardism of all sorts were thus rampant, and Church Courts were sorely exercised all last century about these evils and how to get them remedied.* In 1725 the Presbytery of Ayr ordered a special collection to be made in all the churches within the bounds, on the 7th November, "to be applied for suppressing of vagrant beggars, who are to be carried to Ayr prison by constables." There were occasions, too, when the vagrancy nuisance went to greater heights than usual, and then Presbyteries came down upon it with sterner prohibitions. In 1747 the Presbytery of Ayr minuted that "in times when victual is dear many of the idle and slothful are tempted by the unusual value of a small quantity of meal to go a-begging at a distance from home, where their circumstances cannot easily be distinguished, and that by this means some covetous persons have been enabled to revel in drunkenness,

* It is not to be inferred that the begging nuisance did not exist in Scotland till last century. Far from that. But the Church last century made a specially vigorous effort to put it down. Fletcher of Saltoun, in words that are often quoted, states that at the end of the seventeenth century there were constantly about 100,000 vagabonds wandering up and down the country "without any submission either to the laws of the land or to those of God and nature"—fathers living in incest with daughters, mothers with sons, and brothers with sisters. "In years of plenty many thousands meet together on the mountains, where they feast and riot for many days, and at country weddings, markets, burials, and other the like public occasions, they are to be seen, both men and women, perpetually drunk, cursing, blaspheming, and fighting together." Fletcher's statement, however, is generally considered an exaggeration of facts.

uncleanness, and profanity, while those from whom they have extorted supply are often pinched with want." Kirk-Sessions were accordingly instructed for the fiftieth or hundredth time to do what an Act of Parliament required them to do, and grant only such badges as would entitle paupers to beg in their own parishes.* In practice, these restrictions were often a dead letter. But they were better than no restrictions, nevertheless, and that there was need for their being enjoined by Presbyteries was shown by the conduct of not a few Kirk-Sessions. The tickets granted by the Kirk-Session of Mauchline were, to say the least of them, very vague and sometimes ultra-parochial. In 1672 one woman, apparently a widow, received "a testimonial of indigence with a recommendation to the charity of *neighbours*," and in 1674 a man was allowed "a testificat of indigence *to goe to other places* to seek supplie." In 1676 a sum of 8s. was given for a barrow to carry Daniel Reid, who evidently was a cripple and was to have the privilege of being carried in state, like an oriental magnate, from door to door. And of all public nuisances within living man's memory, there were few greater than the old custom, not fifty years extinct, of cripples' being carried about in hand-barrows. Every householder was obliged, or thought himself obliged, to pass on the cripple, and when, as often happened in rural districts, the next house was a mile or two miles distant, the hardship imposed by the custom was intolerable. There are annoyances,

* In 1693 the Kirk-Session of Kilmarnock ordered sixty "bages" (badges) to be made for the poor, and to be given to the poor of the place that they may be known from strangers. They also ordered lists of the poor of the parish to be given to the bailie, and an elder of every quarter to attend him at the distribution of the "bages."

In 1698 a Committee of the Kirk-Session of Monkton was appointed "to cause provide badges with the inscription of Muncktoune on the one side and Prestwick on the other, and that conform to the list given them or to be given them by the minister." The independent paupers of Monkton Parish, however, refused at that time, although they consented afterwards, "to take or wear badges."

however, that at the present day we are subjected to without remedy, which the impecunious long ago were not free to inflict at their own sweet will on the generous public. We are accustomed, for instance, to be dunned for subscriptions to all kinds of charities—from the purchase of footballs for children to the erection of churches and organs—and nobody thinks of asking either ecclesiastical or civil authority to go round the parish with a subscription paper. But in olden times it was different. In 1776 one of the village carters of Mauchline had the misfortune to lose a horse, and, as generally happens in such circumstances, he had not the wherewithal to buy another. He was forced, therefore, either to crave the assistance of his neighbours in the purchase of a new horse or to do without a horse. But he dared not crave that assistance without Sessional permission. He accordingly went to the Kirk-Session with a petition “for their authority to go through the parish for a collection in order to enable him to purchase another horse.” The carter, who was both poor and lame, got, of course, what he wished (for Kirk-Sessions, although they stood on their dignity and rights, were usually kind-hearted); but the point to be noticed is, that without the Session’s warrant he thought it would either be unsafe for him to solicit subscriptions, or very unlikely he would get many.

In comparatively recent times there used to be enormous gatherings of beggars at funerals, although the Act of Parliament passed in 1672 specially ordained that the poor were not to go begging to “kirks, mercats, or any other places where there are meetings at marriages, baptisms, or burials.” And while it was customary for beggars to congregate wherever there was any thing special going on, or any unusual demonstration was being made, it seems to have been their common practice to ply their vocation about church-doors. In 1586 the

Kirk-Session of Perth instructed the bellman "to tak tent that no person who receives weekly alms beg at the kirk-door," under pain of losing his pension; and in 1587 there was an order issued in Aberdeen that "puir folk sittand at the kirk-door beggand almous, pluckand and pulland honest men's gowns . . . must sit without the stile." There is no trace in our records of *habitual* beggary at the door of Mauchline church, but there is one entry of 3s. given on a Sabbath-day in 1699 "to some objects of charity at the door." In the Galston records for 1644 and 1645 mention is made more than once of charities to the poor, and to cripples and blind, at the kirk-door; but it was usually, if not always, at the preachings in connection with the communion that these alms were bestowed.*

We have seen what amount of pension was given at different periods to regular paupers individually, and what casual donations were given to strangers and vagrants. It may be asked now, how much money over and above what was evoked or extorted by begging, did the poor annually cost the country a hundred years ago and two hundred years ago. I am not in possession of facts to answer that question even approximately.†

* I have not given in the text a full and formal account of the distribution of the communion collections in olden times. I may state here that these collections were not in very old times given wholly to the poor. At Galston, in 1641, there was collected on the several days of the preaching in connection with the communion, £26 11s. Out of this there was paid 18s. 4d. for setting up tables, 12s. to the beadle for his attendance, 7s. 6d. to the smith for nails and tickets, and 33s. 4d. to the reader, etc., leaving for division among the poor £22 13s. Of this £22 13s., only £19 14s. was actually distributed among the poor, and it was distributed as follows among eighteen persons:—2 merks, or 26s. 8d., to each of eight, 20s. to each of six, and 12s. to each of four. At Kilmarnock, in 1704, the communion collections amounted to £190, but all that was allowed to the poor out of that sum was £79 17s. 4d. The surplus often went to stock for the poor.

† In 1839 a report by the General Assembly was laid before Parliament anent "the maintenance of the poor of Scotland for the years 1835, 1836, and 1837." From that report it appears that while during the years 1807-1816 the average annual proceeds of the poor's funds for Scotland amounted to £114,194, the aver-

I will show, however, what the poor cost the Parish of Mauchline at different dates, and it may be presumed that the progressive cost of the poor in this parish would be similar to the progressive cost in other parishes of correspondingly progressive populations. In the year 1706 there was an abstract of the kirk treasurer's accounts entered in the Session book, and it is the earliest abstract of the kind I have observed in our records. It is a very meagre abstract, but it shews that, from the 12th June, 1704, to the 13th May, 1706, which was nearly two years, there was raised for the poor by collections and fines, etc., the sum of £193 10s. 2d. Scots, and that during the same period there was expended on the poor £206 14s. 8d., leaving the Kirk-Session in debt to their treasurer for £13 4s. 6d. Scots. It may be said, therefore, that about 1706 the poor cost the parish yearly £103 7s. 2d. Scots, or £8 12s. 5d. sterling. In 1771 the amount raised for the poor was £37, but it came short of the poor's requirements by £19 10s. 2d. In 1773 the actual disbursements for the poor amounted to £62 10s. 1d., and in 1883 they amounted to £394 1s. 1d.*

Every one knows on whom the burden of supporting the poor falls at the present day. In most parishes it falls equally

age in the years 1835-1837 was £155,119. These two sums were made up as follows:—

Church Collections, 1807-16,	-	£34,069	1835-7, £38,300
Voluntary Contributions, ,,	-	10,702	18,976
Sessional Funds, ,,	-	19,705	20,604
Assessments, , ,	-	49,718	77,236

In the years 1835-37 the average annual expense of administration was £7088, of which £4120 was incurred in lifting assessments, and £2968 in management of the poor. The average number of paupers on the permanent roll was 57,969, who cost each £1 18s. 6½d. per annum. The average number of casual poor was 20,348, who cost each 14s. 8d. a year; and the average number of lunatic poor was 1112, on each of whom was annually expended £10 12s. 4d.

* In Aiton's survey, the total cost of the poor of Mauchline in 1811 is said to have been £105.

on the owners and occupiers of all lands and houses and heritages within the parish. In Mauchline it is all, except about a sixteenth part, borne by the heritors exclusively. But in old times it was matter of complaint that the land owners did not contribute their proper proportion for the support of the poor. Mr. Auld, in his account of the parish published in Sir John Sinclair's statistical work, says that the burden of maintaining the poor in Mauchline "falls almost entirely on tenants, tradesmen, servants, and charitable persons attending church, while other people, however rich, particularly non-residing heritors, whatever their income may be, contribute little or nothing to the charitable funds of the parish. Hence there is, in general, ample ground for the common observation, that it is the poor in Scotland who maintain the poor." There is no ground now for such irritating remarks. On the contrary, the heritors have themselves to this day borne a burden that they might have thrown on the general community forty years ago. As an illustration, however, of the justice of Mr. Auld's statements at the time they were written, I may here refer to what happened in 1783. The winter of 1782-83 was a time of great scarcity and hardship.* The fiars' prices don't indicate that there had been such an extraordinary dearth of meal as was witnessed in 1799 and 1800; but the state of matters was such that in Mauchline a special meeting of "heritors and heads of families" was called from the pulpit, to take into consideration the condition of the poor, and the question of "preserving a

* The following sentence occurs in Lord Moncrieff's address to the Royal Society of Edinburgh, on the 4th February, 1884, as reported in the *Scotsman*:—"Things must have been somewhat discouraging for the farmers in 1782, for a paper is noticed in the second volume of the Transactions, by Dr. Roebuck of Sheffield, who was the manager of the Carron Iron Works, recommending farmers not to cut their corn green in October, although there was ice three quarters of an inch thick at Borrowstonness, because corn would fill at a temperature of 43 degrees."

supply of meal within the parish." Lord Loudoun was represented at the meeting by his factor, but very few of the other heritors were present either personally or by proxy. Owing to the absence of heritors, no engagement could be entered into in their name, and there is nothing to show what they did at an adjourned meeting which was appointed to be held at a subsequent date. But the plebeian heads of families did something at the meeting. "Several farmers present offered to present and supply the parish with such meal as they could spare," and all honour to their memory for that timeous act of liberality. And to give "charitable people attending the church" an opportunity of shewing their consideration for the poor, it was agreed that a voluntary contribution should be made the Sabbath week thereafter in aid of destitute families.

It may be asked, Were the poor content with the treatment they received long ago? Absolutely content we could scarcely expect them to be. Poverty is a hard lot, and few people can bear the strain of poverty for many years without murmuring. But the poor long ago were neither more clamorous nor more dejected than they are now. A hundred years ago, and two hundred years ago, their weekly pension was smaller than it is at the present day. But their habits were simpler and their wants were fewer; and what is more to the point, money went a great deal farther. They saw, moreover, that although it was little that the Session gave, it was all that the Session had to give. The funds at the Session's command did not admit of greater liberality to the poor, and Sessions were unremitting in their exertions to increase their means of supply. Congregations were urged to extend their charities, fines for iniquity were exacted to the uttermost farthing for the purpose of benefiting the poor, and heritors were importuned by Synods and Presbyteries to impose assessments that the work of charity

might be made perfect. And what Kirk-Sessions did was done lovingly, which enhanced the value of their little gifts. Although a passing sneer or snarl may sometimes be provoked, therefore, when acts of seeming stinginess on the part of old Kirk-Sessions are related — acts that perhaps appear stingy merely because the record of them is ill worded, or the purport of them ill put—we must still honour the Kirk-Sessions for the care they took of the poor and the lovingness with which they ministered their bounties. Not harsh and hard-hearted men were these old ministers and elders whose doings we have been criticising, but men of as true kindness, as burning a zeal for God, and as ripe Christian understanding as the best among ourselves. All honour to their names, and may their works follow them !

LECTURE II.



PROVISION FOR EDUCATION IN OLDEN TIMES.



Three educational periods—First period from 1560 to 1633—Reformers' views of Schools—What done in parishes by individual ministers—Ecclesiastical Visitations, 1613—Report on Education, 1627—Church Courts had entire management of Schools—Second period from 1633 to 1872—Educational Acts—State of Education from 1633 to 1646—from 1646 to 1750—Mauchline School in old times—Schoolhouses—how provided—School at the Kirk—Primitive character of schoolhouses—Schoolmasters—their appointment—examination by Presbytery—tenure of Office—license to teach—Sources of maintenance—salary—dwelling house—school Fees—other dues—Education of Poor Children—Bursars—Examination of Schools—Comparative state of Education now and formerly—In regard to school attendance—subjects taught in Schools—advanced instruction—religious education—Sunday Schools—Respect in which learning was held.

THE history of primary or common education in Scotland from the Reformation downwards embraces three periods. The first of these periods extended from 1560 to 1633; some might say to 1617, but no great mistake will be made by our saying, to 1633. During that first period the State, or at least the State speaking by the mouth of Parliament, made no provision for the establishment and maintenance of schools, and all that was done for schools was done by the Church through her Synods, Presbyteries and Kirk-Sessions, or the private beneficence of some of her ministers or members. The second period in the history of education in Scotland stretched from 1633 to 1872. During that second period the State came to the help of the Church; Parliament made provision for the

establishment of schools and the support of schoolmasters, and associated the Church in more ways than one with the heritors of parishes in the management of schools. The third educational period commenced in 1873, when the education act of the preceding year came into operation. The State then assumed the direct and entire responsibility of providing primary education for the people; and, without giving any thanks to the Church of Scotland for her past services, intimated that her assistance in the management and supervision of schools was no longer wanted.

I have not much to say in this lecture about Scottish education during the first of the three above defined periods. Our own Session records do not go so far back as that period, neither do any of the unpublished local records that I have examined, except one volume and a few sheets of the minutes of Galston Session. It is necessary, however, that I should indicate what schooling there was in Scotland from the earliest times subsequent to the Reformation; and how that schooling was provided.

In his life of Andrew Melville, Dr. M'Cric states that prior to the Reformation all the principal towns in Scotland had grammar schools in which Latin was taught, and they had also "lecture schools" or reading schools in which children were instructed in the vernacular language. After the Reformation was established the means of education were still further extended. The Reformers were all ardent educationists. They asserted that Popery owed its existence and continuance to ignorance, and that for the advancement of the reformed doctrine nothing was so helpful as general education and popular enlightenment. In the first book of discipline, 1560, Knox and his colleagues declared that in every considerable parish there should be a school, with a schoolmaster fit to teach

the grammar and the Latin tongue, and that in small parishes the reader or minister should take care that the youth* be instructed "in the first rudiments, especially in the Catechisme, as we have it now translated in the Booke of the Common Order." In the Second Book of Discipline, agreed on by the General Assembly in 1578, it is said that under the denomination of "clergy" there are included clerks of assemblies, and "schuile-maisters also, quhilk aucht and may be weill sustenit of the same gudes,"† that is of the teinds, if these "gudes" could only be secured for their proper destination.

And not only did the Reformers draw up educational schemes, but they set themselves to promote educational work. In 1565 they petitioned the Queen to allow the Church to have the superintendence of schools, so that none might be permitted to instruct the young except such as were found by the superintendents or visitors of the Kirk to be sound and able in doctrine.‡ And in 1567, by the first Parliament held after

* A courteous reviewer of *Old Church Life* (Vol. I.) objects (in the *Saturday Review*) to my using the word youth-head. It is not English he says. It is a respectable old word, nevertheless, quite suitable to be used in a semi-antiquarian book. It occurs oftener than once in the First Book of Discipline. "The youth-head and tender children, says Knox, shall be nourished and brought up in virtue," etc.—Chap. VII. Sec. 3. "Youthheid" in a slightly different sense of the term, is also one of the characters in Gavin Douglas' Allegory of King Hart—

"Fresche Delyte come rynnand wonder fast
And with ane pull gat Youthheid be the slief."

† The word clergy is used here in a very peculiar sense. It does not mean pastors or ministers, for the pastor is mentioned in one category, and "elders and deacons and *all the clergy*" in a different. See Second Book of Discipline, Chap. IX., Sec. 4, and Chap. XII., Sec. 12. The term *clerici* was applied in ancient times to the *lectores, psalmiste, ostiarii, etc.*, as well as to the "three proper orders" of clergy. (Smith's Dict. of Christian Antiquities, p. 396-397).

‡ Sixty years later (1616) when the Church was under Episcopal government, the General Assembly being informed that "certaine women taks upon them to bring up the youth in reading, sewing, and uthers exercises in schools, under pretext and colour quhereof trafficking Papists, Jesuites, and Seminarie Priests has their appoyntit time of meeting, at the quhilk time they catechise and pervert the youth in their growing and tender age"—statute and ordainit that it shall not be leisume

the Queen's abdication, this important crave by the Church was granted. Indeed, before this Parliamentary sanction was obtained, the Church, in her zeal for education, had begun to exercise the power for which she petitioned. The Queen had intimated that she would concur in whatever Parliament should say about the supervision of schools, and the Church seems to have assumed that that was virtually a concession of the privilege solicited. The Assembly, therefore, in 1565 gave commission to Mr. John Row to visit the kirks and schools in Kyle, Carrick, and Cunningham, and to remove or suspend ministers and readers in those parts as he found them offensive or incapable. This commission shows that in 1565 there had been schools as well as kirks in Ayrshire, and it is possible that Mauchline, which was a place of ecclesiastical importance long before the Reformation, may have been one of those favoured parishes that were then blest with a school.

For the first forty years after the Reformation, (1560-1600), people in country parishes were a good deal indebted for what education they had, to their own ministers. In some parishes where there was a school, the minister was both minister and schoolmaster, and this union of offices in those impecunious times was doubtless to many poor pastors a most welcome source of much needed help. It was not always a popular arrangement, however. In the eyes of some it rather derogated from the dignity and sanctity of ministerial functions. Others thought it deprived the people of part of their rights and dues in the way of pastoral attention. In 1572, the minister of Haddington was appointed schoolmaster also of the parish at a salary of £40 a year, but in 1574 the scholastic

to quhatsoever persone or persones to hold any schools for teaching of the youth, except, first they have the approbation of the Bischop of the diocie, and be tryit be the ministers of the Presbytery quhere they dwell, and have their approbation to the effect forsaid."

appointment was cancelled, and the Town Council passed a resolution that "in no time coming should the minister of the Kirk be admitted schoolmaster of the Burgh."* There was a converse arrangement, however, which these Town Councillors seem not to have considered. While the minister was debarred from appointment to the office of schoolmaster, there was no prohibition of the schoolmaster's appointment to the office of minister. And, strange to say, the minister who, in 1574, was removed from the office of schoolmaster, was, in 1585, succeeded in the ministry by the schoolmaster of the Burgh, who continued to hold both offices till his translation in 1587. But the experience of that ministerial schoolmaster did not form an encouraging precedent. At a presbyterial visitation of the parish it was found that there were only thirty persons present, and it was reported to the Presbytery that the "principal part of the towne come not to the Kirk, and the gentlemen in landwart cam never but to baptism and marriage." In other parishes, where apparently there was no school, the minister sometimes followed the example of the royal preacher who was wise, and taught the people knowledge. In the Parish of Loudoun, in our own neighbourhood, there was from 1597 to 1637 a minister of exceptional zeal, both in pulpit and pastoral work. He preached, we are told, with such ardour and vehemence that sometimes when he enforced his doctrine by striking one hand on the palm of the other, the blood oozed from the tips of his fingers. But what is more to his credit, it is said that one winter he taught forty persons, each above forty years of age, to read, in order that they might profit by personal perusal of the Scriptures. There were cases also in

* In 1579 a complaint at the instance of the schoolmaster was made against the minister of Crail for teaching bairns. The grounds of that complaint are quite intelligible. There was a question of fees to be considered.

which ministers blessed with more than the common ministerial share of worldly fortune, built and endowed schools for the benefit of their parishioners. In 1603 the minister of Cambuslang informed the General Assembly that not only had he “thir divers zeirs bygane intertenit and keptit ane skuil at his kirk and intended sa to doe in tyme cumming during his lyf-tyme,” but that he had endowed with a hundred merks yearly a school which had been erected in the parish by royal authority.*

While in many parishes a great deal was thus done by individual ministers, both in the way of teaching and in the way of providing schools for their parishioners, the Church by her courts was no less laborious in the promotion of education over the country generally. Visitations of parishes were from time to time made by ecclesiastical appointment, and schools were recommended or ordered to be erected as the visitors thought desirable or necessary. In the years 1611 and 1613 a visitation was made of the northern part of the diocese of St. Andrews, and the record of that visitation, which has fortunately been preserved, is often referred to for illustration of the Church's zeal in the cause of education at that date.† In the course of this visitation it was

* Long after 1603 ministers continued to endow schools. “Some of the leaders of the Covenanters,” says Principal Lee, “distinguished themselves by their zeal and activity in providing the means of instruction. Mr. Alexander Henderson, about the year 1630, endowed a school in the Parish of Leuchars, where he was then minister, and another in his native Parish of Creich. Both endowments were liberal, and others were afterwards made by ministers of the National Church on a scale not much smaller. Thus Mr. Gabriel Semple, minister of Kirkpatrick-Durham, mortified 2000 merks for maintenance of a schoolmaster in that parish.” — Lectures, Vol. II., p. 429.

† M'Crie's *Melville*, II., p. 502. Dunlop's *Parochial Law*, 487. Records of Synod of Fife.

It is shown in *Old Church Life in Scotland* (Vol. I.) that the hours of worship on Sundays were very early in olden times. School hours were very early also. In 1615

found that schools had been planted in two thirds of all the parishes visited, and the report of the visitors shews how these schools were sustained. At Forgan it was "ordained that ilk pleuch in the parochie sall pay to the skolemester 13s. 4d. (or one merk Scots), and ilk bairn of the parochie sall pay 6s. 8d. in the quarter. Strangers that are of ane uther parochie sall pay 20s. or 30s. as the maister can procure, as it is agreid in uther congregationis." In several parishes the parishioners raised yearly a sum of 50 or 60 merks for salary to the teacher, and to that contribution the minister added 5 or 6 merks more.

Although it was not till 1633 that provision was made by Parliament for the establishment of parochial schools in Scotland, the State was not meanwhile altogether unmindful of education. In 1607 complaint was made that the knowledge of Latin was "greatlie diminischit within this realm to the heavy prejudice of the common weall of the samyn," and that the special cause of this decline was the want of a uniform method of teaching "all the pairtis of grammar." It was therefore declared expedient by the King and Estates that instead of "maisters of scholis baith to burgh and land taking upoun them eftir thair fantesie to teache suche grammar as pleisis them—there shall be ane satlit forme of the best and maist

the Kirk-Session of Lasswade instructed their clerk "to ring the bell ilk morning at seven hours as near as he can, *be his judgment*, to advertise the bairnes to come to the school." One of the rules for the schools established at Holyrood house in 1687-1688 was that "all shall be in their respective schools by a quarter before eight in the morning, and shall there stay until ten and an half: again at a quarter before two until half an hour after four."

It may be added that meetings of Presbytery were held at very early hours too, although many of the members must have had ten or fifteen miles to travel on foot or on horseback to such meetings. In April, 1688, the Presbytery of Ayr minuted that they had "altered their diet of meeting from nine to ten o'clock in the forenoon."

In 1611 the Synod of Fife appointed their committees to "meitt at sevine and he full assemblie at ten hours before noone."

common and approvyn grammar, and all pairtis thereof collectit, establischt and prentit to be universallie teacheit." In 1616 a still more important proclamation was issued by the King's council, directing that in every parish, "*where convenient means may be had* for entertaining a school, a school shall be established, and a fit person appointed to teach the same upon the expense of the parochinaris, according to the quality and quantity of the parish." The mode of "entertaining the school," whether by assessment or otherwise, was not specified in this proclamation. Bishops were only instructed "to deal and travell" with parishioners, "to condescend and agree upon some certane solide and sure course *how* and by *what* means" a school might be provided and maintained. In 1626 the King was informed that the proclamation 1616 had not been put into execution, and he wrote to the Bishops that this neglect should be repaired without delay. The following year (1627) an order of some kind "seems to have been transmitted to the different Presbyteries calling on the clergy to make a minute and authentic return of the existing parochial establishments within their bounds."* Some of these returns have been preserved and printed, and they throw light on the educational as well as ecclesiastical state of the country at that time. A very common entry is, "no school in this parish, although there is much need of one." Sometimes special details are added; such as in the case of Greenock, "for a schoole there is greit necessitie, in respect it is far distant from towns, neir adjacent to the hielandis and great popilnes of people;" and in the case of Shapinshay, "na schoole in the paroche nor never was, becaus the people are puir laboureris of the ground, and

* All the quotations in this paragraph are from different volumes published by the Maitland Club.

thairfoir are content that thair bairns be brought up to labour with thame." In a mingled strain of pathos and humour it was said that at Mordington there is "greit necessitie of ane skule, for not ane of the parochie can reid nor wryt except the minister." In some parishes again where schools had been established they were in such a languishing condition as to be little more than schools in name. In Ednam there was a school, but it was very poorly provided, and "maist pairt of the parentis is not able to pay thair school waidges." There were other parishes however, even small ones, where a more creditable state of things existed. At Ormiston, for example, where there were only 280 communicants, there was a school "sustained by the good will of the tenants."

During the days of what I have called the first period in the history of education in Scotland since the Reformation, the Church courts undertook the entire management of the parochial schools. Kirk-Sessions as a rule appointed the teachers, compelled such people as could afford to pay for education to send their children to school under pain of censure, and provided education gratis for the poor. Presbyteries and Synods made trial of the qualifications of schoolmasters for their appointments, and sometimes ordered "the haille schoolmasters within their bounds to keip the exercise (that is the weekly meeting of the clergy for conference on the Scriptures) that yai myt be the better frequented with the heids of religion." As an illustration of the way in which schoolmasters were elected to their office, the following extract from the records of the Parish of Newbattle published in the Appendix to Principal Lee's lectures may be quoted. On the 15th Oct., 1626, it was minuted that "the Session with ane consent has set thair harts on Mr. William Trent, sone to James Trent in Newbattle, to be yair scholemaster, and yrfore

wills the minister to intimate to this parochine the next Saboth day of yair foresaid conclusion and of him on whom they have casten thair eyis to be yair scholemaster, and to desyre Mr. William to be present in the Session the next day to ressave his calling."

For the sustentation, too, of this schoolmaster, the Session minuted their "consent that there suld be ane set rent providit . . . by and attowre his quarter's payment." The amount of stent to be imposed on each district of the parish was then specified, and six months later a committee was appointed to go through some of these districts and "poynd yaim wha hes not payit their stent."

I pass on now to speak of the provision for education in Scotland during the second of the three periods that have been defined. This period extends from 1633 to 1872, and may be described as the period during which the State came to the help of the Church, and the Church and State were associated in educational work. It is this period that I have mainly to treat of in the present lecture: and a very interesting period it is, not because the history of it reveals unexpected facts of grand school buildings, with high-salaried teachers, existing in Scotland two hundred years ago, but rather because it shows that educational work in Scotland was at first of a very humble character, and was prosecuted by ministers, Kirk-Sessions, and Presbyteries under much discouragement and with much quiet persistency.

One prominent feature of this period was the number of educational enactments. During the times of Episcopacy there were two Education Acts passed. One of these was in 1633 and the other in 1662. During the Presbyterian times no fewer than six Education Acts were passed by Parliament. These were of dates 1646, 1693, 1696, 1803, 1845, and 1861. The

two acts passed in Episcopalian times were much alike in their provisions, and they differed widely and essentially, as will be seen, from those that were passed under the reign of Presbytery in Scotland.

The Act 1633 ratified the Act of Council, 1616, in regard to the establishment and maintenance of schools where convenient means for that end could be had. But it contained this additional clause, that "the Bishops in their several visitations should have power, *with consent of the heritors, and most part of the parishioners*, . . . to set down and stent upon every plough land or husband land, according to the worth, for maintenance of the saidis schools," with reservation to aggrieved parties of the right of appeal to the Lords of Council.

The Act 1646 was more stringent in its provisions. It *statuted and ordained* "that there be a school founded and a schoolmaster appointed in every Parish (not already provided) by advice of the Presbyteries, and to this purpose that the heritors in every congregation meet among themselves, and provide a commodious house for a schoole, and modify a stipend to the school master, which shall not be under ane hundred merks nor above twa hundred merks, to be paid yearly at two terms."

This Act 1646 was, of course, repealed by the Act Rescissory of 1661, which undid all the legislative work in Scotland subsequent to 1633. The Education Act of 1633 accordingly was then revived, and, with some slight modifications in 1662, it continued in force till after the revolution.

The records of the Presbytery of Ayr give us some information about the state of education over the southern division of the county between 1633 and 1646. In 1642 there were parochial schools in Mauchline, Ochiltree, St. Quivox, Dalrymple, and Cumnock, and in 1644 there was a stipend settled for the

school at Maybole. On the other hand there was no school at Muirkirk, nor any at Dundonald, Tarbolton, Barnweill, Craigie, nor Riccarton. In Auchinleck there was "no convenient place for a school in respect of the great distance of the parochinars from the kirk, but honest men keiped their bairnes at schoole at some (place) besyde themselves."

It might be supposed that after the Act 1646 was passed there would be a school in every parish. And that is what one Church historian has said there was. "At the King's return (in 1650) every Paroche, says this historian, had a minister, every village had a school, every family almost had a Bible, yea in most of the country all the children of age could read the Scriptures, and were provided of Bibles either by their parents or their ministers." This statement is much too strongly worded. There was undoubtedly an educational movement in 1646, but it had not in 1650 achieved the results Mr. Kirkton describes. In 1647 the Synod of Fife had under discussion "overtures for promoveing of scooles," and in 1649 there was laid before the Synod a report anent the provision of schools within the bounds. In this report it was stated that the Presbytery of Dunfermline had already planted their schools, with one or two exceptions, and that the Presbyteries of St. Andrews and Kirkcaldy had "done their diligence." The Presbytery of Cupar, however, had been dilatory and required to be stirred up by exhortation. If such was the state of matters in the forward Synod of Fife in 1649, we may be certain that in 1650 there was nothing like a school for every parish in Scotland, nor was there for a long while after 1696, when a new Act was passed making the establishment of a school in every parish imperative on the heritors. In 1706 there was no school at Girvan. In 1711 there was neither school nor schoolmaster in Dailly, and the heritors assigned as a reason "that

there was no need of a school in the parish, from the circumstances of it, the houses being far scattered, and there is no accommodation about the church for the conveniency of the children who are to be taught." It is minuted in the records of the Presbytery of Ayr, that in 1735 "these who have no school provyded nor a sallary to a schoolmaster according to law, and have taken instruments against their heritors for not doing it are the Paroches of Dalgain, Riccarton, Kirkoswald, Craigie, New Cumnock, Dailly, Bar, Moorkirk, Auchinleck, Symington, Stair, and Monkton." As recently as 1752 it was reported to the Presbytery that there was no school nor salary for schoolmaster in Auchinleck, and in 1758 New Cumnock was in the same unblest condition.*

It may be presumed that ever since 1642, and possibly ever since the Reformation or even from an earlier date, Mauchline has at no time been without a school and a schoolmaster. In Chambers' Lives of Eminent Scotsmen it is said that the famous statesman and jurist, the first Lord Stair, who was born in 1619, received his education "at the Parish School of Mauchline and the University of Glasgow." Our parish records begin in December 1669, and they make reference to the school as far back as 1671. And after that date there are

* The unblest condition of New Cumnock in 1758 was nothing remarkable. The General Assembly that year thought it necessary to give orders that "Presbyteries enquire whether or not a parochial school be established in every parish in their bounds, and, *where such schools are wanting* that they make application to the Commissioners of Supply for having parochial schools with legal salaries, erected in every parish, as law directs." It may seem strange that heritors were so reluctant to implement the instructions of Acts of Parliament anent schools. As a class heritors were very poor in those days. Fletcher of Saltoun says (1698) "the condition of the lesser freeholders, or heritors as we call them, is not much better than that of our tenants, for they have no stocks to improve their lands, and living not as husbandmen—but as gentlemen they are never able to attain any." Sometimes when there was no parochial school, there were private schools or itinerant tutors in a parish.

both in the parish records and in the Presbytery records frequent references to the school at Mauchline. Not a few of the schoolmasters in Mauchline too seem to have been men of more than average standing in their profession. One, appointed in 1699, had testimonials of his "capacity to teach a grammar school." He was succeeded two years later by one of whom it is said in the Presbytery records that he "had the Latin tongue and might be useful to teach a school *if he were diligent.*" Another appointed in 1719 was declared by the same reverend court "very well qualified" to teach not only the grammar but authors, in other words to carry on his pupils till they could read and appreciate the classic works of literature. In fact, schoolmasters long ago were usually or frequently students of divinity, who afterwards became ministers. They were thus University men and excellent scholars. The schoolmaster in Mauchline from 1637 to 1642 was John Gemill, subsequently minister at Symington (Ayrshire), who lived a faithful Presbyterian through all the time of the sufferings and died Father of the Church in 1705. And the Church was anxious to have learned men for schoolmasters. In 1706 the General Assembly recommended those who had the power of settling schoolmasters in parishes, to prefer thereto men that have passed their course at Colleges and Universities, and taken their degrees, before others that have not, *ceteris paribus.*

Speaking of schools' being founded or established naturally suggests the question how were school-houses or school-rooms provided in parishes during the period under consideration. At the present day school boards have the privilege of ordering school-houses to be built wherever they are thought needful. And the houses now erected for the instruction of youth are grand palatial buildings that at one

time would have been reckoned good enough for colleges. These school-houses too are built from rates imposed on all proprietors and occupiers of heritages, except such occupiers as pay a rent of less than £4 a year. Previous to the passing of the Education Act, 1872, heritors were bound to provide a school-house, and as a rule they did so in a modest way, which was deemed sufficient for teaching purposes. This obligation had rested on heritors ever since 1696, for in the Act of that year it was expressly statuted that the heritors in every parish shall "meet and provide a commodious house for a school." The Act 1646 contained the same provision; but in many places that Act was never put in execution; and long after 1646, we find Kirk-Sessions, both at Mauchline and elsewhere, paying rent for school-rooms. In 1677 the Kirk-Session of Mauchline paid "for Matthew Hunter's chamber, which was the schole," a rent of £4, and in 1689 there was "given for school house" by the Session, £6 13s. 4d., which looks an odd figure when so written, but assumes a rounded appearance when put in the equivalent form of ten merks.* A humbler style of apartment seems in 1647 to have sufficed for the school at Galston, for in that year there was paid by the Session *out of the penalties* only 40s. Scots (3s. 4d. Sterling) to "John Adam for his house to the school." And the Galston schoolmaster had sometimes to be doing with a less comfortable shieling for his school than we may suppose John Adam's "house" to have been, for in 1671 there was paid "to Margrat Lambie for maill of her barn, the tym of winter, to keep the school in, £1 13s. 4d." Even in such important towns as Ayr, teachers had at one period to exercise their craft in hired

* Besides renting a class-room the Kirk-Session of Mauchline had at this date to incur expenses for school furniture.

houses. In 1627 there was paid at Ayr to the “maister of the grammar scule . . . for his hous maill, £13 6s. 8d. . . . for the scule-hous maill, £20 . . . and for the maill of the musik scule, £8.”

Even after their obligation to provide school-houses had become clear and unquestionable, heritors were reluctant to build. In 1718 it was reported to the Presbytery of Ayr that at Tarbolton there were a school and a schoolmaster with a salary, but “no school house.” As recently as 1747 it was reported to the Presbytery of Irvine that “the school-house at Dunlop continues yet in ruins,” and although the Presbytery gave orders that a sufficient school-house be built, nothing was done in the matter for several years afterwards. In 1750 it was again reported to the Presbytery that the school-house in Dunlop had been *destroyed ten or twelve years ago* by accidental fire, that the heritors had often met and professed their willingness to rebuild the house, but could never come to an agreement about the *modus operandi*. This subterfuge was too much for Presbyterian patience, and the minister was instructed to bring the case at once before the Commissioners of Supply. But, indeed, so difficult in some instances was it to get heritors to fulfil their statutory duty of building school-houses, that the unassessed portion of the public had to offer assistance by voluntary contribution.

In the Kirk-Session of Kilmarnock it was represented in 1704, “that the school house is decayed and weak and ready to fall, and that the heritors and town could not be obliged to repair it without difficulty and expense.” The Session thereupon thought it “expedient to apply to the Magistrates to authorise a public volutar collection, to be gathered from house to house through the town, and also that the heritors should be severally spoken to, to see what each of them would

contribute thereto." The work went on, and the school-house was repaired at a cost of £173 4s. 8d. The Session "disbursed, as their proportion of expenses," £24 Scots, but when all that could be got was counted up, there remained a deficit of £79 18s. 10d., and the Session minuted that, "having paid their proportion, they could do nothing further, till the heritors had paid their several proportions also." It would appear, however, that the heritors gave little heed to this remonstrance, for in 1710 it was pathetically proposed in the Kirk-Session that "in regard of the difficulty to oblige the heritors to repair the school-house, the money advanced for that end be payed out of the deficient seat rents when recovered."

An expression that one frequently meets with in old Session and Presbytery Records is "school at the kirk." It occurs in connection with proposals or resolutions to erect a school in a parish, and it defines the locality of the proposed school. It means that the school is not to be built in some outlying district of the parish, or in some upstart village making pretension to be considered the head centre of the parish, but at the old constitutional place of convention, where on Sundays all the parishioners meet for instruction in doctrine, and on week days for being heckled on the question book. It was indeed not an unusual arrangement long ago to have the school-room in some superfluous or disused part of the church. For many a day the parish school of Mauchline was held in the east end or chancel of the old church, and the surrounding church-yard was the boys' play-ground. Part of the Church of St. Bride, at Douglas, was also at one time used as the parish school, and in the ancient Abbey of Jedburgh there was an aisle appropriated for a similar purpose, which was therefore called the Latiners' Alley. When the school was not actually within the church, it was generally, during the 17th and first

part of the 18th century, as near the church as it could be planted. For instance, in 1654 the Kirk-Session of Fenwick “resolved to build the church-yard dyke, and a school-house at the north-west corner of it.”

There are several entries in the records of the Presbytery of Ayr which shew how very primitive school buildings were, even so recently as the middle of last century. Monkton is an old parish of considerable note, and we should expect that the school accommodation in Monkton Parish would be a not unfair sample of school accommodation in parishes generally. In 1766, however, the Presbytery of Ayr found that at Monkton “a partition is necessary to separate the school-house from the schoolmaster’s house.” Dailly is another parish in Ayrshire that for wealth and amenity will compare well with its neighbours. In 1735 it was one of those laggard parishes that were reported to the Presbytery as having no school. But in 1741 a school-house was ordered to be erected in Dailly—a school-house which we may be sure was intended to be up to the mark of the times, and here were its dimensions and furnishing: “thirty foot lenth, and fourteen foot wideness within the walls, with side walls six foot high, having four windows of two foot and a half by one foot and a half, of the form of closs sash windows, with a hewnstone door, also two seats of fir dale for the schollars, running along both sides of the house from one gavill to the other, with a dask also of fir dale before one of the seats, of the same lenth, and a fire vent in each gavill.”

From the subject of the school-house we shall pass on now to the subject of the schoolmaster, and the first questions we have to ask regarding him, are, what was the mode of his appointment, and what was the tenure of office he held in olden times.

At the present day the appointment of schoolmasters in public schools is vested in the Parish School Board. For many years prior to the passing of the present Education Act, the nomination of schoolmasters to parish schools was entrusted to the parish minister and such heritors as possessed, within the parish, lands that had a valued rental of £100 Scots.* During the first period in the history of education in Scotland—that is, before 1633—it was usually, if not invariably, the Kirk-Session that appointed the schoolmaster. But, what may seem more strange, the Kirk-Session had often a voice in the appointment of the schoolmaster during the early part of the second educational period also. It is minuted, for example, in the records of Mauchline, that on the 15th Oct., 1671, the Kirk-Session “did admit Mr. William Reid, the Clerk of the Session and Schoolmaster in the Parish.” In 1673 the minister of Galston was suffering confinement in Edinburgh for infraction of the evil laws of that time, but, during his absence, “the elders, having considered that Mr. James Brown has been schoolmaster, precentor, and clerk to the Session, do continue him in the same station for the ensuing year, and ordain him to have his ordinary salarie and casualties as formerly.” And lest it should be thought that these sessional appointments were only local customs, I shall now add an extract from the records of a parish outside of Ayrshire. In 1661, the Session of Rothesay “did unanimously elect the said Mr. James, and embraced him to be their schoolmaster for a year, his beginning to be at Lammas next, appointing him for

* It may be necessary to explain that the “valued rent” of land is very different from the real rental. The real rental of land is what the land is actually rented at or considered worth to its possessor. The valued rental is the old valuation that was set on the land by Commissioners more than two hundred years ago, and which continues to be the basis on which several Parochial burdens and assessments are still apportioned.

fyell as was formerly enjoyed by other schoolmasters, according to the Act made thereunto, together with the marriage and baptism moneys according to use and wont, and all other casualties belonging to the said school." And it may interest some people to hear that the principle of non-intrusion was adopted by the General Assembly of 1638 in respect of schoolmasters as well as of ministers. It was agreed by that Reforming Assembly that "anent the presenting *either of pastours or readers and schoolmasters* to particular congregations, there be a respect had to the congregation, and that no person be intruded in any office of the Kirke contrare to the will of the congregation to which they are appointed."

The Act of Parliament, 1696, ordained that "a schoolmaster be appointed in every Parish not already provided, by advice of the heritors and minister of the Parish." It might have been thought that from that date Kirk-Sessions would have ceased to have any vote or voice in the schoolmaster's appointment. There were many parishes, however, in which the Act was disregarded down to the middle of last century, and consequently for that reason, if not for some other also, there were parishes in which Kirk-Sessions still continued to take part in the schoolmaster's election. In 1721, it was formally reported to the Presbytery at Ayr that the schoolmaster in Mauchline had the salary prescribed by Act of Parliament, but no legal security for it beyond use and wont. It was probably for that reason, and because part of the schoolmaster's salary was contributed by the Kirk-Session, that when the office of schoolmaster at Mauchline became vacant in 1698 it was filled up by the heritors and Session conjointly. The minute of appointment in the Session Records is as follows:—"Sederunt. Ministers and Elders. The quhilk day, the Ministers and Elders, with consent and special advice of the Heritors, admitted

Mr. Gavin Houston their Schoolmaster and Session-Clerk,* and ordained him the usual encouragements of ane hundred merks to be payed out of the merk lands in the parish, together with ten pound Scots of the Town's goods, and eight pund Scots from the Session for his chamber, and whatever further encouragement the Session is in capacity to give at the year's end." A similar mode of appointment was followed in Galston from 1700 to at least 1718. In 1701 the heritors and Kirk-Session of that parish had a joint meeting, at which the "Heritors present and the whole Session did unanimouslie desire the Minister to invite him (the person proposed for schoolmaster) hither, and did promise he should have the ordinary salary settled by law." In 1718 a minute was entered in the same Records, ending in these words—"till a schoolmaster be orderly chosen by Heritors and Session together." And the expression "orderly chosen" leads me to remark that the schoolmasters in the good old days of mutual confidence were sometimes appointed in a slightly inorderly manner. In 1697, the Kirk-Session of Kilmarnock minuted "that there is one Mr. Irvine, one of the Doctors of the Grammar School in the Canongate of Edinburgh, fitted and qualified for schoolmaster in this place. Therefore, it is recommended to Rowallan to take information of the man, and in that affair do as he thinks fit."

Seventy years later, however, the appointment of schoolmaster was gone about more cautiously at Kilmarnock. The mastership of the Grammar school there became vacant in

* Everyone knows that the parish schoolmaster used to be also the Session Clerk, but it is perhaps not generally known that the two offices are referred to as conjoint in an old Act of Parliament. The Education Act of 1646—at that date both Church and State were alike zealous for the covenant and alike ecclesiastical in their way of thinking—declares a certain stipend "to be due to the Schoolmaster and Clerk of the Kirk-Session."

1764, and a distinguished scholar was wanted for the post. The heritors had a secret, and probably a very well-founded, misgiving about their competency to judge of scholastic attainments, and they prudently resolved to act on advice in filling up the vacancy. They accordingly sent in a memorial to the Presbytery of Irvine, stating that they were "willing, upon a comparative trial of the different candidates, to bestow the appointment on the most sufficient," and craving the Presbytery "to appoint a Committee of their number to be present at a meeting of Heritors, and, in conjunction with such other judges as the Heritors shall have there present, to judge of the literature and qualifications of the candidates." The Presbytery were doubtless flattered by the high compliment thus paid them, and so, "finding the desire *reasonable*, they appointed a Committee to meet as craved and impartially prefer the most sufficient of the Candidates." A similar course was followed at Irvine in 1797.

It is well known that for many a day schoolmasters in Scotland had, before entering on a public charge, to pass an examination by the Presbytery of the bounds. The Act 1803 required every schoolmaster, elected under the provisions of that Act, to carry to the Presbytery a certificated copy of the minute of his election, and to be examined by the Presbytery "in respect of morality and religion, and of such branches of literature as by the majority of heritors and minister shall be deemed most necessary and most important for the parish." The Presbytery were also required, if satisfied with the attainments of the appointee, to grant a certificate that he had been found "duly qualified for discharging the duties of the office to which he had been elected." In olden times, however, Presbyteries exercised a higher function than this. They gave men a general license to teach, and granted extracts of such license.

It may be said, therefore, that at one time all parish schoolmasters were certificated teachers. In 1697, a man appeared before the Presbytery of Ayr, and "having given proof of his ability to teach, and made profession of his principles to be according to those of this kirk in doctrine and government, and offered to sign the Confession of Faith when required, he is licensed to teach a school at New Cumnock, where he is invited." A more common form of minute was that a man appointed to a school in a particular parish, and found competent for the office by the Presbytery, was "licensed to teach in the said Parish, or where he may be employed within the bounds of this Presbytery." And these Presbyterial examinations were not shams. Incompetent presentees to schools were mercilessly plucked and sent home to complete their education.*

The appointment of a schoolmaster used, in days we remember, to be *ad vitam aut culpam*. But it was not always so. In olden times teachers were often appointed for a limited period or under special contract, and they were sometimes very unceremoniously dismissed for failure to fulfil their part of the compact. In 1685, the Kirk-Session of Mauchline minuted that "George Moor was allowed to teach the school during pleasure, and to receive the ordinary benefit therefor." A year afterwards, the Session minuted that "the minister had discharged George Moor for misbehaviour, and that there was a vacancy of schoolmaster in the Parish." In 1665, the Kirk-Session of Fenwick minuted that they had appointed A. B. "to be schoolmaster for a year," and for some time thereafter they

* About the end of last century this Presbyterial duty was often neglected. In 1796 there were within the bounds of the Presbytery of Irvine, not only private teachers but parish schoolmasters who had never been examined by the Presbytery.

annually minuted that the said A. B. was "continued schoolmaster." In 1675, the Session of Galston minuted that they had chosen a man to be schoolmaster, clerk, and precentor, and that they had "bargained with him till Martinmas next." In the published records of Dumbarton Burgh, the following minute will be found under date, 12th March, 1670: "The Provost, baillies and counsell having heard and understood sufficiently that William Campbell, present schoolmaster of the grammar school and presenter of the church, is unqualified and not able to teach, and that the children have not profited in learning under his instruction; and that he is not qualified nor instructed in the art of music, to the scandall of the public worship of God, it is therefore ordained that he be warned to remove from the school and presentership, *conforme to the contract quhilk he had falsified.*"

Besides schools with salaried masters there were in Scotland, from a very early period, many private or adventure schools. In 1644 it was reported to the Presbytery of Ayr that at Tarbolton there was "no schole at ye kirk, for lack of maintenance, but two private schools abroad in the Parish." The teachers of these schools required, like other schoolmasters, to have ecclesiastical license to teach; and, whether they held any appointment or not, they were in some ways under the control of the Kirk-Session. Where there was a public school there was a restriction on private schools. Public schoolmasters did not like to have the bread taken out of their mouths by Hals of the Wynd, and they complained when a parish was overschooled. In 1701, the teacher of the English School in Kilmarnock petitioned the Session to take some course "for regulating inferior women schools within the town and suburbs." In 1692, the Kirk-Session of Mauchline passed a resolution which shews that the educational doctrine they held

was not free trade but fair trade in teaching—not scholastic equality but protection and privilege to the established and endowed parochial schoolmaster at the kirk. The terms of this resolution were “that there should be no school within ane mile of Mauchlin, and that all who would keep school within the Parish should come to the minister and be tried of their qualifications and fitness for that office, and crave liberty to teach from the Session.”

And the Kirk-Session of Mauchline were not peculiar in holding this doctrine of protection with regard to schools. In 1697, the Kirk-Session of Greenock, with consent of heritors, ordained that “no school be kept in the Parish except the publick school, they considering that private schools were prejudicial to it, providing always the said school be in a commodious place of the Parish.” The following year, the same Kirk-Session allowed a man “in Longvennel to teach a school, with this express provision, he instruct none above the New Testament exclusive, that so the public school may not be prejudged.”

The next question we have to ask regarding schoolmasters, is, what provision was made in olden times for their maintenance.

The Act 1633 empowered bishops, with consent of heritors and a majority of parishioners, to impose, in all parishes within their jurisdiction, a stent for the maintenance of a school. That power, however, was not taken advantage of to any great extent. But, in 1646 another Act was passed, which ordained that the heritors of every congregation meet among themselves, and both provide a commodious house for a school and modify a stipend to the schoolmaster. This Act was peremptory enough in its provisions, but it was passed in troublous times when it was not easy to get acts rigidly enforced, and it was

not rigidly enforced. It was annulled, moreover, by the Act Recissory, 1661. The Permissive Act, 1633, came thus to be revived, and with a new clause added in 1662,* continued law till after the Revolution Settlement. Practically, therefore, there was no legal salary secured for schoolmasters till 1696; and it falls to me, consequently, to shew separately how salaries were provided for schoolmasters before that date and after that date.

Previous to 1696, Kirk-Sessions had generally to provide the schoolmaster's salary either in whole or in part. The Session Records of Mauchline are not very explicit in stating what was done for education in this parish before that date. But, laying one statement alongside of another, it is clear that in 1671 the Kirk-Session had, in inconsiderate generosity, guaranteed the schoolmaster a salary of £90 Scots, or £7 10s. Sterling a year. This was reckoned a big sum in 1671, and the Session found that it was not easily raised in the parish. When the salary came to be paid at the year's end there was a deficiency of funds, and the following entry was made in the minutes of Session:—"Givin to Mr. William Reid, in part of payment of his stipend from the sixteen of October, 1671, to the sixteen of October, 1672; *Imprimis* of voluntar contributione, £62 4s. od.; *Item*, out of the box, £17 9s. od." These two sums amounted to £79 13s. od., and that this was all the encouragement the Kirk-Session could give Mr. Reid, is shewn by the pitiful account of parochial poverty which follows: "The quhilk day, charge and discharge being compared according as they stand in the book, nothing remains of money at present in the box." And with no bank at hand, there was no convenient means of borrowing money. The schoolmaster had therefore to practise

* This clause was inserted as a rider in an Act "anent ministers and masters in universities."

patience, and content himself with partial payment of his fee, till the Kirk-Session, by some means or other, got a few pounds collected. It is said that deliverance comes to the righteous, and the adage proved true in this instance. In March, 1673, the unexpected happened, and the Kirk-Session had the advantage of a considerable wind-fall. A fickle wooer, after he had been proclaimed with one spinster, changed his mind and married another; and for failing to implement his first marriage contract had forfeited, as will be explained in the lecture on marriages, his consignment money. This amounted to £10 Scots, and the Session allowed "Mr. William Reid the same, as part of his fee for the former year, beside the three score and nineteen pounds, thirteen shillings, quhilk he got formerly." There was still £5, 7s. wanting to make up the guaranteed salary, and for this remanent sum the Session had again to go to their box. It was near the end of April before the box could give much help; but by that date there was such an accumulation of coppers, good and bad, that the Session were able to wipe off all debts of more than half a year's standing. It was then minuted that "the boxmaster is ordained to give Mr. William Reid five pound, seven shillings, quhilk compleits him of 90 lib. Scots." It will thus be seen that in 1672 the Kirk-Session, in the first instance, raised as much as they could for the schoolmaster's salary by voluntary contributions, and then supplied the deficit out of their own funds.

A forfeited consignment came in very opportunely to the Kirk-Session in 1673. Two years later, the Kirk-Session had an equally good turn of luck. A special collection had been made in the church for the relief of persons taken captive by the Turks—which, it may be remarked in passing, was a frequent object of collection both in Mauchline church and in all

churches over the country two hundred years ago—and for this benevolent purpose, in 1675, sixty pounds Scots were contributed. It was afterwards found that the money was not needed for the captives, and the Session resolved to utilise it “for relief of the extreme necessity of the poor, and for maintaining the school.”

It is not to be supposed, however, that previous to 1696 the salaries of schoolmasters were always made up by voluntary contributions and drafts from the kirk box. Sometimes they were raised, either wholly or in part, by a stent on the land, and sometimes by a house tax. From a few detached entries in our parish records, I am constrained to think that from and after 1675 a “proportion” of the schoolmaster's salary in Mauchline was contributed by the Kirk-Session, and another part of it was provided by the heritors. But it was not readily and cheerfully that the heritors, in those days, paid their proportion. More than once, payment had to be extorted from them by letters of horning, at the instance of the Kirk-Session. In some other parishes, the schoolmaster's salary was paid by stent, either wholly or partly, long before 1675. The schoolmaster of Cumnock complained to the Presbytery of Ayr in 1643 that his stipend was not regularly and punctually paid, and the Presbytery gave orders that letters be raised against the heritors for recovery of all that was due to him. In 1649, the Kirk-Session of Kingarth, in Buteshire, ordained and “applotted” for maintenance to the schoolmaster there, “halfc ane merk upon every merk yeirlic land within the parish, and forty pennies upon every cottar that brooks land,”* with £20 out of the penalties, and his other casualties at marriages and baptisms. In Banffshire, at the end of the seventeenth century, the usual salary

* *Lee's Lectures*, Vol. II., p. 437.

for a schoolmaster was "a haddish of victual out of ilk oxgate, or a firloft of meal off each plough in the parish." At Galston, in 1639, there was another form of stent levied. A reader was that year appointed in Galston, and, for "his service in the kirk and for the gud attending on ane schoole" he was allowed, *inter alia*, "three shillings Scots from ilk fire house within the paroch, both cottar and tennant." This obnoxious house tax seems to have been soon after discontinued, and in 1646 and several subsequent years the salary of the schoolmaster was drawn from the annual rent of stock held by the Session, with an eke from the penalty box. Prior to 1677, the heritors became to some extent responsible for the salary, and as at Mauchline they shewed at times a covenanted disinclination to contribute their quota. For "outreacheing the schoolmaster's fie," therefore, the Kirk-Session had that year to send a "decreet east for raising of letters of horning thereupon."

As at Mauchline so at Kilmarnock, the schoolmaster's salary was at one time made up jointly by the Kirk-Session, the heritors and the town. In 1697, which it need not be said was after the Act 1696 had been passed but was probably before the Act had been put into execution, the master of the grammar school at Kilmarnock was allowed a salary of 300 merks to be made up as follows: "£126 13s. 4d. Scots by Session; £53 6s. 8d. Scots by the heritors, and £20 Scots out of the common good of the town." And it may be mentioned that besides finding or helping to find a salary for the master of the grammar school, the Kilmarnock Kirk-Session, from a very early period, gave a salary to a second or assistant teacher. In 1671, they ordained that, in addition to a specified share of certain casualties, the "Doctor is to have £20 Scots by year as the Session's part of a cellarie for him, with twentie merks yeirlie of the Communion silver." And, four years later, a

characteristic resolution was minuted, to the effect that "the Doctor is to have 20 merks yeirlie at the Communion, to be payed whether there be Communion or not."*

Such were the varied ways in which, previous to 1696, salaries were found for schoolmasters. I have now to show how such salaries were provided, after that date.

The Act 1696 appointed "that the heritors in every Parish meet, . . . and settle and modify a salary to a schoolmaster, which shall not be under one hundred merks nor above two hundred." The Act provided also that "the said salary be laid on conformably to every heritor's valued rent within the Parish, allowing each heritor relief from his tenants of the half of his proportion." It declared further that this salary was to be given to the schoolmaster, "by and attour the casualties which formerly belonged to the readers and the clerks of the Kirk-Session."

In many Parishes, the heritors for many a day resolutely declined to do what this Act required them. For the first half of the eighteenth century, returns continued to be entered in Presbytery books of parishes that had no legal salary provided for the schoolmaster; and Presbyterial injunctions were year after year given to the ministers of these parishes to take effective measures for compelling the heritors to provide such salaries. In 1697, all the members of the Presbytery of Ayr "were required (by the Presbytery) to use diligence to gett salaries for schoolmasters settled in their Paroches, conform to a late Act of Parliament, and report" what success or unsuccess they meet with. A few months

* To shew clearly who was meant by the term Doctor, the following minute of Kilmarnock Session, 1704, may here be quoted. The Session "voted that the new schoolmaster should have 200 merks of salary yearly, and 16s. Scots of quarter wages from each scholar, also that there should be allowed to a Doctor £40 of salary, and 8s. of quarter wages for each scholar."

later, several ministers reported to the Presbytery that they found "inconveniency" in pressing the heritors to provide schoolmasters' salaries, and that "they must labour to bring them up to it *by degrees*." And it was by very slow degrees that some heritors were brought up to a sense of their legal duty. Kirk-Sessions were thus burdened still with such proportions of schoolmasters' salaries as they had been in the use and wont of paying. As recently as 1730, the Presbytery of Irvine, at a visitation of Kilmarnock parish, had to declare their opinion "that the heritors should free the Session of any part of the schoolmaster's salary from henceforth." In 1710, the schoolmaster of Dreghorn seemed to have his modest salary of 100 merks sufficiently secured, for the heritors had "obliged themselves by bond," to make payment to him of that sum yearly. Several of these heritors nevertheless refused to implement their bonded engagement, on the ground that the school at the kirk was too distant for the children of their tenants. In 1724, the salary of the schoolmaster at Fenwick was reported to be only six bolls of oatmeal, and the heritors were, in a very Christian spirit, *recommended* by the Presbytery to make it up to the legal minimum. The Presbytery's recommendation however had no effect, and the schoolmaster of Fenwick had for nearly twenty years longer to content himself for salary with such a modicum of meal as could furnish his family with a one-pound bowl-full of porridge daily. In 1729, the heritors of Dunlop wrote that though they could not "refuse the Presbytery's diligence to oblige them to make a legal salary to a schoolmaster, when the season would allow them to meet, they thought they gave as much salary as should satisfy for a schoolmaster of such sufficiency as they needed, to teach reading and writing English." In 1727, the schoolmaster of Ardrossan's salary was only £40 Scots, and was not even punc-

tually paid. The Presbytery, in their conciliatory way, "recommended the punctual payment thereof, and that it be made up to 100 merks." * To this most reasonable recommendation one noble proprietor replied, that he was "willing that the schoolmaster be payed punctually, but as to the making of that salary legal the heritors would not be liable, because it was agreed to and in use before the Act of Parliament in King William's time." Strange to say, it was reported to the Presbytery of Irvine in 1767 that the schoolmaster of Beith was not provided with a legal salary, "although the parish was populous, and the valuation as large as any in the bounds." A Presbyterial recommendation, however, seems to have done some good in this instance, for in 1769 it was announced that the salary of the schoolmaster at Beith had been raised to £131 Scots. But, out of that sum £3 were to be deducted, as payment of £1 a year to each of three teachers of private schools in outlying parts of the parish; and it may be remarked that stipulations of this kind were not unusual about the middle of last century. In 1769, the schoolmaster of Dunlop was allowed ten merks extra to his salary, on a condition of very questionable benefit to him, namely, that he should pay it to a teacher who should keep a private school at the upper end of the parish.

The schoolmaster at Mauchline was not so unfortunate as some of his Ayrshire brethren. In 1698, he received, as we have seen, 100 merks from the merk lands, and £10 Scots from the town's good. His salary was subsequently raised to £100 Scots, and in 1764 it was augmented to £120 Scots; but

* Within the bounds of the Presbytery of Ayr, as well as of Irvine, some schoolmasters had very inadequate salaries during the first half of last century. In 1721 the schoolmaster's salary at Straiton was 80 merks, at Dalmellington £40 Scots, and at St. Evox 8 bolls of victual, derived from a mortification. In 1766 the minister of Monkton reported that in his parish the schoolmaster's salary was only 50 merks, "and that he (the minister) could not find a proper man for that sum."

although these successive augmentations look liberal, on the principle of geometrical progression, we must remember that £120 Scots means only £10 sterling, and this was all the salary that the schoolmaster of Mauchline, so far as I can trace, received till the beginning of the present century. It is stated by Mr. Auld in his statistical account of the parish (1790), that about the time of his settlement in Mauchline there were "only two or three families in the parish who made use of tea daily ;"* but, he adds, "now it is done by at least one half of the parish, and almost the whole of it occasionally. At that period," he also goes on to say, "good twopenny strong ale and home spirits were in vogue, but now even people in the middling and lower stations of life deal much in foreign spirits, rum-punch, and wine. As to dress, about fifty years ago there were few females who wore scarlet or silks. But now, nothing is more common than silk caps and silk cloaks, and women in a middling position are as fine as ladies of quality were formerly." Unless the schoolmaster in the early period of Mr. Auld's ministry had happened to have something more than his salary of £8, 6s. 8d., or even £10 sterling a year to come and go upon, he must have been one of those unfortunates referred to as never having the luxury of tea at their command, and as being content on occasions of high festivity to allay their thirst with home brewed ale of the twopenny quotation. When he went

* In some farm houses within six miles of Mauchline Church, tea was unknown fifty years ago. The female members of the family were on Sabbath mornings regaled with a decoction of peppermint or agrimony, but on the other mornings of the week both men and women had to content themselves with porridge and milk, and a course of home baked bread and milk afterwards. The afternoon tea indulged in by well-to-do people fifty years ago went, as is well known, by the name of "four hours," and this phrase as applied to an afternoon meal or tippie is of very old standing. In 1589 complaint was made to the Presbytery of Haddington by the parishioners of Aberlady, that their minister went to "the commoun oistiar houses daylie to his *four hours*." (Fasti).

abroad, too, it could scarcely have been in scarlet doublet or silken hose, but in plain bodden gray, the homely produce of parochial flocks. Pitiably, however, as was the schoolmaster's position, not in this parish only but over all the country, in the middle of last century, it seems to have been a great deal worse at the beginning of the present century. Oatmeal was then at a famine price, and while the wages of workmen generally may have risen somewhat with the dearth of provisions, the schoolmaster's salary had bounds appointed to it by an Act of Parliament more than a hundred years old, and these bounds could not be overpassed. The General Assembly therefore, in 1802, emitted a declaration, shewing that while parochial schoolmasters, from the honourable and useful work they were engaged in, were "well entitled to public encouragement, yet from the decrease in the value of money their emoluments had descended below the gains of a day labourer, that it had consequently been found impossible to procure qualified persons to fill parochial schools, that the whole order was sinking to a state of depression hurtful to their usefulness, and that it was desirable that some means should be devised to hold forth inducements to men of good principles and talents to undertake the office of parochial schoolmasters."* And that the Assembly might not be chargeable with saying much and doing little, the moderator and procurator were instructed to correspond with the officers of state for Scotland on the subject of the declaration, and to co-operate in the most prudent and effectual way to forward

* In 1701 a letter was read in the Presbytery of Irvine, probably in many other Presbyteries, from the Preses of the Established schoolmasters in Scotland, "craving that the Presbytery may entreat their Commissioners to the General Assembly to assist in obtaining a voluntary *collection*, to enable them to apply to Parliament for an Act whereby their widows may be provided in a yearly annuity, by a fund intended for that purpose."

any plan for the relief of parochial schoolmasters, and give it all the weight it could derive from the countenance of the Church. What influence this declaration had on subsequent legislation it might be presumptuous for a minister of the Church of Scotland to say; but it is certain that in 1803 an Act of Parliament was passed, raising the minimum salary of schoolmasters to 300 merks, or three times what it was before, and the maximum salary to 400 merks, or twice its previous amount. The heritors of Mauchline were generous enough to allow at once the maximum salary to their schoolmaster. This was £22 4s. 5½d. The Act 1803 empowered the heritors, in 1829, to commute the 400 merks of salary into the money value of two chalders of oatmeal at the average price of meal for the twenty-five years preceding, and this commutation raised the schoolmaster's salary to £34 4s. 4½d. An Act passed in 1861 ordained that, in Parishes where there is only one school, the schoolmaster's salary should not be less than £35 nor more than £70, and in Parishes where there are two or more schools, the amount of salaries paid to all the teachers together should not be less than £50 nor more than £80. After the passing of this Act, the salary of the parish schoolmaster in Mauchline became £50, and under the new School Board the salary of the principal teacher in the old public school was continued at that amount. Now that this salary has come to be paid from rates levied on the parishioners generally, according to the value of the heritages owned or occupied by them, the question of reducing or raising salaries has come to be a question of general interest and parish politics. It is a question, however, that ought to be considered by all parishioners in a true and broad, and not in a false and narrow, spirit of economy; for just in the same way as a farmer finds it profitable to give a good price for a good horse, rather than

procure an indifferent cob or a sorry nag at a small figure, so is it better for a parish to have good teaching at the market rate, than indifferent teaching at half the cost.

Besides a salary, schoolmasters have generally from a very early period had either a dwelling house or an allowance in money for house rent. Prior to 1803 they were not entitled by law to a dwelling house, and from 1803 to 1861 the whole extent of accommodation they could claim was a room and a kitchen. The Act 1872 does not compel School Boards to provide any dwelling house at all for schoolmasters, and there are consequently some parishes where the schoolmaster has enough ado to find a local habitation.

In this parish the schoolmaster never enjoyed the luxury of having a house he could call his own. In 1803 he might have demanded a "but and a ben," but he didn't. He accepted, instead, a small pittance as allowance for house rent. And in so doing he revived an old parochial custom. In the seventeenth century his predecessors had a similar perquisite paid them by the Kirk-Session. Its old designation was chamber mail, sometimes written chamber meall. It is stated in the Session records that in 1675 there was paid "for the schoolmaster's chamber £8 os. od." In 1692 the Session passed, what, on the margin of their minute book, is termed an Act, appointing "ten merks to be given for the schoolmaster's chamber mail from Martinmas 1691 to Martinmas 1692, as also they have appointed his chamber mail to be payed in all time coming, quhairever it shall be, so long as he is schoolmaster in this place."* In 1696, the Session, for profound and mysterious reasons of their own,

* In 1704 the teacher of the English school in Kilmarnock applied to the Kirk-Session "for help to pay his house rent. The Session, considering it the town's concern to encourage him, as well as the Session's, did unanimouslie allow him £5 Scots, provided the town would advance as much."

included the old allowance for chamber mail to the schoolmaster in their salary to him as Session-Clerk. They minuted that "considering Mr. Patrick Yorston, schoolmaster here, and officiating as Session-Clerk, hath had no particular quota determined as his salary for being Session-Clerk, did determine that during his officiating as Session-Clerk he should have yearly £20 Scots, including that which used to be given to the schoolmaster for chamber meale." Two years later the Session reverted to their old practice, and, in "admitting" Mr. Gavin Houston to be "their schoolmaster and clerk," ordained that among other encouragements he should have "eight pounds Scots from the Session for his chamber." In 1703, the same allowance is entered in a list of the dues belonging to the schoolmaster, but how long after 1703 the Session continued to pay the chamber mail I am, from the loss of the Kirk-Treasurer's books, unable to discover. The Session probably found when the next vacancy occurred in the school, that the offices of schoolmaster and Session-Clerk, although usually and with much advantage held by the same person, were quite distinct, and that while the Session appointed and paid their own clerk, they had, after the adoption of the Act 1696, nothing whatever to do with the appointment, admission, or payment, of the schoolmaster.

Another source of provision for the schoolmaster was school fees. From the earliest period, wages have in Scotland been charged for children attending school. These fees, in the case of public schools under Government inspection, are now fixed by the parish School Board. The Act 1803 appointed that they should be fixed by the minister and qualified heritors. In earlier times the Kirk-Session, or Kirk-Session and heritors, appointed the fees. The Session Records of this parish shew that in 1673 the schoolmaster here was authorised by the Session to charge 20s. Scots for Latin, and 13s. 4d. Scots for

English. About a hundred years later, 1764, when the schoolmaster's salary was raised to £120 Scots, the fees were also raised by the Session to 30s. Scots (or 2s. 6d. sterling) per quarter for Latin, and to 18s. Scots (or 1s. 6d. sterling) for English and writing. A third fee was also that year sanctioned, if not for the first time introduced, of 24s. Scots (or 2s. sterling) for arithmetic. In 1803, after the passing of the Education Act of that year, the heritors and minister met and drew up a revised table of fees, which, in terms of the Act, was signed by the preses of the meeting, and hung up in the schoolroom. This table had a scale of four charges: 2s. 6d. for English per quarter; 3s. for English and writing per quarter; 3s. 6d. for English, writing, arithmetic, and Latin per quarter; and 14s. for a course of book-keeping. The high charge for book-keeping shows that in 1803 this branch of education was a new and special subject of tuition, as arithmetic was in 1764. The charge for English, writing, arithmetic and Latin, all combined, must strike every one as being particularly moderate, and will explain how in olden times the children of common labourers in Scotland were able to enrich themselves at the parish school with an education that fitted them to enter a University.

A notion seems to have gone abroad of late that at one time there were no fees charged for children attending school. There was a system, it is said, of free education. Such, however, is not the case. There may have been some endowed schools here and there where school fees were not charged, and it is just within the illimitable bounds of possibility that there may have been cases where the heritors, or parishioners, stented themselves so liberally as to supersede the necessity of fees. I never happened to hear of any such case. Such a scheme was never entertained by the Scottish Reformers, even when

they advocated the application of the kirk's patrimony to the erection and maintenance of schools. It was for the children of the poor only that free education was designed. In the short sum of the Book of Discipline, for the instruction of ministers and readers, it is said "men suld be compellit be the kirk and magistratis to send their bairnes to the schulis, pure men's childrein suld be helpit."* And this is the principle on which the Church has always acted. Whether schoolmasters had salaries or not, salaries large or salaries small, they charged fees for teaching the children of such as could afford to pay. In 1596, the Kirk-Session of Anstruther Wester "thought meit, for provyding a teicher to ye youth, that everie man within the town that has bairnes suld put his bairnes to the school, and for everie bairne suld give 10s. in the quarter; . . . and as for the children of the purer sort, they shall be put to the school, and for their intertinement they that the Lord has granted habilite to shall contribute." We have seen what fees were charged in Fifeshire in 1613; and at Newbattle in 1617, "the doctor to the school" was to have "4s. of ilk quarter fra everie bairne." It might be supposed that after the passing of the education Act 1646, which provided for the schoolmaster a salary of not less than a hundred merks yearly, school fees would cease to be exacted. The remarks of Mr. Hill Burton on this Act rather countenance such a supposition. "The great service performed by this statute was," he says, "that in each parish the maintenance of the school was made an absolute rent-charge on the land. The schoolmaster's salary was like the minister's stipend, an established pecuniary claim. In money denomination it was small of course, in the pecuniary equivalent of the present day,

*Copious and comprehensive summary of the Laws, etc., of the Church of Scotland from 1560 to 1850. Aberdeen, 1853. P. 122.

but in its own it was a provision putting its owner not only above want, but if he were thrifty, above sordid anxieties." Notwithstanding what is here said by Mr. Burton about the competency of the schoolmaster's salary under the Act 1646, school fees were either generally or universally demanded and paid during the period in which that Act was in force.* One of the articles agreed on by the Synod of Fife in 1647, for the "promoveing of scooles," was that "parents frequently be exhorted, in the course of visitation, to send children to schooles, upon their own charges iff thei be able; and whar thei are not able to intertaine them, that the Session provyde for the best remedie; and in caise of slackness, that the parents of the one and the other condition be threatened with processes." The Kirk-Session of Fenwick the same year (1647) ordained "schoolmasters within the parish to give in the names of poor scholars not able to pay their quarters wages, as also the names of such as must be helped to buy books."

In 1651, the Kirk-Session of Monkton resolved to make provision for the appointment of "ane able young man for training of ye children in the knowledge of ye Latin and English tongue;" and with that view they agreed that an assessment should be levied, at the rate of 35s. "upon ilk hundred merks of rental," one half of which should be paid by the proprietor, and the other half by the tenant. The following year an able young man was found for the school, and was appointed schoolmaster, at a salary of 100 merks, in addition to which he was to receive of "everi ane of his scholars 13s. 4d. quarterli." We have already seen what a liberal salary for the school naster was pro-

* In many parishes the comfortable salary provided for the schoolmaster by the Act 1646 was not raised. At Monkton, for instance, a teacher was appointed in 1652 at a salary of 100 merks, according to the Act, but the following year the salary from assessment was reduced to £40 Scots.

vided at Kingarth, in 1649, but we find, nevertheless, that shortly after his appointment the schoolmaster went to the Session with a complaint and declaration that he had waited on the school for a fortnight, "that there came none to him but five or six bairnies, and that he would not attend longer unless the Session took some course for causing these that had children to send them to the schole." This remonstrance by the schoolmaster simply meant that over and above his salary he must have fees. In 1654, the Kirk-Session of Dalryell gave to their schoolmaster a salary of £44, besides marriage and baptismal casualties, and also allowed him to charge 12s. a quarter for every scholar. Instances of school fees' being charged and paid at *later* dates, of which we have fuller extant records, could be multiplied indefinitely. It is enough to say that what was minuted by the Kirk-Session of Newbattle in 1626 was the common practice over Scotland when salaries came to be provided for schoolmasters, namely, that "set rent" allowed was "by and attowre" the quarter's payment.*

* In 1636, the Kirk-Session of Galston ordained "that the reader sall have in tym coming fra (Martinmas?) nixt the half of all penalties, with four shillings of ilk baptism, and sixteen shillings of ilk proclamation; and for keiping of ane schoole, and for gud wayting on, in respect of the small number of bairns, he sall have 20s. in ye quarter." The Kirk-Session of Kilmarnock in 1676 appointed "the quarter payments for the schoolmaster to be as they were in Mr. David Airth's tym, which was 23s. 4d. for Latine, and 16s. 8d. for the Scots." In 1704, the same Kirk-Session agreed that the schoolmaster should have 16s. of quarter wages from each scholar, and "the Doctor 8 pence of quarter wages to him for each scholar." In 1689, a woman appeared before the Presbytery of Ayr, alleging a claim of promise of marriage against a man to whom she had borne a child, and consenting to pass from that claim "upon condition that the said John would defray the charges of the education of the said child." In 1772, "the minister and Kirk-Session (of Monkton), by and with advice and consent of the heritors of the parish," appointed the schoolmaster's fees to be, "for teaching to read English 1s. 6d. per quarter, for wryting 8d., and for wryting and arithmetic ten pence each per month." And it was further minuted that "the schoolmaster is expressly prohibited and discharged from taking scholars for less time than a quarter or month respectively, or discounting any part of the wages aforesaid tho the scholars should not remain at school for and

Besides fees for teaching, schoolmasters long ago had the privilege of receiving from their pupils sundry gifts and payments on great occasions. In many of the schools in Galloway at the present day it is customary for the pupils to present their teachers with some little token of esteem and respect on Candlemas. These gifts are sometimes rendered in the form of a goose or a turkey, and at other times in the form of books or trinkets. Long ago they were paid down, all the country over, in hard cash. They were known as the Candlemas offering, or in other places as the New Year's Day offering. They varied in magnitude from the smallest to the largest of silver coins from each pupil, and sometimes they were paid in gold. Pupils were cheered according to the amount of their donations. When a half-crown was laid on the table the dominie shouted *vivat*, when a whole crown was produced he cried *florcat bis*, and when gold was tendered, he gave vent to his delighted feelings in a jubilant exclamation of *gloriat*. High distinctions too were conferred on the chief givers. The boy that made the biggest offering was proclaimed king of the school, and was treated to a semblance of regal state. Similar honours were paid to the girl that topped the list of female contributors.* But something worse remains to be told.

during the whole of the said space, with certification to all the inhabitants that, if they shall refuse to pay the full wages when the same shall fall due and be demanded, the heritors and Kirk-Session will *order prosecution against all such according to law.*

Wodrow states, as a thing without precedent and a most reprehensible bid for popularity, that in 1687 and 1688 "Popish schools were very carefully set up (by James II.) at the Abbey of Holy Rood House," . . . "and according to the methods of the Papists, who spare no charges to gain pro-selytes, all were to be taught *gratis*."

* See Grant's History of the Burgh Schools of Scotland.

In Ayrshire this offering was in my remembrance made on New-Year's day. I have no recollection of any *vivats* or *gloriat*s, but there was a proclamation of King and Queen. There was a huge jug of whisky toddy—very weak, of course—

Fasten-reen by long use and wont was a night devoted to mirth and revelry in Scotland as well as elsewhere. The day of which that boisterous evening was the joyous close was made a holiday at school. It was not to fields and streams, however, that the children in quest of amusement betook themselves that day. There was sport provided for them indoors. The schoolroom was turned into a cock pit, and every boy that owned a game-cock brought his bird to the school, to compete for honours in bloody and deadly combat. The owners of the cocks paid to the schoolmaster a small sum, in name of entry money, and those who did not provide a combatant had to pay an extra sum for admission to the spectacle. It was a gala day in the schoolmaster's calendar, for not only had he the benefit of pocketing the entry and admission money, but he had the privilege of picking up the carcasses of the slain and seizing the persons of the fugitives. In some places, not only in the North but in the South of Scotland, this barbarous and brutal practice continued down to the present century. In Mauchline, it was put a stop to by Daddy Auld in 1782.*

In olden times the schoolmaster usually held other parochial offices, for which he received some remuneration, and the allowance for which was taken into account in estimating the value of his appointment. He used to be reader, and conducted the reader's service in church on Sundays before the minister's service commenced. He was usually session-clerk and precentor

provided by the schoolmaster and every boy as he came up to the table with his offering was treated to a glass of the national beverage, and contrary to some of the old acts of the Kirk was taught to drink healths.

* "So late as 1790, the minister of Applecross in Ross-shire, in the account of his parish, states the schoolmaster's income as composed of 200 merks, with 1s. 6d. and 2s. 6d. per quarter from each scholar, and the *cock fight dues*, which are equal to one quarter's payment for each scholar." Chambers' Book of Days, Vol. I, p. 238.

likewise, and it was common, before the adoption of the Education Act of 1696, for Kirk-Sessions to record in one minute the appointment of a man to the three associated offices of schoolmaster, clerk, and precentor. Although associated in the person of one man these offices were nevertheless distinct and separate, and sometimes there was a special salary attached to each. In 1574, the stipend assigned to the reader in Mauchline was the "haill vicarage," and in 1788, it was 18s. sterling. In 1696, the schoolmaster had for his session-clerkship £20 Scots, which was to include the grant formerly made for chamber mail.* At Kilmarnock, in 1647, the doctor of the school acted as precentor, and the Kirk-Session of that town, "considering the services he hes done and for his singing in the kirk, ordained that he sould resave twentie merkis money, so long as he sall be employed to sing, and that yeirlie." As a rule, however, readers, session clerks, and precentors, were not paid by salary, but either wholly or in part by fees and dues. In 1639, the Kirk-Session of Galston passed a resolution that the reader in the kirk should have no wages nor fee for his service, "except that quhilk the mariages and baptisme presentlie peyis, to witt, sixteine shillings for the proclamation and marriage, and four shillings for the baptisme." And the dues which in this instance were said to be assigned to the reader were in other cases assigned to the session clerk. At Mauchline, for instance, it was appointed, in 1671, that for every testimonial granted to any one leaving the parish the clerk should have 3s. 4d. Scots; and in 1673, that for every pro-

* As shewing what a Session-Clerk's work was at one time, and how Session-Clerks were paid, the following minute of the West Kirk Session Edinburgh, 1589, may be quoted:—"Agreit that a Clark is necessarie to be had in yis kirk, to wryt in ye assemble, tak up ye psalms, proclaim ye bands of marriage, go in visitati on with ye ministeris and ebliris, geve tickets at ye communion, wait upon ye examinations, and do uther thingis in yis kirk yat is to be done be ye clark." For this work he was to have a standing stipend of £20 in money, with casualties. Sime's Hist. of West Kirk.

clamation of marriage the clerk should have 16s. Scots, and for every registration of baptism or certificate of baptism he should have 6s. Scots. But, whether appointed to reader or to clerk, these dues either always or almost always came to the man that was schoolmaster.

Sometimes a contention arose about some of these fees. It occasionally happened that a schoolmaster was timber-tuned, and had either to fill the office of precentor by proxy or leave it to the occupancy of some other person. In 1681, a man named Cowper was schoolmaster at Mauchline, and another named Grey acted as precentor. For "taking up the Psalm," Grey received an allowance of £16 Scots per annum. But as it fell to him to read the proclamations, he concluded that if the proclamation fees exceeded £16 a year he should have the benefit of the surplus. These fees, however, were not a perquisite of the precentor's, but part of the casualties that pertained to the clerk. They were paid, not for reading the proclamations aloud, but for receiving and recording the order for proclamation, and for writing the certificate of proclamation which authorised marriage afterwards. In March 1682, Grey's claim was submitted to the Session, and it was minuted that "count being made with John Grey for the time that he precented since the admission of the present schoolmaster, and he being paid at the Session's hand, the superplus of the proclamation money, (whether in his hand or in any other), is concluded to return to the schoolmaster, . . . and he (the schoolmaster) is ordained in time coming to receive it himself from those who are to be proclaimed."*

* Questions like this have repeatedly arisen and been submitted to the courts of law. In one instance, that of "Marquis of Tweeddale and the Kirk-Session of Dumfermline," the Lords of Session found that "the fees belonged to the Precentor." In the report of the case it is stated that "the decision went upon

It may be asked now, and a very important question it is, what provision, if any, was made long ago for the education of poor children? It is clear that although schools had been erected in every parish, and able schoolmasters provided for, the blessings of education might still not have been brought within the reach of all the parishioners. There have always been in every parish some people so poor as to be unable to pay school fees for their children, and it may be asked, were the children of such people in olden times left untaught? It is well known that the Education Act of 1872 makes provision for the education of the children of poor parents. Parochial Boards are authorised to grant certificates of poverty to people that cannot afford to pay school fees, and these certificates entitle the children of such people to education at their Parochial Board's expense. The Act 1803, also, provided "that the schoolmaster shall be obliged to teach such poor children of the Parish as shall be recommended by the Heritors and Ministers at any parochial meeting." But long before Acts of Parliament made such provisions, Kirk-Sessions were in the habit of getting education for the poor of their own congregations. As far back as 1595, the Kirk-Session of Anstruther Wester, in their zeal for education, ordered that all the youth in the town should go to the school for instruction. "Sic as are puir shall be furnished upon the common expenses, . . . and the manner of their help sall be—they shall haif thrie hours granted to them everie day throu the toun to seek their meit." At a later date, the same Kirk-Session agreed to pay the fees of all the poor children in the parish, according to what they learned at school. The Synod of Fife, in 1641, passed the following

specialties, and that the contrary seems to be the general rule." The general rule is very pointedly laid down by Lord Kilkerran in his report of another case before the court in 1740. See Dunlop's Parochial Law.

ordinance regarding school attendance within their province: "If the parents be poor, the Kirk-Session shall tak order for paying the schoolmaster his due, either out of the poores box or ellis be a quarterlie collection made for that purpose in the Congregation afore divine service ; but if the parents be able, then let them be oblished to send their bairnes when the Session gives order for it, and not to remove them till the Session be acquainted therewith." In 1705, the General Assembly appointed and ordained that "ministers take care to have schools erected in every Parish, . . . for the teaching of youth to read English, that the poor be taught upon charity, and that none be suffered to neglect the teaching of their children to read."

It will be seen, therefore, that in old times, Kirk-Sessions and General Assemblies enacted all or nearly all that the boasted legislation of 1872 did, in regard to making education compulsory and making it free to the poor. Of course, Kirk-Sessions had not the machinery, for executing and enforcing the Acts of the Church, that School Boards now have for executing and enforcing the Act of Parliament. There is a stronger executive now than there was formerly. The Church of Scotland, nevertheless, anticipated by two hundred years the legislation of 1872, in the two important points I have just mentioned. In 1677, the Kirk-Session of Kilmarnock appointed,* "that the elders in their respective quarters shall

* In 1698, the Kirk-Session of Greenock considering "that there were many poor children in the Paroche, either without parents or having parents who were not in case to keep their children at school, . . . it was, overtured that these poor children be distributed thorow several quarters and proportions of the Paroche, in order to their being maintained and kept at school." This overture was carried out. In 1711, the same Kirk-Session minuted that they had paid "to Alex. Watson for teaching poor scholars two shilling sterling, which compleats all due preceding the date."

bring in a list of the boyes fit for the school, that their parents may put them to school. Also, the Session appoynts that non be put to inferior schools who are fitt for the publick school." The Synod of Glasgow and Ayr passed an Act in 1700, enjoining "ministers in Kirk-Sessions to take particular notice of schools and the Christian education of youth, and to suffer no parents to neglect keeping their children at school, till they can read the Scriptures distinctly." It was added that the children of the poor were to be taught gratis.

In Mauchline parish, during Mr. Auld's ministry at least, if not also during the ministry of his predecessors, great pains were taken by the Kirk-Session to see that poor children were properly educated. In 1764, the heritors in revising and raising the school fees, made the following provisions—"In regard there may be people in the parish in low circumstances, who have children to teach but cannot afford to pay the above rates, appoint the schoolmaster to teach them at the former rates, upon a certificate from the Kirk-Session, who are hereby appointed to be judges of such circumstances. And in regard parents who are upon the public charity or in poor circumstances may also have children to put to school, appoint the schoolmaster to teach them gratis, upon the like certificate." From that date there are frequent instances of poor children's being examined by the minister or Kirk-Session, and thereafter, when the Session thought proper, allowed to attend the school for another quarter. In 1770, it was minuted that it had been "represented to the Session, by the schoolmaster, that the half of a quarter's wages was too small an allowance for teaching the children of the poor," and that the Session agreed "to allow two shillings per quarter for each poor scholar, on condition that the said poor scholar shall be presented to the Session and examined by the minister, both at the beginning and ending of every quarter in

which they attend the school.”* And, following up this resolution in a thoroughly business-like manner, the Kirk-Session, in 1775, intimated that the parents of poor children must apply to the Session, at the commencement of every quarter, for their children’s school wages, if they desire or expect any favour of that kind. The number of children so assisted by the Kirk-Session every year was probably not great. On the page opposite that on which the foregoing resolution in 1775 is entered, there is a minute stating that the Session allowed the schoolmaster eight shillings and four pence for teaching some poor children. But although this may seem a small sum, we must remember that, in those days, there was a much smaller number of people than there is now soliciting charity. The provision made by the Kirk-Session for the education of poor children was probably as much as was needed or wished.

And it was not simply for elementary education to the poor that Kirk-Sessions long ago taxed themselves. They did something also for higher education. In 1645, the General Assembly enacted that every Presbytery consisting of twelve kirks should provide a bursar every year at the college—that the bursar should have at least £100 Scots a year—that the provision for the bursar should be “taken forth of the kirk penalties”—and that the sum required for the bursar should be raised by a proportional stent of the several kirks in the Presbytery, according to the number of their communicants. It cannot

* A small amount of education was supposed to equip a poor boy sufficiently for the work of life a century ago. The Kirk-Session of Kilmarnock in 1755 minuted a resolution that education to the poor was “not to exceed five quarters, till they could read the Bible.” The Kirk-Session of Cullen found it necessary in 1723, to impose a similar restriction. The time allowed for the education of poor children at Cullen, however, in 1723, was three years, which would indicate either that the Kirk-Session of that parish was richer than the Kirk-Session of Kilmarnock, or that the boys of Cullen took longer to learn to read the Bible than the sharp-witted urchins of Ayrshire.

but occur to us that it would have been more correct to make the stent for the bursar proportional to the number of sinners, instead of communicants, in each several kirk, for if his provision was to be taken from kirk penalties, there would be nothing whatever for him in such kirks as were without spot or wrinkle. But possibly the law of average was supposed to hold good in the Church, as well as in the realm of nature, and that the proportion between church goers and sinners was a fixed quantity. Be that as it may, the stent imposed on the kirk of Mauchline was £4 Scots per annum, and the payment of that sum to the Presbytery bursar, as he was termed, recurs over and over, between 1670 and 1692, in the notes of the Session's disbursements.* Besides this annual payment to the bursar there were also occasional gifts to poor scholars. In 1672, there was given "to a poore schollar at Uchiltrie school, 20s," and in 1679 "to a poor boy at the College £1 6s. 8d."† It is much to be wished that a similar zeal for higher education were still to be found. The greatest boon that can be conferred on all classes of people, poor as well as rich, is the opportunity

* On the fly leaf of an old volume of the records of Kilmarnock Session, which dates from 1647, there is the following "list of the burse money payable out of the several parishes within the Presbytery of Irwin":—Irwin, £8 os. od.; Kilmaurs, £7 os. od.; Dreghorn, £5 os. od.; Kilmarnock, £10 os. od.; Stewarton, £7 os. od.; Dunlop, £4 os. od.; Kilwinning, £8 os. od.; Finnick, £5 os. od.; Beith, £7 os. od.; Kilburnie, £5 os. od.; Dalry, £6 os. od.; Stinstoun, £4 os. od.; Ardrossan, £5 os. od.; Kilbryd, £6 os. od.; Largs, £7 os. od.; Newmills, £6 os. od.; *Summa* £100 os. od.

† The Session of Galston expressed themselves more guardedly in 1671, by minuting that they gave "to a poor lad who *callt himself* a poor scollar, 8s." Besides providing for a presbytery bursar, the Presbytery of Irvine, in 1693 and 1694, had collections in all the churches within the bounds, "to maintain some students and scholars who have nothing to maintain themselves with." In the former of these years, the goodly sum of £300 2s. od. Scots was collected for that purpose, and in the latter year, £253 5s. 2d. These sums were divided in grants of graded amount among eight or nine scholars. At Kilmaurs there was in 1710 an endowment "for the maintenance of four poor scholars."

of advancing their children in the world ; and one of the most certain as well as most honourable means of doing so is by superior, or as it is now-a-days called or mis-called, secondary education. It is a matter both of national interest and of national honour that there be high education, as well as popular education, in the country ; and it is greatly to be desired that bursaries be provided for the help and encouragement of students at the University. But, these bursaries should never be given on the score of poverty. The nation will derive no benefit from helping poor people to get a University education, if these poor people have no special gifts for learning ; and bursaries are always marks of degradation when they are bestowed as charities. Bursaries should in every instance be given for scholastic merit alone ; and that should be tested by some form of examination, open alike to rich and poor, for the one purpose of promoting scholarship and encouraging young men of talents (and none others) to prosecute learning. One of the most crying evils in our Scottish Universities, at the present day, is the fact that lads, with a very slender amount of attainments and culture, enter without hindrance the classes at college, in order to get admission into one or other of the learned professions. These youths never become, and they never even try to become, such scholars as their professions should require them to be, and the public accordingly find the ranks of the professions swelled by men of imperfect education. How much the General Assembly in its wisdom guarded against this evil, a hundred and eighty years ago, may be seen from the following sentence in their Act 1705, which has already been referred to:—"In no Parish shall the Minister recommend youth to be taught Latin upon charity in any grammar school, but after examining the said child or children in presence of three or four members of the Session, as to their promptitude

and dexterity in reading and competent skill in writing, as to their virtuous inclinations, and as to the hopefullness of their proficiency ; and that none be received into grammar schools to be taught Latin upon charity but upon such recommendations : and also, that each Presbytery appoint a Committee of their number yearly, to examine the poor scholars in the grammar school, and such within their bounds as go to Colleges with an eye to bursaries, and suffer none to proceed but such as are very forward, and good proficient, and of good behaviour ; and that ministers recommend none to bursaries but such as are so qualified.”

It is well known that, for many years prior to the passing of the Education Act in 1872, all parochial and most private schools in the country were annually visited and examined by committees of presbytery. As far back as 1595, presbyteries were enjoined by the Assembly to “take order for visitation and reformation of grammar schooles, in touns within their bounds ; . . . and to appoint some of their counsell to attend carefullie on their schooles and to assist the maister in discipline.” How long this Act was faithfully observed by presbyteries I will not here say. Such records of presbyteries as I have seen are very silent on the subject of the visitation of schools during the seventeenth and eighteenth centuries. Inquiry was made whether there was a school in every parish, whether there was a schoolmaster, and how he waited on his duties, and whether there was a legal salary provided for his maintenance. But the examination of schools by committees of presbytery was, I think, a custom of no great antiquity, in this district at least. It was the minister and elders, not a committee of presbytery, that long ago were expected to visit schools. In 1700, the Synod of Glasgow and Ayr instructed “ministers in Kirk-Sessions to take particular notice of schools

and the Christian education of youth ;” and many ministers, in the first half of last century, considered the visitation of the parish school an important part of their work. It is stated in biographies of Ebenezer Erskine that, before his secession from the Church of Scotland, he was a noble example of what a Christian pastor should be, and that he “regularly visited the parish school, heard the children repeat the catechism, and prayed.” This is doubtless what many ministers, besides Mr. Erskine, did. A little before the middle of last century the Ayrshire Presbyteries seem to have begun to visit the *principal* schools within their bounds. In 1726, the Presbytery of Irvine visited the grammar school of Irvine, and appointed a committee to visit Kilmarnock school, “at their conveniency.” In 1738, the Presbytery of Ayr not only appointed a large committee to visit the grammar school of the county town, but appointed the “classes of Cumnock, Maybole, and Galston,” to visit the grammar schools within their respective bounds, at their first classical meeting.* It seems to have been subsequent, perhaps seventy or eighty years subsequent, to the later of these dates before the parish schools of Ayrshire came to be systematically and annually visited by Presbyterial committees. And looking back to these old visitations I cannot but say that, although the examination may not in every instance have been very skilfully or very thoroughly conducted, their moral effect on the school was good, perhaps as good as any inspection unaccompanied by substantial rewards and penalties could be.

* In 1807, a motion was made in the Presbytery of Ayr, “and agreed to, that the Presbytery should appoint committees of their number to examine the schools within the bounds of the Presbytery, and report the number of scholars attending such schools, the different branches taught in them, and the diligence of the different teachers.” This looks like the first institution of Presbyterial examinations of schools in South Ayrshire, and I suspect it was so, and that it arose out of the commotion about Sunday schools which will be described farther on.

And now, having shewn how much was done by the Church of Scotland, through her General Assemblies, Presbyteries, and Kirk-Sessions, to further the cause of national education, I have, in conclusion, to indicate what was the state of education in the country a hundred or two hundred years ago, compared with what it is at the present day.*

First of all, education was not so general then as it is now. Parishes were not so uniformly provided with schools, nor were schools so much taken advantage of. Notwithstanding the Act of Parliament 1633, authorising bishops, with consent of heritors and parishioners, to make provision for the erection and maintenance of schools in every parish, and notwithstanding the far more stringent Act of Parliament 1696, requiring heritors in every parish to provide school-houses and salaries for schoolmasters, there were, as we have seen, many parishes, even in Ayrshire, the land of covenants and song, that continued till about the middle of last century to have no school at all. And education, although made as compulsory as Acts of Synods and General Assemblies could make it, was not taken advantage of as largely as it might have been. The remarks of Pardovan, on the singing of Psalms in church, shew that, at the beginning of last century, there were supposed to be many people in every parish unable to read, and that the number of such people was much less than it had been fifty or sixty years previously.

* The Highlands are left out of consideration. About sixty years ago, Principal Baird, in travelling through these regions, on his educational mission, "found nearly 100,000 human beings unable either to read or write, and innumerable districts where the people could not hear sermon above once a year, and had seen thousands of habitations where a Sabbath bell was never heard." At an earlier date, matters were, if possible, still worse. When Boyd was appointed Bishop of Argyle, in 1613, "he found his see full of ignorance and disorder, and in many places the name of the Saviour unknown." In 1758, there were, says Principal Lee, (*Lectures*, Vol. II., p. 429) 175 parishes in the Highlands in which parochial schools had never been erected.

And writing was a much less general accomplishment than reading. Of 222 persons that signed the Solemn League and Covenant at Dundonald in 1644, there were 179 that did so by proxy. In the early Session Records of Galston, there is clear evidence that writing was an art which had been learned by very few people in that parish in the days of the Covenant. In 1711, two masons and three slaters were appointed, as skilled workmen, to inspect the church of Kilwinning and report to the Presbytery of Irvine what repairs were needed. The two masons subscribed their oaths with their own hands, as men that had contracts to sign should, but the three slaters "touched the pen, and allowed the Clerk of Presbytery to subscribe for them, declaring they could not write." * In 1764, the Kirk-Session of Mauchline had a case before them in which evidence was led. There were seven witnesses examined, and they were each asked to sign their depositions. One of the witnesses was a man, who signed his

* In *Old Church Life in Scotland*, instances are given of people in Mauchline Parish doing servile work on the Sabbath, from their not knowing that it was Sunday. People in other parishes were quite as benighted. In 1652, three men were delated to the Kirk-Session of Kilmarnock "for profaning the Lord's day by waking their hose." They compeared and confessed, "but thought the Sabbath had been passed, and the Session finding them sensible of their sinne did rebuke them only judicially."

Some cases of superstition are quoted also in *Old Church Life*. The following may be added, to shew the state of general intelligence or want of intelligence last century. In 1720, a man in Dreghorn was reported to the Presbytery of Irvine to have consulted "a person supposed to have a familiar spirit, for a sock which had been stolen from him." In 1746 a man in Saltcoats was delated to the same Presbytery, for "using an unlawful charm, by causing a key to be turned in the Bible for discovering some stolen leather, and who in consequence thereof had scandalised in an indirect way John Millar, shoemaker there, as the thief of said leather." The following entry in the "Brulie minutes" of Mauchline Session will shew that in 1784, when Burns was living in the parish, there was as gross superstition here as there was in Saltcoats in 1746, or in Dreghorn in 1720. The date of the minute is 28th June, 1784, "Compeared James Vance, and declares that, on the night alleged, he heard James Dykes desire James Gay to come in and see if the spell woman would cut the cards, in order to find out who had stole the Lawn."

name in letters that are stiff, crude and almost illegible. Of the six female witnesses, two wrote their names in fairly good characters, one scratched her initials, and the other three confessed they could not handle a pen. Two or three years ago, there appeared in the newspapers an interesting account of an old lady connected with this parish, who died at Brechin in the hundred and second year of her age. This old lady was in her youth schooled at Kilmaurs, and she used to tell that in the days of her childhood (1790-1800) "there were only four families in the neighbourhood who were at the expense of teaching their daughters to write and count."

Long ago there were, also, fewer subjects taught in ordinary schools than there are now. Grammar, geography, drawing, modern languages, and the smattering of uncouth nomenclature falsely called science, were unheard of at school by our great grandfathers. Old tables of fees give us a very correct notion of what used to be taught in schools. In 1673, the Mauchline table of fees contained only two charges—one for the teaching of English, and the other for the teaching of Latin. In 1764, a new table of fees was drawn up at Mauchline. Writing was mentioned as part of the instruction in English, as it had probably been long before,* and arithmetic was added as a special subject with a special fee attached. Down to 1764, therefore, it may be considered that counting was not reckoned in this parish a necessary equipment for the work of life. And so, the high charge, which I have already stated was fixed in 1803, for the teaching of book-keeping, in Mauchline, shews that at that date England was only becoming a nation of shop-keepers, and that the modern system of business was then reckoned as profound as one of the occult sciences. The other branches of

* As far back as 1691 there was paid by the Kirk-Session of Mauchline for the setting up of a writing table in the school, the sum of 11s. 8d.

modern education, such as English grammar, geography, and French, were probably taught in very few parish schools, before the present century.

Music is now, I presume, taught in every school. Middle aged people, however, remember when there were few or no schools in which children learned singing. Some may imagine, therefore, that the teaching of singing in schools is a novelty. But it is not so. It is rather the revival of a very ancient custom.* Not only were there numerous "sang schools" in Scotland three hundred years ago, but in 1713 the General Assembly, "for the more decent performance of the public praises of God, recommended to Presbyteries to use endeavours to have such schoolmasters chosen as are capable to teach the common tunes, and that Presbyteries take care that children be taught to sing the said common tunes; and that the said schoolmasters not only pray with their scholars, but also sing a part of a psalm with them, at least once every day."† And it was not in separate song schools, but in common lecture schools, that in old pre-reformation times music was taught. In one of Chaucer's Canterbury Tales there is an account of an old monastic school, where boys—

"Acquired each, year by year,
Such kind of learning, as was taught them there,
That is to say, *to sing, and read*, as good
Small children ought to do in their childhood."

* An Act passed in 1579 ordained that song schools should be provided in Burghs, and we have seen that in 1627 there was such a school in Ayr, separate from the Grammar School. The master of the music school in Ayr (1627) had, "for teaching of the music scule and taking up of the psalmes in the Kirk, 10 bolls of victuall and £13. 6s. 8d." Scots per annum. At Newbattle, in 1626, the Kirk-Session ordained "everie scholar to pay 10s. for lairning to reid and write Scottis, and for *musicke* to pay 6s. 8d., and for learning of Latine only 13s. 4d. quarterlie."

† The tunes that the General Assembly in 1713 wished children to be taught at school were the *common* Psalm tunes. In 1758, the Presbytery of Irvine received "a letter from the Provost and Magistrates of Irvine, acquainting them that as Mr,

And how the school was conducted may be inferred from what one of the "good small" boys said about himself:—

"I learn the song but do not know the gramaire."

It must not be inferred, from any thing I have said, that there were no classes of advanced pupils in parish schools long ago. The parish schools were not all elementary schools. On the contrary, they were often called grammar schools, and were taught by men of good ripe scholarship. In the records of the Presbytery of Ayr, there is an account of the examination of the grammar school of Maybole in 1709, which would do no discredit to the schoolmasters of that town at the present day. There were three classes of humanity, that is of Latin, taught in the school. Those in the lowest class had been three quarters of a year at school, which probably means three quarters of a year at Latin, and had advanced to the chapter, "*prepositio quid est?*" The second class had been at school two years and a half, had learned the first part of the grammar, had advanced to the end of "*regimen nominativi*," and had read the whole authors of the Rudiments and several of the Epistles of Ovid. The third class had been three and a half years at school, had learned the third part of the grammar, and had read a large portion of the works of Ovid, part of Sallust, part of the *Majora Colloquia Erasmi*, the Eclogues of Virgil, and the first book of the Aencid. In 1729, a committee of the Presbytery of Irvine examined the school of Irvine. "They found that the

Henderson, teacher of music in Irvine, had made great progress in accomplishing severalls in singing some new Church tunes, they desired that he, with his scholars, (might be allowed to give) a specimen thereof in publick, at the Presbytery's next meeting, if it was not disagreeable to the Presbytery. The Presbytery desired Mr. Cunningham to report unto the Magistrates that it would be nowayes disoblidgeing to them, but that they were well pleased with every new improvement of this kind." The records don't state whether the proposed entertainment came off or not, nor what the reverend fathers thought of it.

first class translated a part of the Greek Testament into Latine, and some of the Roman authors into English, answered the questions put to them, and translated many English sentences into elegant Latine with great dexterity. They found also a sett of globs and mapps, for instructing students in the elements of geography and astronomy, and that the masters teach arithmetic and navigation to such as desire instruction therein."

As far back as the Reformation, or even farther back than that date, there was good secondary education given in some of the grammar schools in Scotland. Nothing in its way is more delightful than James Melville's account of his school life at Montrose, about the time of the Reformation. At Montrose, we were, he says, "weill treaned up bathe in letters, godlines, and exercise of honest geams." The training in letters included the reading of such Latin authors, as Virgil, Horace, and Cicero, "dyvers speitches in Frenche, with the right pronounciation of that tounge." As a training in godliness "the catechisme and prayers, par coeur," were taught, with notes of Scripture. And for games, he says, we "war be our maister taught to handle the bow for archerie, the glub for goff, the batons for fencing, also to rin, to leape, to swoum, to warsell." Equally charming is his account of College life at St. Andrews, where at first he did "nathing but bursted and grat at his lessons, and was of mind to haiff gone haim again." But his kind regent, seeing the distress he was in, "tuik (him) in his awin chalmer, causit (him) ly with him selffe, and everie night taught him in private, till he was acquainted with the mater."

It is unquestionable, however, that long ago the foremost place in school education was assigned to religious instruction. An Education Act passed by the Parliament of Scotland in 1567, declares it to be "tinsel baith of thair bodies and saulis, gif God's word be not ruted," along with secular instruction, in

the minds of the young. In 1695, the schoolmasters of Ayr compeared before the Presbytery, and the exhortations they received were "to instruct their scholars in the principles of religion, and to keep none that walk disorderly, and to convene and dismiss the school with prayer." * One of the instructions given by the Presbytery in 1747 to ministers, for the visitation of schools, was to see that schoolmasters enquire into the behaviour of children out of school, by means of censors, who should report every Saturday ; another was to see "that the ancient and good custom of repeating the catechism in church on the Lord's day, before sermon in the forenoon, and betwixt sermons, (that is at the reader's or schoolmaster's service), be continued, and that a portion of holy scripture be read, after repeating the

*The power of extempore prayer in olden times was what might put us to shame at the present day. Every head of a house was expected and required to have family exercise daily, at which he prayed with his wife and children, without any Euchologion or aids to devotion. In 1652, a man called Hew Caldwell "was often summondit (before the Session of Kilmarnock) for neglect of family exercise." At length he compeared and confessed neglect of that duty, "because he judged himself not able to doe it. The Session did rebuke him, and did *exhort him to doe as he could*, whereunto he did bind himself." In 1710, some of the ministers in the Presbytery of Irvine reported that they met once a month, as required, with their Elders for prayer. "Others," it was said, "do not, in regard their elders are bashfull and in confusion from the presence of the minister, and so not fit to go about that duty, but, where it is so, they convey among themselves without the minister, and pray together." In the solemn acknowledgment of public sins and breaches of the Covenant, drawn up in 1648, the following curious passage occurs:—"Ignorance of God and of His Son Jesus Christ prevails exceedingly in the land. The greatest part of masters of families among Noblemen, Barons, Gentlemen, and Commons, neglect to seek God in their families . . . and albeit it hath been much pressed, yet few of our nobles and great ones ever to this day could be persuaded to perform family duties themselves and in their own persons, which makes so necessary and useful a duty to be misregarled by others of inferior rank."

Bishop Burnet (an Episcopalian) says that in 1662 the Presbyterian Clergy "had brought the people to such a degree of knowledge, that cottagers and servants would have prayed extempore. I have often overheard them at it, and though there was a large mixture of odd stuff, yet I have been astonished to hear how copious and ready they were in it."

catechism.”* And a living historian of high fame extols the wisdom of our ancestors, in paying so much attention to the teaching of creed and conduct. “They understood,” he says, “perfectly well what they meant. They set out with the principle, that every child born into the world should be taught his duty to God and man. The majority of people had to live, as they always must, by bodily labour, therefore, every boy was as early as convenient set to work. . . . He was apprenticed to some honest industry. . . . Besides this, . . . he was taught reading, that he might read his Bible, and learn to fear God, and be ashamed and afraid to do wrong. . . . And the ten commandments and a handicraft made a good and wholesome equipment to commence life with. . . . The original necessities, too, remain unchanged. The ten commandments are as obligatory as ever, and practical ability, the being able to do something, . . . must still be the backbone of the education of every boy who has to earn his bread by manual labour.”

As confirming the statements of Mr. Froude with regard to the practical tendency of some of the early educationists in this country, it may be mentioned that in 1641 there was an overture before the Scottish Parliament, that “in each shire there should be a house of virtue erected.” This house of virtue was to be a technical college for teaching the art of weaving, and it was proposed that each parish in the country should send to the house of virtue for seven years one or two children, according as the parish was under or over 5000 merks of valuation.

* In 1599, the minister of Forgan reported to the Presbytery of St. Andrews “that the gentlemen of his parochin desyrit him in their names to seek the Presbytery’s license to Mr. Samuel Cunningham, their schoolmaster, to catechise the barnes upon Sundays before the sermonth, unto the quhilk desire the brethren agrees, and gives license to the said Mr. Samuel.” Lee’s Lectures, II., p. 441.

In 1661, an Act was passed for the formation of companies to make linen cloth, and it enacted that poor children (vagabonds and other idlers) in every parish should be taught to work wool and knit stockings.

The Sunday School is looked to now-a-days as the chief instrument for conveying religious instruction to the young. But the modern Sunday school cannot compare, as an instrument of religious instruction, with the means employed in former times. In one sense, Sunday schools may be called a modern institution, but in another sense they are not. Long ago, more than two hundred years ago, it was customary to have a catechetical service in the church in the afternoon. That was just a Sunday school, with the minister or reader for teacher, the whole youth of the parish for scholars, the Bible and the Catechism for text books, and the indoctrinated conviction that the church was holy ground for a principle of self-discipline and order. In later times, when that old custom had gone out of use, the day school became the place where the young were grounded in religious knowledge. And admirable was the religious instruction then given. In 1794, the General Assembly enjoined "all parochial schoolmasters, and all teachers of schools within the Church, to cause the Holy Bible to be read as a regular exercise in their schools; and also that the children at school be required to commit the Shorter Catechism to memory, and by frequent repetition to fix it deep in their minds." A few years later (1800), the Assembly enjoined Presbyteries to give in a list of all the schools within their bounds, specifying what is taught in each school, and to state whether the schools be held on the Lord's Day or on other days of the week.* It will be seen, therefore,

* The first Sunday school in Scotland was, it is said, instituted at Brechin by the Rev. David Blair, Parish Minister, in 1760. In 1782 Sabbath schools were established in the Barony Parish of Glasgow. In 1787 a society was formed in Edin-

that in 1800 Sunday Schools had been instituted in some places, and Presbyteries were required to report anent them. These Sunday Schools, however, were, as a rule, conducted by dissenters, and they were looked upon with suspicion by the Church of Scotland as a device of her enemies. The chief founder of them was James Haldane, a layman of great religious zeal, who did not attach himself to any particular church, but was a sort of prototype of the modern Plymouth Brother. He considered that the Gospel was not faithfully preached by a large number of ministers in the Church of Scotland, and he travelled about from parish to parish, with one or two associates, listening to the sermon in church in the forenoon, and then holding in the afternoon an open-air meeting, at which he criticised and denounced the discourse of the minister. Much more attention was given by the church in those days to these proceedings than would now be given. The General Assembly, in 1799, issued a pastoral letter about them, declaring that it was much to be lamented "that there should of late have arisen among us a set of men whose proceedings threaten no small disorder to the country. They assume the name of missionaries, as if they had some special commission from heaven; they are going through the land as universal itinerant teachers, and as superintendents of the ministers of religion; they are introducing themselves into parishes, without any call, and erecting in several places Sunday Schools, without

burgh for promoting religious knowledge among the poor, and similar societies were soon afterwards formed in Glasgow, Paisley, Greenock, Perth, and Aberdeen. Sunday schools were the means by which these societies sought to effect their object. "Having been originated and organised by sectarians," however, the Sunday school "system was in these times of high political excitement deemed favourable to the cause of democracy, and was even stigmatised as a hotbed of disaffection and sedition."—Report on Sabbath Schools to the General Assembly, 1876.

any countenance from the Presbytery of the bounds or the minister of the parish; they are committing in these schools the religious instruction of youth to ignorant persons, altogether unfit for such an important charge; and they are studying to alienate the affections of the people from their pastors, and engaging them to join their new sect, as if they alone were possessed of some secret and novel method of bringing men to heaven."

One or two members of the Presbytery of Irvine were in 1798 much exercised by the spread of sectarian Sunday schools in North Ayrshire. For the suppression of this ecclesiastical annoyance, the following motion was made and seconded in the presbytery, "That, as it is in the knowledge of this Presbytery that Sunday evening schools have been set up in different Parishes within their bounds, patronised and conducted by seceding clergy and their adherents, without consulting the established ministers of the Parishes, the Presbytery, apprehending that this is an encroachment upon the power and jurisdiction of the Church of Scotland, and is an evil which requires a timely check, do overture the General Assembly to take this matter into their consideration, and adopt such measures as in their wisdom shall seem meet and proper for supporting the authority and jurisdiction of the Church, and enact such regulations as they may judge necessary for directing the conduct of Presbyteries in these and all similar cases that may occur." The presbytery, to their credit be it said, were not ripe for such an overture, and they gave it what is called the go-bye. The movers of the overture, nevertheless, reflected the prevalent spirit of the times, as the Assembly's pastoral letter the year following shewed. When this pastoral letter came down to the Presbytery of Irvine in 1799, immediate action was taken thereon. "In obedience to the

injunction of the General Assembly, the Presbytery resolved to call before them all teachers of youth within their bounds, in order to make trial of their sufficiency and qualifications, in those branches of education which they profess to teach ; and accordingly ordered the teachers of Sunday schools and private schools within (certain named parishes) to appear before them at next meeting, to undergo examination." For a couple of years, there was a great ado in the presbytery about this business. Some of the teachers disregarded the presbytery's citations, and the presbytery resolved to consult the procurator of the Church, concerning the course to be taken with these "refractory" persons. Most of the teachers, however, whether bond or free, sound or schismatic, obeyed the summons, and presented themselves before the court or its committees. After consultation, it was agreed that four questions should be put to all the cited teachers, whether of private week-day schools or of Sunday schools, and these questions were " 1st, are you willing to subject yourself to the doctrine and discipline of the Church as by law established ; 2nd, are you willing to take the oaths to Government, and to have your school registered in the county books ;* 3rd, do you receive payment from your scholars or from any other person ; 4th, have you any commission from or connection with any missionary society, or with any society beyond the bounds of your own parish." Most of the teachers of private schools answered all these questions satisfactorily. They were loyal members of the Church of Scotland, making an honest livelihood, as many others had done ever since the Reformation

* The teachers of all schools, other than parochial, burgh, General Assembly, or S. P. C. K. schools, were, by the Disarming Act, 19 Geo. II., c. 38, required, under penalty of six months imprisonment, to register, in a book kept by the sheriff-clerk, a description of their school, and a certificate that they had taken the oaths required of persons in public trust.

or perhaps before it, by teaching. Others were dogmatic dissenters, and said that, as "covenanted anti-burghers, they could not submit to the discipline of this Church," nor take oaths to Government. In no case did it appear that any of the teachers had "commission from or connection with any missionary society," or in other words were Haldanites. There were at least six parishes in North Ayrshire in which Sunday schools were held in 1799, but the action taken by the Presbytery of Irvine rather lessened the number of these schools. Two Nathanaels in Kilbride took instant alarm, and wrote to the Presbytery, "that they had come to the full determination of ceasing from this date to attend the Sunday evening schools, in assisting to catechise the few children who have, for a very few Sunday evenings, attended in this place." One good that resulted from this hubbub was a most elaborate and excellent return of all the schools, week day and Sunday, within the bounds of the Presbytery, with a report on the church connection, and scholastic attainments of all their teachers. The Presbytery's report on Sunday schools is now, from the altered state of public opinion within the Church of Scotland on these seminaries of religious instruction, somewhat noteworthy, and I shall therefore give it entire :—

"Sunday Schools.—One at Kilmarnock, taught by William Stevenson, preacher of the gospel. This school is under the direction of the magistrates and ministers, and a committee of the inhabitants by whom Mr. Stevenson is paid. One at Irvine, taught by Mr. Gemmell, J. Neil, H. Allan, T. Harvey, all of the Relief Church. They have all taken the oaths to Government, and are qualified to do what they profess, namely, to hear children repeat the Assembly's Shorter Catechism, and read portions of Scripture. They receive no payment, and have no connection with any missionary society. One at Beith, taught

by John Barr of the Relief Church, by whom he is paid. He teaches and explains the Shorter Catechism, and Brown's Catechism. He was found unqualified to explain the Catechism. He is unconnected with any missionary society. One at Largs, taught by P. and W. Hall, weavers, J. Moodie, J. Malcolm, J. Lyle, J. Crawford, weavers, W. Jamieson, farmer, and Archd. Hill, all Burghers. Only Mr. Hall appeared. The rest refused to attend the Presbytery. Archibald Hill replied to the summons by a very insolent letter to Mr. Rowan, the minister of the Parish. The Presbytery know not whether these men be qualified or not. Which scheme the Presbytery approved of, and ordered the same to be transmitted to the General Assembly and Sheriff of the county."

Apparently, there was not in the Presbytery of Ayr such a violent hostility to Sunday schools during the period from 1799 to 1806, as there was in the Presbytery of Irvine. So far as I have noted, the only reference in the records of Ayr Presbytery to a Sunday school within the bounds during that period, is to one at Girvan in 1801. In that school there were seven teachers, all of whom were so loyal as to take the oaths to Government. And yet I cannot but think there must have been *several* Sunday schools at that time in South Ayrshire. In Mauchline Parish there was one. It was held on the Sunday evenings; and in winter every scholar brought not only a Bible and a Catechism to the school, but a candle, which was lit at the door by the beadle. One of the scholars at that school in 1794* was the centenarian who died at Brechin two or three years ago. It is stated in the newspaper account of her, already referred to, that this Sunday school was held in the Parish Church, and was taught by the parish minister and

* This is the date given in the newspapers, but I think it likely that the real date was a year or two later.

his elders. This is certainly a mistake. The Sunday school system was in 1794 not unfavourably looked on by some of the ministers of South Ayrshire. Mr. Dun of Auchinleck, in a note to one of his sermons printed in 1790, speaks of "the useful Sunday schools," but at the same time declares them far inferior as a means of religious instruction to the old custom of ministerial catechising. As a rule, however, Sunday schools at the end of last century were regarded by churchmen as seminaries of schism and nurseries of dissent. It must have been in the Burgher Meeting-house that the Sunday school at Mauchline was held in 1794, or soon after that date. The centenarian's relatives in this parish attended the Meeting-house, and there are documents still in existence which shew that in 1804 there was a Sunday school in connection with the Seceders' congregation. And it was natural that dissenters should institute Sunday schools. The mother Church had control of the week-day schools. Her ministers could enter them at pleasure, and, like Ebenezer Erskine, might catechise the children. Dissenters might feel, therefore, that if the influence of their ministers was to be brought to bear on the young, it must be through other schools, the cheapest, readiest, most effective and most novel of which were Sunday evening schools.

It only remains to be stated that learning, although much extolled and honoured and promoted by the clergy and the Courts of the Reformed Church, was, for two hundred years after the Reformation, not encouraged nor revered as it should have been by an appreciating public. The clergy had a sore fight to get schools erected in parishes, even after their erection had been made imperative by Act of Parliament. The charitable disbursements to "poor scholars" shew, too, that it was generally the humbler classes of people that devoted their children

to learning.* Many of the students at the Universities had actually to beg for their bread. Mr. Froude seems to think that this begging was a good thing. "The thirty thousand students," he says, "who gathered out of Europe to Paris to listen to Abelard, did not travel in carriages and they brought no portmanteaus with them. They carried their wardrobes on their backs.† They walked from Paris to Padua, from Padua to Salamanca, and they begged their way along the roads. The laws against mendicancy in all countries were suspended in favour of scholars wandering in pursuit of knowledge, and formal licenses were issued to them to ask alms." It may very well be doubted if such a custom of asking alms was in any way good for students. It requires little stretch of imagination to perceive great evils that must have attended such a loose way of living. Far more honourable and far more conducive to self-respect it would have been had students endeavoured to support themselves, either wholly or in part, by some honest industry, manual or literary. The privilege of begging which was extended to some students led others to beg without license. The Act of 1579, for the repression of sorners and masterful beggars, makes mention of "vagabond schollers of the Universities of St. Andrews, Glasgow and Abirdene, not licensed be the Rector and Deane of Faculty to ask almes." These people, the Act avers, were a public nuisance, like the Egyptians, and the minstrels, and the tale-tellers, and in the interests of public order they were to be apprehended and sent to prison. And the lowering effect that

* A very interesting entry in the Mauchline records is "1670, 14th Aug., given to German scholler 30s."

† It is said of William Leslie, minister at St. Andrews-Lhanbryd (1779-1839) that he was "a man of singular benevolence and given to hospitality. Before stage coaches were introduced into Elginshire, and long subsequent to that event, he entertained at the manse young men from the West coast, wending their weary way to enrol at the Divinity classes of the Aberdeen Colleges, and gave them sustentation on their homeward journey."—Fasti.

this life of beggary had on the students shewed itself in their after history. Many of them when they became ministers and readers acted also as tapsters and tavern keepers. Not only so, but the General Assembly in 1576, thought it necessary to direct the commissioners, as those were then termed who were formerly called superintendents, to exhort such ministers or readers as tapped ale and kept open tavern to preserve decorum within their premises.* Less than a hundred years ago the emoluments of placed schoolmasters—beneficed men—holding a multitude of public parochial offices—were, as we have seen declared by the General Assembly to be scantier than those of a field labourer, and schools were in danger of being abandoned for want of proper men to undertake their charge. Matters are now mended. Learning and education are valued. Students are not subjected to any degradation. Ministers are not allowed to exercise any calling inconsistent with or calculated to bring reproach or discredit on their pastoral office. The profession of teacher is one that men are pressing into; it is every day demanding higher qualifications; and it is both honoured and remunerated, as from its usefulness and dignity it ought to be. The cause of education is therefore greatly advanced in Scotland beyond what it was either two hundred or one hundred years ago. But there is an evil doctrine in the air. It is openly

* In 1649, a minister, who bore the honoured name of John Knox, was deposed by the Presbytery of Kintyre for "keeping change in his house, selling drink, etc." In 1603, the minister of Yester was accused among other things of being "a maker of aquavitaë." He admitted that "his wyfe maks aquavitaë for thair awin use, bot sellis nane." The Presbytery bade him, under the pain of deposition, "by aquavitaë and mak nane."

The word aquavitaë it may be remarked was sometimes applied to other drinks than whiskey. In Hollinshead's Scottish Chronicle it is said (p. 28) that the ancient Scots, when "determined of set purpose to be merry, used a kind of aquavitaë; void of all spice, and only consisting of such herbs and roots as grew in their own gardens."

proclaimed by many people that the main purpose of education is to enable youths to read the newspapers and fit themselves for mercantile appointments. Education should have higher objects than these in view. It should aim at making boys become honest, well conditioned, well mannered, intelligent, and cultured men, with a taste for literature, and a capacity to enjoy what in literature is best and greatest. In other words, there should be in every parish provision for secondary as well as for primary education. By that means, more than by any other, will the chief avenues to honour, distinction and social advancement be made free; and then it will be said that, as the prize of a field-marshal's baton is in France open for competition to the private soldier, so in Scotland are the Principalships of Colleges within reach of the sons of every humble artisan.

LECTURE III.

MARRIAGES IN OLDEN TIMES.

Marriages sometimes regular and sometimes irregular—Kirk-Sessions and Church Courts had to do with both kinds of marriages—Proclamation of banns—Proclamation fees—Consignations—Marriage festivities—Proclamations sisted or stopped—by parents or guardians—on account of scandal—ignorance—neglect of ordinances—pre-contract—marriage already formed and not dissolved—youth and near relationship—Certificate of proclamation refused after proclamation made—Marriage in church—Marriage service—Irregular marriages—Old and High Church doctrine of marriage—Lower and more secular doctrine held by some Protestant ministers and denominations—Curious case at Kilmarnock—Irregular marriages at one time always or almost always celebrated by a minister—Severe Acts anent clandestine marriages—Frequency of irregular marriages last century—Causes of that frequency—Sessional procedure—first ascertain whether parties really married—proofs of marriage—certificate—Different views on subject of legal marriage—Acknowledgment and habit and repute—When found unmarried, pronounced scandalous, and interdicted from living together—When found married, censured for breach of Church order, had marriage confirmed, were fined—What done when husband and wife separated.

ANOTHER very important matter that in olden times came under the jurisdiction of Church Courts, and especially of Kirk-Sessions, was marriage. And in Scotland there have, from a very early period, been two kinds of legal marriage, recognised under the two designations of regular and irregular. Regular marriages have always been defined as marriages celebrated according to the regulations of the Church, by authorised ministers, and with religious solemnities, or, as a certain class of ecclesiastical writers are given to say, with sacerdotal benediction. The definition of an irregular marriage has not been so constant and unquestioned. In the strict sense

of the term, a marriage may be said to have been irregular, when the regulations of the Church were not fully complied with ; and, as these regulations varied from time to time, marriages that at one period were held to be regular may at another period have been pronounced irregular. Some infringements of the Church's rules, however, were reckoned much graver than others. For the last two hundred years, it has been considered a much greater violation of order to be married without proclamation of banns than to be married in a private house. Some irregularities in marriage were, therefore, less regarded than others by Kirk-Sessions ; and, during the greater part of last century at least, the reproach of irregularity was not attached to marriages in which the breach of order was not very serious.

In this lecture, I shall endeavour to show what was the Church's procedure, and what were her regulations : first, in regard to marriages that were counted orderly, and secondly, in regard to marriages that were counted inordinately.

From the time of the Reformation, and indeed from a date long prior to the Reformation, regular marriages have always been preceded by a notice of marriage, publicly read in church. The technical term for this notice of marriage is banns, a word derived from *bannum*, which in ecclesiastical Latin means proclamation. In the Canon Law, *banna*, or banns, are defined to be "*proclamationes sponsi et sponsae in ecclesiis*"—the proclamations of betrothed persons which are made in churches ; and Calderwood, the Presbyterian historian, speaks in one of his books of "*indictio nuptiarum quam banna vocant*"—the notice of marriage, which people call banns. The common phrase "proclamation of banns" is thus a redundancy. It is a phrase, however, that is sanctioned by long and constant usage, and it appears in the title of one of the General As-

sembly's Acts of 1880. Sometimes, in old writings, the expression "bands of marriage" occurs, and in such a connection as to make the reader suppose that the terms banns and bands were used indiscriminately, as if they were only different modes of spelling the same word.* The two terms are distinct, nevertheless. Bands of marriage meant contracts of marriage, and banns were the proclamations of these bands. In the Galston Records (1643), we read of "bands of marriage" being completed, not in the sense that banns or proclamations of marriage were read three times, but in the sense that contracts of marriage were ratified and concluded by solemnisation. In one instance, we read that, the "bands being compleit, ye consignationes were delyverit back;" and in another, that, "failzeand in performing ye bands of marriage, their consignation was givin in to the Session."

In pre-Reformation times, the solemnisation of marriage was preceded by a formality of espousals or betrothal. After the Reformation, the same custom continued under the name of contracts. In 1569, a case was submitted to the General Assembly, which indicates the successive steps that at that time were taken in the process of marriage. "Ane promise of marriage made, before the readers and elders, in ane reformat kirk, the parties contractit compeirs before the minister and sessione, and requires their bands to be proclaimit; quhilk beand done, . . . when the Kirk requires them to proceed to the solemnisation the woman refuses." It will thus be

* In the Book of Common Order (Knox's Liturgy), the following expression occurs: "After the *banns* or *contract* hath been published." In 1597, the General Assembly forbade readers "to *celebrat* the *banns* of marriage, without special command of the minister of the kirk." This did not mean, as some have supposed, that readers were not to publish banns, but that they were not to solemnise marriage without special order. See Calderwood, Vol. V., p. 647. It looks as if in both of these instances bands, and not banns, were meant.

seen that, first of all, a promise or band was made in presence of certain authorised witnesses, a reader and elders; secondly, that the parties contracted repaired to the Kirk-Session and required proclamation of their band; and, last of all, that the Church held the parties bound to implement their contract by solemnisation.* Six years later, a question was put to the General Assembly, in the following terms: "Whether the *contract* of marriage, *used to be made before the proclamation of banns*, should be in words of the present time, or there should be no contract or promise till the instant time of solemnisation?" The answer given to this question was: "Parties to be married should come before the Assemblies (Kirk-Session), and give in their names, that their bands may be proclaimed, and no further ceremonies used." It may therefore be said that from this date, 1575, espousals ceased to be regarded in the Church of Scotland as a formal ecclesiastical act. The ingiving of names for proclamation, with a view to marriage, nevertheless, continued to be called and considered a marriage contract. In 1611, the Synod of Fife ordained that, "heirafter, all contracts of persons to be joyned in marriage be maid publictly in the Sessione, the parties being first tryed upon thair knowledge of the Lord's Prayer, Belieff, and Ten Commandis." Even at the Westminster Assembly, in 1644, it was remitted to a committee to "consider of something concerning contracts or espousals, to be added to the Directory of Marriage"†—that is, to consider whether betrothal, as well as solemnisation of marriage, should not be regarded as a religious ceremony, and be

* In 1570, the General Assembly was asked if it was not expedient and necessary that a uniform order should be observed in all kirks in making promises of marriage, and the answer was that "a promise of marriage *per verba de futuro* shall be made according to the order of the Reformed Kirk, to the minister, exhorter, or reader."

† Minutes of Westminster Assembly, p. 7.

regulated by ecclesiastical rules. The divines at Westminster appear to have come to the same conclusion as the General Assembly did in 1575, namely, that persons craving marriage shall give in their names to be proclaimed, and that "no further ceremonies be usit." The idea of espousal or contract, however, was still associated with the ingiving of names for proclamation, and in the Marriage Register of this parish, the phrases "contracted and married," and "contracted in order to marriage," frequently occur at dates subsequent to 1730.

Many different enactments, in regard to both the ingiving and the outgiving of the names of persons craving marriage, have from time to time been made by the several Courts of the Church. In 1579, the Kirk-Session of Perth ordained that no notice of banns before marriage be received except on the ordinary day of the Session's meeting, which was Monday. Five years later, this rule was modified to the extent that "no contracts of marriage should be received on the Monday in time of Assembly," that is, while the Kirk-Session was sitting on business. Parties to be contracted were required, however, to pass with their parents or two near kinsmen "to the minister's chamber, or any other place assigned to them by the minister, and there, before the minister and two elders, give up their banns." In 1676, the Kirk-Session of Galston ordained that "when any come to give up their names in order to proclamation for marriage, they shall acquaint the minister therewith, beforehand, and bring the elder of their quarter along with them." It will thus be seen that particular Sessions had rules of their own anent the ingiving of the names of persons to be married. But there were Acts of Assembly on the subject also. In 1699, the General Assembly ordained that, before any banns of marriage were published, there should be given in to the minister the names, not only of the persons to be married, but

of their parents and tutors; and that the minister should ascertain whether or not the parents and guardians consented to the marriage. This Act, in the course of a hundred years or less became a dead letter; and, in 1784, the Kirk-Session of Mauchline saw occasion to lay down the following rule for observance in this parish, that "immediately upon parties giving in their names to the clerk, he should send a note of their names, parentage, and place of residence to the minister, who is to consult the Session before a second proclamation." A few months later, the General Assembly passed an Act of similar tenor, discharging session-clerks from making any proclamation of marriage till they received from the minister, or, in the case of a vacant parish, from two of the elders, permission to proclaim. One principle, it will be observed, pervaded all this legislation, both of Kirk-Sessions and of General Assemblies, which was, that applications to be proclaimed for marriage must be lodged with, and be judged by, some specific authority, before proclamation is made.

In regard to the outgiving of names, the old law and custom of the Church was that banns of marriage must be published three several days in the congregation. This is declared in the First Book of Discipline to be expedient, "for avoiding of dangers," and is referred to in Knox's Liturgy as an understood rule. During the first period of Episcopacy (1610-1638), some relaxations of this law were introduced, and the Presbyterians were not slow to allege that great scandal had arisen therefrom. One of the charges brought against the bishops, in 1638, by the "noblemen, barons, burgesses, ministers and commons, covenanters (which were not commissioners to the Assembly),"* was,

* In the Large Declaration by the King, (1639), the indictment or bill from which these words are taken is thus described: "They, (the Covenanters), caused to be drawn up a most false, odious and scandalous libell against the Archbishops

that the said prelates had “gevin license to sundry ministers to solemnize marriage without asking three severall Sabbaths before;” upon which have followed divers inconveniences; a man hath been married to a woman, her husband being alive, and they not divorced; some have been married to persons with whom they have committed adultery before, and some have been married without the consent or knowledge of their parents.” The Assembly of 1638, therefore, which abolished Episcopacy, and deprived the bishops both of Episcopal functions and ministerial calling, passed a new Act for the more orderly celebration of marriage. This Act premised that marriage without proclamation of banns had been in use these years bygone, and had produced many dangerous effects; and it accordingly discharged, for the future, all marriages without regular proclamation, “except the Presbyterie in some necessarie exigents dispense therewith.” On the downfall of the second Episcopacy, in 1690, a similar Act was again passed by the Presbyterians; and this Act, although latterly much evaded continued nominally in force till recent years.

On points of detail in marriage banns, many regulations have at different times been enacted by the Church. These need not be particularly recited. But there is one matter I

and Bishops; which, out of our love to the Christian religion, we wish might never come to the notice of any pagan, and out of our love to the religion reformed, we wish might never come to the notice of any Papist. But it cannot be concealed,” p. 208-209.

* The Book of Discipline (1560) says that in certain cases where no suspicion of danger can arise the “time may be shortened at the *discretion of the ministry.*” What was meant by the ministry? The Episcopalians said it was the Bishop, and the Covenanters (1638) said it was the Presbytery. Each party from its own point of view was right. The discretionary power is now by Act of Assembly 1850 vested in the minister alone.

In 1643, it was reported to the Presbytery of Ayr that one of the strictest of Covenanters and Puritans, Mr. George Hutcheson of Colmonel, had “caused proclaim himself twyse in one day.”

must here refer to. There may happen, by a time, to be no service in a church on a Sunday, and some special provision must then be made for the publication of banns. At the present day, banns may in such circumstances be read at the church door, by the Session clerk, in the presence of witnesses. And from time immemorial this procedure has been recognised as legal. It is evident, however, that occasions might arise on which this practice, from want of publicity, might be open to abuse, and fail to answer the end for which proclamations of marriage were enjoined. Especially might this be the case when, from troubles of one kind or another, the church was imperfectly equipped with ministers, and there were many parishes very irregularly provided with ordinances. For such occurrents, therefore, there behoved to be some modification of the general rule. And there often was. For instance, in 1688, when Episcopal curates held the parish churches and Presbyterians had to worship in other buildings called meeting-houses, the Presbytery of Irvine "appoyntit, that the proclamation of intended marriage of pairties, in vacant Parishes, be once of thryce on a day when ther is public preaching at the meeting-house in the vacant Parish, . . . or else at the meeting-house of the next adjacent Parish where there is a minister fixed." In November 1690, four months after the re-establishment of Presbyterian government in the Church, but before the Church had found an adequate supply of ministers for all her parishes, the Presbytery of Ayr enacted that "no proclamations be at vacant church doors hereafter, but in the next adjacent Parish where there are settled ministers."

The subject of proclamation fees may seem a very paltry one to be introduced into a lecture, but our sketch of old Church customs would be incomplete without a word or two on this financial subject. The General Assembly, in her enactments,

has always, till 1880, contemplated the continuance of proclamations over three Sabbaths, as the common rule and practice. "Necessary exigents" were provided for, but the common rule was that proclamations were to be extended over three several Sundays. And some ecclesiastical martinets were more zealous to uphold that rule than to maintain good works.

There being, except in very peculiar cases, only one mode of proclamation, namely, once on each of three several Sabbaths, there was originally, I presume, in all parishes only one fee for proclamation. That fee may have been higher in some parishes than in others. In 1673, the Kirk-Session of Mauchline "appointed that the clerk shall have 16s. (Scots) for each proclamation, and the officer 4s." In 1703, the same charges were continued. We may infer, therefore, that at that date there were few or no proclamations in Mauchline that were completed in less than three days. Before 1703, however, cases of double proclamation in one day had been heard of in Presbyterian churches. In 1695, it was minuted by the Kirk-Session of Kilmarnock that "James Cairns and Anna Ferrie are *allowed* to be proclaimed twice the next Lord's day." And exceptions that are in any circumstances allowed are very apt, if found convenient or advantageous, to increase in number. It is difficult to draw the line, and say when the rule must be adhered to or the exception allowed. And it is clear that, during the last quarter of last century, the practice had become very common in this parish for people to get themselves *cried out* on two Sundays, or even on one Sunday. In 1778, the Session minuted a resolution, "that if parties proposing marriage shall choose to be proclaimed in the Church for two several days only, (they) shall pay a crown *for the poor*, and a guinea for one day." This means that the dues to the Session clerk and church-officer were to continue as before—whatever

should be the number of Sabbaths over which proclamations were extended—but that when a proclamation was completed on fewer than three Sabbaths an extra charge should be made, either as a fine or as the price of a favour, and that this extra charge should be devoted to some charitable purpose. It is very likely that the Session could not in a court of law have compelled payment of this extra charge, but, unless people paid it beforehand, they would have had to submit to the inconvenience of a prolonged proclamation.

Besides paying fees for the publication of their banns, people had long ago, in giving in their names for marriage, either to table, or to produce a bond or caution for, a certain sum of money called the consignation.* There is no mention of this word in the usual indices to Acts of Assembly, but the word frequently occurs in old records of Kirk-Sessions, and the context often shews plainly enough what the word meant. The consignation fee or bond was a pledge of two things—first that the parties seeking proclamation of banns would proceed in due course to the solemnisation of marriage, and secondly that they would marry without scandal. As far back as 1570, the General Assembly passed an Act which was almost equivalent to a warrant for the exaction of consignations in pledge of the

* In some cases rings were consigned. In the Book of the Kirk of Canongate, the following entries are said to occur: “1630, Robert Neill and Isabell M’Kinlay gave up their names to be proclaimed, and consigned ane gold signet ring. . . . John Moole and Elspet Abernethy. . . consigned ane gold ring with ane quhite stone.” Lee’s Lectures I. 216. The date of these extracts, 1630, pertains to an Episcopal period in the Church’s history, and the acts recorded are perhaps explained by the fact that in most Episcopal Churches rings are regarded as the symbols of pledges or contracts.

In some districts goods were accepted as consignations. In 1725, the Kirk-Session of a parish in the Highlands enacted, that “no couple be matrimonially contracted within the parish, till they give in to the Session clerk £3 Scots, or a white plaid, or any other like pennieworth, worth £3 Scots, as pledge that they should not have pennie weddings.” Scottish Church, March, 1860.

fulfilment of promises of marriage. "Persons, after promise of marriage and proclamation of the bands, desyrand to be free from the bands, should," it is said in this Act, "be free, *si res est integra*, and their *inconstancie punished*." The modern way in which this inconstancy is punished is by an award of damages in the civil court, for breach of promise. An equally effective, and much less costly way was adopted in old times by Kirk-Sessions. A certain sum of money was deposited, or a bond or caution for that amount was given when the proclamation was desired, and if marriage did not follow within due time the consignation was forfeited for the good of the poor or some other pious use.* In 1698, the Kirk-Session of Mauchline passed a resolution "appointing the parties to be proclaimed to consumat yr. marriage, within six weeks after the proclamation is over, under the pain of losing their consignation money, unless sickness or some relevant excuse, quhair of the Session is judge, hinder the same." And consignations were frequently forfeited from this cause. In 1643, the reader at Galston gave in to the Kirk-Session of that parish "£5 of penaltie and consignatione, quhilk Agnes Anderson in Allanton had consignit, when she gave in her bands of marriage with X. Y, parochinar in Avondale, and did not performe the said band." And similar things happened in Mauchline more than once. In 1673, the session of this parish, "considering that Robert Miller, who was married upon December third, was the other year proclaimed upon another woman and did not marry her, therefore, they being clear that his consignation money is forfeited doe forfault the same, and allow Mr. William Reid (the schoolmaster) the same, as part of his fie for the former year." Another case of forfeiture occurred in 1686. In this case, how-

* The "resiling of parties after proclamation" was commonly called "scorning the Kirk"—Pardovan.

ever, the consignation money had never been deposited.* Caution had only been given for payment, if required, and the cautioner was taught a wholesome lesson in caution, which he was not likely to forget. "The Session considering that David Patterson had forfeited his penaltie of £5, not having married Bessie Wallace with whom he was proclaimed, therefore James Gib, kirk-officer, who was cautioner for the penaltie, was ordained to pay himself, of his fie for the year, £5." There were cases, again, in which marriages were stopped or delayed by sickness or some other equally unavoidable hindrance; but there being "a relevant excuse" in these instances, the consignation money was either returned or allowed to lie in pledge for a further period.† In 1640, a man named Richmond appeared before the Session of Galston, "being summondit for compleating of his marriage with Christian Mitchell, and was excused be reasoun that the woman was sicke, and undertakes to compleit the band on Sunday (eight) dayes nixt." The same day there compeared before the same session a woman

* The following minutes, taken from the records of the Session of Galston, will shew the forms of security that were given to Kirk-Sessions in 1627 for the completion of marriages after proclamation:—"Compeirit William Wod and Jeane Millar, and gave in their bands of marriage to be solemnizat. For the compleating whereof, John Gebie became cautioner for the part of the said William Wod, and James Neisbit in Greinholm became cautioner for the said Jeane Millar." 8th July—"Compeirs William Muir in Bruntwood, and obleish him to compleit the band of matrimonie with Euphame Patoun, betwix and Lambes nixt."

A form of caution that would not be tolerated in a modern commune was sometimes exacted from the poor. In 1674, the Session of Kilmarnock ordained "that all persons poor, yett to be married, sall before their mariage give sufficient caution not to be burdensome to the session, or els remove themselves out of the congregation."

† It should be stated that proclamation fees as well as consignations were returned when a marriage was stopped. The following minute occurs in our Session Records, 1682, January 17:—"John Car is allowed to have his money rendred for his first proclamation, because the marriage went not on. Christina Alexander is allowed to have her consignation rendred, because the going on of ye marriage was stopped."

from "Ratchartoune (Riccarton), being summondit for ye same effect," and she pled a similar excuse, alleging that "ye man lately, with ane fall, brack some ribbes and his collar bone." It was rather odd, to say the least of it, that so many people in Galston should happen to fall sick, or get their "ribbes" broken, immediately after being cried in the kirk, and the session became suspicious that excuses which were so relevant might have been invented for the occasion. The elder in the Ratchartoune district was, therefore, "ordanit to try whether it (the woman's statement) was the treuth or not."

The consignation money was not only a pledge that the persons to be proclaimed would complete their marriage within the time prescribed, but it was a pledge that they would complete the marriage without scandal.* It was laid down as a rule by the Kirk-Session of Mauchline, in 1676, and by many other Kirk-Sessions at different dates, that all consignations, deposited by persons craving proclamation of marriage, shall lie in the clerk's hands for the space of three quarters of a year after the marriage. And in 1681, this resolution was specially renewed and re-minuted. The Kirk-Session of Kilmarnock were not quite so exacting. They ordained, in 1670, "that no pawns, given in at the contracting of persons in order to marriage, shall be gevin up to the persons who married, before half a year be expyred." And when scandal arose during the period covered by the pledge, whether it were half a year or three quarters of a year, the consignation was peremptorily forfeited. Sometimes Sessions were importuned by unfortunates to temper justice with mercy. But it was seldom that

*This custom may have been founded on the deliverance of Assembly, 1570, which declares that "promise of marriage shall be made according to the order of the reformed kirk to the minister, exhorter, or reader, taking caution for abstinence till the mariage be solemnized."

such importunities availed. In 1681, a man made trial of the Kirk-Session of Mauchline in this way, alleging that although by the strict letter of the Session's act his consignation had been legally forfeited, it was under circumstances in which he thought his offence might be overlooked. The Session, however, would take no such lenient view of sin as affected by circumstances, and ordered the treasurer to retain the money till he got instructions for its disposal.

I have said that security or caution was sometimes accepted by Kirk-Sessions, from persons who found it inconvenient to deposit their consignations in coin. We have seen that in 1686 the kirk-officer was accepted by the Session of Mauchline as cautioner for a friend who was entering the matrimonial state, and that the cautioner was made to smart for his kindness. In 1705, the farmer at Lourland was inconsiderate enough to become cautioner for a bridegroom, and that wicked bridegroom had the effrontery, a few months afterwards, to express his admiration of good men's simplicity and to congratulate himself on Lourland's liability. Similar misadventures doubtless occurred at Kilmarnock, for in 1695 the Kirk-Session of that town ordained that "no consignations should be trusted, and that no proclamations should go on without consignation or caution within the Session." Sometimes, however, Kirk-Sessions would not accept bonds or letters of caution from intending brides and bridegrooms, and then it must have been hard on poor folks that had no rich friends like Lourland to advance the needful pledge. In 1691, the Kirk-Session of Mauchline instructed their clerk "to take neither bond nor cautioner for consignation money, but to require that the money be laid down, to remain in his hand for the space of three quarters of ane year." The Session of Galston, the following year (1692), passed a similar resolution, that "none

be proclaimed till they lodge consignation, and that no cautioner be received."*

How long this old custom of depositing, or granting bonds for, consignation money, prior to the publication of banns of marriage, continued in this parish, I am not prepared to say. The custom was not abolished, by any formal act or resolution of Session, but simply fell into abeyance. It is probably not much more than a hundred years since it died out; for, on a page at the end of a small volume of scroll minutes still extant, there is a writing, under date 23rd November, 1771, which has all the appearance of being a genuine matrimonial consignation bond. It is the only one I have ever seen, but I presume there must be many such in existence.†

There were other forms of scandal, besides the one hinted at in the foregoing remarks, for which consignations at marriage were forfeited. The Kirk-Session of Rothesay, in 1658, ordained that whoever had a piper playing at his wedding should lose his consignation. The same rule was laid down at Kilmarnock, in 1648, and at Galston, in 1635. It was customary, also, for Kirk-Sessions to appoint limits to the number of people that might be asked to a wedding. And

*The Kirk-Session of Galston passed a similar act at an earlier date. In 1629, it was "statut and ordained, be consent of the haill sessiounne, that in all tyme coming there sall be no caution fundin anent proclamatioun of marriage, bot onlie consignatioun of money, to wit £5 for ilk partie."

†Underneath is a verbatim copy of this very curious document. The words "conly" and "seally" are contractions for conjointly and severally.

Mauchline, 23rd November, 1771.

Gentlemen,

Conly and seally, and nine months after date, pay to Robert Millar, Kirk Treasurer in Mauchline, the sum of Ten Pounds Scots, in case of ante-nuptial fornication or non-performance of marriage betwixt you John Stewart, in the Parish of Sorn, and Jean Black, in this Parish—this for the use of the poor of this Parish.

Accept

John Stewart.

Accept

Jean Black.

this rule was sometimes enforced by forfeiture of consignation, either in whole or in part, as penalty for non-observance. The Session of Fenwick, for instance, passed an act in 1647 "anent extraordinary conventions at brydals." By this Act, all conventions at brydals in the Parish of Fenwick were restricted to "forty persons on both sides," under the penalty of confiscation of half the consignation money. Some parishioners complained of this restriction, and one outspoken man had the hardihood to upbraid the Session for their social tyranny. That was not the way to get matters mended.

" He that roars for liberty
Faster binds the tyrant's power."

And so, in this case, the reviler was delated to the Session for his railing speeches, while the rigid rule of which he complained was enacted anew, under double penalty. The Session, so runs their minute, finding "that the abuse of extraordinary conventions at bridals doth daily continue and grow, notwithstanding that hitherto the one half of consignations has been confiscat when parties to be married did convey above forty persons on both sides, therefore, for remedying of abuses that fall out at such occasions, statutes and enacts that whoever at their marriage shall convene above forty persons on both sides, whether in the Parish or brought out of another parish, shall confiscat their *whole* consignation, without modification, less or more, on any pretence whatsoever." Not only, too, were conventions at weddings restricted by Sessional edicts, but charges at weddings were restricted also, and under the same form of penalty. In 1620, the Kirk-Session of Dumbarton ordained that, "in respect of the charseness of victualls, bryddell lawingis sall not exceid fyve schilling at dinner, and at supper three schilling four pennies, utherwayis the parties married to loss their consignatione." The parishioners of

Dundonald seem to have been subjected to a similar ordinance of moderation, for, in 1637, a bridegroom appeared before the Kirk-Session of that Parish and craved leave to "tak from the parishioners, who was to accompany him at his marriage feist, six schillins for their bridal lawin." The circumstances in his case, he avowed, were peculiar, and they fairly warranted an extra charge. The marriage was to be out of the parish. And the Kirk-Session so far acknowledged the force of this plea, that they came to terms with the bridegroom ; and, instead of exacting forfeiture of his whole consignation for breach of license, they allowed him to make the charge he named, upon his agreeing to pay, "out of his consignation money, the soume of 24s. to the powre."

A cynical bachelor who wrote a history, and had as great a prejudice against Scottish Presbyterianism as he had against matrimony, has made a statement about marriages in Scotland, which is worthy of quotation, as one of the curiosities of sarcasm. "In every country, it has been usual," he says, "to make merry at marriages, partly from a natural feeling, and partly, perhaps, from a notion that a contract so often productive of misery might at all events begin with mirth. The Scottish clergy, however, thought otherwise. At the weddings of the poor they would allow no rejoicings ; and at the weddings of the rich, it was the custom for one of them to go for the express purpose of preventing an excess of gaiety." It would have been more correct if the great historian of civilization, for he is the author referred to, had said that civilization in mirth, like every other form of culture, is the slow product of time, and that it was the disorders and barbarism of mirth, or at least these mainly, that the Church of Scotland two hundred years ago was so zealous in her efforts to repress. Had mirth been less coarse and boisterous, and been less

associated with drunkenness and lasciviousness, the Church would have been more tolerant than she was in respect of amusements. Besides, the Church of Scotland was not peculiar in the action she took regarding festivities at weddings. An English Episcopalian wrote, in 1659, "confess I do, that between the customary excess of riot and licentious dissoluteness, frequently attending nuptial solemnities, and this most dreadful mystery" (of the Lord's Supper, which was celebrated at marriages), "there seems to be a misbecoming greeting, and they suit not well together. Yet, why should the Church in her most solemn and decent establishment" (of religious offices) "be justled out by accessory abuses? Why not rather the abuses themselves reformed, so far as they stand separate from the rules of sobriety and religion? Such, I am certain, was the discipline of the ancient fathers. It was not fit, they said, in one of the canons of a General Council, that Christians at weddings should use balls and dancing, but to dine or sup temperately, as becometh Christians.* What the Church of Scotland in the seventeenth century aimed at, in her Acts anent weddings, was just the resuscitation of this old canon of the ancient Church. She wanted people to give up riots and rackets at weddings, and "dine or sup temperately, as becometh Christians;" and with that view many acts and resolutions, all of a similar tenor, were passed at different times by different Kirk-Sessions, limiting the number of people that might be asked to penny bridals, forbidding piping or dancing either before or after supper, and discharging "loose speeches, singing of bawdy songs, and profane minstrelling," during the wedding feast. In 1658, for instance, the Kirk-Session of Rothesay, "for the better regu-

* Alliance of Divine Offices, p. 297.

lating of the disorders that falls out at penny bridells, appointed that there be no more than eight mense at most, that there be no pyping nor promiscuous dancing under the penaltie of the parties maryed losing their consignation money, and that there be no sitting up to drink after ten o'clock at night under the penaltie of 40s." And the Church in Ayrshire was quite as puritanic in this matter as was the Church in Bute. In 1658, the Kirk-Session of Kilmarnock found "it most necessarie and expedient to interdyte all parties to be maryed not to convene at one mariadge more than fourtie persons at most, and that they be entertained only for one dyate, so that if they dyne, public supping is absolutely discharged." The same year, they also interdicted a certain piper from playing in any "of the congregations about at mariadges," because it was "instrumental of much profanity and lasciviousness." And how piping should have been associated with two such apparently unconnected consequences as profanity and lasciviousness will appear from the following minute, recorded by the same Kirk-Session on the 29th July, 1658: "The quhilk day, there being a number of vaine wantoune lasses summondit for their lascivious and scandalous carriadge, in promiscuous dancing with men, in mutual kissing and givinge ribbens as favours to the men, upon Whitsunday, in the town of Irvine, *in the tyme of preaching*, . . . the forsaid women, together with the piper, confessed, and were ordered to confess their sin from the public place before the congregation." Old pipers, too, either from overflowing humour or latent profanity, were rather given to the trick of spoiling solemnities by striking up incongruous tunes: and the customs of good people in very strict times gave occasional opportunities, and even presented temptations, for this unseemly amusement. In 1642, John Kennedy, son to the goodman of Ardmillan, was delated to the Presbytery of Ayr

“for his misbehaviour at a marriage in Cammonell, in causing a pyper to play upon his pype after dinner, in the tyme of singing of a Psalm.”* And although some may think that the wedding party on this occasion were righteous overmuch, in singing Psalms when merry, there can be no doubt that the “minstrelling” and dancing at marriages long ago were misorders that needed to be restrained.†

It should be stated that restrictions on marriage festivities, in olden times, were sometimes enjoined on economic, fully as much as on religious, grounds. The old Scottish character was very frugal, and extravagance was reckoned much more reprehensible than penuriousness. In 1635, which was during one of the periods of Episcopacy in the Church, the Kirk-Session of Galston, “considering how that the great multitudes of persons callit to brydells *dearthis the contrie*, and taks men frae their labor,” do therefore statute and ordain “that all marriages solemnizet in this kirk, in tyme coming, shall not exceed the number of 24 persons, twelve on everie syd, and that the brydell lawing sall not exceed the sowme of five shillings (Scots) in money. And siclyke, in respect that the minstrells and

* The Marriage service in church, and in 1642 all marriages were solemnised in church, was concluded by the singing of a Psalm. It does not seem, however, to have been the singing of this church Psalm that was disturbed by the piper, but the singing of a Psalm at the wedding feast, “after dinner.”

† In 1752, there was printed under the title of “Scotland’s Glory and her Shame,” a poem which gave an account of the amusements and manners of the Scottish people. The author was grieved at the moral state of the country, and especially deplored such rude customs as penny weddings. (See Mason’s Glasgow Public and Private Libraries.) For an account of dancing in 1711, see *Spectator*, Essay 67.

Strathbogie is a place that has been long famed for its reels, and it has in recent years acquired additional celebrity in connection with ecclesiastical procedure. It is perhaps not generally known, however, that in 1627 a minister was censured by his Presbytery “for making ane pennie brydall within Straithboggie to his dochter in law.” So ill looked on were penny weddings a hundrel years later, that the then minister of Abbey St. Bathans was “suspended for having a penny wedding in his house, which gave great scandal to the neighbourhood.”—Fasti.

pipers who is at brydells is oftymes the cause of fyghting and jarres falling out amongst the people, therefore the Session hes concludit that all pypers, fidders and uther minstrells be dischargeit frae brydells in tyme coming. And if the pairteis to be marcid does in the contrair hereof, and contraveens that act, they shall losse their consignations, and if the hostlers beis found to break the same they sall pay £5."

And these Sessional acts were not dead letters. A few months after the Galston act, 1635, was passed, a newly married man appeared before the Session, and "confessit ye breck of ye actes and statutes of Sessioune concerning brydells, and was ordainit to pay his penaltie the next day. Likewise compeired Thomas Browne, hostler, and grantit himself convict, and pretendit ignorance, and was likewise decernit to pay his penaltie, to wit £5, ye nixt Sabbath." And it was not Kirk-Sessions only that restricted the size of marriage gatherings, and the cost of marriage festivities. An Act of Parliament, in 1681, during the reign of that merry monarch and anti-covenanter Charles the Second, ordained that "at marriages, besides the married persons, their parents, children, brothers and sisters, and the families wherein they live, there shall not be present at any contract of marriage, marriage, or in-fare, or meet upon occasion thereof, above four friends on either side, with their ordinary domesticated servants, and that neither bridegroom nor bride, nor their parents or relatives, tutors or curators for them and to their use, shall make above two changes of raiment at that time or upon that occasion." *

* There was perhaps need to restrain the extravagance attending marriages. In 1729, the minister of Traquair, having got into debt, was required by the Presbytery to give an account of his losses and the unusual expenses he had been put to. One item he submitted to the reverend court was, "by courting during my widowhood, near eight years, considering the different persons I was in quest of, and the distance of place, £1000!"—Fasti.

What may seem still more strange than any of the foregoing regulations, Kirk-Sessions were sometimes importuned to pass, and they actually did pass, protective acts securing to particular persons the exclusive privilege of purveyance at marriage banquets within the parish. In 1635, there was presented to the Session of Galston "ane petitione and supplicatioune, be the hostlers and changers of meit and drink within the claghan of Galstoune, anent the halding and keiping of brydell diners, burialls and baptisemes diners in landwart with uther hostlers, to the hurt and prejudice of them within the said claghan." The petitioners alleged that "they durst not hazard provisioune, because the said hostlers in landwart rypit the most pairt of the benefite of the conventiounes foresaid, quhilk wald be the ruine and decay of the said claghan, and great detriment to ye poore ones quha gate help and supply in yer necessitie at sic lyke meitings." This queer petition seemed to the Kirk-Session most reasonable; and that considerate and benevolent court did, therefore, "with ane consent, decerne and ordaine all baptisemes, marriages and buriall diners to remain and be haldin within the said claghan in tym coming, exceptand the personnes pairties goe home to yer awne hous." And this act, which was ordained to be put in execution at once, was appointed to stand "during the Sessioune's will and the good behaviour of the hostlers within the claghan." It is to be hoped that, under such exceptional legislation, the clachan of Galston flourished and prospered, and that its hostlers set a worthy example of Christian behaviour to all their brethren in the trade. But what of the poor "hostlers in landwart?" Were they to go to decay both financially and spiritually?

What restrictions on penny weddings were imposed by the Kirk-Session of Mauchline, in the puritanic period between 1638 and 1660, I have unfortunately no means of ascertaining,

for the simple reason that our parish records do not extend back to that period. The Session of Mauchline doubtless did then as Kirk-Sessions in other covenanting parishes did. But, coming down to a later date, we find that whether allowed by the Kirk-Session or not, there were in Mauchline considerable jollifications over marriages.* The orgies began with the contract or ingiving of the names. A few of the most convivial friends of the bride and bridegroom met on such occasions in one of the village alehouses, and sent for the Session-clerk. The business on hand was soon despatched, bickers of beer were called for, and toasts and sentiments followed. Under the inspiring influence of generous liquor, imprisoned spirits were let loose, wit was wakened and affection kindled, song succeeded song, and the jollity at times went beyond ecclesiastical notions of decorum. In 1755, Daddy Auld and the Kirk-Session were, to use a cant phrase, "exercised" on the subject, and minuted, that whereas "upon meetings commonly called giving in names for marriages, there sometimes happens revelling and drunkenness with other abuses, they think it their duty to testify against the same, and, in order to prevent such offensive behaviour, ordain that the persons proposing marriage shall *signify their purpose to the minister*, who shall cause proclaim the same before the congregation, and the precentor is hereby forbidden proclaim any without a line or order from the minister, and this is to be intimated from the pulpit." It is just possible that this resolution of the Kirk-Session of Mauchline, in 1755, throws a side light on the General

* It is alleged that in 1723 Mr. Wyllie of Clackmannan said in a sermon:—"There is a young generation got up worse than their fathers, they have dancing at their *contracts*. They'll provoke God to blast their marriage and lessen their affection for one another. Some idle vagabonds came to the town with fiddles. Put them out of the town and break their fiddles, and I'll pay them."—Presbyterian Eloquence Displayed.

Assembly's Act of similar import thirty years later. The proclamation of banns by Session-Clerks, without previous sanction from the minister, may have been found an evil, not merely because names were now and again banned in sport, but because discreditable scenes of uproarious revelry arose out of sederunts with clerks in the alehouse.*

Considering what was the object of proclaiming purposes of marriage, none will be surprised to hear that banns of marriage have been often sisted or stopped. They have been sisted or stopped, too, for many different reasons.

In the First Book of Discipline, it is said that marriages should not be proceeded with till either the parents of the parties desiring marriage give their consent, or it be found that there is no reasonable cause for the parents' withholding consent. The Westminster Directory says that the consent of parents or guardians should be obtained to the first marriage of children, and especially if the children be under age. Pardovan in the beginning of last century, declared that such consent is necessary, "*necessitate praecepti sed non necessitate medii*," whatever that may mean beyond what could have been expressed in plain English. There are cases on record, therefore, in which proclamations of marriage have been sisted or stopped, or attempted to be stopped, by parents and guardians, on the ground that parental or tutorial consent had not been given to the proposed union. In 1614, the minister of Kirkintilloch wooed and purposed to marry the daughter of one of the city ministers of Glasgow. The bride's father was dead, and her curators attempted to prevent the marriage. The case came before the Presbytery

* In 1716, the Kirk-Session of Monkton, "finding that people, in giving in their names to be proclaimed in order to marriage, sit frequently too late upon the Saturday night att drink, and incroatch upon the Lord's day, therefore they have made an Act discharging any bookings to be upon the Saturday, in all tyme coming."

of Glasgow, but the Presbytery told the curators that they "had no place to stay the marriage, and ordained the said Janet to betak herself to some of the ministers' houses that are within the town, quhich it sall please her to choose, till the solemnization of her marriage." In 1648, one John Shaw, described as merchant in Straiton, gave in a petition to the Presbytery of Ayr, that "his proclamation of marriage, which was stayed in Mayboill, might go on with Katharine Girvan there." It is stated, however, in the Presbytery records, that "in respect that John Kennedy, notare in Mayboill, father-in-law to the said Katharine, gave in reasons why the said proclamation of marriage ought to be stayed, the Presbyterie delayed the matter till the next meeting; and, in the mean time, ordained John Kennedy his said bill and reasons therein contained to be subscribed by his wyf, the mother of the said Katharine, and a coppie thereof to be deliverd to the said John Schaw complainer." These cases shew that parents and curators were not allowed, without just and sufficient reasons, to hinder the marriage of their children or wards; but that, in the words of the First Book of Discipline, when the ministry find no just cause why the marriage may not be fulfilled, they may enter in the place of parents, and allow the marriage to proceed.* In 1704, the Kirk-Session of Kilmarnock "ordered Archibald Fulton, and Margaret Wilson's proclamation to be stopped, in regard his parents were against it.† It is possible and probable, although

* The Westminster Directory says that "Parents ought not to force their children to marry without their free consent, nor deny their own consent without just cause."

† In 1744, the Presbytery of Irvine drew up an overture, for transmission to the General Assembly, with the view of repressing irregular marriages. The first clause in the overture was a proposal "that any person, not *foris familiaris*, who marries irregularly, without advising with his or her parents or using any proper means to obtain their consent, shall be publicly rebuked for such a plain contemp of the Fifth Commandment."

not declared in their minute, that the Session in this instance found the opposition to the marriage reasonable, and that this was the ground on which the proclamation was stopped. In 1712, a session-clerk at Galston, who had the previous year been found by the Presbytery of Ayr "incompetent to teach a Latin school," had the good fortune to win for himself an honourable degree in courtship, by engaging the heart and hand of a blooming and well-to-do widow. Bent on immediate matrimony, he besought the minister to publish his banns, but the minister, at the earnest entreaty of the bride's nearest relatives, declined to order proclamation. Instead of seeking redress at the hands of the Presbytery, whom perhaps from his ignorance of Latin he feared to approach, the clerk had recourse to a number of expedients, of which it need only be said that each successive one was more foolish than the one before. Having failed by courteous request to induce the minister to order proclamation, he tried the effect of menace: and "by a public instrument in the hands of a nottar" *required* the minister to proclaim. This requisition being fruitless, he next went with the same formidable instrument to the beadle, and required that functionary to read the proclamation. The beadle refused to do what the minister had declined to do, and the irate clerk had to think of some other device. He betook himself, therefore, to one John Smith in Killknow, and desired John to publish the banns, which John did at the beginning of divine service on two successive Sabbaths. It was now the minister's turn to take action, and this he did in a way that must have frightened the schoolmaster. The matter was brought before the Presbytery. And the sentence of the Presbytery shews that the clerk, notwithstanding the objections of bride's relatives, might have got himself proclaimed and married with very little trouble, if he had gone about the busi-

ness in a sensible manner. But a scandal had been created by his conduct ; and so, in the first place, Smith, whose behaviour was pronounced "most offensive and a great profanation of the Lord's day," was sentenced to public rebuke, and in the next place, the clerk *was deprived of his clerkship for his disorderly proceedings*. The proclamation, however, was appointed to be orderly made three several Sabbaths, by the church officer, on a warrant from the Presbytery. And so, the wedding came off at length, and possibly ended as marriages mostly do, happily enough, notwithstanding its cold and joyless beginning.

Although a delicate subject to speak upon, I cannot pass over the outstanding, but now much-forgotten fact, that in very old times proclamation of intended marriage was refused when either of the parties was found to be under scandal. In the First Book of Discipline it is stated that "if any commit fornication with that woman he requires in marriage, they do lose this foresaid benefit, as well of the kirk as of the magistrate, for neither of both ought to be intercessors or advocats for filthy fornicators."* This statement enables us to understand the grounds on which the Kirk-Session of Perth, in 1585, ordained "that all persons to be married give their oath the night before, under pain of 40s. Scots, or make their repentance public on the stool." In the older records of Galston parish (1633, for example), instances are frequent of men compearing before the Kirk-Session, and "purging" themselves of sinful dealings with particular women. In 1671, two persons having purpose of marriage, and "being slandered by some of their relations," appeared before the Kirk-Session of Galston, and offered "to purge themselves by oath." In 1677, two

* In 1505, the General Assembly enacted that "such as lye in sin under promise of marriage, deferring the solemnization, should satisfy publicly, in the place of repentance upon the Lord's day before they be married."

other persons appeared before the same Session, "and desired to give their oath that they were free of carnal dealing with others, and declaring solemnly that they were free of each other." The Session, it is added, "ordained them to be married, without giving of oaths as formerly was thought fit."* An equally conspicuous zeal for purity was shewn at Mauchline in old times. In 1673, John Ronald's proclamation of marriage was ordered to be sisted, till he cleared himself of an alleged scandal.† Even in large towns like Kilmarnock similar proceedings were adopted. In 1699, two persons who had been living in sin compeared before the Kirk-Session of that town, and were subjected in the usual way to censure and penalty. But it is added, in the minute of their case, that they "*suppliated* the Session for the benefit of proclamation in order to marriage, which was *granted, provided* they would find bail to

* As an illustration of old forms of procedure before marriage, the following minute in the records of Galston Session may be here quoted. The date of the minute is 1644. "Compeirit Johne Gemill in Allantone, and purgeit himself, be his oath, that he was free of anie carnall deall with Agnes Andersone. And he and the said Agnes actis themselves to abstein frae all suspect places, and that they sall not keip house together all nyght until the tyme of the mariage, and that under the penaltie of ten pundis each of thame in case they failzie, and hes given comand to sub-scryve this Act for them.

"Hector Campbell, notar, at comand."

† In 1595, the Kirk-Session of Perth required a man "to declare his public repentance before his marriage, because that these years by past he gave himself out for a fool and profane sporter, walking in a foolish garment and playing the counterfeit man, which is slanderous." When women played the counterfeit man at Perth it fared still worse with them. In 1632, "a servant lass was accused of indecent wantonness in putting on men's clothes upon her. She answered that she simply drew upon her a pair of breeks, and cast them immediately, and promised never to do the like hereafter. She is committed to ward, therein to remain the space of three hours."

Sessions were equally diligent in their efforts to *prevent* scandal. In 1621, "delation was made (to the Kirk-Session of Perth) that Janet Watson holds ane house by herself, where she may give occasion of slander, therefore P. Pitcairne, Elder, is ordained to admonish her in the Session's name either to marry or pass to service.

fulfil their promises in satisfying the church." A still more remarkable case occurred at Kilmarnock fifty years before the one now narrated. A Craigie man, named John Paton, was, in November 1648, ordered to begin his course of public repentance for the sin of killing his sister. This course of repentance should, according to an Act of Assembly passed that very year, have lasted fifty-two Sabbaths, "in case the magistrate did not his duty in punishing the crime capitally." John, however, accomplished his work of repentance long within the prescribed time; and in February, 1649, he was permitted to receive the covenant, and then in March following he "was licensed by the Session to have the benefite of ye communion, and marriage, as occasion should serve, lyk the rest of the parochioners." It is quite clear, therefore, that marriage with religious solemnities and sacerdotal benediction, although not held to be a sacrament, was in olden times regarded in Scotland as a Christian privilege, to which none but persons within the church and free from scandal should have access. And such I am more than half inclined to think should still be the case. There would be no hardship in such an ecclesiastical rule, because there is now provided for those that do not profess to be Christians, or that disgrace the name of Christianity by unhallowed lives, a form of civil marriage, which is as binding as the conjunction ratified by the Church.*

* In 1620, the Kirk-Session of Dumbarton, having heard a fama regarding two persons, "already proclaimed and to be married on Tuesday next," challenged them with the scandal and obtained from them a confession of guilt. In respect, however, of "the preparation of the marriage banquet, and that they were so long of challenging," the Kirk-Session appointed the parties to "crave pardon the day of their marriage," and appear in the place of repentance the Sabbath following.

In 1636, the Synod of Fife refused the privilege of marriage to a man and woman, because the man had broken the seventh commandment with her, during the lifetime of his first wife. As recently as 1779, a similar case was referred by the Kirk-Session of Kilwinning to the Presbytery of Irvine for advice, and the Presbytery,

During the early days of the Reformed Church in Scotland, the privilege of Christian marriage was regularly refused to all that were not "indifferentlie weil instructed in the chief points of the Christian religion." It was a very common ordinance of Kirk-Sessions that none be received to complete the band of matrimony, till they rehearse, to the reader or minister, the Lord's prayer, the creed, and the ten commandments. And either a consignation was demanded in pledge of the fulfilment of this requirement or a fine was exacted in case of failure. In the Session records of Monifieth for 1564 an entry occurs, shewing that "Andro Findlay and Elspet Hardie ratified the contract of marriage: and the said Andro promised to have the creed before the solemnisation of the marriage, and the commandments before the ministration of the Lord's Supper, under the pain of other five merks."* And not only was a certain amount of Christian knowledge required of all candidates for matrimony, but in some cases Kirk-Sessions insisted on regular attendance on public ordinances. As recently as 1700, the Kirk-Session of Galston, "considering that there were some who lived still within the parish, who did not join with the congregation in public worship, nor submit themselves to

"as the case was new to them, and they found some difficulty therein, agreed to refer it to the Synod."

The published records of the Presbytery of Strathbogie shew that in 1644 (a Presbyterian period) ministers were faulted for marrying persons under scandal, and the records of the Synod of Galloway shew that in 1668 (an Episcopal period), the minister of Buittle was suspended from the exercise of his ministry for two offences, one of which was "drinking with Caigton upon the Lord's day in the time of divine service, when he himself ought to have been preaching," and the other was, granting the benefit of marriage to a man lying under gross scandal.

* In 1578, the minister and elders of Perth, "perceiving that those who compare before the Assembly (i.e., the Kirk Session) to give up their banns for marriage are almost altogether ignorant, and misknow the causes why they should marry, ordain all such, first, to compare before the reader for the time, to be instructed in the true knowledge of the causes of marriage."

discipline, and yet craved common privileges of members of this congregation, such as proclamation in order to marriage, concluded that none such should have privileges, until they should engage to live orderly for the time to come." And it is added that there compeared before the Session, that same day, one of the persons referred to as dishaunting ordinances, and who craved to be proclaimed in order to marriage. The Session's resolution was intimated to him; whereupon, he "engadged, through God's grace, to live orderly and to wait upon gospel ordinances more particularly, and was then *allowed* to be proclaimed."

In the Westminster Directory, pre-contract is mentioned as one of the impediments to marriage. At the present day it is not customary to impede marriages on this ground. Disappointed and injured lovers seek their solace and revenge, for breach of promise, by actions for damages in the Civil Courts. But, at one time, contracted parties occasionally refused to set each other free,* and if either of them got proclaimed to some

* Some people maintained that a promise of marriage was more than a civil contract, that it was a "covenant of God," and could not be dissolved. (See Minutes of Westminster Assembly, p. 7.) Luther said that when a man made a promise to marry a maid two years hence, he *must* at the end of that time marry her, and it was not in his power to alter his mind in the interval. The Church of Scotland did not adopt these views. In 1570, the General Assembly declared that parties desiring to resile from a contract of marriage should, if nothing had followed on the contract, be set free. Documents called "discharge of marriage" were often given in to church courts, and were sustained, if only wrong without previous contract of marriage, or contract without subsequent wrong, had taken place. A man, in 1570, went to the General Assembly, and "suted liberty to marrie." For three or four years he had craved that privilege from "his awin particular kirk," but had been refused the privilege, unless he would take for his wife an old servant whom he had wronged. He produced a discharge from the servant, but the Kirk-Session disregarded the document. The General Assembly, however, sustained his appeal, ordered him to have the liberty he craved, and added in their finding, "yea, and there is injury done to him already." In 1688, a man, who had a promise of marriage from a certain damsel, whose Christian name was Margaret, appeared before the Presbytery of Irvine, "and did discharge the said Margaret of any such promise.

one else the other tried to sist the proclamation. In 1689, one John Meikle, described as servant to the laird of Galston, was cited to compear before the Presbytery of Ayr, to declare why he impeded the marriage of Janet Campbell in the Parish of Riccarton. John had been previously engaged to Janet, or rather Janet had been engaged to him, and that was the reason why he objected to her marrying another man. In a written paper, however, which he gave in to the Presbytery, he generously condescended "to pass from any claim of promise, and said that he would never marry any woman against her will." The Presbytery, thereupon, found and discerned that Janet was at liberty "to marry any other free man." In Mauchline, a still stranger case than this occurred. In 1777, a woman made application to the Kirk-Session to have her proclamation stopped, because she had changed her mind, "and was now engaged to proceed in marriage with another person." But her first lover claimed her as his by the covenant of God, and urged the Session to proceed with the proclamation. The Kirk-Session did not admit the claim. They remembered the consignation theory, and held that the engagement was not indissoluble, but that parties might resile, under penalties, before the fatal knot was tied. The proclamation was, therefore, ordered to be stopped; and in justification of their conduct, the Session minuted that "there would be an obvious impropriety in proceeding further in the proclamation, after being certified by the woman of her resolution not to marry the petitioner."

There have been cases, again, in which proclamations were sisted, not on the ground merely of precontract, but on report that one of the parties was already married. And, that such cases should have occurred is not to be wondered at. One

and allow her to marry whom and when she pleased, which discharge was presented to the meeting, and returned to the said Margaret."

of the main objects of marriage banns is to prevent bigamous alliances, and such alliances have been consummated, notwithstanding the fact that marriage banns were previously published. That the publication of banns, therefore, should have prevented the execution of some bigamous projects is only what might have been expected. And when Kirk-Sessions had sufficient evidence that one of the parties craving marriage was already a married person, their course was clear. The proclamation had to be stopped. But when there was only a rumour, or report, that one of the parties seeking proclamation of marriage was already married, the Kirk-Session *sisted* proclamation, inquired into the matter, heard evidence, and when the evidence was found conclusive, one way or another, proceeded with the proclamation or stopped it altogether. And when evidence was conflicting, and no clear conclusion could be come to, Sessions just did as they did in cases of doubtful scandal: they *sisted* procedure till Providence should shed further light on the subject. A notable instance of such *sisted* procedure occurred at Mauchline, in 1771. A woman, whose name we shall say was Mary Gray, was proclaimed for the first of the three requisite times, on the 17th November of that year. A story then came out that Mary had previously been wedded to a sailor. The proclamation was at once *sisted*, and Mary was summoned to appear before the Session. One meeting of Session did not suffice to make matters clear. Several meetings were held, and a great deal of evidence *pro* and *con* was adduced and discussed. Some witnesses deponed that Mary had shewn marriage lines, and that these were subscribed by a person named Wodrow. Other witnesses deponed that they saw the sailor himself write marriage lines for Mary, which was about equal to saying that the signature "Wodrow" was either a forgery or a frolic. With such eastward and westward

evidence, the Session were in a quandary, and they concluded that, in order to remove all impediments to her proclamation, Mary should be required to produce a letter from her alleged husband, "signifying that he had no claim to her as his wife." Doubtful policy, it may be said, but we are not here concerned with questions of policy. We are simply in quest of facts explanatory of Sessional procedure. And the fact we have ascertained is that the Session would have accepted the sailor's disclaimer as the charter of Mary's freedom. But, such a letter as the Session desiderated was not easily got; for, the alleged husband had gone off on a voyage, no one knew where. Whole four years Mary had thus to remain under "scandal," and was interdicted from entering into any matrimonial project. The roses began to fade on her cheeks, and the lustre to leave her eyes; and she saw that, if ever her reproach were to be taken away, and she were "to be clothed with an husband," there would need to be no more time lost. She, accordingly, presented herself before the Kirk-Session in August 1775, and craved to be freed from the scandal of having made an irregular marriage with a sailor. The Session minuted that, having taken into consideration "the distance of time when this was alleged, and the depositions of two witnesses" (who had sworn that Mary and the sailor had only joked about marriage, and called themselves husband and wife in jest) she should be absolved from her scandal, and exhorted to behave more prudently in time coming. I have not traced the future career of Mary, but it may be questioned if she ever got another chance of shewing imprudence. And I make this remark, not with the view of turning her sorrow into ridicule, but of denouncing the hardship which the law, or the supposed law, of the land or of the Church, inflicted on ignorant people, who did not know the import of what they were doing. This just

means that the law on marriage should be very explicit, and that prescribed formalities of a very definite character, whether civil or religious, should be gone through before marriage can be legally constituted.*

Of course, it was requisite that people proclaimed, in order to marriage, should be of age, and should not be within the forbidden circle of relationship. On the subject of age, the Church in olden times was extremely liberal. The General Assembly in 1600, considering, that "there is no statute of the Kirk, . . . defining the age of persons which are to be married, ordained that no minister within this realm presume to join in matrimony any persons in time coming, except the *man* be fourteen years of age, and the *woman* twelve complete!"† In the matter of forbidden degrees, the Church was extremely rigorous. In 1713, the minister of Stair refused to marry a couple, who had been duly proclaimed, because the

* The following case came before the Presbytery of Irvine in 1737. A man who was claimed by one woman was proclaimed with another. The claimant alleged "that in the end of harvest, four years, one night he and she met in a glen, . . . and repeated the words of the marriage oath to one another; and that, as there were no witnesses present, the said Robert took heaven and earth to witness, also the moon and stars, wishing they might never shine upon him, and that he might never see the face of God in mercy, if he did not observe his marriage engagement. She also produced a Bible which then Robert gave her, adding that they did this in order the better to assert a story, which they had trumped up, that they were married by a Curate, etc." The man denied the woman's statement; and the Kirk-Session, before whom the case came in the first instance, referred the matter to the Presbytery for advice, "as being somewhat uncommon, and attended with some difficulty." The Presbytery ordered the Session to deal with the man, and, if no new light were obtained by such dealing, to put him on oath. This was done; and the man, having purged himself of the accusation by his own oath, was allowed to proceed with his proclamation. Two things were here implied.—first, that in the opinion of the Presbytery the alleged proceedings in the glen would, if acknowledged, have constituted a marriage; and secondly, that for want of confirmatory evidence, either party could have sworn himself or herself out of a marriage that was really completed. The former of these implications should have been disallowed by the law, and the other should have been made impossible.

† The same ages are named in the First Book of Discipline.

man was grand-uncle to the bride. The minister's refusal was reported to the Presbytery, and the Presbytery confirmed it, with an emphatic declaration that "such a marriage would be incestuous."* Incestuous or not incestuous, however, the wonder is that any young lady would have consented to be proclaimed to her grand-uncle. And this leads me to remark that proclamations have sometimes been made without the knowledge of the lady who was chiefly interested. A practical joke of this sort was perpetrated in Mauchline church in 1778. The lady, resenting the liberty taken with her name, complained to the Session;† and the Session, to mend matters, ordered their clerk "to publish, next Lord's day, that the proclamation was occasioned by a false report or mistake." They also minuted a resolution, that, "no proclamation of Banns in order to marriage shall hereafter be made, without sufficient evidence of the consent of both parties." And the evidence of mutual consent that, from time immemorial, has been required in this parish, is a warrant for proclamation, signed by the ingivers of names. This procedure enables the Kirk-Session to bring up for censure all persons under their jurisdiction, who shall be guilty of deceit in such an important matter, and enables those banned without consent to take action in the Civil Courts for damages.‡

* In 1731, an irregular marriage was reported to the Presbytery of Ayr. The banns had been forbidden, because the woman's first husband was grand-uncle to her new bridegroom. The lovers made off for Carlisle and got married there irregularly. The Presbytery pronounced the happy pair "guilty of incest," and discharged them from living together. This Presbyterial interdict was disregarded, and excommunication followed.

† Our grim forefathers were rather fond of practical jokes of this kind. In 1760, a man was summoned before the Kirk-Session of Kirkoswald, and afterwards before the Presbytery of Ayr, for "giving in the name of Thomas M'Harvey to be prayed for in the Congregation, as a man in great distress of mind, which was done, notwithstanding that the said Thomas M'Harvey was in perfect health." For this act of jocular spleen the Kirkoswald humourist had to stand a Presbyterial rebuke.

‡ Of course a register of these warrants is kept. And such registers have been in

It may surprise some people to be told that the written law of the Church of Scotland has always required the solemnisation of marriage to be publicly conducted in church. In the First Book of Discipline, it was declared that, "in a reformed kirk, marriage is not to be secretly used, but in open face and public audience of the kirk; and the Sunday before noon we think most expedient." In 1581, the General Assembly "concludit, be common consent of the haill brethren, that in tymes coming no marriage be celebrat, nor sacraments ministrat, in private houses, but solemnlic, according to good order hitherto observit." In the Westminster Assembly there was an interesting discussion about marriage, which is briefly narrated in the published minutes of that convention. "Many stumble at the point of marriage," said Mr. Goodwin, the Independent, "because it is appropriated to the ministry, whereas in the Old Testament it was appropriated to the rulers of the city." "I should be very sorry," replied the Earl of Pembroke, who was sitting there as a commissioner from the English Parliament, "that any child of mine should be married without a religious solemnity by a minister." "It undoubtedly belongs to the state," said Mr. Calamy, "to declare what will constitute a legal and valid marriage; but, if we advise a solemnisation of it in public we shall do God a good service." The outcome of the discussion was that the Westminster Assembly, while declaring that marriage is not a sacrament, judged it expedient that marriages should be solemnised by a lawful minister of the Word, in the place appointed for public worship, and before a competent number of credible witnesses. But, unlike John Knox, the Westminster

use in the Church of Scotland for a very long time. In 1676, the Session of Galston minuted an appointment that "the tyme of the receiving the consignment, and of the marriage, be marked severally, in a leaf of the Session book."

Divines advised that marriage should not be solemnised on the Lord's day,* and forbade that it should be solemnised on any day of public humiliation.† The conclusion of the Westminster Assembly, on the subject of marriage, was regarded by Baillie as a great victory for the representatives of the Scottish Church. "After two days' tough debate, and great appearance of irreconcilable difference, we have, thanks to God," he says, "gotten the Independents satisfied, and an unanimous consent of all the Assemblie that marriage shall be celebrate only by the minister, and that in the church, after our fashion."‡

The Westminster Directory was adopted by the General Assembly in 1645, and, in terms of the advice given in that Directory, marriages in Scotland came to be generally solemn-

* As far back as 1627, the minister of Ayr made public intimation "yat nane should desire him to marrie thame upone onyie Sabbath daye hereftir, because of ye great prophanitie yat followes." Farther back still, in 1584, the Kirk-Session of Perth minuted, that, "forasmeikle as sundry poor desire to in landward, because they have not to buy their clothes, nor to make bridals, marriages should be as well celebrated on Thursday, within our Parish kirk in time of sermon, as on Sunday."

† It was an old law in the Church of Scotland that marriages should not be solemnised on a Fast day. In 1580, a young couple at Perth were ordered to make public repentance and pay a fine, "because, in time of our public humiliation and fasting, they passed up at once to their feasting and solemnising of marriage, contrary to all good order." On the occasion of the King's setting sail to Denmark, in 1589, in quest of a wife, the Kirk-Session of Perth, considering it their "bounden duty to be instant in prayer for the King's Majestie, that God would send him ane happy voyage through the sea and ane joyful returning to this country again with his Queen, . . . thought good (25th Oct.) that Sunday next, and all other Sundays as shall be thought meet, ane fast shall be kept, and that the same may more solemnly be done, no marriages to be used in the time."

‡ Baillie's Letters, Vol. II., p. 243. "Noble Mr. Vines," as Baillie terms that gentleman, contended that marriage may be celebrated by candle light as well as by day light," and "in a chamber as well as a church." Minutes of Ass., p. 12. It may be here mentioned that in the ancient Catholic Church the custom was for bridegroom and bride to place themselves "at the church door, where the Priest did both join their hands and dispatch the greatest part of the matrimonial office. There, by the ancient law of this land (England) the husband or his parents were to endow the woman, his intended wife, with the portion of land pre-contracted for."—Alliance of Divine Offices, p. 293.

nised in church on the day of the weekly lecture. Lamont of Newton, writing in 1650, says, "the weekly lecture, which was appointed by the General Assembly 1649 to be had in every parish church . . . was put in practice at the church of Largo (June 21) at nine of cloke in the morning . . . These that had children to be baptized, and these that were to be contracted or married, were desired to attend that diet." There seems to have been some difficulty in bringing the Kilmarnock folks under such a precise rule. They did not restrict their marriages to either one particular day of the week, or one particular hour of the day. The Session, therefore, "considering how dystractite it is for the minister to be in readiness to attend everie severall tyme and dyat that parties married will probablie inclyne to, ordained (in 1658), that all marriages shall be upon the Thursdays only, except the parties do bring sufficient grounds and reasons for another dyat; in which case it shall be leasome to them to come upon the Twisdayes to be married, with this express provision, that they pay into the Kirk Treasurer threttie shilling Scotts for the use of the poor, before their presenting of themselves to be married."* This excellent regulation, however, fell in the course of time into desuetude, and in 1706 the Kilmarnock folks were more troublesome than ever to the minister, on the score of marriage. They often came to him "very unseasonably, desiring to be married early, sometymes about five or six of the clock in the morning." The Session did, "therefore, unanimouslie enact that, for the future, none dwelling within the town shall be married before ten of the clock in the forenoon, unless they pay 20s. Scots to

* In 1684, the Kirk-Session of Ayr ordained that none be married except on Thursday immediately after sermon, "and that the persons to be married enter ye church before sermon, utherwayes not to be married that day." In 1691, the same Kirk Session relaxed this rule, and allowed the minister "to marry at any time or place he finds most convenient."

the poor ; and that those who live in the country, if they come not to the sermon on Thursday when they are to be married, shall not be married that day.”

In very old times, there used to be in churches a special pew, where persons about to be married had to sit, the observed of all observers, during the preliminary sermon. The Kirk-Session of Aberdeen, in 1577, laid down a rule, that “na personis sall be marcit in tymes coming, bot upon the stool before the desk, conforme to the use of Edinburgh and other kirks.” In the Session records of Dunfermline, too, there is a minute of date 1641, anent “a new form to be set before the pulpit, where the brides and bridegrooms the day that they are married uses to sit.”*

Marriage is now, by Presbyterians, seldom solemnised in church. Of late years there have been a few instances of marriage in churches by parish and other ministers, but these public marriages are so rare as always to call forth a special paragraph of description and comment in the local newspapers. The common rule in Scotland, for more than a hundred years, has been to celebrate marriages in private houses. This is done in the very teeth of the written law of the Church, but it is done nevertheless from the one end of the land to the other.† There is a tradition in this parish that the last person married in

* Begg's Pamphlet on Seat Rents, p. 80.

† Lord Fraser says that from 1560 to 1811, the celebration of a marriage any where but in church made the marriage irregular and clandestine. It is a fact, notwithstanding, that marriages celebrated in private houses by authorised ministers were not usually, if ever, since 1700, termed irregular. They were designated chamber or private marriages, and ministers who celebrated them were neither fined by the civil courts nor censured by the church courts. But, at a more remote period, (1587), ministers were held liable to deposition, and were actually deposed, for marrying persons in private houses. The records of the General Sessions of Edinburgh shew that, as far back as 1643, private marriages were not uncommon in Edinburgh, but were restricted to the wealthy classes by a salutary fine of 20 merks. —See Lee's Lectures, Vol. II., p. 395.

Mauchline church (the old church) was one of Burns's sisters; and, be that tradition fact or fiction, it is certain that down to about the time when Burns lived in Mossgiel, private marriages, as marriages in private houses were termed, were considered in this parish a contravention of Church law and usage, and were proscribed by a fine. As far back, however, as 1705, private marriages had become fashionable in Mauchline, and penalties for them are frequently entered in the journal of the kirk-treasurer's receipts about that date. The common fine seems to have been £1, 9s. od. At a later date, the fine was transmuted into a voluntary offering to the poor, and it varied in amount according to the wealth and liberality of the bridegroom. Judging from the frequency of the entry, one would say that 12s. was the customary and expected sum. Among others in this parish who paid that sum was George Gibson, on the occasion of his marriage to Poesie Nansie in 1745. When the persons married were poor, the Session were content to take 6s. In other cases, there were grand collections at the wedding, and sums ranging from £1, 6s. od. to £3, 16s. 6d. were obtained. In one or two instances, permission was formally asked for the privilege of marrying in a private house, and the permission conceded was formally minuted by the Kirk-Session. In the Session records for 1732, it is stated that "John Brown and Robert Mure gave each 2s. sterling to the poor, for being *allowed* to marry out of the kirk in a private house."* All these

* The Kirk-Session of Kilmarnock, in 1700, "appointed that no person or persons shall be married privily out of the kirk, except those who make a free gift of their penalty (consignation) to the poor, or at least £3 Scots to be retained thereof." Similar rules were laid down in many other parishes. The Kirk-Session of Ayr, in 1717, agreed "that such as call the minister to their chamber shall pay £3 Scots for the behove of the poor, and those yt come to the minister's house are to pay £1 10s. Scots." In 1718, the parishioners of Maybole complained to the Presbytery of Ayr that their minister married people privately, "without seeing to the

finer, donations, collections, or whatever else they might be termed, went to the kirk-treasurer for the good of the poor; but, in more recent times, there was a common custom in this district to have, at private marriages, a contribution for the bellman. The ground of this custom was that, formerly, the beadle had an allowance for opening the kirk door on the occasion of marriages in church. The following entry occurs in the records of Mauchline Session for the year 1703. "For every marriage, qrof eyr bride or bridegroom or both are out of ye parish, twelve shilling Scots belongs to ye kirk officer, for opening the kirk doors, also his collection through the church by and attour."* Permission to marry in private houses would thus have entailed a considerable loss on the kirk officer, had there not been a collection for his benefit at the marriage, as there was in church when marriages were solemnised in face of the congregation.

For many a day, ministers in Scotland have conducted marriage services very much as they have listed. The Westminster Directory gives instructions on the order of service, but these instructions are not much heeded. As a rule, ministers begin with a short prayer for a blessing on the union to be solemnised, and then they give a brief address on the institution of marriage and the relative duties of husband and wife. When this address is ended, the bridegroom and bride are desired to take each other by the right hand, and are respectively asked if they receive each other as wedded wife

poor's privilege," but the minister indignantly replied, that as to "marrying people privately, without getting something to the poor, it is a most unjust and false calumny."

* In 1709, the beadle at Kilmarnock represented to his Kirk-Session that, "whereas it had been a custom for all persons that are married in the church to pay something to him for his waiting on and opening of the doors, there are many now that pay nothing at all." The session, considering this representation, ordained that "every couple of married persons pay him, at the least, sixpence for his trouble this way."

and wedded husband. On their either answering this question affirmatively or bowing acquiescence, the minister declares them married persons, and concludes the action with a prayer for their welfare.

It cannot be denied that the marriage service in the Church of Scotland has greatly degenerated from its first original. No person ever had more contempt for "petty ceremonies" in religious worship than had John Knox; and some Popish and Anglican ceremonies in marriage, especially those connected with the ring-giving, he denounced as follies which no sane man could tolerate.* But, in the solemnisation of matrimony, he and the fathers of the Church were careful to observe proper formalities, and make it appear that Christian marriage is something higher and holier than a mere civil contract. The fact that a proposed marriage had not, after due proclamation, been challenged or objected to, by outsiders, was not, in Knox's opinion, enough to warrant solemnisation. "So many," he said, "as are coupled otherwise than God's word doth allow, are not joined together by God, neither is their matrimony lawful." It was directed, therefore, that before being joined in marriage, the bridegroom and bride should be required and charged, as they must answer at the day of judgment, that if either of themselves know any impediment why they may not be lawfully married, they should make frank confession of it. And in like manner, all witnesses present were to be charged

* Calderwood, I., p. 294. Calderwood himself, in his *Altare Damascemun*, has remarks on this subject, which may be here translated and quoted:—"The Church may be considered in two capacities—as a holy convocation of the faithful, and as a convention of citizens. If considered in the latter of these capacities, the tradition of the ring may be allowed, but not (*cum impositione super librum sacrorum*) with the ceremony of laying it on the Bible. In the Church, as a holy convocation of the faithful, for the worship of God, no symbolical rites that are not of divine institution, are to be introduced."

that if they knew of any such impediment, they should publicly declare the same. And so, after the marriage vows were taken "before God and in the presence of this His congregation," the husband and wife were, as persons married in the Lord, "commended to God, in this or such like sort, The Lord sanctify and bless you, The Lord pour the riches of his grace upon you, that ye may please him, and live together in holy love to your lives' end."* The revival of such forms might possibly tend to elevate the common notion of the marriage relationship, as not only a civil union, but on the part of Christians a spiritual fellowship involving religious obligations. The great hindrance, however, to the use of dignified and impressive ritual in marriage services in Scotland at the present day, is the custom of having the solemnization in a private chamber, instead of in the house of God, as of old. The surroundings in the crowded room are scarcely in harmony with a high strain of ecclesiastical formality.

Besides the Christian marriages, called regular, there were in Scotland in olden times other legal marriages which were called irregular; and I have now to show what action was taken by the Church in reference to these alliances.

When people, asking Christian privileges for themselves or their children, alleged that they were married, but not according to Church rules, the courts of the Church had to consider and declare whether or not such people were married at all. If they were found to be not married, they were censured for their sin and also interdicted from living together: but if they were found to be legally married, they were only

* This charge is also enjoined by the Westminster Directory, and if the Scots Commissioners had had their own way at Westminster the "sacerdotal benediction" would have been enjoined too. But, to satisfy some of the English Independents, it was agreed that, instead of pronouncing a blessing, the minister should be directed to pray for a blessing.—Leishman's Notes on Directory, p. 359.

censured for a violation of Church order, and were exhorted to take such steps as should place them on a surer footing civilly, and on a more respectable footing ecclesiastically.

As far back as any living man remembers, it has taken very few formalities to constitute in Scotland a marriage that is binding in law. A man and a woman have had only to take up house together, and declare themselves husband and wife. The law thereupon pronounced them married persons. But this was not always understood to be the law of the land in Scotland, and the Church of Scotland did not always recognise such unions as marriages.

In the year 1579, the General Assembly was asked what order should be taken with persons that pass to a Popish priest to be married, without having had their "bands" proclaimed, and the answer given to that question was—"such conjunctions are not marriages." In 1595, it was still more explicitly declared by the General Assembly that all marriages "made be excommunicated priests, or others that has servit in the Kirk and deposit from their office, or *be private persons*," are null. The Assembly did also appoint the brethren of Edinburgh to "travell with the Commissaries of Edinburgh, that they decyde according to the saids conclusions."* And for many years after that date, the Church, or a large section of the Church, shewed a tendency to maintain that no alleged marriages were valid, unless solemnised by one of her own authorised ministers,

* This was the old practice of the Church, to give her antecedent judgment, as it was termed, and crave the State's ratification thereof. In the very first General Assembly held in Scotland, 1560, there was a declaration made in reference to marriage within certain degrees, and then, "the authority of the estates was craved to be interposed to that finding, as the law." In 1595, the Assembly voted that it was "proper to the Courts of the Church to declare, be the word of God, quhat marriages are lawful, and quhat are unlawful, *so farre as concernes the spiritual part thereof*."

and in accordance with her own rules or canons. Even so late as 1665, the courts of the Church, which was then Episcopal wished to have all alleged marriages that were celebrated by outed Presbyterians, (the former legal ministers of parishes), pronounced null. On the 1st November of that year, a representation was made to the Bishop and Synod of Galloway "that their bounds were much pestered and troubled with seditious ministers; . . . that these outed ministers for-said did marrie and baptize persons in their bounds, without testimonials; and also, that they came *per vices* from one corner of the country unto the other. For remeid whereof, it was ordained that such clandestine marriages should be looked upon as *unlawful*, and that such married persons should be esteemed, and also proceeded against, as fornicators, till they produce testimonials that they were married by a lawful minister."

Prior to 1665, however, and even prior to 1579, there were among the Reformed clergy some who held that religious solemnization is not necessary to constitute a marriage. Samuel Rutherford said so at the Westminster Assembly 1644. "Marriage," he declared, "is only the consent of parties; a vow is annexed unto it." Luther in his Table Talk has set forth similar views. "The substance of matrimony," Luther says, "is the consent of the bride and bridegroom; and I advise that ministers interfere not in matrimonial questions, but leave them to lawyers and magistrates." The old Separatists, who were called Brownists after the name of their founder, were stout in maintaining that marriage is in its nature merely civil, and is constituted by marriageable persons affiancing themselves in presence of witnesses, either in public or in private houses, and without asking of any warrant or blessing from either the Church or the priest. Baillie tells us that, in his day, the English Inde-

pendents applauded this doctrine of the Brownists, and sent the marriage blessing from the church to the town-house, making its solemnisation the duty of the magistrate. "This," he adds, "is the constant practice of all in New England. The prime of the Independent ministers now at London have been married by the magistrate, and all that can be obtained of any of them is to be content that a minister, in the name of the magistrate and as his commissioner, *may* solemnise that holy band."*

Pardovan, writing in the beginning of last century, says that "one may be clandestinely married, either when banns are not proclaimed or when the marriage is celebrated by one not ordained and admitted by the Church nor authorised by the State." In the opinion of Pardovan, therefore, *celebration* was, in 1709, reckoned necessary to constitute a valid marriage. Lord Fraser, in like manner, writes that "the whole records of the Consistorial and Ecclesiastical Courts of Scotland, and the writings of all its lawyers down to the middle of last century, proceed upon the footing that a clandestine or in disorderly marriage † was still a marriage celebrated by a minister of religion." In later times a different doctrine came to be asserted as the law of Scotland—the doctrine that mutual consent constitutes marriage, and that the evidence of such consent constitutes proof of marriage. And this new doctrine, it may be remarked in passing, was propounded in books of law, and even found its way into popular credence, long before it was judicially

* Dissuasive, p. 115.

† Some writers on law make a distinction between these two terms irregular and clandestine. "All marriages which are not celebrated by a clergyman, after proclamation of banns, are irregular, and such of these irregular marriages as are entered into before a person professing to act as a religious celebrator, without being a minister of religion, are clandestine, and expose the parties, the celebrator and the witnesses, to certain penalties."—Loimeux.

declared from the bench. In consequence of this development of opinion on the subject of valid and binding marriage, the procedure of Church Courts in regard to irregular marriages has not only undergone change, but has been at times both dubious and fluctuating.

In the year 1689, a somewhat remarkable case came before the Kirk-Session of Kilmarnock. It was remarkable in this respect, that the modern theory of what is now commonly called a Scotch marriage was distinctly broached by an in-orderly couple. That theory was not admitted, however, by the Session, nor yet by the Presbytery of Irvine, as a sound statement of the law of the land. Two persons, whose names are given in the Record, appeared before the Session, and pled "that though they were not publiclie married, nor by any minister, befor their living together, yet they had married themselves, and gevin to one another their solemn oath of marriage, in the ordinarie form of words conceived *de presenti*: and that, therefore, they could not be censured as fornicators, but only as violators of the good order of the Church." If these people had happened not to be born till a hundred and twenty years after the date of their marriage, and had then come forward to the Kirk-Session with the plea they advanced in 1689, their contention would not have been disputed. But their advanced views on the subject of marriage had not, in 1689, obtained either judicial confirmation or ecclesiastical sanction. The firmness or stubbornness with which they adhered to their opinion that they had contracted a legal marriage, made it necessary for the Session to bring the case before the Presbytery of the bounds; and the Presbytery gave a deliverance which, in more ways than one, is historically interesting. After premising that the plea was "an evil and dangerous precedent," the Presbytery declared that they could not look on

the ingivers of the plea “as married persons, by virtue of any oath or promise betwixt themselves privatelie, however conceived *in verbis de presenti*, though they should depone there-upon, as was offered by them. Yet, considering that they have been now several years married, and that there is ground to fear they may prove contumacious, and withal considering the present unsettled state of the Church, the Presbyterie thinks it advisable to admitt them to appear publiclie and be rebuked for their scandalous converse together, before their being solemnlie married, without naming their sin fornication. And the minister, in his speaking to them and of their sin, be cautious in wording his expressions, that no ill preparative be laid for others, nor the guiltie persons either encouraged or irritated.” The delinquents, however, would not submit even to this modified indignity, and the Session had “to sist process against them, till, by the mercy of God, the government of the Church be settled by law”—or, in other words, till the disciplinary power of the Church should be strengthened by civil sanction.*

But although, in 1689, there were two advanced thinkers in Kilmarnock, who took law by the forelock and maintained that their own consent and private vow could constitute them husband and wife, the common rule in 1689, and for I don't know how many years afterwards (whether fifty, eighty, or a hundred), was that persons irregularly married were yet married by a minister. We read in old Session Records of “border marriages”; but, so far as I have discovered, these so-called border marriages were not of the kind that were frequent at Gretna about thirty years ago, when English lovers

* The date of this deliverance was October, 1689. In July, 1689, Prelacy was abolished by Act of Parliament; but Presbytery was not established till June, 1690.

fled from their native country and by crossing the Sark obtained the matrimonial privileges of Scotsmen—and got married *instante et simpliciter* by a mere declaration of consent, attested and recorded by a blacksmith or a publican over a tankard of ale.* Scotsmen in quest of an irregular marriage went in olden times to the Border, or to one of the large cities, as the only, or the easiest, way of finding a minister *not of the Established Church* who would solemnise their marriage without certificate of proclamation or any other testimonial. In 1671, a man who had been “married irregularly at the Border” went to the Session of Galston, and craved baptism for his child. What was meant by the phrase I have quoted is made to appear in a subsequent part of the minute, where it is stated that the man went “to the Border, without either proclamation or testimonial, and was there married by *ane hireling*.” And I may mention that, for the offence of “breaking a Church order and constitution by their disorderly marriage,” this man and his wife were appointed “to stand before the pulpit and confess their guilt before the congregation.”† In the Records of the Presbytery of Ayr there is a very full narrative of an irregular Border marriage, which was made by an imprudent and impatient couple of Ayrshire lovers in 1729. One of the parties in this case was of the family of Macadam of Craigen-gillan, which has since acquired world-wide celebrity in connection with an in-orderly alliance. On this occasion, Miss

* The cool effrontery of some of these blacksmiths was delightful. In 1786, one of them signed a certificate, and probably all his certificates were in the same terms, that A. B. and C. D. “both comes before me, and declares themselves to be both single persons, and is now mareyed be the *way of thee Church of Scotland*”!

† In Nicol’s diary of public transactions, it is said that in 1652, during the time of Cromwell’s occupancy of the country, “great errors did creep into the Church, and men were not ashamed to take upon them the functions of the ministry without a lawful calling, and to preach, marry, and baptize.”

Macadam and her swain betook themselves as fast as steed could carry them to the Border, to be made happy for ever. It was not, however, to the blacksmith's alehouse at Gretna Green that they went, but to the nearest spot towards the sun, where they could find a willing and subservient parson. Witnesses deponed to the Presbytery that they were "present at Whitehouse, upon the Scots syde of the Border, upon the 7th day of September last, and there saw William Logan and Agnes Macadam married by Thomas Lenthwilt, as he was called: and that they heard the said Mr. Lenthwilt was a minister and had married others, and that they saw him sign a paper, which was a testimonial of their marriage, now in hands of the Clerk of Presbytery."

As a rule, it was not to the Border that people in Ayrshire and the central districts of Scotland went, in olden times, for the benefit of irregular marriage. It was to some town where they could find a parson to tie the knot, and that was usually Glasgow, Edinburgh, or other city where some poor outed or deposed minister had his miserable residence. In support of this statement, many cases could be quoted from Records covering the period between 1690 and 1750.† The Records of

* Alleged border marriages were sometimes looked upon with suspicion as mere pretences. In 1674, two persons were delated to the Session of Fenwick, "for their inorderlie and scandalous going about their marriage, in going to the border of England, so that it is questionable whether they be married or not." In the records of the Parliament, 1639, it is stated that "the supplication from the Assemblies craving ane civill sanction for prohibition of marriage in England to all Scottis people, indwellers in Scotland (was) red, voted, and past in articles."

† In the records of Kirk-Sessions it is seldom stated that the celebrator of an irregular marriage, even when his name is given, was a priest or minister. The reader of such records is consequently apt to imagine that such celebrators of marriage were usually laymen. I suspect that that conclusion would be generally wrong, in cases prior to 1760 or 1780. In the records of Kilmarnock Kirk-Session there is an account of an irregular marriage in 1742 at Kilmarnock "by one John Smith." And for the next fifteen years there are many similar cases recorded of

the Presbytery of Irvine tell of a couple that, in 1692, went over to Ireland, and were married irregularly in Belfast "by a conformist." The Records of the Presbytery of Ayr tell of another couple that, in 1727, made their way to Dumbarton in quest of a "prelatical minister," and, not finding one on Levenside, proceeded to Edinburgh, where their search was more successful.

There was no want of legislation of a kind on the subject of irregular marriages. In the triumphant days of the Covenants (1649), on the restoration of Episcopacy in 1661, and again after the Revolution, in the reign of William the Third, severe laws were passed anent such clandestine alliances. The Act 1661 imposed heavy penalties both on the "parties contractors," and on the celebrators. And, as if this Act had not been stringent enough, another was passed in 1698, requiring all persons married clandestinely, or irregularly, to declare, when bidden, the names and designations "of the minister or person" who celebrated the marriage, and of the witnesses to the marriage, under ruinous penalties in case of refusal. The celebrators of such marriages were declared "liable to be summarily seized and imprisoned by any ordinary magistrate or justice of the peace, and to be punishable by the Lords of Privy Council, not only by perpetual banishment, but by such pecunial or corporal pains as the said lords shall think fit to inflict." The witnesses to such marriages were also declared to be each liable "in the sum of one hundred pounds Scots, to be applied to pious uses; or, if insolvent, to such corporal punishment as the said lords

people's being married "by one John Smith." It might thus be supposed that if this John Smith was not a myth altogether, he must have been a man that could not add priest or minister to his name. But in 1757 a case came before the Kirk-Session of Kilmarnock, in which two persons produced a certificate of their having been married "by *one John Smith, Minister.*" Apparently therefore the marriage-maker down to 1757 was always, or generally, a clerk in holy orders.

shall determine." And more than one outed or deposed minister was last century actually imprisoned and banished for celebrating clandestine marriages. In addition to Muet, already referred to, there was one Clannie banished in 1713, and another, Brown, transported in 1751.

It might be thought that, with such ample penalties attached to the celebration of irregular nuptials, this form of social evil would have been brought to a speedy end in Scotland. But it was not so. It may be said that, from the beginning to the close of last century, there was a roaring trade done in the way of irregular marriage. Kirk-Sessions and Presbyteries, too, were well enough aware of the fact, and were diligent, in season and out of season, in rebuking and exhorting; but, in spite of Church censures, the scandal continued, and cases occurred every now and then that sorely perplexed the judgment of simple ministers. In 1720, the General Assembly instructed their commission "to *advise* Presbyteries and particular brethren, with relation to irregular marriages, as they shall be applied to for that effect." The Commission, as instructed, issued their advice in a circular letter, which became the directory of Church Courts for many years afterwards. In 1721, a representation was made to the Presbytery of Ayr that many who contracted irregular marriages "did not know the hazard they were in, from the civil law, for so doing." The Presbytery, there-upon, resolved that the Commission's act or letter should "be intimated from the pulpit by the several members, that none may pretend ignorance for the future; and that application should be made to the judge ordinary, to inflict the punishment, conform to law." But no abatement of the scandal followed. In 1732, the goodly number of five pairs of partners appeared before the Kirk-Session of Mauchline with testimonials of irregular marriage: and in subsequent years the Kirk-Session on

several occasions, at considerable intervals, referred with sorrow and concern to the continued prevalence of in disorderly matrimony. In 1744, the Presbytery of Irvine came to the conclusion, on a committee's report, that, "through failure to execute the Acts against irregular marriages, these marriages had become frequent;" and they overtured the General Assembly to enjoin Kirk-Sessions "to see that the proper judges fine, exact fines, and hand over the fines for pious purposes." But the Presbytery soon afterwards saw reason to change their mind in regard to the best way of repressing irregular marriages; and, in 1750, they submitted to the Synod a report of a very different tenor from that on which they pronounced their finding in 1744. In this report of 1750, the Presbytery stated that "persons of quality and station will refuse obedience to a severe Act, and that the fine being 2000 merks in a landed gentleman, 1000 merks in any other gentleman, and 200 merks in a yeoman, it seems unreasonable to pursue for it without composition. It would ruin some, and judges would think it cruel." To some extent, therefore, it may be said that the law defeated its purpose, by the very severity of its penalties. The proper remedy for the acknowledged evil of clandestine marriages would have been a change in the law, by a new Act of Parliament declaring that no private contracts of marriage, with or without "the oath of God," should hold good and confer matrimonial rights, unless publicly ratified in some prescribed manner.

It may be asked, What induced or tempted people to seek clandestine alliances, when the benefit of regular marriage could have been got at far less cost and with far less trouble? In some cases, it was the existence of a legal impediment to regular marriage; and in other cases, the less said about the motive or object the better. It happened occasionally that people, who gave themselves out for single persons, were

suspected of having left wives or husbands behind them in some other part of the world. When such persons sought marriage from the Church, the publication of their banns was refused; and the only way for their getting married, or getting the name of being married, was by one of the irregular courses sanctioned by law. In 1734, a woman presented a petition to the Presbytery of Irvine, "to be allowed the liberty of marriage, in regard her husband had gone off to England ten years ago, and though he had been summoned at the pier of Leith he had not returned." The Presbytery replied that, "there being neither a divorce nor any document of her husband's death, they could not allow the petitioner to marry."* The lady, however, would not be balked by the Presbytery, in so important a matter as the last chance of matrimony; and she got herself married irregularly "by a person called David Strong." An interdict of cohabitation and a threat of excommunication were, thereupon, issued by the Presbytery against the contumacious woman; but, in the joy of renovated youth and wedded life, the interdict and threat were alike disregarded. Cases also cropped up from time to time in which proclamation, if asked, might have been sisted or stopped, for such reasons as pre-contract, parental disapproval, or public scandal; and, in these cases, persons wishing to be wed found it convenient, as well as romantic, to make off to the Border, or anywhere else that a "Jesuit priest," "Prelatic parson," or deposed minister could be got.

A similar judgment was pronounced by the Synod of Fife, in 1655. That year, "the Presbitrie of Couper sought advice, what they sould do in the cais of thes women quhois husbands hes been amissing since Dunbar or Worster, desyring to be mariet with other men. The Synod thinks that ministers sould not proceed to marie women in that cais, without clear evidence of thair husbands' death, or the sentence of the civil judge competent in such caisis."

When persons were reported, or alleged themselves, to be irregularly married, they were at once called to account by their Kirk-Session, and the evidence of their marriage was demanded.

The proof of marriage most commonly tendered to Church Courts was the production of a certificate, signed by the celebrator of the marriage and attested by the persons who witnessed the celebration. And, when there was no reason to doubt the authenticity of this document and the legal right of the celebrator to act as such, the validity of the marriage was acknowledged. But these alleged certificates were often dubious. In 1715, a couple from Dreghorn appeared before the Presbytery of Irvine, alleging that they had been married, in a private irregular way, by Mr. John Graham, a curate. They produced a certificate of marriage, but the certificate was considered by the Presbytery to be not genuine. It was not "of a right syllabification: it was bad write and not good sense: the place where it was dated, and where the marriage should have been consummated, was not intelligible; the whole of it was written with the same hand, the witnesses subscribing as well as the minister." The Presbytery held, therefore, that "no regard was to be had to the testificat;" and they appointed the parties to go up for rebuke to the church of Dreghorn, "and then and there to take upon them the engagements of husband and wife."

The Kirk-Session of Mauchline, under Mr. Auld, were particularly chary of accepting lines as evidence of marriage. On one occasion, a man and woman "produced marriage lines, dated at Ayr, 16th November, 1750, declaring that they were married according to the form of the Church of England, by Charles Jones, minister, in presence of witnesses." The finding of the Session was, "that no regard should be had to such lines,

unless supported by better evidence than the subscription of lawless vagrants, who dared not avow what they signed.' It was agreed, however, to take the advice of the Presbytery on the case, and the result was that the testimonials were ultimately sustained. A great desideratum in the Church was an authoritative declaration of some fixed principles, by which Kirk-Sessions might be guided in pronouncing judgment on certificates of marriage. In 1779, the Kirk-Session of Mauchline enacted a law for themselves on this subject. Premising that it was not unusual for people "to impose on the public, and particularly on Church judicatories, by forging or antedating marriage lines," the Session declared that "no credit be given to such suspicious lines, written and signed by persons quite unknown both as to their character and handwriting, unless the partie or parties producing said lines shall instantly undertake proof of their being true and genuine, against a certain day to be named by the Session. But, in case of failure in the proof, it is hereby enacted and declared that the foresaid parties shall be held and censured as fornicators; and this act is appointed to be read from the pulpit, that none may pretend ignorance."

Certificates were not the only evidence of marriage that Kirk-Sessions accepted. In the year 1696, the Kirk-Session of Mauchline, under the guidance of Mr. Maitland, who was very lax and good natured in his administration of discipline, were content to accept a woman's oath as evidence of her marriage. In 1690, a man from Ardrossan applied to the Presbytery of Irvine for baptism to a child. He declared that he had been married in Glasgow, but that he could not give the minister's name. He and his wife were then appointed to be rebuked for having married clandestinely, and were exhorted to live "as married persons, for the future." It is possible, however,

that the unsettled state of the country at that date made it expedient for Presbyteries to be less stringent in their discipline, and less exacting in the matter of evidence than they became a few years later.

Certificates of marriage purported to bear that the marriage had been celebrated by some authorised functionary. But, it may be asked, was celebration considered necessary to constitute marriage? This is a disputed question. Last century some writers on law said one thing, and judges on the bench said another. Erskine represented to his readers that, in Scotland, marriage was constituted by consent without celebration; and Lord Braxfield, as late as 1796, declared the contrary. Lord Fraser says that the doctrine stated by Erskine never was judicially pronounced to be the law of Scotland till 1811. It need not surprise any one, therefore, when judges and jurists, learned in the law, did not see eye to eye in regard to the constitution of marriage, that ministers and elders, Kirk-Sessions and Presbyteries were very hazy on the subject, and that their deliverances were not of a uniform tenor.

I imagine that Mr. Auld of Mauchline was of Lord Braxfield's way of thinking. In 1784, the year in which Burns came to the parish, two villagers, who either then were, or afterwards came to be, special friends of the poet, were reported to the Session to have "gone away from this place, without any testimonials from us, and now upon their return pretend to be married persons." It was long before they would submit to appear before the Session; but, at length, they did appear and produce marriage lines signed by Alexander Pirrie, a seceding minister. A discussion arose in the Session in regard to these lines. It was maintained by a majority of the members that the lines were trustworthy—that the parties were consequently lawfully married—and that, after submitting to rebuke for

breach of Church order, they should be admitted to their former ecclesiastical privileges. This became the finding of the court ; but, "the Moderator, (Mr. Auld), begged leave to signify that, in his judgment, the marriage lines were not legal ; for the following reason,—Mr. Pirrie is neither ordained a minister by the Church nor authorised by the State, and therefore has not a legal title, to marry any person." To some people the reason of this dissent will appear strange. A marriage was celebrated with religious ceremony by a seceding minister. Was that not a form of marriage sanctioned by law, although punishable as clandestine? According to Lord Fraser's doctrine it seems not to have been. The celebrator was a Presbyterian Dissenter, whereas it was only ministers of the Church of Scotland or of the Episcopal Church, or priests of the Church of Rome that, at that date, were recognised as having what might be termed valid marrying orders. There was thus a show of legal authority for the position Mr. Auld appears to have maintained, namely, that there was no marriage where there was no celebration, and that there was no celebration where there was not a legalised celebrator.*

* In 1802, it was reported to the Presbytery of Ayr that two persons, in the Parish of New Cumnock, "had been married by Thomas Rowat, a minister of the Reformed Presbytery, at Penpont, without proclamation of banns in their Parish Church. The Presbytery appointed their Clerk to write said Mr. Rowat concerning the irregularity of his conduct, and that he will avoid similar transgressions of the law in time coming." Mr. Rowat replied to this letter, and alleged "that he had done nothing irregular in this case, that he had transgressed no law, and that he would continue to marry persons without proclamation of banns in their Parish Church." The Presbytery, thereupon, reported the whole facts of the case to the Procurator Fiscal of the County of Dumfries, "that he might take such steps against said Mr. Rowat as the law requires, in order to prevent him, for the time to come, from carrying on such illegal practices within the bounds of this Presbytery."

It was not till 1834 that Dissenting ministers in Scotland were allowed to celebrate marriages by religious ceremony. Even then, the celebration required to be preceded by proclamation of banns in the Parish Church, or Churches, of the bridegroom and bride. Episcopalian ministers have had that privilege since 1711.

While Mr. Auld, in 1784, seems to have held the views on marriage considered constitutional and orthodox by Lords Braxfield and Fraser, many ministers, both then and at an earlier date, accepted and acted on the theological notions of Samuel Rutherford and the legal opinions of Erskine. We have seen that, in 1689, the Presbytery of Irvine could not regard people as "married persons by virtue of any oath or promise betwixt themselves privatelie, however conceived *in verbis de presenti*." The same Presbytery, however, agreed in 1753, that in determining questions of marriage the following queries should be put; first, did the parties ever acknowledge themselves husband and wife; secondly, did they ever live together as husband and wife; and thirdly, are they habit and repute married persons. And what did, thenceforth, in the opinion of that Presbytery, constitute proof of marriage is shewn by their own recorded deliverances. In 1753, a long paper was given in to the Presbytery by the Kirk-Session of Kilwinning, concerning a man and woman, employed respectively as gardener and housekeeper, at Eglinton Castle. In this paper, the Session stated that these persons were "habit and repute husband and wife, not only by the noble family, but to the whole country." And they added, "it is no less notour, that such facts establish a marriage in our law." This statement of the law was not disputed in the Presbytery. In 1761, the Presbytery were exercised on another matrimonial case. A woman alleged that she was "married, in a clandestine irregular way, in the fields, by a person she knew not, and that she had marriage lines, but the man abstracted them from her chest." The man denied these statements, and there was no proof of celebration. But it was proved by witnesses that the man and woman had lived together as husband and wife, and that the man had acknow-

ledged himself married. On the ground of this testimony, the marriage was sustained by the Presbytery. The following year, (1762), another case, and a queer one, came before the same court. A man "acknowledged that marriage lines had passed betwixt him and a certain woman—that he had consented to the said marriage lines—that they both swore to be true to one another for two years, and, in case they did not like one another, to be parted then,"—and he added that, if the Moderator would free him, he would acknowledge marriage with her for two years. "The Presbytery, in regard of the man's acknowledgment, and that the woman adheres, could not but find them married." In this case, the lines were not a certificate but only a private acknowledgment; and yet, the Presbytery held that these lines, owned by the man and adhered to by the woman, bound the parties permanently.

Farcical solemnities were sometimes gone through by rascally knaves to give a deceitful appearance of marriage. It was seldom, however, that these farces imposed on Kirk-Sessions and Presbyteries, and they need not therefore be seriously discussed. As an instance, the following case may be cited. In 1769, an old soldier, who was craving marriage, was accused of being already a married man. He admitted to the Presbytery of Irvine that he had "lived with another woman in the army, for some time; . . . but said that he was married to her no otherwise than by stepping over a sword."*

* Great store was laid by people on vows—"the oath of God"—as distinguished from ordinary declarations, in constituting marriage. A Stewarton man was, in 1760, claimed by two women for a sorrowful reason, "and that he had come under strong promises of marriage to each of them." He "denied having come under any oath, or vow of marriage, to any of them; only said that he did not doubt but that, by yea and nay, he made promise of marriage to both of them." One of the women alleged that he said "he wished he might never see his Maker's face in mercy if he did not marry her."

After determining whether a couple alleged to be irregularly married were really married, Kirk-Sessions had to take further steps. If it was found that the parties were unmarried, or could give no proof of their marriage, they were at once declared scandalous persons and were interdicted from living together. This was what happened at Mauchline, in 1784, to the friends of Burns, who pretended to be married persons but would not prove their marriage before the Session. And there was nothing unusual in the course which Mr. Auld and his elders took on that occasion. It was what was often done by Church courts, perhaps not very often in 1784, but frequently in (say) 1730. The following are the exact terms of a sentence pronounced by the Presbytery of Irvine in 1697; and sentences almost identical in their tenor occur in the records of the same Presbytery for 1744. "Inhibit cohabitation, till they produce evidence of having been lawfully married, and of having been free persons at the time of their marriage." In 1751, also, the same Presbytery, being "at a loss to determine whether (a certain) marriage should be continued or not lawfully," resolved to seek advice on the subject; and "till the same be obtained, interdict the parties from cohabitation, with certification of their danger, if they counteract." It may be asked, if interdicted couples had always the courtesy to submit to the Session's restraint. Some were too doggedly independent to be so respectful to their spiritual rulers. And in that case what happened? The Kirk-Session had only the power of the keys and not of the sword, and could neither scourge, fine, nor imprison. But breach of Sessional interdict brought upon the devoted heads of the disobedient additional censure, which in its own way was unpleasant enough. And sometimes Kirk-Sessions invoked the aid of the Magistrate in dealing with refractory mates. In 1689, two sorners in Kil-

marnock refused to discontinue cohabitation at the Session's order; "whereupon, the Session, considering that they were ordinarie beggars in the countrie, had no interest in this place, but were a burden and scandall to it since their coming hither of late years, did desire Charles Dalrymple, as bailie and chamberlain to the Earl of Kilmarnock, that he would take his own way, as he should judge most convenient, to remove them out of the town and parish. Upon the market day next thereafter they were removed furth of the town with touk of drum, and discharged to remain within the parish by the Bailie's order."

It is pleasant to mention that Kirk-Sessions and Presbyteries very often tried to persuade people, who had fallen into scandal and were living openly together, to make themselves respectable by submitting to orderly marriage. In 1690, two fellow-sojourners in Kirkoswald were summoned before the Presbytery of Ayr, and required to "give an account *quo jure* they cohabit." They were found to be no better than heathens; and so, in the first instance, they were rebuked, and appointed to stand three several Sabbaths in their Parish Church for removal of their scandal. But there was also an instruction given to the minister "to marry them on ye Monday after" their first exhibition of public penance at the pillar. The instant marriage in this case was one of those "necessary exigents" in which the Presbytery could dispense with Proclamation of Banns.

When people were found by a Kirk-Session to have been lawfully married, although in an irregular manner, they were not treated as scandalous persons, and censured for living in scandal. Their offence was held to be of a milder type. It was simply a breach of Church order, and it was visited by a censure modified to the measure of misdeed.

A sessional rebuke seems, subsequent to 1720 at least, to have been all the censure that in disorderly marriage was thought to warrant. A frequent entry in the records of this parish is,—"parties were sessionally rebuked, according to the advice anent irregular marriages given by the commission of the General Assembly." There were cases, however, in which persons in disorderly mated were subjected to harder treatment. These were usually cases in which the offence of irregular marriage was aggravated by some other misconduct. In 1695, two persons in Fenwick were summoned before the Presbytery of Irvine, "for their disorderlie marriage with a curate, when in the meantime lying in uncleanness together; and, being called, compeared and confessed all." In this instance, two offences were acknowledged. The offenders, therefore, after being rebuked, "were remitted to the Session of Fenwick for removing the scandal, and the Presbytery thought it expedient that they should appear *five days* for a terror to others." In 1750, two persons irregularly married refused to submit to the censure appointed by the Kirk-Session of Kilwinning. They were accordingly cited to the Presbytery of Irvine, but the man sent a letter to the Presbytery complaining of his minister's conduct in the process, "and signifying that the Presbytery need not trouble him any farther, as he had joined another Christian society!" This was an ingenious device, and it has become a not uncommon one with ill-behaved people, for scuttling out of scandal. But it did not succeed at Irvine in 1750. The man and his wife were summoned again to appear before the Presbytery, and in response to that second summons they compeared, and made several confessions. They "acknowledged themselves married persons"—and admitted that they had got a child baptized by a stranger, who "was not an Episcopal minister, but a minister of the Church of Christ," whether or-

dained or unordained they could not tell. They were thus guilty of inordinate marriage, and of seeking inordinate baptism, guilty of contempt of Session and threatened schism, and so, for that multitude of misdeeds, they had to make public penance.

When persons irregularly married came up to a Kirk-Session for rebuke, there were generally steps taken to confirm the marriage, and invest it with something like ecclesiastical sanction. For instance, in 1691, an irregular marriage was proved before the Kirk-Session of Kilmarnock, by the evidence of witnesses. Not only was this finding virtually registered by the Session's minute in the Session book, but the parties were "appointed to appear before the congregation one Sabbath, in their seat, and *publicly to own one another as husband and wife*, and to engage to the relative duties, and profess their grief for their offensive and disorderly way of marriage." In 1720, two persons were by the same Session "found guilty of running away together to Ireland, in a suspicious and scandalous manner, without any cause or temptation; of being married by a Popish priest, and of forging a certificate." For these conjoint offences they were "publicly rebuked three several Sabbaths before the Congregation, and obliged to *own* their marriage together, and *adhere* thereto." The word "adhere" came to be the stereotyped expression used by Kirk-Sessions in procedure of this kind. In our own Session records it occurs over and over, especially in 1732 and subsequent years.* The following is the minute that refers to the marriage out of which Gavin Hamilton, the friend of Burns, was destined to

* In the Act Rescissory passed by the Scottish Parliament in 1640, the following clause occurs:—"It is, and shall be, lawful to the Presbyteries of this Kirk . . . to give and direct admonitions, private or public, to persones joyned in marriage, for adherence."

come into being. The date is 2nd April, 1732—"Compeared John Hamilton, Clerk in Mauchline, and Jacobina Young, daughter to the deceased John Young, Merchant in Lanrick, and produced certificates of their irregular marriage, owned their adherence, and were rebuked for their irregularitie." The minute in regard to Burns's own marriage is more full and formal, as became a minute that was bound to become historical. Its date is 5th August 1788, and its tenor as follows—"Compeared Robert Burns with Jean Armour his alleged spouse. They both acknowledged their irregular marriage, and their sorrow for that irregularity, and desiring that the Session may take such steps as may seem to them proper in order to the solemn confirmation of the said marriage. The Session, taking this affair under their consideration, agree that they both be rebuked for this alleged irregularity, and that they be taken solemnly engaged to adhere faithfully to one another, as husband and wife, all the days of their life. In regard the Session have a tittle in law to some fine, for behoof of the poor, they refer to Mr. Burns his own generosity. The above sentence was accordingly executed, and the Session absolved the said parties from any scandal on that account.

WILLIAM AULD, Moderator.

ROBERT BURNS.

JEAN ARMOUR.

Mr. Burns gave a guinea note for behoof of the poor."

In the minute anent Burns's marriage now quoted, mention is made of a fine that Kirk-Sessions are legally entitled to, when an irregular marriage is made.* As far back as 1661, persons that married "in a clandestine and in disorderly way, or by Jesuit

* Some lawyers would say, only when the irregular marriage was also clandestine. It is questionable if Kirk-Sessions, in asking for fines, attended to this distinction. But, at any rate, most of the irregular marriages contracted more than a hundred years ago were clandestine also, in the modern lawyer's sense of the term.

Priests or any other not authorised by this kirk," were liable to be imprisoned for three months, and to be made pay severe penalties besides, according to their rank and supposed wealth. These fines were "ordained to be applied to pious uses, within the several parishes where the said persons dwell." This or some other similar penal statute was in force down to the close of the period of what may be termed old church life in Scotland. The overtures of the Presbytery of Irvine in 1744, and the report of that Presbytery to the Synod of Glasgow and Ayr in 1750, shew that the penal clauses of the statute were not at these dates rigidly enforced. The law, however, was not a dead letter. In our own Session records there are many references to fines for irregular marriages. Strictly speaking, it was only civil courts that could inflict these fines, for Kirk-Sessions had not power to impose fines for any offence. It was only a Procurator-Fiscal, too, that could sue for such fines. But, with the view of saving expense and trouble, it became customary for Kirk-Sessions to leave irregularly mated people to mulct themselves voluntarily, in such sums as they could be compelled to pay or were willing to give, and then hand to the Session these donations for the good of the poor. The Kirk-Session of Mauchline, in 1788, referred the mulct to "Mr. Burns his own generosity." And as far back as 1733, this had been a custom in the parish. On the 1st April of that year, one of the elders presented to the Session, "a certificate of James Ross, and Euphame Andrew, their irregular marriage;" and on the 8th April, "James Ross and Euphame Andrew compeared, adhered to their marriage, and were rebuked for the irregularity thereof." It was then minuted, in a separate sentence, that "James Ross promises to give to the Treasurer £1, 16s. od. as mulct."

About the end of last century it came to be a common practice for persons clandestinely married to surrender themselves to a

magistrate for punishment. They were then fined on their own confession, at the instance nominally of the Procurator Fiscal, who furnished them with a form of indictment. The magistrate's decret was supposed to become, thereafter, evidence of marriage. These proceedings, however, were, Lord Fraser says, "very much of the nature of a farce." In all cases where there had been no irregular *religious celebration*, the sentence and fine were illegal, because the irregularity committed was not of the kind that was punishable. And, except to people that disowned Church discipline and disdained Church privileges, there was nothing gained by this compearance before a magistrate. Members of the Church had to come before the Session after all. This is brought out by a minute in the records of the Presbytery of Irvine, of date 1792. That year a reference was submitted to the Presbytery, stating that a man and a woman had come before the Kirk-Session of Kilmarnock, "and produced a paper, from which it appeared that on the 2nd March last, upon application to the Justices of Peace, they had been fined in a guinea to the poor for an irregular marriage, said to have been made six months prior to that date, and craved of the Session to be declared married persons, and to be admitted to privileges."

Although the common procedure of Kirk-Sessions, in regard to fines for irregular and clandestine marriages, was what has just been stated, there were occasions when it was judged expedient to take a more formal course. In 1757, the schoolmaster of Mauchline astounded the Session by submitting to them a certificate, bearing that he had been married in 1752, to a servant girl in Stewarton, "in a clandestine manner, by one who called himself John M'Onachim." The infatuated supineness of this schoolmaster, who was also precentor and Session-clerk, and an elder to boot, is well nigh incredible.

He had had ample leisure to repent. Five years passed before the secret of his marriage came out. At any time during that period he might have repaired his error, by a marriage according to the forms of the Church. But he took no steps to avert his disgrace; and he had thus, with his wife, to appear ignominiously before the court of which he had lately been accounted an honoured member. And not only so, but after he and his wife had been by the Session taken "as solemnly engaged to each other in a marriage relationship, and rebuked sessionally," they were made to stand before the congregation on a public fast-day. He was suspended, too, from all his offices—of schoolmaster, precentor, Session-clerk, and elder—and he was never reponed, but was left in the outer darkness, with the door of respectability shut against him for ever. Nor was the amount of his mulct referred to his own generosity, but the Session minuted that, "in so far as they are concerned for the poor, they are resolved to apply to a proper court for the fine appointed."*

At the present day, scandal is sometimes created by married persons' separating from each other and living apart. And the same form of scandal existed in olden times. But in the olden times the scandal was not allowed to pass unnoticed.† Kirk-Sessions made inquisition into the matter, and censured or exhorted as seemed meet. In the records of Galston Parish, mention is made of a married couple who, in 1676, "were rebuked, because of their unchristian carriage in separating from and deserting one another." They were enjoined to live together; and were warned that if they refused

* The facts of this case are gathered partly from the Session records, and partly from a small manuscript volume of admonitions which Mr. Auld left behind him.

† The Reformed Church of France, in the Synod of Vertueil (1567), ordained that if either husband or wife separate from the other they should be called before the Consistory. Quick's Synodicon.

they would be brought up for further censure. In 1704, a report reached the Kirk-Session of Kilmarnock, that "John Stevenson and Margaret Borland his wife, upon some humor and disagreement betwix themselves, had voluntarily separated from one another." A committee of the Session was, thereupon, deputed to converse with both the spouses, and report. The report bore, that "John desired to be confronted with his wife, that it might be known which of them was in the wrong." The Session were wary enough to see that this way of opening up the quarrel for debate would make reconciliation impossible. The committee was, therefore, instructed to speak to the parted mates again, and "recommend them to forgett and forgive old injuries, and cohabit Christianly and kindly." That was what John, in his mood of mulish humour which he mistook for high christian virtue, would not condescend to do. The contention involved a matter of principle—a question of right or wrong—and conscience would not allow him to beck and bend in so high a concern. The unpleasant consequences, for him, were some further dealings with the rulers of the Church, by which he gained nothing and lost much.

It might be added that the Church of Scotland, in her General Assembly 1571, declared that, "because the conjunction of marriage pertaineth to the ministry, the causes of adherence and divorcement ought also to pertain to them, as naturally annexed thereto." Every minister may be thankful that he is not called on to "leave the word of God," and adjudicate on such causes. And I am happy to say that the contentions in divorce suits form no part of old Church life in Scotland.

LECTURE IV.

BAPTISMS AND BURIALS IN OLDEN TIMES.

The main points of controversy in regard to Baptism—Mode of administering Baptism—Lawfulness or unlawfulness of private Baptism—Infant Baptism—Sponsors at Baptism—Right to Baptism—Early Baptism—Baptism disallowed to the ignorant and scandalous—Baptism of Adults—Registration of Baptisms, and Fees—Baptismal Banquets.

Burials—Religious ceremonies and sermons at funerals—So-called “Services” at funerals in Scotland—Time spent at funerals—Smoking at Funerals—Lyk-wakes—Coffining—Coffins for Poor—Burial without Coffins—Biers and common mort-kists—Cost of Coffins—Cists—Sanitary and orderly Interment—Burial in fields, in Church-yards, and in Churches—Civil respects at funerals—Bell-ringing—Mortcloths—Curious panic, 1777, about people’s being buried alive—Resurrectionists—Horse-hearses and hand-hearses.

THIS course of lectures would be incomplete if no account were given of Baptisms and Burials in Scotland in olden times.

On the subject of Baptism there has been a great deal of controversy in the Christian Church. Apart from the particular question, to whom is the ordinance to be administered, the main points regarding Baptism on which discussion and disagreement have arisen are the following:—first, the forms and ceremonies to be observed in the ministration of the ordinance; secondly, the lawfulness or unlawfulness of administering the ordinance in private; thirdly, the lawfulness or unlawfulness of baptizing infants; and fourthly, in the case of infant baptism, the admissibility or inadmissibility of any but parents, when these are living, to stand as sponsors.

On the first of these four points, the mode of administering the ordinance, it will not be necessary for me to say much, because it has not been a subject of much controversy in the Church of Scotland, especially during the Presbyterian periods of her history. In the First Book of Discipline, 1560, it was

laid down by Knox and the other framers of that document, that "in baptism we acknowledge nothing to be used except the element of water only ; wherefore, whosoever presumeth to use oil, salt, wax, spittle, conjuration and crossing,* accuseth the perfect institution of Christ Jesus of imperfection, for it was void of all such inventions devised by men." In the account of Knox's discussion with Dean Wynram and Friar Arbuckle, in 1547, the following passages occur, which shew very clearly the different standpoints from which the administration of Baptism was regarded by the Scottish Catholics and the Scottish Protestants at that date. "Why," asked Wynram, "may not the Church for good causes devise ceremonies to decore the sacraments and other parts of God's service?"

* *Conjuration.* In the first Liturgy of Edward 6th, 1548, the Priest was directed to look on the children after he had crossed them, and to say, "I command thee, unclean spirit, in the name of the Father, etc., that thou come out and depart from these infants, whom our Lord Jesus Christ hath vouchsafed to call to his holy baptism, etc. Therefore, thou cursed spirit, remember thy sentence, remember thy judgment, remember the day to be at hand wherein thou shalt burn in fire everlasting, prepared for thee and thy angels. And presume not hereafter to exercise any tyranny towards these infants," etc. etc.

Crossing. The amount of controversial writing on this subject is marvellous. I have beside me a book, twice the size of this volume, printed in 1607, and entitled "a scholasticall discourse against symbolizing with antichrist in ceremonies, especially in the sign of the crosse." The book is the work of a Dr. Renaud, a very zealous Puritan, and it contains many curious statements. "If we may adde the signe of the crosse to Baptisme . . . then may we adde roastmeat or sodd meat to the supper of the Lorde, after the manner of the Americans." . . . "Antiquitie for the crosse in Baptisme ! bread and cheese pretend as much for a place in the supper." . . . "It will be found as warrantable to put a paire of Bulls hornes (as the sign of the cross), upon the forehead of the baptized." . . . "It is as unfit to make a crosse a memorial of Christ, as for a childe to make much of the halter or gallowse wherewith his father was hanged."

The Service-book, 1637, enjoined crossing in Baptism, and as that book was "put in practeiss in diuerss countreis," i.e., in different districts of the country (Spalding I. 79), we must conclude that the crossing was introduced in some churches in Scotland. Spalding writes in a strain of lamentation, 1641, that it is reported, "the House of Commons has voted against the ceremonies, viz. cross in baptism, kneeling at the communion, surplice, ring in marriage, and organs."

“Because,” said Knox, “the Church ought to do nothing but in faith, and ought not to go before, but is bound to follow the voice of the true Pastor.” “It is in faith,” replied Wynram, “that the ceremonies are commanded, and they have proper significations to help our faith, as the band in baptism signifieth the roughness of the law, and the oil the softness of God’s mercy. And likewise every other ceremony hath a godly signification.” “It is not enough,” replied Knox, “that man invent a ceremony, and then give it a signification according to his pleasure, for so might the ceremonies of the Gentiles and the ceremonies of Mahomet this day be maintained. But if any thing proceed from faith, it must have the word of God for assurance; for you are not ignorant that faith cometh by hearing, and hearing by the word of God.” “I shall prove plainly,” interposed Arbuckle, “that ceremonies are ordained of God.” “Such as God hath ordained,” said Knox, “we allow, and with reverence we use. But the question is, of these which God hath not ordained, such as in baptism are spittle, salt, candle (except it be to keep the bairn from cold) hurdes, oil, and the rest of the Papistical inventions.” The principles here laid down by Knox regarding the mode of administering the sacraments are clearly indicated, and they are the principles on which the Church of Scotland has always acted. She has uniformly endeavoured, except during a brief interlude of Anglican innovation prior to 1638, to make her sacramental forms square with the pattern and precepts set before her in Scripture. Her mode of administering baptism, therefore, is, in the first place, to explain the nature of the ordinance; next, to impose the baptismal or sponsorial duties on the person who craves the ordinance; thirdly, to pray for a blessing on the administration; fourthly, while sprinkling water on the face of the person to be baptized, to say,—“I baptize thee in the name

of the Father, of the Son and of the Holy Ghost ;” and thereafter to conclude the action with prayer and thanksgiving.

The second of the main questions regarding baptism that have been agitated in the Christian Church, is the lawfulness or unlawfulness of private baptism ; and that question was once one of the hottest of burning questions in Scotland. There never was an Act of the General Assembly that produced such a commotion over all Scotland as the Act of the Assembly at Perth, in the year 1618, allowing what were termed the five articles. These articles were framed by the king (James VI.), and were sent down by him to the General Assembly for the Church’s sanction and approval. The members of Assembly were canvassed and bribed by the king’s agents, in the most unblushing manner, in order to secure a vote in favour of the articles. Had the articles, therefore, been ever so unobjectionable in themselves, the manner in which they were passed, for passed they were, would have been enough to cause a storm in the country. And a storm was raised which lasted for twenty years, and was not laid till all the five articles were, in a General Assembly, abjured by the Church, and the Perth Assembly was voted an unfree and illegal Assembly whose proceedings were null and void. One of the articles of Perth was—“ that baptism might be administered at home, when the infant could not conveniently be brought to church.” This article was long and loudly denounced as papistical. It was said to introduce a new and false doctrine of baptism. It would make men think there was some spiritual efficacy in the mere ministerial act of sprinkling water on infants, in the name of the Trinity. It would give ground, therefore, for the erroneous belief that baptism is essential for salvation. It also allowed people to enjoy Christian privileges without submitting to the conditions of Christian duty—to be received as

Christians, without, on the part of their sponsors, a confession of Christian brotherhood—to be admitted into the Church by a private side wicket, if not over the wall—to be accepted and declared members of the Church by the minister alone, instead of by the whole congregation. There was no point, therefore, on which the genuine Presbyterian party in Scotland, from 1618 down to (I may say) 1718, were more firm and determined than on the necessity of baptism being administered in public. At the Westminster Assembly of 1643, the Scottish Commissioners apprehended that some considerable difficulty would be found in carrying and establishing their traditional views on public baptism. Private baptisms, or as I should rather say, baptisms in private houses, were not so much objected to by Presbyterians in England as they were in Scotland. They were in fact quite common in England. “In the greatest Paroch in London,” says Baillie, “scarce one child in a year is brought to the Church for baptism.” It was feared by the Scots, therefore, that the Westminster Assembly would give its sanction to the administration of baptism in private houses. But, to their surprise and delight, the necessity of baptism being administered in public was carried in the Assembly without trouble. The Directory for Public Worship, accordingly, states that baptism “is not to be administered in private places, or privately, but in the place of public worship, and in the face of the congregation, where the people may most conveniently see and hear; and not in the places where fonts, in the time of Popery, were unfitly and superstitiously placed,” namely, at the lower end of the church, near the door, and behind the backs of the congregation. This regulation became the law of the Church in 1645, and it was just a ratification of the views held in the Church by the Presbyterian party ever since the Reformation. And in 1690, the administration of baptism in private,

that is, in any place where, or at any time when, the congregation is not orderly called together to wait on the preaching of the Word, was strictly discharged by the General Assembly. And although in 1720 the Synod of Glasgow and Ayr had occasion to enjoin the observance of this Act of Assembly (1690), Wodrow, writing in 1718, says that "except in these two cities (of Glasgow and Edinburgh) we know nothing of private Baptisms through this National Church." All know what is the custom in the Church now-a-days. In some parishes, there are ten private baptisms for every one public baptism; and these private baptisms are never challenged as irregular, unlawful, or deserving of censure. But there never was an Act passed by the General Assembly, except that of 1618 at Perth, sanctioning or permitting baptisms in private.* The present practice has simply grown out of the hardness of people's hearts, and the softness of their minister's heart, and it would be interesting to trace the rise and history of the practice in particular parishes. The imperfect state of Session records, however, prevents this being done, at least as clearly and fully as might be wished by matter-of-fact persons.

Ever since the Reformation, ministers or Kirk-Sessions have kept, with more or less regularity, registers of Baptisms. I have seen and examined one that bore the date 1569. These old registers, however, were not always carefully kept, and in 1616 the General Assembly had occasion to ordain that "every

* In 1662, during the time of the second Episcopacy in the Church of Scotland (Charles II.) the Presbytery of Aberdeen directed that neither private baptism nor private communion should be denied to people when it was earnestly desired. It may be asked if such a direction was not *ultra vires* of the Presbytery. Even when the Act of Assembly, 1618, was in force, the Parliament said (1621) that baptism was not to be administered at home "except when great need compels. In which case the Minister shall not refuse to do it, . . . and shall, the next Lord's day efter, . . . declare in the Kirk that the infant was so baptized."

minister have ane perfect and formall register, quherein he sall have registrat the particular of every baptisme of every infant within his parochie, and quha wer witness thereto, . . . and that they have the same to be in readiness to be presentit be every ane at their next Synod Assemblie, under the paine of suspension of the minister, not fulfilling the same, from his ministry." And, to encourage ministers in this duty, it was added that "quho so observes this Act, the Archbishops and Bischops shall let them have their quoats of their testaments gratis." The custody of these registers has now, by Act of Parliament, been transferred to the Registrar General in Edinburgh, and their removal makes it more difficult for ministers to trace the rise and decline in their respective parishes of certain, baptismal customs. The journals of Kirk-treasurers have not been carried off, and these show that in Mauchline parish private baptisms were very common at the middle of last century. During the year 1748 there were 28 fines, or concessions, paid in to the treasurer, for baptisms administered in private. Twenty of these were of 12s. Scots each, and the others ranged from 4s. to 16s. each. And although such baptisms were a violation of Church order, I cannot help remarking that Church order was not in this instance clearly founded on the evangelical principle professed by our forefathers, that all procedure in Church ritual should be conform to the precept or example of Scripture. It seems quite certain that in the days of the Apostles, baptism was not always, if ever, administered in the place of public worship and in the face of the congregation. The eunuch of Ethiopia, Cornelius the centurion, St. Paul himself, and the jailor at Philippi were each baptized privately. As an old writer, from whose pages I have drawn liberally in these lectures, says, "one would think that private baptism, backed with such fortifications, might

with confidence and assurance enough appear amongst others of our sacred offices ; . . . for, it can draw its extraction as high as almost any other part of our divine service.* All the length, however, that the Church of Scotland has ever gone, in the way of sanctioning baptisms not administered in the Church and also in face of the congregation, is to allow their ministration in private houses, provided the congregation be orderly called together to wait there on the preaching of the Word. And congregations, as well as ministers and Kirk-Sessions, were for many a day very vehement in demanding the rigid observance of this rule. One of the subjects of complaint by his parishioners against the minister of Maybole, in 1718, was his baptizing children privately ; and the answer, which the minister made to that complaint, shows what was considered by him to be compliance with the laws of the Church. "I never willingly," he said, "but in cases of great necessity, baptized children except at diets of examination and visitation in the remote parts of the parish, where I had a considerable number of hearers, and I *always preached before I baptized* ; † and at such times, I did what I could to convince the parents that baptism is not absolutely essential to salvation, and that many children unbaptized are saved." This explanation set the minister right in the eyes of the Presbytery. It showed that on the subject of baptism, he was both sound in doctrine and loyal to the Church.

It is proper to state, however, that there have been people in the Church of Scotland who have taken a different view of their minister's conduct in baptizing, or refusing to baptize,

* L'Estrange's Alliance of Divine Offices.

† "The preaching of the Word man preceid the ministratioun of the Sacramentis." Ane schort somme of the Buik (first) of Discipline, etc. See Summary of Laws, etc., of Church of Scotland, Aberdeen, 1853, p. 114.

children privately. Spalding relates, with great horror, that an honest burges of Aberdeen, in 1643, "causit bring to the Kirk ane barne, quhillk his wyf had new borne, to be baptisit, becaus it wes waik, about twa efternoon ; and convenit his gossopis and cummeris, as the custom is. Then the father goes to the ministeris to cum and baptize his barne, being waik, bot ilk ane ansuerit efter uther they wold not baptize while efter the lecture wes done. . . . At last, the father causis ring the bell, the sener to make them cum to thair lecture, bot thay sat still while the hour cam ; bot, befor the lecture wes done, the sillie infant deceissis in the cumeris armes at the pulpeit foot, without benefit of baptism. The people fell all in murmuring and amazement at the doing of their ministeris, and the father and friendis convenit waxt wonderfull sorrowfull ; bot Mr. John Oswald, who said the lecture, perceaving the barne to be deid, said, since the barne is deid in the Kirk, causs burie it in the Kirk." Apart from doctrine, modern feeling would certainly be on the side of the father and friends, in this instance, and against the ostentatious anti-papistry of the ministers.*

The Westminster Directory says that not only is baptism not to be administered in private places or privately, "but it is not to be administered, in any case, by any private person." The only persons who are to administer baptism are the ministers of Christ called to be the stewards of the mysteries of God. The Church of Scotland has been very strict in upholding this rule, but other Churches have been more liberal

* The General Assembly of 1616, which was one of the Assemblies declared in 1638 to have been an illegal Assembly whose acts are to be reputed null and void, enacted "that baptism shall no wayes be denyit to any infant, quhen ayther parents of the infant, or ony uther faithfull Christian in place of the parents, shall requyre the same to the infant ; and that the same be grantit ony tyme of day, butt (without) ony respect or delay till the hour of preaching." This old Act had evidently been complied with by the ministers in Aberdeen till 1643.

and tolerant in that particular. The old Christian fathers held that, although contrary to ecclesiastical order, it was not contrary to essential Christian principles for laymen to baptize; "and this opinion," says a learned writer, "has been practically the judgment of the Church in all later times, so that, while lay baptism is forbidden as a rule, it has been recognised in cases of necessity."* In 1583, the attention of the General Assembly was called to the subject of "baptism ministrat be laik persones, and such as hes no ordinarie function in the ministrie of the kirk. And the generall kirk, in ane voyce, concludit the same to be no legall baptisme; and that these that in the pretendit manner are baptized shall be baptized according to God's word." In 1715, the General Assembly directed their Commission to take under consideration the irregularities of certain deposed ministers and pretended preachers, of whom John Adamson was one; and in 1721, the Presbytery of Ayr had a letter from the Commission of Assembly, in reference to people who had presented their children for baptism to this Mr. John Adamson, "who was never a preacher and is excommunicate." In response to this letter, the Presbytery agreed that ministers should call before their Sessions such of their parishioners as had been guilty of that irregularity, and should "lett them know that the

* Smith's Dict. of Christian Antiquities. Luther says, "should an infant, on coming into the world, be so extremely weak and feeble that there is danger of its dying ere it can be carried to the Church, the women present should baptize it themselves, in the usual form."—Table Talk. At the present day, the children of Catholic parents in this country are sometimes, when weak, baptized by a nurse, or midwife, or medical practitioner; and the administrator is occasionally a good Protestant Presbyterian.

Both in Episcopal (1670) and Presbyterian (1695) periods in the history of the Church of Scotland, Acts of Parliament have been passed, forbidding any to baptize children, except ministers of the Gospel authorised by law and the Established Church of this nation. In 1712, a more tolerant spirit appeared in the statute book.

administration is null and void, and that the children are not baptized." And courses similar to this were taken by ministers and Kirk-Sessions long before 1721. In 1708, a man in Kilmarnock was cited to appear before his Kirk-Session, for having had a child irregularly baptized by Mr. M'Millan (founder of the Reformed Presbyterian Church), who had then been deposed from the office of the ministry. After questioning the man to little purpose, "the Moderator, in name of the Session, represented to him the sad condition of his child and so dismissed him."

The third and fourth of the main points in regard to baptism that have given rise to controversy in the Christian Church are, the lawfulness of infant baptism, and the admissibility of persons unrelated to the infant to stand as sponsors. On the former of these points nothing need here be said, because the lawfulness of infant baptism never was a subject of much disputation in the Church of Scotland.* In regard to sponsors, the Westminster Directory states that the child to be baptized is to be presented by the father, or in case of his necessary absence, by some Christian friend in his place. Baillie indicates that this finding by the Westminster Assembly was by no means a foregone conclusion. "We" (that is, the Scots and Presbyterians) "have," he says, "carried the parents' presenting of the child, and not their midwives, as was their (the Independents') universal custom." In 1712, the General Assembly specially enacted that no other sponsor than a parent is to be received at baptisms, "unless the parents be

* "The Baptism of children," says Luther, "is distinctly enjoined in Mark x. 14, 'the kingdom of God is of little children.' We must not look at this text with the eyes of a calf, or of a cow vaguely gaping at a new gate, but do with it as at court we do with the Prince's letters, read it and weight it again and again, with our most earnest attention."—Table Talk, 351.

dead, or absent, or grossly ignorant, or under scandal, or contumacious to discipline; in which cases, some fit person, (and if it can be, one related to the child) should be sponsor." And some well informed people maintain that this was the doctrine of the Scottish Reformers, and that it has been the law in the Church of Scotland, except during periods of Episcopal corruption, ever since the Reformation. One of the canons of the French Discipline shows that, at the time of the Reformation, there were sundry individuals in the Church who insisted that they should, "by themselves, present their own children" at baptism. These people, however, were in France reckoned peculiar, and were "earnestly entreated not to be contentious, but to conform to the ancient and accustomed order." In the first days of the Reformed Church of Scotland, the infant to be baptized was brought to the Church, "accompanied by the father *and* godfather." And these godfathers in the Church of Scotland were not, as I have sometimes heard it alleged they were, only witnesses, in the common sense of that term, to the baptism. The father and godfather conjointly presented the child, and they came conjointly under certain responsibilities in respect of the child's upbringing.* Brodie of Brodie, writing in 1652, says, in his diary, "I resolved to

* The latter clause of this sentence will be disputed by some authorities whom I respect. It is founded on the assumption that the phrase, "you the father and the surety," in Knox's Liturgy, means you the father *and* you the godfather. I have heard it contended that this phrase means, "you the father who art surety," and that the godfather was in the first days of the Reformation considered only a witness. This was not the case in the Reformed Church of France: and the Churches of Scotland and France were much akin in their constitutions. Pastors in France were enjoined to "exhort all godfathers and godmothers to weigh and consider their promise made at the celebration of baptism, and parents to choose such *sureties* for their children as are" etc. What Knox meant by witnesses at baptisms may be inferred from what he says in his description of the Liturgy of England, when he uses the term *witnesses* instead of *sureties*, as if he identified them. See Works of Knox, Vol. IV. p. 25, or Calderwood, Vol. I. p. 293.

have some eye on that son of John Cunningham's for whom I stood up in the baptism, and to bring him up at school a while, that I may see what the Lord's mind is towards him. This is a necessary duty lying on me, and not indifferent."* And this statement, it will be observed, was not made by an Episcopalian or Ritualist, but by a zealous Covenanter and Presbyterian; and it was made when the Presbyterian discipline had, in its utmost rigour, been established in Scotland for fourteen years.

The word *surety* is often used, by theological writers, to describe the nature of sponsorial duties at baptism. Both in the Prayer Book of the Church of England and in Knox's Liturgy the word occurs; and, in both places, as a synonym for godfather. The word, however, bears different meanings in these two liturgies. The Anglican explanation of the term is given as follows in the Alliance of Divine Offices:—"To take off the supposed vanity of interrogatories administered to infants, who are in no capacity to reply, the Church, their most tender mother, hath devised this expedient of assigning sureties to undertake, in their behalf, what Christianity requireth from them." It need scarcely be said that the view of baptism here expressed is altogether alien to our mode of thought in Scotland. "The nature of the sponson" in our Church is different, says Dr. Hill, "from that prescribed in the Church of England. There, the godfathers and godmothers promise, *in the name of the infant*, that he will renounce the devil and all his works, and constantly believe God's holy word, and obediently keep His

*Among the "instructions proponit by his Majestie's Commissioners, in his Majestie's name, for . . . establishing good order in the Kirk, and agreed unto by the Assemblie," in 1616, was the following:—"That everie minister sall minister the sacrament of Baptism, whensoever it sall be required, under the paine of deposition, the *godfather promising to instruct the infant in the faith.*"—Calderwood VII. 230.

commandments. With us, the parents do not make any promise for the child, but they promise for themselves, that nothing shall be wanting, on their part, to engage the child to undertake, at some future time, that obligation which he cannot then understand." In Knox's Liturgy, all that is required of "the father and the surety" is a declaration of the sum of that faith wherein *they* believe, and in which they will instruct the child. The person designated surety at baptisms in Scotland was, therefore, not the child's vicar or proxy, but only one that was held answerable for the child's religious education.

In the old baptismal registers of the Church of Scotland, it was customary to enrol, besides the name of the child and the names of its parents, the names of two other persons, who were called witnesses. This form of entry appears in the Records of Galston, with great regularity, from 1569 till after 1626, and occasionally from 1637 to 1651. It seems to be admitted on all hands that these witnesses were what are elsewhere styled gossopes or godfathers. And they were required to have qualifications similar to, or identical with, those required in sponsors.*

* The expression "witnesses or sponsors" may sometimes be met with in print. See e.g. Stebbings' Notes on the Book of Common Prayer, under Public Baptism of Infants. In the Book of Common Prayer itself, it will be found that godfathers are, at the baptism of infants, called sureties, and at the baptism of adults, called witnesses. This difference of designation is owing to their functions in these two offices being entirely different. At the baptism of infants, godfathers make certain engagements, as sureties, in name and on behalf of the children; at the baptism of adults, they only testify, as witnesses, that the persons baptized made these engagements for themselves.

Calderwood states that one of the whims of the Brownists was to disallow witnesses in baptism. Those called witnesses must, therefore (in 1584), have been considered sponsors, as we have seen they were by Knox in his account of the English Liturgy. Baillie, in his Dissuasive, p. 119, says that the Independents "come close up to the most rigid Brownists, denying baptism to the most part of Christian infants . . . and they will have no stipulation made for the infant's education."

In 1565, the Synod of Paris made a declaration regarding godfathers which explains the meaning of the word "witnesses" at baptisms. The object of godfathers, the Synod said, is "to *testifie* the parents' faith, and baptism of their child, and to take upon them its education in case of their death, etc."—Quick's Synodicon.

In 1615, the Kirk-Session of Lasswade enacted that "nane be admitted witnesses in children's baptism, but sick as are in some gud messur weill instructed in the heads of Christian religion, and in whom is found no notorious offence." It may be confidently asserted, however, that the obligations required of witnesses in baptism were in many cases not very seriously regarded, and that the witness-bearing was looked on more as a demonstration of friendship than anything else. In 1622, the Kirk-Session of Aberdeen, "considering the abuse laitie croupin in within this burgh, in that it is come in custom that everie base servile man in the town, when he has a bairne to be baptized, invites twelff or sixteen persons to be his gossopes and godfathers to his bairne," whereas the old custom was to invite not more than two, ordained that henceforth only two or at most four persons shall be allowed to appear in that capacity. In 1681, an Act of Parliament prohibited the attendance at baptisms of more than four witnesses, in addition to parents and children, brothers and sisters. But long after godfathers ceased to be required at baptisms, it continued customary for friends to escort and accompany parents to the christening of their children. In 1670, the Kirk-Session of Kilmarnock appointed the minister to "exhort the people, from the pulpit, that they should not have much confluences at baptisms on the Sabbath day;" and in 1720, the same Kirk-Session ordained that "only so many women as are necessary attend infants that are carried to the church to be baptized, and the Session think *three* sufficient."

In the Session registers of Mauchline there are no cases recorded of godfathers accompanying fathers, at the baptism of children, as was customary in the days of Knox and down to at least the close of the first period of Episcopacy in the Church of Scotland (1638), for the plain reason that our registers do not

go back to these old times ; but there are on record several instances of persons, that had no relationship to the children, standing as sponsors for them at their christening. In 1751, there was a child of sorrow presented for baptism before the Kirk-Session, and, “both parents remaining under scandal, Andro Aitken, cooper in Mauchline, undertook, as sponsor, for the Christian education of the child, and solemnly engaged to put the parents in mind of their duty in this respect, and if they failed, to perform the duty of a Christian parent himself.” That same year, the privilege of baptism was asked for a child born seven months and twelve days after the marriage of its parents ; but because it was born before the consignation bond expired, and its father for some reason or other had not got himself absolved from scandal, one of its grandfathers was requested to become sponsor and engage for its Christian upbringing. In 1753, an unmarried woman applied for baptism to her infant. She was told that she was not a fit person to undertake a solemn charge, and that she must procure proper sponsors for the child. Two sponsors were accordingly brought forward. One of them was the child’s grandmother, but the other is not stated to have been any relation. He seems to have been just a kindly old man, willing to oblige and help a neighbour—selected, very likely, as being one of the most honourable of the mother’s acquaintances—and being a shoemaker to trade, he was next best thing to being a schoolmaster, for if he had not learning he must at least have had a stock of leather, and was accordingly well equipped with one of the recognised instruments of instruction and reproof.

We have now to consider the way in which our fathers in the Church of Scotland dealt with the important question,—who are to be allowed, and who are not to be allowed, the privilege of baptism for themselves or children? The Confes-

sion of Faith says, "Not only those who do actually profess faith in and obedience unto Christ, but also the infants of one or both believing parents are to be baptized." The terms of some old Acts of the General Assembly are, if possible, still more explicit. In 1602, it was "statute that the sacrament of baptism be not refused to any infants, if the parents crave the same, he giving a Christian confession of his faith, upon any uther particular pretence." To this Act there was an "extentione and additione" made in 1616, by what has been called the unfree and illegal Assembly of that year, to the effect, that "baptisme shall no wayes be denyit to any infant, quhen ayther parents of the infant, *or ouny uther faithful Christian in place of the parents*, shall requyre the same to the infant."* Nearly a hundred years later, namely, in 1712, the General Assembly again declared that "all children born within the verge of the visible Church of parents, one or both, professing the Christian religion, have a right to baptism."

These declarations of baptismal rights were accompanied by stringent orders on parents to have their children baptized as early as possible. In 1621, an Act of Parliament was passed, directing ministers "often to admonische the people that thair defer not the Baptezing of infantis anye longer than the nixt Lord's day eftir the chyld be borne." This was during the first period of Episcopacy, when the State was somewhat Erastian and Imperialistic, and trenched rather much on spiritual ground. In the second period of Episcopacy, when the persecution was inaugurated, a still more high-handed measure was passed by Parliament. "Such persons," it was enacted, "who shall hereafter keip their children unbaptized, for the space of thirty days together, or shall not produce a

* The General Assembly in 1570 declared that the children of *excommunicated* persons were to be received by a faithful member of the Kirk to baptism.

certificat, under the hand of the Minister of the parochie, bearing that the children wer baptized within the said space, shall incur and be liable to the pains and penalties following.”* And, both during Episcopal times before the Revolution, and in Presbyterian times after the Revolution, parents were taken to task by the Church courts for deferring the baptism of their children, and “contemning the ordinance.” In 1688, it was reported to the Presbytery of Irvine that a man in Newmilns “had kept two children for a considerable time from Baptism.” An elder was, thereupon, named and appointed to deal with the man, in order to “make him sensible of his contemning the ordinance of baptism”: and it was agreed that, “upon his public acknowledgment of his sin before the Congregation, he should have his children baptized.” The following year, 1689, a Kilmarnock man appeared before his Kirk-Session, and after confessing “his dishaunting the public ordinances and withholding his child from baptism for a year and a half, was rebuked by the minister *coram*.” In 1692, a parishioner of Galston was ordered by his Kirk-Session “to appear before the congregation, to be publicly rebuked, for his contempt of the ordinance of baptism to his children, and to have them baptized.”

It may be asked, were no people refused the privilege of presenting their children for baptism in olden times? The Acts both of Parliament and General Assembly that have

* This Act, which was passed in 1672, was evidently levelled against the Presbyterians, who would not bring their children for baptism to the Episcopal incumbents. Four years previous to the passing of this Act, the Synod (Episcopal) of Galloway ordained all ministers within their bounds to summon to their respective Presbyteries “all such parents, as either have not, or in time coming shall not, within forty days after the birth of their children, present them to their own Parish Minister to be baptized; and the Presbyteries are to censure such parents, as their fault shall be found to demerit.”

just been quoted seem to imply that every man who professed himself a Christian could demand the privilege, and that no minister could refuse it. And this is very like the law of Christianity, as set down in the New Testament. "Here is water, said the Eunuch of Ethiopia, what doth hinder me to be baptized? And Philip the Deacon said, *if thou believest with all thine heart thou mayest.*"* It was the practice of the Church, however, to disallow parents that were either grossly ignorant, or under scandal, to present their children for baptism. They had either to delay the baptism, or provide properly qualified sponsors. In 1615, the Kirk-Session of Lasswade ordained that "no children of ignorant parents be baptized, except the father first lay ane poynd of 10s., and a month shall be granted to learn the Lord's prayer, belief, and ten commandments, with some competent knowledge of the sacraments and catechism, quhilk he performing, his poynd sall be returned, otherwise forfeited."† The records

* The chief point of doctrine contended for by "the renowned Thomas Erastus, Doctor of Medicine," was that no person "ought, because of his having committed a sin or of his living an impure life, to be prohibited from the use and participation of the sacraments with his fellow Christians, provided he wishes to partake with them." The sacraments are means of grace and improvement, he said, and none have more need of them than notorious sinners. As for baptism, he adds, John the Baptist baptised all that came to him, Pharisees, Sadducees, and Publicans, even although he denounced them as a generation of vipers. "And he did so, that they, repenting of their former life, might reform, and so flee from the wrath of God that was to come."—Thesis XIV.

† Down to the time of the Westminster Assembly, it seems to have been the practice in Scotland for parents, at the christening of their children, to repeat the creed. Baillie, in his account of the proceedings at that Assembly, writes:—"The Belief in Baptisme was never said in England, and they would not undergo that yoke. When they urged, we could not deny, but the saying by many wes a fruitless and meer formalitie, and to others a needless weight; and that the saying of the Commands wes no less necessar. We gott the Assembly to equivalent interrogatories, much against the mind of the Independents, and we were assured to have the creed a part of the Catechism."—Vol. II., 258.

These interrogatories are not inserted in the Westminster Directory. The parent

of Mauchline Parish do not extend so far back as 1615, and they contain no such primitive regulations anent baptism as those of Lasswade, which I have now quoted. They shew, however, that as recently as 1779, a man who had applied for baptism to his child was subjected to a theological examination, which proved too hard for him. But he promised to read up; and on the strength of that promise, and of another promise of good behaviour, both of which he subscribed in the Kirk-Session minute-book—where they still stand as a warning to all ignorant and ill-behaved persons—he was, by a stretch of courtesy, allowed the privilege he craved. When a man under scandal desired baptism for a child, the common rule was, as it still is, to defer the baptism till the scandal of the parent be removed. And some things were counted scandals long ago that have dropped out of the category now. In 1700, an application for baptism to a child was refused at Galston, because the father “did not attend diets of catechising.” He promised to attend in future, however, and having submitted himself to rebuke for his previous non-attendance, he was allowed to present his child. For aggravated sins of the flesh, the old discipline of the Church was both very rigorous and very protracted. It sometimes happened, therefore, that if a child was to be baptized at all, it was necessary to administer the ordinance before the parents had completed their “course” of repentance. In such circumstances, Kirk-Sessions sometimes adopted one procedure and sometimes another. In 1689, application was made to the Presbytery of Irvine by a man whose offences were many, to have his child

is simply required to give a solemn promise that he will bring up his child in the nurture and admonition of the Lord.

It was a taunt of Bellarmine's, that the repetition of the Lord's Prayer and creed at baptism was as much an addition to Scripture precept and example as was the use of oil and the sign of the cross.”—Renaud's Discourse, p. 116.

baptized, because it was "weaklie and lyklike to die, and he had stood nyne Sabbaths in public." In this instance, liberty was given to the man's Kirk-Session to do as they thought fit. Another, and a common, mode of procedure was adopted at Galston in 1694. A woman compeared before the Session of that parish, after having stood several Lord's days in public, and craved christening for her child, which was sickly. This desire, it is minuted, the Session did grant, "upon condition she gett a faithful sponsor to present the child; and enjoyned her to be present, and to undertake for the education of the child, and withal to go on in the performance of her repentance, till she be orderly absolved."

It sometimes happens that children grow up to manhood and womanhood unbaptized. When these people desire baptism, they have themselves to undertake vows, as parents and sponsors do for children. They must, therefore, have some personal qualification to entitle them to the ordinance. They must, in the words of the Shorter Catechism, "profess their faith in Christ and obedience to Him." And in the present state of diffused education, ministers, in dealing with such people previous to baptism, are put to little trouble. The applicants are, in almost all instances, "indifferently weil instructit," or even very well instructed. But in olden times the baptism of adults was often preceded by tedious preliminaries. In 1705, a woman twenty-six years of age presented herself before the Kirk-Session of Kilmarnock, and expressed her desire to be baptized. "She was appointed to converse with some of the elders, in order to receive further instruction before her baptism." At the next meeting of Session, the elders reported that "she had given a tolerable account of her knowledge," but it was thought fit, notwithstanding, that "she should attend the minister with some

of the elders on Munday next, in order to receive further instruction, and for prayer." A more notable case of adult baptism occurred at Kilwinning, in 1721. In the family of Eglinton there was a black servant, who desired to be received into the Church of Christ. The minister thought it necessary to bring the matter under the notice of the Presbytery, from a hazy notion, I suppose, that there is some essential difference between black and white. The Presbytery were of opinion that the baptism should not be gone about hastily or hurriedly, but that the minister should, "for some time, take trial of her conversation, and be at pains to instruct her in the principles of religion, and afterwards report." In due course the minister reported that he had been at the pains enjoined, and that he thought she "might be admitted to partake of the ordinance." The Presbytery, however, with punctilious regard to sessional rights and functions, appointed her to be again "examined before the Session before she be baptized."*

I have said that, from time immemorial, it has been customary for Kirk-Sessions to register baptisms. And there were more reasons than one why such a register should have been kept in every parish long ago. One, and the main, reason is that baptism is the public and official declaration of a child's admission into the Church; and hence, the record of church membership would be incomplete without a register of baptisms. At the present day, Kirk-Sessions are strictly enjoined to keep a register of baptisms, and to submit the same for inspection once a year to the Presbytery of the bounds. The entry of names in the baptismal register is sometimes made by the

* The Reformed Church of France in the Synod at Lyons (1563) declared that "A Maid brought from among Salvages, and not instructed in the Principles of the Christian Religion, ought not to be baptized before she can give a rational account of her faith, *and that by a public confession.*"—Quick's Synodicon.

minister, and sometimes by the Session clerk ; and, by whomsoever made, it is very unusual now, if it even be the custom anywhere, to make charges for registration. But at one time fees were charged for the registration of baptisms. In our own parish, no farther back than the year 1821, on the appointment of a Session-clerk, it was expressly minuted by the Session, that the fee for the "registration of baptisms" should be nine pence, of which sixpence should go the clerk who registered, and three pence to the officer who provided the element. And it was quite reasonable that a small fee should be exacted for registrations. Apart from the fact that it was payment to church officials for work done, the registration of baptisms answered nearly the same civil purposes as are now served by the registration of births, which is paid for by parochial assessment. Every person consequently derived a benefit from the registration of baptisms. By certificated extracts from the baptismal register, he might establish his title to heritable property, or prove his qualification to hold certain offices, the appointment to which required a testimonial of age. It is said by some people, however, that the fees for baptisms which we read of in old Session Records were not fees for the registration of baptisms, but fees for the written warrant to obtain baptism. In Dunlop's Parochial Law there is a legal opinion quoted on the question of fees for baptisms and marriages, and in that declaration of opinion it is said, "as to baptisms, what is paid on that account is for obtaining the Kirk-Session's order for baptism, and recording that order."* We must accept facts as

* Wodrow, in 1718, declares that a greater grievance than private baptism, is the custom of session-clerks to give of their own accord, and very indiscriminately, written orders for baptism, so that "ministers know nothing of who are to be admitted, till the names are given up after sermon." In the records of the Presbytery of Ayr (1720), the following entry occurs :—"The Synod's Act and recommendation, appointing the Act of Assembly, 1694, against private baptisms to be

we find them, however, and the following entry in the Galston Records, of date 1640, shews that charges were in old times allowed expressly for the *registration* of baptisms, "The officer sall have for his service, of everie . . . outintounes baptism 4s. Scottis, and there sall be no more exactit of anie that cumes to this kirk for all tyme cuming, except they desire the baptisme registrat, and in that case to satisfie the reader therefor, quhilk is hereby declared to be uther 4s. Scottis." But, be that as it may, what we have specially to note here is that, till within very recent times, there were fees invariably charged at baptism. In 1673, the Kirk-Session of this Parish minuted that the clerk should have for every baptism 6s. Scots, and the officer 2s. The same fees were re-appointed in 1703; and in 1821 the only alteration made on them was an augmentation of the officer's fee from twopence to threepence sterling. The Kirk-Session of Kilmarnock were more economical. They made half a merk, in 1670, cover all the expense at a baptism, and appointed 4s. of it to go to the Session-clerk, and 2s. 8d. to the beadle. Two years later, complaint was made to the Session that "the Beddall took a groatt for each baptism," instead of 2s. 8d., but the Beddall replied that he took no more than what people pleased to give. In other words, he took a queue from royal history, and exacted a "benevolence" from all that dared not refuse his demands. He was found guilty, therefore, on that and on other charges, and was made to confess his sins before the pulpit. But he did not live and cheat in vain, for in 1780 his large and liberal views of church

intimate, bearing also that session-clerks shall not record or give up the names of children to be baptised, till the parents or sponsors have been (with the elder of their proportion) at the minister of the parish where they live."

wages were adopted by the Kirk-Session, and "for every Baptism and Registration thereof 8d. sterling was appointed, including a groat for the church officer."

It was shewn, in last lecture, that Kirk-Sessions long ago were at great pains to keep down jollifications at weddings, and at the ingiving of names for proclamation. Their zeal in that matter was doubtless whetted by the tendency of people to go beyond the bounds of rational and sober mirth on these nuptial and ante-nuptial occasions. There seems to have been equal necessity for restraining festive proclivities at baptisms. In 1581, it was enacted by Parliament "that na banquettis salbe at onie upsitting eftir baptizing of bairnes in time cuming, under ye pain of £20, to be payit be everie persone doar in the contrair." In 1621, the Parliament proceeded further, and enacted that "no person use any maner of deserte of wett and dry confectionnes, at banqueting mariages, baptismes feasting, or anye meallis, except ye fruittes growing in Scotland, as also feggis, raisings, plum dames, almondis, and uther unconfected fruittes, under ye paine of 1000 merks *toties quoties*."* But these laws did not put down christening feasts. At Kilmarnock, in 1701, loud complaints were made in the Kirk-Session that banquets were held on Sundays in connection with baptisms.† "For

* There are laudable exceptions to most rules, and in 1566 there was considerable liberality shown by the Estates at the baptism of King James VI. To meet the expenses incident on that ceremony the sum of £12,000 Scots was voted, "sax thowsand pundis to be payed be ye spirituall estait, four thowsand pundis be ye baronis and frehaldaris, and twa thowsand pundis be ye burrowis." The occasion for such a large vote by Parliament is explained in the preamble of the Act in which the vote was declared—"Forsamekill, as sum of ye grittest princes in Cristendome hes ernistlie requirit of oure souerane yat be yair ambassadouris yai may be witnesses and gossepes at ye baptisme of yair maisteris derrest sone, ye native prince of yis realme: quhais requisitioun being baith ressonabill and honorabill, yair maisteris hes gladlie condiscendit yairunto."

† In 1695, the Kirk-Session of Greenock gave orders that "persons having their children baptised on the Sabbath day abstain from keeping banquets and conveening people at such occasions on that day, whereby much idle discourse and sin may be evited."

preventing all such abuses in time coming, the Session appointed children to be baptized on the weeklie sermon day, except in case of necessity." This new rule, however, did not suit the convenience or taste of the Kilmarnock people. Either the love of old customs was strongly ingrained in the hearts of that conservative community, or there was a disinclination to be saddled with a week-day sermon ; for, in spite of sessional exhortation, parents brought their children to church for baptism on Sundays, as their fathers and their fathers' fathers from time immemorial had done before. In 1720, the Session were exercised again with the profanation of the Sabbath by baptismal banquets, and they ordained, under pain of censure, "that none make or hold feasts at baptizing their children on the Lord's day." Either piety or poverty seems to have restrained the good folks of Mauchline from these Sunday rants, for there is no reference to such orgies in any part of our extant Session Records. But at christenings in Mauchline there was some good cheer going, in a quiet way. In a case of disputed paternity which came before the Kirk-Session in 1736, the mother was asked "what presumptions she could give against James Golightly (we shall call him), as being the father of her child." In reply to that question, she answered "that the said James had employed his father, James Golightly, senr., weaver, to stand as sponsor for the child, and the said weaver's wife to buy and prepare the food for the christening feast." And surely, it may be argued, that if there were joy and rejoicing at the christening of such disowned and unwelcome children, there would be greater gladness of heart and wealth of good cheer at other baptisms, to which there were no concomitants of either censure or consignation. I presume also that no one, at this time of day, will deny that there ought to be some friendly greeting of every little stranger

that comes into the world to share our lot, and help us to bear our burdens.

I now pass on to the subject of burials, and will endeavour to shew what cognisance of these was taken by the Church Courts in olden times.

The Church of Scotland has always discountenanced religious ceremonies at burials. The Book of Common Order, called Knox's Liturgy, states that at burials "the minister, if *he be present, and required, goeth to the church, if it be not far off, and maketh some comfortable exhortation to the people, touching death and the resurrection.*" Both the First Book of Discipline, 1560, and the Westminster Directory, discourage at least, if they do not absolutely prohibit, religious ceremonies at funerals. In the First Book of Discipline, the Reformers said, "for avoiding all inconveniences, we judge it *best* that neither singing nor reading be at the burial," and that "the dead be conveyed to the place of burial with some honest company of the kirk, without either singing or reading, yea, without all kind of ceremony heretofore used, other than that the dead be committed to the grave with such gravity and sobriety as those that be present may seeme to fear the judgment of God, and to hate sin, which is the cause of death."* The Reformers, in like manner, discountenanced and argued against the use of sermons at burials, although they were not ignorant that some people were in favour of such addresses, "to put the living in mind that they are mortall." The Westminster Directory for public worship proceeds on almost the same lines as the First

* The General Assembly, 1598, "ordained that no pictures nor images be carried about in burials." At Westminster, in 1645, Mr. Hill said that one thing which might be hinted at in the Directory is that there is no necessity for the corpses being carried into Church.—Minutes of West. Assembly, p. 14.

Book of Discipline in reference to burials. It says, "When any person departeth this life, let the dead body upon the day of burial be decently attended from the house to the place appointed for public burial, and there immediately interred, without any ceremony. And because the custom of kneeling down and praying by or towards the dead corpse, and other such usages, in the place where it lies, before it be carried to burial, are superstitious: and for that praying, reading, and singing, both in going to and at the grave, have been grossly abused, are no way beneficial to the dead, and have proved many ways hurtful to the living: therefore, let all such things be laid aside." The Westminster Divines maintained that burial is not, like either marriage or baptism, a part of ministerial work.* "There is only one thing," said Mr. Marshall, "worthy of your consideration in this business, whether the minister, when he is present, may give a word of exhortation. To say he should be invited to be there, as a minister, would press far that it is a ministerial work." The Assembly's conclusion was that, while the Christian friends attending the burial should apply themselves to suitable meditations and conferences, "the minister, as upon other occasions, so at this time, if he be present, may put them in remembrance of their duty." On the subject of funeral sermons, there was a long discussion at Westminster. "We have, with much difficulty," says Baillie (II. 245), "past a proposition for abolishing their ceremonies at burial," i.e., the ceremonies previously observed

* How important a part of religious ritual Christian burial was accounted by Charles the First and the Canterburians, as the Episcopal clergy in Scotland were termed, may be inferred from the tenor of the Royal warrant, 1633, anent apparel of Churchmen:—"For all inferior clergymen, we will that they preach in their black gowns, but when they reade dyvine service, christen, *burye*, or administer the Sacrament of the Lord's Supper, they sall wear their surplices; and if they be doctours, thair tippets over thame."

in England, "but our difference about Funerall sermons seems irreconcilable. As it hes been here and everywhere preached, it is nothing but ane abuse of preaching, to serve the humours only of rich people for a reward. Our Church," i.e., the Scotch Church, "expresslie hes discharged them, on many good reasons; it's here a good part of the minister's livelyhood, therefore they will not quit it. After three dayes debate, we cannot find yet a way of agreeance." So obnoxious to the Scottish Presbyterians of that period were funeral sermons, that on the occasion of the burial of Pym, in 1643, the Scots Commissioners at Westminster would not listen to the sermon that was preached. "On Wednesday," says Baillic, "Mr. Pym was carried from his house to Westminster on the shoulders, as the fashion is, of the chief men of the Lower House, all the House going in procession before him, and before them the Assembly of Divines. Marshall had a most eloquent and pertinent funerall sermon—which we would not hear, for funerall sermons we must have away, with the rest." *

In the Session Records of Mauchline there is nothing said about the religious service at funerals in olden times. Strictly speaking, there was, as we have seen, no religious service

* In ancient times, there was a great deal of oratory, all over Christendom, at the burial of eminent men, and especially of eminent Churchmen. "The body, being in solemn pomp brought to the church, was placed *in media ecclesia*, over which, before interment, there was usually made in praise of the dead a funeral oration, and sometimes more than one. For, as I said before of sermons upon other occasions, so at funeral solemnities, orations were performed by many, the first at the end of his harangue usually raising up another. So St. Basil, in his elege upon St. Barlaam, says—"But why do I, by my childish stammering, disparage this triumphant martyr? Let me give way for more eloquent tongues to resound his praise, let me call up the louder trumpets of more famous Doctors to set him forth. Arise, then, I say." Alliance of Divine Offices, 301.

Funeral orations did not originate in Christianity, although Christian hopes gave them a new impulse. They were customary in Rome before Christianity was heard of.

either prescribed or recommended by the Church. It was not even considered necessary that either a minister or an elder should be present at a funeral. The Westminster Directory only says that the minister, when present, may, if he choose, remind the funeral company of their duty. Mr. Morer, writing in 1715, expressly says that in Scotland "burials are made without a minister. He is seldom seen at their most solemn funerals." In one of his printed letters, James Boswell, the biographer of Dr. Johnson, gives an account of his wife's funeral at Auchinleck, in 1789. The account is not very explicit, nor does it represent the common Presbyterian customs in Ayrshire at the time, but it is to some extent instructive, and may be here quoted in part. With amiable vanity, the widowed husband begins his narrative by remarking that "her funeral was remarkably well attended. There were nineteen carriages followed the hearse, and a large body of horsemen, and the tenants of all my lands." He then adds, "it is not customary in Scotland for a husband to attend a wife's funeral, but I resolved, if I possibly could, to do her the last honours myself, and I was able to go through it very decently. I privately read the funeral service over her coffin in presence of my sons, and was relieved by that ceremony a good deal. On the Sunday after, Mr. Dun (minister at Auchinleck) delivered almost *verbatim* a few sentences, which I sent him as a character of her."*

It may be said that ostensibly there was no funeral service long ago at the burials of people in Scotland, at least of such people as adhered to the Presbyterian Church. There were devotions, and sometimes very long devotions, at the house from which the funeral started, but these devotions were not in

* Boswelliana, p. 151.

connection with the interment. They were simply a grace before, and a thanksgiving after food. In those days, grace was said not only before regular set meals but over such a slight and casual refreshment as a glass of wine.* And at funerals, at least at the funerals of well-to-do people, and especially in the country, there was always an extravagant luncheon provided. This luncheon, of beef and bread, or cheese and bread, as the case might be, with its accompaniment of diverse liquors, was, as if in insolent mockery of ecclesiastical terms, called the service. And it was no make-believe collation, at which people only put a glass to their lips, and chewed the cud of mournful reflection on the tiniest morsel of an under-sized biscuit. Stalwart men ate what would have served for a long day's march; and, in many instances, they poured down their throats a huge bicker of strong ale, a full glass of the richest mountain dew, a glass of port flavoured and fortified with logwood, and a *doch an dor-roch* of Jamaica rum, or something else equally luscious and potent.* It behoved that such entertainment should be preceded with grace, and concluded with thanksgiving; and it was by way of sanctifying the feast, not of solemnizing the burial, that any thing in the shape of a prayer was heard at funerals.

* Morer (1715) states that in Scotland "ministers crave a blessing on what they eat or drink at any hour, though only a quaff of wine or a glass of beer." This custom survived in Ayrshire within the memory of men still living. A practical joke, which low fellows were prone to indulge in, was to invite a sober serious man, if an elder so much the better, into a public house, and get him to say grace over every gill of whisky they called for. The process was continued, gill after gill, as long as the power of utterance was left to the befooled simpleton, and the story was told afterwards with glee as a brilliant exploit of profound humour.

† A small refreshment seems to have been occasionally provided by Kirk-Sessions at the funerals of paupers. In 1676, the Kirk-Session of Galston ordained their Treasurer "to pay 27s. for a sheet" (no word of a coffin) "to a poor woman that dyed in (the Parish). As also, he is ordained to pay 2s. 4d. for a pint of ale to the who buried her." A Scotch pint of ale was equal to very nearly three English pints, or very nearly $4\frac{1}{2}$ of the common pint bottles now in use.

And the graces that were said before and after funeral feasts were long exercises of devotion, which occupied from fifteen to thirty minutes each. They were generally performed by laymen, who had a local reputation for talents in that line, and they were not infrequently remarkable specimens of earnest and impressive supplication. At times, however, they furnished occasion for derisive comment. They were, now and again, made the vehicle of sarcastic reproof and pretty sharp invective. They were sometimes adorned, too, with sallies of wit and humour, and spiced with Corinthian feeling. At a funeral in this parish rather more than fifty years ago, two gifted celebrities from the regions beyond were present, and to each of these distinguished visitors a post of honour was in courtesy assigned. One of them, a miller by trade and a churchman by religious profession, was asked to say grace in one of the rooms where a *service* was handed round, and the other, who was a farmer and seceder, was invited to return thanks in the same apartment. The miller, in saying grace, restricted his remarks to the occasion in hand; but the farmer, in returning thanks, was carried away by an overmastering spirit of religious, or shall I say sectarian, fervour, to speak of churches that were faithful and churches that were not faithful. With all the delicacy of high art, he referred in sorrowful terms to the spots and wrinkles on the aged face of her who is the mother of us all—the old Kirk of Scotland—and then, in glowing colours, he depicted the pure complexion and the love-lit eyes of the young daughter of Zion—the Burgher Kirk—that had now pitched her tent and was spreading her skirts in the land. All this, and a great deal more that was hard to bear, the miller could easily have borne, if, as in common debate, he had had the right of reply, but having already had his say, his mouth was closed. He was not naturally a vindictive man, who loved to render in double mea-

sure railing for railing; but in this instance, he could barely conceal his mortification, at being outdone or overreached by his rival, and he was heard muttering in chagrin, as many a man will doubtless do at the close of a life of neglected opportunity, "I wish; oh, I wish I had another chance."*

Some writers say that it is only about fifty years since the custom of asking a blessing and returning thanks at funeral luncheons was introduced, and that previously the refreshments were partaken of ungraced. I cannot but think that the custom is, in this part of the country at least, of much older standing, for I never heard any old man speak of a time when no such custom prevailed in Ayrshire. In the account of the centenarian, who died at Brechin in 1883, it is stated that in the days of her youth, "there was always (at funerals in the country), a religious service in the barn: after which, refreshments were handed round in several courses." In fact, punctiliousness in the matter of saying grace was an ancient and outstanding feature in the Scottish form of piety. Bishop Burnet says that, in the days of Charles I. and Cromwell, the Covenanters said grace both before and after meat, sometimes for the length of a whole hour.† It is related of John Welsh,

* Competitive prayer was too common an amusement in Scotland fifty years ago, among grave seniors. At an agricultural society's dinner in an Ayrshire village, about sixty years since, an elder in the Kirk was asked to say grace. This he did in the usual discursive way, praying, among other things, for a blessing on the labours of the husbandman, so that what was sown should in some cases spring up ten, in some twenty, and in some thirtyfold. On the principle of religious equality a representative of Dissent was chosen to return thanks, and he improved on the previous grace by praying that what was sown should spring up in some cases thirty, in some sixty, and in some an hundredfold. To the credit of the company and the surprise of the thanksgiver, this superabundant zeal in the cause of agriculture was not well received. Odious comparisons were provoked, and one person expressed his bucolic notions of propriety in an audible remark—"Greedy bodies thae Dissenters: the elder was decent."

† Little more than thirty years ago, an acquaintance of my own, a Divinity student, paid a visit to an old-fashioned friend, and was asked at dinner to say

who was minister in Ayr in 1604, that "before dinner he had family exercise, first sung a psalm, and then discoursed upon it." And the reference that Burns makes to "half-mile graces" shews that in his day a long grace uniformly preceded meals, in all houses where religion was decidedly professed. That there could have been in Scotland, especially in the covenanting districts of Scotland, funeral luncheons without grace, seems to me therefore almost incredible.*

And I have to remark here that, although in olden times there may have been cases in which ostentatious professions of piety were insincere, there were in the devotional habits of our fathers and forefathers a singular serenity and elevation of mind, which we cannot but admire and honour. Doubtless, therefore, if we had seen the old-kirk miller and the burgher farmer in their own homes, where they prayed in secret, and led simple lives, regardless of men's praise, we should have seen, beneath their sectarian zeal and their spiritual vanity, a great deal that was loveable and noble, true and good.

Whatever may have been the way in which people employed themselves, it is certain that a most extraordinary amount of time was spent at funerals long ago. In Mauchline Session Records there is a very curious entry, dated 19th December, 1771, which may here be quoted verbatim, to illustrate the funeral customs of that period. "The Session," it is minuted, "considering that the manner in which the burying of the dead

grace. He did so, but to his bitter humiliation. On his closing with amen a brief petition of two clauses, the lady of the house glared on him for a moment in contemptuous amazement, and then turning to her husband, said authoritatively to that compliant functionary, "Go on yersel, gudeman."

* Captain Burt, who wrote in 1740, says that in the first half of last century, "when the company assembled, the Parish minister commenced a religious service, which continued about forty minutes."

is conducted consumes a great deal of time unnecessarily, in regard that the invitation fixes ordinarily ten o'clock in the forenoon as the time of attendance, notwithstanding the corps is not lifted until about three or four in the afternoon, being at the distance of five or six hours from the time appointed for neighbours to attend. It is, therefore, the unanimous opinion of the Session that the regulations in respect to burials agreed upon by the Session of Galston be adopted for this Parish, which regulations are as follows." (The regulations are not inserted in the Mauchline Register, and they are not to be found in any of the minutes of Galston Session either.) "The Session also agree that a copy of these regulations be extracted for each elder, in order to his getting the heads of families in every several quarter to declare their approbation, and assent to the same by their subscription."

What, in the name of wonder it may be asked, could people be doing for five or six hours at a house where a corpse was waiting for burial, and where a family was plunged in deep affliction? It is difficult to understand how a luncheon, with grace before and after, could be protracted over such an unconscionable length of time. But a funeral was a grand and general convention, and when people went to a funeral in Mauchline, in 1771, they just made a day of it, till Daddy Auld and his Kirk-Session put an end to that disorder.

It need scarcely be added that drunkenness was a not infrequent concomitant to funerals long ago.* And Kirk-Sessions

* It is well known that Christian burials were, in very ancient times, accompanied with demonstrations of joy and triumph. According to the Apostolic statement, that death is great gain, the burial of a Christian was regarded as something like the carrying of a saint to his glory. Sometimes branches of palm and olive were borne aloft by the friends of the deceased, and at other times, if the funeral was at night, torches and lamps were used as in a bridal procession. The mourners, too, as they went along to the grave, chanted hymns of faith and hope—"Dear unto the

did not wink at the scandal. Drunkenness, whether at baptisms or burials, marriages or markets, was a sin which Kirk-Sessions took strict cognisance of, and frequently visited with censure. In 1782, the Kirk-Session of Mauchline took their beadle and grave-digger to task for being drunk at a funeral, and, with a benignant air of mercy, let him off with a private rebuke, on his promise of good behaviour for the future.*

At the present day, we never hear of drunkenness at a funeral—at least never in this district—but we are in the habit of associating drunken orgies with wakes. These wakes are a Catholic custom, and they are now-a-days quite unknown among Scottish Presbyterians. They continued to be held, however, in this country long after the Reformation. In 1645, they were specially discharged by the General Assembly, and the fact of their having been discharged that year implies that they were then of not infrequent occurrence. So recently, moreover, as 1701, the General Assembly thought it necessary to revive the Act of 1645 anent lykewakes, and to appoint the Act to be publicly read in churches before congregations. And what a strong hold the practice of keeping wake over their dead friends had on people's feelings, is shown by the Protestant but anti-covenanting historian, Spalding, in his memoirs of the troubles in Scotland. Among the detestable innovations introduced into Aberdeen by Andro Cant in 1642, says Spalding, was the discharge of lykewakes, so that dead

Lord is the death of his saints. Return unto thy rest, O my soul, for the Lord hath dealt bountifully with thee." How different these songs of joy from the Bacchanalian jollity at burials a hundred years ago!

* One would think that the allowance to sextons for digging graves, was not so liberal as either to encourage or enable them to get drunk upon it. In 1676, the Kirk-Session of Galston allowed their officer a groat for digging the grave of a pauper; and in 1736, they fixed the scale of burial fees at 8d. for cottars and small tenants, and a shilling for heritors and others—"or more than a shilling if they choose."

bodies had to "lie all night on board without company." But that innovation, he adds with a chuckle, Mr. Cant could not get established. In Mauchline, as well as in Aberdeen, there were lykewakes held two hundred years ago.* And the Kirk-Session did not attempt to prohibit lykewakes, as the Act of Assembly directed. Public feeling had apparently been too strong in the parish for the Kirk-Session's venturing on such high handed procedure. It was only the abuses of lykewakes that the guardians of parochial morality interdicted here. In 1672, public intimation was appointed by the Session to be made "against disorders and scandalous carriage at lykewakes," which was very proper, whether lykewakes were in themselves good or evil. And, following this intimation at a distance of three years, there is a curious entry in the Session's disbursements, which in the absence of correlative information is of suggestive significance. Two paupers had died in the parish and the Kirk-Session allowed for their winding sheets a sum of £3 10s., and a further sum of 3s. "for tobacco and pipes that night they were waked." It might

* Wakes were an institution in Galston also. In 1676, the Kirk Treasurer was ordained "to pay 2s. 4d. for a half pound of candle, made use of in waking of the poor woman dyed in the Underwood." In 1695, the Kirk-Session of Greenock, "taking into consideration the great abuses committed by crowds of people frequenting light-waks" (*sic* in printed extracts), . . . "appoint the elders and deacons in their several quarters to take narrow inspection, when any person die there, that none be allowed to go and stay over night where these light-waks (*sic*) are, but such as are near friends and so concerned, and whom necessity may oblige to be present, that these spend the time by edifying discourse." In 1728, a man appeared before the Kirk-Session of a parish in the Central Highlands, and confessed "that he had a fiddler in his house at the Leick-wake of a dead person, but said he did not think it a sin, it being so long a custom in this country." The Kirk-Session, however, pronounced it "a heathenish practice," and instructed the minister to "represent from the pulpit how indecent . . . such an abuse was." They likewise applied to the Civil Judge to suppress the scandal, and obtained "an Act of Court" prohibiting under severe penalties all fiddling at Leickwakes in time coming.—See Scottish Church, March, 1886.

be supposed that the tobacco and pipes here referred to were meant for the entertainment of the watchers. If so, great must have been the liberality of the old Kirk-Session of Mauchline, in 1675. But such liberality on the part of strait-laced Covenanters is simply incredible, and we must look for some more feasible construction to put on the words of the entry. It is certain that, whatever may have been the custom two hundred years ago, it was quite common one hundred years ago to distribute pipes and tobacco to the company at funerals. The centenarian I have so often referred to used to tell that, in her youth, she had witnessed this custom ; and that "the pipes, being stuck by the men into the bands of their hats, gave a very odd appearance to the procession, as it filed along to the kirk-yard." And it is matter of current tradition that, a hundred years ago, it was customary in this part of the country, when a death took place, for one or two women to be set to watch the corpse by night. The object of this watch was not to guard the soulless body from dishonour, at the hands of vagrant evil spirits ; but to protect it from mutilation by rats and cats. And an occupation frequently provided for these female warders, during these weird weary nights, was to prime the pipes for the funeral. It is not unlikely, therefore, that the 3s. put down in our Session books, in 1675, to the cost of a wake, was only part of the modest funeral expenses of two friendless paupers.

The custom, still prevalent in Ayrshire, of having a number of friends and neighbours convened at coffinings is sometimes represented as a relic of the old Popish lykewakes. It may be so, but I rather think not. In 1686, an Act was passed by the Scottish Parliament, that, with a view to encourage the manufacture of linen, no corpse should be dressed for burial in any shirt or sheet except of plain linen, made and spun within the

kingdom, without lace or point. In 1707, this statute was not simply recalled or repealed, but it was more nearly reversed. The use of Scotch linen for winding sheets was prohibited, and good loyal subjects were ordered to array the corpses of their friends in plain woollen cloth. But, whether in linen or in woollen cloth, corpses had in old times to be wound in some specified material, and in no other. Care had to be taken, therefore, that this instruction was duly attended to. Another Act of Parliament was accordingly passed, in 1695, ordaining that "the nearest elder or deacon of the Paroch, with one neighbour or two, be called by the persons concerned, and present to the putting of the dead corps in the coffin, that they may see the same done: and that the foresaid (order anent the winding sheet) be observed." The coffining of a corpse is no more a religious service than is the washing or dressing of the corpse; and the presence of a minister or elder on the occasion, with or without one or two neighbours, is not a thing that either the law of the Church or the nature of the operation on hand requires. It seems to me that ceremonial coffinings, when no practical object is to be served by them, is an unnecessary stimulation of grief; and that, although they include a service of prayer, which at any time and on any occasion is a thing that is good, they might, without any disadvantage or impropriety, be abandoned, especially since there is now, whenever it is in the minister's power to be present, devotional exercise in the house of the deceased on the day of burial. The real cause for an elder's presence at coffinings long ago was to see that the corpse was sheeted according to law; and the elder attended for that purpose, not so much in his ecclesiastical as in his quasi constabular capacity. He was called in, simply, as the most convenient public official to act as inspector or policeman, and report.

In the Session Records of Mauchline there is an entry, of date 28th December, 1675, which is open to two different constructions. It records a resolution or ordinance of the Kirk-Session, "that none hereafter shall take upon them to buy a cofine to any poore that shall die heirafter in this Paroch without consent of the Session." I shall not make any hypercritical remarks on the structure of this minute, as if it meant to say (what it actually does say) that if any poor people *should die in the Parish without consent of the Sesson*, they should, for such contempt of ecclesiastical authority, be deprived of the honours of coffining altogether. I shall assume that what the Session meant to say was, that no coffin should, without consent of the Session, be purchased at the Session's cost, for the interment of any poor person who should die in the Parish. But what does that mean? It may mean that no individual elder was to order a coffin at the Session's expense, without the Session's consent. Such resolutions had often to be passed by Kirk-Sessions to restrain the indiscriminate liberality of some of their members. No farther back than 1755, the Kirk-Session of Kilmarnock ordained that "coffins were not to be allowed by single elders, but by the whole Session : and coffins were not to be granted when there were clothes and other effects belonging to the deceased, that if roused could provide a coffin."

There is another construction, however, that may be put on the Mauchline resolution of 1675. The Session may have meant that the poor were to be buried without coffins. And this construction is to some extent supported by other entries in the Session Records. These records date from Decr. 1669, and for the first six years thereafter, ending Decr. 1675, they contain, so far as I have noticed, only three entries of payment for coffins. In Feb. 1674, there was "givin for a coffine and sheet

to William Saure, £4 10s.;" and in April, 1675, there was given for a coffin to a child, 18s., and "for a cofine and sheet to John Boswall, £4." On the other hand, there are entries of payments for winding sheets without coffins in 1675. On the 22nd June, there was "given for two winding sheets to John Gordon and his wife, £3 10s.;" also, "for a winding sheet to George Boyd, £2 2s. 6d.," and "for a sheet to John Allan, £1 15s." In September of the same year, there was also "given for a sheet to a poor man, £1 15s." Immediately following the ordinance of the 28th Decr., that no coffin should be bought at the Session's expense without the Session's consent, are these words, "given for a sheet and cofine to James Loudoun his wife, £3 6s." It is just possible, therefore, that the Session had been grumbling at the cost of the three coffins in February, 1674, and April, 1675, and had been restricting their funeral outlay on the poor to the purchase of a winding sheet, when Mrs. Loudoun's death occurred; and that in consequence of the extravagant outlay on her burial, they had then to warn their treasurer to give no further orders for coffins to the poor, till he had the Session's authority.

There can be no doubt that in very ancient times it was customary in this country to inter the dead uncoffined. "From Bede we learn that . . . the common people, both in the Saxon and the subsequent Norman and English eras, were simply wrapped in cloth, and so put into the ground."* But,

* Chambers' Encyclopædia, Article "Coffin."

It was not always in cloth that corpses were wrapped. In Wilson's Prehistoric Annals of Scotland, it is related that in a stone coffin found at Dunfermline was "a singular leathern shroud, which remained in good preservation, although the body it was intended to protect had long mouldered into dust. The prepared leathern skin is double, and had been wrapped entirely round the body, like the bandages of a mummy."

One or two scenes in "Hamlet" show that, in framing that tragedy, the great dramatist had in his mind's eye burials without coffins. When Hamlet, for in-

both in towns and in rural parishes in Scotland, the custom continued among the poor long after the Reformation. Some writers have gone the length of saying that it continued in the northern isles down to the middle of the present century. One of the highest of living authorities on such subjects has said that "it was the Poor Law Act, which by obliging the inspector of poor to defray the expense of a wooden coffin and decent burial for all penniless or friendless unfortunates, finally extinguished in Scotland a custom which had survived in one form or other from the time when the first burials were made in its soil." Another gentleman writes to me that he was assured by a late eminent antiquary that in Buchan, till quite a recent period, only the gentry were buried in wooden coffins. From enquiries I have made on the subject generally, and into particular alleged cases, I have come to the conclusion that the custom did not linger so long in any part of Scotland as the foregoing quotations indicate. The Parish of Ness, in the Island of Lewis, was specially mentioned to me as a place where, "till quite recently, no one was buried in a wooden coffin." My informant kindly referred me to his authority, and that latter authority referred me to his, till ultimately I learned the name of the gentleman who was said to have been originally responsible for the statement. From him I ascertained that it is "upwards of a hundred years since the custom referred to ceased at Ness." From other parts of the country, I have had information to the same effect. A clerical friend, near Montrose, writes to me that in his Parish the custom is spoken of as one that was discontinued

stance, asked the clown "How long will a man lie i' the earth ere he rot?" the answer was "If he be not rotten before he die (as we have many corses nowadays that will *scarce hold the laying in*), he will last you some eight year or nine year—a tanner will last you nine year."

“over a hundred years since.” A minister in Sutherlandshire writes to me, that at Rogart, “in the beginning of this century, local paupers were still occasionally” interred without coffins; and that a minister of the Parish, who died in 1873, spoke of the matter as “an objectionable practice, of which, as a Highlander, he was more than half ashamed.” This old minister used to tell also, that “poor men who had neither sons nor near relatives, whom they could trust to secure them more decent burial, sometimes prepared their own coffins, with such suitable pieces of planking as came in their way.” Whether any burials without coffins took place in the south-western and central districts of Scotland a hundred or a hundred and fifty years ago, I am not prepared to affirm. All the references to such interments that I have found in Session records are of older date.

It may be asked, how were uncoffined corpses conveyed to the church-yard? In the year 1563, the General Assembly ordained that “a bier should be made in every country parish, to carry the dead corpse of the poor to the burial place, and that those of the villages or houses next adjacent to the house where the dead corpse lieth, or a certain number out of every house, shall convey the dead corpse to the burial place, and bury it six feet under the earth.”* This bier was sometimes called the

* In ancient Christian burials, “the body was placed on a bier, sometimes in a coffin. There is reason, however, to think that the bier and the coffin, by whatever word described, were generally one. The coffin was without a lid, and the face of the corpse was often exposed during the procession.” *Smith’s Dictionary of Christian Antiquities.*

In the play of “*Romeo and Juliet*,” a device is proposed, whereby Juliet may prevent the consummation of her marriage to Paris. She is bidden quaff the contents of a phial, which will throw her into a trance.

“And, in this borrowed likeness of shrank death,
 Thou shalt continue two-and-forty hours,
 And then awake as from a pleasant sleep.
 Now, when the bridegroom in the morning comes

parish coffin ; and, as illustrating the ancient use of the word coffin in this sense, a modern dictionary gives the following quotation from an old church-warden's journal—"for mendynge of coffin that carrys the corses to church." Entries almost identical with this may be found in some of our Scottish records. In 1596, a bier was ordered by the Kirk-Session of Glasgow "to be made for funeralls ;" and in 1598 another bier was "ordered to be made, and the old one mended." An ordinance more explicitly worded was passed by the Kirk-Session of Perth in 1602, that "the master of the hospital, with all diligence, cause make ane common mort kist, whereby the dead corpses of the poor ones may be honestly carried unto the burial." I have said that there are grounds for concluding that, in 1675, the poor in Mauchline, who could not provide a coffin for themselves, were buried without one. That is not a matter of certainty ; but it is certain that in 1675 burials without coffins were customary in Galston. One of the ministers of that parish, Mr. Alex. Blair, a zealous Covenanter, and a sufferer for Christ's crown, died about the beginning of 1674, and bequeathed 200 merks to the Kirk-Session, to be "disponit . . . for such pious and charitable uses as they sall think requisit." One pious use to which the Session thought that part of this mortification might be applied was the purchase of

To rouse thee from thy bed, there thou art dead.
Then (as the manner of our country is),
In thy best robes, uncovered on the bier,
Be borne to burial in thy kindred's grave."

A Highland minister informs me that at the present day, in his part of the country, there are both biers and coffins used at burials. The coffin is borne on a frame which is called a bier. "The bearers dispose themselves in couples, and march rank and file. The foremost four couples raise the bier and proceed. After they have gone a few score yards, they are relieved by the next four couples, and retire to the tail of the procession. Two persons, walking alongside of the bier, are charged with the duty of ordering a change of hands, and of seeing that the couples maintain their order and take their turn of carrying."

a parish coffin for the poor, as appears from the following minute, dated 17th Nov., 1675, "The Session having formerly ordained two common coffins for the poor to be made, and they now being made, the price of the dails, iron work, and making thereof, extending in whole to the sum of £11 5s. 2d., which J. Campbell is ordained to pay out of the two hundred merks left by Mr. Alexander Blair (late minister), for the public and pious uses of the parish." *

The biers for conveying the dead to their graves were doubtless of different structures. Possibly, some of them may have been skeleton frames like those in the Hebrides on which coffins are placed.† In that case, the corpse would be covered only by a mortcloth. In other cases they were *kists* or coffins. The traditionary account in some places is that they were closed boxes—like modern coffins—that the lid or one of the sides was hung on hinges, and that the corpse when lifted out was lowered into the grave by ropes. In Sutherlandshire, it was "a long basket, made of twisted rushes, the rim being strengthened to preserve its form, and was called '*sgulan ruhairbh*,' or the dead hamper. Through three pairs of side handles or loops short crowbars were passed, for convenience

* In 1641, the Kirk-Session of Galston paid to "William Richmond, wright, for ane comoune buriall kist, £4." Among the "uttcencills of the Church" of St. Cuthbert's, Edinburgh, in 1711, was "a beer for burying of poor strangers." (Leaves from the Buik of the West Kirke, by George Lorimer, Esq.)

† On Christmas day, 1875, an eccentric squire in Yorkshire died, and left in his will directions for his burial. These were carried out by his groom, to whom was bequeathed the whole estate of the deceased, on condition that the groom would see that the instructions in the will were faithfully executed. "He was buried in his own garden, in the centre of the graves of his cattle which died during the rinderpest. He was laid out in full hunting costume, including spurs and whip, and was carried from the house to the grave on a coffin board, when he was placed in a stone coffin, which, weighing upwards of a ton, had to be lowered by means of a crane." Notes on the Survival of Pagan Customs in Christian Burial, by Joseph Anderson, in Proceedings of the Scottish Society of Antiquaries, 1876.

of carriage ; and it was lowered into the grave by ropes, so attached to it, that it could be quietly canted over and recovered." So far from its being the case that the passing of the present Poor Law Act was the occasion of the discontinuance of burials without coffins, it suggested to people in some parishes the advisability of resuscitating the old custom. The passing of that Act led to the imposition of rates, which were felt at first as a very onerous tax, and there was a disposition to minimise the rates by every form of economy. A worthy minister in Galloway, whose soul was daily vexed by the cry of the ratepayers' burdens, and who was much exercised by the question how these burdens might be lightened without injury to the poor and with benefit to the community, thought in his simplicity that the old custom of burying without coffins was a scriptural and divine precedent, which might very well be followed in the case of poor people who had no friends. He proposed, accordingly, in the Parochial Board, that "a slip coffin" should be made for the poor, out of which the poor bodies might be slipped into their narrow bed. The proposal, however, found no favour or support in the Board, and met with such an outcry in the parish, as a piece of cruel parsimony, that the well-meaning minister went ever afterwards by the nick-name of *Slip*.

We have seen that at Galston the cost of a "common burial kist," that is, a slip coffin for the poor, was, in 1641, £4, and in 1675 nearly £6. The cost of such a coffin as was allowed the poor when they were buried in wooden boxes was much less. At different dates between 1641 and 1675, when the Parish kist seems to have been out of repair or not available for some other reason, the allowance given by the Kirk-Session of Galston for coffins to paupers was about 30s. each. At Mauchline the price of coffins varied very greatly at different dates. In

1679 it was £3; in 1706, 30s.; and in 1747 the Kirk-Session ordained that 40s. Scots, and no more, should be given for the largest coffin paid for out of the poor's money.*

It does not fall within the scope of this lecture to discuss forms of burial in Scotland in either pre-Christian or pre-Reformation eras. There is a very ancient form of interment, however, which has been continued in some of the Northern districts of Scotland down to nearly the end of last century, if not even to the first part of this century, and which accordingly it is proper for me to notice. When people were interred without coffins, it was not always into an open trench or grave that they were laid, and in which they were covered with common earth. There was sometimes a chamber prepared for them. Unhewn slabs were set on their edges against the sides and ends of the grave; and when the corpse was placed inside, one or more flat stones were laid over the top, for a lid, and above all there was a covering of earth and turf. "Along the northern and western coast there are," says Dr. Joseph Anderson, "isolated burials of the bodies of shipwrecked sailors, sometimes in considerable groups, in shallow graves above the beach, in which the bodies have been laid in cists made of flat stones, gathered from the neighbouring strand." And although most of these cists may be supposed to be very ancient they are not all so. "I have seen," says the same writer, "on a northern headland the grave of a man, a suicide, whose grandchildren are yet alive, and I know it to be a cist of small slabs from the neighbouring beach, with a single covering stone seven or eight feet long. I own that when first I saw it I would have taken it for a pre-historic burial, had I not been made acquainted with its history."

* In 1686, it was ordained by Act of Parliament that no wooden coffin exceed 100 merks Scots.

The making of graves was a matter that, to some extent, and especially in very old times, came under ecclesiastical supervision; and the Church was far more alive, than is commonly supposed, to the necessity of orderly and sanitary interment. People were not allowed to employ whom they chose to dig graves in the burial common, and to dig them either where or in what manner they pleased; but there was a person in every parish appointed to the office of grave digger, and furnished with regulations for the performance of his duties. In 1576, the General Assembly "thought meet that in every Parish there be persons to make sepulchres, and notify to Readers the names of persons deceased." The Assembly also, as far back as 1563, enacted that all corpses should be buried "six feet under the earth." Although the Church, however, laid down from time to time many good regulations for burial, and although natural feeling should have taught people that there is no office, religious or secular, that should be ministered with more reverence and delicacy, more outward seemliness and orderly arrangement, than interments, the fact cannot be denied that at funerals in Scotland dishonour is often shewn to the dead and grief inflicted on the living. In 1660, it was customary in Bute to bring corpses to the church-yard before their graves were dug, and leave them on the surface of the ground till the graves were "hocked." To put an end to this indecency, the Kirk-Session of Rothesay ordained that, "in time coming, the grave be hocked before the corps comes to the Kirk-yard, under the pain of 40s., to be paid by him whose duty the Session shall find it is to look to the dead's buriall." At the present day, too, graves in many church-yards are scandalously shallow, and the quantity of human bones cast up at interments forms a loathsome and painful spectacle.* It is

* The minister of Duthill, in Elginshire, recently declared on oath, in the Court

impossible, as long as people adhere to the custom of laying all the members of their family, generation after generation, for hundreds of years, in the same grave, to devise any regulations that will both secure depth of interment and prevent the exposure of human bones. Kirk-Sessions have generally done what they could to minimise these evils. In 1796, for instance, the Kirk-Session of this parish represented to the heritors that in appointing a new grave-digger it would be well to "cause him be particularly careful, whilst he is digging any grave, to collect the human bones into one place, and, as soon as the corpse is interred, to replace the bones wholly in the grave, before he casts in the mould." And with most commendable consideration for the pockets of the parishioners, the Session likewise represented that the grave-digger should be ordered "to preserve the turf growing on the surface of every grave he digs, and place the same again on the top, without charging the concerns for a turf."

In recent years, a great deal has been done to promote seemly and sanitary interment, by the extension of burial accommodation, and the dissociation of burial ground from the shadow of the church. This modern innovation on burial customs was long ago advocated by the Brownists. One of the leaders of that sect wrote in 1590, "where learned you to burie in hallowed churches and church-yards, as though ye had no fields to burie in. Methinks the church-yards, of all other places, should be not the convenientest for burial; it was a thing never used till Popery began; and it is neither comely nor wholesom." But although the Church

of Session, that within the last twelve years he had seen in the churchyard of his parish "piles of coffins and heaps of human bones, sometimes with flesh on them, and that he had witnessed dogs bounding over the fence with some of these flesh-covered bones in their mouths."

of Scotland, during at least all the Presbyterian periods of her history, openly and scornfully repudiated the fantasy that churchyards are holy ground, she had, till very recently, a lingering notion that the environs of a church are the proper place for the burial of Christians. Baillie instances, as one of the "crotchets not a few" of the Brownists, in things concerning worship, that "not so much as a Churchyard must be kept up for Burial, but all must bury in the fields." And it must be admitted that, apart from religious sentiment, there was at one time a strong practical reason for burials being made in churchyards. It was the simplest means of ensuring publicity of interment, and it thereby gave society some protection against deeds of darkness.*

It was a common practice long ago to bury unbaptized children apart from the faithful members of the Church. That custom was a relic of Popery, and was a distinct contravention of Protestant principles. In 1641, the Synod of Fife ordained that "all these who superstitiouslie carries the dead about the Kirk before burial, also these who burie unbaptized bairnes apart, be taken notice of and censured." Suicides and excommunicates were also, like unbaptized bairns, at one time buried apart, and under cloud of night. In 1582, the Kirk-Session of Perth refused to allow the corpse of a man

* In 1645, complaint was made to the Scottish Parliament that in the parishes of Dalry and Kells numbers of people had to be buried in the fields, the houses in which they lived and died being twelve miles from a churchyard. And it was for that, among other reasons, that the district of Carsphairn was erected into a separate parish. In connection with this erection, it may be mentioned that in 1638 a supplication was presented to the General Assembly, "in name of the Kirk of Carsphairn, which church lyes in a very desolat wilderness. . . . It was built by some gentlemen, to their great expenses, only out of love to the salvation of soules of a number of barbarous, ignorant people, who heirtofore hes lived without the knowledge of God, their children unbaptised, *their deid unburied*, and could no way for getting maintenance to a minister, but to betake them to the sympathizing of zealousness."

who had drowned himself to be "brought through the town in day light, neither yet to be buried among the faithful, . . . but in the little Inch within the water."* The modern spirit of Christianity is more sympathetic, and adds no reproach to either sorrow, or mental weakness.

The sentiment that led people to seek interment in the hallowed ground of the church-yard, led others to covet the still higher privilege of interment within the precincts of the church itself. And many a saint lies sleeping in the house where, when living, he used to sing and pray. People of rank and distinction acquired right of burial within particular churches, and they set great store upon that right. But this form of interment was on sanitary grounds very objectionable, and the fathers of the Reformed Church in Scotland did what they could to put an end to the practice. In 1576, the General Assembly passed an Act discharging burials within churches, and appointing contraveners to be suspended from Church privileges. In 1643, the Assembly again inhibited all persons "of whatsoever qualitie, to burie any deceased person within the body of the kirk, where the people meet for hearing of the word." Custom, sentiment, and fancied right, however, proved too strong for Church laws.† Long after 1576 and 1643,

* The north side of the churchyard used to be reserved for the burial of the unbaptised, the excommunicated, and those that committed suicide. Hence, writes Wordsworth,

"Tis said that some have died for love :
And here and there a churchyard grave is found
In the cold North's unhallowed ground,
Because the wretched man himself had slain,
His love was such a grievous pain."

† In 1573, an extraordinary scene took place in Mauchline Church, which is thus recorded in the Book of the Universal Kirk, published by the Maitland Club (the minute does not occur in the book of the same title edited by Mr. Peterkin):—
"The ministers, elders, and deacons of the Kirk of Mauchline complained to the General Assembly upon Mr. John Hamilton, son to unquhill Sir William Hamil-

burials continued to be made within the walls of churches. In 1695, the Kirk-Session of Kilmarnock minuted an agreement that, the north aisle of the church being now filled with pews, "they shall, when required, cause lift six pews on each end, next to the north wall of the isle, so oft as any of the families of Rowallan, Craufurdland, and Grange, shall have occasion to bury their dead; . . . and, after burial, the said pews shall be set up again in their places, at the expenses of the Session." In a recent number of the *Scottish Church* an extract is given from the Session Records of a Highland parish, showing that in 1727 "the commons did commonly bury within the church, so that the floor of the church was oppressed with dead bodies, and unripe bodies had of late been raised out of their graves to give place to others for want of room, which frequently occasions an unwholesome smell in the congregation, and may have very bade effects on the people while attending divine worship." And the Session seem to have felt their powerlessness in contending with "the commons" in this matter, for they agreed to petition the Presbytery to "put a stop to such a bade practice." *

The prohibition of ceremonies at funerals shall not extend, the Westminster Directory says, to the denial of civil respects

ton of Sanquhar, and others, that upon the 3rd August last by past, being the day of their communion, and they sitting afternoon in their Session, they accompanied with 200 persons or thereby, brought with them the corps of the said unquhill Sir William; brake the doors of the kirk, being closed; . . . brought in the said corps; overthrew and brake down their table boords, whereupon the blessed sacrament, was ministered the same day; and in place thereof buried the said corps (notwithstanding the said Sir William was, at the time of his departure, a parochinar of another paroch), so that it behoved them to rise from the Session, to depart out of the church, and give place to their rage and fury." The Assembly, having considered this complaint, gave orders that all the parties guilty, as above libelled, should satisfy the kirk of Mauchline.

* Sometimes the commons despised ecclesiastical orders, and, without asking permission, made graves within the church in a clandestine way.

and deferences. An Act of Parliament, however, passed in 1681, not when grim Presbytery but when gay Episcopacy was established in the land, imposed limits on these civil respects. Noblemen were forbidden to have at their burials more than a hundred peers and gentlemen, and thirty mourners; landed gentry, under the rank of Barons of quality, were restricted to thirty friends and twelve mourners.* No pencils, banners, nor other honours were allowed to be borne, except the eight branches on the pale, or on the coffin when there was no pale: and mourning cloaks were forbidden to be used, either at funerals or at any other time. By an earlier Act of Parliament, 1621, "duilweiddis" and "saullics" were limited according to the rank of the person buried. But these enactments had exclusive reference to people of rank, whereas our object is to describe the bearings of Church life and Church rule upon the common people more particularly. For them no banners were borne at funerals, and no "saullics" walked in stately procession. Almost the only form of civil respect extended to them was the tolling of the church bell. Even this, at an early period, was unusual. A bell, nevertheless, was in very old times rung at all funerals. The sexton, or a substitute, walked in front of the funeral company ringing a hand bell as he went along. In the printed records of the Burgh of Glasgow there is an entry, shewing that in 1577 "the auld bell, that yed throw the towne of auld at the buriall of the deid (was sold) for the sum of ten pundis money." I am happy to inform the public that the old bell which was carried and rung at funerals in this Parish long ago has not been sold, but

*There was probably need for some Act of Parliament to restrain expenses at funerals. On the funeral of a minister, who died in 1687, there was "deburisit" £100 Scots, and in the inventory of his estate it was recorded "*debita excoantona*"! Fasti.

is preserved at the Manse with particular care, and whenever the Heritors or Kirk-Session can find a safe public place for its reception, it will be surrendered as a parochial antiquity of some local interest. It is sometimes said that the object of carrying a bell in front of a funeral procession was to ring, at proper intervals, for a halt and a change of hands at the spokes; and I was told that the hand bell was so used in this Parish. I cannot think, however, that that was the *original* use of the mort bell. In 1621, the Kirk-Session of Dumbarton ordained that the "beddell, John Tome, and his successors, should ring the mort bell before all persones deceased within toun, for sic pryces as the minister and Session sall set doune."* The ringing of the mort bell was just a funeral custom, a mark of civil respect, like the tolling of the church bell at present: or, possibly, it had its origin in the superstition that the ringing of bells drove away evil spirits. It must at one time have been by some good people considered "a human and Popish invention"; for, in an Act of Aberdeen Council, 1643, the tolling and ring-

* During the early part of last century the church officer of St. Cuthbert's, Edinburgh, walked in front of every funeral party, ringing a hand bell. (Hist. of West Kirk, p. 35). In Inverness, in the 17th century, there were two sets of funeral bells—"big bells for the rich, small for the poor." In 1708, a dispute about proprietary rights arose between the Town Council and Kirk-Session of Ayr, and among the articles seized by the Town Council was "the hand bell that *goes for* the dead." The words italicised admit of two meanings, and may apply either to a *passing* bell or a *burial* bell. At Galston, the gravedigger was, in 1762, allowed "2d a mile going in ringing the small bell, and 2d each burial for ringing the big bell."

The practice of ringing a hand bell at burials is very ancient. In the Pardoner's Tale, Chaucer says:—

"These three young roysterers, of whom I tell,
Long ere prime had been rung on any bell
Were sitting in a tavern, there to drink;
And as they sat, they heard a *hand bell clink*
Before a corpse being carried to his grave."

ing of bells are included among the "superstitious rites used at funerals," which are to be discharged. Spalding states that this prohibition was made at the instance of Andrew Cant "and his fellows," who would have a hand bell rung through the town to proclaim who had died, but would have no ringing of bells at burials. There is nothing in our Session Records to shew what was the practice in this parish, with regard to the ringing of bells at funerals, during and previous to the ministry of Mr. Veitch. Apparently it was not unusual, before 1696, to have the bell—I presume the church bell—tolled at funerals; and apparently no charge was made for that mark of respect, for in 1696 the Session, considering the number and indigency of poor people in the parish, minuted that they "thought it reasonable that whoever desired the tolling of the bell, at the funeral of their relations, should pay some small quantity of money to the kirk treasurer, to be disposed of for the poor's use."* The number of entries of bell-penny in the treasurer's accounts shows that, from this date down to very recent times, the tolling of the bell became a common part of funeral solemnities.

From a very early period, mortcloths were considered

* Two years later, in 1698, the Kirk-Session of Fenwick ordained that "any persons who desire to have the church bell rung at the burials of their dead shall pay in to the treasurer 14s. Scots for the poor, and 6s. to the bell-man." Similar ordinances were passed about the same date by other Kirk-Sessions in Ayrshire. In 1720, the heritors of Galston, "considering that the bell belongs to them of right, agreed that all who desired to have the bell rung on such occasions should pay 12s. Scots each at least;" and this resolution the Kirk-Session approved. It was decided in the civil court, in 1730, that the money arising from the ringing of bells and burying within the church does not properly belong to the poor, but may go for reparation of the church fabric. There were apparently not very many people that cared to pay for the tolling of the church bell at their friends' funerals 150 years ago. During the year from October, 1731, to October, 1732, the great bell in Kilmarnock was tolled for funerals only seven times, and the fees for that service amounted to £21 Scots.

essential to complete the equipment of a funeral. Indeed, in some parts of Scotland, if not over Scotland generally (and not very long ago, either), it was customary to have the mortcloth brought to the house where the dead was lying, and kept over the corpse till the time of lifting.* And it is obvious that if the dead were either interred uncoffined, or, as directed in a Proclamation of Council in 1684, in coffins undecorated with fringes or metal work, the use of a mortcloth was necessary on the score of decency. But now that coffins are all covered with cloth, or else made of fancy wood, and are more or less ornamented, mortcloths are no longer required as trappings. Far more appropriate would it be that, in the last office we render to our near and dear ones, some little decorations expressive of love and sorrow should be placed above the coffin; and none can be more appropriate than the common flowers which nature herself provides.† The bearing of a coffin shoulder-high is a mark of public honour which none disapproves or condemns. The decoration of the coffin with loving fingers is the last act of affection that friendship can render; and this, too, it seems to me, should not be forbidden but encouraged. There is a sense of relief and a kind of satisfaction in throwing gifts on those who leave us forever on earth, and it is right that sorrow should be allowed to find all the consolations it can, even though such consolations should

* The Kirk-Session of Glasgow, on 16th Nov., 1598, ordered "a black cloth to be bought to be laid on the *corpses of the poor*."

† At the beginning of last century, coffins were in Scotland covered with large black cloths, on which were spread herbs and flowers; and in the funeral procession some walked in front of the coffin, more behind the coffin, and in the rear there followed a company of women (Morer). Sometimes frankincense was used for odorous or deodorising purposes. A minister in Perth died in 1719, and the following bill for his death and burial was presented to his executors:—Funeral charges, £231 6s. Scots; doctor's fees, £75 12s.; drugs furnished, and frankincense for corps and coffin, £32 4s. Fasti.

have their roots in vanity. But that apart. Mortcloths were in request long ago, and as a rule they were both rich and handsome coverings. The first we read of in the Session Records of this parish must have cost a goodly sum, for in 1672 there was paid £10 12s. 4d. as completion of the price of the mortcloth, which implies that something more had been previously paid. In Mr. Auld's day a new mortcloth was got, and it was made of Genoa velvet with furniture conformed, as if with the view of defeating, by an ingenious device, the object of the obnoxious proclamation of 1684. That proclamation discharged the covering of coffins with silk and fringes, and this mortcloth was a covering made of velvet and fringed.

As everybody knows, there spring up now and again particular crotchets which take hold of the public mind for a time, and then fall into oblivion. In the year 1777, there was an extraordinary commotion over the country about the danger of people being buried by mistake before they were dead, especially in cases where the supposed death arose from drowning. The greatest care, it was averred, should be taken in pronouncing any one dead; and, lest what seemed death should only be a trance or a faint, it was recommended that interments should always be delayed till it was impossible to doubt that death had really occurred. A communication on the subject was addressed to the Presbytery of Ayr by the Board of Police, calling the attention of the Presbytery to an advertisement, which contained suitable directions for the recovery of persons drowned or half drowned, and a list of the articles requisite for that restorative purpose. It was stated that these articles could be *had* (and therein probably lay the cause and explanation of the whole stir) from Lawrie & Co., druggists, at the head of Niddry's Wynd, Edinburgh. The Presbytery, with becoming courtesy, directed their Moderator

to write to the Board of Police, acknowledging the Board's attention to the public welfare, and intimating the Presbytery's hearty concurrence with the Board in all measures for the public benefit. The Presbytery, likewise, recommended to all ministers within the bounds "to intimate the propriety, and even necessity, of not burying the dead too suddenly, in regard there have been many instances of apparent deaths that have turned out not to be real." The Kirk-Session of Mauchline, on receipt of this sage deliverance, gave orders at once for a set of Lawrie's instruments, for the use of the parish; and stated in their minutes, as a very good reason for such extravagance, that the instruments were as applicable for persons that had been frozen, suffocated, or hanged, as for those that had been drowned. Whether the instruments were ever put in use in Mauchline, and if so, with what degree of success, our Session Records give no indication. It may interest some people to know what the instruments were, and what were the directions issued for the restoration of persons seemingly dead from drowning or hanging. First of all, there were in one brass box, a fumigator, a flexible tube, and an ivory pipe; and this assortment of articles cost 10s. Secondly, there were, in another box, a spare flexible tube and a spare ivory pipe, four wooden pipes for blowing into the nostrils, and two flint glass vials, filled with spirits of wine to be applied to the wrists;—which articles, with the box for holding them, cost 13s. Thirdly, there was "separately, for blowing into the lungs, a pair of bellows," which cost 6s. The accompanying instructions were so numerous and lengthy that it would be tedious to detail them in full, but the following are among the most noteworthy. First of all, it was said that, in removing the dead body of a drowned person to a convenient place for operation, great care should be taken that the body be neither bruised

nor violently shaken—that, for instance, it be neither rolled over a barrel nor upon the ground, and that it be neither carried over any one's shoulder, with its head hanging down, nor be lifted up by the heels that the water may run out of the stomach. No one will call in question the prudence and importance of these directions, if the state of parochial stupidity rendered them necessary ; for there can be little doubt that a half-drowned man, alternately suspended by the heels and rolled over a barrel, would have little chance of ever again finding his way back to the water, even for the most innocent sanitary purposes. To recur to the instructions, however, it was next stated, that after having been conveyed to the place appointed for operation, and been well dried with a cloth, the body should be brought to a proper degree of temperature. With that view, it was not to be placed too near a large fire ; but was to be gently warmed by hot bottles, hot bladders, or hot bricks laid to the soles of the feet, over the joints of the knees, and under the armpits. “The warmth most promising of success was that of a bed or blanket properly heated, and what had been found in many cases very efficacious was the skin of a sheep fresh killed, or the natural and kindly heat of a healthy person lying by the side of the body.” After “the subject” had been so treated, stimulating processes were to be instituted. One attendant was to place his mouth on the patient's ; with one hand to hold the patient's nostrils together, then with might and main to blow into the patient's lungs ; and with the other hand to press and squeeze the patient's chest, so as to imitate the act of breathing. A second attendant was, by means of a fumigator or a pair of bellows, to inject tobacco smoke into the patient's bowels. A third attendant was all this while to be rubbing the body with a coarse towel, dipped in brandy, rum, gin, saltwater or vine-

gar, and applying spirits of hartshorn to the temples and nostrils. As soon as signs of returning life began to shew themselves, the patient was to be bled, either from the arm, the jugular vein, or the temporal artery. His throat was then to be tickled with a feather to cause vomiting, and his nostrils were to be pinched with snuff to cause sneezing.

The process of restoration was both elaborate and costly. Exertions were not to be remitted for two hours at least; and the operators, who during that space of time had used the means above mentioned, were for their pains to receive the sum of two guineas although success had not followed, and the sum of four guineas if the person thought dead had been brought to life. In addition to this payment, the Presbytery recommended that a half-crown should be given to the messenger who first brought, to the parish doctor or parish minister, the intelligence of a drowned person being taken out of the water, and that every publican, who without hesitation received into his house "an unfortunate object of this sort," should have his expenses paid and a guinea to boot.

This craze, for it can be called little else than a craze, about the restoration of persons seemingly dead, does not appear to have long retained its hold of the public mind. But there are people still alive who remember the wide-spread consternation that existed in regard to the pillage of graves for subjects of dissection. Stories, which made children's hair stand on end, were current about conveyances rattling along the road in the middle of the night, with freights of newly buried bodies that had been lifted from their resting places. The excitement over this matter was brought to a crisis in 1828, by the revelations made in Edinburgh at the trial of a lodging-house keeper named Burke, for the murder of people whom he had inveigled into his den and smothered when they were asleep.

It was elicited that murders had frequently been committed for no other end than to furnish the professors and students of anatomy with subjects for dissection. There was a panic produced over the whole country ; and men's days were lengthened with sheer fright. People suspected murder and church-yard pillage where there was no ground for suspicion. Many a grave-digger and many a student was blamed for unseemly work in the cemetery. The excitement had to be allayed by legislation, and one of the first acts of the new reformed Parliament, in 1832, was a measure to provide, by honest means and under proper regulations, a supply of dead bodies for dissection from poor-houses and hospitals. This Act, to a large extent, restored public confidence ; but, for many years after it was passed, precautions continued to be taken in rural church-yards to prevent the spoliation of new made graves. A massive iron frame was inserted in the grave over the coffin, and it remained there till corruption was supposed to have so far advanced that the body beneath was of no value for the doctors. A small tent or watch-house was also planted in church-yards ; and in that tent volunteer guards were set in rotation, to watch over the dead, and see that the wicked refrained from troubling. In many church-yards the great iron coffin-shaped frame may still be seen, lying in some out of the way corner ; but unless a few specimens be purposely preserved in different parts of the country, the memorials of a very notable panic may be lost to the next generation.

There is only one other matter to which I would now, in conclusion, advert. The present burial customs of the country contrast very favourably, in many respects, with those that prevailed a hundred years ago. There is neither smoking nor drinking at funerals now. There is no time unnecessarily wasted by delays in lifting. The expense of the monstrous

luncheon before, and of the Bacchanalian *dergy** after, the funeral, is now avoided without reproach. And, whatever may be the case in parishes where burials are continued in churchyards centuries old, human bones in all stages of decay no longer in this parish stare us in the face, as we lay down friends and acquaintances in their narrow beds. For our cemetery we have a spacious sward, with a sweet and sunny aspect, and although the shadow of the church does not rest on its surface, the glory of the sun and the radiance of the stars descend on it, the breath if not the smile of the sea comes up to it, and every morning, as the day breaks, purple mountains thirty miles away nod to it a friendly greeting. But imperious, ever changing, fashion has introduced at burials, through the use of hearses, a new element of expense, which many people can ill afford.* At the funerals of olden times, strong and loving arms bore for miles the mortal remains of friends to their place of interment. And in these lowly burials there was a grand and dignified simplicity, combined with a praiseworthy spirit of helpfulness. When the father of Burns died at Lochlea, he was borne to the kirk-yard of Alloway, a distance of 12 miles, by the hands of those that knew him, and, notwithstanding the customs of the age, not a drop, unless of water from a roadside foun-

* “The computation of the funeral company after interment, from the Latin word *dirige*, frequently repeated in the office for the dead.” (Scottish Dictionary). Some old people remember with horror the *dergies* they witnessed in youth. Nowadays mourners and friends often return from the grave to the house of the deceased, where there is a dinner or tea provided, but the repast is always conducted with decorum, gravity, and strict sobriety.

† Since the above was written the following admirable letter from a peer of high military renown to the secretary of the Church of England Funeral and Mourning Reform Association, has gone the round of the newspapers: “I am glad to notice an improvement in the simplicity and inexpensiveness of our funeral ceremonial, and hope the improvement now being made to reduce the cost of funerals, and abolish the use of plumes, may be entirely successful. . . . In my opinion, the more simple the ceremony the more touching and solemn it becomes.”

tain, was drunk by the way. It might be hopeless to anticipate a return to this practice. But might there not be a new form of bier—set on wheels—of such construction, ornamentation, and mode of traction, as to be suggestive of nothing unaccordant with solemnity, and by the use of which a great saving might be effected in the present cost of interments. Failing this, it seems to me that Parochial Boards might (if empowered by law) do well to provide a hearse for their respective parishes, as Kirk-Sessions long ago provided mortcloths, and that these hearses might be let for burials at such rates as would merely cover the charge for horse-hire. An arrangement of this kind would greatly reduce the expense of burials, and would thus be a boon to the poor, and very little of a tax on ratepayers.

LECTURE V.

MINISTERS AND MINISTERIAL LIFE AT MAUCLINE,
1560-1655.

Scope of preceding Lectures—What to be learned from sketches of a parochial ministry—Progress of Reformation in Mauchline before 1560—Robert Campbell of Kingencleugh—Ministers of Mauchline—Robert Hamilton—How parishes supplied with ordinances—Superintendents and their appointment—Testimonial to Kingencleugh and Mr. Hamilton—Peter Primrose—Union of parishes—Three phases of outward organisation in church during Mr. Primrose's pastorate—Book of Policy and Judicial Committees—Spanish Armada—Committee of prime conference at General Assemblies—The Assembly after the King's marriage—Settlement of Episcopacy—John Rose—George Young—Episcopal form of induction—Mr. Young and Baillie—Transportation of ministers—Mr. Young's business talents—The Service Book and National Covenant—The nocent ceremonies—The public resolutions—Death and character of Mr. Young—Steps taken to find a successor to Mr. Young—Thomas Wyllie—His conditional acceptance of the cure—A conciliatory protester—Duke Hamilton's engagement to relieve the King, and skirmish at Mauchline moor—The whiggamore's raid—Mr. Wyllie's translation to Kirkeudbright—Re-establishment of Episcopacy in the Church of Scotland—Mr. Wyllie's persecutions—His indulgence—His death and character.

THE object aimed at in the foregoing lectures, I need scarcely say, has been to give such an account of old Parochial Church Life in Scotland as may be gleaned from all available sources, but especially from the faded and musty records of local Kirk-Sessions and Presbyteries. In the prosecution of this object we have seen what kind of buildings people had in olden times for public worship, what kind of houses ministers had for manses, and in what kind of desecrated ground the rude forefathers of the hamlet slept their long last sleep. We have seen also what manner of Church services people had to listen to and profit by, (and ministers had laboriously to go through), both on common and on Communion Sabbaths; what modes of discipline were exercised in parishes by ministers and Kirk-

Sessions ; what provision was made by the Church for the poor and the education of the young ; how marriages were solemnised, or confirmed when not solemnised ; how baptisms were administered, and how burials were both conducted and misconducted. One thing more, it seems to me, may yet be done within the lines laid down, and that is to give a sketch of the lives of the different ministers who have exercised the pastoral office within this parish since the Reformation. Such a sketch will not only give some information about people whom we don't know, but will throw some light on the general line of Church history in Scotland, by shewing what were the subjects of talk and controversy, work and warfare in the Church, and what was the manner of ecclesiastical life away from the centres of Church thought and Church management, in different successive periods.

In the roll of Mauchline ministers there is no name of great mark to be found—no name, for instance, like that of John Knox, or like that of Andrew Melville, or like that of Alexander Henderson. Few parishes, nevertheless, can boast of as goodly a succession of moderately distinguished and characteristic ministers, in whose humble history the general life of the Church could be better delineated. Nearly all of them were men that in their day and generation were esteemed able and faithful pastors, and some of them were known in the Church far beyond the bounds to which their ministry was confined.

Before proceeding to speak of these post-reformation ministers, however, it may not be out of place to say a few words about the progress of the Reformation in the parish. Previous to the Reformation there was in Mauchline a monastic cell, (the precise character and constitution of which ecclesiastical authorities are not agreed upon), attached to the Abbey of Mel-

rose; and the extent of land held in this district by the monks of Melrose was enormous. Over these lands, called Kylesmuir and Barmuir, Hew Campbell of Loudoun was, in 1521, by "the Reverend fader in God, Robert, Abbot of Melrose, in convent, with haill and full consent" appointed "bailzie," and the appointment was extended to "his heirs mail to be gotten of his body." In the exercise of this authority and privilege, Campbell engaged, "with friends and allyes, to mainteene and defend said Rev. fader and convent, in the said lands, against all whatsoever, ye sovereign alane excepted." It might be supposed, therefore, that with such a holding in the district, maintained and defended by the puissance of the laird of Loudoun, and all his allies, the Catholic Church would have been very firmly established in Mauchline parish.

But it was not so. For many years, it might be roughly said a hundred years, before the Reformation, there were in Kyle not a few influential people estranged from the Church of Rome. Among others, Adam Reid of Barskimming, George Campbell of Cessnock, and the lady of Stair were, in 1494, summoned before a Provincial Synod at Glasgow, on a charge of heresy. Reid, it is said, made a bold and spirited defence, and ultimately the whole party were set free, but with a characteristic admonition, "to take heed of the new doctrine, and content themselves with the faith of the Church."* As far back, therefore, as 1494, "a

* By giving an answer in rhyme to all the questions put to him, Reid contrived to turn the prosecution into ridicule. "While the Bishop said in mocking—

" 'Reid, believe ye that God is in heaven?'

" He answered,

" 'Not as I doe the sacraments seven.'

" The King, willing to putt an end to further reasoning, said,

" 'Wilt thou burn thy bill?'

" To which he answered,

" 'Sir, the Bishop and yee will.'

heretic blast had been blawn in the wast," and within two miles of the old Church of Mauchline. And that blast did not blow over in a day or two, but it swelled louder and louder, till, in 1560, it ended in a gale and hurricane such as Scotland never heard before nor has heard since; for though it neither swept down woods nor stranded fleets, it stripped churches of their altars and images, levelled monastic buildings to the ground, and scattered here and there and everywhere church possessions and church cartularies.

In the year 1544, Mauchline had a visit from George Wishart, who was then in the zenith of his fame, and was making a preaching tour over the country. The friends of Wishart imagined that the church which belonged to the Abbey of Melrose would be at his service, and that he might at his pleasure go up to the altar and denounce, as from the throne of God Himself, the corruptions of the established religion. That was presuming too far, and was reckoning without the host. Accordingly, when Wishart arrived at the church door, he found his admittance prohibited by the sheriff of the county. So little respect, however, for either civil or ecclesiastical authority had some of Wishart's friends, especially Campbell of Kingencleugh (not the good Robert Campbell who became the bosom friend of Knox, but an older Campbell, who bore the suggestive and iconoclastic name of Hew), that they would fain have entered the church by force. Wishart himself showed more discretion, and with a remark that Christ is as potent in the fields as in the house, he withdrew to the moor, where the railway station now stands; and there, for three long but not weary hours, on a "day pleasant and hote,"

"With these and the like scoffes, the Bishop and his band were so dashed out of countenance that the greatest part of the accusation was turned into laughter."—*Cat. terwood.*

he addressed the people. "In that sermon God wrought so wonderfullie with him," says the historian Calderwood, "that Laurence Rankene, Laird of Schaw, one of the most wicked men in that country, was converted. The teares ran from his eyes in suche abundance, that all men wondered." But the effect of his preaching will be better indicated by a statement of what happened immediately afterwards. There was a man in the parish named Campbell of Bargour. This man, along with Lockhart of Bar, in the Parish of Galston, was in 1550 summoned to stand his trial for "stouthrief and spoliation of sundry Parish Churches, religious houses and chapels—of their eucharistic chalices, altars and ornaments of the mass; and also for casting down and breaking choral stalls and other stalls and glazed windows, . . . in the years 1545, 1546, 1547, and 1548." It was in 1544 that Wishart harangued the people of Mauchline on the moor, and in 1545 that Bargour started his crusade against idolatry.

In 1556, a greater man than Wishart paid a visit to Mauchline. This was John Knox himself, who had taken up the mantle of Wishart, and was making a tour of the western shires, as his revered master had done twelve years before. In this tour Knox was accompanied by Lockhart of Bar and Campbell of Kingencleugh; and, among other places, he preached in Kingencleugh, Cairnhill, and Ochiltree. The seed of the Reformation, it will thus be seen, had been sown in Mauchline at an early date, and sown by the hands of the two great Reformers themselves, Wishart and Knox. And it was not sown in vain. It was in the month of August, 1560, that the reformed doctrine was approved and ratified by Parliament, and that the celebration of mass was prohibited. In the month of December following, the General Assembly of the Reformed Church held its first meeting; and at that meeting a

resolution was passed "to ask at the Estates of Parliament and Lords of the Secret Council, for eschewing of the wrath and indignatione of the Eternall God, that sharp punishment be made upon the persons underwritten, . . . whilk sayes, and causes masse to be said, and are present thereat." It might have been expected, from there being at Mauchline a monastic cell and a church owned by the Abbey of Melrose, that, among the names so given in to the civil authorities by the General Assembly, there would have been found the names of one or more persons in this parish. But no. There were not a few idolaters in Ayrshire, but none in Mauchline. The names reported from Ayrshire were the Earls of Eglinton and Cassills, William Hamilton of Cambus Keith, the Abbot of Crossraguell, the parochiners of Maybole, Gariane (Girvan), Oswald, and Divley (Dailly), within the whilk kirks masse is openly said and maintained."*

One of the most ardent Reformers in all Scotland was a Mauchline man, Robert Campbell of Kingencleuch. He was a most intimate and a much esteemed friend of John Knox's. When the great Reformer was dying, Kingencleuch was one of three that sat by turns at his bed side. And of these three friends of the innermost circle, Kingencleugh was the nearest and dearest to Knox. It was to Kingencleugh that Knox specially entrusted the care of his widow and children; and in doing so, he said, "I rely on your becoming to them as a husband and a father in my room." And the virtues of Kingencleugh have not been left unrecorded and unsung. Like the heroes of primeval times, such as Wallace and Bruce, not to speak of Hector and Achilles, he has had his deeds embalmed in rhyme, which, if not lofty, is at least laudatory :

* Book of Universall Kirk.

“ When that religion was but young,
 And durst not plainlie show her face,
 For tyrannie in publict place,
 Some preachers did till him resort,
 Where mutuallie they got comfort.
 The trueth on their part was declared,
 No temporal benefits he spared.
 Sa, privatelie, in his lodgeing
 To tell his friends, he na whit dred,
 How they had lang been blindlins led.
 And had some preaching publiclie,
 Where people came maist frequentlie,
 Whiles among woods, in banks and braes,
 Whiles in the kirk yard, mang their faes. *

* The author of this metrical memorial of Kingencleugh was John Davidson, minister at Prestonpans. When a Regent at St. Andrews, Davidson wrote a pasquil, under the title of “The Dialogue betwixt the Clerk and the Courteour,” touching the appointment of one minister to four kirks. For doing this he was summoned before the Regent Morton and the Privy Council, and was told by the Justice-Clerk that for “a privat man to write against the conclusion of princes was damnable, and that he was worthie of punishment.” Davidson submitted his case to the General Assembly, but Kingencleugh saw that matters were getting unpleasant, and said to Davidson, “Looke for no answer here, God hath taken away the hearts from men that they daire not justifie the trueth; therefore cast you for the next best.” He thereupon retired with Kingencleugh to the west, “where he saw suche a gude example of pietie and holie exercise, in his familie, that he thought all his lyf-time before but a profane passing of the time.”—Calderwood, III., 312.

Some of Kingencleugh's private habits are thus described by Davidson:—

“ Ane number of the poore nightlie
 In Kinyeanclugh gat harbourie,
 Whom after supper he gart call
 To be examined in the hall
 Of Lord's prayer and Beleefe
 And ten commands, for to be brieft,
 Gif that he found them ignorant
 Unto his place they durst not haunt.”

No less virtuous than Kingencleugh himself was his better half—

“ Of twa best liuers that led life
 Gude Robert Campbell and his wife
 Sic twa I knowe not where to finde
 In all Scotland left them behind,
 Of sa great faith and charitie,
 With mutual love and amity
 That I wat na mair heavenly life
 Was never between man and wife.”

The Reformation having been established in 1560, the first Protestant minister who laboured in Mauchline Parish was Robert Hamilton. He seems to have entered on his duties about or before 1562. At that time it was found impossible by the Reformers to obtain the services of a separate minister for every parish, and neighbouring parishes were accordingly in some cases joined together for a time under the charge of one pastor. Some parishes had to do without the service of a minister, and content themselves with a reader, who on Sundays read to the congregation passages of Scripture and public prayers from a printed liturgy, but neither preached nor administered sacraments. It gives us an idea of what would now be termed the spiritual destitution of these early post-reformation times, when we find that two such large and important parishes as Mauchline and Ochiltree, which are large in area still and were twice or three times larger in area then, were joined together under the pastorate of Mr. Robert Hamilton. And very little of Mr. Hamilton's personal services these united parishes could for a while have had. Besides supplying their own kirks as best they could, some of the more outstanding ministers were deputed by the General Assembly to visit districts that were unblest with a settled ministry. Mr. Hamilton was one of those that had the honour to be selected for this work. In July, 1562, he and the superintendent of Glasgow were appointed to preach in the unplanted kirks of Carrick "month about," till next Assembly gave further orders.

The use of the word superintendent just now leads me to state that in the first days of the Reformed Church of Scotland, there were men appointed to large districts with charge and commandment "to plant and erect kirkes, and to set, order, and appoint ministers" therein. These persons were called

superintendents. The office they exercised was one of authority and dignity, and they are by some Episcopalian writers considered to have been bishops under a new name. Dr. M'Crie tells us, in his life of Knox, that "the title of bishop was very generally disused in common speech (in England) during the reign of Edward VI., and that of superintendent substituted in its place."* It was natural, therefore, when bishops in England were styled superintendents, that superintendents in Scotland should have been accounted bishops. It was only for a temporary purpose, however, that superintendents in Scotland were appointed, and their position and duties were somewhat different from those of a bishop. They were not to rule only, but to preach. "They were to be preachers themselves, thrice every week at least to preach, and remain in no place above twenty days in their visitation, till they had passed through their whole bounds."† Still, their office had a look of *prelacion* and pre-eminence, and it was to some episcopally inclined people an object of ambition. But the Reformers were very careful that the charge should not be committed to any un-qualified persons. No one was allowed to hold the office unless he had been called to it by the churches within the bounds of the superintendency. There was a Catholic bishop, Gordon of Galloway, who embraced the reformed doctrines, and expected, as a matter of course, to be appointed superintendent of his former diocese. He made a claim to that effect in the General Assembly of June, 1562. But the Assembly told him, "that they understood not how he had anie nomination or presentation, either by the Lords of secreit council or province of Galloway :‡ and, albeit he had presentation of the

* Vol. II., p. 387-8.

† M'Crie's Life of Knox, Vol. I., p. 284. Dunlop's Confessions.

‡ In the Form and Order of the election of the superintendent of Lothian, 9th

Lords, yitt he had not observed the order kept in the election of superintendent, and therefore could not be acknowledged for a superintendent lawfullie called, for the present." The Assembly, however, offered "their furtherance, if the Kirks of Galloway sould sute and the Lords present ; and ordained, that letters be sent to the kirks of Galloway, to learne whether they craved ane superintendent or not, and whom they sought." At their next meeting, December, 1562, "the Assemblie nominated in leets for the superintendentship, Mr. Alexander Gordon, intituled Bishop of Galloway, and Mr. Robert Pont, minister of Dunkelden, and ordained edicts to be sett furth for the admission, upon the last Lord's day of Aprile, . . . of the person elected ; the place of admission to be the parish kirk of Dumfries." And that the induction of the superintendent, if one were chosen, should be solemnized with all the shew of ecclesiastical authority and order proper for the installation of a man in so eminent an office, a select committee of distinguished ministers, outside of the province of Galloway, was appointed to be present at the act of admission. Of this committee Mr. Hamilton was a member, and his appointment thereon shews the high and honoured position he, as a country minister, held among the reformed clergy. The committee, Calderwood writes, consisted of "the Superintendent of Glasgow, Mr. Knox, minister of Edinburgh, Mr. Robert Hamilton, minister of Uchiltrie and Mauchline, and *other learned men.*" *

March, 1560, "John Knox being minister," it is stated that the "Lords of Secret Council had given charge and power to the churches of Lothian to choose Mr. John Spotswood, superintendent, and that sufficient warning had been made by public edict to the churches" within the bounds, as also to earls, barons, gentlemen, or others that might claim to have voice in election. Three questions were put by Knox to those present : first, Do you know of any crime to debar Mr. Spotswood from the office ? secondly, Is there any other whom you would put in election with Mr. Spotswood ? and thirdly, Will you have Mr. Spotswood for superintendent ?

* Gordon was a worldly man, who haunted the court too much and held secular

For several years after this date, the name, Robert Hamilton, frequently occurs in the records of the General Assembly; but it is difficult to make out in each instance what particular Robert Hamilton is referred to, for there were then in the Church several ministers of that name, and one of these was even more famous, although less estimable, than the minister of Mauchline and Uchiltrie. There is no doubt that, in 1567, Mr. Hamilton was one of a committee of seven appointed by the General Assembly "to decide questions"; and it is clear, both from the nature of this appointment and from the names of those on the committee, that the Church regarded Mr. Hamilton as one of her best and wisest counsellors. In 1567, Mr. Hamilton was translated to Irvine, but of his subsequent history nothing seems to be known.

It may be mentioned that, in 1565, a very remarkable testimonial was granted by some of the chief Reformers to Campbell of Kingencleugh and a Mr. Robert Hamilton, preacher. For some reason or other, these two men had deemed it necessary to make their escape from this country, and seek a temporary asylum abroad; and the chief Reformers of Scotland gave them a public certificate to serve as an introduction to

offices in the Council and Session. He was, in 1568, ordained by the Assembly to "answer whether he will await on Court and Council or upon preaching the word and planting kirks." The following year, he was "inhibited to exerce any function in the kirk;" and in 1573, he had to undergo humiliating discipline for scandals into which he had fallen. He is known to readers of this generation by a sermon on faith, hope, and charity, which he preached in the summer of 1571, and which is preserved "in substance" in Calderwood's history. The following passage occurs in the sermon:—"Brethren, may I not speare at you, in what part of this poore realme is faith, hope, and charitie sett, and if they be authorised among the estats? Na, na, Brether, na. Is faith or love among our nobilitie?" The answer is no, nor yet among the spirituality of the second estate. "Or then, the third estat: is there faith and love among your burgesses in buying or selling their waires, or borrowing and lending one with another? Yea, if I would digresse, I doubt not but faith and love is left in Machline, in the wood of Hardheids, where manie of your merchants leave their faith."

the most eminent of the Continental Reformers. Dr. David Laing, in his notes on this certificate, says that the Robert Hamilton referred to was he that afterwards became one of the ministers of St. Andrews, and the Provost of St. Mary's College. Dr. Laing, however, does not favour his readers with the grounds on which he makes that statement, and we are therefore left to judge of its intrinsic probability or improbability. Hamilton of St. Andrews was not a man that stood very high in the estimation of the Reformers. More than one of his relatives renounced the Reformed Church, and rejoined the Church of Rome. Robert's own heart was thought to be not altogether right on the subject of the Reformation. He did not scruple to accuse Knox of having had a hand in the "removal" of Darnley. He harassed Melville by a vexatious litigation, and, "to please the regent" Morton, he aided in the prosecution of Davidson.* It may well be asked, how should Kingencleugh, the bosom friend of Knox, the shielder of Davidson, and a man of singularly devout habits, happen to be associated with such a questionable colleague, and a person of such worldly disposition. On the other hand, Robert Hamilton of Mauchline was Kingencleugh's own parish minister—was paid, if we may accept common tradition, out of Kingencleugh's own bounty †—was a man, we may presume, after Kingencleugh's own heart—and was thought worthy by the General Assembly to be placed on honourable commissions, along with John Knox and John Craig. It is not unreasonable, therefore, that, till evidence to

* For Dialogue betwixt Clerk and Courteour, see Calderwood, III., p. 301.

† "The half teinds of hale Ochiltree,
He did give ower maist willinglie,
Which his forefathers had possesset,
For sacrilege he did detest,
The minister he put therein."—Davidson.

the contrary be forthcoming, we should claim for Mr. Hamilton of Mauchline the credit of this testimonial.* It would be tedious to quote much of the document, but the following sentences will show the estimation in which the Mr. Hamilton referred to was held by the leading men of his age :—
“Our tuo derrest brethren, Maister Robert Hamylton, Minister and Preacher of the evangel of Jesus Christ, and Robert Campbell of Kinzeancleugh, hath so behaved themselves in their vocation with us, that justly the very wicked among us can lay no cryme to their charge. One purely taught salvation and the other uprightly administered justice, so that the godly cannot but lament the absence of two such notable instruments, who were lights in the Church. . . Why are they dejected from us? Because that now, to the grief of many, iniquitie commandis, tyrannie ringis, and the cause of the righteous is utterlie suppressed among us. . . Causes of treason are laid to the charge of innocent men, thare substances are spoiled, and thare lives ar sought, because they have traveled for maintenance of virtu and for suppressing of ydolatrie, of which number, these our brethren, according to thare abilitie hath bene two chief men.”

On the translation of Mr. Hamilton to Irvine, the parishes of Ochiltree and Mauchline were disunited, and a separate minister was assigned to each. There was not, however, for a good many years afterwards, anything like a separate minister for

* The certificate is dated 1565, and Robert Hamilton is styled in the certificate a *minister*. That designation could apply to Robert Hamilton of Mauchline, but I am not aware that it could be, in 1565, applied to Robert Hamilton of St. Andrews. He was inducted into his charge at St. Andrews in 1566, and in 1560 he was named by the General Assembly not as a minister, but as one of many that were most qualified for ministering and teaching. (Book of Universal Kirk). Unlike his namesake in Mauchline, he seems never to have been a member of Assembly till after 1566. See Fasti.

each separate parish in Scotland.* The parishes of Auchinleck and Cumnock were united with Ochiltree under one pastoral charge, and when a vacancy occurred in Galston, in (or before) 1574, that parish was associated for a while with Mauchline.† The minister whose services the parish of Mauchline was fortunate enough to secure, in 1567, was Mr. Peter Primrose, and it had the further good fortune to enjoy these services for the long period of half a century.

During the fifty years of Mr. Primrose's pastorate, the Church of Scotland went through three different phases of outward organization. The Reformation was at first (1560) established only in part.‡ There was a system of doctrine established, but no system of government and discipline. As late as 1574, an Act of Parliament was passed anent the constitution of the policy of the Kirk; and in the preamble of this Act it is stated that, "albeit the libertie of the evangell hes bene inioyit in unitic of doctrine, zit is thair not to this day ony perfyte policie be lawis and constitutionis set out, how the Kirk in all degreis salbe governit in decent and cumly ordour." Mr. Primrose, therefore, began his ministry when the Church had no established polity, but was in a provisional state of organisation:—with ministers

* In 1596, the General Assembly minuted that "in many pairts of the countrie, for lake of provisione of sufficient stipends for provisione of pastors, the people lyes altogether ignorant of their salvation, and dewtie to God and the King, quhair through the land is overflowit with atheism and all kynde of vyce, there being above four hundreth parochie kirks destitute of the ministrie of the word, by and attour the Kirks of Argyll and the Isles." *Book of Universal Kirk.*

† Morton, who was Regent in 1574, had a trick of "placing three or four churches under the care of one minister, assisted by readers. In this way the difference between a minister's and a reader's stipend (200-20 merks) was saved by the parsimonious regent." *Cunningham's Church History of Scotland, Vol. I., p. 486, note.* Hence Morton's irritation at the "Clerk and Courteour."

‡ In August, 1560, Parliament approved the Reformers' Confession of Faith. But that Parliament, "which first established the Reformation, had never received the royal sanction; and therefore it was (1567) deemed prudent to re-enact its enactments." *Cunningham's Church History of Scotland.*

planted here and there,*—superintendents who were sometimes called bishops and sometimes commissioners, according as the ecclesiastical and civil powers happened to be in an Episcopal or a Presbyterian mood, exercising supervision over large districts or dioceses,—and General Assemblies meeting once or twice a year, to frame acts and rules, and to pronounce judgment on references and complaints. He saw, next, a Presbyterian polity established. This was done, in the first instance, by the Church herself, so far as she could, by the compilation of a Book of Constitutions, which, having been “agriet upon in diverse Assemblies before,” was, in 1581, “registrate in the Acts of the Kirk, to remain therein, *ad perpetuam rei memoriam*.” This Presbyterian polity was afterwards confirmed and established by law, in 1592. A few years later, however, Presbyterian parity was by degrees undermined, till in 1610, while Mr. Primrose was still ministering at Mauchline, Episcopacy was made perfect, stablished, strengthened and settled in the Church of Scotland.

In the framing of the Presbyterian polity of the Church (1578), Mr. Primrose either had no hand at all, or took so obscure a part that it has not found notice in either the records of the Assembly or the pages of Church history. The guiding spirit in the deliberations that resulted in the Book of Policy, commonly known as the Second Book of Discipline, was Andrew Melville. This book, I have said, was registered “in the Acts of the Kirk,” in 1581: and, in the same year, the Assembly approved a “platting of the kirks, gine in to them in rows,” (in other words, a scheme of Presbyteries), and “thocht meet that ane beginning be had of the Presbyteries, instantly, in the

* Commissioners were superintendents, appointed not for life, but for a year or other limited time. Stevenson's History of the Church and State of Scotland, p. 70.

places named, to be exemplar to the rest that may be established hereafter." Although, however, the Assembly appointed committees "to see this ordour of elderships (Presbyteries) constitute, betwixt and the last day of May next to cum," we find that in 1586, the King and the Assembly were still exchanging notes on plats of Presbyteries, and on "matters to be intreatit in the Presbyteries." Meanwhile, till such courts were formed and brought into working order, it was requisite that certain duties and offices in the Church should be delegated to select committees. In particular, it was found necessary "that for triell of anie slander in the life, conversation or doctrine of bishops or commissioners, the Assemblie sould appoint a number of brethrein in everie province, with power to make such trial, take probation, lead processe therein, betwixt and next Assemblie, if occasion fall out; remitting the finall sentence and determination to the said Generall Assemblie." And that Mr. Primrose was a man of no inconsiderable mark, is shewn in the fact that he was one of the judicial committee appointed for the province of Kyle, Carrick, and Cunningham.

While the Church and the King were busy with the project of setting up Presbytery in Scotland, a movement was going on elsewhere for the subversion of Protestantism in the country, and the reclamation of the kingdom to the Pope's jurisdiction. And that movement was really formidable and dangerous. There was a powerful party of Papists in Scotland, secretly colleaguuing with the King of Spain, who was preparing for the invasion of Britain an armed fleet, called in the Spanish tongue an Armada, the like of which for size and strength had never been seen, and which for its size and strength was proudly and ostentatiously named the Invincible. In the beginning of 1588, the news of this threatened invasion reached Scotland, and the panic produced over the whole land, from north to south

and from west to east, was indescribable. And it is needless for people, living after the event, to say that the panic was without cause. Had the Spaniards once got possession of the chief strongholds in Scotland, as it seemed likely they would, both the national independence and the Protestant religion would have gone. While statesmen, therefore, were concerned about the civil liberties of the kingdom, ministers were equally concerned about the Church. "Terrible," says James Melville, "was the feir; persing war the pretchings; earnest, zealous, and fervent war the prayers; sounding war the siches and sobbes; and abounding war the tears, at that Fast and General Assemblie keipit at Edinbruche, when the news war credible tauld, sum tymes of thair landing at Dunbar, sum tymes at St. Andrews, and now and then at Aberdein and Cromartie." And although the more welcome news was soon authenticated, that the shores of the country were strewn far and wide with the wreck of that "monstrous navy," the danger to religion was not supposed to have been even then brought to an end. "Notwithstanding of the Lord's judgment," continues Melville, "the Papists war ever steiring and menassing, and both Jesuits and Seminary Priests crape into the country and kithed dangerous effects." And, therefore, he says, "the maist wacryff and cearfull of the breithring, everie anc warning and moving uthers, as the custome of the Kirk of Scotland was from the beginning, conveyed at Edinbruche, in the moneth of Januar, and gaiff in to the King and Counsall a petition," that measures be taken to avert the danger threatened to the profession of the true religion. One clause of the petition suggested that "sum specialles of the ministerie, assisted with sum weill affected barrones or uther gentilmen, . . . be authorised to pass to every quarter of this realme; and ther, be meanes that they find meittest, try

and exploit what noblemen, and others of any rank or calling, profess the religion and will join afauld in defence thereof, and wha will nocht." Such a petition would, at the present day, be reckoned the height of ecclesiastical insanity and presumption, but three hundred years ago it was differently regarded. The proposal was deemed reasonable and practical, and Commissioners were appointed as craved. Mr. Primrose had the honour to be one of three "specialles of the ministerie" selected, by the Privy Council, to make inquisition of the Baily of Kyle. This nomination shews that Mr. Primrose was reputed to be a man of penetration and prudence, and that his patriotism and Protestantism were known and approved in high places.

One mark of distinction leads to another, and when Mr. Primrose went to the General Assembly, in June 1590, he was received as a man of consequence, and was treated to an honour that was much prized by churchmen. In those days, there was, as there still is, in the Assembly, a business committee. But the business committee, then, had more important functions to discharge than it has now; and it was then considered a much greater compliment to be placed on the business committee, than it is now. That potent committee not only arranged the order of business, but put Bills into shape; and it was, besides, a sort of Privy Council, which gave advice to the Moderator on all questions of difficulty that either arose or were expected to arise. The designation it bore was the committee of prime conference; and so great was the influence of this committee, that, in course of time, (not perhaps in 1590, but within twenty-five years after that date) it came to consider itself virtually the General Assembly itself, and to expect that its proposals and conclusions would be sanctioned by the Assembly, with very little criticism, as a matter of course.

“These conferences,” said Alexander Henderson, speaking in 1638, “took very much upon them indeed.” I myself, he added, was once present at them, at an Assembly in Aberdeen, in 1616. They sat three or four hours daily, and the Assembly sat but one; and all that the Assembly was asked or expected to do was to hear the committee’s conclusions, and cry approve, or very modestly declare objections. In 1590, the business committee did not presume so far as it did in 1616, but it had great power and influence, and it was composed of such distinguished ministers as were reckoned the *élite* of the house. The records of that Assembly state, that Mr. Patrick Galloway, having by plurality of votes been chosen Moderator, “desyrit certaine of the learnit and grave brethren to be given Assessors to him, be whose advice he might propone such things as were meitest to be treitit.” Mr. Primrose was one of the “learnit and grave brethren,” of whose good advice the Moderator besought the benefit; and among those named with Mr. Primrose were Andrew Melville and James Melville; Robert Rollock, Principal of the University of Edinburgh, whose writings were declared by Beza an incomparable treasure; Robert Bruce, of whom the king said he had no such statesman and the people said the world never had such a preacher since the days of the apostles; and John Davidson, the panegyrist of the good Robert of Kingencleugh. And the Assembly, 1590, was a famous Assembly. It was the first Assembly held after the King’s return from his matrimonial expedition, when he brought home Anne of Denmark. His Majesty was in the best of humours—newly married, and intensely happy. The Church had shown itself very loyal, and very servicable to him, during his absence. Although he hated Presbytery, he was, therefore, for a month and a day a staunch Presbyterian. He came down to the Assembly in a state of ecstacy, and “fell

forth praising God that he was born in such a time as the time of the light of the Gospel, and that he was King in such a Kirk as the Kirk of Scotland, the sincerest Kirk in all the world. As for our neighbour Kirk in England," he said, "it is an evill said mass in English, wanting nothing but the liftings. I charge you, my good people, stand to your purity; and I, forsooth, so long as I brook my life and crown, shall maintain the same against all deadly." The applause which greeted the King at the close of this effusive speech was something for even a King to remember. "The Assembly so rejoiced, that there was nothing but loud praising of God and praying for the King, for a quarter of an hour." And as Mr. Primrose was of all men in Scotland, not even Andrew Melville excepted, the most presbyterian of Presbyterians, we may be sure that, high in the din of that joyous conclamation, his jubilant voice would be heard loud and clear.*

For the next twenty years we hear nothing more of Mr. Primrose, either in General Assemblies, Prime Conferences, or County Committees. We may suppose that all these years he contented himself with carefully serving at his own kirk; preaching to his people on Sundays, and perhaps entertaining them occasionally with a lecture on the Spanish Armada, or

* The King's voyage to Denmark was in more ways than one memorable. It created a wonderful sensation over the kingdom and it seems to have had a good deal to do with laying the foundation of some of the grand Sabbatical customs of this country. "Tryall being taken at Generall Assemblie" (March 1590), says James Melville, "it was fund that na steirage at all was in the countrey, of Papists or thieffis or anie trubelsome inordinate persons. Wharof the breithring praisit God and appointed, eftir the ordour that the Kirk of Edinbruche haid taken up, that thair sould be fasting and moderat dyet usit everie Sabathe till the King's returning. The quhilk custom being found verie meit for the exercise of the Sabathe was keipit in Edinbruche in the houses of the godlie continuallie thairafter. Sa that sparing thar gros and sumptuous dinners, they usit nocht bot a dishe of brothe or sum little recreation till night, and that quhilk wes sparit was bestowit upon the pure."

the King's wedding. But in 1610, he came to the front. Notwithstanding what was said in the Assembly, 1590, James began soon afterwards to introduce Episcopacy, bit by bit, into the Church of Scotland. In 1597, he appointed a commission of fourteen ministers to give him advice in all affairs concerning the welfare of the Church. "And thais commissionairs," says James Melville, "being exalted so high as to haiff accesse to the King quhen he pleasit, and to sit with his Majesty in counsell, began soone to chaing thair maneres, and luik down on thair brethren." The principle of Presbyterian parity was, the following year, still further repudiated by the Church, in her consenting, at the King's instigation, to have commissioners to sit in Parliament. These Parliamentary representatives of the Church were not long afterwards dubbed bishops; and in 1606, these so-called bishops were placed on the same footing, in respect of privileges and revenues, as the previous race of bishops were before the Act of Annexation. All that remained, thenceforth, to complete the Episcopal structure in the Church, was the appointment of bishops as perpetual Moderators in Diocesan Synods, and as the persons to whom presentations to parish churches should be directed. In 1610, it was judged that the Church was ripe and ready for that concluding part of the King's ecclesiastical polity. The bishops in a joint letter, requested the King to call a General Assembly; and, in that letter, they said "we have all our ministers, even such as were most refractory, at the point of toleration.* They will suffer things to proceed, and be quiet, because they cannot longer strive." The King, as desired, therefore, convened an Assembly; and took on himself so far to limit the liberty of the Church, as to direct Presbyteries to choose, for their representatives to

* M'Crie's *Life of Melville*, II., 247.

that Assembly, the particular ministers whom he declared fittest to take part in deliberations of high concern. And, as if that had not been a sufficient assertion of royal authority, he sent to the Assembly a letter, in which he avowed that his purpose, in calling the Assembly, was to restore the primitive government of the Church. He added, also, that although the Assembly's consent to that restoration would be asked, it was not required; for as King of the realm he had power from God to do the work of his own royal authority. Grave fears were, nevertheless, felt by the King and his counsellors, with regard to the issue of this Assembly; and golden coins called angels, because they bore on one side a figure of Michael transfixing the dragon, were freely distributed among the most venal of the members. The wags of the day, accordingly, nicknamed the Assembly the Angelic Synod; and although Episcopalian historians will not allow that these angels were given for the purchase of either votes or silence, they admit that coins were distributed, and that those who got coins got also some appointments and titles of dignity. Mr. Primrose was a member of the Assembly, but he was not honoured with a place on the committee of prime conference. More subservient men were discreetly chosen for that diplomatic office. Spotswood, Bishop of Glasgow, was elected Moderator of Assembly; and the privy conference was made up of "the bishops, many statesmen, and noblemen, and some ministers deemed by the simpler sort to be opposite to bishops, howbeit they were not suche in deid" (Calderwood). And the committee of prime conference had, by 1610, reached very near the zenith of its presumption. It prepared measures, and expected the Assembly to do nothing more than cry hear, hear! But there was one man in the Assembly who had not sold his conscience or his liberty of speech. That man was Mr. Prim-

rose. He was too pure to be bribed by canvassers, too true to be trusted by traitors, and too brave to be cowed by tyrants. While many ministers, to their shame be it recorded, defiled their fingers with the King's gold, Mr. Primrose came home to his parish, with hands as clean as the linen of the saints. And, while the members of Assembly, generally, were so overawed or cajoled by the King's minions, that they heard their Church given over wholly to Episcopal government, and, like the comforters of Job, spake not a word, Mr. Primrose, and he alone, had the courage to lift up his voice for the liberties of the Church. It was rumoured, even, that he meant to stay the Assembly's proceedings by protestation.* A man requires, however, to have the craft of a serpent, the obstinacy of an

* For more than a hundred years, it has been held "irregular and unconstitutional" to protest against the judgment of the Supreme Court. All that a man can do, when the vote of the General Assembly goes against him, is to record his dissent. It was in 1733 that the question of allowing protestations in the Assembly was decided. Ebenezer Erskine, like many men before him, imagined that protestation was a legitimate means of obstruction everywhere, and that it could stay procedure even in the General Assembly. He, therefore, gave in to the Assembly a "Protest," and, for so doing, he was required to apologise. He declined either to express sorrow for his conduct or to withdraw the offensive document,—and hence the secession. The great year of protestations was the year 1638, and the conflicting views held on the subject, at that date, were well brought out in a conference, on the 13th June, between the Marquis of Hamilton, on the one hand, and the Lords of the Covenant, on the other. The Marquis remonstrated with the Lords on their proposal to protest against the King's forthcoming declaration, and stated that the protestation would be of no use or legal efficacy. Lord Loudoun replied, that a protestation was necessary to prevent a royal proclamation being held as acquiesced in, and that it had the effect of keeping the subjects free to take further steps for redress of grievances. So far from a protestation being presumptuous, he said, it is "the lowest and humblest way, and nearest prayers," for seeking satisfaction in desires not yet conceded. But how near prayers protestations sometimes are, the following extract minute will shew. In 1784, a foolish and infuriated man *protested* in the Kirk Session of Kilmarnock, that "after waiting patiently about twenty minutes, (on a crave), he had done more than any Christian Session could have required, and a great deal more than was incumbent on any man to perform, and he, therefore, took his leave of the most ungodly Kirk-Session that has existed in the eighteenth century, and required them to enter this on their records."

ass, and the impenetrable hide of a crocodile, to hold his own in a General Assembly where he has little or no backing. The diplomatic astuteness of the Moderator was too much for Mr. Primrose. When Mr. Primrose commenced his oration, he was politely told that the questions he was raising were questions for the prime conference. That deliverance by the Moderator did not quench Mr. Primrose. It was not in the prime conference but in the public Assembly, Mr. Primrose maintained, that ecclesiastical legislation must end. He proceeded with his speech, therefore; and a second time he was brought to bay. "It is too close on the dinner hour," said the Moderator, "for the Assembly to listen to lengthened harangues;" and we may be sure that the appetised and impatient Assembly cheered and chuckled and cheered again, at that humorous sally. First, in one way, therefore, and then in another, Mr. Primrose was ruled to be out of order; and he had eventually, to sit down, amid a good deal of reverend chaffing, as an outwitted simpleton. For all that, he showed himself a brave, honest man; which is about the noblest work of God. A journalist of the period records, and his words have been repeated almost verbatim by several historians, that "Mr. Peter and his associates were so wrought upon, partly by threats and partly by flattery, that there was no more din of a protestation." But, in point of fact, so great a din had Mr. Peter made, that, immediately after the rising of the Assembly, the King deemed it necessary to issue a proclamation, enjoining, on their highest peril, "all preaching ministers and lecturing readers, not to presume, either publicly in their sermons or in private conversation, to impugn, deprave, contradict, condemn, or utter their disallowance or dislike, in any point or article, of these most grave and wise conclusions of that Assembly." Mauchline, it will thus be seen, may claim the honour of

having had for her minister the last man, in what is called the declining age of the Church, who made a firm and faithful stand in the General Assembly for true spiritual independence and Presbyterian parity.

Mr. Primrose is said to have demitted his charge at Mauchline, in 1617, after having "cairfullie servit at the same kirk thir fiftie zeir." He died in 1621, leaving behind him an honoured name, the fragrance of which still lingers faintly in the parish. A few months ago (1885), an old man, over ninety years of age, speaking to me of the ministers of Mauchline, said, there was "one Primrose, the best of you all ; *but*," he added confidentially, "his wife was a witch."

Mr. Primrose was succeeded at Mauchline by Mr. John Rose, of whom we know little, beyond the fact that he died in 1634, at the age of forty-eight. Let it not be supposed, however, that I mean to say Mr. Rose was an unmeritable man. He was simply not much of a public man, but he may have been, in his own parish, a workman that needed not to be ashamed.

After Mr. Rose, there was in Mauchline a succession of ministers of conspicuous mark. I refer, more particularly, to the three who held the incumbency during what has been termed the Fifty Years' Struggle, which was brought to a close by the Revolution Settlement in 1689. The first of these three ministers, and not the least notable of the three, was Mr. George Young, who was admitted to the pastoral charge of the parish in 1635.

The Episcopacy, which was established in the Church of Scotland in spite of Mr. Primrose and his protestations, was still the form of Church government in the country when Mr. Young was settled in Mauchline. Its ritual was in full swing, and its lordly authority at a height. But its days were near their close. It is said that Mr. Young's induction took place at Glasgow. This was because, in Episcopal times, presentees to

parochial charges received collation, not from the Presbytery of the bounds, as is now the custom, but from the bishop of the diocese. Yea, says Calderwood, "bishops (1610-1638) doe admitt and ordaine, not in the bounds, let be in the congregation, where the person presented or suting admission is to serve, but in anie part of the diocie he pleasath, and without assistance of the ministers of the bounds or Presbyterie where he is to serve." This was one of the obnoxious innovations that followed in the wake of Episcopacy, and it was complained of by Presbyterians as a great grievance and scandal. Even some Episcopalians disliked it. Leighton, for instance, who lived in the second period of Episcopacy (1660-1689), "thought it was a much decenter thing for bishops to go upon the place where the minister was to serve, and to ordain after solemn fasting and prayer, than to huddle it up at their cathedrals, with no solemnity and scarcely with common decency."*

Mr. Young's residence at Mauchline extended over nine years; and they were memorable years, in which great events happened. It was in 1637, that the troubles about the service book began; in 1638, that the National Covenant was drawn up, and subscribed in the Grey Friars' churchyard, Edinburgh; in 1638, and 1639, that the second Reformation was effected twice over; in 1641, that the Presbyterians and Covenanters obtained all that for four clamorous years they had been importunately demanding, and which they might have retained, if they had only been content with that measure of success; and in 1643, that that baleful document, the Solemn League, the occasion of much woe to the country and of much injury to the National Covenanters' cause in Scotland, was hurriedly framed and more hurriedly subscribed.

* Bishop Burnet's Hist. of Times.

Mr. Young was one of the Covenanters of 1638, and one of the Solemn Leaguers of 1643; but he was of the moderate and tolerant set, which are best represented to the readers of history by that prince of ecclesiastical journalists and gossipers, Robert Baillie.* There were few of his correspondents with whom Baillie was on terms of greater intimacy and affection than George Young. Many of his charming letters, in which he opens up his inmost heart, are addressed to Mr. Young; and many are the references to Mr. Young, in letters addressed to other people. It would, perhaps, not be averring too much, to say, that Mr. Young was the most beloved and the most trusted friend Baillie had. Secrets, which he would reveal to nobody else, he committed to George. "The principall intent of my writing to you at this time," he says, in one of his letters, "is that which I commit to you alone, and desires no other living to know anything in it."† And with all the members of Mr. Young's family, Baillie was on the most familiar footing of delightful friendship. "My heartie love to your Elizabeth,"‡

* Baillie's moderation and tolerance did not stand the strain of party strife. He was carried away with the perfervour of the times, and some of his letters from England exhibit a narrowness and bigotry, which we cannot but lament to find in the writings of so good a man.

† Letters, Vol. II., p. 161.

‡ Mr. Young was twice married. The Elizabeth here referred to was his second wife, and was married to him in October, 1638. She was the youngest daughter of Mr. John Bell, minister in the Tron Church, Glasgow, who had the honour of opening the famous General Assembly of 1638. The manner of Mr. Bell's nomination for this duty is worth mentioning, on account of the question of custom and right to which it gave rise. "Rothes, with some Commissioners" (from a meeting of ministers) "went to the (Lord High) Commissioner's grace (Marquis of Hamilton), shewing the custome of our Church was to begin her Assemblies with solemn fasting; also, that, in the absence of the former moderator, the eldest minister of the bounds, or moderator of the place, used to preach and moderate the action, till another be chosen; that old Mr. John Bell, for the reverence of his person, let be other considerations, were meet to begin so great an affair. To the fast his grace did presently agree; to the other motion he shew, that it was *his place to nominat* the preacher to begin the action; that he knew none worthier that honour than the man they

he writes ; and then he adds, " I am often thinking of your son John. If we had peace, I think I could get him provided, either at London or Cambridge, as he pleased."* Mr. Young himself had been no mean correspondent either. " These be thanks," writes Baillie, " for your last kind letter, and, I pray you, write more and offer to me, for your letters are refreshfull."† And that Mr. Young was an able preacher, may be confidently concluded from the fact, that, in 1644, he was translated to one of the churches in Glasgow. In those days, ministers were both planted and plucked up by the Church courts, as was deemed best for the interest of the Church at large. Square men were let down by the four corners into square holes, and round men were trundled into round holes. A weak man was never sent where a strong man was needed, and the claims of important charges were always declared to outweigh the claims of charges that were less important. And there were fierce contests in the Church courts over the translation of ministers. It was seldom that the minister himself was a suitor for a change. A call came to him, as the wind comes, through no invocation of his, and it was laid before the Presbytery. Parties appeared in prosecution of the call ; and, very often, the minister's present parishioners and previous patron appeared, for the purpose of raising objections, or interposing affectionate obstructions. The one thing assumed on all sides, was, that the minister's own wishes were not to be consulted ; and that the questions to be weighed were the

named ; that he should think upon it ; so, after an hour, he sent D. Balquanhall to Mr. John, desyring him to preach etc." —Baillie's Letters, Vol. I. p. 122. Mr. Young's son, John, was by his first wife, and became Professor of Divinity in Glasgow, and, strange to say, his appointment by the English party to that chair was to Baillie a source " of much vexation and trouble." Memoir of the life of Baillie, by Dr. D. Laing, p. 66.

* Letters, Vol. II., p. 190.

† Ibid., Vol. II., p. 160.

claims of competing congregations and the general good of the Church. From one court to another, such cases of transportation proceeded, till they came up to the General Assembly for final settlement. We can understand, therefore, what was meant by Baillie, when, in April 1644, he wrote to David Dickson of Glasgow,—“I hear the *Synod* hath granted yow Mr. George,”—and, when in June following, he wrote to Robert Ramsay of Glasgow,—“I long to hear the *event* of (Mr. George’s) matter, what the *Generall Assemblie* hes done with his transportation.”*

While it is very probable, if not absolutely certain, that Mr. Young was an able preacher, it nevertheless is clear that the most outstanding features in his character, were his prudence and tact, as a man of business. We never hear of his making long speeches in the General Assembly, but we often find him entrusted with the management of delicate and difficult affairs. Baillie made frequent use of Mr. Young’s discretion in that

* The Presbytery of Ayr had found that Mr. Young “ought not to be transported.” Hence the appeal to the Synod. As illustrative of old church customs, it may be mentioned that in the Burgh Records (printed) of Glasgow, it is minuted, that one, “John Wilson, is electit and choisin to ryd to the Sessioun of Mauchline and Presbyterie of Air, with twa letters, to be direct from the town to them, anent the transportation of Mr. George Young to this Burghie.” After the transportation took place, it was further minuted, that the council allowed Mr. Young 100 merks for removing his plenishing. And it was quite right that they should. It was not Mr. Young but they that solicited the transportation. It seems also to have been a common practice long ago for congregations to pay the cost of flitting their ministers. In 1672, the minister of Balmaghie was translated to Galston; and, sometime after his settlement in Galston, the Session of that parish “ordained John Campbell, with consent of Cessnock elder and younger, to pay out £18, Scots, for six horses going to carry the minister’s household stuff, from Dunjop in Galloway to the parish of Galston, and £5, 6s. 8d. for certain moveables, bought by the paroch from the executors of the deceisit Mr. Alexander Blair (former minister), which are to remain in the manse; and that, out of the readiest of the 200 merks, left by the said Mr. Alexander by testament for the publick and pious uses of the paroch, to be disposed by sight of Cessnock elder and younger.” It may be questioned if Mr. Blair’s mortification was either justly or wisely expended. Another part of it, we saw, was employed in the purchase of a parish coffin for the poor!

way. "You have," he writes from London, "such a punctuall care of all my affairs, that I need say no more to you of them; only help my wife to gett my half year's stipend, due the first of July, so pleasantlie as you can!" Shortly before he made this request, Baillie wrote to Mr. Young in a similar strain on a similar subject. "I wish, at our first being in Edinburgh, you would deal with my Lord Chancellor, in my name, if (by his Lordship's means) in any fair, short and quiet way, I might be refunded in my true expenses I was at in my London voyadge. . . . I seek no recompense; onlie, if my reall and true charges may be defrayed to me, I will thank God and my Lord Chancellor for that favour."* And it was not only in private matters, but in the public affairs of the Church, that Mr. Young's business talents were courted and shewn. While he served in the ministry at Mauchline, he was an active and much respected member of the Presbytery of Ayr. He drew up, in 1642, a series of rules for the orderly conduct of business in that court. The following year, he was appointed, with another minister, to draw up "a catalogue of the common heads of religion and controversy thereon, to be handled at the exercise by the members of Presbytery in order." And that he took an interest in the problems of social life is shewn by the motion he made and carried in the Presbytery, that "in all tyme coming, the poor in every parish should be marked, with stampes of lead upon thair breasts, who shall be thocht be the minister and session of every paroch worthy to be licentiat to beg within thair bounds, for discerning of them from strangers and ydle (idle) vagabonds." Not a very wise project this, it may be said, and a return to such begging licenses would be a grievous retrogression in civilisation. But its justification lies in the fact that,

* Baillie's Letters, Vol. II., 39-40.

in 1642, it was the means of putting down a greater evil ; and good statesmanship consists not in vainly trying to pass such measures as are radically the best conceivable, but in framing such as, whatever be their imperfections, are meliorative and practicable.

On more important arenas than the floor of his local Presbytery, Mr. Young displayed his business capacities. His diplomatic and secretarial services were in great request in the rooms of Assembly Committees, and of clerical coteries. In 1637, the Church was thrown into a ferment by the issue of a Service Book,* (Laud's Liturgy), which all ministers were required, after a certain specified date, to use in public worship. A vehement outcry was made against this service book ; not because a liturgy was in itself objectionable, but because the new liturgy was thrust on the Church by the King, without her consent, and because it was alleged to be over high in its ritual and doctrine. The country, moreover, had been brought to its limit of endurance by other high-handed measures, associated with the Episcopal government then established in the Church. Grievances were accordingly tabulated, and supplications for their redress sent in to the King. To these supplications insufficient heed was paid, and the complainers found it necessary, when the ordinary modes of redress failed, to have recourse to other modes, within the limits of the constitution of the kingdom. In order to present a firm and

* Although it was not till the issue of the Service Book in 1637 that the ferment broke out, there was really a fatal blow struck by the King and the prelates, on the liberty of the Church by the issue, without the Church's consent, of the Book of Canons in 1636. "This book," says Lord Clarendon, "though it might be fit to be commended to a regular and orderly people, piously disposed, yet it was too strong meat for infants in discipline, and too much nourishment to be administered at once to weak and queasy stomachs, and too much inclined to nauseate what was most wholesome."—*Hist. of Rebellion*, I., p. 172. Such a weak apology for the book sufficiently condemns its obtrusion on the Church.

strong front to the King and his counsellors, it was judged expedient to unite the whole body of the people together, under the solemn band of a religious covenant. Their forefathers had, in 1581, subscribed such a covenant in defence of the true religion, when its safety was supposed to be endangered by Popish machinations. In that covenant, all the erroneous tenets and practices of Popery were individually named and abjured; and it was proposed that this covenant should be subscribed anew, and by an ingenious explication be made applicable to the Episcopal innovations unlawfully introduced into the Church. This was obviously stretching the old Covenant pretty far, and there was great danger that the framers of the explication would, in their over zeal, be carried beyond bounds. When the secret came out, therefore, that the old Covenant of 1581 was being remodelled and extended for subscription, fears were excited in the minds of the more moderate of the popular party that some unauthorised "planks" would be inserted in the platform. Certain very plain remarks by Mr. Harry Rollock, in the pulpit of the College Church of Edinburgh, on the 25th February, "made me," writes Baillie, "suspect the intention (of our leaders) in this new Covenant, to make us *forswear* bishops and ceremonies."* This in the opinion of some would have been going too far. It would have been settling, off hand, a large question, which should have been submitted to the whole Church, in General Assembly convened. "I was filled with fear and great perplexitie," continues Baillie, "lest the bond, which I found was in conceaving, should containe any such clause; for this, I thought, would

* This would have compelled many to repudiate their ordination vows, and so to commit perjury. Easy escape from these vows was provided by the subsequent Assembly, (1638) which declared "the othes etc., enacted by the Prelates of intrants in the ministerie . . . to be unlawful and no way obligatorie."

inevitably open a gape and make a present division in the ministry, which was the earnest desire and sure victory of the bishops." This fear, he adds, I caused to be remonstrated to the nobles, and they took the remonstrance well. And the agent whom Baillie employed in this business was Mr. George Young, to whom, as well as to Baillie, a draft of the Covenant was sent by the nobles, through Lord Loudoun. The result was, that a small, but very important, alteration was made on the scroll of this now famous document, by the substitution of the word "forbearing" for the word "suspending," in reference to the practice of such ceremonies in worship, and to the approbation of such changes in the government of the Church as had been already introduced and in a manner established. This alteration saved the Covenanting party from intestine divisions, if not from a split, at the very outset, and affords an illustration of the oft repeated assertion that the ends of a party may be better served by moderate measures than by extreme ones.

The friends of Mr. Young were not slow to acknowledge their obligations to him for his good and sagacious counsels. Every now and then he was having a pleasant compliment paid him. In 1641, the King, in coming to terms with the Covenanters, was anxious that certain by-gones should be declared by-gones, and that the trial of the incendiaries and plotters, as they were termed, should be passed over or allowed to fall through. That, however, was a concession which the Covenanters were not willing to grant; and, says Baillie, "sundrie of the Parliament would have had the invic of refusing the King's demand fall on the Church, but, by an overture of our good friend Mr. George Young, we got the thorn put in the right foot."^{*}

* The case is worth mentioning, to shew how statesmen and churchmen, in those days, tried to outwit each other. By the advice of Southesk, the following

It need scarcely be said that all the Covenanters of 1638, as well as those of later date, were opposed to whatever had the appearance of ornate ritual in public worship. The Assembly of 1638, in their Act condemnatory of the Service Book "lately obtruded upon the Reformed Kirk within this realm," declared that, besides "having been devised and brought in by the pretended Prelats, without direction from the Kirk, and pressed upon ministers, without warrand from the Kirk," the book itself contains, (in addition to "the popish frame and forms in divine worship), many popish errors and ceremonies;" and is therefore "repugnant to the doctrine, discipline and order" of the Church of Scotland. Mr. Young, therefore, as one of the Covenanters of 1638, was opposed to every thing that could be accounted popish ritual. But, in the old use-and-wont service of the Church of Scotland, there were a few forms which some of the more puritanic of the Covenanters vehemently denounced as "nocent ceremonies." In particular, there were three. There was, first of all, the practice of ministers kneeling in the pulpit for private devotion, before the service commenced. There was, secondly, the repetition of the Lord's prayer in the course of the service. And, thirdly, there was the custom of concluding the Psalm-singing with a doxology, ascribing glory to God the Father, God the Son, and God the Holy Ghost. About the beginning of 1642, a demonstration was made against these harmless and ancient, if

"captious" question was sent to the Commissioners for the Church,—“whether, in conscience, the tryall of the Incendiaries or plotters might by the Parliament be dispensed with? for, if so, they did conceive the passing of that tryall was the mean of the country's peace. We required, before we could give ane answer, our interrogators' declaration, whether they, in conscience, thought that the passing of that tryall was a sure mean of peace, without which it could not be had? Upon this, without farder troubleing of us, the States resolved, as you have in the printed Act, for taking the tryall, for their oathe's sake, bot remitting the sentence to the King.” Baillie's Letters, Vol. I., p. 394.

not positively good and seemly, ceremonies. A considerable party arose in the Church who were determined to have them discharged and abjured. The headquarters of this party was in Ayrshire and in the district around Stranraer. The chief apostle of the party was Mr. John Nevay of Newmilns. Some of the Gallovidian brigade of the party had, in their zeal for what they reckoned purity of worship, been guilty in 1642, of diverse rash acts, which were reported to the General Assembly. It required both discretion and firmness to deal effectually with the persons guilty of these disorders, and much credit and commendation accrued to Mr. Young for the service he rendered in this troublesome business. He was, that year, appointed clerk in the Assembly's committee on reports,* and, in that capacity, he had the skill to bring out the right and wrong of a case so plainly, as to make the way clear for the Assembly's judgment. He "handled the matter so, that the impertinencie of these in Galloway was made palpable to the whole Synod." But his labours in that unpleasant affair were not brought all at once to an end. During the sitting of the Assembly, 1643, there was, at private meetings of the Church leaders, much debate about the vagaries of Mr. Nevay and his colleagues. At one of these meetings, held in the moderator's chamber, Mr. Nevay himself was present; and he broke out passionately against all the three ceremonies—the repetition of the Lord's prayer as much as the others. After long jangling, the committee had almost for the sake of peace come to the conclusion, that two of the ceremonies, viz., the act of kneeling in the pulpit and the singing of doxologies, should not be enforced as part of the Church's order. "Mr.

* Mr. Young was a splendid penman. Several specimens of his handwriting appear in the Records of the Presbytery of Ayr, and they stand out clear and bold and business like, from all the surrounding caligraphy.

Marie Guthrie and the brethren in the North" (who had hitherto been the most vociferous defenders of the old customs) "were so overawed that they were verie quiet; and, being sent for, professed, for the necessity of the tyme, to be content of any thing. Bot, Mr. George Young, Mr. John Bell, and others of the west, were not so soon satisfied; bot threatened, on all hazards, to make much din, if something were not done for marring the progress of that ill." It will be seen, therefore, that Mr. Young was a man not only of tact but of determination; and that, when he judged it necessary, he could make a stand, and cause his voice to be heard in the controversies of the Church with no small effect. It happened, however, that Nevay had time on his side, as the saying is; and that, after the adoption of the Westminster Assembly's Directory of Public Worship (1645), the three "nocent ceremonies" were, for many a long year, discontinued in the Presbyterian Church of Scotland. They are now finding their way back into the Church, along with a monstrous drawling of amen by the precentor and choir, and a most unsaintly screaming of mis-accented hallelujahs.

In 1651, the Church and nation were split into two factions, over the public resolutions of that year. These resolutions were, in brief, that all fencible persons might be received into the army for defence of the kingdom, except such as were excommunicated, notoriously profane, or professed opposers of the Covenant and cause of God. It may astonish people at this time of day to hear, that before the Scottish Parliament could venture to pass such resolutions the sanction of the Church had to be solicited and obtained. But, in 1649, it was *held sinful* to admit into the service of the state any that were tainted with malignancy, that is, had taken part in, or had favoured, or had not protested against, Duke Hamilton's

engagement to rescue Charles the first from the hands of the English Parliamentarians. And an Act, called the Act of Classes, was that year passed by the Scottish Parliament, debarring the several classes of malignants from military and other public service, for periods proportioned to the measure of their iniquity. The kingdom was consequently, for want of defenders, placed at the mercy of any invaders who thought it worth their while to enter the country. After the disaster at Dunbar, Parliament was compelled to enquire whether public opinion would not sanction the repeal or modification of this suicidal enactment. The Church was the court of public opinion in those days, and was, likewise, the conscience keeper of the State on all questions of moral and religious duty; and hence, the Church, through her Commission of Assembly, was consulted on the point. And although the Commission first, and the Assembly afterwards, sanctioned the employment in the army of all fencible persons, under limitations mentioned, there was a considerable party, both of ministers and laymen, who denounced that act of policy as something very like a distrust of God. The Church was divided, therefore, into two parties, called respectively, Resolutioners, and Protesters. Mr. Young, as might be expected, was strong on the side of the Resolutioners. He had no sympathy with those that represented the public resolutions as deeds of perfidy and atheism. Accordingly, when Mr. Blair and Mr. Durham, with the view of healing divisions in the Church, drew up in 1652, for the signature of both parties, a paper which required the Resolutioners to make some important concessions to the Protesters, Mr. Young, who had then been removed to Glasgow, declared himself "passionately against it." But we are not to suppose, from this expression of Baillie's, that Mr. Young was a man of contention and uncompliancy. He was very conspicuously a man of

moderation and peace. When the news of his probable transportation to Glasgow was first broached, in 1644, Baillie wrote jubilantly to Spang of Campheir, "all Glasgow quarrels are to my joy settled, by Mr. George Young's coming to them." And in another letter, to Mr. Young himself, Baillie wrote, your transportation is "a matter I have wished among my chief worldly desires, not only for my own private benefite, which I know will not be small by it, bot most for the good which I apprehend will quicklie come, thereby, to that Toun. I wish, with all your power you sett yourself, to put these things in frame which too long hes been out of joynt. A cordial agreeance is much the best of it; and now, since you are there, you will strive to make a better understanding mutuallic betwixt Mr. David, Mr. Robert Ramsay, and the Provost, Principall, and Mr. William Wilkie." And these grand anticipations were not falsified by events. Mr. Young was a man of great influence and authority, and he proved himself a blessed peacemaker both in the church, and in the city of Glasgow. The strife, which commenced in 1651, over the public resolutions waxed so fierce and obdurate, that it eventually caused a disruption in the Church. There was no secession, and no minister either gave up or was evicted from his living. But Presbyteries and Synods were split in twain, and each section met and constituted itself the Presbytery or Synod, of which it was only a part. The mischief and confusion that arose from this duality were indescribable. In the Synod of Glasgow and Ayr, overture after overture was made for re-union; but, what one party declared to be the utmost concession it could make the other declined to accept. As a last resource, it was proposed, in 1655, that two representatives of each party should be commissioned to meet, and see if they could fall on any scheme that would re-unite the

Synod. The estimation in which Mr. Young was held, by the Resolutioners of the west, is shewn by their appointment of him to be one of their representatives at this important conference. When we consider, too, that the chosen representatives of the Protesters at this conference were Mr. Patrick Gillespie and Mr. James Durham, it must be acknowledged that Mr. Young, in being pitted against men of such heavy mettle, was reckoned both an astute negotiator and an able debater. And although Baillie, who by this time had rather lost his head in the strife and become a much more violent partisan than he once was, does not scruple to aver that Mr. Young and his colleague were worsted by their wary opponents, and that the terms they agreed on as a basis of re-union were "mean," the fact that these terms were accepted and approved by all the members of the Presbyteries of Ayr and Lanark, by all the members of the Presbytery of Glasgow except one, and by all the members of the Presbyteries of Irvine and Dumbarton except two, is a fairly good proof that the terms were reasonable and that the settlement was expedient and satisfactory.*

It only remains to be stated that Mr. Young, by his timely

* Baillie writing to Spang in 1655 says, "I was like to have been more troubled by another designe of a larger union." Proposals were made for a conference at Edinburgh of representatives of both parties from all parts of Scotland. After some haggling a meeting for this purpose was held on the 5th November, 1655. This conference, says Mr. Beattie, "included nine members from each of the parties. The resolutioners were Messrs. Douglas, Baillie, Dickson, Wood, Ker, Ferguson, Young, Mackell and Smith, the protesters were Warriston, Sir John Cheesly, Colonel Ker, Messrs. Rutherford, Naysmith, Trail and Gabriel Maxwell. . . . The conference was continued for about two weeks, being the longest ever employed for the professed purpose of putting an end to that distressing controversy. . . . The style of their proposals was more conciliatory indeed than what had been formerly employed, but the main obstacles still remained and there was no actual progress in the attainment of that re-union which was so much to be desired. . . . The conference was brought to a close, but the breach still continued wide as before." Beattie's *History of the Church of Scotland*, pages 254-257.

death, if I may use such a phrase, was spared a great trial of affliction. He lived to see the restoration of monarchy, in the person of that sweet Prince, Charles II.,* but he died in the month of March, 1661, just two days before the passing of the Act Rescissory, which undid all the legislation in Scotland since 1637, and virtually restored Episcopal government in the Church. On Sunday, the 20th March, he seemed to be in his usual health, and he preached with his customary vigour. But he had caught cold, which fevered him and made him take to his bed; and, on the Saturday following, he expired, without pain, and to the great sorrow of all, except the faction to which he ever professed opposition. He was in the sixty-first year of his age when he died, "hale in all his noble parts." During his last illness, he spake little, but very well and graciously. "He was one of the best and kindest friends I had," says Baillie; "and his loss was very sad to the Magistrates and Council of Glasgow, for he was wise and active, kept them at peace among themselves, prevented and crushed many designs of their enemies, and set them on many things for their good."

The people of Mauchline were much attached to Mr. Young, and they did what they could, by remonstrances in the Presbytery, to prevent his transportation to Glasgow. After his settlement in the western metropolis, they made an effort to secure, as his successor, Mr. James Nesmyth, who was then minister at Dalmellington. On the 4th June, 1644, there appeared before the Presbytery of Ayr "sundrie gentlemen and parochinars of Machlin, and presented anc letter from my Lord

* He is one of the most gentle, innocent, well inclined Princes, so far as yet appears that lives in the world: a trimme person, and of a manlie carriage: understands prettie well: speaks not much."—Baillie, 3rd April, 1649. "The King, in wisdome, moderation, pietie, and grave carriage, giving hudge satisfaction to all."—*Ibid.*, 31st Jan., 1661. *Ab illo Hectore quantum mutatus, 1680.*

Chancellor" (Earl of Loudon, patron of the parish), "declaring the unanimous consent of the said parochinars suiting the transportation of Mr. James Nesmyth, minister at Dalmellington, from the said kirk to the kirk and ministerie at Machlin, together with his Lordship's request to the Presbytery for granting transportation." Mr. Nesmyth, being present, was "interrogat concerning the said motion of transportation, and declared himself most unwilling to transport." Sundry gentlemen and parishioners from Dalmellington were also present, and, being "heard to speak for themselves in that particular," they expressed their determination to resist the motion to the utmost of their power, and besought the Presbytery to "interpone their request to the parochinars of Machlin to desist from the foresaid persuit." The Presbytery deferred judgment till a subsequent meeting; and, at that meeting, Mr. Nesmyth was asked if he had changed his mind about his transportation. Mr. Nesmyth, thereupon, "declared gravelie that he could never find a place under heavin wherein he could do God better service in his ministerie, nor have better peace in his conscience, nor wher he wer present minister;" and he desired the Presbytery "no wyse to declare him transportable." By plurality of votes, the Presbytery then decerned that Mr. Nesmyth should not be removed to Mauchline. The parishioners of Mauchline, of course, appealed to the Synod against this decision; for appeals, in such circumstances, were in those days the almost universal rule. It is needless, however, to follow the case further, because other suitors for Mr. Nesmyth's services appeared, in the persons of the parishioners of Hamilton; and the Church courts, with sublime indifference to Mr. Nesmyth's own predilection, ordered his translation to that parish, where the great Duke, who had acted so conspicuous a part in the King's interest and who was soon to act a

still more conspicuous part in that interest, had his ducal residence.

The people of Mauchline had, accordingly, to turn their eyes somewhere else than to Dalmellington for a minister, and it was July, 1646, before they succeeded in finding one to their mind. The person then presented to the parish was Mr. Thomas Wyllie, minister at Borgue, a man of eminent gifts, a grand preacher, and a personal friend of the far-famed Samuel Rutherford. It was to Mr. Wyllie that Rutherford, on being appointed one of the Commissioners from the Church of Scotland to the Westminster Assembly, wrote what is perhaps the most characteristic of all his letters. "I must entreat you," he wrote, "for the help of your prayers. I am now called for to England; and the government of the Lord's House in England and Ireland is to be handled. My heart beareth me witness, and the Lord who is greater knoweth, my faith was never prouder than to be a common rough country barrowman in Anwoth; and that I could not look at the honour of being a mason to lay the foundations for many generations, and to build the waste places of Zion in another kingdom. . . . I desyre bot to *lend anc schoot, and to cry, grace, grace* upon the building."

When Mr. Wyllie's presentation to Mauchline was submitted to the Presbytery of Ayr, "the said Mr. Thomas, being present, was required to declare how he wes content with the same." He replied, that he "indeid accepted thereof, with this protestation, that there suld be a coleague and helper provydit to join with him in that ministerie, in respect of the populous congregation." This "protestation" was not a matter that the Presbytery could dispose of, but it was communicated to the General Assembly. The Assembly, in August, 1647, found Mr. Wyllie's desire most reasonable, and recommended the

Presbytery of Ayr “to see some settled way concluded for obtaining a colleague to him, betwixt this and the 1st December next ;” or, if not, to declare “Mr. Thomas transportable to any place where God shall give him a calling.” In March, 1648, Mr. Wyllie informed the Presbytery “that my Lord Loudoun had condescended to a division of the paroch of Mauchline, and that the parishioners were preparing themselves to have a perambulation for that effect by the Presbyterie’s ordinance.” For more than a year, however, nothing further was done in the matter. At length, in May, 1649, the Presbytery, “considering that the said Mr. Thomas may not be able to subsist under the weight of so great a charge, the number of the people being above 1900 communicants,” ordered a perambulation of the parish ; but, “because of the foulness of the weather,” that perambulation fell through, and another had to be appointed for another day. It was this motion of Mr. Wyllie’s that led to the disjunction of the district of Sorn or Dalgain from the parish of Mauchline. But it was not till 1656 that a church was erected at Sorn, and not till 1692 that Sorn was constituted a separate parish.

Mr. Wyllie and Mr. Young were of opposite parties in the Church. When the great disruption occurred in 1651, Mr. Young espoused the cause of the Resolutioners, and Mr. Wyllie cast in his lot with the Protesters. Neither of them, however, was an extreme man. To Mr. Young is due a large share of the credit of having made a reconciliation between the two parties in the Synod of Glasgow and Ayr ; and Mr. Wyllie, after his removal to Kirkcudbright in 1655, seems to have been just as anxious to effect a similar reconciliation of parties in the Synod of Galloway. The editor of Rutherford’s Letters states, in a footnote, that the Presbytery of Kirkcudbright particularly distinguished itself by its earnest endeavours to

restore harmony between the Resolutioners and Protesters, and to these endeavours the Presbytery was stirred up chiefly by Mr. Thomas Wyllie. It is hard to say whether it is more amusing or more melancholy to see how Rutherford, in his great zeal for the work of the Lord and the promotion of Christ's kingdom, turned aside the edge of all such entreaties for reconciliation. In a letter to the Presbytery of Kirkcudbright, in 1659, he wrote, "the desire of your wisdoms for union, to me, who am below such a public mercy and of so high concernment to the Church of Scotland, ought to be most acceptable. The name of peace is savoury, both good and pleasant. . . . I offer to your wisdoms' consideration, the evident necessity of *union with God*, and of a serious and sound humiliation, and lying in the dust before the Lord for a broken covenant, declining from our former love, owning of such as we sometime judged to be malignant enemies and opposers of the work of reformation, . . . coldness and indifferency in purging the house of God. . . . And my last and humble suit to your wisdoms is, that ye would be pleased to take in with this union the planting of the New College with a third master, . . . so shall ye be instrumental to repair our breaches and build his house."* It is to be feared that, even so late as 1660, there was too much truth in what Mr. Hutcheson of Edinburgh wrote to Mr. Wyllie—that, "while the essay towards union had been followed with the blessing of much less animosity than was wont to be before, in actings and walkings one with another, little could be got done for

* In another of his letters, 357, written about the same date, Rutherford betrays the irreconcilable attitude he had assumed to those that differed from him in regard to the Act of Classes and the Public Resolutions. "I see snares and temptations in capitulating, composing, ceding, minching with distinctions of circumstances, formalities, compliments, and extenuations in the cause of Christ. 'A long spoon, the broth is hell-hot.'"

healing particular ruptures of Parishes and Presbyteries, even upon seeming equal overtures. It fears me," he adds, "some are more stiff than needful in such an exigent." And then, as if he foresaw the persecutions that were coming and recognised in them a merciful and salutary dispensation, he says, "I apprehend that either our trials or God's appearing, among others, may press the necessity of union more upon us."

Within less than two years after Mr. Wyllie's settlement in Mauchline, a great event occurred in the parish. In 1648, Duke Hamilton persuaded the Scottish Parliament to raise an army for the relief of King Charles in England. The proposal was ill received in the country, and it met with much opposition. "The levies," says Bishop Burnet, "went on dully. The curses the ministers thundered against all who joined in this engagement made the soldiers very heartless, being threatened with no less than damnation." The country, in fact, was excited to the point of rebellion, and nowhere was the mutinous spirit so strong as in the west. Sir James Turner was sent, with three regiments of horse and one regiment of foot, to silence Glasgow, which was then "a considerable town, and most refractory to the Parliament." Turner's mode of silencing cities was short and simple. "I soon learned to know," he says, "that the quartering of two or three troopers and half-a-dozen musketeers on a Covenanter was enough, in two or three nights' time, to make him forsake the Kirk and side with the Parliament." Having cooled the hot blood of Glasgow with this mild medicine, he was directed to operate next in a similar manner on the towns of Renfrewshire. So efficacious did his billeting doses prove in Paisley, that in a day or two there were no rebels left in that vivacious town to make experiments upon. As he lay at Paisley, however, Turner heard of "a pettie rebellion that was to be ushered in by religion, yea by one of the

sacreddest mysteries of it, even the celebration of our Lord's Supper." There was to be a communion at Mauchline Church, and people were to be there from great distances; and "because, forsooth, the times were dangerous, it was thought fit that all the men should come armed." Turner apprised Hamilton of this design, and received orders not to move from Paisley till the Earl of Callander and General Middleton came up with reinforcements. On Saturday, the 10th June, being the day before the sacrament at Mauchline, Callander and Middleton arrived at Paisley; and on Monday, the 12th, by ten in the forenoon, they were at Stewarton, with an army of 2000 foot and 1600 horse. On Saturday night the disaffected nobles and gentry of Ayrshire met at Riccarton to consider what course they should take—whether they should rise in arms and set fire to the heather or should follow the discreet example of the Glasgow and Paisley citizens. After a lengthy discussion, prudential counsels prevailed; and it was resolved that, as there were no signs of any general rising over the country, all thoughts of resistance to the levy should be laid aside, and word to that effect sent on to Mauchline. The communion was held at Mauchline on the Sunday without disturbance; and an enormous and a splendid gathering it must have been. There were seven ministers present to take part in the service—Mr. Wyllie himself, Mr. Blair of Galston, and Mr. Nevey of Loudoun, Mr. Mowat* of Kilmarnock and Mr. Guthrie of Fenwick, Mr. Adair of Ayr and Mr. Maxwell of Dundonald. Each of these ministers was doubtless escorted

* Mr. Mowat was a man that stood particularly high in the estimation of his acquaintances. "He was a man," says John Livingstone, "of a meek, sweet disposition, straight and zealous for the truth." "I cannot," says Rutherford, "speak to a man so sick of love to Christ as Mr. Matthew Mowat," and again, "I am greatly in love with Mr. Matthew Mowat, for I see him really stamp with the image of God." Rutherford's Letters. Bonar's Edition.

by a goodly number of his faithful parishioners ;* and, over and above these, there were hundreds of men from the moors of Lanarkshire. "Many yeomen in Clydesdale," says Baillie, "upon fear to be levied by force, had fled from their houses to Loudoun Hill, and there had mett in a body of some horse and foot. Sundry of the sojourns, who had left the army, joined with them ;" and, on the Saturday, all these came to Mauchline to communicate, as was alleged. Either on Sunday or early on Monday morning, the resolution of the gentry that met at Riccarton was intimated to the crowds at Mauchline ; but, after sermon on the Monday, the ministers and communicants proceeded, nevertheless, to the moor, to discuss by themselves the question of resistance or dispersion. Callender and his troops were, as already said, at Stewarton early in the forenoon of that day, and a consultation was there held about the order of the march. "I entreated my Lord Callender, bot to no purpose," says Turner, "not to divide ; but rather to advance with all his forces than hazard the overthrow of a few, which might endanger the whole." Turner's advice was disregarded, and Middleton was sent forward with six troops of horse to clear the moor. The accounts of what occurred on Middleton's arrival at Mauchline are contradictory. Mr. Auld, in his statistical account of the parish, declares that Middleton's troops were completely routed, and that his military chest was in the hurry of his flight dropped in the field. This statement has been copied out of one publication into another, till it may be said that few facts in history have become better authenticated !

* In the Session Records of Fenwick, for 1648, there are at least two cases mentioned of women's being delated and publicly rebuked, "for cursing the day that ever the minister came to this country," and for invoking curses both on the minister "for having the people to Machlein Muir . . . and on all that went to Machlein Muir with him."

But Mr. Auld, excellent man as he was, cannot be reckoned a good authority on this matter. He says the battle took place *about the year 1647*. We may dismiss his account of the fray, therefore, without either comment or ceremony.* Wodrow asserts that the gathering on the moor was but an assemblage of country people, who had no thought of fighting, and were unprepared for it, when Middleton appeared. "Mr. Thomas Wyllie," he adds, "under whose hands I have an account of that action, and some other ministers travelled twix the people and Middleton, and got the general's promise to permit the people to dismiss peaceably, which when they were doing, his men fell upon them, and with some slaughter scattered them and kept the moor. When he came to Mauchline, the ministers quarrelled his breach of promise; and he put it off, with alleging that some of the people had provoked his men with harsh speeches." Baillie, writing to his cousin a fortnight after the date of the skirmish, and giving the version of affairs that was then current in Glasgow, confirms Wodrow's statement with regard to the efforts of the ministers to avert slaughter.† "The ministers," he says, "went to Middleton, and capitulated for the safety of all except the sojourns who had left their colours, whereof were one hundred or two. This written capitulation the ministers did carry to the people, and persuaded to their power their disbanding. The most of the men of Kyle and Cunningham were content to go, but the sojourns and Clydesdale men would needs fight. While they were more than an hour in this confused uncertainty, and

* Sources of information accessible to all at the present day were not available to country brethren, when Mr. Auld wrote. Baillie's Letters were first published in 1775 and Turner's Memoirs in 1829.

† In some other respects Baillie's narrative does not tally with Wodrow's. The company on the moor is said by Baillie to have comprised "some twelve hundred horse and eight hundred foot."

sundry crying to fight, Middleton makes a few of his horse to charge, but the people presently fled. His sojourns abstained from killing, only fell a taking horse, arms, and purses. A troop of the people fleeing to a bridge and missing the way were forced to stand, whereupon they turned on the sojourns and fought very stoutly." "It was at this juncture," writes Baillie, "that most of the slaughter took place; and there were only about forty slain, of whom nearly as many were troopers as yeomen." Middleton himself had a personal encounter with a blacksmith, and not only received some wounds but confessed that if he had not stabbed the smith, "though not deadly" he himself would have been killed. And Baillie adds that, "by the time Callender and the army came up, the people were dispersed."

There is still another version of the story, given by Sir James Turner.* He says that after Middleton set off from Stewarton with his troopers, "we advanced with the rest as the foot could march; but it was not long before we heard that the communicants had refused to go to their houses, and having ressaved a briske charge of Middleton's forlorn hope had worsted it, and that himself and Colonel Urry, comeing up to the rescue, were both wounded in the head, which had so appalled their troops that if they lost no ground they were glad to keep what they had and look upon the saints. These unexpected news made Callender leave my regiment at Kilmarnock and take his horse up with him to Middleton. I entreated him to march, at least at a great trot, if not at a gallop; but he would be more orderlie, and therefore marched

* A brief account of the skirmish, corresponding so closely even in words and phrases with that given by Sir James Turner, as to look like a copied summary of Turner's narrative, will be found in Bishop Burnet's memoirs of the Dukes of Hamilton, published as far back as 1677.

more slowly. We met numbers of boys and bedees, weeping and crying 'all is lost;' but, at our appearance, the slashing communicants left the field, the horse truly untouched because not fiercely pursued. About sixtie of their foot were taken, and five officers."*

It would appear, therefore, that in the actual fray between Middleton's own troops and the men of Clydesdale, there was not much of a victory for either side to boast of. After losing about an equal number of men (according to Baillie), the combatants were content (according to Turner), to stand still and look at one another. But the arrival of reinforcements gave heart to Middleton, and suggested retreat to the yeomen. It may be added that Turner does not exculpate the ministers so thoroughly as Wodrow and Baillie do. He speaks of them as having been the persons that occasioned all the mischief. But it is probable that, whatever they may have previously done to encourage rebellion, they would, as prudent men, on hearing of the Riccarton resolution, advise the people to make no resistance. Nor can we doubt Mr. Wyllie's own word, that he and other ministers travelled as peace-makers between the people and Middleton, and did what they could to prevent bloodshed. And this account of the ministers' conduct is confirmed by what Turner himself says about their apprehension and their dismissal the following day. Had they been much to blame they would not have been let off so soon. The other sixty-five prisoners were taken to Ayr, and were tried by court-martial some days afterwards. This trial, too, was not a farce. The country fellows were pardoned, but the officers were sentenced to be hanged or shot. To the credit of the victors, the sentence

* Baillie wrote, subsequently, (August 23rd, 1648), that the motion in the west, in other words the gathering on Mauchline moor, would have proved a very high and dangerous commotion had Callender delayed but two or three days to see to it.

of the court was not executed on the officers ; "and to that extension of mercy," says Turner, with laudable pride, "I was very instrumental."

The ministers, although dismissed by Callander the day after the brush at Mauchline, were not relieved of all further trouble about the assemblage on the moor. They were summoned to Edinburgh, on the charge of having raised a tumult. Three of them, Messrs. Wyllie, Guthrie, and Mowat, were advised to keep out of the way, and they took that prudent advice.* The others appeared in court when called, and protested that, neither directly nor indirectly, had they persuaded the people to meet for war, or the discussion of war. For several weeks these ministers were "put off from day to day, and were at last dismissed to a new citation." And in connection with their trial a strange story is told of Sir Archibald Johnstone of Warriston. He was one of the fiercest denouncers of the levy for the King's relief, and he was afraid that, as advocate, he would be pressed to plead against the ministers. In his heart he approved the ministers' conduct, and was resolved to say so, if required to speak at the bar ; but "with much ado, he was moved by his friends to lurk for some time, till the storm went over." The expedition of Hamilton, as every one knows, failed ; and in January, 1649, the King, instead of being delivered from the hands of his enemies, was brought to the block. The overthrow of Hamilton's army reversed the position of parties in Scotland. The minority, which in 1648 opposed the levy, became in the Parliament, or pretended Parliament, of 1649, the majority. They signalised their tenure of power, too, by legislation of the most radical character. They

* This rather indicates that, whatever they may have done ultimately to make peace with Middleton, they had in some way encouraged and organised a meeting at Mauchline, for some other object than the holding of a communion.

abolished patronage in the Church, excluded all but members of their own party from command in the army and from office in the State, and they passed an Act approving the insurrection at Mauchline moor.* Mr. Wyllie was thus, by Act of Parliament, transformed from an outlaw and traitor into a patriot and hero.

There is no reference, that I have observed, in the Records of the Presbytery of Ayr to the skirmish at Mauchline moor. The Presbytery was strongly opposed to Hamilton's engagement, and must therefore have sympathised thoroughly with those that made a stand against Middleton.† Indeed, Mr. Wyllie was not two months settled in Mauchline till he had proof of the Presbytery's tendencies and temper. In September, 1646, he "wes desired to intimat a publict day of humiliation, to be keiped in the Kirk of Machlin for the whole Parochinars, for taking away of the sinne of complying with the publict enemy, by taking a general protection from them."

* In this Act of Parliament, 1649, it is said that, "the rising in arms at Mauchline Moor, by the good and well affected people there assembled, and what was there done by thame and ye said ministers, . . . were not onlie lawfull, bot a zealous and loyall testimonie to the truth and covenant, and that which became faithfull ministers of the Gospel and people zealous for the truth to do." In another Act the following sentence occurs, "ye base, cruel, and unnatural proceedings against the honest and conscientious people that met at Mauchline moor, for their own defence; which was not done without the baseness and treacherie of some." It will thus be seen how Acts of Parliament, in times of contention, reflect not only the spirit but the historical misrepresentations of parties. In the famous Act of Classes, 1649, it is said that, malignants of the first class shall comprise, among others, "all those officers that continued in the engadgment, who commanded the forces at Mauchline Moor, etc." Claims were sent into Parliament by individuals, for compensation for injuries received from the troopers at Mauchline moor. Among others, one Robert Paton, indweller in Kilmarnock, was allowed the sum of £1000 Scots "for making up the losse of his hand, and charges he hes bene at to the chirurgical." State Papers.

† 1648, December. "The brethren were exhorted that they have a special care to purge their Sessions of such as have been guilty in that sinful engadgment with Duke Hamilton, and complying therein with him, and all the brethren ordained to renew the Covenants at their several congregations." Records of Pres. of Ayr.

The week after the fray on the moor, Mr. Wyllie, with conscience void of offence, was present at a meeting of Presbytery: and, so far from hearing his own conduct at his recent communion impugned, he saw the Presbytery, in terms of an ordinance from the Commission of the Kirk, enter "on a several tryal of the brethren, anent their cariage and behaviour concerning the unlawful engadgment in warre against England."*

According to Mr. Hill Burton, Mauchline was, in 1648, the scene of another historical event. This was the starting of the Whigamores' raid. "The term *whigamore* was applied to carriers," says Sir Walter Scott, "from their use of the word *whig-whig*, get on, get on, in driving their horses." And the origin of the Whigamores' raid, in 1648, may be best given in the words of Bishop Burnet:—"After the news came down to Scotland of Duke Hamilton's defeat, in his expedition to relieve the King, the ministers animated their people to rise and march to Edinburgh; and they came up, marching on the head of their parishes with an unheard-of fury, praying and preaching all the way as they came. . . . This was called the Whigamores' inroad; and, ever after that, all that opposed the Court came in contempt to be called Whigs, and from Scotland the word was brought into England, where it is now one of our unhappy terms of distinctions." Mr. Burton says that it was at Mauchline, and under the auspices of Lord Eglinton that the Whigamores assembled, and from Mauchline that they began their march, which has now become historical, to Edinburgh.† Mr. Burton, in the heading of the chapter

* All the zeal shewn by the Presbytery for the cause espoused by Argyll, did not make them overlook the irregularities and excesses attributed to Argyll's soldiers. In March 1648, the Presbytery directed "a letter to be sent to the Marquiss of Argyll, to remonstrate to his Lordship the insolencie and lewd carriage of his Lordship's regiment."

† In his memoirs of the Duke of Hamilton, Burnet says, p. 367, that "the

wherein he describes this gathering, calls it the "Mauchline Testimony." Local patriots may be allowed a little jubilation over the facts that while it was at Mauchline that Callender's army, on its way to England, first met with resistance, it was also at Mauchline that the host of rustics was formed, to assume the reins of government in Scotland after Callender's defeat.

In 1655, Mr. Wyllie was translated from Mauchline to the more important charge of Kirkcudbright; and at Kirkcudbright he had troubles to encounter, of a much graver character than what befell him in connection with the fray on Mauchline Moor. In 1660, Charles the second was restored to the throne of his fathers, and very soon afterwards, Episcopacy was, under circumstances of considerable diplomacy if not deception, re-established in the Church of Scotland. I have nothing to say against Episcopacy *per se*. It does not appear to me to be "abjured," either in Scripture, or in the Westminster form of Church Government approved by the General Assembly in 1645. I have no objection against its adoption in any church, if the church itself, in a regular and constitutional way, accepts it as her chosen form of government. Its re-establishment, however, in the Church of Scotland, by Charles II., was a very great blunder if not also a grievous crime.

And, in making this statement, I am quite free to admit that, besides his own personal predilection for Episcopacy, as a form of Church government better adapted than plebeian Presbytery for kings and gentlemen, Charles may have had other reasons for re-instituting the ancient order of bishops in Scot-

western counties were commanded and animated to an insurrection by the Lord Chancellour (Earl of Loudoun) and the Earl of Eglinton, together with their ministers, who came leading out whole parishes with such arms as could be had, and when these failed, with staves, and pitchforks, and sythes." And again, "those that were raised were at first commanded by the Earl of Eglinton."

land. One of the objects aimed at in the Solemn League and Covenant of 1643 (which it may be necessary to say here, was a very different document from the National Covenant of 1638) was a covenanted uniformity in religion betwixt the Churches of Christ in the kingdoms of Scotland, England, and Ireland. This, Charles may have said, is the very object I also have in view, and the form of Church government which I find does for the larger kingdom south of the Tweed must do for the smaller kingdom north of the Tweed. Charles, too, it must be remembered, had seen a good deal of the spirit and temper of the Covenanters in Scotland; and it need astonish no one that he was not in love with these. He had spent fully a twelve-month in Scotland, in the years 1650 and 1651, and he doubtless found that a King had not the life of a dog among the fierce and tyrannous churchmen who lorded over the land in those days.* He must have seen, too, that even the Parliament was robbed both of its rightful authority and its liberties, by the high-flying Presbyters. Before Parliament could venture to pass an Act that could be construed to have any bearing on duty or conscience, religion or social ethics, the "antecedent judgment" of the kirk on the major premise had to be solicited and obtained. The public resolutions anent the defence of the

* "The Duke of Buckingham . . . advised the King to put himself wholly in their hands. The King wrought himself into as grave a deportment as he could; he heard many prayers and sermons, some of great length. I remember in one fast day there were six sermons preached without intermission. I was there myself and not a little weary of so tedious a service. The King was not allowed so much as to walk abroad on Sundays, and if at any time there had been any gaiety at court, such as dancing or playing at cards, he was severely reprov'd for it. This was managed with so much rigour, and so little discretion, that it contributed not a little to beget in him an aversion to all sort of strictness in religion." Burnet's History of his own Times. "The King growing weary of the sad life he led, made his escape in the night, etc. The Government saw, now, the danger of using him ill, which might provoke him to desperate courses; after that, he was used as well as that kingdom, in so ill a state, was capable of."—*Ibid.*

country could not be passed without that antecedent judgment. The trial of the plotters and incendiaries could not be abandoned without ecclesiastical permission. All the high-handed doings of the Covenanters, in the days of their power, from 1637 to 1651, were well known to Charles—how they warred against his father, and how they took the bread out of the mouth of every man that fought or argued on his father's side;* how they laid under penance whole parishes, like Mauchline, as well as individual men, for accepting protection "in the times of confusion," from any of his father's generals; how they censured and deposed ministers for favouring what they termed "the unlawful engagement," which was simply an undertaking by Parliament to deliver the King from the hands of his English keepers; how they confiscated the "cornes, goods and geir," of every man that would not cordially subscribe the Covenant; †

* Act of Classes 1649. The King himself it may be mentioned was concussed into signing a long declaration loading his father's and mother's names with reproaches, confessing all the former parts of his life to have been a course of enmity to the work of God, etc. etc. Burnet.

† A very interesting book is the Minute Book kept by the War Committee of the Covenanters in the Stewartry of Kirkcudbright, in the years 1640 and 1641, printed and published by J. Nicholson, Kirkcudbright, 1855. The statements made in this book are specially valuable, as being the Covenanters' *own record of their doings*. The following extracts are a sample of what will be found in the book:— "Ordaines Cardyness to cause clipe and intromit with some schiepe parteining to Bakbie, ante-covenanter (anti-covenanter), and to be comptable thairfoire to the publict, and that they remaine upon the ground whair they are until they be gotten sauld," p. 4. "The Committie ordaines the Captaines of the parochess to give in ane perfect inventar of non-covenanters' cornes, goods, and geir within thair parochess, and that they cause apryse the samen be honest men, and to desyer the said non-covenanters, to whom the samen apperteines, to cum and find sufficient suretie that the samen shall be furth-cummand to the publict," p. 50. "Ordaines the Captaines of the Parochess to send their constables, with twa sufficient witnesses, to rype throw the Parochess for suspectit gudes," p. 51. "Finds and declares ane cold covenanter to be suche ane persone quha does not his dewtie in everie thing committed to his charge, thankfullie and willinglie, without compulsion, for the furtherance of the publict," p. 129. It sometimes happened, through these confiscations, that the wives of anti-covenanters were "reducit to extreme miserie and hardshipp, not having quhairupon to sustein thame;" in which cases, allowances f

how they pilloried plain country people for uttering such "impertinent words" as "that it was ane better world in the pretendit bischopes' tyme than now, when men are fyned, and that we will be glad to get thame agane yet." All these undoubted facts, and perhaps ten thousand more of similar character, must have been known to Charles, and may reasonably enough be presumed to have created in his mind a secret dislike and abhorrence of that Presbyterianism which was Priesthood writ large.

But there were other facts than these for Charles to consider. On being crowned at Scone, on the 1st Jan., 1651, he subscribed the Covenants and bound himself by solemn oath to prosecute the ends thereof. These engagements formed part of his title to wear the Crown of Scotland, and they could not be cancelled at his own will, in respect of any change that came over his mind. For such revocation, the sanction of the people of Scotland was necessary, and that sanction was neither asked nor given—at least in any way that the people could acknowledge to be just. Hence it was that hundreds of good and godly men held Charles to be nothing less than perjured when he set up Episcopacy.* Hence it was that a sentence of excommunication was formally and solemnly pronounced upon him in the forest of Torwood, and that this sentence, with its high assumption of spiritual authority, was, so far from raising shouts of derision, regarded with awe as the very judgment of God, spoken in truth and justice by one of

"ten laides of aites and ane boll beir, messor of Kirkcudbryt," were granted "furthe of the rediest of thair husbands' cornes and croses," p. 157. Of course, it must be remembered that, when these "ordinances" were being passed, there was civil war in the land.

* Baillie writes (16th June, 1660), "Can our gracious Prince ever forget his solemne oath and subscription? . . . If I were beside him, I would tell him sally, and with tears, *oaths to the Almighty are not to be broken.*"

God's servants.* Hence it was, too, that some, who called themselves "the representatives of the true Presbyterian Kirk and covenanted nation of Scotland" disowned Charles "as having any right, title to, or interest in the Crown of Scotland for government, as forfeited several years since by his perjury, and breach of covenant both to God and his Kirk, . . . and by his tyranny and breach of the very *leges regnandi* in matters civil."† The coronation oath which Charles took in Scotland may be differently judged, by different people, as wise or unwise; but, whatever was its character in respect of wisdom or expediency, it was solemnly taken, it was a condition on which the Crown was placed on his head, and it was a condition that could not be renounced, except by (and possibly not even then) the permission of the sovereign people.

Events might have taught Charles, further, that it was impossible to obtrude Episcopacy on the Church of Scotland in 1661, without doing violence to the convictions of the people and provoking them to rebellion. It is a notable fact

* Sentence by Donald Cargill, Sept., 1680. The sentence begins:—"I, being a minister of Jesus Christ, and having authority and power from him, do, in his name and by his spirit, excommunicate and cast out of the true Church, and deliver up to Satan, Charles II., King; and that upon the account of these wickednesses, viz. (*inter alia*)—2nd. For his great perjury, in regard that, after he had twice at least subscribed the covenant, he did presumptuously renounce and disown and command it to be burned by the hands of the hangman." In the discourse before the excommunication, the following words occur:—"It is very remarkable, that where this sentence is just, it passeth the power of devils to make them (the excommunicated) have such a life as they had before. For, after that, they are still languid, vexed, and anxious at heart, as persons falling from the highest and best conditions . . . and into the most dreadful of companies." It might be retorted that the sentence must, on that showing, have been unjust in the case of Charles, for neither languor nor vexation ever disturbed his gaiety. Wodrow says:—"This unprecedented excommunication is plainly disagreeable to the rules of this Church and our known Presbyterian principles. . . . It hath been matter of much reproach and ludi cry to the enemies of the Church of Scotland; . . . but everybody knew Mr Cargill was perfectly alone in this matter."

† Sanquhar Declaration, 22nd June, 1680.

that the Westminster Standards do not set up Presbytery on the ground of *jus divinum*. They only assert that Presbyterian government is *agreeable* to the Word of God. Those that prefer Episcopacy to Presbytery may therefore accept and own these standards; and Presbyterians, who have subscribed these standards, may without any inconsistency become Episcopalians to-morrow. But the Church of Scotland, not long before 1661, had in her General Assemblies gone far beyond the letter of the Westminster documents.* Both in 1638 and in 1639, she declared, with only one dissentient voice, that not only should Episcopacy be removed from the Church of Scotland, but that it should be abjured. In other words, the Church had solemnly set her seal to the doctrine that Episcopacy, besides being contrary to the inclinations of the Scottish people, was inconsistent with the Word of God. It might, therefore, have been foreseen by Charles, that it was impossible to get the Covenanters to accept and own, in 1661, what they or their fathers had abjured in 1639. It could only be at the cost of suffering and bloodshed, and by dint of oppression and persecution, that Episcopal government could be established in the Scottish Church, and it was a blunder if not a crime to obtrude it on a people that bore to it such dislike.

Episcopacy, nevertheless, was set up in Scotland by Charles II., and under circumstances of duplicity, which made it doubly offensive to the Church.† We have, now, to trace the conse-

* In the account of grievances drawn up by Mr. Wyllie, in 1662, and designed to be presented to the king, are the following words:—"That the Government of the Church should be changed from that Form, which the generality, both of Ministers and People within the kingdom, judge to be of divine institution, . . . unto a new Form, which the generality look upon as merely of human institution, imposed upon political considerations." Wodrow B. I., ch. iii.

† On the 3rd September, 1660, a letter from Charles, addressed to Mr. Robert Douglas, to be communicated to the Presbytery of Edinburgh, was openly read in

quences of this re-imposition of Episcopacy, so far as Mr. Wyllie was concerned.

There was no Church court in all Scotland where Presbyterian feeling was more strongly expressed in 1661, than in the Presbytery of Kirkcudbright, to whose bounds Mr. Wyllie was removed in 1655. When a proclamation was issued, at the end of 1661, that all meetings in Synods, Presbyteries and Kirk-Sessions were by the King's command discharged, until authorised and ordered by the new bishops, the ministers in the Stewartry, nothing daunted, continued to meet in Presbytery as formerly. The eye of the government was accordingly directed to that part of the kingdom. And of all the ministers in that ill-reported district the most conspicuous for zeal and boldness in denouncing prelacy was Mr. Wyllie. More than any other man in the south, he was "loaded with" rumour; and in those days when a man was reported disloyal he was sent for to Edinburgh, questioned about what he had been doing or saying, and then told that in order to satisfy the Lords of Council he must subscribe the oath of allegiance. Mr. Wyllie was accordingly sent for, and not sent for as suspected ministers usually were, by a letter requesting attendance at Holyrood, but sent for by a party of soldiers, who had orders to seize him and convey him to Edinburgh. For a while, Mr. Wyllie scrupled to entrust himself into the hands of his pursuers, but played with them at hide and seek; and during the course of this game he was much encouraged

that Presbytery. In this letter the King said, "We do resolve to protect and preserve the government of the Church of Scotland, as it is settled by law, without violation." But the King held that all the legislation since 1633 was invalid, and hence, that the "government of the Church" which was settled by law was the government established prior to the outbreak in 1637. This was made apparent by the Act Rescissory, passed in March, 1661, and thus the Presbyterians, astute as they were, found themselves duped by his Majesty.

by "some very remarkable Providences and answers of prayer." On learning that no designs against his life were entertained, he ventured, about the end of September, 1662, to repair to Edinburgh, and present himself before the Lord High Commissioner. This exalted personage was, strange to say, the officer who, in 1648, was sent to disperse the communicants at Mauchline moor, and was nearly killed there, in his encounter with the blacksmith. He was now raised to the rank of an earldom, and bore the title of Earl Middleton. It was an old acquaintance, therefore, that Mr. Wyllic went to confer with ; but an acquaintance, we may presume, from whom neither much friendship nor much courtesy could be expected. When Mr. Wyllic reached Edinburgh the Commissioner had gone off to the westland shires on a visit, which has since become renowned for its accompaniments of drunkenness and debauchery. Every night, Middleton and his suite were sent reeling to bed, in a state of high delirium, blest and glorious : and, it is alleged, although we may be excused for doubting the statement, that their revelry was enlivened with such profane toasts as that which, ten years later, entailed on Marion M'Call of Mauchline a public scourging by the hangman. In the course of this westland tour, Middleton heard further complaints of Mr. Wyllic. It was said that Mr. Wyllic had disregarded a recent Act of Parliament, which required that the 29th day of May, "specially honoured and rendered auspicious to this kingdom, both by his Majesty's royal birth and by his Majesty's restoration to the government, should be for ever set apart as an holy day unto the Lord ; and that, in all Churches in the Kingdom, it should be employed in public prayers, preaching, thanksgiving, and praises to God for such transcendent mercies." It was also said that Mr. Wyllic had disregarded another recent Act of Parliament, which required

all ministers, who had entered to the cure of any parish since the year 1649, to obtain, before the 20th September 1662, a presentation from the lawful patron of the parish, and collation from the bishop of the diocese, in order to establish legal right to their stipends, manses and glebes. For these alleged offences on the part of Mr. Wyllie, and in respect also "that his carriage had been seditious, and that he had deserted his flock, to their great prejudice by want of the ordinances," the Lords of Council, in the midst of their banquetting, passed an ordinance, at Glasgow, declaring the parish of Kirkcudbright vacant, and requiring Mr. Wyllie to transport himself to the north side of the Tay, on or before the 1st November next.

The Acts just now cited were regarded with great abhorrence by many of the clergy. There had, ever since the Reformation, been a strong objection in the Church of Scotland to the observance of anniversary holy days.* The dedicating of days was one of the points of Popery expressly abjured in the National Covenant (1580 and 1638); and, if people, on what they thought good grounds, could not observe Christmas and Easter, "they could never," says Wodrow, "consent to do for their King what they refused to do for their Saviour." To crave collation from the bishop, again, was to acknowledge the

* Curate Calder refers to this matter, in the following sarcastic terms:—"For all the abhorrence that Presbyterians have, and do profess, against the observance of anniversary days, yet they never missed to preach an anniversary sermon on Mr. Heriot, who built and endowed the great Hospital in the City of Edinburgh; the reason is that for every sermon in Heriot's consideration they get five pounds, a new hat, and a Bible. If they could have made but the same purchase by preaching on Christmas, it 's more than probable that they would have thought the annual observation of our Saviour's birth as little superstitious as that of Mr. Heriot's memory." Great changes have occurred in Presbyterian Churches since Mr. Calder lived and sneered. In some churches, the anniversary of the minister's induction is celebrated with special services. This is a thousand times worse than what vain, infatuated, and over-grateful Charles wished the Church of Scotland to do in honour of him!

lawfulness of Episcopacy, which had been expressly denied in the two famous Assemblies of 1638 and 1639. Conscientious ministers, accordingly, said, We must disregard the Acts anent the thanksgiving day and the receiving of collation from the bishops, come what may. But Mr. Wyllic argued the case like a lawyer, and contended that no man was liable to a penalty for disregarding these Acts. The Act anent the thanksgiving, he said, only directed that the 29th of May should be for ever set apart as a holy day to the Lord, and stated how the day should be employed for that purpose, without prescribing any penalty for transgression of its enactments. The Act anent collation from bishops, again, was professedly an Act of grace. It was an Act to give to certain ministers a legal title to the enjoyment of their stipends, manses, and glebes. The Act Rescissory, 1661, which at one swoop removed from the statute book all the legislation effected since 1633, placed certain ministers in a very unhappy position. It declared the Acts under which they were appointed to their parishes null and void: and by consequence their appointments became null and void also. They had been appointed by popular election, under the Act 1649, and they had been inducted by Presbyteries, under the Act 1641. They required a new title, therefore, to enable them to compel the payment of their stipend; and the way in which this title was to be completed was by a fresh presentation from the lawful patron and collation by the bishop. "But," said Mr. Wyllic, "if I don't choose to seek that presentation and that collation, all the injury I shall suffer will be the loss of my living.* I shall not render myself liable,

* It would appear that if some of the Presbyterian ministers were deprived of their livings about this time, they contrived to prevent their Episcopalian successors faring much better; for, in an Act of the Synod of Galloway, dated October, 1664, we find it stated that "many ministers, whose churches are provided already (with

either to civil punishment as a malefactor, or to deprivation of ministerial charge, as being without valid ecclesiastical orders. Besides its being oppressive, therefore, Mr. Wyllie maintained that the Glasgow ordinance was legally invalid. The charge of deserting his flock, which was a charge for the ecclesiastical rather than for the civil courts to take up, was not in the circumstances a very grievous accusation. Mr. Wyllie simply fled, and sought his safety in hiding, when a party of soldiers was sent to apprehend him, and carry him prisoner to Edinburgh. He left his flock because he was not allowed to remain among them.

When Mr. Wyllie found, on his arrival in Edinburgh, that the Commissioner had gone to the western counties, he returned to Kirkcudbright; and, on the 21st October, Middleton also came to Kirkcudbright. Both at Kirkcudbright, and subsequently in Edinburgh, Mr. Wyllie had interviews with the Commissioner; and, on all these occasions, Middleton seems to have treated his old acquaintance kindly. He promised to do his best to get Mr. Wyllie permission to stay on the south side of the Forth, and said he would be greatly assisted in this endeavour if Mr. Wyllie would remove from himself all suspicions of disloyalty, by taking the oath of allegiance. Mr. Wyllie expressed his willingness to take the oath, with an "explication;" but Middleton replied that the oath, if taken, must be taken as it stands in the Act of Parliament. The bare oath was, Mr. Wyllie said, more than he could with a clear conscience subscribe; and so, about the end of 1662, he had to transport himself, with his wife and children, to Dundee.

It may be asked, what were the terms of this oath which Mr.

competent stipends), cannot know the quantum of their provisions, in respect the late ministers have taken away with them the decreets of locality, and will not deliver them to the present ministers."

Wyllie refused to take without explication? They simply contained an acknowledgment of King Charles, as the "only supreme governor of this kingdom, over all persons and in all causes." The Covenanters objected to this declaration, as a virtual acknowledging of the King to be head of the Church—a lay Pope in fact, who might change the government of the Church as he chose, and put what limits he pleased on the Church's liberty. The explication they demanded was an admission that the King's sovereignty was only a civil authority, although it extended to both ecclesiastical and civil causes. Their contention, and they thought it a point of great practical importance, was, that "the Lord Jesus, as King and head of his Church hath therein appointed a government, in the hand of church officers, distinct from the civil magistrate."*

For ten long and weary years, Mr. Wyllie remained under restraint more or less irksome. In 1672, his restraint was withdrawn, and he was indulged † (so runs the Act of deliverance) to preach and exercise the other parts of his ministerial functions in the parish of Fenwick. A similar indulgence was extended to upwards of a hundred other ministers, who had all been outed from their parishes as Mr. Wyllie was. Some of these were sent back to the parishes they had left, and others were rele-

* Confession of Faith.

† In November, 1664, Mr. Wyllie represented to the Lords of Council that, since coming north of Tay, "it had pleased the Lord to visit the Petitioner his bedfellow with great sickness and indisposition of body, often to the endangering of her life, which according to the opinion of her physicians, is judged to proceed from the climate of the place where she and the Petitioner hath been living." He craved the Council accordingly, "in consideration of these premises, to take off the restraint from him and grant him liberty with his wife and family to reside besouth the river of Forth, in any place of Lothian which is more than fifty miles from the place where the petitioner had charge as a minister."—Wodrow. This crave "was granted in October, 1667, and Mr. Wyllie's release was secured June 1668, on giving bond to appear before the Council when called. He obtained charge of the Presbyterian congregation at Coleraine, Ireland, about 1669, but returned to Scotland and was indulged at Fenwick in 1672."—Fasti.

gated to parishes with which they had no previous connection. Certain rules were to be observed by the indulged ministers. They were to keep within the bounds of the parish to which they were sent ; they were to preach only in churches and not in church-yards ; they were not to receive to the communion any strangers, who did not produce testimonials from their own parish ministers ; they were not to gather crowds at their communions ; and they were to refer to the established courts of the Church in all matters of discipline. Complaints were soon heard that these rules were not honourably observed by some of the indulged preachers. Proclamations were, accordingly, issued by the Privy Council, that ministers who broke their confinement would, for that misconduct, be answerable at their peril. Mr. Wyllie, thinking that he and others were aggrieved by these proclamations, took pen in hand and wrote out, in 1676, a representation for the Lords of Council. Wodrow considers this representation, and the accompanying papers from the pen of the "same reverend and learned person," unanswerable : but there is room for difference of opinion on that point. The papers of Mr. Wyllie, however, are able and interesting documents. The chief fault to be found with them is that their arguments are inconclusive. What they really prove is not what Mr. Wyllie contended for. They form an excellent plea for religious toleration, but religious toleration was not a part of the Covenanters' creed. Every person, now-a-days, will heartily concur with Mr. Wyllie when he says, that it is a great hardship for people to be confined to the ministrations of either one person or one church, and not to be allowed relief from that restriction when relief can be got. He shows, in fact, that if the State could be justified in establishing Episcopacy in the Church of Scotland, in 1661 and 1662, its wisest policy, after this unwise step, would have been to allow

Presbyterians to worship in their own way, wherever they chose, and without let or hindrance. But it was a mere quibble to affirm, as he did, that the rules prescribed to the indulged ministers were not the terms on which their indulgence was granted and would be continued; and to argue, therefore, that the indulged ministers were justified in disregarding their "commands."*

Mr. Wyllie's representation, if it ever reached the Lords of Council, was of little avail for himself; for he died in Edinburgh, on the 20th July 1676, in the 35th year of his ministry and about the 59th year of his age. It is stated in Wodrow's *Analecta* that in Edinburgh he was honoured with a great funeral. And this distinction, vain as it may be reckoned, shews that he was a man of considerable note—known far beyond the bounds of the districts in which he lived and laboured—and both esteemed and respected wherever he was known. In different parts of Wodrow's writings he is spoken of in terms of high admiration, as a godly and zealous minister, and a man of renown for both parts and learning. In one passage, the historian of the Church's sufferings designates him "that truly great man."†

* It was a very plenary indulgence that Mr. Wyllie considered himself entitled to, as the following sentence in his representation shews:—"I beg liberty to add, that, in my humble opinion, it is contrary to the nature of an Indulgence, properly so called, to require, by way of condition from the parties indulged, the performance of such things as cross their principles, judgment and conscience; for the nature and end of an Indulgence is to ease the party indulged as to these. Neither can it be expected that an indulged party can yield to any conditions that thwart with their consciences, principles and judgment, as in the present case these rules do."

† A matter on which Mr. Wylie was specially zealous was the erection of bridges. And, in those days, bridge building was one of the "pious uses" to which both Church charities and Church fines were occasionally devoted. During his ministry at Kirkeudbright, he was the means of getting several bridges erected, for the special reason, it is said, that "people coming from a distance to his ministrations lost their lives in crossing the water." At Fenwick, he continued collecting for bridges. In Mauchline, there were collections for the same good

It is quite clear, from the brief specimens of his literature that have been preserved and published, that Mr. Wyllie had the pen of a ready writer. His style is characterised by vigour and terseness, and yet it is copious and free. It is not easy to give a fair idea of an author's style without a lengthened extract; but a single sentence may shew what capacity and power of expression a writer has, and some good sentences might be quoted from the eight or ten paragraphs, which are about all that Mr. Wyllie has left behind him in print. Speaking of the rule that discharged the indulged ministers from going, without leave of the bishop, beyond the bounds of the parish to which they were confined, Mr. Wyllie says, "it cannot but be grievous that the keys of our prison doors are hung at the bishop's belt, and at his only."* The man that could express himself in words so apt as these was not a man to be left out of account in disputation. And not only was Mr. Wyllie a vigorous and hard headed disputant with the pen, but he was a preacher of rare power and pathos. A firm little man, he was full of fire and declamation. The testimony of one who heard him was, he seemed as if he "would have leaped from the pulpit, he was so fervent and affectionate."

object during Mr. Wylie's incumbency, but they were usually appointed by the Presbytery. In 1647, for instance, "the bridge of Barskimming was recommended to the kirks of the Presbyterie."

* In the letters of Rutherford there is a similar expression, "Christ is captain of the castle and Lord of the keys." Letter 357.

LECTURE VI.

MINISTERS AND MINISTERIAL LIFE AT MAUCHLINE,
1656-1800.

James Veitch—Regent in University of Glasgow—Invective against Professor Baillie—Settlement in Mauchline—Beginning of persecutions in Church—The first restraint—The Indulgencies—Banishment to Holland—Persecution by his own allies—Toleration of 1687—Return to Mauchline—The Church of Scotland from 1687 to 1690—Mr. Veitch's death and character—David Meldrum—Mode of admission—Mode of appointing Elders in 1685—Scene in church about a doxology—Episcopal leanings in distributing charity—Demission and reception into Presbyterian Church—William Maitland—Mode of appointing Ministers—Services at ordination—Pastoral work—Deputations to the north—Leazed by viragos—Death and character—William Auld—Pastoral work and popularity—His preaching—Parochial discipline—Literary work—Not a prominent member of church courts—Archibald Reid—His sorrows—His gifts and goodness—End of Old Church Life and beginning of Modern Church Life in Mauchline—Mr. Tod and Mr. Fairlie—Conclusion.

THE ministers of whom an account was given in last lecture had all died, or left the parish of Mauchline, previous to the date at which the narrative in our extant Session Records begins. Mr. Thomas Wyllie left the parish in 1656; and the earliest entry in the Session Register is dated 26th Dec., 1669. This entry is so notable as to deserve quotation. Its tenor is: "The qlk day Mr. James Veitch, minister of this paroch, (the legall restraint, under which he had beine from April, 1662, being taken off by the Kinges counsall) preached publicly again."

Mr. Veitch was placed in Mauchline in 1656, immediately after Mr. Wyllie's translation to Kirkcudbright, and he died at Mauchline in 1694. His ministry in Mauchline parish, therefore, extended over the long period of thirty-eight years. But it was twice interrupted by persecution. In 1662, he was placed under restraint, and he continued in that condition till

the end of 1669. In 1684, he was put under restraint again, and on that occasion he remained in exile abroad till October, 1687. Nearly eleven of the thirty-eight years of his ministry were thus spent by Mr. Veitch in banishment.

The fact that Mr. Veitch was settled in Mauchline in 1656 implies that he was both a Presbyterian and a Covenanter; for, in those days, there were no ministers in the Church of Scotland but Presbyterians and Covenanters. There was a division, however, in the Covenanters' camp. One party supported the State, in regard to the public resolutions of 1651, and were called Resolutioners; another party protested against that proceeding, and were called Protesters. So strong, for years, was the feeling between the members of these two factions, that, like the old Jews and Samaritans, they would have no dealings with one another. The Synod of Glasgow and Ayr was rent in twain; and each section met by itself, and called and constituted itself the Synod.* It was at the end of 1655 that Mr. George Young did the Synod a memorable service, by helping to bring about a re-union of the *disjecta membra*. In 1656, therefore, when Mr. Veitch came to Mauchline, the unity of the Church in the west was but newly patched up, and, there is reason to fear, was only outwardly preserved by a bond of peace. Resolutioners and Protesters met together in Presbyteries and Synods; but privately they were about as widely

* A nice question arose—who had the power to decide which section of a Presbytery or a Synod was the Presbytery or Synod? The supreme court of the Church said the Resolutioners, but strange to say “the spiritual independents,” the anti-Caesareans, the Protesters, said it was Oliver Cromwell! “Mr. Patrick Gillespie after advyement with these of his mind, both east and west, it seems is resolved, without more delay,” writes Baillie, “to take from the English our Principall’s place, and to be a stirrer up of them to persecute us all. . . . He is likelie to summond us before the Civile Judge for the delyverance of our Presbyterie book to him, and so to make the English determine which of us are the right Presbyterie, Synod, and Generall Assemblie, to whom the rights of the Kirk and Stipends, etc., doe belong. The man is restless.”—Vol. III., 211.

separated in sentiments and politics as ever. Mr. Veitch was a Protester, and owed his first public appointment to the friendship and favour of the protesting party.

While Mr. Veitch, like Mr. Wyllie, was a zealous Covenanter, and a great sufferer for Christ's cause and crown, he was also, like Mr. Wyllie, a man of very considerable parts and learning. His scholastic attainments in youth were reckoned marvellous. "He was a learned man," says Wodrow, "and he came to all his learning in an incredibly short time. He learned his Hebrew and Greek in five quarters of a year, and learned his philosophy in about three years; so that time five years he was thinking upon learning he was laureating a class in Glasgow." His scholarship, too, was early recognised, by his appointment to a regency, in the University of Glasgow. Baillie hints, however, that Church politics had something to do with that appointment. "He was put in by them (the English) against order, and wes made ever for them" (III., 241). But, while Baillie asserts that Mr. Veitch's appointment was against order, and in violation of college rights and privileges, and that protestation was accordingly made against it by some of the college dignitaries, he admits that there was no "reflection on Mr. James his person."

To explain these remarks of Baillie's, it may be here stated that, for some time prior to 1651, chairs in the University were filled by appointment of the college, after a competitive trial of the merits of candidates. In the same letter in which Mr. Veitch is said to have been put into his regency against order, Baillie incidentally gives an account of the usual mode of filling vacancies in colleges. "Mr. John Young," he says, "having laid down his regent's place in the midst of a terme, a program wes, according to our order, affixit in all the four Universities, to invite at a day all who pleased to compear.

Two of our own . . . did appear, very good youths and schollars both: while we were goeing to prescryve them their tryell, ane order from the English is delyvered to us, by our Rector, discharging us to admit any to tryall for any place, without their appointment.”* And the men that were appointed by the English (Cromwell’s Commissioners) to regencies and professorships, were in many instances persons of very inferior scholarship. Writing in Dec., 1656, Baillie says, “it would be one of Mr. James Sharp’s chief cares to get a settled order for our Universities, that Independent *ignari* may no more, by English orders, be planted in them, for the corrupting of our youth.” But Mr. Veitch was not one of these *ignari*. On the contrary, he was a man of rare attainments. It was customary in his day for professors and regents to lecture to their students in Latin, and Mr. Veitch was particularly distinguished for his fluency in the Latin tongue. “His way of teaching,” says Baillie, “as himselfe and others long agoe told me, to my wonder (for, to this day was I myselfe never able to attaine it), wes by dylteing, without all books and all papers, whether of his own or others.” †

* In his letter to the Judges anent Mr. Patrick Gillespie’s entry into the Principality of Glasgow College, Baillie says (10th Feb., 1653):—“I conceave it is one of the rights and privileges of our Universitie, whereunto I am tyed by oath, to make choice by a free election, as of all the rest of the masters, so of our Principall, and when we have made choice to try his qualifications so farr as we finde it expedient. Bot where neither a voice in election, nor any place to try is left to us, though I will not oppose, yet I cannot desyre, nor invite any man to accept such a call as infringes our priviledges.”—III., 207.

On the 4th June, 1652, Cromwell’s government appointed certain commissioners to be visitors of the Universities, with instructions to “remove out of them such person or persons as shall be found scandalous in their lives and conversations, or that shall oppose the authority of the commonwealth of England exercised in Scotland, and place others more fitly qualified in their rooms.”

† One of the objections urged by Baillie against the appointment of Patrick Gillespie to the Principality of Glasgow College was “the little insight he hath into the Latine.” . . . “It is his ordinarie custom, which used not to be done by

During his regency in Glasgow an incident occurred in the college, which is worth recording as an illustration both of Mr. Veitch's manner of spirit in his youth, and of the University life which prevailed in Scotland in the days of the covenants. In 1653, Baillie, who was then Professor of Divinity in Glasgow, published for the use of his students a small book on Hebrew Grammar. In the preface of that book, he, to use his own words, "noted the scurvy dictates of some regents, which all the Universities acknowledged, and were in a fair way to have helped." This preface, although not published till 1653, had been written several years before, and its strictures were not intended to be applied to any of the regents in Glasgow, at the date of publication. Baillie imagined that this had been made plain enough in the preface itself; but Mr. Veitch thought otherwise, and concluded that the strictures were levelled at him. Without taking any steps to ascertain whether his surmises were well or ill founded, Mr. Veitch one day, in the midst of his Latin prelections, launched a furious tirade against the Professor, calling him a blattering dominic, and comparing him to a foul-mouthed kail wife vending vegetables. And as if words, sharper than arrows of the mighty, and hotter than coals of juniper, were inadequate to express the intensity of the feelings that perturbed his bosom, he accompanied some of his derisive and sarcastic scoffs with a loud ha, ha, ha! Baillie properly enough termed that foolish outburst a "pitiful invective," but he nevertheless took it grievously to heart. It was, he said, "a fowller injury than I ever heard done to any honest man, for such a cause; and in all the contentions, public and private, I have had with the

any Principall before, to pray in English, when he meets with the Theologues at their private disputes, or with the students of Philosophy in the common hall. . . . Letters, Vol. III., p. 575.

enemies of the Church I have not received the fifth part of the ill usage, which Mr. James is pleased to give me in that invective."* He made his soreness at the affront all the more evident, too, by the apostolic way in which he intimated his purpose to heap coals of fire on Mr. Veitch's head. "These many years bygone," he says, "it hes been my resolved practice, wherein I purpose, by God's grace, to continue, in all my personall injuries to doe good for ill: so I mind not to revenge. I require no satisfaction, but professe my only mind is, even through this outrageous injurie, be vertew of Christ's command, to doe Mr. James a good turn if it lie in my way."

It may well be supposed that, after this unpleasant episode, no one rejoiced more than Professor Baillie to hear of Mr. Veitch's translation from the College of Glasgow to the pastorate of Mauchline parish. This translation took place in 1656.

The ministry of Mr. Veitch in Mauchline may be divided into three periods. There was, first, a period of Presbyterian government in the Church from 1656 to 1661; then a period of Episcopalian government, from 1661 to 1690; and lastly, from 1690 to 1694, there was a period of Presbyterian government again.

* "It's not enough to make me a pointer of contradictions, to make me so ridiculous a blatterer as I must be laughen at in the schollers' books, with ane Ha, ha, hae,—not only to declare me . . . but to make it good upon me . . . that I am ane more dull and ane more unfit man for teaching than any of the most dull and unfit regents in Scotland of whom I complaine. All this I could have borne, for it is bot of my weakness which I will not deny to be great. . . . For, indeed, I am farr from those abilities which Mr. James professeth to be in himself. I am none of these who are conscious of no infirmitie. However, I take it no wayes well that he dytes me to his schollers to be guiltie of great wickedness, whereof I think I am free: he proclaimes me a 'vtiligator,' . . . a man 'rabiosae loquacitatis,' yea I am declared to be possessed with a bitter spirit, with bitterness itselfi, with a spirit plainly malignant, which I take to be no other than the Devill: . . . I must be a beast, a horse, and that a furious one," etc.. etc. The whole of this extraordinary "invective" in its original and curious Latin will be found in Paillie's Letters, Vol. III., p. 263-4.

Of Mr. Veitch's ministry during the first of these periods we have no account. It may be presumed that Church life flowed smoothly and pleasantly in the parish ; and that Mr. Veitch, with his acknowledged talents and attainments, zeal and piety, proved himself, notwithstanding his irritability, a faithful workman who needed not to be ashamed, rightly dividing to his hearers the word of truth.

The second period in Mr. Veitch's ministry is the period that to Scotsmen is known best as the times of the persecution. Not that I mean to say that this phrase is strictly accurate. In the history of the Church of Scotland there have been several periods of persecution. There was persecution by the court of high commission under Episcopacy prior to 1637, and there was persecution by the Covenanters under Presbytery between 1638 and 1660, but the sorest persecution that Scotsmen ever had to bear was during the Episcopacy which extended from 1661 to 1690. And among the many faithful ministers who had trial of bonds and imprisonment in the evil days of suffering, between the restoration and the revolution, Mr. Veitch has an honoured place.

It may be said that the persecutions under Charles the Second commenced immediately after his restoration to the government of the kingdom. On the 29th May, 1660, Charles entered the city of London in triumph, and in the month of July following Argyll was seized, and orders were sent down to Edinburgh for the apprehension of Warriston, Chiesley, and Provost Stuart. In the month of August, several ministers, Protesters, were cast into prison for presuming to petition the King for the maintenance of Presbyterian government in the Church, and for the appointment of Covenanters to all places of power and trust in the State.* In 1661, worse things hap-

* In this petition, or rather designed petition, the actings of the late usurping

pened. The Marquis of Argyll and Mr. James Guthrie, minister at Stirling, were both beheaded on the scaffold ; and Episcopal government was established in that Church, which had twice over within the preceding twenty-five years solemnly abjured Episcopacy. These proceedings stirred up a great amount of feeling over the country ; and nowhere was the rash and imperious legislature, which deprived the people of Scotland of their dearly bought liberties, more loudly denounced and more bitterly bewailed than in the western shires. "Up and down the country," says Wodrow, "ministers warned the people fully and fervently of the evils that were entering into the kingdom, and of the dangers that were menacing the Church." This freedom and boldness, on the part of ministers, was very distasteful to the King's counsellors ; and a question arose, What was to be done with such preachers as would not keep a discreet silence on the vexed subject of Church government? Were they to be allowed to criticise and complain, to agitate and rebel as much as they pleased ; or, were they to be dealt with in some manner by either the ecclesiastical or civil authorities, for disaffection and insubordination? It seems to have been considered dangerous to let ministers indulge in unrestricted freedom of speech—and absolutely necessary for the maintenance of order in the Church—to compel ministers to submit to the authority of the bishops. But it might have made Episcopacy even more unsavoury to the people than it was, if the bishops had been left to deal with the non-conforming clergy. Baillie, accordingly, in the last of

powers, that is, the Commonwealth and Cromwell, are declared to be hateful, "beyond all, in their impious encroachings upon the kingdom of Jesus Christ, and the liberties thereof, and in promoting and establishing a vast toleration in things religious throughout the nations, unto the perverting of the precious truths of the gospel . . . and in opening a wide door to all sort of errors, heresies, schisms, impiety, and profaneness." -Wodrow's History, Appendix No 2. This was meant to propitiate Charles, but it failed.

his published letters, wrote to his cousin, on the 12th May, 1662, that "the guise now is, the *Bishops* will trouble no man, but the *State* will punish *seditions* ministers." In other words, to prevent Episcopacy making itself unpopular at the outset, the State resolved to take in hand the suppression of ecclesiastical disorder and agitation. And so, Baillie, in the letter referred to, says that "the Councill did call for Mr. Robert Blair some months agoe, but never yet made him appear: we think they have no particular to lay to his charge, but the common quarrell of Episcopacy. . . Also, they called Mr. John Carstairs, that he should not sitt in Glasgow, to preach after his manner against the tymes. . . Mr. James Nasmith is, likewise, written for, as is thought that the Deanrie of Hamilton may vaike for Mr. James Ramsay; and with him Mr. William Adair of Air, the two ministers of Kilmarnock, Mr. James Veitch of Mauchline, and Mr. Alexander Blair of Galstoun."

The reason why these ministers, together with Mr. William Fullarton of St. Quivox, happened to be selected for proto-persecution, under the Episcopal regime, is explained by Wodrow. When the newly appointed bishops came down from England, where they had gone to be Episcopally ordained, it was thought necessary that some of the Presbyterian ministers in the west, where the aversion to Prelacy was strongest, should be made either to own submission to the new government in the Church, or suffer for their non-conformity. The enforcement of this alternative fell to the Lord Chancellor, as president of the Privy Council; and the Chancellor acted on the information and advice of his nephew, Mr. Robert Wallace, the newly consecrated Bishop of the Isles. Mr. Wallace, previous to his promotion, had been minister of Barnweil; and hence it happened that out of eight ministers selected for prosecution, six were Mr. Wallace's nearest neighbours. Had the lawyer

that said, *Who is my neighbour?* lived in Ayrshire in 1662, he might have been justified in asking the captious question.

On reaching Edinburgh all the ministers, except Mr. Fullarton, were threatened by the Council with punishment for their alleged disloyal principles, and for language used in their sermons. They denied the charge of disloyalty, and craved a more particular statement of what was complained of in their preaching. To this most reasonable request all the answer they got was a curt intimation that, if they wished to avoid trouble, they must conform to the government established in the Church. As sworn Presbyterians they declined to come under any such engagement; and they were, therefore, detained in custody and referred to Parliament. The Parliament, when it met, found no seditious actions proved against the prisoners; but, to make proof of their loyalty, Parliament ordered them to subscribe the oath of allegiance. This they were willing to do with an explication, in which they acknowledged that the King's sovereignty reached to all persons and all causes, ecclesiastical as well as civil, but asserted that in its nature this sovereignty was "only civil, and was extrinsic to causes ecclesiastical." They were told, however, that the oath must be taken as it stood, without limitations; and that the paper they had sent in to the committee of Parliament, containing a statement of their explication, was presumptuous.* The sub-

* Bishop Leighton pressed that an Act explanatory of the oath should be passed, for the satisfaction of tender consciences. "Sharp took this ill from him, and replied upon him, with great bitterness, . . . that it ill became them who had imposed their covenant on all people, without any explanation, and had forced all to take it, now to expect such extraordinary favours. Leighton insisted that it ought to be done for that very reason, that all people might see a difference between the mild proceedings of the government now and their (the covenanters') severity: and that it ill became the very same persons who had complained of that rigour, now to practice it themselves; thus it may be said the world goes mad by turns." Burnet, *History of His Own Times*.

In justice to the government of Charles it should be stated that in refusing to

scribers of the paper—and these comprised all the seven ministers in custody except Mr. Adair—were then sent back to prison, “three and three of them,” says Wodrow, “to one chamber, to the great prejudice of their health; and nobody was permitted to have access to them.” Under this confinement Carstares broke down, and had to be liberated. The other five remained in jail from the end of May till the middle of September; and then they were told that they were discharged from all further exercise of their ministry at their former churches, forbidden residence within either the bounds of their former presbyteries or in the cities of Glasgow and Edinburgh, dispossessed of their manses and glebes, and deprived of their stipends for even the current year.

This was a sentence of great severity, and for seven long weary years Mr. Veitch continued under it, before the government made any sign of being appeased. And, cruel as it was, the sentence did not answer the purpose for which it was intended. It did not *conv* the clergy in the slightest. They remained as sullen and as disaffected to the bishops as ever. In little more than a fortnight after the restraint was laid on Mr. Veitch and his comrades, a similar restraint was, by Act of

allow the oath of allegiance to be taken with limitations they were no more rigid and exacting than the Covenanters themselves were in administering their oath to the king. John Livingstone, in his autobiography, relates that when Charles and the Commissioners from the Estates and General Assembly were, in 1650, crossing over to Scotland from Breda, without having come to terms, “Liberton (on the Friday before we came ashore) comes from the king, and tells the king was ready to swear and subscribe the covenant. . . . On the Sabbath morning, before we mett for sermon, some told me the king was minded to speak some words when he swore the covenant, that what he did should not import any infringeing of the lawes of the kingdome of England. . . . I went to the rest of the Commissioners and told them, and we all went to the king and told him, *we could not receive his oath if he added one word to the words read, but would declare the oath no oath.* He pressed much and long that he behoved to doe it. . . . At last he said he would forbear to speak these words.”

Council, laid on all ministers who had not observed the anniversary of the King's restoration, and on all ministers, inducted since 1649, who had not got their appointments confirmed by the legal patrons and the new bishops. But so far from there being few ministers affected by this Act of Council—not overawed, I mean, by the arrest and punishment of Mr. Veitch and his friends—more than a third part of all the ministers in Scotland were ejected from their charges, and such a Sabbath as the last on which they preached to their people was never witnessed in this country. It may well be supposed that a King like Charles, who loved pleasure more than cruelty, would in the course of time become sickened with such wholesale persecution, especially when it served no good end, and kept his kingdom in constant turmoil.*

* There is no harm in hearing what some Episcopalians have to say about these persecutions. Curate Calder (in his book, Chap. III.) says:—"After they abdicated their churches, in 1662, they began everywhere, in their sermons, to cant about the persecutions of the godly, and to magnify their own sufferings: by this means they were pampered instead of being persecuted; some of the godly sisters supplying them with plentiful gratuities to their families, and money to their purses: they really lived better than ever they did before by their stipends. They themselves boasted that they were sure of crowns for their sufferings, and that angels visited them often in their troubles; and both were materially true. I know several of them who got estates this way, and that grew fat and lusty under their persecutions." What, it may be asked, did Mr. Calder think of those that were beheaded or shot, of those that were imprisoned or hunted like partridges, and does he even mean to say that it is no hardship to be made dependent on casual charity?

There doubtless was a very kindly feeling shown by some people to some of the persecuted and exiled ministers. In 1673, Mr. Blair of Galston was, by order of the Lords of Council, "carried to the tolbooth of Edinburgh, there to remain till further orders," for refusing to celebrate with religious worship the anniversary of the King's restoration. In the Session Records of Galston the following minute, in reference to that matter, occurs under date 12th August of that year. "The which day, the whole eldership met together in the kirk, being the first time after the minister's imprisonment: and it is ordered and resolved by them, that every week sum two of their number shall go in to Edinburgh and see the minister, and in this order, viz.," etc. There were 18 elders in the parish at the time. Mr. Blair died a few months afterwards.

A suggestion therefore that some Indulgence should be extended to such of the outed ministers as had lived peacefully and orderly since their deprivation was favourably received by Charles: and on the 7th June, 1669, he authorised the Lords of Council to grant such an Indulgence, under certain limitations. Forty-two ministers, of whom Mr. Veitch was one, were selected for this favour; and, the parish of Mauchline happening to be vacant at the time, Mr. Veitch had the specially good fortune to be sent back to his old congregation. In 1672 a second Indulgence was granted, and an Act was passed enjoining the punctual and due observance by all the indulged ministers of certain rules regarding the exercise of their ministry.

These Indulgences were viewed in different lights by different members of the Presbyterian party. Some ministers received the Indulgence with thanks; others, under a protest or testimony, which they declared from the pulpit, against "what was gravaminous therein;" and others again proclaimed that acceptance of the Indulgence was nothing short of treason against the King and Head of the Church. Brown of Wamphray took pen in hand, and wrote what he called a history of the Indulgence. The Indulgence he said established Erastianism. The Council planted and transplanted ministers at their own pleasure, sending severals from one church to another: and so, "in accepting the Indulgence there was an acceptance of the charge of a particular flock without the previous due call, free election, and consent of the people." This was the ecclesiastical way in which some of the Covenanters looked at the Indulgence. Others looked on the indulged ministers as men that were greater favourites at court than their brethren, and men that in accepting favours from their persecutors must in some form or another have made con-

cessions for what they received.* There was much injustice in these judgments; but just judgments of either men or measures can scarcely be expected in times of excitement and passion. And this feeling against the indulged ministers, which shewed itself faintly from the first, grew more and more strong, till in 1678 the indulged and the non-indulged ministers, with their respective friends and supporters, came to be to each other like Resolutioners and Protesters. Mr. Veitch, who was extolled as a hero in 1661, was twenty years later denounced by his *quondam* associates as a trimmer and an apostate. It is said that he was subjected to something worse than denunciation. Wodrow states, on what he calls good authority (but Wodrow's opinion on that point may be questioned), that in 1682 or 1683 "there was a design formed among some of the rigid and high-flying Cameronians, to assassinate" Mr. Veitch and some other indulged ministers in Ayrshire. It is alleged that the very night was fixed for the perpetration of this horrid deed of sin by these fanatics, and that Mr. Veitch was saved by the timely intervention of Lord Loudon, who received information of the plot.

* "At first," says Bishop Burnet, "the people ran to the indulged ministers with a transport of joy. But this was soon cooled. It was hoped they would resume their ministry, with a public testimony against all that had been done against what they were accustomed to call the work of God. But they preached only the doctrines of Christianity, and thereby disgusted all that loved to hear their ministers speak to the times. So, they came to be called the King's curates, as the established clergy were called in derision the Bishops' curates."

As an indication of the state of popular feeling in some places, even after the Revolution, against those that had accepted an Indulgence, it may be mentioned that on the appointment of Mr. Rodger to the parish of Galston, a protestation against his settlement was made by some of the parishioners, on the following grounds: 1st. His inadequate gifts; 2nd. His vindicating the late compliance with Erastianism in the acceptance of the late Indulgence; 3rd. Not applying his doctrine to the sins of the times; and 4th. He hath not, so far as we know, produced testimony of his taking the Covenant, according to the Directory for Ordination of Ministers.

So far from truckling to the Government, by his acceptance of the indulgence and exposing himself to the charge of time-serving, Mr. Veitch gave the Government a great deal of trouble by the way in which he disregarded their limitations on his freedom. In 1675, reports reached the Privy Council that he was infringing the rules attached to his indulgence, and usurping ecclesiastical powers he was not entitled to exercise. Among other offences laid to his charge, he was said to have, with other two ministers that like himself were confined to their own parishes, ordained several persons to the office of the ministry, and to have encroached on the royal prerogative by appointing days of fasting to his parishioners. He was also reported to have baptised and married people from other parishes; to have admitted to the communion people from other parishes although they brought him no testificates; to have preached in churchyards, and in other parishes than his own without warrant or license from his bishop. He was accordingly served with a summons to appear before the Lords of Council, but for some reason or other the prosecution was not followed out. In 1681, however, reports again reached the ears of the Lords of Council that he had broken through his instructions, and that he had even presumed to excommunicate people for such political acts as accepting the Declaration, signing the Bond for peace, and deserting the Covenant. In this instance, he seems to have been either causelessly maligned or blamed over-much, for he gave his oath of innocence, and was thereupon dismissed. But in 1684, on being charged a third time with breach of instructions, he had to admit guilt so far as to own that he had, contrary to the rules of indulgence, been "praying and exercising" in private families. And we may well wonder that Mr. Veitch should have exposed himself to persecution and shortened his ministry by persisting to hold

forbidden meetings, from which very little good could have been anticipated. But in those days men were possessed with an idea. They thought they must contend for principles, in season and more particularly out of season; and, whether much good or little would come of private conferences, the right of holding such conferences they considered a religious and political privilege which they were entitled and bound to claim.

Besides breaking his confinement, Mr. Veitch was, in 1684, charged with refusal or failure to read what was termed the Proclamation for the Thanksgiving. This thanksgiving was not the anniversary holy-day which was ordered to be kept till the end of time, on the 29th May of each year, in honour of the King's birth and restoration to his throne, and for declining to keep which Mr. Thomas Wyllie was brought into trouble in 1662.* There was a new thanksgiving ordered to be held with solemnity in 1683, in grateful acknowledgment of the King's deliverance from the Rye-House Plot. The proclamation of this thanksgiving service was ordered to be made in all churches, on the 2nd September, 1683, and the service itself to be held on the Sunday following. The proclamation contained a long narrative of the plot and its discovery, and gave great offence to the Covenanters by alleging that the disaffected party in Scotland, which meant the nonconforming and indulged Presbyterians, had a principal hand in the conspiracy. The design of the proclamation, therefore, was to create a prejudice in the public mind against the Covenanters, and Mr. Veitch accordingly declined to read from the pulpit a paper that he considered to be a foul slander.

Mr. Veitch, by his own confession, was now found guilty by

* And Mr. Alexander Blair of Galston in 1673.

the council of what were reckoned unpardonable crimes. His indulgence was therefore recalled; and he was ordered to transport himself out of the kingdom, before the first of March, or find caution to the extent of 5000 merks that he would neither exercise his ministry in Scotland nor break any of the council's ordinances. This was an alternative that really left Mr. Veitch no choice. Such caution as the council required was what Mr. Veitch could neither honourably ask nor reasonably expect to get. He went over to Holland, therefore, where he remained upwards of three years. It is pitiful to tell that persecution followed Mr. Veitch to the land of his exile. And the persecution in this instance did not come from the bishops or the King, but from the self-styled "anti-popish, anti-prelatic, and anti-erastian" subscribers of the Covenant. These zealots thought fit in 1684 to transmit to Rotterdam a protestation against the conduct of the Scots Church there, "for admitting to the Lord's table refugees that had heard indulged ministers." If "hearing" an indulged minister was to be counted a sin which warranted exclusion from the privilege of Christian ordinances, it followed that acceptance of the indulgence deserved even sorer punishment. It is sad to think that the land of his exile should have been made to Mr. Veitch a doubly sorrowful abode by such uncharitable and unjust reproaches.* These grieved him deeply, and moved him to pen a treatise, which has never been published, in defence of his conduct. The title of the treatise was "A sober enquiry into the lawfulness of the Presbyterian ministers,

* Wodrow refers to this circumstance as follows:—"Mr. James Veitch at this time went to Holland, where he continued under some trouble from Robert Hamilton and his party, but *increasing in learning and grace* till the toleration, he returned to his charge at Mauchline." His disposition seems to have mellowed with age; so that, while reproached in his youth with haste and petulance, he was in his latter days exclaimed against for his moderation.

their acceptance of a liberty to preach the Gospel upon the indulgence, and the people's duty to hear them."

In the spring of 1685, Charles the Second died, and was succeeded by his brother James, Duke of York. James was a professed Catholic, and considered the disabilities under which the Catholics lay a gross injustice to a large body of men, whom, of his "own certain knowledge and long experience," he knew to be both good Christians and dutiful subjects. In Feb. 1687, therefore, he issued a proclamation, with "the view of giving his Catholic subjects relief from unjust laws, which in former reigns had been made to their prejudice." But, in making concessions to the Catholics, it was necessary that he should consider the claims of other nonconformists. He accordingly in the proclamation professed, "in the first place," his desire to do justice to the Presbyterians. "We allow and tolerate the moderate Presbyterians," he said, "to meet in their private houses, and there to hear all such ministers as either have accepted or are willing to accept of our Indulgence;" but the Presbyterians were on no account to "presume to build meeting houses, or to use outhouses or barns" for religious services. The surly Presbyterians did not give the King much thanks for this measure of toleration, nor for a second, a little more liberal in its terms, which followed in the month of March. But, in July of the same year, a third proclamation was published, in which it was announced that leave was given by the King to all his loving subjects "to meet and serve God after their own way and manner, be it in private houses, chapels, or places purposely hired or built for that use," on condition that the places of meeting be officially advertised, and that the meetings themselves be public and peaceable, and consistent with all the duties of loyalty. "This liberty," says Wodrow, "was fallen in with by almost all the Presbyterian

ministers in the kingdom, and brought a great and general relief to multitudes who were yet in prisons and under other hardships for conscience sake. And most part of the Presbyterian ministers who had retired to other countries, or were banished, in a little time returned to Scotland. . . . No Presbyterians declined the benefit of this liberty, save Mr. Renwick and his followers.”

That Mr. Veitch was prompt to take advantage of this toleration and return to his old parish, is evident from what appears in the Session records. The Proclamation was made at Edinburgh on the 5th July, 1687, and on the 30th October thereafter it is minuted in the Session Records that, “the qlk day, Mr. James Veitch, minister of this parish of Mauchlein (being returned from Holland, the place of his banishment, legall restraint being taken off) preached publiclie heir againe.”

The position occupied in the parish by Mr. Veitch, between October 1687 and May 1690, is not clearly indicated in either the Session or Presbytery records. During these three years, or part of them, there were in many parishes two ministers and two congregations. An Episcopal clergyman preached in the church, lived in the manse, and drew the stipend; while a Presbyterian minister preached in a meeting house, lived in such lodgings as he could find, and was maintained by the voluntary contributions of his congregation. The Presbyterian ministers, too, with their complement of ruling elders, sat together in Presbyteries and exercised all their Presbyterial functions, in much the same way as Presbyterian Dissenters do at the present day. It may be said that the Church of Scotland entered on her present lease of Presbyterial discipline, not on her re-establishment and re-endowment in 1690, but on her toleration in 1687. Presbyteries were then formed anew,

and new volumes of Presbytery records were commenced. Some of the earliest entries in these records give us a curious insight into the condition of the Church at that date. The questions of the time were how to re-build the Church on the basis of the toleration, and how to re-plant parishes with Presbyterian ministers. The first entry in the new book of the Presbytery of Ayr is dated 3rd August, 1687, and it states that one of the brethren "produced and read the overtures, agreed upon by the meeting at Edinburgh, for making the liberty practicable, together with a letter from the said meeting to the several congregations, and a letter to the ministers that were out of the kingdom." With all these documents "the brethren here were well satisfied, and ordained a copy of the letter to be sent to Mr. Hugh Crawford" (formerly of New Cumnock) "who was then in Ireland, together with an invitation from his paroch." An interesting communication was also received from the parish of Craigie, stating that the people there "declared their adherence to Mr. John Campbell, their own minister, and promised to give him all encouragement." At the next meeting of Presbytery, the parishioners of Craigie put their promise in a more specific form, by offering Mr. Campbell "500 merks for his encouragement, for which the brethren desired them to give security, and also to condescend upon a convenient place for meeting." In the case of Craigie, the security and condescendence required were duly furnished, but in other cases these requisites were not forthcoming, and the parish had consequently to remain vacant. The minister of Ardrossan was one of those that were "outed" in 1662, like Mr. Veitch and Mr. Wyllie; and in 1687 he made his way back to his old parish, in the fond hope that he would be restored to his ministry there. In 1688, however, the Presbytery of Irvine

found that they could give "no encouragement to Mr. Bell, in Ardrossan, as to maintenance or meeting house." *

During the period of Mr. Veitch's exile in Holland Mr. David Meldrum, a conformist, acted as minister at Mauchline. Whether he retired from the parish, as a matter of prudence, on the home-coming of Mr. Veitch, or waited till he was warned away by the rabble in 1689, or continued till Mr. Veitch was, in 1690, by Act of Parliament, restored to his former incumbency with all its rights and privileges, I have not discovered, although it is possible that the date of his demission may be found in some of the prints relative to these times. It is certain, however, that whether Mr. Veitch preached in the church, or in a meeting house, he had the people with him. In the month of May, 1687, before the Act of Toleration was passed, the collections in church on Sundays averaged 8s. *per diem*; in July, August, September, and October, they averaged little more than 2s. daily; whereas Mr. Veitch's congregation collected, the first day he preached, 32s., the next day 42s., and the next again 49s. 2d.† In April, 1690, Mr. Veitch's position in the parish, whatever it may have been previously, was secured. An Act of Parliament, passed that month, provided that all "Presbyterian ministers, yet alive, who were thrust from their charges

* In 1688, the Presbytery of Ayr informed the parishioners of New Cumnock that, before a minister could be settled in the parish, there must be "a convenient manse and maintenance" provided. The parishioners of Symington, too, were made aware of this fact, for at a meeting of Presbytery, in July, 1688, "several persons from that parish appeared, promising to do all they were able both as to a meeting house, and their minister's house and maintenance."

† On the day that Mr. Veitch first preached in Mauchline after his return from Holland, the following suggestive minute was entered in the register by Mr. Meldrum or his clerk:—shewing that the Episcopalians continued to exercise discipline and uplift penalties for sin, but that they had no congregation.

"October 30, coll: This day Hugh Wyly and Agnes Wilson, in Mauchline, were rebuked for yr antemrimonial fornication and absolved, and ye penalty was payed £5. os. od."

since the first day of January, 1661, . . . should have, forthwith, free access to their churches, that they may presently exercise the ministry in these parishes, without any new call thereto; . . . and that the present incumbents in such churches should, upon intimation thereof, desist from their ministry in these parishes, and remove themselves from the manses and glebes thereunto belonging."

The brief period between the Toleration, in July, 1687, and the re-establishment of Presbyterian government, in June, 1690, was, it will thus be seen, a very peculiar period in the history of the Church in Scotland. The Established Church was Episcopal, and the Presbyterian Church was placed on a voluntary basis. The Presbyterian places of worship were designated meeting-houses, and in such official documents as Presbytery Records we find that expression used. In 1687, the Presbytery of Irvine appointed the ordination of ministers to be "publick at the *meeting house* of the Parish whereto the person is to be ordained, with the usual solemnities." But what will appear much more strange, Presbyterians had their bans of marriage proclaimed not (only?) in the Parish Church but in the meeting house where they worshipped. In 1688, the Presbytery of Irvine enacted, as was shewn in the Lecture on Marriage, that "proclamations of intended marriage of pairties in vacant parishes be once of thryce on a day when ther is publick preaching at the Meeting House in the vacant Parish; . . . or else, at the Meeting House of the next adjacent Parish wher ther is a minister."

With the Toleration, of 1687, the troubles of Mr. Veitch were brought to a close, and the rest of his days were peaceful. He died in 1694, in the thirty-eighth year of his twice broken ministry. Of his last illness and death no account, so far as known to me, has been preserved. The only reference in the

Session Records to his failing health is the following entry of collection in 1693 :—“Collected in the minister’s hal upon ye 21st of May when he was not abel to goe to the Kirk 12s. Scots.”

Mr. Veitch had none of the attractive oratory for which his predecessor Mr. Wyllie was famed. “Though very learned, he inured and accustomed himself,” it is said, “to a most coarse-like and plain way of speaking to the common people in his preaching to them.” He had a familiar way of addressing the Deity, too, which modern taste would not approve. Lecturing on the 131st Psalm, which begins with the words, “Lord, my heart is not haughty, nor are mine eyes lofty,” he followed up his remarks with a prayer that the Lord would make to Himself more 131st-Psalm folk. Had he been present when the organ was introduced into Mauchline Church, four years ago, he would probably have withheld his blessing from us, for he is reported to have once said in a sermon at Rotterdam, “I hear they praise God in this country with pipes, but if they praise him with pipes they may take in the sacrifices also, for we never read that God was praised with pipes and musical instruments, but when there were sacrifices.” Two hundred years, however, have passed away since these words were uttered, and many changes, not all for the worse, have during the same time passed over men’s thoughts—and at the present day few people will say that if pipes conduce to make the service of praise in Church more solemn, more impressive, or more heart stirring, pipes may not with both propriety and advantage be used in the public worship of a Christian sanctuary.*

* It may be mentioned both as evidence of the esteem in which Mr. Veitch was held by his brethren in the Presbytery, and of the interest he took in the public

During the two periods in which Mr. Veitch was under legal restraint, the parish was committed to the pastoral charge of an Episcopal incumbent, or conforming minister, who by way of reproach was usually called by the people, the curate. The name of the curate at Mauchline, during the first of these periods was William Dalgarno, and the name of the curate during the second period was David Meldrum.

Of Mr. Dalgarno and his ministry at Mauchline, I have nothing to say, because there is no record of either in our extant Session and Presbytery registers. The ministry of Mr. Meldrum in Mauchline was not by any means eventful, but there occurred during his incumbency one or two incidents worthy of notice as illustrations of the Episcopal regime then established.

His settlement in the Parish is minuted in the Session records in the following terms:—"August 31st, 1684. The which day, Mr. David Meldrum preached upon 1 Cor., iii. v. 21, having bene admitted minister at Machlin upon Friday the 29th preceding by Mr. Robert Simpson, minister at Galston, Mr. John Watson, minister at Auchinleck, and Mr. William Blair, minister at Sorn."* All these ministers were

affairs of the Church, that after the re-establishment of Presbytery in 1690, he was every year, as long as he lived, elected a Commissioner to the General Assembly.

* At the present day ministers are ordained and admitted to their charges by Presbyteries. In olden times, even in Presbyterian periods, the duty was often assigned to committees. For a case in 1597 see *Fasti*, Vol. I., p. 324. Some of the successive steps in the settlement of the Covenanter, Blair, in Galston, are minuted as follows in the records of the Presbytery of Ayr, "1643, Feb. 22, Mr. Alexander Blair expectant preached his popular sermon in relation to his calling to the ministerie of the Kirk of Galston, was removed, censured, and fully approven thairin by the brethren. . . . And thairfore it was enacted that Edict suld be given out unto him to be served and used at the kirk of Galston, the next Lord's day, according to order . . . March 8th, Mr. A. B. returned his edict orderlie served, and endorsat by Hector Campbell, nottar in Galston." (No objectors appeared). "Whereupon the Presbyterie appointed" (five of their number) "as commissioners from them to admit and give imposition of hands to the said Mr. A.

Episcopalians. They were men of a different stamp from the stern and serious Covenanters they supplanted, and they never acquired any hold of the congregations to which they ministered.* It was, of course, their misfortune to belong to a party that was ill looked on, and they may have been misjudged and hated without a cause. But it is a fact that they were particularly unpopular in their own parishes. During the anarchy which followed the abdication of James II., at the end of 1688, when the "rabble" took the work of reformation in hand, they were every one evicted by their parishioners. Mr. Simpson, on a cold winter day, was taken out of his manse, treated to an hour's parley with his head uncovered, then marched across the water of Irvine, and told to be gone for ever from Galston. Mr. Watson, of Auchinleck, fared worse. His settlement, in 1684, had been effected by three troops of dragoons, and his removal was enforced, in a like military style, by swords and staves. A band of nearly a hundred men, all armed, invaded his manse, dragged him out to the church-yard, interdicted him from ever preaching again in the church, and to complete his humiliation tore his gown into tatters.† These parochial rebellions are in

B. to the ministerie and cure of the Kirk of Galston. . . . March 22d. This day report was maid to the Presbyterie that according to their ordinance Mr. A. B. was admitted to the ministerie of the Kirk of Galston; whereupon the brethren gave him the right hand of fellowship." The Induction of Mr. Wyllie to the parish of Mauchline in 1646, was in like manner entrusted to a committee, who afterwards reported to the Presbytery his admission.

* Bishop Burnet says of the curates who were placed in Parish Churches in Scotland, during the time of the persecutions, that "they were the worst preachers I ever heard, they were ignorant to a reproach: and many of them were openly vicious," etc. etc. The former incumbents however, who were for the most part Protesters, like Mr. Veitch and Mr. Wyllie, "were a grave sort of people. Their spirits were eager and their tempers sour, but they had an appearance that created respect." This is very important testimony from one who was himself a conformist.

† Some of the curates were much more roughly and shamefully handled than either Mr. Simpson or Mr. Watson. The incumbent at Tinwald, after being rabbled,

no way to be commended or applauded, but they show how intense was the feeling of aversion with which Episcopacy was regarded in Ayrshire. And it will be seen that, on being inducted into Mauchline, in room of a respected and zealous Covenanter like Mr. Veitch (who was exalted in the eyes of his parishioners by the persecutions he endured), and at the hands of such time-servers as Messrs. Simpson, Watson and Blair were rightly or wrongly accounted, Mr. Meldrum did not commence his ministry here under favourable auspices, but must have had many prejudices to remove by a prudent walk and conversation.

The first piece of work Mr. Meldrum had to do in Mauchline was to choose a Kirk-Session. The way in which elders are at the present day, and have from time immemorial been, appointed to their office, in the Church of Scotland, is well known. They are first elected by the existing Kirk-Session (or if there be no Kirk-Session, by a Committee of Presbytery), either with or without advice of the congregation;* their names are next announced from the pulpit, that members of the congregation may have opportunity of objecting to the ordination of the persons named; and then, if no objections are offered and found valid, the ordination is appointed to take place. In the spring of 1684, however, an crastian and tyrannical proclamation was published by the King, with advice of

attempted to re-possess his Manse, whereupon, he was assailed by a mob of women, "who tore his coat and shirt off him, and had done so with his breeches, but that he pleaded with them from their modesty." *Fasti*.

* In 1842, an Act of Assembly was passed, by which the nomination of persons for the eldership was "transferred to the people, and the Session were placed in the somewhat invidious position of being possibly compelled to vindicate the purity of the eldership by the rejection of parties unanimously approved of by the congregation." (*Cook's Styles of Writs etc.*, p. 10.) Complaints of the working of this Act, says Dr. Hill, "were very general; and in one year the returns to an overture for rescinding the Act were so numerous, as to enable the Assembly 1846, at once to set the obnoxious Act aside." (*Hill's Practice in the Church Courts*, p. 5.)

the Privy Council, directing "the ministers of parishes . . . to give in lists to the bishops, their ordinaries, of such persons as are fit to serve as elders in their parishes," and declaring that all such persons shall, on their bishop's approval, become bound to serve as elders, under severe penalties in case of refusal. Mr. Meldrum had, therefore, on coming to Mauchline, in August 1684, to give in a list to his ordinary of such persons as he thought suitable for elders. The minute of his admission contains, accordingly, what without explanation looks very odd, a "list of the elders the minister afterwards chused." On this list stand fifteen names; and it appears from subsequent minutes that either all or most of the persons named were admitted elders. From the length of time that elapsed before their admission, it would seem, too, that in these Episcopal times, of alleged imperious moderatism, the appointment of elders was not gone about with indecent haste. The list was drawn up in August, and the first meeting of Session held by Mr. Meldrum was on the 22nd February following, when it was recorded that "ye minister gave ane account of what was receaved for the poor by the beddal since his entry, till the 18th day of January, which day the elders began to collect." It will thus be seen that more than four months passed before Mr. Meldrum got his elders installed in office, which indicates that bishops did not, in an off-hand way and without enquiry, approve whatever lists were submitted for their approbation, but took time to consider the qualifications of all persons named for the eldership.

Although Episcopacy means only a form of Church government, and might co-exist with any form of doctrine or worship, it is a fact that, in the Church of Scotland, at least, Episcopacy has always encouraged a little more ritualism and latitude in worship than Presbytery has done. About the year 1640, as

was said in last lecture, a very strong spirit of Puritanism, in respect of worship, began to shew itself among the Presbyterian ministers in Ayrshire. Mr. George Young of Mauchline did not go in with that new movement. On the contrary, he declared himself passionately against it. But Puritanism was part of the spirit of these times ; and so, without any express prohibition by the General Assembly, the repetition of the Lord's prayer and the singing of doxologies came to be discontinued in public worship. On the restoration of Episcopacy, in 1662, the use of doxologies was in many parishes resumed, at the recommendation or order of the Diocesan Synod. As Mr. Veitch was a strong anti-prelatist, who would neither bend nor bow to Episcopal authority, it may be presumed that during his ministry in the parish neither the Lord's prayer nor any doxology would ever be heard in Mauchline church. But Mr. Meldrum was one of those that conformed to the Episcopal government, and he very probably desired to stand well with his bishop, and also to strengthen the cause of ecclesiastical order, which was too much broken down in Scotland. He resolved to be Episcopally proper, therefore, and he gave out a doxology to be sung. And the congregation, generally, either found no fault with this procedure, or did not venture to express their minds on the subject. Indeed, it might be asked how could they find fault—for the singing of doxologies was an old custom in the Presbyterian Church—a custom defended by many of the stoutest advocates of Presbyterianism—and a custom that had never been forbidden nor disapproved by the General Assembly. But there was one man in the congregation—a sort of parochial oddity—named Sandy Sim, who cared nothing for either Presbyterian custom or the eternal reason of things. The doxology was to his untutored mind simply an abomination, and so, when it was given

out to be sung, he sprang to his feet as if he had heard the blast of an organ or had seen a pair of horns protruding through the floor. Seizing his cap, he clapped it hastily on his head, and with an air of insulted sanctity proceeded to make his exit from the church. But, if Sandy expected that this display of pride and purity would either pass unnoticed or overawe the bishop's creatures, he was, for once, mistaken. It is not quite clear whether he was allowed to leave the church, or was stopped before he reached the door, and made to sit out the rest of the service. It is certain, however, that he was promptly challenged for his irreverent conduct, and was made to appear before the Session at the close of public worship. And what the Session did will be best stated in the words of their own minute:—"March 8 (1685). The said day, Alexander Sim having committed a scandal, by his irreverent carriage in rising from his seat and offering to go forth, with his head covered, in time of singing the doxology, was examined, and, by vote of Session, was enjoined to appear in the public place of repentance, the first Lord's day the minister should be at home, he being to go abroad."

The Episcopal leanings of Mr. Meldrum seem to be further indicated in one or two entries of donations to poor strangers. In the latter days of Mr. Veitch, we find, in the records of collections and disbursements, an entry of £10, given to "a poor man in the shire of Angus, whose house was burned by a wicked partie, for entertaining a Presbyterian minister in his house." That entry may be considered as shewing how the sympathies of Mr. Veitch tended. But there is a different turn of sympathy displayed in some of the entries during Mr. Meldrum's curacy. In 1685, an attempt was made by the Earl of Argyle "to recover the religious rights and liberties of the kingdom of Scotland," in other words,

to remove Episcopacy from the Church and place limitations on monarchy in the state, according to the will of the people. The attempt, as all readers of history know, was unsuccessful, and led to the execution of the Earl, within two months after his landing in Kintyre. The fact, however, that there had been a rebellion, or the semblance of one, gave indolent people a pretext for spreading themselves over the country, and representing that they had been ruined by Argyle. Some of these travellers found their way to Mauchline, and were treated there as sufferers in a good cause. The gratuities given them from the kirk-box were not large, but they were recorded in such feeling terms, as to show how the tide of sympathy was flowing in the Parochial Board of that day. On the 10th March, 1687, 2s. Scots (2d. Sterling) was "givin to a poor man, *herried by Argyle,*" and, on the 23rd July following, a similar sum was given to "one Duncan Campbell, *robbed by Argyle* in his rebellion." The arrival of Mr. Veitch, at the end of October of that year, put a timely stop to this species of imposture, and beggars beseeching bodles from the Session had thenceforth to

" Sing another song,
Or choose another tree."

What became of Mr. Meldrum for several years after July 1687, when his ministry at Mauchline practically ended, I do not know. Dr. Scott states (*Fasti*) that "he was deprived, by the Act of Parliament, 25th April, (1690) restoring the Presbyterian ministers." After this, his position for a while was miserable. He was starved and boycotted, and had to seek a livelihood by professing his conversion to the Presbyterian discipline. On the 24th February, 1691, it was "reported (to the Presbytery of Irvine) that Mr. David Meldrum, late conformist at Machlin, . . . seriouslie

regretted his conformitie, taking the test, etc., being convinced of the divine right of Presbytrie, and that Episcopacie was but ane human invention, and that he desired to be received, withal being to leave this country, that he might have the Presbytrie's testificat." A committee was appointed to confer with Mr. Meldrum, and make inquiries regarding "his carriage, during the tyme of his conformitie and incumbencie." More than six months were spent by the Presbytery on these investigations, before their minds were "ripe" for pronouncing judgment. At length, on the 1st September, Mr. Meldrum personally compeared before the court, "and acknowledged his sin, in conforming under Prelacy and taking the test."* He also declared "that he was heartilie grieved and sorrowfull for this his sin and rashness; and that, now, he looked on prelacy as a mere human invention, having no foundation in the Word of God; and further, that he owned the Confession of Faith, in all articles and heads in opposition to Poprie, Socinianism and Armenianism, and that he wold, throw grace, adhere to the same Confession of Faith, commonly called the Westminster Confession, and to the present government of this Church. Which confession of his, together with some aggravating circumstances that did attend it (particularly, that he was dissuaded from that course, at the time of his compliance, by a letter from his uncle, the Rev. Mr. George Meldrum, here present), and this his declaration, was judged by the Presbytrie a sufficient ground to grant unto him this following recommendation."† The recommendation is too lengthy, and

* In the Test Oath, it was commonly held that, "Presbyterian and Covenanting principles were abjured." Cunningham's Church History of Scotland, Vol. II., p. 271. Wodrow says that, "at first view, and to every body's uptaking, it overturned our Solemn Covenants and for ever excluded the Presbyterian Establishment." Book III., Chap. 5.

† How rigorously, Conformists were dealt with by Presbyteries, at the time of

too empty to be inserted here ; and, although it was avowedly given to enable Mr. Meldrum "to be useful in this Church," it could not have done him much good. It was not till more than other six months had passed, that he was received as a probationer, by going through the form of preaching before the Presbytery. Most of men would, by that time, have broken down and been fit for nothing. But Mr. Meldrum seems to have had a stout heart and a vigorous constitution, and to have suffered very little by his hardships and humiliations. In November, 1693, he was appointed Chaplain of the Tolbooth, Edinburgh ; and the following summer he was promoted to the parish of Tibbermore, where he lived and laboured, and we may hope enjoyed himself, for more than 57 years ! At the time of his death, which was in December 1741, he held the honoured and envied position of being the father of the Church of Scotland.

The successor of Mr. Veitch, in Mauchline, was Mr. Maitland, whose tombstone may be seen in the church-yard. He was ordained minister of the parish in 1695, and he died in 1739, after a long and peaceful ministry of 44 years. The mode of his appointment to the parish was somewhat peculiar, and may be here told. The law in regard to the appointment of ministers

the Revolution, may be judged from the following extract from the records of Irvine Presbytery. The date is 1689. "Mr. William Gemmil, Probationer, made this day a voluntarie confession of his sad failing in the hour of tentation, by taking the Band of Regularitie, and declared his sorrow and grief for the same *coram* ; and that he had done this sooner, if his health had permitted him to have attended the Presbyterie ; which confession and declaration the Presbyterie judged sincere and of a truth, and therefore declared the scandal removed as to themselves, and admitted him to their fellowship, and appointed (two of their number) to speak to him that, when he hes occasion to preach publickly, he doe something, the first tyme, in a prudent way, befor the people, for their satisfaction and removing the scandal as to them." Two years previous to that, namely in 1687, the same Presbytery appointed a committee of their number to meet, "for accepting of the acknowledgements of the offence given by some of the Eldership of Irvine, by their fainting in the houre of tentation."

to parishes has, it is well known, undergone many changes. Down to the year 1649, ministers received their appointments from patrons, except when the church courts interfered (as they did very often after the year 1638), and ordered that this man be planted in this parish and that man in that parish, as was conceived to be for the greatest good to the greatest number. During the establishment of Episcopacy in the Church, from 1661 to 1690, patronage was again the source of legal appointments to parishes; but the rights of patrons were not a little encroached on by the assumptions of the King and his council. From 1712 to 1875, patrons had their third lease of power, under one set of regulations during one part of that period, and under another set of regulations during another part. While there have thus been three separate periods in the history of the Church of Scotland, during which ministers have been appointed to parishes by patrons, there have also been three periods, but of shorter duration, during which the appointment of ministers has been committed more or less fully to congregations. The first of these periods extended from 1649 to 1661; the second from 1690 to 1712; and the third is the one that is now current, and has been since the 1st January, 1875. The Act of Parliament, 1649, directed Presbyteries to proceed to the planting of vacant parishes,* “upon the sute

* Sir James Balfour thus comments on the Acts of Parliament and Assembly, in 1649, regarding the appointment of ministers to parishes. “The Parliament passed a most strange acte this monthe, abolishing the patronage of kirkes which pertined to laymen since euer Christianity was planted in this Scotland.” . . . “And this acte, to make it the more spetious, they coloured it with the liberty of the people to choyse their awen ministers; zet, the General Assembly, holden at Edinburgh in the monthes of July and August this same yeire, made a very sore mint to have snatched this shadow from the people, notwithstanding their former pretences, colationed the sole power on the Presbyteries, and outfooled the people of that right they formerly pretended did only and specially belong to them *jure divino*.” The covenanting ministers in 1649 were much divided in opinion on the question of appointing ministers. “Mr. Calderwood,” says Baillie, “was per-

and calling, *or* with the consent of the congregation"; and remitted to the General Assembly to "condescend upon a certain standing way for being a settled rule," in regard to the mode of procedure. The General Assembly, accordingly, framed, in the same year, a Directory for the election of ministers; in which it was enacted, that the Kirk-Session should elect the minister, and then submit their choice to the approval or disapproval of the congregation. It will thus be seen that the General Assembly did not give congregations the full measure of electoral privileges which the Act of Parliament conceded. The Assembly granted to congregations only the second, and the much less valuable, alternative which the Act of Parliament provided—namely consent but not suit—confirmation but not election—a negative but not a positive voice in the appointment—just, in fact, such a privilege as Lord Aberdeen's Act gave to congregations under patronage. The Act of Parliament, 1690, proceeded on the lines of the General Assembly's Directory of 1649, in giving to congregations a negative voice in the appointment of their ministers; but, instead of vesting the election or nomination of ministers in the hands of the Kirk-Session, the Act 1690

emptor that, according to the Second Book of Discipline, the election should be given to the Presbytery, with power to the major part of the people to dissent, upon reason to be judged of by the Presbytery. Mr. Rutherford and Mr. Wood were as peremptor to put the power and voices of election in the body of the people, contradistinct from their eldership; but the most of us was in Mr. Gillespie's mind, that the direction was the Presbytery's, the election the Session's, and the consent the people's," III. 94.

Beattie in his History of the Church of Scotland during the Commonwealth, says, (p. 7-8) "it is remarkable how much the supporters of patronage have been disposed to overlook and consign to oblivion the anti-patronage act of 1649." . . . "Dr. Cook does not mention it in his History of the Church of Scotland." The Parliament 1649, which sat when there was no King on the throne, is by some authorities held to have been only a parliament in name. Dr. Cook, in his pamphlet on Patronage and Calls (1834), says (p. 8) "By an act of *what assumed to be a Parliament*, and which met in 1649, Patronage was abolished," etc.

assigned that privilege to the elders and Protestant heritors jointly. The Act, 1874, declares the right of "electing and appointing ministers . . . to be vested in the congregations," subject to such regulations, in regard to the mode of naming ministers by a congregational committee, and of conducting the election, as shall from time to time be framed by the General Assembly. It will thus be seen that the Act 1874 extends the powers and privileges of congregations far beyond what these had ever been before. Instead of having only a negative voice, congregations have now, what they really never had previously (although it is often said they had), the positive and sole right of election and appointment. Mr. Veitch was the only minister appointed to Mauchline under the Act 1649, and Mr. Maitland the only one under the Act 1690. And this digression from the proper subject of lecture, to the law on the appointment of ministers to parishes, will enable us now to understand the significance of the following entry which appears in our Session Records, after the death of Mr. Veitch in 1694. "The heritors and elders are to meet, anent the seeking after a minister, and some are to be appointed for managing it aright and following it out."

In the records of the Presbytery of Ayr there is an appointment minuted in reference to the ordination of Mr. Maitland, which it may not be amiss to mention. Mr. Maitland was directed to "observe a day of humiliation the Sabbath preceding his ordination." In very old times fasting was included in the ceremonies of ordination in the Church of Scotland. In the Westminster form of Church government it is directed that "upon the day appointed for ordination, . . . a solemn fast shall be kept by the Congregation." And this custom was continued in some parts of the country down to the beginning

of last century. People, however, were by that time coming to think that "the ordination day is more proper for thanksgiving than fasting; . . . and that, on account of some things convenient to be done that day, another before were fitter to be observed for the Fast."* The Presbytery of Ayr had by 1695 arrived at that conclusion, and had even presumed to act on it, notwithstanding the written law of the Church. And Fasts preparatory to ordination were observed in the Presbytery till 1737 at least, if not later.†

Seeing that the selection of a minister was, in 1694, committed to such a popular committee as the elders and heritors must have been—the men of highest standing, highest character, and best education in the parish—it might have been supposed that Mr. Veitch's successor would have been a man of superior gifts and conspicuous merits. The most popular form of election possible, however, gives little security that the minister chosen will have gifts the least beyond com-

* Pardovan.

† The ordination service has from time immemorial been followed by a dinner, with the view of expressing kind wishes to the new minister and thanking the members of Presbytery who have come from a distance to take part in the service. To shew how our fathers in the ministry sometimes fared and fed on such occasions, I may here quote from Dr. Scott's *Fasti*, the dinner bill at an ordination at Carsphairn in 1737.

To John Paterson in Knockgray for meal brought by him for the ordination dinner, - - - - -	£5	8	0
„ John Hair in Holm for a boll of malt brought by him for the said ordination dinner, - - - - -	9	0	0
„ the said John Hair for a Weather and a Lamb to be furnished on the said occasion, - - - - -	5	0	0
„ Hugh Hutcheson, in Lamloch for a Weather, - - - - -	3	12	0
„ George Stevenson for a Lamb, - - - - -	1	4	0
„ Mrs. M'Myne, in Damelintoun for Flour and Baking on said occasion, - - - - -	2	14	0
	<hr/>		
	£26	18	0

The money of course was Scots.

mon, and it affords no security at all that he will prove a faithful and diligent pastor. Mr. Maitland was an amiable man, and there is a good tradition of him in the parish. The fact, recorded in a previous lecture, that once, when a person under scandal offered to clear himself by oath, Mr. Maitland was put into "such a consternation he could not administer the oath till next Lord's day," says a great deal for both his amiability and conscientiousness. For a while, too, his ministry was in all respects satisfactory. At a Presbyterial visitation of the parish, in 1698—three years after his settlement—the Session reported that he was diligent in his pastoral work, and "that they were well satisfied with him." Later on, however, there were grumblings heard. At a Presbyterial visitation, in 1723, the heritors and heads of families reported that "their minister was often absent from his charge, and they often wanted public ordinances, and that he does not enter so soon to public worship on the Lord's day as were desirable, much of the Sabbath being thereby idly and sinfully misspent. They complained, also, that he had not visited and catechised the parish, save once, these three years."* We have seen in a former lecture that, during his incumbency, the business of the Kirk-Session was very inefficiently conducted.† Minute-books went amiss-

* Although the common cause of complaint against a minister at Presbyterial visitations—if complaint was made, which was very seldom—was indolence and inattention, there are instances on record where the Presbytery were requested to advise the minister to take things more easily. At the visitation of Kilmarnock, by the Presbytery of Irvine, in 1691, Mr. Rowat, one of the ministers, in commending the zeal of his colleague Mr. Osburne, "desired that the Presbytrie wold admonish him to be *discreat in his diligence*, his health being much endangered by his great painfulness." He was admonished to that effect, accordingly, "lest, by too much (painfullness), he laid himself by altogether from his Master's work."

† Minute-books went amissing in the same way in other parishes. In 1727, it was reported to the Presbytery of Irvine that at Ardrossan there was "No Session register, (many of their schoolmasters, who were Session-clerks, going off and not leaving the minutes), and that they had only some few minutes on loose paper."

ing, poor's money was lent on doubtful security and lost, and in other ways the want of a firm and careful directorate was painfully evident. Constitutional indolence must have been at the bottom of this negligence, although it was alleged that these shortcomings proceeded, in part at least, from causes that claim our sympathy. In 1723, he was asked by the Presbytery what he had to say to the complaints of his parishioners; and he answered that "he had been often under much indisposition of body, and that he had fallen under some difficulties in his affairs (that obliged him to be often abroad contrair to his inclinations), which had hindered him in his work more than he intended." And there is no doubt that he was a valetudinarian. It is minuted in the Session records that, in 1698, from the 3rd of January till the 24th of April, there had been no meeting of Kirk Session, "by reason of the minister's indisposition, he having been long troubled with ane extraordinarie quartane ague." On the 3rd of August, of the same year, it is minuted in the Presbytery records that "Mr. Maitland is not yet well recovered of his health." And the following year, he was still infirm of body. But, making all allowances for the state of his health, it must yet be said that he was provokingly negligent in the discharge of his duties; and although censured by the Presbytery and exhorted to be up and doing, he took censure and admonition good-naturedly, and continued to idle in his old ways.*

* In the records of the Presbytery of Ayr there is a curious reference to the numerous mercats in Mauchline, as a source of either expense or extra labour to the minister, and apparently as furnishing a good plea for an augmentation of stipend. At a Presbyterial visitation of the parish, in 1719, Mr. Maitland reported that he had some complaints to make "about his gleib and stipend, and the many public mercats which are kept in the place, that are gravaminous to him, but that he inclines first to lay the matter before the Right Honourable the Earl of Loudoun, who is principally concerned in the place."

The times in which Mr. Maitland's lot was cast were much less troubled than those in which Mr. Young, Mr. Wyllie, and Mr. Veitch lived. There was some extra-parochial work, however, of an onerous and unpleasant character, which ministers had to do. After the re-establishment of Presbytery in 1690, the General Assembly met, and in its wisdom thought fit to appoint two Commissions to visit respectively the countries north and south of the Tay. These Commissions were authorised and instructed "to purge out all (ministers) who, upon due trial, shall be found to be insufficient, supinely negligent, scandalous, or erroneous." They were directed, in what looks like a spirit of conciliation and generosity, "to be very cautious of receiving information against the late Conformists, and to proceed in the matter of censure very deliberately, so as none may have just cause to complain of rigidity; yet so as to omit no means of information; and not to proceed to censure, but upon relevant libels and sufficient probation." These instructions seem to have been read by the commissioners—whose zeal for Presbytery was of the degree of fervour that makes men both martyrs and persecutors—very much in the light in which villagers are apt to interpret the order against an obnoxious brother, "*don't* nail his ears to the pump." The result of the visitations was that sufficient reason was found, after formal process led, for the deposition of so many ministers that whole districts north of the Tay were left without a single clergyman to conduct a service in the parish church. Who can believe that all these unfortunates were such rogues or heretics as to deserve the treatment they got? Be that as it may, however, so many depositions took place that there was not in the church a sufficient number of probationers to fill the vacant cures; and for nearly twenty years afterwards the General Assembly had to supply ordinances in

the north by deputations of ministers from the south.* These preaching tours were not pleasure excursions. Travelling, north of the Tay, was not so enjoyable in 1700 as it is now a days, thanks to railways. The preachers that went on these expeditions were not too courteously entreated either.† Although allowed good enough pay, many ministers were very unwilling to go on the northern circuit.‡ One of those that had

* Cunningham's Church History, Vol. II., p. 296. Besides the districts rendered spiritually destitute by the extrusion of the old Episcopal clergy, there were other districts on which the light of the Reformation had never dawned. These were in the Western Highlands. In 1707, the Society for the Propagation of Christian Knowledge was formed, and, by the instrumentality of that society, schools were established in various parts of these benighted regions. In 1725, the King signified to the General Assembly "his gracious inclination to contribute yearly the sum of £1000 sterling, to encourage itinerant preachers and catechists to go to these parts." The Royal Bounty is still continued and is applied for the maintenance of "ordained ministers, licentiates, student missionaries or catechists," at something like 60 or 65 stations. The itinerants seem now to be abolished. In 1747, the Presbytery of Irvine overtured the Assembly to direct that the Royal Bounty "be applied in making new erections in the Highlands and Islands of Scotland, rather than in hiring itinerant preachers, who from experience are found to do very little service."

† On one occasion a preacher of the muscular christian type went to one of these Episcopalian parishes to supply the vacancy. A gentleman in the parish advised him not to attempt to preach, lest it should cost him his life. The minister would not take advice, but gave orders that the bell be rung. After a few tinkles, the bell stopped ringing; and the minister, going out to see what had happened, found two scoundrels pomelling the bell-man. Rushing to the rescue, he laid hold of the assailants, knocked their heads together, and stood beside them till the bell was rung out. He then invited the onlookers, who were probably a good deal amused, and not very ill pleased, to follow him into the church, where he would tell them something they had never heard before. And the story goes that they went inside, and were so entertained with the sermon that they crowded round the minister, as he went off, and invited him to visit them again.—Fasti. Part 6, p. 511.

‡ In 1696, an Act of Parliament was passed, allowing to preachers and ministers, for preaching in vacant parishes benorth Forth, 20 merks Scots for each Lord's day that they preach forenoon and afternoon. This grant was allowed, moreover, "albeit that sometimes, by reason of the shortness of the day or the people's untimeous convening," there were not two separate diets of worship. This Act was repealed by the Act 1711, which restored patronages, and, along with patronages, the rights of patrons to dispose of vacant stipends for pious uses.

no liking for the business was Mr. Maitland. In 1698, he was appointed to go north; but a convenient sickness gave him a good excuse for declining the honourable commission. The following year his appointment was renewed, and he went north, but did not complete his term. The convenient sickness overtook him again, and he returned, with testificates that he had preached in the district assigned him "some Sabbaths, but falling sicklie he culd not tarry to supply any furdur." And his failing to fulfil appointments was so common as to be almost habitual. He had generally some excuse, however, which saved him from censure; and he was so genial a man that rigidity could scarcely get angry at his indolence.

The most notable minute in our Session records in reference to Mr. Maitland is one of date 16th June, 1706, in which it is stated that two viragoes, a mother and a daughter, "were cited before the Session, next Fryday, for leazing Mr. Maitland." The word leazing is often used as a noun, and when so used means falsehood. We read in the Psalms, "thou shalt destroy them that speak leasing," which the translators of the revised version have changed into "thou shalt destroy them that speak lies." The word leasing does not so often occur as a verb, but I presume its meaning in the sentence quoted is slandering or reviling.* And however much people may be inclined to smile at a complaint of slander, the slandering of a minister has always been held by the Church as a very heinous offence. Both in 1642 and in 1694, the General Assembly enacted that all such slanders should be punished "with the censures of the Kirk, even to the highest," according as the degree or quality of the scandal should be found to deserve. And not only

* In the Overtures, 1705, the word "lesed" occurs more than once, in the sense of injured or wronged, chap. III. sec. 8, clause 5, chap. IV. sec. 6, clause 2. This word, although similar in sound, has a different derivation from leazing, which means falsehood.

church censures, but civil punishments were inflicted on people for offences of that kind. In 1679, a carpenter was brought before the Town Council of Dumbarton for calling his minister "ane liar, ane knave, and ane rascal," while the minister was, in the exercise of his duty, reprovng the carpenter for drunkenness: and the truth of the charge "being maid evidentlic appear," it was ordained that the slanderer's "friedom be cried doun be tuck of drum, and he put in the stocks."* We can understand, therefore, how Mr. Maitland felt so sore on the subject of his being leazed; and in the commotion made over the leazing we have a common feature in old ministerial life quietly and quaintly exhibited. When the slander came to be investigated, the Session thought it so mild a calumny that it might be sufficiently censured by a private rebuke. Mr. Maitland was not satisfied with this decision, and intimated his purpose to complain to the Presbytery. The records of Presbytery contain no allusion to the case; and it may thus be presumed that the affront was forgotten and the sore healed.

Some entries in the Session records towards the close of Mr. Maitland's ministry are very touching. On the 14th May, 1738, it is said "the minister *preached only*, being indisposed." The following Sunday he both preached and lectured; but, on the 28th May, there was "no sermon, the minister being indisposed by a fall from his horse." On the 2nd July he preached

* In the Session Records of Galston, mention is made of a man that, in 1635, gave signs of repentance in sackcloth for slandering of his minister before the Presbytery. And this was not all the punishment he underwent; for, in another minute, it is stated that "W. Meikle, wha, at the meeting of the brethren afore-said, wes committed to waird in the tollbuith of Ayr, for his irreverent misbehaviour to the Presbytery, and objecting to his minister the filthie fact of simony—was ordered to repair to his paroch kirk, and in sackcloth, bairfuted, and bairlegged, to put himself in the penitent place all the tyme of the sermon; and, before his entering, to pay £20, to be bestowed in pious uses by the minister and Session of Galston."

once more, but it was in the manse, and, except on that Sunday in July, the pulpit was either vacant or supplied by neighbouring ministers, till the end of September, and then the record closes. In labours Mr. Maitland was not abundant, but in genial indolence he was representative of a worthy class of gentlemanly ministers, who exercised a kind of influence for good on a rude community, and who are not so common now as they once were.

The minister that succeeded Mr. Maitland is one whose name is a household word wherever the poems of Burns are read. From the way in which that minister is spoken of in the writings, and in some of the biographies of the poet, it is not unlikely that the opinion entertained of him by the public generally is neither very exalted nor very favourable. William Auld was, nevertheless, a man of far more than common force of character, besides being a minister of exemplary faithfulness. Of all the ministers that ever lived in Mauchline, not even excepting Mr. Wyllie or Mr. Veitch, I am inclined to say that Mr. Auld is the one that was most abundant in pastoral labours, and that left on the parish the clearest and most enduring mark of himself. † He was a younger son of the laird of Ellanton's, in the parish of Symington, and he not only passed with credit through the ordinary curriculum of study at the University of Glasgow, but had a finish given to his education by a term or two at the University of Leyden. ~ He was of a large boned family, and the conspicuous feature of his intellect and will, as well as body, was vigour. He was a grave, solemn man—an ultra Sabbatarian—and a bishop, who not only lorded over his parish, but ruled with apostolic rigour in his own house. There was, however, a stately courtesy, with much kindness of heart, underneath his austere and rigid manners. While a terror to evil-doers, he was the praise of those that did well

His nephew (the late Dr. Auld of Ayr), who was brought up by him in the manse of Mauchline, used to speak of him with unbounded affection, as a man terribly strict but exceedingly kind.* He was settled in Mauchline in the year 1742, and died at Mauchline in Decr. 1791, in the 81st year of his age, and the 50th of his ministry.† Compliments were not so frequent in Mr. Auld's days as they are now, and they were probably not so overstrained. And never was the heart of a minister cheered by a more touching, simple and truthlike compliment than that which was paid to Mr. Auld, in 1788, by the honourable Lady Anne Whiteford, after her departure from Ballochmyle. As a memorial of her husband's family, she left to the parish a beautiful silver bason, for baptisms, which, in a note to Mr. Auld, she described as "a small gift from me to the church of Mauchline, in grateful acknowledgment and lasting remembrance of the many happy years I passed in that place, under your excellent instruction and ministry." But the surest and clearest proof of his popularity as a preacher and minister, is the statistical table of attendances at his communions. From 1751 to 1756, the number of communicants each year averaged 600. In 1757 and 1758 the numbers were respectively 450 and 490. In 1763 the number rose to 700, in 1771 to 850, 1773 to 1000, in 1779 to 1100, in 1780 to 1300, and in 1786 and 1788 (the two years in which Burns figured in the Kirk-Session) to 1400.‡ On the death of Mr. Auld the number went down

* My informant is a member of Dr. Auld's family.

† When Burns published his poems, in 1786, Mr. Auld was an old man, in the 76th year of his age, and was entitled from his gray hairs to a little more respect than Burns showed him.

‡ The "Holy Fair" was written in 1786. In *Old Church Life* I have given reasons for saying that in Mr. Auld's day there must have been occasionally seventeen or eighteen tables at a sacrament. This is a large number of tables for a communion, and whatever may have been thought of such a number in 1786 it was at an earlier period much marvelled at, and referred to as evidence of a minister's extraordinary

to 700, then in a year or two to 600, and a year or two afterwards to 500. Now, whatever opinion we may have regarding the good or evil of these great communion gatherings, the figures quoted indicate at least the reputation Mr. Auld enjoyed both within and beyond his parish.

Through the kindness of a relative of Mr. Auld's I have been favoured with specimens of his sermons and lectures, that I might see what kind of prelections the people of Mauchline heard from the pulpit in the days of Burns and Holy Willie. Mr. Auld's sermons were not written for the press, and they would not have been fit to appear in print without considerable corrections. They were not finished compositions, but rather scrolls or first drafts of sermons, such as a preacher who did not restrict himself to a manuscript might consider a sufficient preparation for his Sunday work. They were, however, vigorous and sensible productions, sound in doctrine and direct in application, and if delivered with animation and improved by impromptu embellishments, they would, in their day, be counted good specimens of plain preaching. They were thoroughly practical discourses. They neither soared into regions of airy sublimity, nor went down beneath the foundation of things. Nor were they weary wandering seas of barren foam and declamation. What they were will be fairly illustrated by the following sentences, taken at random from a manuscript sermon on the text:—"His servants shall serve Him, and they

popularity. It is said of John Row of Carnock that "having been a godly, zealous man, and his ministry much attended from using the Presbyterian form at communions, he had no less than seventeen tables on that solemn occasion in 1635." *Fasti*. It is said of Mr. Watson of Burntisland, that the persecutions he was subjected to for his opposition to Episcopacy made him such a favourite with the populace that at his communion in 1615 there were served "nineteen tables and a half, quherin, as was supposit thair was at euery table fifty communicants," and in the three following years there were respectively, eighteen and a half, nineteen and a half, and twenty-one and a half tables.

shall see His face." Besides being preached at Mauchline this sermon was preached in the tent at Auchinleck in 1770; at Muirkirk, on the evening of the sacrament, in 1774; and at Kilmarnock, on the Stairhead, on 13th Nov. 1774. It had been reckoned a sermon, therefore, that could stand repetition; and, in one of the heads of application, Mr. Auld remarks:—"What has been said will suffice to reprove those who do not serve God on earth, yet hope to serve him in heaven. This is inconsistent with common sense and reason, and the more unaccountable in rational creatures that no man is so foolish and unreasonable with respect to the affairs of this life. None hope to reap where they did not sow, none of us will pretend to be fit to speak in a language which we never learned, and if we hope to be fit to be employed in any valuable art or calling we know that we must first serve an apprenticeship and pass through a proper course of education in order thereunto. Know, then, that this life is a sort of seed time, or apprenticeship, for eternity; and believe that the plenty of the harvest does not more depend upon the right improvement of the seed time, nor the dexterity and success of the artist upon his application and diligence when an apprentice, than does our happiness hereafter upon our good behaviour now, or our fitness for serving God in heaven upon our care to serve him on earth. Let none, then, who habitually neglect to serve God on earth, and have no delight in the places and exercises of his worship here below, delude themselves with the vain hope of ever entering into the heavenly sanctuary and of serving God there, for we have shewn that both the constitution of nature and the constitution of the God of nature forbid this."

But, while Mr. Auld was doubtless a popular and powerful country preacher, he was a particularly painstaking, energetic, and strong-minded pastor. Discipline was never so stringently

and methodically administered in the parish as it was in the days of his ministry. No delicacy of feeling, or shyness of disposition, or, as some people would prefer to say, no moral cowardice ever restrained him from openly doing what he thought his ministerial duty. His lot was cast in a rude, rough age, in which gross licentiousness and shameless perfidy prevailed, to an extent that many people have no idea of ; but against all the abounding iniquity of the parish he contended like a hero, and by his firmness and determination of character he enforced at least an outward homage to the claims of righteousness and religion. The moment any person was delated in the Session for a fault, the "inquisition" was set in motion, like the machinery of a modern court of detection ; and it was carried on and never dropped (or at least very rarely) till either guilt was established or cause was seen to believe innocence. And, while no man was sterner in reproving sin wherever it was proved, few men ever forgave more fully after sin was confessed and censured, or were more resolute in upholding charitable judgment where guilt was not made evident. In 1773, a fama arose about the Session Clerk, and it had to be investigated. The case came first before the Session, and then went up to the Presbytery. It was one of those cases in which there is no evidence, except the accuser's own word ; and, unfortunately for the accuser, if her accusation was true, her credibility was injured by a false statement on a collateral point. The Presbytery, therefore, unanimously assoilzied the clerk ; but there were some people in the parish, nevertheless, who would not believe him innocent of the charge. Among others, three of the elders were of that opinion. These three elders, without intimating any reason, withdrew from meetings of Kirk-Session ; and no notice, for a while, was taken of their conduct. At length, when some months had elapsed, Mr. Auld presented

to the Session a requisition that these elders, who "had deserted the duties of their station, and purposely absented themselves from the monthly and weekly meetings of Session," should not be received again by the Session till they condescended on such reasons for their desertion and neglect of duty as should satisfy both the Session and the Presbytery. The three elders were, accordingly, cited to appear before the Session, in the first instance. Two of them, in response to their citation, appeared, and frankly stated that they could not in conscience remain in the Session so long as a man of such evil repute as their clerk was retained in office. A formal answer to this declaration was afterwards given in to the Session by Mr. Auld, and the tenor of that answer, which is engrossed in the Session records, will give us a good idea of what a practical, sound-headed, and strong-willed man he was. "It is true," said Mr. Auld in this paper, "that the clerk some months ago had the misfortune of a heinous charge brought against him; but it is well known that he stood his trial before the proper court, and was unanimously acquitted, so that he was then legally, and is according to the rules of the Church to be held, guiltless. The secrets of his and every man's heart and life must be referred to the judgment of God. After justice has taken its course, charity should have free scope. Then, charity, which thinketh no evil, should lead every Christian to think the best, and in doubtful cases to err on the charitable side. It might have been expected that the fore-said persons would have joined the rest of the elders, in endeavouring to preserve peace and harmony in the parish, by setting an example of charity, and of submission to superiors, and to the order of the Church. But, instead of this, their example has had a pernicious influence; and their late behaviour tends to bring upon themselves the imputation of

pride, perfidy, and gross inconsistency—of pride, in thinking themselves wiser than the whole Presbytery; of perfidy, in wilful violation of their ordination engagements to submit to the government of the Church; and of gross inconsistency in matters of conscience, particularly in thinking light of the sins just now mentioned, and in magnifying beyond measure the imaginary sin of sitting in a Session with a clerk, of a character supposed by them immoral, though legally assoilzied. Is not this to strain at a gnat and swallow a camel." More need not be quoted. The language is somewhat after the style of old Bishop Hugo's of Lincoln—"pipere mordacior"—spicier than pepper; but, if allowance be made for it on that score, it is otherwise an admirable remonstrance with upsetting prejudice, and a very proper vindication of the rights of a man that had stood his trial and been acquitted by his judges.

In parish matters, Mr. Auld was a great reformer. He had his eye on every disorder and abuse, and he was instant, in season and out of season, in getting things put right. Some of his faithful contendings have already been mentioned in former lectures. He had a long fight to get the church and church-yard protected against desecration, and in appealing to the heritors to aid him in that work he well described the sentiment he invoked as an "honourable regard to the house of God and the burial place of our fathers." We have seen what zeal he had for the poor; how he pleaded for assessments that the poor might be better provided for; how keen and careful he was in the exaction of fines, how pliable in the abbreviation of marriage banns, how ready to baptize or marry in a private house, how zealous in urging the use of public mortcloths, and how assiduous in the erection of church seats wherever there was available space, that by these means a little augmentation might be made to the poor's funds. We have seen how he put

down "the cruel and inhuman custom of cock-fighting at Fasten-e'en;" how he strove to repress the social evil of irregular marriage; and how vigorously he dealt with every form of Sabbath profanation. One bad custom in the parish, long ago, was the intimation on Sundays at the church gate, of roups and public sales. This was not a work of necessity, Mr. Auld thought, and in 1755 he prevailed on the Session to discharge "their officer from proclaiming any roups for the future, and to speak to the officers in the town not to use that practice."^{*}

Mr. Auld is said to have been a man of considerable learning; but, except that he was fairly well informed in Church law and Church procedure, we have no evidence that his acquirements were more than ordinary. Only two publications are known to have come from his pen. One of these was a sermon, printed at the request of the Presbytery, on the

In the records of Kilmarnock Session it is incidentally stated, in the course of a process before that consistory in 1710, that, a cow having been lost out of a drove of cattle in the neighbourhood of Ochiltree on a Saturday night, the owner "went to Ochiltree kirk on Sabbath morning, with a design to cry it." The beast turned up at Barskimming bridge, and the proclamation had not to be made.

The civil magistrate, a hundred years ago, asserted more authority in the Church than he now does. Local Justices expected their acts, on such subjects as "the running, using and selling of French brandy," to be solemnly read from pulpits. This was Erastianism; and the Presbytery of Ayr, to vindicate their spiritual independence, found it necessary, in 1730, to enjoin that "when any acts of the Justices come to ministers' hands, in the intervals of Presbytery, to be intimate, brethren are not to do it, till the matter is laid before the Presbytery at their first meeting."

In 1790, (during Mr. Auld's ministry), an unpleasantness arose at Mauchline about the reading of "a paper relating to the meeting of freeholders." This paper was sent to the Kirk-Session, by the Sheriff, with an order that it be read on a certain specified Sabbath, "at the Kirk of Mauchline, immediately after divine service in the forenoon." The Session minuted that "such a long paper was never required before by the Sheriff of this county" to be read at the kirk, and they were dubious of the "reasonableness of this innovation." Finding, however, that "the requisition for reading runs thus, 'at the Kirk of Machlin,' they allowed the Precentor, if he pleased, to read or cause read it in the church-yard."

pastoral duty of ministers ; and the other was the statistical account of the parish, to which I have already referred. The sermon, if it now exists at all, survives only on the dusty shelf of the antiquary ; but the statistical account is of easy access, and is a very readable compilation. It is not remarkable for any recondite learning, but it is written in a vivacious and vigorous style, very wonderful for a man nearly four score years old. The most notable statements in the statistical account are two, but they are notable for something else than learning. One of these statements is about the battle at Mauchline moor, which was fought the day after the sacrament in 1648. Mr. Auld, in zeal for the parish and the covenants, declares, in sublime ignorance of fact, that the battle ended in the total rout of Middleton and his dragoons !

The other remarkable statement in Mr. Auld's statistical account of the parish, is, if possible, even more striking than that about the battle on the moor. It is a statement, too, that has evidently called forth much admiration, for it has been copied verbatim into a series of successive publications, as if it were some marvellous utterance of profound wisdom. It is about the channel of the river Ayr, which, in some places, lies between steep rocks of red sandstone from forty to fifty feet high. "How this passage was formed," says Mr. Auld, "whether by some convulsion of nature, or by the water gradually forming the channel for itself, *cannot now be ascertained.*" There is a ring of decided finality in this judgment. It cannot now be *ascertained* how the passage between the rocks was formed. Certainly, there is no man now living that saw the process of formation from the beginning. The same kind of human testimony cannot be got on that subject as can be got on questions of history. But, it is not on tradition that geology is based. Geology goes far behind and beyond the

period of authentic human history, and the conclusions she presents are as ascertainable to-day, and will be thousands of years hence, as they were thousands of years ago. Geology adduces facts from many sources—from the observed action of all natural agencies at the present time, and from all historical accounts of changes in former ages on the earth's surface—and, resting on these facts as her basis, she shows in what manner, and in what probable length of time, certain formations and excavations could have been accomplished; and then she asserts that the way in which visible phenomena can be most simply accounted for, is the way in which we cannot but believe them to have been produced. And, when theories, which at first were tentative, are found on examination to accord with an increasing mass of observed facts, these theories acquire an increasing degree of probability, till eventually they become as firmly established as any of the convictions, in matters of every day experience, that rest on moral evidence. And yet, while thus criticising Mr. Auld's statement about the bed of the Ayr, it must be admitted that in that statement, faulty as it is, there is a certain latitude of thought discernible. To Mr. Auld's mind, in 1790, it was at least conceivable that the Ayr had worn out a channel for itself, by the friction of its waters and of the stones it carried down in its currents. It may be safely affirmed that a hundred years ago there were many men considered well educated and advanced in thought, who were neither educated nor advanced in thought to that degree.

It is neither by his literary, nor by his parochial labours, however, that Mr. Auld's name is destined to be transmitted to future ages. It is by his accidental association with the poet Burns, and the consequence is that, being presented to view in the poet's writings as the censor of the poet's irregularities, and as a man at variance with some of the poet's

friends, only certain aspects of his character are brought to light and others are undisclosed. But notwithstanding what has been said of him either in malice or in ignorance, he was both a well meaning and an active energetic man—most faithful and diligent in his ministerial work—thoroughly parochial in his ways and notions—and not only had he the good of the parish at heart, but he did a great deal of good in and for the parish.

Mr. Auld's ministry in Mauchline extended over half a century ; and that half century, from 1742 to 1792, is by no means devoid of interest to the student of Scottish ecclesiastical history. Mr. Auld, however, was not associated with any public movement, either of thought or action, outside of his own parish. Some of Burns's biographers have called him a leader of the Old Light party in the Church. He certainly belonged to that party, and he may have been considered an outstanding member of it in the upper district of Kyle ; but, in no legitimate sense of the term could he be called a leader either of that or of any other party. He made no figure in Church Courts. The chief thing standing to his name in the Presbytery records is a motion "that Commissioners to the General Assembly be sent by rotine." Indeed, so far from occupying a high pedestal of honour in the Presbytery, he more than once was subjected to a mild rebuke in that court. Apparently he had thought with Pardovan that there is no law in the Church requiring ministers to preach sermons on week days ; and he very probably thought that, for all the good they did, such sermons might be left unspoken. But these were not the views of those who walked blindly by the rule of use and wont. He was, therefore, in 1744, enjoined by the Presbytery "to have week-days' sermons, as was usually observed in that place (Mauchline), except in seed time and harvest." And, what was very

extraordinary in so square-toed a man, he once had the hardihood to deliberately disregard an important instruction he received from the Presbytery. In 1767, a misguided brother in the Presbytery fell under scandal, and some witnesses in the case had to be examined in Glasgow. Mr. Auld and Mr. Moody* of Riccarton were appointed Commissioners to attend the Presbytery of Glasgow at this examination. Neither of them went to Glasgow, and the Presbytery "called on them to answer for their conduct. Mr. Moody excused himself upon the account of his health, he being so much indisposed that he could not travel. Mr. Auld excused himself because he could not get a horse"!† The Presbytery, "after reasoning," found Mr. Moody's excuse relevant, but Mr. Auld's not; and Mr. Auld was, accordingly, admonished "from the chair, for his neglecting to obey the Presbytery's orders." It is comforting to find that such a strict martinet as Mr. Auld could be overtaken in a fault, and that even he had to learn the art of admonition by receiving reproof.

The successor of Mr. Auld was Mr. Archibald Reid. In the common sense of the phrase, he was not a successful minister. The congregation did not flourish under his care, and the communion crowds decreased. It was during his ministry, too,

* This was the Mr. Moody known to the readers of Burns, as one of the contentious Calvinists, who fell out with each other on their way home from a sacramental Monday's service. The Presbytery Records support the poet's insinuations that Mr. Moody was a hasty and an indiscreet man. In 1766, a fama reached the Presbytery that he had been guilty of perjury in a process in the civil courts. The Presbytery found that there was "no foundation for the charge of perjury," but that Mr. Moody had been "guilty of a want of prudence, generosity and gratitude, and that he should be censured for his conduct, and admonished to behave better for the future."

† Mr. Auld's excuse was not without precedent. In 1689, a member of the Presbytery of Irvine was appointed to do duty in a vacant parish, and did not. He reported to the Presbytery, at their next meeting, that "Ardrossan sent not ane horse for him, else he had satisfied them as he had promised."

that dissent obtained in the parish a local habitation, by the erection of what was then, and long afterwards, called the meeting house.* It is only fair to state, however, that Mr. Reid's want of success was largely due to adverse circumstances. He was literally broken down by misfortunes, which seem to have had no foundation in any fault of his.

His first appointment, not as a minister exercising sacramental offices, but as a preacher or missionary, was, in 1776, to the chapel of ease now known as the East Church of Greenock. In 1779, he received a presentation to the Parish of Fenwick; but the people of that parish were, for some reason or other, unwilling to have him as their minister. They objected in the Presbytery to his appointment, and instituted in the Church Courts one of those vexatious processes known as cases of disputed settlement.† The case came before the

* Before the meeting house was erected (1794), religious services were conducted by the seceders in the open air, on the Knowe, at or near the site of the present U. P. place of worship. One that regularly attended these meetings was James Humphrey, known to the readers of Burns as the "bletherin" body. During the sermon, James usually lay flat and at full length on the sward, with his face earthwards, as if fast asleep. He was, nevertheless, an attentive hearer, and took in all that the preacher said: and, what is better, he weighed what he heard, in the balance of reason and testimony. One day, the preacher, quoting a verse of Scripture, told his auditors where they would find it. "Na, na," cried James, lifting up his head, to the astonishment of his neighbours, "ye're wrang for ance, it's no in Ephesians, it's in Philippians." The congregation stared, as they well might, and wondered what would happen next; but the preacher was a self-possessed good-humoured man, who could take occasion by the hand, and he put his audience instantly at ease, and raised himself in their estimation, by acknowledging the correction. "Thank you, my friend," he said, "it's very likely I have made a slip, and I am glad to think I have such an intelligent auditor listening to my discourse."

† The popular dislike of patronage was at this date so vehement that the most unrighteous means were used by people, professing zeal for the glory of God, to prevent the presentees of Patrons obtaining settlement in the parishes to which they were appointed. Malicious and injurious falsehoods regarding presentees were invented and circulated, and threats were fulminated against all that would sign their call and concurrence. In 1787, a Mr. Millar was presented by the Earl of Eglinton to the parish of Kilmaurs. The people wished to choose their own

General Assembly in 1780, and was decided in Mr. Reid's favour; but, after vindicating his professional character and legal rights, Mr. Reid was content to resign his appointment,* and wait on some other presentation, which might give him better promise of ministerial comfort and usefulness. He had to wait twelve weary years before another chance of preferment came his way; and when at length, in 1792, he received from the Earl of Loudoun a presentation to the Parish of Mauchline, he again met with an unfriendly reception from the people. The spirit of disaffection, too, which was manifest at the time of his settlement, was never perfectly laid during his incumbency. There was not only no kindness shewn him, and no encouragement given him in his work, but he was subjected to insults, annoyances, and what he thought wrongs. He con-

minister, and they raised the hue and cry that the presentee was a drunkard and had killed both his father and brother! The story happened to admit of easy refutation, and "severals were undeceived." When the day for what is technically termed "moderating in the call" arrived, no one "durst appear to subscribe, for fear of a mob of seceders and vagabonds!" The doctrine of the Moderates, who formed the majority in the Church Assemblies, was that a call from the Parishioners was not requisite, and that Presbyteries were bound to admit every qualified minister who held a legal presentation. Mr. Millar was, therefore, in the end admitted to Kilmaurs.

* The following interesting minute regarding Mr. Reid was entered in their records by the Presbytery of Irvine, in March 1781. "The Presbytery took into their serious consideration the undeserved treatment that Mr. Archibald Reid, preacher of the gospel at Greenock, had lately met with from a parish in their bounds, unto which he had been presented. And, entertaining a very high opinion of his Christian and ministerial qualifications, think it incumbent on them to give some public testimony of that approbation and regard for him, and they are of opinion that they cannot do this in any way more proper than by one which may enable him to be more useful than he, as a Christian teacher and minister, at present is. This Presbytery, therefore, agree unanimously to ordain him as minister of the gospel; and appoint Mr. W. to let him know this resolution of the Presbytery, and, if he shall agree thereto, to desire him to attend their next meeting" and submit himself to the customary trials. In a subsequent minute it is stated that Mr. Reid acquitted himself, "in every piece of Tryal, to their (the Presbytery's) great satisfaction;" and he was accordingly ordained a "minister of the gospel of Christ, and of the Church of Scotland."

sidered himself ill-used, and probably so he was. And thus, between one vexation and another, his heart gave way. He became silent and reserved, was seen—

“Causeless walking in the wintry wind,”

and when he met people on the road passed them by ungreeted, as if he neither saw nor heeded them. What seemed to be his only pleasure was a solitary walk to the hill of Skeoch, which he took almost daily, both for a constitutional exercise and for the sake of the splendid prospect he never wearied of surveying from “the long ridge of Kyle.” Exceedingly little is either recorded or remembered of him, although he died in the present century, within the memory of men still living. In making enquiries about him I went to an old woman, nearly ninety years of age, who spent the early part of her life in this parish, expecting to obtain from her some information, or ancient gossip, about his preaching or his pastorate. “I remember him well enough,” said the old woman, “but can’t tell you what sort of man or minister he was. I saw him once on a Sabbath morning pass through the churchyard in his black silk gown, and I thought he was the devil.”* That was all she had to record of Mr. Reid, and a humbling moral may be drawn from the fact. Little

* People still living remember when such gowns were denounced by some good folks in Scotland, as the rags of popery. The wearing of black gowns by ministers, when either performing divine service or attending Church courts, was enjoined by Act of Parliament 1609, and subsequent Royal Proclamations founded thereon. In 1612, it was minuted by the Synod of Fife that “the haill number of the brethren present were found in their gownes, exceptand some few, quho in the next Session wes found sic lyk to gif obediens.” The wearing of a gown came, thus, to be thought a compliace with Erastianism—submission to the King’s command—and a badge of Prelacy. At the reforming Assembly of 1638, when Episcopacy was abjured, Bishop Burnet remarks that “the Marquis (of Hamilton) judged it was a sad sight to see such an Assembly, for not a gown was among them all, but many had swords and daggers about them.”

does any one know what other people are thinking or saying of him. Little does the blooming bride, fluttering with pride and joy, as she trips to church on the arm of her happy husband, surmise what the tattlers of the kirk-yard are whispering. As little does the swash and belted trooper, strutting down the street in all the majesty of athletic form, divine what nautical observations are being made on his shapes and paces by untutored urchins that have not been taught to distinguish the sublime from the ridiculous. And little does the well-proportioned clergyman, sailing down the alleys of his church in all the glory of sacerdotal vestments, conjecture what whimsical thoughts of manhood and millinery are lighting up the features of some bucolic worshipper. But the subject has a pathetic as well as humorous aspect; and it is humiliating to think that a man, who had spent more than twenty years in the work of the ministry, should, in the place where he lived and before the generation that knew him passed away, have left behind him no remembrance or tradition except that he was once mistaken for the fiend and arch-enemy of his race.

Mr. Reid was not known to have had a single relation either to care for him while living, or to mourn at his death. He lived and died as lonely and friendless as ever a man born of woman did. Fortunately for his memory there was one person that knew him well and loved him much; and that person has done himself honour in protecting the name and credit of his friend. On Mr. Reid's tombstone he has caused to be inscribed a kindly epitaph, which says that the lone heart-broken minister who sleeps beneath was "a man beloved by all who had the pleasure of his acquaintance." But in this epitaph there is something beneath the surface—something mournful as well as graceful. The silent tombstone is made

to reveal the fact, which time might have covered with oblivion, that Mr. Reid was little known and little appreciated—that he was a stranger to his own people and but a wayfarer in his own parish—and that although loved by all that knew him, he was loved and known by few.

It is pleasant to say, however, that Mr. Reid's reputation rests on something surer than the partial testimony of one well-affected acquaintance. Mr. Reid has left behind him a small publication, which enables us to form an estimate of his mental powers, his literary attainments, and his bent of mind. Previous to his settlement at Mauchline, he was minister of the Chapel of Ease at Greenock, and he was employed to write the account of Greenock for the national work of Sir John Sinclair. In this publication, brief and meagre as it may be thought now-a-days, Mr. Reid shows himself to have been a man of no mean talents. He writes with fluency and grace, like a gentleman of culture and scholarship, who might have made for himself a name in literature. He had an original and a picturesque way of describing scenery, and he seems to have been an acute observer of nature's beauties and curiosities. That he directed his thoughts to political economy, too, as well as to matters of science, may be inferred from the remarks he makes, in a footnote, on the cultivation of potatoes. "The culture of potatoes, in the neighbourhood of towns, by sedentary mechanics, contributes greatly to their health," he says. "When potatoes, which is often the case at Greenock, are sold at sixpence a peck, and good fresh herrings at seven or eight a penny, what a blessing to poor families!" Trite and paltry observations these, cynics may say; but the man that made such observations was evidently one who thought about his neighbour's welfare, and had he not been soured and sickened by misfortune, he should never have grown into a recluse, but should

have been a minister of active benevolence and of wide and generous sympathies.*

Mr. Reid died in 1803, and was succeeded by Mr. John Tod. Mr. Tod was a very worthy, estimable man; and the lady he selected for his wife was the little daughter of Gavin Hamilton, who, on the last Sabbath of July, 1787, importuned her father for new potatoes to dinner, and, by thus tempting him to break the Sabbath, brought him again to loggerheads with his old tormentors in the Kirk Session.

With the death of Mr. Reid and the induction of Mr. Tod old church life in this parish may be said to have come to an end. With the commencement of Mr. Tod's ministry the Session Registers begin to assume a modern and familiar aspect. Old things passed away and all things became new. The singing of Paraphrases was introduced into public worship, and the old practice of the precentor parcelling out the Psalms in single lines, which he first chanted in monotone and then sung in tune, was discontinued. Charity too began to step out of the old grooves and enter on new lines. Collections were

* Some people can't understand how a minister, if he gets his stipend paid him, can ever be troubled or vexed. The truth is some ministers have been vexed till their lives became miserable. In 1711, the minister of Kilmaurs craved from the Presbytery the privilege of demitting his charge, on account of "discouragement, persecution and broken down spirit,"—Records of Irvine Pres. It is told of one of the ministers of Cupar that, in 1771, he "died of a broken heart, from meeting some of his parishioners going to worship in a dissenting meeting-house at Auchtermuchty." *Fasti*.

That Mr. Reid was naturally a kind and good man, and was very grateful for any expression of regard he received, appears from the inscriptions, in his own handwriting, on some of his books, which are still in this district. On the fly leaf of a small Church Bible, which belonged to him, is the following inscription, "On his leaving them, in June, 1792, to be admitted minister of Mauchline, the beloved and most respectable congregation of the Chapel of Ease in Greenock, where he had officiated as a preacher and minister of the gospel, for about the space of fifteen years, presented this Bible and a gown to

ARCHIBALD REID."

Greenock, 26th June, 1792.

made in church in aid of a Bible Society, and of a Parochial Female Association, and, by and bye, in aid of missions established by the General Assembly. The administration of discipline underwent an important change. The old delinquent's desire for a "gentlemanny punishment" was granted to all his successors in sin—the public exhibition of offenders on what was scoffingly termed the "cutty stool" was relinquished as a monopoly to the seceders—and both the "dyvours" garment and the sack-cloth robe were relegated to the old clothes' press or turned into washing clouts. The Sunday School was opened as an adjunct to, not as a substitute for, the religious instruction of the week-day school. Dissent, too, came to be recognised as a *de facto* institution, which must at least be tolerated and allowed; and was seen to be in reality the safety valve that secures the Church's peace. And, what is more notable, there were indications of neighbourly and brotherly feeling rising up between the members of different religious denominations. In the description of the parish furnished for, and published in, the New Statistical Account of Scotland (1837), Mr. Tod states, as a matter of congratulation if not of wonderment, that "people of different religious opinions now regard each other as brethren."

This profession of Christian brotherhood, too, was well supported by overt acts of inter-denominational friendship. According to the custom of the times, Mr. Tod regularly assisted at the communion in several parishes, and on these occasions the church of Mauchline was vacant. The Dissenters annually chose to have their communion at Mauchline on one of these "silent Sundays;" and year after year, for their better accommodation, they were on their sacrament Sabbath allowed the use of the parish church. In the Session-clerk's memorandum book there occurs again and again the following

entry:—no sermon this day, the church occupied by the “Burgers” for their communion. And to this entry it is generally, if not invariably, added:—“the Burgers gave a pound for the poor.” It was in the last days of Mr. Tod’s ministry that the much to be lamented secession of 1843 occurred. Mr. Tod was then laid aside from active duty, and in the fierce controversy which led to that secession he had no part. But he was spared to see the secession, and to see people who used to “take sweet counsel together, and walk to the house of God in company,” separated and disfriended for ever.*

Time has smoothed down many asperities since 1843, but we have still to deplore the prevalence of sectarian dissensions and sectarian rivalries. Alas that Christ should be so divided. And it is not Acts of Parliament that will remove these strifes and jealousies, but the outpouring of a better spirit on all professing Christians.

And now, in concluding this course of lectures, I have only to say that in the *Old Church Life* we have been considering there was a great deal for us all to admire and lay to heart. Doubtless there were some spots and wrinkles on the face of that life, and right it is that these should be noted and correctly designated. Along with burning zeal for God and deep rooted piety, austere righteousness and rigorous discipline, grand Sab-batarian solemnity and singular unweariedness in long religious services, there were sometimes to be seen imperfect culture and rude manners, narrowness of sympathy and fierceness of party spirit, intolerance of what was thought to be error, and a want of that sweetness which is one of the best as well as fairest products of Christian doctrine. But let us not be censorious. Superficial minds can always discern imperfections. It requires

* The successor of Mr. Tod was Mr. James Fairlie, a man of great learning and much amiability of character.

deeper insight and more justness of judgment to recognise merits and virtues. And, whatever else there may have been in the Old Church Life of Scotland, there was at least a conspicuous display of faith and spirituality, of stedfastness in the hour of temptation, and of that elevating respect to the recompense of reward which is sometimes sneeringly called otherworldliness. These virtues made the lives of our fathers in the Church sublime, and they form a splendid contrast to the debasing love of lucre and pleasure so prevalent now, in what Scotland's greatest orator has termed "our degenerate days." And so, while we cast off every thing that in the old life was unlovely, let us see that we retain of it all that was pure and saintly, manly and godly.

APPENDIX.

BURNS'S MARRIAGE, P. 199.

Many of the poet's biographers maintain that Burns was legally married to Jean Armour previous to his censure in Mauchline Church in 1786. He had given Jean, they allege, a written acknowledgment of marriage, and that acknowledgment, they assert, constituted marriage.

It is certain that Burns, in the spring of 1786, gave Jean some writing regarding their marriage; but it seems to me not quite so certain what was the precise tenor of that writing.

Even supposing, however, that the "unlucky paper," as the poet terms it, contained a declaration by Burns that Jean was his wife, it is questionable if the law would on that account have held them married persons. Lord Fraser says that although some writers on law had, before 1786, affirmed that *sponsalia de presenti* constitutes marriage, their opinion was not supported by any judicial authority. Lord Braxfield, in 1796, declared from the Bench that consent *de presenti* does not constitute marriage "without the priest's blessing or something equivalent;" and Sir Islay Campbell said "I deny in principle that consent makes marriage without ceremony or coitus." Church Courts, during the greater part of last century, scarcely knew what to recognise as marriages. Had Burns's alleged marriage by the unlucky paper come before the Civil Courts in 1786, and the fact of consent *de presenti* been clearly established, it is at least doubtful if the marriage would have been affirmed. There is reason to think that all the length the Court would have gone would have been to grant an order to compel solemnisation.

Proceeding on the questionable assumption that Burns and Jean were legally married before their compareance for public rebuke in 1786, some authors have taken on themselves to rate Mr. Auld

severely for the part he took in rebuking Burns, and giving him afterwards a testimonial that he was an unmarried man.

In a small book, privately printed in 1883, under the title of "Robert Burns and the Ayrshire Moderates," it is said (p. 23), "the indignant father (of Jean) destroyed the document, which was the only evidence of the marriage; . . . he also, by fear or otherwise, influenced his daughter to give up her lover, and, by so doing, to appear dishonoured before the world. The minister, led by him, is induced to punish the poet in that ignominious manner."

The anonymous author of these sentences shows no animus against Mr. Auld; but has, to my personal knowledge, treated documentary evidence with great candour and fairness, not stretching it to serve an argumentative purpose where it might have been so stretched. The author says of Mr. Auld, that he "seems really to have considered it his duty to administer the public censure to the poet," and that he "showed some kindness and sympathy by making the situation as little painful as it could be made." The views expressed by one who writes in such a strain may be considered as fairly representative of the views held by many well-informed people, who are uninfluenced by prejudice in the formation of their opinions.

It is a mistake, however, to suppose that the production of marriage lines, or a mutual acknowledgment of irregular marriage, by Burns and Jean, in 1786, would have saved them from the "ignominious" punishment of public censure. The law of the Church was, and still is, "that all married persons under publick scandall of fornication committed before their marriage (although the scandall thereof hath not appeared before the marriage) shall satisfie publicly for that sin committed before their marriage, their being in the estate of marriage notwithstanding, and that in the *same manner* as they should have done if they were not married." Act Ass. 1646, Sess. 7.

How this Act of Assembly was obtempered by Kirk-Sessions, last century, will be seen from the following extract from the records of Mauchline. The date is 1706, but the discipline in 1706 was precisely the same as it was in 1786, "James Wilson and Helene Leprivick appeared publicly and wer absolved, haveing stood two dayes, although they should have stood three. The reason that they were absolved was, because their childe was weak, and to gett the benefit of baptism to the same, notwithstanding of the Act of the Generall Assembly which reckons their ante-matrimoniall fornication

as culpable as if no marriage followed the same." Had Burns and Jean proved themselves to be married persons in July 1786, they would have come under *double* censure:—censure for immorality in the first instance, and for breach of Church order in the second.

People, unacquainted with the discipline of the Scottish Church, may possibly be surprised to hear that offences of the kind described in the foregoing Act of Assembly are still visited with censure. The only differences in the disciplinary procedure, now-a-days, from what it was in the days of Burns, are (first), that the censure is administered before the Session and not before the congregation, (secondly), that only one compearance is required, and (thirdly), wherever there is room for doubt in regard of guilt, charity lets judgment pass and "thinketh no evil."

In the pamphlet referred to about Robert Burns and the Ayrshire Moderates it is said further, that the discipline imposed by Mr. Auld and his Kirk-Session on Burns, in 1786, was "intended to pronounce the poet unmarried and Jean free," and that Mr. Auld "made a serious mistake in performing a ceremony intended to have the effect of separating a couple really married."

There is a passage in one of Burns's letters which seems to furnish some pretext for these observations. On the 17th July, 1786, the poet wrote to a friend, "I have already appeared publicly in church . . . I do this to get a certificate as a bachelor, which Mr. Auld has promised me."*

* Burns's remarks about his affair with the Session in 1786 are not free from inaccuracy. In a letter dated 17th July, of that year, he says, that "Jean and her friends insisted much that she should stand along with me in the kirk, but the minister would not allow it, which bred a great deal of trouble I assure you, and I am blamed as the cause of it, though I am sure I am innocent; but I am very much pleased, for all that, not to have had her company." Burns and Jean had each to stand three times before the congregation, and it is certain that on the last of these occasions, whatever may have been the case on the other two occasions, they stood together; not of course in the same seat, but at the same time. The minute of Session runs thus: 1786, "August 6, Robert Burns, John Smith, Mary Lindsay, Jean Armour, and Agnes Auld, appeared before the congregation, professing their repentance, etc. . . . and they having each appeared two several Sabbaths formerly, were this day rebuked and absolved from their scandals." The rebuke is extant, written out by Mr. Auld along with other admonitions addressed to other offenders during his long ministry. I have been favoured with a copy of it for

It cannot be supposed, however, that Mr. Auld promised that if Burns would condescend to receive censure he would get his *marriage annulled*. Mr. Auld was too upright a man to do anything of the sort. Mr. Auld *must have believed that Burns was not married*. Possibly he had never heard of the unlucky paper. Possibly, or probably, although he had heard of the paper he would still have considered that Burns had not completed his marriage. He might have told Burns that unless discipline were submitted to, a testimonial could not be granted him on his leaving the country, as in Church law it could not; and as to its being a certificate of bachelorship, that was a matter of course, for no allegation of his being a married man had ever been made to the Kirk-Session.

From a Church law point of view, the thing most difficult to explain in the Kirk-Session's dealing with Burns and Jean Armour, was their passing over the scandal, or apparent scandal, of March 1788. Burns and Jean, although regarded as unmarried persons at the time of that scandal, were never brought to book for it by the Kirk-Session. There is not a word of reference to it, so far as I have noticed, in any part of the Session records. But there are two entries anent it in the Brulie minutes, that is, in the scroll minutes. On the 2nd of December, 1787, certain women, of whom Jean Armour was one, were reported to the Session as being under scandal; and, on the 9th December, it was entered in the scroll minutes that "Jean Armour sent excuse that she cannot attend until next Sabbath." There is no further reference to the matter, in either the Brulie minutes or the extended record. It is well known that soon after this date Jean was by her father, on the

publication by the possessor, the Rev. John W. Ritchie, Langside, great-grand-nephew of Mr. Auld, and the following is its tenor:—

"July, 30th, 1786.

"Rt. Burns.

"Smith.

"Jean Armour.

"You appear there to be rebuked, and at the same time making profession of repentance for ye sin of fornication.

The frequency of this sin is just matter of lamentation among Christians, and affords just ground of deep humiliation to the guilty persons themselves.

We call you to reflect seriously in contrition of heart on all the instances of your sin and guilt, in their numbers, high aggravation, and unhappy consequences, and say, having done foolishly, we'll do so no more.

Beware of returning again to your sin as some of you have done, like the dog to in-vomit, or like the sow yt is washed to her wallowing in the mire."

supposition that she was a doubly dishonoured spinster, turned out of doors and left to find a home where she could. On the 3rd March, 1788, she gave birth to twins, who died soon afterwards. Their burials are entered as follows in the Burial Register (1788) of Mauchline, now in the Register House, Edinburgh:—"Jean Armour's child unbaptized, buried March 10. . . . Jean Armour's child unbaptized, March 22."

The next reference to either Burns or Jean Armour in the Session books is in the Brulie minutes of 30th July, 1788, where their names appear on the list of "persons under scandal since last sacrament," with this note attached, "their recent affair not settled." *

We have seen that, on the 5th August, 1788, Burns and Jean were taken by the Kirk Session solemnly bound to adhere to one another as husband and wife all the days of their life. No one will dispute that, whatever they were before, they were from and after that date married persons.†

But they claimed to have been previously married in an irregular way, and they were rebuked for that acknowledged irregularity. It is, strange to say, not stated in the Session records, when, where, how, or by whom they were married in this irregular manner. In the Register of Marriages, now in the Register House, Edinburgh, it is stated that they "acknowledged they were irregularly married *some time ago*," but the date is not condescended on.

In his Life of Burns, Lockhart says that the poet, "as soon as his bruised limb was able for a journey, rode to Mossgiel (1788) and went through the ceremony of a Justice of Peace marriage with Jean, in the writing chambers of his friend Gavin Hamilton." Allan Cunningham says that Burns "reached Mauchline towards the close

* A stroke is drawn through their names, as if to show that the scandal they were under was at length removed, and that they left the parish for Ellisland with a clean bill.

† It is somewhat remarkable that on both the occasions on which Burns was required by the Kirk-Session of Mauchline to own a fault, he subscribed the minute. In 1786, he subscribed a minute acknowledging the paternity of the twins afterwards born that year; and, in 1788, he subscribed the minute of adherence to Jean as his wife. Such subscriptions were rarely, if ever, except in the case of Burns, required by the Kirk-Session of Mauchline. Mr. Auld and Holy Willie possibly thought that when they took in hand to deal with the poet they would need to make their procedure sure.

of April, . . . and that, on his arrival, he took her (Jean) by the hand, and was re-married according to the simple and effectual form of the laws of Scotland."*

Whether Mr. Auld would have considered that this alleged marriage in April was a marriage at all, or was only legalised and completed by the solemnisation in the Kirk-Session, on the 5th August following, we need not here discuss. But the question arises, if the irregular marriage alleged did not take place till April 1788, how did it happen that Burns and Jean were not subjected to public censure for the scandal of the 3rd March? I cannot give a confident answer to that question. Allan Cunningham says that "Daddy Auld, and his friends of the old light, felt every wish to be moderate with one whose powers of derision had been already proved." That suggestion will not do without some more explanation. If Burns and Jean were clearly unmarried persons in March 1788, Mr. Auld was *bound* to deal with them as scandalous persons; and, in as much as the scandal on Burns's part would have been a case of trilapse, the poet would have been required to appear not only before the congregation of Mauchline, but before the Presbytery of Ayr.

Pending further information, I am inclined to think that on some consideration or other Mr. Auld had, prior to July 1788, been led to believe that the twins, of March 3rd, had been born in legal wedlock; or that a plea to that effect, *if advanced by either Burns or Jean*, would present difficulty to the Session. It is significant that the references to Jean in the Brulie minutes, 1787, were never transferred to the permanent record.

The story of the unlucky paper of 1786 may, in the spring of 1788, have come to Mr. Auld's knowledge; and it may have been represented to him that the mutilation of this paper was neither a voluntary dissolution nor a legal discharge of contract. It may have been further represented to Mr. Auld and his elders that, if this paper did not of itself constitute marriage, it formed a contract which subsequent "coitus," to use Sir Islay Campbell's expression, converted into marriage. For these or other reasons, well or ill founded, the Kirk-Session may have seen difficulties in the way of establishing a clear case of scandal against Burns and Jean in March 1788, and have thought it expedient to take no action in the matter. I need scarcely add that

* In respect of precise dates, these statements are open to criticism.

after the heavy sorrows Jean had passed through, the Kirk-Session would be well pleased to find themselves able to take a view of her conduct that did not involve her in further humiliation.

These conjectures regarding the Kirk-Session's procedure are to some extent confirmed by several remarks in Chambers's Life of the poet. "It does appear, indeed," says Chambers, "that before the 3rd March, 1788, Burns had *found reason* to fear that he might, after all, be liable . . . to trouble on account of Jean Armour, if she, or any other person, should feel interested in bringing *evidence* against him for the establishment of previous nuptials," or, as some might say, contract. And again Chambers says :—"Had Burns never resumed his acquaintance with Jean . . . there could have been no claim on their (the Armours') part towards him, however the legal question might have been ultimately ruled."

Into these personal matters concerning Burns I would not have entered, had it not been that the conduct of the Kirk-Session, in their dealings with the poet, has been the subject of considerable animadversion. For many reasons it would be better to let some of the frailties of distinguished men be buried in oblivion. It is only in his "Poet-forms of stronger hours" that Burns is to us a subject of living and admiring interest, and whatever he may have been in his weaker moments, he was in his moods of inspiration like Saul among the people, a man that from the shoulders upwards was higher than all his fellows.

NOTES ON OLD CHURCH LIFE, FIRST SERIES.

The following extracts from the Records of the Kirk-Session of Kilmarnock may be of interest to readers as bearing on some of the points discussed in the previous volume.

SITTINGS IN CHURCHES.

1676. Considering "the great oppression that is in the Church floore through a multitude of chaires, thrust in without warrand from the Session, whereby many old deserving women cannot win neir to heir sermon, nor cannot get rounge to have ane chaire set in to sit on, whereas many young women have them that may better stand nor they, upon which the Session thinks fit that the tables be not taken down untill such tyme as some course be taken thereanent."

“The Session think fit that the Elders in their several quarters take up ane list of the most fit and most deserving to have chaires in the Church and to present the said lists to the Session against the next day to be examined.”

The Session “doe unanimouslie conclude that ther be only five score chaires in the Kirk floore and no moe, and these to have no arms, and all of on magnitude, and this Act to continue for a year’s tym.”

1689. The Session ordered “that none presume to bring into or keep in this Kirk any armed chairs, or any other size than as follows, viz., each chair to be allowed by the Session might be 16 inches in height, 15½ inches in breadth, and 12 inches the length of the seat bands, betwixt joynt and joynt, all inches of rule or measure.”

1695. The chairs in the body of the church were removed, and “furnes” set instead. Some of these furnes had “breasts.” At an early date there were forms as well as chairs in the church. In 1671 “the Session ordered some of the elders to go throw the town houses, and sie if they could find any of the Church forms in them and to cause bring them bak;” and in November of the same year the Session ordained that no forms be given out of the church without their order.

1695. On the erection of a new loft, the Session allowed “Laird of Rowallan four pewes from the face of the loft backward, with an entrie to them by himselfe; the Laird of Craufurdland other four pewes with an entrie to them; and the Laird of Grange three pewes with an entrie to them off the head of the stair. And that the rest of the loft should be completely furnished with furnes and destinate for the use of the common people both in town and landward.” The area beneath was at that date all occupied with pewes, and the rents of the pewes were applied by the Session to such pious uses as were found most needful.

CHURCHYARDS AND HOUSES ON CHURCHYARD DYKES.

Owners of houses on churchyard dykes paid annually to the Kirk-Session sums ranging from 13s. 4d. to £2 Scots, “conforme to the tack.”

1650. One of these owners supplicated the Session "for libertie to mak ane door to his high house on the churchyard, he obleidging himself that no ashes nor any thing prejudicial to the churchyard, or unbeseeing to honest men's buriall places, should be casten out at the said door." The crave was granted, with certification that if the terms were infringed the door would be closed up.

1693. "The kirk yard was laying open as a plain path road," and the Session considered how it might be fenced, but nothing was concluded. "In the mean time, Charles Dalrymple was appointed to give warning by the drum that no person defile the same by laying dunghills thereon."

BEHAVIOUR IN CHURCH DURING SERVICE.

1656. "Compeared and confessed his profanation of the Lord's day in fighting for a seat in the time of divine service."

1677. "Compeared Jean Brown and complained on Sara Reid for lifting her chaire out of the place that the elders had placed it, and putting in hers." Sara was found in the right, but both were sharply reprov'd for "their abuse of the Sabbath day in contending about their chaires, when they were come to sermon."

1677, 22nd March. "This day ther came in ane complaint that in tym of divine service ther used some young lads to gather together in corners of the kirk, and did fight and play, and used to creep under the furmes and prick men with pins, and wer a great prejudice to their hearing that sat nixt to them."

1698. Intimation made that "none move out of their seats, nor presume to go out of church, until sermon be ended, prayers said, psalms sung, and blessing pronounced; otherwise the elders would take notice of them at the several church-doors, and give up their names to the Session, and next to the minister, to be read publicly out of pulpit."

1699. Children playing in the churchyard in time of divine service, "if found henceforth, they should be apprehended and imprisoned in the steeple, and afterwards condignly punished by scourging or otherwise, for profanation of the Lord's day."

COMMUNION SERVICES.

1695. Agreed that the deals that were used for tables at the Communion should be kept allenary for that use from year to year.

1701. Hours of service on Communion Sabbath, "at 8th of the

clock precisely . . . the kirk doors not being opened until six of the clock." On Monday, the service commenced at nine precisely.

In *Old Church Life* (First Series) it is stated that, while common wheaten bread and port wine are now generally used at Communion, at one time it was customary to use shortbread and claret. At Kilmarnock, in 1708, "it was moved (in the Session) if the sacrament bread shall be changed. Agreed that it be not changed, but that the same bread be used that was last Communion." At the winter Communion in Kilmarnock in 1719, there were used "28 pints claret wine at 26s. per pint, and bread £4 Scots."* Total charge, £40 8s. In 1712, the Communion elements cost £69 16s. 4d. Scots.

DUTIES OF ELDERS.

1671. "The Session judged it convenient that the minister from the pulpit give advertisement to the congregation that the elders are to visit their severall quarters every Sabbath night after sermon."

1676. An act was renewed that the elders go through their several quarters every Saturday night at nine o'clock, to see who are drinking.

1706. The Earl of Kilmarnock was ordained an elder, and apparently by a very simple ceremony. "The Moderator proposed some queries to his Lordship, anent his belief of a Deity, the government and discipline of the Church, which he satisfactorily answered, and therefore was admitted and received to be ane elder."

1723. The following are the questions appointed by the Presbytery of Irvine to be put to elders at privy censures:—

"1st. Do ye visit the sick in your division, speak to them, and pray with them when you are called. 2nd. Do ye inform yourself of the conversation of your division, particularly whether they have family worship and attend ordinances. 3rd. Do ye give account of what scandals fall out, which deserve public censure. 4th. Do ye deal with their consciences who are guilty of such escapes as do not deserve to be represented to the Session. 5th. Do ye deal with persons under scandal to bring them to repentance. 6th. Do ye attend judicatories as ye can conveniently. 7th. Do ye make conscience to rule your own family, and endeavour to give them a good example. 8th. Do

* One Scotch pint of wine is equal to 3/581091 English pints, and as an English pint is equal to 1 1/2 of the pints now in common use, 28 Scotch pints are equal to 6 1/4 dozen quarts. See Lord Hailes' Proposal for Uniformity of Weights and Measure, p. 39.

ye visit your division every half year, and see whether strangers have brought testimonials."

PUBLIC MORALS.

The period from 1638 to 1651 is by many people regarded as the period of greatest piety and purity in the history of the Church of Scotland. There were certainly during that period a great deal of religious zeal and a great deal of moral austerity in the Church and country, but there was also more barbarity than is sometimes represented. In 1647 the following resolution was minuted by the Kirk-Session of Kilmarnock:—

"Finding the increase of that unnatural sinne of husbands and wyvis stryking on another, and feiring, that gif it sould be passed over without censure, that it sould tend to the contempt of discipline and dissolving of families, therefore, have ordained, for the curbing of the sinne, whasoever sall be found guiltie of this sinne sall stand in the public place of repentance and sall pay."

OLD CHURCH LIFE (FIRST SERIES OF LECTURES), 1885.

Corrigenda et Notanda.

P. 8, line 16, "chestnut-tree" should be "elm-tree."

P. 29, line 26, also p. 30, line 4, "handles" should be "hands."

P. 30, "There was no clock-face on the east gable of the old church within any living man's memory." I have learned that a year or two before the old church was taken down, the old knock was furnished and set up anew in its ancient habitation.

P. 44, line 25, "fray in 1684" should be "in 1648."

P. 46, "Mary Morrison's window." The family of Adjutant Morrison latterly lived in the house mentioned, but in the days of Burns they resided in another part of the village.

P. 47, "Two of his (Burns's) children are buried there." In a modern inscription on the tombstone the name of only one child is given, viz., that of Elizabeth Riddell, who was born in Dumfries in 1792. From the fact that one of the twins of 1786 is said to have been brought up by the Armours, and to have died before her mother's expulsion in 1788, I infer that that child is also buried in the Armours' enclosure. There is no record of her burial, however, in the Register. The twins of 1788 are registered as having been buried in Mauchline unbaptized.

P. 171, "Mr. M'Clatchie (then a probationer, &c.)." Leave out the clause in brackets. The M'Clatchie mentioned was probably the minister of Mearns.

P. 229, note. The decision of the Justices (1740), finding the heritors of West Kirk, Edinburgh, not liable to assessment for the poor, was owing to special circumstances in the case.

P. 287, note. Since that note was published I have been informed by a most respectable parishioner that she has frequently heard her father and mother say that the seat which at present stands in the bay of the south window of the vestry in the tower of Mauchline Church, is the veritable repentance stool of the old church, on which Burns should have sat in 1786. I have failed to find any independent confirmation of this tradition; and two "authorities" who remember the stool, assure me that the form in the vestry with its ornamental legs is not the old seat of penance, nor has any resemblance to what that plain piece of joiner work was. Other considerations would have led me confidently to the same conclusion, and I put this statement on record to guard against the origin of a myth at some future time.

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