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Keeping the Kirk:
The Practice and Experience of Faith in North East Scotland, 1560-1610

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Doctor of Philosophy
The University of Edinburgh
2016

Abstract

This thesis examines the practice and experience of religion at the parish level in post-Reformation North East Scotland. It challenges the traditional view that the region was solidly and resolvedly "conservative" and argues that it became predominantly, but not uniformly, reformed in the first half-century following the Reformation.

Kirk session and presbytery records drawn from the distinctive and diverse region of the North East provide the foundation of the primary research, allowing religion as lived by parishioners from all segments of society to be the focus of this study and offering the opportunity to map geographical variance.

After introducing and defining the subject and setting it within its historiographical context, an overview is provided of the region's physical, social, political, and religious landscapes. The main body of the thesis explores the practice and experience of faith in the North East between 1560 and 1610 using three main themes. The first studies the Sabbath, the weekly fixture that was the heart of public worship and observance in the parish. Sacramental practice is the second theme with an in-depth study of the annual administration of Communion, which reinforced temporal and spiritual bonds among Kirk adherents and starkly exposed non-adherents and recusants. The final theme considers the role and position of ministers and readers in religious practice and investigates the relationship between them and their parishioners.

From detailed analysis of these three themes, it is concluded that the North East as a whole was transformed into the general mould of Scottish Reformed Protestantism by 1610, but that there was a spectrum of practices and experiences of faith. More broadly, this thesis demonstrates that, whilst religious reform in Scotland was achieved, the religion as lived by Scots was nuanced and polychromed.

Lay Summary

In 1560, the Roman Catholic Church in Scotland was overthrown and a Protestant Kirk was erected in its place. This Reformation changed the ways in which ordinary people practiced and experienced their faith. Through the analysis of Kirk records, this thesis examines these changes at the level of the parish in North East Scotland. It challenges the traditional view that the region was solidly and resolvedly "conservative" and argues that it became predominantly, but not uniformly, reformed in the first half-century following the Reformation.

After a brief background of the North East during the Reformation period, the main body of the thesis explores the practice and experience of faith in the post-Reformation North East using three main themes. The first studies the Sabbath, the weekly fixture that was the heart of public worship and observance in the parish. Sacramental practice is the second theme with an in-depth study of the annual administration of Communion, which reinforced temporal and spiritual bonds among Kirk adherents and starkly exposed non-adherents and recusants. The final theme considers the role and position of ministers and readers in religious practice and investigates the relationship between them and their parishioners.

This thesis concludes that the North East as a whole was transformed into the general mould of Scottish Reformed Protestantism by 1610, but that there was a spectrum of practices and experiences of faith. More broadly, this thesis demonstrates that, whilst religious reform in Scotland was achieved, the religion as lived by Scots was nuanced and polychromed.

Declaration

I, Catherine McMillan, declare that I have composed this thesis myself. All of the work contained herein is my own work. It has not been submitted for any other degree or professional qualification.

Edinburgh, 3 June 2016

Catherine McMillan

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Dedication

For Buckley

Acknowledgements

It is with pleasure and delight that I write of those who have advised, inspired, and supported me throughout the composition of this thesis. My gratitude is first and foremost extended to my supervisor, Professor Jane Dawson, whose sharp vision, expert knowledge, and unique insight guided me through the oceans of research and the mountains of writing. I am also thankful to Professor Susan Hardman Moore for her valuable and generous contributions as a secondary supervisor. I have great appreciation for Dr Sara Parvis and Professor Elizabeth Ewan who were inquisitive, constructive, and gracious viva examiners. Dr Jenny Wormald was an exceptional scholar and her wit and wisdom was of considerable benefit to this thesis.

The primary research of this thesis was made possible by Robin Urquhart at the National Records of Scotland and the staff at the Aberdeen City and Aberdeenshire Archives. My thanks also to Christopher Fleet at the National Library of Scotland for touring me through the world of early modern Scottish maps. I am grateful to Miles Kerr-Peterson for his suggestions on sources and discussions of the weird and wonderful history of the North East. Likewise my thanks to Lauren Murdoch for discussing the religious art and architecture of the region.

Funding for my doctoral studies was magnanimously provided by the A.C. Cheyne Scholarship in Ecclesiastical History. The Reverend Professor A.C. Cheyne furthered the study of Scottish religious history and I am privileged to have been the first recipient of the scholarship award named in his honour. Through the generous grant of the Strathmartine Award from the Strathmartine Trust, I was able to undertake essential archival research in Aberdeen and field research at various kirks and castles in the North East. I also had the opportunity to study in Paris through the bursary awarded benevolently by the Fondation Catholique Ecosaise.

The support staff at New College were invaluable and I thank Karoline McLean, Felicity Smail, Mingyuan Cao, Jo Hendry, Robert Mckay, and Kathy Christie in particular.

I am most grateful for my colleagues, friends, and family who are wellsprings of support, encouragement, and jollity. Especial thanks is accorded to Whitney Gamble, Jennie and Matthew Hoskin, Andrea and Ethan Quillen, Megan and Sean Adams, Laura and Michael Mair, and Teresa McCaskill. It is from my parents that I learn the meaning and worth of erudition.

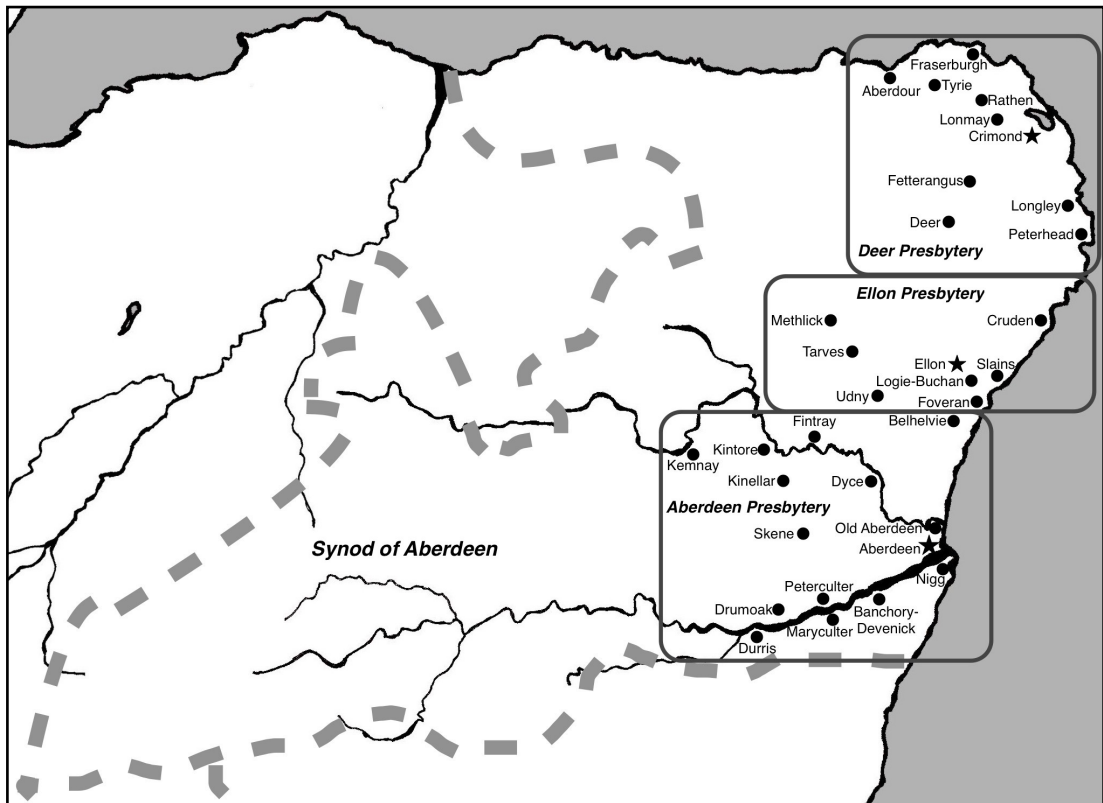
Abbreviations

- Canmore*: *Canmore*. Historic Environment Scotland. Accessed 5 January 2016. <https://canmore.org.uk/>.
- Fasti*: Scott, Hew. *Fasti Ecclesiae Scoticae: The Succession of Ministers in the Church of Scotland From the Reformation*. 8 vols. Rev. ed. Edinburgh: Oliver and Boyd, 1915-1950.
- ODNB*: *Oxford Dictionary of National Biography*. Accessed 5 January 2016. <http://www.oxforddnb.com/>
- RPCS*: Masson, David, ed. *The Register of the Privy Council of Scotland (First Series)*. 14 vols. Edinburgh: H.M. General Register House, 1877-1898.
- RPS*: Brown, K.M. et al, eds. *Records of the Parliament of Scotland*. St Andrews, 2007-2016. Accessed 5 January 2016. <http://www.rps.ac.uk/>.

Conventions

Unless otherwise stated, dates have been given assuming the new year to begin on 1 January. Money is given in £ Scots and merks (1 merk equalled two thirds of £1 Scots or 13s. 4d.). Quotations from primary sources are given in their original spelling, with contractions expanded and placed in square brackets. The letters "Þ" (thorn) and "ȝ" (yogh) have been transcribed as "th" and "y," respectively.

Map of the North East



The presbyteries and parishes of the North East. Map courtesy of Miles Kerr-Peterson.

Introduction

On the evening of Thursday, 8 November 1608, an earthquake rattled the lowlands of Scotland. Although the physical damage was minimal, the event was cause for alarm nonetheless. For the religious leaders of the burgh of Aberdeen, the earthquake could only be interpreted as a punishment from God, angered by the continued sinful behaviour of His people. Given that the visitation of plague during the previous months had failed to effect repentance and amendment among the people, this latest adversity was taken as a final warning. God's vengeance upon a sinful people is a familiar theme in the history of Christianity and the response of the leaders—calling upon the people to repent and renew their faith—was in keeping with that tradition. However, the leaders' particular identification of the "bracking and prophaning of the Lordis Saboth" as a causal sin committed by some of the burgh's parishioners is evident that they were interpreting this punishment in the light of Reformed Protestantism as practiced by the Kirk of Scotland.¹ Whilst sabbath observance was practiced within Roman Catholicism and not unique to Reformed Protestantism, it was particular feature of the new Kirk. In contrast to Catholic practice, the Sabbath was strictly observed and enforced.² Some five decades earlier, the Protestant interpretation of Christian doctrine had been anathema to most of Aberdeen's residents. A major centre of Catholicism, it did not support the reformed cause during the Reformation Crisis of 1559/1560, strongly resisted the implementation of reform immediately thereafter, and continued to harbour a small, but vocal, Catholic minority well into the seventeenth century. As such, historians have labeled the burgh "conservative" as well as unreformed. Moreover, Aberdeen the burgh has been equated with Aberdeen(shire) the region, resulting in an impression of the North East as a single, uniform mass of Catholicism. This study, however, argues that the North East as a whole was both reformed within the first half-century following the Reformation and, at the same time, home to a spectrum of

¹ 13 November 1608, John Stuart, ed. *Selections from the Records of the Kirk Session, Presbytery, and Synod of Aberdeen* (Aberdeen: W. Bennet for the Spalding Club, 1846), 64 and CH2/448/2/325.

² Kenneth L. Parker, *The English Sabbath: A Study of Doctrine and Discipline from the Reformation to the Civil War* (Cambridge: Cambridge University Press, 1986), Chapter 2.

practices and experiences of faith, from tenacious Catholicism to strict Reformed Protestantism.

This spectrum is most visible at the levels of parish and presbyterial. The parish was not just the fundamental administrative unit within the Kirk's hierarchy; it was also the underlying structure for the practice of faith. The parish community of congregation and minister (and/or reader) contained all three marks of the "true kirk of God:" the open preaching of the Word, the proper administration of the two "holy" Sacraments (Communion and baptism), and the application and enforcement of ecclesiastical discipline.³ Whilst records of the kirk session, the parish-level ecclesiastical court, can show the inner spiritual and temporal workings of a parish, the individual nature of a parish is thrown into sharp relief by the records of the presbytery, the district-level court. The interaction between parish and presbytery reveals how parishes interpreted and implemented district and national Kirk policy, commonly tailoring directives to suit local needs or preferences. The focus on kirk session and presbytery records allows insight into the practice of faith to be gained from both the perspectives of parishioners and kirk authorities.

The parishes of the North East are ripe for exploring the ways in which faith was practiced and experienced in post-Reformation Scotland. For a variety of reasons, this study has chosen to concentrate upon the 33 parishes within the presbyteries of Deer, Ellon, and Aberdeen.⁴ Firstly, the region itself is of particular interest for historical study. It was (and is) topographically, demographically, socially, politically, and economically diverse, offering an opportunity to examine the practice and experience of faith within and across a variety of contexts. In the context of national reform, the region was of strategic importance to its establishment and development. The burgh of Aberdeen had been regarded as the "gateway to the 'north pairt' of the kingdom" for more than a century and the Kirk

³ James K. Cameron, ed., *The First Book of Discipline* (Glasgow: Covenanters, 2005), 68, 90.

⁴ Thirty-four parishes existed in 1610, but this study excludes the parish of New Machar/Monykebuck, which was created in 1609 within the Aberdeen presbytery. The parishes of Slains and Forvie within what would become the Ellon presbytery were united in 1573. See Hew Scott, *Fasti Ecclesiae Scoticae: The Succession of Ministers in the Church of Scotland From the Reformation*, vol. 6, *Synods of Aberdeen and of Moray*, rev. ed. (Edinburgh: Oliver and Boyd, 1926), 65-66; 200.

presumed that reforming the burgh was key to reforming the region.⁵ Furthermore, three leading earls (Marischal, Huntly, and Erroll) had landed influence in the region, heightening the political dimensions of reform. As such, the Kirk paid considerable attention to the region, but the impression that it formed did not always accurately reflect the situation at the parish level. Secondly, the records of these three presbyteries and two kirk sessions (Aberdeen and Ellon) are the only ones within the synod of Aberdeen (comprised of six or seven presbyteries and a hundred or so parishes) to have survived from the period under consideration.⁶ These records are detailed and contribute greatly to the understanding of religion and society in the region, they have not been subjected to in-depth analysis. Although the mid-1970s saw research into some parts of the region, this present study covers a new area as well as benefitting from the application of recent more-nuanced and comprehensive approaches to historical inquiry.

The period under consideration begins with a revolution and ends with a reversion. The start date is a logical and obvious one. The ratification of the Protestant Confession of Faith by the Scottish parliament on 17 August 1560 marked the end of the beginning of what was arguably "one of the most extraordinary national transformations in European history."⁷ With Scotland a legally Protestant kingdom from this point, the task of the new Kirk was to refashion its people into Reformed Protestants, which could only be achieved at the parish level.⁸ The reach of these courts extended into every home and encompassed so much of people's daily lives. The end date of 1610 is less obvious, but the full restoration of episcopacy in

⁵ E. Patricia Dennison, David Ditchburn, and Michael Lynch, preface to *Aberdeen Before 1800: A New History*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), xxv.

⁶ The presbytery of Turriff was formed between 1608 and 1638 primarily from the parishes of the Fordyce presbytery. See *Fasti*, 6: 247. 105 parishes are listed by the General Assembly in 1586 within what would become the synod of Aberdeen. Because some presbytery and synod boundaries were periodically altered, it is impossible to provide a consistent number of parishes. Duncan Shaw, ed., *The Acts and Proceedings of the of the General Assemblies of the Church of Scotland, 1560-1618*, vol. 2, 1583-1618 (Edinburgh: The Scottish Record Society, 2004), 795-797.

⁷ For ratification, see *RPS*, A1560/8/3; Alec Ryrie, *The Origins of the Scottish Reformation* (Manchester: Manchester University Press, 2006), 1.

⁸ Jane Dawson, *Scotland Re-formed, 1488-1587* (Edinburgh: Edinburgh University Press, 2007), 216-217.

that year fundamentally altered the functioning of the Kirk. Below the level of the General Assembly, whose power had already been severely curtailed in the first few years of seventeenth century, the lower courts were arguably at the height of their powers in the last few years of the first decade of the seventeenth century. From early 1610, ultimate authority and jurisdiction rested in the episcopate. Although existing ecclesiastical bodies retained many of their administrative and disciplinary functions, their power and influence was much diminished and their role within the Kirk and society was considerably altered.⁹ Thus, a longer study would require a comparative examination at least one or two decades either side of 1610, which is beyond the sources, purpose, and scope of this present study. The sources that inform this study are concentrated in the first decade of the seventeenth century, allowing a consideration of religious practice during the "golden age" of the presbyterian discipline system. This timeframe also allows the development of reform to be observed over two or three generations beyond the initial implementation.

Within the scholarship of the Scottish Reformation, Margo Todd opened the doors of academic research to understanding the beliefs, attitudes, and behaviours of "the masses of people in the pew" in her work *The Culture of Protestantism in Early Modern Scotland* (2002). Noting that the Scottish Reformation as seen from the perspective of the elites (meaning ecclesiastical leaders, the monarch, and the nobility) has been relatively well researched by historians, her purpose was to approach the subject from the bottom-up and uncover how and why the lay majority responded to reform.¹⁰ Although *Culture of Protestantism* incorporated some evidence relating to the practice of religion in the North East, it is discussed

⁹ For further discussion on the restoration of episcopacy and its impact on the Kirk, see, for example, Alan R. MacDonald, *The Jacobean Kirk, 1567-1625: Sovereignty, Polity and Liturgy* (Aldershot: Ashgate, 1998), chapters 6 and 7; Michael F. Graham, *The Uses of Reform: 'Godly Discipline' and Popular Behavior in Scotland and Beyond, 1560-1610* (Leiden: E. J. Brill, 1996), 159-161. The direct and indirect changes to religious practice brought by the Five Articles of Perth in 1618 would also necessitate considerable attention. For further discussion, see, for example, MacDonald, *Jacobean Kirk*, Chapter 7; William D. Maxwell, *A History of Worship in the Church of Scotland* (London: Oxford University Press, 1955), 70-77.

¹⁰ Margo Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven: Yale University, 2002), 2-3.

alongside evidence from the whole of Scotland and not within the context of region or parish. Additionally, her study covers nearly a century and is not concerned with identifying developments or patterns over time. There is, therefore, much left to explore and Todd's work serves as a springboard for this present study.

Michael Graham's *The Uses of Reform* (1996) is another influential work that is based on Kirk records. Using over six thousand disciplinary cases from the parishes of Aberdeen, Dundee, St Andrews, and Edinburgh pulled from the first few decades after the Reformation, Graham discerned a number of local and regional trends, including those regarding Sabbath breaches and Communion absences.¹¹ With regard to Aberdeen and based upon the surviving kirk session records for 1573 to 1578, Graham concluded that, apart from the reform of irregular marriage procedures, "there was little sign that the behavioral ideology of the Reformed Kirk had had much effect." He did see evidence that the elders of the 1602 kirk session (when the surviving records pick up again) "had apparently become accustomed to the uses of Reformed discipline," suggesting that "the Aberdonian Reformation must have taken place" in the intervening quarter century.¹² This present study generally agrees with Graham's conclusions, though with some qualifications with regard to religious practice. Although Graham's work is limited in scope, his data and findings are valuable points of contact for delving further into the kirk session and presbytery records.

Regional Scottish Reformation studies have been a relatively recent development and have been highly effective in showing that the national Reformation as a whole comprised varying parts. Notable published examples of this category include Michael Lynch, Frank Bardgett, Margaret Sanderson, Mary Verschuur, and Jane Dawson, who have covered Edinburgh, Angus and

¹¹ Graham, *Uses of Reform*, 2.

¹² Graham, *Uses of Reform*, 123-125.

the Mearns, Ayrshire, Perth, and St Andrews and the Gaelic Highlands, respectively.¹³

The most recent regional study is John McCallum's *Reforming the Scottish Parish: the Reformation in Fife, 1560-1640* (2010) and this present study utilises some of his methodology. Firstly, McCallum affirmed that only through the study of the reform at the parish level could its effect on the laity and "ultimately the success of the Scottish Reformation" be assessed. Secondly, the work was very much concerned with the decades following 1560, unlike, for example, the studies by Sanderson and Verschuur, which concentrate on the immediate Reformation period, because, he contended "the development of the reformed church can only be fully appreciated by extending the period under consideration well into the seventeenth century." Thirdly, he relied heavily on kirk session and, to a lesser extent, presbytery records to analyse reform at the parish level.¹⁴ McCallum viewed these sources as "ultimately records of the church" and of church personnel.¹⁵ However, this present study takes the view that kirk sessions were essentially lay bodies that carried out the functions of ecclesiastical discipline in the community. Kirk sessions were part of the Kirk, but, aside from the parish minister, they comprised local laymen who were otherwise not employed by the Kirk. Although many (but certainly not all) of these men may have been more enthusiastic and committed to reform than their fellow parishioners, they were still drawn from the laity, not the ministry. This present study can only call all upon data from two kirk sessions, though many others have a vocal

¹³ Michael Lynch, *Edinburgh and the Reformation* (Edinburgh: John Donald Publishers, 1981); Frank D. Bardgett, *Scotland Reformed: the Reformation in Angus and the Mearns* (Edinburgh: J. Donald Publishers, 1989); Margaret H. B. Sanderson, *Ayrshire and the Reformation: People and Change, 1490-1600* (East Linton: Tuckwell Press, 1997); Mary Verschuur, *Politics or religion?: The Reformation in Perth, 1540-1570* (Edinburgh: Dunedin Academic, 2006); Jane E. A. Dawson, "'The Face of Ane Perfyte Reformed Kyrk': St Andrews and the Early Scottish Reformation," in *Humanism and Reform: The Church in Europe, England and Scotland 1400-1643: Essays in Honour of James K. Cameron*, eds. James K. Cameron and James Kirk (Oxford: Blackwell, 1991); J Dawson, "Calvinism and the Gaidhealtachd in Scotland," in *Calvinism in Europe, 1540-1620*, eds. Andrew Pettegree, Alastair Duke, and Gillian Lewis (Cambridge: Cambridge University Press, 1996).

¹⁴ John McCallum, *Reforming the Scottish Parish: the Reformation in Fife, 1560-1640* (Farnham: Ashgate, 2010), 6.

¹⁵ McCallum, *Reforming the Scottish Parish*, 2.

presence in the presbytery records, particularly in visitation minutes or in matters concerning ministerial (or reader) provision or misconduct. This study begins with McCallum's judgement that "many lay voices can be heard in the kirk session minutes" and takes it one step further by asserting that presbytery sources can also reveal as much about the laity as they do about the administration of the Kirk.¹⁶ Whilst this study modifies McCallum's assessment of kirk records, his findings and primary conclusion that the successful reform of Fife was gradual and complex add support to this study's central argument.

Reform at the parish level in the North East has not previously been the subject of a dedicated in-depth study, but several works have considered the broad picture of the region in the post-Reformation period. The commonly held view among modern scholars of a "conservative" North East was effectively set by Gordon Donaldson in his paper "Scotland's Conservative North in the Sixteenth and Seventeenth Centuries," presented to the Royal Historical Society in 1965. For Donaldson, the North's embedded and uniform conservatism during the period under consideration was indisputable and states as such in the paper's introduction: "the existence of a conservative north [is] at once apparent on even the most superficial examination of Scottish history in the seventeenth century."¹⁷ Whilst it is outwith the scope and purpose of this present study to discuss each of his supporting arguments, it is important to address how this study challenges his overarching thesis of a "conservative North" by applying more robust and appropriate analytical parameters to the time, place, and category of study.

Firstly, whilst Donaldson's paper is ostensibly concerned with roughly the same post-Reformation timeframe as this present study, extending to the 1620s in his case, his evidence ranges from the late fifteenth century to the 1660s and beyond, at

¹⁶ McCallum, *Reforming the Scottish Parish*, 2.

¹⁷ Gordon Donaldson, "Scotland's Conservative North in the Sixteenth and Seventeenth Centuries," *Transactions of the Royal Historical Society*, 16 (1966): 65.

one point describing the region of Argyll as "Hanoverian."¹⁸ Most problematically, he concludes at the beginning of the paper that the region was necessarily conservative in the sixteenth and early seventeenth centuries because it contributed to the majority of the conservative, pro-crown coalition at the battle Sauchieburn in 1488 and the conservative supporters of episcopacy during the Covenanting period.¹⁹ Whilst he subsequently provides evidence from within the sixteenth century, it is supporting a premise based on events at either end of the period. By not limiting his analytical scope to a discrete timeframe, he does not consider the events and circumstances of the post-Reformation period in the full context in which they occurred.

The regional scope of his study is similarly imprecise and varies depending on the evidence in question. In the broadest sense, Donaldson's "north" is the entirety of Scotland's lands north of the River Tay, which runs from Argyll, through Perth, and drains into the Firth of Tay, south of Dundee. However, this vast region is quietly whittled down through the paper. Little mention is made of the Isles and Highlands west and north of Banffshire and Aberdeenshire.²⁰ Argyll, whilst more or less considered a northern region, is excluded from the conservative part of the North since Donaldson describes it as "the most protestant, the most presbyterian [...] part of the Highlands."²¹ Although Donaldson states that Angus and the Mearns were "quite distinctly part of the conservative north," certain evidentiary examples of his contradict this assertion.²² After these qualifications are applied, the conservative North becomes the conservative North East or, more specifically, the shire of Aberdeen or even the burgh of Aberdeen. Indeed, Donaldson's opening remarks set the scene squarely in this region: "No historian has failed to notice [...] the fact that the strongest opposition to the national Covenant was concentrated in and around

¹⁸ Donaldson, "Conservative North," 74.

¹⁹ Donaldson, "Conservative North," 65, 66-67.

²⁰ Donaldson defends his exclusion of the Highlands from the study because "The highlands proper barely come into the subject under discussion, for they played hardly any part in the main stream of Scottish affairs in the sixteenth century and intervened only occasionally in the seventeenth." See Donaldson, "Conservative North," 74.

²¹ Donaldson, "Conservative North," 74.

²² Donaldson, "Conservative North," 76.

Aberdeen" and that "it was in Aberdeenshire that the Marquis of Huntly remained an unrepentant royalist during the years of the Covenanters' ascendancy."²³ His analysis, therefore, combines specific evidence from the North East with unspecific evidence from the whole of the north from the Tay, particularly for his use of General Assembly attendance statistics, to form a general picture of a conservative North. Moreover, he contrasts the block of the "conservative north" with the block of the "radical south," thereby assuming a marked dichotomy without offering much discussion of the South. Nor does he allow for the possibility of inter-regional variation or nuance, which subsequent regional scholarship has shown to be the case.

Finally, Donaldson draws from a variety of categorical evidence, but does not sufficiently evaluate evidence within its categorical context. Evidence from the spheres of religion, politics, and society is offered side-by-side without distinction. Of course these spheres were inextricably woven together, but each were shaped by dynamics that did not necessarily overlap. The distinctive contexts of these spheres makes it equally difficult to apply the blanket term "conservative," which Donaldson does not define nor differentiate between categories. The implied definition or definitions ranges from religious conservatism (Catholic or Episcopalian), political (loyalty to, and support of, the crown), and social (general resistance and/or opposition to change). He uses these meanings interchangeably and without explanation. Thus, political conservatism (e.g. support for the Crown at Sauchieburn) is equated with religious conservatism (e.g. opposition to the National Covenant). Donaldson inadvertently acknowledges the problems inherent in this type of comparison: "the division of opinion in 1488 was on purely political issues," but the division during James VI's minority "was partly political and partly ecclesiastical." Yet the "Roman Catholic Earls" who were the leaders of the Marian faction of the late 1560s should not be understood as religiously conservative because "those earls were not characterised so much by religious zeal as by a general conservatism and a distaste for new ways in either religion or politics."²⁴

²³ Donaldson, "Conservative North," 65.

²⁴ Donaldson, "Conservative North," 67.

Donaldson's uncertain, imprecise, and variable meaning and use of "conservative" combined with his loose analytical parameters of time, place, and categorical evidence greatly undermines his straightforward claim of a conservative North. In reassessing Donaldson's findings, this present study applies a stricter framework that contextualises the religious practice and experience within the three presbyteries of the North East in the first half-century following the Reformation.

The few historians who have followed Donaldson in studying the North East have tended to uphold his view. The only monograph to examine reform in the whole of the North East is Bruce McLennan's unpublished doctoral thesis of 1977. Using the timeframe of 1560 to 1650, he was largely concerned with the development of kirk organisation above the parish level, the political activities of the social elite, namely the Catholic Gordons, and the religious elite, particularly the group of episcopacy-supporting theologians known as the Aberdeen Doctors who came to the fore in the 1630s. McLennan did address some flaws in Donaldson's argument, but reached the same conclusion nonetheless.²⁵ Thus, whilst McLennan's study is a useful source on religion and the upper tiers of the Kirk, politics, and society, there remains much to be studied on the practice of religion, especially at the parish level.

Allan White has made the case for a more nuanced understanding of Aberdeen's conservative outlook in the sixteenth century in his unpublished doctoral thesis of 1985 and a handful of articles and book chapters. Whilst his superb research has been an invaluable resource for this study, his focus was very much on piecing together a detailed narrative and analysis of the burgh's inner-workings, rather than assessing the aspects of its lived religion.²⁶ Charles

²⁵ Bruce McLennan, "Presbyterianism Challenged: A Study of Catholicism and Episcopacy in the North East of Scotland, 1560-1650" (Unpublished PhD thesis, University of Aberdeen, 1977); Bruce McLennan, "The Reformation in the Burgh of Aberdeen," *Northern Scotland* (First Series), 2 (1974-1975).

²⁶ Allan White, "Religion, Politics and Society in Aberdeen, 1543-1593" (Unpublished PhD thesis, University of Edinburgh, 1985); Allan White, "Impact of the Reformation on a Burgh Community: The Case of Aberdeen," in *The Early Modern Town in Scotland*, ed. Michael Lynch, (Wolfeboro: Croom Helm, 1987); Allan White, "The Menzies Era: Sixteenth-Century Politics," in *Aberdeen Before 1800: A New History*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002).

Haws' article "The Diocese of Aberdeen and the Reformation" (1971) had an extended geographic scope, but was concerned with the transition of Catholic clergy to Protestant readers and ministers.²⁷ The collection of studies that comprise the volume *Aberdeen Before 1800: A New History* (2002) fills out the history of the burgh and its surrounding hinterland and forms the bedrock for its modern scholarship.²⁸ Setting the stage for post-Reformation study, Audrey-Beth Fitch's article "Religious Community in the North East at the Reformation" (1999) showed that North Easterners were active in the practice of their faith in the decades prior to 1560 and "forged and maintained bonds of religious community," particularly at the level of the family and parish. Moreover, the parish "continued to be central to the formation and maintenance of religious community and identity" in the post-Reformation period.²⁹

These works have laid the foundation for the study of religion in the post-Reformation North East, but the traditional emphasis upon the elite and the Kirk as an institution has resulted in a flat and fixed view of the lived religion. Moreover, there has also been a tendency to portray the practice of religion in black or white terms—Reformed Protestant or Catholic, reformed or unreformed, radical or conservative. By examining religious practice at the parish level (and beyond the burgh of Aberdeen), a richer and more brightly coloured picture emerges. This study explores the spectrum of religious practice and experience and seeks to deepen the understanding of post-Reformation lived religion not only within the North East, but also throughout the realm.

There are three main threads woven through this study: the successful implementation of reform in the North East, the roles of negotiation and

²⁷ Charles H. Haws, "The Diocese of Aberdeen and the Reformation," *Innes Review* 22 (1971).

²⁸ In the preface to *Aberdeen Before 1800*, the editors emphasise that the publication was the first extensive survey of the city's history since William Kennedy's 1818 examination *Annals of Aberdeen from the Reign of King William the Lion to the End of 1818* (1818). See Dennison, Ditchburn, and Lynch, preface to *Aberdeen Before 1800*, xxvii-xxviii.

²⁹ Audrey-Beth Fitch, "Religious Community in the North East at the Reformation," in *After Columba – After Calvin: Community and Identity in the Religious Traditions of North East Scotland*, ed. James Porter (University of Aberdeen, 1999), 107, 120. See also Audrey-Beth Fitch, *The Search for Salvation: Lay Faith in Scotland, 1480–1560*, ed. Elizabeth Ewan (Edinburgh: John Donald, 2009).

expectation in shaping reform, and the agency exercised by kirk authorities and parishioners in the practice of faith. Charting religious provision by parish and presbytery provides evidence for the achievement of reform. When measured against the Kirk's own minimum standards, the majority of parishes were functionally reformed by 1610, if not considerably earlier. Most parishes had their own minister, a basic, but sufficient programme of public worship, and reasonably high attendance at Sunday services and participation in Communion. The spectrum of religious practice and experience is revealed by the negotiation that might take place between ministers and parishioners and even between ministers and higher kirk authorities, such as presbyteries. As shown by recent scholarship of power and discipline in early modern Europe, people from all levels of society constantly negotiated the structures, rules, obligations, and expectations that governed and shaped their lives.³⁰ In this present study, negotiation is understood as a dialogue between parties regarding a matter of disagreement with the aim of resolution. Negotiation did not necessarily result in compromise; rather, it could be a process of persuasion or submission to one view over another. Negotiation was commonly necessitated by a difference in expectations. What constituted the "correct" ways of practicing Reformed Protestantism was subject to interpretation. Disagreements were most often between ministers and parishioners, the former toeing the Kirk line and the latter forming their own opinion based on their knowledge of tradition, practicality, and the Kirk's own teachings. From the viewpoint of the kirk authorities, parishioner disagreement was deemed to be disobedience, which is how it is recorded. Certainly some parishioners steadfastly refused to obey the Kirk for various reasons, including a continued commitment to Catholicism. In many other cases, however, disagreement and differing expectations are indications that parishioners were active in the practice of Reformed Protestantism and were willing and able to negotiate with

³⁰ For selection of studies that discuss these themes across many aspects of British society, see Michael J. Braddick and John Walter, eds., *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge: Cambridge University Press, 2001).

the Kirk to adapt high policy to accommodate local needs and expectations. Indeed, J. R. D. Falconer has illustrated in his study of petty crime in the burgh of Aberdeen in the second half of the sixteenth century how small acts of criminality could be a means of challenging official policy that did not reflect the realities of everyday life.³¹ Parishioners did not necessarily have to act against the Kirk to effect change, but could also be active in improving parish provision and lobbying kirk bodies to act. Most ministers and readers were dedicated to the interests of their parishes and, in some cases, negotiated with higher authorities in defence of parish custom. The combination of these factors not only achieved reform, but also led to the emergence of a spectrum of religious experience.

This study supports Margo Todd's contention that "new research based on the minutes of kirk sessions [...] has opened a window onto religion in the parishes."³² In *Culture of Protestantism*, Todd describes her methodological approach as beginning

with as empirical an examination as I could manage of the primary data provided by session minutes, supplemented by presbytery, synod and General Assembly minutes; borough records; diaries, letters and autobiographies; sermons and sermon notebooks; elite concerns expressed in statute; and the more socially inclusive concerns expressed in complaint and deposition.³³

Although Todd focused on kirk sessions and had many more available sources (given the broad framework of a national study over nearly a century) her methodology is equally applicable to this focused study and offers insights that reveal the complexity and variety of the reality of reform.

³¹ J. R. D. Falconer, *Crime and Community in Reformation Scotland: Negotiating Power in a Burgh Society* (Abingdon: Routledge, 2016).

³² Margo Todd, "The Church and Religion," in *Scotland: The Making and Unmaking of the Nation c. 1100-1707*, vol. 2, *Early Modern Scotland: c.1500-1707*, eds. Bob Harris and Alan R. MacDonald (Dundee: Dundee University Press, 2007), 116.

³³ Todd, *Culture of Protestantism*, 19.

As discussed above, records from the presbyteries of Aberdeen, Ellon, and Deer and the kirk sessions of Aberdeen and Ellon are the central sources for this study (outlined in the table below).

Level	Administrative Body	Source Dates
National	General Assembly	1560-1618
District	Presbytery	Aberdeen: 1598-1610 Ellon: 1597-1643 Deer: 1602-1621
Parish	Kirk Session	Aberdeen St Nicholas: 1562-1563; 1568; 1573-1578; 1602-1620 Ellon: 1601-1609

Within the given date ranges, the presbytery records are more or less extant. The level of detail contained in the records varies by presbytery, year, and subject, but is generally high or at least sufficient for informed analysis. It is not known exactly when the Aberdeen and Deer presbyteries began operating, but the Ellon records survive from its erection in the autumn of 1597.³⁴ Because the Ellon presbytery was formed from the Aberdeen presbytery, the first few years of minutes supplement those from Aberdeen. The kirk session records of Aberdeen St Nicholas are very limited before 1573. After its establishment in November 1562, it appears that the session was only operational until January 1562/1563, resuming around March 1568 for a few months. It does not appear to have met again until September 1573, though it is reasonable to assume that it continued to operate after the records end in November 1578. The minutes of the Ellon kirk session are seemingly extant between 1601 and 1609, but are of poor quality (and unreliably dated) until about 1604 or 1605 and only fair thereafter. Whilst most useful with regard to Sabbath attendance and profanation, they are otherwise of limited value.

³⁴ See *Fasti*, 6: 186.

In order to assess parish/district practice in relation to national policy, the *Acts of the General Assemblies* and other Kirk sources, such as the *First Book of Discipline*, were consulted. Occasionally, civil authorities (such as the Privy Council and Parliament) were involved in religious matters at the parish or district level. Records from the Privy Council and Parliament, in particular, supply additional direct evidence or, more often, political/social context for individual parishioners. The manuscript records of the Aberdeen burgh council have also been consulted for every year in which the Aberdeen kirk session and Aberdeen presbytery records have survived, but there is little overlap with regard to kirk matters, despite the significant overlap in kirk session and burgh council membership. Most of the relevant matters that are contained in the council records have been published in John Stuart's *Extracts from the Council Register of the Burgh of Aberdeen*, but relevant manuscript references have also been provided.

After a brief background to the North East during the Reformation period, the main body of this study explores the three main components of the practice of faith: the Sabbath, Communion, and Ministers and Readers. Devoted to the expression of the Word, public worship on the Sabbath was central to the practice of Scottish Reformed Protestantism. The programme of public worship within the parishes of the North East is surveyed in Chapter 2 whilst Chapter 3 examines the ways in which parishioners observed or kept the Sabbath. The practice of Communion, which was connected with the Word, bonded participants to God and to each other. The role and administration of parish Communion is evaluated in Chapter 4 whilst Chapter 5 investigates non-communicants and recusants who were excluded from this bond. Leading parishioners in the practice of their faith were ministers and readers. Chapter 6 looks at their provision and placement within parishes whilst Chapter 7 considers the qualities of their practice and the nature of their relationships with their congregations.

From detailed analysis of these three components, it is concluded that, by 1610, the North East, as a whole, fit into the general mould of Scottish Reformed

Protestantism. Yet, inside and outside this faith, there was a significant degree of variation in religious practice and experience within North East society. More broadly, this study demonstrates that, whilst religious reform in Scotland was achieved, the religion as lived by Scots was nuanced and polychromed.

Chapter 1: The North East in Context

The presbyteries of Deer, Ellon, and Aberdeen formed a geographically coherent unit that was politically, economically, and religiously diverse. In order to understand fully the practice and experience of faith within this complex region, it is necessary to place it within its wider contexts. This chapter provides an overview of each presbytery's topography/geography, its economy, and the political and religious makeup of its landed elite.

The North East of this study formed a crescent that stretched from Aberdour on the Moray Firth in the north, down the coast of the North Sea to Aberdeen, west along the River Dee to Durrus, and back north through a hilly interior. The area covered by the region was extensive, representing nearly a third of the area and a third of parishes of the entire synod of Aberdeen.¹ The presbyteries of Aberdeen and Deer were roughly equal in area (each about 200 square miles), but Aberdeen had the greater number of parishes with 15 as compared to Deer's 10. Ellon was the smallest of the three presbyteries with eight parishes over ~170m².² Parish area averaged about 17m², ranging from 7m² (Kinellar in Aberdeen) to 74m² (Deer parish). Although the boundaries of post-Reformation parishes were mostly unchanged from their pre-Reformation incarnations, the new necessity of congregating the entire parish at the same kirk at least once a week could make the size of large parishes a problem for those traveling from a distance.³ Ministers too had to make the weekly

¹ The figures used to calculate area are based on those provided by The Gazetteer for Scotland (<http://www.scottish-places.info/>) and *The New Statistical Account of Scotland*. The boundaries of the synod were, by and large, those of the pre-Reformation diocese of Aberdeen. The River Spey served as the boundary on the north-west and the Cairngorm Plateau marked the south-western boundary. The current council district of Aberdeenshire is roughly equivalent with the diocese/synod, with the addition of the Huntly and Kincardine/Mearns areas. See Aberdeenshire Council Website, accessed 25 August 2015, <http://www.aberdeenshire.gov.uk/local/map.asp>. Kincardine O'Neil was the largest presbytery within the synod in the early seventeenth century. Its 15 or so parishes covered about 750m². The parish of Braemar and Crathie alone was 285m². Overlaying the synod boundaries were the entirety of the sheriffdom of Aberdeen and a slice of the Banff sheriffdom on the north-west. See Peter G. B. McNeill and Hector L. MacQueen, *Atlas of Scottish History to 1707* (Edinburgh: The Scottish Medievalists and Department of Geography, University of Edinburgh, 1996), 210.

² The boundaries of the presbyteries were not greatly dissimilar from those of their deanery predecessors: Deer presbytery incorporated the northern half of the Buchan deanery and the eastern sliver of Boyne; Ellon took the southern half of Buchan and the north-eastern corner of Garioch; and Aberdeen comprised the south-eastern corner of Garioch and its own former deanery. See McNeill and MacQueen, *Atlas of Scottish History*, 354, 390.

³ McNeill and MacQueen, *Atlas of Scottish History*, 354.

or fortnightly journey to presbytery meetings, which were usually held at the presbytery seat, but the presbytery travelled during the summer for parish visitations. They also had to attend the synod in Aberdeen once or twice a year and were occasionally required to attend sub-synod meetings in Aberdeen or elsewhere. Although long-distance travel (sometimes made in inhospitable weather) was not a problem unique to the North East, it was a practical concern for many parishes.⁴

The landscape of the presbytery of Deer was dominated by coasts and waterways. Its boundaries hugged the rocky coastlines of the Moray Firth and the North Sea, from Aberdour in the north-west to Fraserburgh in the north-east and down the coast to Peterhead in the south-east whilst the interior parishes of Deer and Fetterangus were situated on the banks of tributaries of the River Ugie and the Water of Tyrie ran through the parish of Tyrie. The coastal parish of Crimond, the seat of the presbytery, was roughly equidistance from Fraserburgh and Peterhead. Although the exact boundaries of parishes during this period are unknown, the position of coastal parishes suggest that their boundaries tended to be long and narrow, extending from the coast to the interior. In particular, the parish kirks of Aberdour, Lonmay, and Longley (now known as St Fergus) abutted the coast, making most parishioners travel a significant distance.⁵ Indeed, both the kirks of Lonmay and Longley were moved to a more convenient and less hazardous location inland in 1607 and 1618, respectively.⁶ Whilst the inland area was hospitable for farming, the economy was primarily based on fishing and trade.⁷ Indeed, the new harbour towns of Fraserburgh and Peterhead, both created burghs of barony, became serious trading rivals of Aberdeen during this time.⁸

⁴ Todd, *Culture of Protestantism*, 14-15; Dawson, "Calvinism and the Gaidhealtachd," 240.

⁵ "Aberdour, Saint Drostan's Church," *Canmore*, <https://canmore.org.uk/site/19961/aberdour-saint-drostans-church>; "St Combs, Old Church," *Canmore*, <https://canmore.org.uk/site/21121/st-combs-old-church>; "St Fergus Links, St Fergus's Church And Churchyard," *Canmore*, <https://canmore.org.uk/site/21344/st-fergus-links-st-ferguss-church-and-churchyard>.

⁶ For Lonmay, see Chapter 2. Longley kirk was moved in 1616. See "St Fergus," *Canmore*.

⁷ *The New Statistical Account of Scotland*, vol. 12, *Aberdeen* (Edinburgh: William Blackburn and Sons, 1845), 144, 358, 365, 705, 719-720.

⁸ Ian Blanchard, Elizabeth Gemmill, Nicholas Mayhew, and Ian D. Whyte, "The Economy: Town and Country," in *Aberdeen Before 1800*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 149; Martin Weinbaum, ed., *British Borough Charters, 1307-1660* (Cambridge: Cambridge University Press, 1943), 174, 186.

Unlike Deer, the majority of the parishes of the Ellon presbytery were set inland. Whilst Cruden, Slains, and Foveran were situated from north to south on the coast of the North Sea, Logie-Buchan, Ellon, the presbytery seat, and Methlick followed the River Ythan west and north from Foveran, and Udney and Tarves sat among the Ythan's tributaries along the southwestern edge of the presbytery. With such an abundance of fresh water sources, the fishing yield in the presbytery was considerable and the largely flat terrain made for rich farmland, especially in the parish of Slains.⁹

The parishes of the Aberdeen presbytery were concentrated along the two major rivers of the greater North East, which flowed from the mountains of the Cairngorms to the North Sea at the Aberdeen. The River Don effectively formed the northern boundary of the presbytery and the parishes of Dyce, Fintray, Kinellar, Kintore, and Kemnay followed its northwest course inland. The southern boundary was the River Dee and the parishes of Nigg, Banchory-Devenick, Maryculter, Peterculter, Drumoak, and Durris followed its course upstream from the coast to the southwest. The two outlying parishes were Belhelvie on the coast about eight miles north of Aberdeen and Skene, which was about 10 miles due west of Aberdeen. The greater Aberdeen area was sandwiched between the mouths of two rivers, with the burgh of New Aberdeen (from here referred to as Aberdeen) on the Dee and Old Aberdeen on the Don. Fishing was a major economic resource for the whole of the presbytery whilst the particularly-fertile soils of the river banks sustained crops and livestock for local consumption and trade.¹⁰

The burgh of Aberdeen and its environs was the economic, political, and administrative centre of the Aberdeen presbytery and, indeed, the entirety of the

⁹ Blanchard, Gemmill, Mayhew, and Whyte, "Town and Country," 152; *New Statistical Account*, 12: 592, 699, 803, 901. The Kelly Pearl, thought to be one of the British crown jewels, was plucked by Sir Thomas Menzies of Cults from a tributary of Ythan in the parish of Methlick. See *New Statistical Account*, 12: 964.

¹⁰ *New Statistical Account*, vol. 11, *Forfar-Kincardine* (Edinburgh: William Blackburn and Sons, 1845), 171, 179; *New Statistical Account*, 12: 166-167, 656, 818; Blanchard, Gemmill, Mayhew, and Whyte, "Town and Country," 140. Salmon was especially plentiful in the two rivers and, by the sixteenth century, Aberdeen's salmon exports accounted for 40% of the national salmon trade. See Gordon Jackson, "The Economy: Aberdeen and the Sea," in *Aberdeen Before 1800*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 161-162.

synod. The burgh's population dwarfed that of all other settlements in the region. The only settlements within the three presbyteries that came close to Aberdeen's population of around 6,000 were Old Aberdeen (~900), Fraserburgh, and Peterhead (both had about 500).¹¹ Aberdeen's prosperity was due, in large part, to its status from the high middle ages as the seat of a large sheriffdom and as royal burgh.¹² In practice, the domestic and foreign trading privileges associated with the burgh charter stretched beyond the sheriffdom to as far south as Montrose and as far north and west as Elgin.¹³ The rivers provided access into the burgh's hinterland whilst its coastal position and commodious harbour made it a convenient post for international traders, allowing the burgh to generate strong commercial and cultural bonds with England and mainland Europe.¹⁴ Aberdeen's economy was largely based on merchant trade, but craft and fishing were also significant contributors.¹⁵ In relation to the rest of the parishes of the North East, urban Aberdeen was the outlier. The parishes of the countryside and coast were spread out over a large area of varied terrain, thinly populated, and mainly reliant on agriculture and fishing for their living. Yet, parishes and parishioners across the North East, including Aberdeen, were connected through a myriad of links that deepened the geographical cohesion.

As the landscape and formal boundaries shaped and defined the North East, so too did the patchworks of social and political groups and networks. In the north and Highlands of Scotland, the power and authority to govern at the local and regional level was retained by local and regional elites through the sixteenth and

¹¹ Blanchard, Gemmill, Mayhew, and Whyte, "Town and Country," 147-148, 150; Ian. D. Whyte, *Scotland Before the Industrial Revolution: An Economic and Social History, c.1050-c.1750* (Abingdon: Routledge, 2013), 174.

¹² David Walker, *A Legal History of Scotland*, vol. 2, *The Later Middle Ages* (Edinburgh: W. Green and Son, 1990), 328.

¹³ E. Patricia Dennison, introduction to *Aberdeen Before 1800: A New History*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 5; Blanchard, Gemmill, Mayhew, and Whyte, "Town and Country," 150.

¹⁴ See David Ditchburn and Marjory Harper's chapter "Aberdeen and the Outside World" in *Aberdeen Before 1800*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002); White, "Religion, Politics and Society in Aberdeen," 11. Aberdeen's status as a major international port made it a prime destination for the importation of Lutheran and other heretical books, necessitating two royal directives prohibiting their reception in the 1520s and 1530s. See White, "Religion, Politics and Society in Aberdeen," 150.

¹⁵ Robert E. Tyson, "People in the Two Towns," in *Aberdeen Before 1800*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 121, 122.

seventeenth centuries.¹⁶ The lands of the Deer presbytery were concentrated in the hands of three main families. The Keiths were headed by the earls Marischal, who had amassed during the sixteenth century an immense fortune through land holdings across the lowlands, propelling them to national political prominence.¹⁷ Some of their richer estates were located in the area of Buchan, which encompassed the southern half of the Deer presbytery and a portion of northern Ellon.¹⁸ Importantly for religious reform and the post-Reformation Kirk, the earls Marischal were Protestant. Although the successful implementation of reform in the North East was not wholly reliant upon pro-Protestant regional nobility and local elites, as is demonstrated throughout this study, their support certainly strengthened and shaped to some degree the character of reform. The Deer presbytery benefitted from the early conversion to Protestantism of William Keith, 3rd earl Marischal, who was subsequently involved in the Reformation Parliament of July/August 1560 and in the first few General Assemblies.¹⁹ After his death in 1581, his grandson and successor, George, continued the family's Protestant tradition. Indeed, the fourth earl was tasked on several occasions by the Kirk and the Crown with assisting in implementing specific measures of reform or suppressing Catholicism in his territories.²⁰ He also acted on his own initiative in the founding of Marischal College in Aberdeen, which he envisioned as a Protestant liberal arts alternative to the

¹⁶ Keith M. Brown, *Noble Power in Scotland From the Reformation to the Revolution* (Edinburgh: Edinburgh University Press, 2013), 2-3, 237.

¹⁷ "Keith, William, third Earl Marischal (c.1510–1581)," *ODNB*; "Keith, George, fourth Earl Marischal (1549/50–1623)," *ODNB*.

¹⁸ John Maitland Thomson, ed., *The Register of the Great Seal of Scotland*, vol. 7, *A.D. 1609-1620* (Edinburgh: H.M. General Register House, 1892), 281-284.

¹⁹ "Keith, William, third Earl Marischal," *ODNB*; *RPS*, A1560/8/1; Duncan Shaw, ed., *The Acts and Proceedings of the of the General Assemblies of the Church of Scotland, 1560-1618*, vol. 1, *1560-1583* (Edinburgh: The Scottish Record Society, 2004), 46, 53-54, 61-62. William's conversion to Protestantism was influenced personally by George Wishart and John Knox. See Jane E. A. Dawson, *John Knox* (New Haven: Yale University Press, 2015), 116; John Knox, *The Works of John Knox*, ed. David Laing (Edinburgh: James Thin, 1895), 1: 126.

²⁰ George's first assignment from the General Assembly was to assist in establishing a presbytery in the Mearns in 1581. His uncle Robert Keith, commendator of Deer, and kinsmen Alexander Keith, minister of Dunnottar were also involved. The following year, George and several others, including Robert Keith, were charged with identifying suspected Catholics in the "north country" and requiring them to subscribe to the Confession of Faith. See Shaw, *Acts of the General Assemblies*, 1: 622, 671. Similarly, the Privy Council commissioned George in 1593 to bring the Catholic earls Huntly, Angus, and Erroll to justice for their "tressounable practizearis aganis the estate of the trew religioun" as well as for their involvement in the murder of the 2nd earl of Moray the previous year. See *RPCS*, 5: 49-50.

Catholic-tinged King's College in Old Aberdeen.²¹ The earls' commitment to Protestantism, however, did not always manifest into tangible support. During the Reformation Crisis, for example, William adopted a position of political neutrality until the Lords of the Congregation's victory was secure and he ended his close involvement with the Kirk after 1564.²² Similarly, George's high-level involvement with the Kirk faded in the 1590s and, thereafter, he developed a tendency to be negligent or inattentive in his duties as kirk patron, as is discussed in chapters 4 and 6.²³

During the period under consideration, the fourth earl held the benefices of four kirks in the Deer presbytery: Deer, Peterhead, Longley, and Foveran. The Cistercian abbey of Deer had been in the family since 1543, when Robert Keith, brother of the third earl, was appointed commendator.²⁴ Robert was succeeded in 1551 by his nephew, also Robert Keith, who was uncle to the fourth earl. The abbey's lands were reformed in 1587 into the lordship of Altrie, which the fourth earl inherited in 1596.²⁵ The abbey was the religious centre of the region from its foundation in the thirteenth century and it continued to supply spiritual provision after the Reformation in the form of three monks who became ministers.²⁶ Between them, they served all ten parishes but one in what would become the Deer presbytery and another seven to the west. As Mark Dilworth has shown, they were not only a crucial personnel bridge in the Kirk's early years, but their competence and commitment to Protestantism formed a solid foundation for reform in the region.²⁷

²¹ See Steven John Reid, "'Aberdeen's 'Toun College': Marischal College, 1593–1623," *Innes Review* 58, no. 2 (2007): 173-195.

²² Shaw, *Acts of the General Assemblies*, 1: 61.

²³ For a comprehensive study of the earls Marischals during this period, see the forthcoming doctoral thesis of Miles Kerr-Peterson.

²⁴ James Balfour, ed., *The Scots Peerage: Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland: Containing an Historical and Genealogical Account of the Nobility of That Kingdom* (Edinburgh: David Douglas, 1909), 6: 43.

²⁵ James Balfour, ed., *The Scots Peerage: Founded on Wood's Edition of Sir Robert Douglas's Peerage of Scotland: Containing an Historical and Genealogical Account of the Nobility of That Kingdom* (Edinburgh: David Douglas, 1904), 1: 157, 159.

²⁶ Ian B. Cowan and David E. Easson, *Medieval Religious Houses, Scotland*, 2nd ed. (London: Longman, 1976), 47, 74.

²⁷ Mark Dilworth discusses this subject at length in his article "Deer Abbey's Contribution to the Reformed Church," *Innes Review* 54, no. 2 (Autumn 2003).

Whilst it is outwith the scope of this study to detail their pre-1600 careers and influence, their work is evident in the presbytery's generally strong reformed disposition and one (David Howieson) was still minister in the area (Aberdour) through the first decade of the seventeenth century.²⁸

The lands adjoining the Keith estates to the north belonged to their kin, the Frasers of Philorth.²⁹ At the beginning of the seventeenth century, the estates of Sir Alexander Fraser, 8th laird of Philorth stretched (not always contiguously) from just south of Mormond Hill, to about 10 miles north to his new settlement of Fraserburgh on the coast, and about 20 miles west to either side of the River Deveron.³⁰ He held the benefices of the kirks of Philorth/Fraserburgh, Tyrie, Rathen, and Crimond. Like the Keith earls Marischal, the Frasers of Philorth were early supporters of Protestantism and the 8th laird also worked to advance reform.³¹ In 1592, he pre-empted Marischal's college plans by a year by founding a college in Fraserburgh, possibly purposed to be a Protestant centre in the north. Although the venture collapsed by the early 1600s, one beneficial outcome was the appointment of Charles Ferme, handpicked by Philorth, as minister of Fraserburgh.³² Regent of Edinburgh University and sometime preacher at St Giles, Ferme was a tireless scholar and minister and fervently anti-Episcopalian and anti-Catholic.³³ As will be discussed in

²⁸ Gilbert Chisholm died as minister of Deer in 1586 and John Keith died as minister of Duffus in the synod of Moray in 1607. See Dilworth, "Deer Abbey's Contribution," 218, 220.

²⁹ Beatrice Keith, mother to the 8th laird of Philorth, was a sister of the 3rd earl Marischal. See "Fraser, Sir Alexander, of Philorth (1537?–1623)," *ODNB*.

³⁰ The king confirmed Philorth's holdings in 1601. See John Maitland Thomson, ed., *The Register of the Great Seal of Scotland*, vol. 6, *A.D. 1593-1608* (Edinburgh: H.M. General Register House, 1890), 403-404 (no. 1,167).

³¹ Philorth's grandfather and predecessor, Alexander, attended the Reformation Parliament. See *RPS*, A1560/8/1.

³² Steven J. Reid, *Humanism and Calvinism: Andrew Melville and the Universities of Scotland, 1560-1625* (Farnham: Ashgate, 2011), 224-225; John Maitland Thomson, ed., *The Register of the Great Seal of Scotland*, vol. 5, *A.D. 1580-1593* (Edinburgh: H.M. General Register House, 1888), 723 (no. 2117); Robert Lippe, ed., *Selections from Wodrow's Biographical Collections: Divines of the North-East of Scotland* (Aberdeen, New Spalding Club, 1890), 272; Alastair F. B. Roberts, "The Role of Women in Scottish Catholic Survival," *The Scottish Historical Review* 70, no. 190, part 2 (October 1991), 132. Ferme was to serve as parish minister and of principal of the college. See Shaw, *Acts of the General Assemblies*, 2: 1,217.

³³ See Lippe, *Wodrow's Biographical Collections*, 270-281. David Calderwood, a pupil of Ferme's, described him as "a holie and learned man." See David Calderwood, *The History of the True Kirk of Scotland*, ed. Thomas Thomson (Edinburgh: Printed for the Wodrow Society, 1845), 6: 702.

Chapter 2, it was his leadership that moulded Fraserburgh into one of the very best examples of reformed parishes, despite his periodic imprisonment for speaking out against government religious policy.³⁴ Through Philorth's involvement in pro-Protestant activities and projects, he has gained a reputation as one of the few shining Protestant lights in an otherwise Catholic darkness.³⁵ However, his personal beliefs have come under the scrutiny of modern historians as he and his son were under process for recusancy for the most part of the first decade of the seventeenth century and speculation that his first wife was Catholic has coloured her husband by association.³⁶ This study takes a more contextual approach and investigates Philorth's negotiation of religion in Chapter 5.

Joining the Keiths and the Frasers in the very west of the presbytery were the Forbes, lairds of Pitsligo. The family were also associated with Protestantism from an early stage and were patrons of the parish of Aberdour.³⁷ As early and committed supporters of Protestantism and as allies, which was vital for regional unity, the three major kingroups of the Keiths, Frasers, and Forbeses sowed the political and social seeds for successful reform in the Deer presbytery, the fruits of which are shown in the following chapters.

In contrast to the Protestant-leaning elite of the Deer presbytery, the lands of the Ellon presbytery were largely held by Catholic families who were also traditional allies against families like the Keiths and Forbeses. Slains castle was the seat of the

³⁴ "Ferme [Fairholm], Charles (1565/6–1617)," *ODNB*.

³⁵ For example, Earl Marischal recruited Fraser in 1593 to assist him in pursuing the Catholic northern earls. The following year, Fraser was knighted at the baptism of James VI's son Henry. See *RPCS*, 5: 50; Alexander Fraser, *The Frasers of Philorth* (Edinburgh: Alexander Fraser, 1879), 1: 159. Robert Wodrow, writing in the early eighteenth century, described Fraser as a "pious and learned gentleman." See Lippe, *Wodrow's Biographical Collections*, 273.

³⁶ Ian B. D. Bryce and Alasdair Roberts, "Post-Reformation Catholic Houses of North-East Scotland," *Proceedings of the Society of Antiquaries of Scotland*, 123 (1993), 5-6; Roberts, "Role of Women in Scottish Catholic Survival," 132.

³⁷ Allan White, "Religion, Politics and Society in Aberdeen," 163-164. It appears that the right of patronage to Aberdour (and Logie-Buchan in the Ellon presbytery) was granted in 1600 (not 1618 as according to Balfour) when the 7th laird, John Forbes, was served heir to the lairdship. See Thomson, *Register of the Great Seal of Scotland*, 6: 357 (no. 1050) and Balfour, 4: 74. Thanks to Miles Kerr-Peterson for assisting with the Latin translation. In 1633, the 8th laird went on to found the parish of Pitsligo "out of the fervent zeal which he has to the glory of God." He was created Lord Forbes of Pitsligo a few days before parliament ratified the erection of Pitsligo. See *RPS*, 1633/6/148; Balfour, *Scots Peerage*, 4: 75.

Hays, earls of Erroll, who also held the parish of Cruden.³⁸ The lairds of Haddo and Gight, rival cadet branches of the Gordons, earls Huntly, held lands in the parishes of Methlick and Tarves.³⁹ The Cheynes, including the principal lairds of Esslemont, Arnage, and Ranniaston, held lands in the parishes of Ellon, Logie-Buchan, Udney, Tarves, Tyrie, and Foveran. Their holdings also included estates in the Deer presbytery (in the parishes of Aberdour and Longley) and Aberdeen presbytery (Old Aberdeen and Kintore).⁴⁰ The only evident Protestant lairds in the presbytery were those of Udney in what became the parish of Udney and the Forbes of Pitsligo, who held the benefice of Logie-Buchan.⁴¹ Thus, the Catholic landed influence was

³⁸ Martin Coventry, *The Castles of Scotland*, 3rd ed. (Musselburgh: GOBLINSHEAD, 2001), 339; Thomson, *Great Seal of Scotland*, 5: 497 (no. 1449); *RPS*, 1607/3/46. Francis Hay, 9th earl of Erroll from 1585 to 1623, was an active ally of George Gordon, 6th earl of Huntly from the mid-1580s and was under process for recusancy by the Ellon presbytery from 1599. Francis' immediate predecessors, however, were Protestant, or at least not avowedly Catholic. William Hay, 6th earl of Erroll (d. 1541) was a student of Protestant teachings and Andrew Hay (d. 1585), the 8th earl and Francis' father, was a supporter of the Lords of the Congregation and was involved in anti-Catholic measures. Presumably raised Protestant, therefore, Francis was evidently converted to Catholicism by his kinsman Edmund Hay, a Jesuit priest. See "Hay, Francis, ninth earl of Erroll (bap. 1564, d. 1631)," *ODNB*; Ruth Grant, "George Gordon, Sixth earl of Huntly and the Politics of the Counter-Reformation in Scotland, 1581-1595" (Unpublished thesis, University of Edinburgh, 2010), 84, Chapter 6; Calderwood, *History*, 1: 134; Gordon Donaldson, *All the Queen's Men: Power and Politics in Mary Stewart's Scotland* (London: Batsford Academic and Educational, 1983), 37; "Hay, Edmund (c.1534–1591)," *ODNB*; William Forbes-Leith, ed., *Narratives of Scottish Catholics Under Mary Stuart and James VI* (London: Thomas Baker, 1889), 64, 204. In 'So Strange a Monster,' Yellowlees mistakenly refers to George Hay as the 8th earl, making it unclear as to whom was supposedly converted to Catholicism in 1567 by Edmund Hay. See Michael J. Yellowlees, 'So strange a monster as a Jesuiste': *The Society of Jesus in Sixteenth-Century Scotland* (Isle of Colonsay, Argyll: House of Lochar, 2003), 54-55, 69. Francis' full sister, Helen, was also Catholic and converted (back) to Protestantism on her deathbed as described in *The Confession and Conversion of My Lady C. of L.*, published in 1629. See Elizabeth L. Ewan, Sue Innes, Siân Reynolds, eds., *The Biographical Dictionary of Scottish Women: From the Earliest Times to 2004* (Edinburgh: Edinburgh University Press, 2006), 163-164.

³⁹ Thomson, *Great Seal of Scotland*, 6: 382 (no. 1,112); 5: 248 (no. 801). Gight, the seat of the lairds, was located to the west of Methlick in the parish of Fyvie in the presbytery of Turriff. See John Malcolm Bulloch, ed., *House of Gordon* (Aberdeen: Aberdeen University Press, 1903), 1: 169. The 5th (d. 1604) and 6th (d. 1640) lairds of Gight were committed and open Catholics and are discussed in Chapter 5. The personal religious loyalties of the lairds of Haddo are more difficult to pin down given the limited evidence. They were certainly not ardently Protestant, but nor do they appear to have been ardently Catholic either. Laird James (d. 1623) was in and out of the presbytery's books, but not for recusancy, as discussed in Chapter 7. See Balfour, *Scots Peerage*, 1: 86.

⁴⁰ Because the Cheynes frequently bought and sold land, it is difficult to know exactly what they held at any one time. Suffice to say that their landed influence was concentrated in the Ellon presbytery and in the parish of Ellon in particular. They also held lands in the presbyteries of Garioch, Turriff, and Kincardine and in Sheltand. A. Y. Cheyne provides a map detailing the known holdings in *The Cheyne Family in Scotland* (Eastbourne: V. V. Sumfield, 1931), Plate 1, 78. The Cheynes were traditional allies of the earls of Erroll and various members of the family were prosecuted by the presbytery for recusancy. See Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh: John Donald Publishers, 1985), 23-24; Chapter 5.

⁴¹ For the benefice of Logie-Buchan, see footnote 37. The evidence of the Ellon presbytery records suggests that the lairds of Udney were at least Protestant-leaning.

dominant in the Ellon presbytery, but, as will be discussed in the following chapters, this political control did not translate into ecclesiastical control. In some ways, the prevalence of local Catholic elite strengthened the Kirk in the area as they made for easy and high-profile targets for recusancy prosecution, as shown in Chapter 5.

The landed influence in the countryside of Aberdeen presbytery was more fragmented than that of Ellon or Deer. Catholic land holders were concentrated in the vicinity of the burgh of Aberdeen. The Menzieses had lands in the parishes to the immediate south of the burgh following the River Dee, including Nigg, Maryculter, and Banchory-Devenick, in which parish the Lindsays, earls of Crawford also had estates.⁴² Along the River Don, the Lesliees of Wardes held lands in Kintore and Dyce.⁴³ Protestant landed influence tended to be further out. Along the Dee, the Irvines of Drum had estates in Peterculter and were patrons of Drumoak whilst the lairdship of Durriss was held by a branch of the Frasers.⁴⁴ Balancing out the Catholic influence in Dyce and Kintore were the Johnstons of Caskieben and Keiths, earls Marischal, respectively.⁴⁵ The earls Marischal also held lands in Durriss, Skene and Kinellar.⁴⁶ In the same area, the Forbes of Logy held lands in Fintray and the Douglasses, earls of Angus in Kemany.⁴⁷ Furthest north in the presbytery, the Lyons, earls Glamis were patrons of Belhelvie.⁴⁸ Thus, the political and social profile presbytery was characterised by a true mix of lairds and nobles, Protestant and Catholic.

⁴² Thomson, *The Great Seal of Scotland*, vol. 4, *A.D. 1546-1580* (Edinburgh: H.M. General Register House, 1886), 715-716 (no. 2,636); Thomson, *Great Seal of Scotland*, 5: 404-405 (no. 1,214), 534 (no. 1,561); 27 August 1602, CH2/1/1/189; *RPS*, 1567/4/21; Balfour, *Scots Peerage*, 3: 30-31; "Lindsay, David, eleventh earl of Crawford (d. 1607)," *ODNB*.

⁴³ 26 September 1600, CH2/1/1/77; Thomson, *Great Seal of Scotland*, 6: 171 (no. 508); *RPCS*, 5: 46-47

⁴⁴ Jonathan Forbes Leslie, *The Irvines of Drum and Collateral Branches* (Aberdeen: Printed at the "Aberdeen Daily Journal" Office, 1909), 96; Thomson, *Great Seal of Scotland*, 5: 680-681 (no. 2,004). Alexander Irvine of Drum and George Johnston of Caskieben (see below) were also part of Marischal's team in pursuit of the Catholic earls. See *RPCS*, 5: 50.

⁴⁵ Thomson, *Great Seal of Scotland*, 5: 471-472 (no. 1,367).

⁴⁶ Thomson, *Great Seal of Scotland*, 5: 463-464 (no. 1,341).

⁴⁷ Balfour, *Scots Peerage*, 4: 56; Balfour, *Scots Peerage*, 1: 197. Whilst the 10th earl of Angus (succeeding his father in 1591) converted to Roman Catholicism, the finances of Kemany were managed by his mother, Egidia Graham, and his brother Gavin, who was also an elder at the kirk. See Balfour, *Scots Peerage*, 1: 199; 12 September 1606, CH2/1/1/369.

⁴⁸ 12 December 1606, CH2/1/1/381.

Within the burgh of Aberdeen, the political and social structures were largely formed around the merchant guild.⁴⁹ Merchants controlled the burgh council (consisting of the provost, four bailies, and 14 councillors) and the council was controlled by an exclusive set of interconnected families.⁵⁰ The Menzies family dominated the burgh council from the late fifteenth century to the late sixteenth century and continued to be influential through the seventeenth century.⁵¹ Other high-profile and politically-active families included the Chalmers, Cullens, Rutherfords, Forbes, and Grays.⁵² The reach of prominent burgesses gradually extended into the surrounding countryside, acquiring estates and marrying into landed society; in turn, local gentry increasingly had a presence in the burgh.⁵³ The regional magnates of Marischal and, especially, Huntly were also deeply involved in the affairs of the burgh and Old Aberdeen.⁵⁴

Like its place as the political and economic centre of the sheriffdom, the burgh, tied with Old Aberdeen, formed the religious centre of the medieval diocese of Aberdeen. The two settlements were home to a cathedral (St Machar's in Old Aberdeen), two parish churches (St Nicholas in New Aberdeen and St Maria ad Nives in Old Aberdeen), four friaries, at least four chapels, a song school, three hospitals, a university (King's College in Old Aberdeen), and a handful of other

⁴⁹ Blanchard, Gemmill, Mayhew, and Whyte, "Town and Country," 152.

⁵⁰ White, "Religion, Politics and Society," 12-13, 81. Up until the early 1590s, only merchants could vote for councillors and government intervention was needed to secure the representation of craftsmen. See White, "Religion, Politics and Society," 12, 337-340.

⁵¹ See, for example, White, "Religion, Politics and Society," 13, Chapter 7; Gordon Russell DesBrisay, "'The civill warrs did overrun all': Aberdeen, 1630-1690," in *Aberdeen Before 1800: A New History*, ed. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 240-241, 243; Gordon DesBrisay, "Authority and Discipline in Aberdeen: 1650-1700" (Unpublished PhD thesis, University of St Andrews, 1989).

⁵² White, "Religion, Politics and Society," 12-14.

⁵³ White, "Religion, Politics and Society," 15, 23.

⁵⁴ White has detailed the earls' dealings with the burgh in "Religion, Politics and Society" and, for further study of the Marsichals and Aberdeen, see the forthcoming thesis of Miles Kerr-Peterson. The personal local residence of the earls Marischal faced the Mercat Cross and that of the earls Huntly was opposite St Machar's Cathedral in Old Aberdeen. See James Gordon, "Abredoniae novae et veteris descriptio = A description of new and of old Aberdeens, with the places nearest adjacent / auctore Jacobo Gordono. Description of new and of old Aberdeens, with the places nearest adjacent. [S.l. : s.n., 1661]," *National Library of Scotland*, accessed 25 August 2015, <http://maps.nls.uk/towns/detail.cfm?id=209>.

ecclesiastical establishments.⁵⁵ The monetary and spiritual investment in these institutions was immense and their associated clergy (many of whom were from the area) comprised about 25% of Old Aberdeen's adult population and 5% of New Aberdeen's.⁵⁶ Thus, the ties connecting the realms of the temporal and spiritual, the clergy and laity in the Aberdeen conurbation were varied and strong.

These ties helped in the resistance against Protestantism prior to 1560. Aside from a fleeting and disastrous political fling with Protestantism in 1543, the burgh had little exposure to heretical ideas.⁵⁷ Therefore, at the time of the Protestant Reformation Crisis and for a considerable time thereafter, support for reform was not forthcoming from Aberdeen's leading families, save for the Forbeses.⁵⁸ Although the burgh formally joined the Lords of the Congregation in March 1560 and had representatives attend the Reformation Parliament, it was out of political necessity rather than Protestant zeal.⁵⁹ The council remained predominantly Catholic for the next three decades and, consequently, so too the kirk session (when operational) since its membership was mostly one and the same with the council's.⁶⁰ By the beginning of the seventeenth century, however, political upheaval and Protestant persistence had made reform possible and, eventually, achievable, even if the resultant religious character of the burgh was a unique blend of Protestant and Catholic, which is discussed in Chapters 2 and 5, in particular.

Whilst the North East was a distinct and recognisable region to early modern Scots, it was also filled with complexity and diversity. Within the national context,

⁵⁵ E. Patricia Dennison, Anne T. Simpson, and Grant G. Simpson, "The Growth of the Two Towns," in *Aberdeen Before 1800*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 23-27. For the locations of these institutions, see Gordon, "Abredoniae novae."

⁵⁶ Michael Lynch and Gordon DesBrisay, "The Faith of the People," in *Aberdeen Before 1800: A New History*, ed. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002), 289; White, "Religion, Politics and Society," 149. St Nicholas alone was among Scotland's largest churches, featuring thirty altars and fifty chantries, each with their own endowment. See Lynch and DesBrisay, "The Faith of the People," 294.

⁵⁷ White, "Religion, Politics and Society," 149-151. For a discussion of Aberdeen's involvement with the Earl of Arran's "godly fit" of 1543, see White, "Religion, Politics and Society," 25-28, 30-39.

⁵⁸ White, "Religion, Politics and Society," 225.

⁵⁹ 11 March 1559/1560, John Stuart, ed., *Extracts from the Council Register of the Burgh of Aberdeen, 1398-1570* (Aberdeen: Spalding Club, 1844), 1: 322; RPS, A1560/8/1; White, "Religion, Politics and Society," 163-166.

⁶⁰ White, "Religion, Politics and Society," 345-346, 352, 355-356.

the region provided economic wealth, political influence, and religious significance. Channelling goods from its vast hinterland, the burgh of Aberdeen was a trading powerhouse and was one of the four "great towns" of medieval and early modern Scotland.⁶¹ The up-and-coming towns of Fraserburgh and Peterhead, whilst competitors to Aberdeen, spurred growth and extended the region's reach. Much of the land within the North East was owned by the three great earls of the age and their kin, often making the region a flashpoint in national politics. The earls Huntly and Erroll dominated the national discussion and their various alliances, feuds, plots, and general maneuverings played out in the parishes. The earls Marischal and their allies, meanwhile, less-ostentatiously kept the region ticking and under control. On the eve of the Reformation, the greater diocese of Aberdeen was the "heartland of Catholicism" and its bishops helped form Scotland's national religious identity in the late-fifteenth and early-sixteenth centuries.⁶² After the Reformation, the region was no longer a religious centre, but, given its political and economic significance, it continued to exert an influence on the faith of the realm. The ways in which this faith was practiced and experienced in the North East form the substance following chapters.

⁶¹ Michael Lynch, *Scotland: A New History* (London: Pimlico, 1992), 71.

⁶² Lynch, *Scotland*, 109-110, 194.

Chapter 2: The Programme of Public Worship

The practice of Scottish Reformed Protestantism was rooted in the Word. Doctrine held that God was only revealed through Scripture and only Scripture could "make the man of God perfect."¹ Thus, the worship of God was to involve the preaching, reading, or singing of Scripture "to instruct, to reprove, and to exhort."² The main form of parish public worship combined these components and took place on the Sabbath (Sunday), but individual components could also be held throughout the week, forming a programme of public worship. This chapter briefly discusses the common programmes of public worship within pre-Reformation Catholicism and Reformed Protestantism as practiced by the laity, surveys post-Reformation public worship in the parishes of the North East, and considers the practices of the North East in relation to the standards of Kirk policy.

The laity of pre-Reformation Scotland publicly practiced their faith in a variety of official and unofficial forms. Most forms of public worship incorporated the Mass, which was "the centrepiece around which all the complex devotional life of the Church revolved."³ As such, its celebration was the most significant component in the devotional cycle for clergy and laity alike. A layperson would usually attend Mass on Sunday, the Sabbath, the holiest day of the week in keeping with the Commandment. Greater churches, staffed with the necessary clergy, would hold a full, or high, Mass. Wholly conducted by the clergy, largely in Latin, and mostly sung, a High Mass wove together Scripture, prayer, reading, blessing, exhortation, movement, and gesture to create a highly-ritualised and choreographed event that spiritually benefitted all, the living and the dead.⁴ Lesser churches held a Low Mass, which was an abridged, spoken version of the High Mass. Low Masses

¹ *RPS*, A1560/8/3.

² Cameron, *First Book of Discipline*, 87.

³ MacCulloch, *The Reformation* (New York: Penguin, 2004), 10.

⁴ Fitch, *Search for Salvation*, 167. For a step-by-step description of a typical High Mass in pre-Reformation Scotland, see Maxwell, *History of Worship*, 32-37.

were also held on weekdays in greater churches. An even briefer version of Low Mass was recited at altars and other endowed foundations.⁵

In Scotland, sermons, commonly delivered by friars, were often incorporated into both versions of Mass and were popular among the laity, especially as they were the only portion of the service spoken in the vernacular.⁶ Small parishes, however, were not regularly served by qualified preachers. In an effort to provide weekly instruction on the basics of faith, a catechism was issued in 1552 with the intention that it would be read in its entirety "euerilk sonday and principal halydaie, quhen thair cummis na precheour to tham to schaw thame the word of God" until a permanent preacher was provided.⁷ Various plans to increase preaching, however, were not realised before the beginning of the Reformation Crisis in 1558.⁸

Whilst the laity were expected and encouraged to attend regularly Mass and other official forms of public worship, they had no liturgical role and little direct participation. Indeed, Mass, particularly Low Mass, could be held without a lay congregation. Laypeople performed their own devotional rituals while they watched and heard the liturgical proceedings. During Mass, for example, laypeople were to kneel and observe, meditate, quietly recite prayers, and/or read a religious text. On occasion, the congregation had the opportunity to kiss sacred objects or sacramentals. Spiritual benefit was gained just by being in the presence of the Host, which was elevated immediately after consecration to allow it to be seen. As the Church increasingly restricted direct lay participation in official worship through the middle ages, the laity developed other forms of public worship that were in conjunction with or separate from official worship. Processions, pageants, and pilgrimages were particularly popular in the later middle ages and featured

⁵ Maxwell, *Worship in the Church of Scotland*, 38-39

⁶ Maxwell, *Worship in the Church of Scotland*, 39; James Galbraith, "The Middle Ages," in *Studies in the History of Worship in Scotland*, eds. Duncan B. Forrester and Douglas M. Murray (Edinburgh: T. & T. Clark Ltd., 1984), 26-27; Audrey-Beth Fitch, "Religious Life in Scotland in the Later Middle Ages," in *Scottish Life and Society: A Compendium of Scottish Ethnology*, vol. 12, *Religion*, eds. Colin MacLean and Kenneth Veitch (Edinburgh: John Donald, 2006), 77-78.

⁷ John Hamilton, *The Catechism of John Hamilton Archbishop of St. Andrews, 1552*, ed. Thomas Graves Law (Oxford: Clarendon Press, 1884), 7; Galbraith, "Middle Ages," 28.

⁸ Dawson, *Scotland Re-formed*, 186.

considerable and, depending on the event, lay-only involvement.⁹ Thus, the laity and clergy of the late medieval period practiced and experienced public worship differently and, on occasion, separately.

In the eyes of Protestant reformers, this separation was symptomatic of the corruption of public worship by the Catholic Church. Moreover, Scottish reformers viewed most of the rituals and doctrine of Mass as idolatrous and now warranted by Scripture. From the Reformation, therefore, the complex framework of Catholic worship was dismantled, ejecting "All wirschipping, honoring, or service inventit by the braine of man."¹⁰ In its place, the new Kirk gradually erected a reformed programme of public worship that was justified solely by Scripture.

The directives of the (*First*) *Book of Discipline* and *Book of Common Order* laid the foundation of this new programme, which was later adapted and expanded by the General Assembly and lesser kirk bodies. One of the three marks of the "true kirk," public preaching became the focal point of Sunday, the Sabbath, which was now the only day recognised as holy and, in turn, the only day that people were required to observe.¹¹ The Sunday services that the *First Book of Discipline* deemed "utterly necessarie" were morning preaching and afternoon catechising. Psalm-singing and Scripture reading were optional, but "profitable."¹² Although only briefly discussed, these services easily filled the day. In practice, the morning services of a fully-staffed kirk (meaning a resident minister and reader) could last many hours.¹³ Although readers and, to a greater extent, ministers had flexibility in the order and content of their services, there was some general uniformity. If available, the reader's service would often open public worship and consisted of the

⁹ For fuller discussions of lay public devotion, see Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, c.1400-c.1580* (New Haven: Yale University Press, 1992), Chapter 3; Galbraith, "Middle Ages," 19-20, 25-26; Fitch, "Religious Life in Scotland," 63-91.

¹⁰ Knox, *Works*, 3: 34.

¹¹ RPS, A1560/8/3; Jane Dawson, "Patterns of Worship in Reformation Scotland," in *Worship and Liturgy in Context: Studies and Case Studies in Theology and Practice*, eds. Duncan B. Forrester and Doug Gay (London: SCM Press, 2009), 141; Todd, *Culture of Protestantism*, 24.

¹² Cameron, *First Book of Discipline*, 180-182.

¹³ Todd, *Culture of Protestantism*, 28-29.

reading of at least one chapter of Scripture and singing from the psalter.¹⁴ Following this portion, the minister would lead the congregation in a psalm, doxology, confession of sins, another psalm and doxology, a prayer, lessons of Scripture, sermon, another prayer, recitation of the Lord's Prayer and the Apostles' Creed, a final psalm, and, concluding, the benediction.¹⁵ Combined, these morning services generally lasted about three hours, with the sermon alone often running to an hour or more.¹⁶ Morning services might also include marriage ceremonies and the administration of the sacrament of Communion (which is covered at length in Chapter 4).¹⁷ Sunday afternoons were to be spent in catechising, which was essential preparation for pre-Communion exams and other eligibility tests, and, on occasion, baptisms were held.¹⁸ Religious instruction and worship were to be carried on into the evening by private households with activities such as memorising the day's sermons, Bible reading, and prayer.¹⁹ Thus, almost the entire day's waking hours were to be spent in active devotion to God.

Public worship was not limited to the Sabbath. So vital were preaching and prayers to "good order" that the *First Book of Discipline* required "notable" towns, which it did not define, to have at least one weekday service of "Sermon and

¹⁴ Maxwell, *Worship in the Church of Scotland*, 57, 64-65.

¹⁵ Maxwell, *Worship in the Church of Scotland*, 59-61.

¹⁶ Maxwell, *Worship in the Church of Scotland*, 51, 66; Todd, *Culture of Protestantism*, 48; Dawson, "Patterns of Worship," 144.

¹⁷ Marriage ceremonies were initially required to take place in front of the congregation on Sunday mornings, but the General Assembly allowed them to be held on weekdays from 1579. As it became clear that the surrounding celebration of weddings was inappropriate on the Sabbath, many parishes prohibited Sunday ceremonies altogether. See Cameron, *First Book of Discipline*, 181-182; Dawson, "Patterns of Worship," 149; Shaw, *Acts of the General Assemblies*, 1: 515; Maxwell, *Worship in the Church of Scotland*, 67; Todd, *Culture of Protestantism*, 272-274.

¹⁸ Baptisms were also to be held after a sermon and witnessed by the congregation. Baptisms could initially be performed on any day of preaching, but Sunday afternoon was thought the most practical. It was important that baptism be performed after the sermon in order to disassociate the sacrament from the doctrine that "children be damned if they die without Baptism" and also "to make the people have greater reverence to the administration of the sacrament" than they had previously. However, the option of, essentially, private baptism without witness of the congregation on any day was passed by the General Assembly in 1602. See Cameron, *First Book of Discipline*, 182; Dawson, "Patterns of Worship," 148; Todd, *Culture of Protestantism*, 119-122; Shaw, *Acts of the General Assemblies*, 2: 1,348.

¹⁹ Cameron, *First Book of Discipline*, 180-182, 181n, 195; Todd, *Culture of Protestantism*, 41; Dawson, "Patterns of Worship," 145.

prayers" and recommended "great townes" to offer a weekday sermon or "common prayers with some exercise of reading of Scriptures."²⁰ The option was also open for individual kirks to meet for preaching or prayers more than once during the week. Additionally, private households were expected to engage in daily morning and evening prayers to be read or recited by the "most grave and discreet person...for the comfort and instruction of others."²¹ The *Book of Common Order* provided prayers suggested for domestic devotion, including, among others, those to be said before and after meals and before commencing work or study.²² These cycles of individual and communal devotion represented continuity with Catholic practice in Scotland, but the Word replaced the Mass as the primary focus for worship.

In the years and decades following the Reformation, parishes across Scotland were to create their own programmes of public worship using this template designed by the Kirk. As will be demonstrated, most parishes of North East were successful in implementing a standard programme, largely by the beginning of the seventeenth century.²³ Many parishes adapted the recommended programme to suit local needs and sundry expanded their programmes beyond the basic requirements.

Most of the available information regarding a programme of parish public worship in the North East comes from the visitation minutes of the presbyteries. Because the specifics of any given visitation vary within and between the presbyteries, it has not been possible to assemble a complete picture of every parish under consideration. The minutes of the Deer presbytery are the most detailed and consistent and are, therefore, the most informative. In comparison, those of Aberdeen and Ellon are sporadic and less specific. Supplementary evidence for Aberdeen comes from other minute categories, typically cases of absenteeism or

²⁰ Cameron, *First Book of Discipline*, 40, 180-181.

²¹ Cameron, *First Book of Discipline*, 187.

²² *The Liturgy of John Knox: Received by the Church of Scotland in 1564* (Glasgow: Hamilton, Adams & Co., 1886), 228-248.

²³ The following main records have informed this research: Aberdeen St Nicholas Kirk Session: Minutes, CH2/448/1-3; Presbytery of Aberdeen: Minutes, CH2/1/1; Presbytery of Deer: Minutes, CH2/89/1; Ellon Kirk Session: Minutes, CH2/147/1; Presbytery of Ellon: Minutes, CH2/146/1-2. Only references for specific evidence will be cited henceforth.

Sabbath profanation. With only a couple of absentee cases recorded in the Ellon minutes, its visitation minutes provide the bulk of this presbytery's evidence.

The parishes of Aberdeen St Nicholas and Fraserburgh had by far the most comprehensive and consistent programmes of public worship within the three presbyteries of the North East. In Aberdeen, both Sunday and weekday services were in place soon after the Reformation. By the winter of 1562 at the latest, the weekly public worship schedule consisted of prayers and preaching on Sunday mornings and a weekday sermon (probably on a Thursday).²⁴ Sunday services were extended into the afternoon with the addition of a second sermon by the autumn of 1574 at the latest and catechising, which accompanied the reading of prayers, in June 1578.²⁵ A Tuesday morning sermon appears to have been added in 1584 and, from the presbytery's establishment in the 1580s, those who were interested in hearing an additional sermon during the week could attend its Friday meeting, which opened with a doctrinal exercise by an assigned minister.²⁶

Following an order from the 1598 General Assembly to dedicate a time on a weekday for catechising, the burgh council in 1600 implemented Thursday catechising.²⁷ All parishioners of age were to be "instructit in the groundis of religioun" and required to give "'pruiff and tryell of thair profetting," which would be "baytht godlie and profitabill to thair saulis comfort."²⁸ Weekday catechising continued until August 1609 when the session moved it to Sundays following the

²⁴ 10 December 1562, *Selections from the Records of Aberdeen*, 6 and CH2/448/1/5. The day of week is not specified in the act of 1562, but, in 1573, the kirk session ordered a parishioner to make his repentance during prayers on preaching on two Sundays and a Thursday. See 26 November 1573, Stuart, *Selections from the Records of Aberdeen*, 15 and CH2/448/1/31. Stuart mistakenly gave the year as 1568.

²⁵ 16 September 1574, CH2/448/1/57; 5 June 1578, CH2/448/1/135.

²⁶ 14 October 1584, Stuart, *Extracts from the Council Register of Aberdeen*, 2: 54. The presbytery encouraged such attendance and briefly changed its meeting day from Friday to Wednesday in 1599 so as not to conflict with the Friday market. See 27 April 1599, Stuart, *Selections from the Records of Aberdeen*, 168 and CH2/1/1/29.

²⁷ Shaw, *Acts of the General Assemblies*, 2: 1,132.

²⁸ 15 April 1600, Stuart, *Extracts from the Council Register of Aberdeen*, 2: 208 and CA/1/1/39/257-258; 16 April 1600, CA/1/1/39/261-262.

afternoon sermon.²⁹ Twice-daily services—morning reading and exhortation and evening prayers—were evidently in place by July 1606. At that time, the kirk session, in an effort to prevent the arrival of plague through prayer, instructed the ministers to replace temporarily the evening prayers with a service similar to that of the morning.³⁰ Daily services of prayers were noted in an ordinance of January 1609 changing the times to seven o'clock in the morning and four o'clock in the afternoon.³¹ Psalm singing was also part of Sunday services when the burgh's song school was operational.³² After the division of St Nicholas in 1596, for example, the burgh council placed William Skene, the current master of the song school, in charge of the "uptacking of the psalme" for both congregations.³³ The practice had evidently fallen by the wayside by August 1610 when the kirk session instructed the master of the song school to resurrect the custom of psalm singing before and after Sunday morning prayers, "according to auld vse and wount."³⁴ Taken as a whole, these provisions gave the parish of Aberdeen a full programme of public worship by 1610.

Although a newly-erected and comparatively small parish, Fraserburgh had an equally comprehensive set of worship services to Aberdeen by the early 1600s. The original settlement at Fraserburgh was called Faithlie and, in 1571, the parish church located in the nearby town of Philorth was relocated to Faithlie.³⁵ Philorth/Faithlie was first recorded as being served by a reader/exhorter in 1563 and a

²⁹ The session switched the Sunday afternoon session meeting with Thursday catechising in August, but reinstated the Sunday meeting in October and relocated all catechising to the Old Kirk. See 6 August 1609, CH2/448/2/367; 5 October 1609, CH2/448/2/373.

³⁰ 13 July 1606, CH2/448/2/207.

³¹ 8 January 1609, CH2/448/2/343.

³² For more information about the song school and other schools in Aberdeen, see Shona Vance, "Schooling the People," in *Aberdeen Before 1800: A New History*, eds. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell, 2002).

³³ 7 July 1596, Stuart, *Extracts from the Council Register of Aberdeen*, 2: 136-137; 23 November 1597, Stuart, *Extracts from the Council Register of Aberdeen* 2: 157 and CA/1/1/37/107; Vance, "Schooling," 313.

³⁴ 19 August 1610, Stuart, *Selections from the Records of Aberdeen*, 75 and CH2/448/3/49.

³⁵ "Fraserburgh," *Gazetteer for Scotland*, accessed 26 October 2015, <http://www.scottish-places.info/towns/townhistory173.html>; John Cranna, *Fraserburgh: Past and Present* (Aberdeen: The Rosemount Press, 1914), 173; *Fasti*, 6: 220.

minister in 1570.³⁶ Although Fraserburgh's kirk session records from before 1612 have not survived, the presbytery's are extant from 1602 and provide a good indication of the kirk's operation. The first specific reference to Fraserburgh's programme of public worship is from August 1605 and notes two Sunday sermons, Sunday catechising, a Wednesday sermon, and daily morning and evening prayers.³⁷ Given the experience, vigour, and dedication of the minister, Charles Ferme, such a full programme may have been in place shortly after his admission in 1598.³⁸ Remarkably, these services continued through the remainder of the decade despite the intermittent absences of Ferme from the autumn of 1605. He was a vocal critic of the government's religious policies and was first imprisoned for excommunicating the marquess of Huntly and attending the General Assembly of July 1605, which had not been authorised by the crown. Over the next few years, he was periodically wardened or in hiding.³⁹ When absent, his duties were shared among the ministers of neighbouring parishes and the presbytery's visitation records indicate that, generally, Fraserburgh's parishioners received sufficient provision.⁴⁰

Whilst Aberdeen and Fraserburgh offered the fullest programmes of public worship, proportionally-comprehensive and consistent services were implemented in a handful of other parishes within the North East, all within Fraserburgh's presbytery of Deer. Using 1609 (as a sample year because it has the most information), all nine parishes, excluding Fraserburgh, were noted to have regular Sunday morning

³⁶ Charles H. Haws, *Scottish Parish Clergy at the Reformation, 1540-1574* (Edinburgh: Scottish Records Society, 1972), 199.

³⁷ 22 August 1605, CH2/89/1/59.

³⁸ *Fasti*, 6: 220. Ferme initially refused to take on both the positions of parish minister and principal of the new college at Fraserburgh, but the General Assembly of March 1601 ordered him to act as both. See Shaw, *Acts of the General Assemblies*, 2: 1,1217.

³⁹ "Ferme [Fairholm], Charles," *ODNB*.

⁴⁰ 3 July 1606, CH2/89/1/78. The only notable interruption in services occurred in 1610 during Ferme's absence. In mid-July, a representative of Fraserburgh's kirk session complained to the presbytery that the locums had been "slouth" in providing Sunday morning preaching. The presbytery threatened to impose a £10 fine on any negligent minister and it appears that services resumed within a month. See 19 July 1610, CH2/89/1/133B; 16 August 1610, CH2/89/1/133B. The ministers were aided by the parish's reader until his death sometime before May 1607. The position remained vacant through at least 1610, despite a request from the presbytery in July 1609 to "prowyd for ane meit and qualifeit man." See 13 May 1607, CH2/89/1/91; 27 July 1609, CH2/89/1/124.

preaching and catechising, seven had afternoon preaching (or prayers during the winter), eight had reading, and four had prayers.⁴¹ Thus, the parishioners were well served and enjoyed a variety of public worship services. Even Fetterangus, which shared its minister with Longley until its incorporation with Deer in November 1610, generally had regular preaching every third Sunday (twice during the summer) and reading and catechising on the alternate Sundays.⁴²

Although the programmes of public worship in the parishes of the Aberdeen presbytery were basic in comparison with those of Deer, they met the standards of Kirk policy nonetheless. Of the presbytery's fourteen parishes (excluding the burgh of Aberdeen), some form of Sunday service (sometimes specified as a sermon) can be found for thirteen between 1598 and 1610. Unfortunately, there was no consistent recording of services and the longest run of references to an unspecified service is from 1604 to 1609 for the parish of Nigg. From the available evidence, St Machar's in Old Aberdeen probably enjoyed the most regular and extensive services. Home to King's College, its parishioners benefited from the ministering of David Rait, the College's principal, and John Chalmers, its sub-principal who was installed in the parish's second charge in 1601.⁴³ Rait's Sunday morning sermons were evidently popular as his congregation requested him in 1601 to preach in the afternoons as well. He initially refused, saying he was not "oblisit," but agreed until a sub-principal was installed, which occurred later that year.⁴⁴ Psalm singing was a part of Sunday worship from at least 1604.⁴⁵ Catechising was evidently customary before 1605 as the presbytery instructed the kirk to continue the practice "as obefoir."⁴⁶

⁴¹ None had weekday services. The presbytery instructed Peterhead in 1607 to hold daily public prayers, but there is no record of its implementation. See 30 July 1607, CH2/89/1/94.

⁴² 11 September 1606, CH2/89/1/81; 27 October 1608, CH2/89/1/113; 28 September 1609, CH2/89/1/127; 15 November 1610, CH2/89/1/137.

⁴³ *Fasti*, 6: 18, 22.

⁴⁴ 7 August 1601, CH2/1/1/119; *Fasti*, 6: 22.

⁴⁵ Alexander MacDonalld Munro, ed., *Records of Old Aberdeen* (Aberdeen: Printed for the New Spalding Club, 1899), 1: 42.

⁴⁶ 28 August 1605, CH2/1/1/337.

Exactly two years later, the presbytery found catechising to be "intermittit" and ordered it to be held at least weekly.⁴⁷

Even if not noted in the presbytery minutes, it is reasonable to assume that the other parishes with single charge ministers had at least regular Sabbath preaching. Banchory-Devenick, Belhelvie, Nigg, Drumoak, Kintore, Peterculter, and Skene were all served by single charge ministers and all are noted at some point to have weekly sermons. The latter four of these parishes had regular catechising. Six parishes (Durriss, Dyce, Fintray, Kinnellar, Kemnay, and Maryculter) were without single charge ministers for either some or all of the period covered by the presbytery records. Fintray and Kinkell (within the Garioch presbytery) were "mother" kirks to Dyce and Kinnellar (Fintray) and Kemnay (Kinkell), meaning their ministers intermittently served their other charges.⁴⁸ For example, minister John Walker of Kinkell dutifully visited Kemnay every third Sunday to preach, catechise, and administer the Sacraments as needed. Nonetheless, the congregation desired a "proper minister of thair awy[n]."⁴⁹ If available, readers provided services on the other Sundays and all three daughter kirks and Maryculter employed readers at one point or another. Having a reader did not ensure regular services, however. John Milne served Maryculter as a reader and exhorter from 1585 to c.1609, but was occasionally found "negligent" in his duties.⁵⁰ Without a reader or a minister in 1601 and 1602, the parishioners of Dyce were to make their way "owir the watter" to Fintray three times a month.⁵¹

As with the Aberdeen presbytery, it has been difficult to ascertain a full picture of public worship for Ellon presbytery's eight parishes, but it is known that, between the period of 1598 to 1610, each had a single charge minister and all usually

⁴⁷ 28 August 1607, CH2/1/1/437.

⁴⁸ *Fasti*, 6: 54, 56, 59, 61, 164. Dyce had three ministers between 1597 and 1610, the longest-serving of whom was installed in 1605. See *Fasti*, 6: 54. Kemany was within the Aberdeen presbytery during this period, but was later transferred to Garioch. See *Fasti*, 6: 165.

⁴⁹ 19 May 1604, CH2/1/1/287.

⁵⁰ *Fasti*, 6: 61; 28 August 1609, CH2/1/1/527; 25 July 1600, CH2/1/1/71. For further discussion on Milne, see Chapter 7.

⁵¹ 17 July 1601, CH2/1/1/113; 9 July 1602, CH2/1/1/171.

had Sunday sermons.⁵² In 1609, for example, Sabbath services were noted for Foveran, Tarves, Cruden, Slains, and Ellon and all had weekly sermons. Only Udney has a record of an afternoon sermon.⁵³ Sabbath prayers were noted at some point for Ellon, Tarves, and Udney and additional services may have been provided by the readers who served Cruden, Ellon, Foveran, Slains, and Udney. Catechising seems to have been routine for most parishes by the end of the 1600s. In 1609, regular catechising was noted for Cruden, Foveran, Slains, and Tarves.

Gathering the evidence, it can be demonstrated that most parishes in the North East experienced a basic (prayers, sermon or reading, and catechising), but sufficient and consistent programme of worship in place by 1610 at the latest. Deficiencies in programmes were not uncommon, but neither were they widespread and parishioners and kirk authorities worked, often together, to remedy shortcomings and improve services. Major problems, such as the rare or total absence of services, were generally due to the lack of a single charge or an extremely negligent minister (discussed in Chapter 7).

This chapter focuses on less substantial problems. Of the basic Sabbath services, catechising was the most likely to fall by the wayside, even at kirks with single charge ministers who preached weekly. Numerous directives to hold weekly catechising are found in the Aberdeen presbytery records, though most ministers managed to improve their catechising within a few years. For example, Alexander Youngson, minister of Durris, was instructed in 1603 to catechise every Sunday "preciselie" and was found to have complied by 1605.⁵⁴ Archibald Rait at Kintore was required in 1601 to catechise "immediatlie efter sermone," which he implemented by 1603.⁵⁵ Others were not so diligent. Catechising at Old Aberdeen had evidently been dropped from the weekly Sunday services by 1605 as the

⁵² Udney was without a minister until April 1604. See 25 April 1604, CH2/146/1/116.

⁵³ 30 May 1605, CH2/146/1/129.

⁵⁴ 28 July 1603, CH2/1/1/247; 14 August 1605, CH2/1/1/335.

⁵⁵ 31 July 1601, CH2/1/1/117; 22 July 1603, CH2/1/1/247.

presbytery ordered it to be "co[n]tenewed as obefoir."⁵⁶ In 1607, the presbytery found catechising to be "intermittit" and called for it to be held at least once a week.⁵⁷ Whether or not this directive was implemented, in 1609, the presbytery again ordered morning and afternoon catechising.⁵⁸ In a similar case, catechising in Fintray was to be held on Sunday afternoons as agreed by the minister and the congregation in 1600.⁵⁹ Subsequent visitation records note that catechising was only held infrequently and was not well attended when it did happen.⁶⁰ Perhaps in an effort to make the time of catechising more convenient, the presbytery instructed in 1607 that it be held in the morning before sermon.⁶¹

From what can be determined from the patchy Ellon presbytery records, Cruden stands out as having particularly insufficient catechising. Despite the presbytery's repeated directives between 1601 and 1608, minister David Rattray did not catechise every Sunday until 1609.⁶² Since regular catechising was commonplace (and regularly recorded) in the Deer presbytery, there were only a handful of parishes that were ordered to improve catechising.⁶³ In 1604 and 1605 at the parish of Tyrie, minister John Howeson was found to be "sumquhat slaw" in, among other things, catechising and urged to be "mair diligent" in holding the service.⁶⁴ In 1606, the presbytery acknowledged that the "lytill catecheissing" was more "throw default of the pepill than of the minister," but ordered Howeson "to vse all diligence for indrawing of the pepill" all the same.⁶⁵ Howeson had managed to

⁵⁶ 28 August 1605, CH2/1/1/337.

⁵⁷ 28 August 1607, CH2/1/1/437.

⁵⁸ 14 September 1609, CH2/1/1/529.

⁵⁹ 4 July 1600, CH2/1/1/63.

⁶⁰ 26 August 1603, CH2/1/1/255; 7 June 1605, CH2/1/1/329; 11 July 1606, CH2/1/1/363.

⁶¹ 29 May 1607, CH2/1/1/407.

⁶² 12 August 1601, CH2/146/1/77; 27 July 1603, CH2/146/1/104; 22 July 1605, CH2/146/1/131; 25 August 1608, CH2/146/2/27; 14 September 1609, CH2/146/2/55.

⁶³ The synod directed the presbytery in March 1604 (and reiterated in February 1606) to inquire at each meeting if ministers were working towards "mair frequent catechising of the parochners." See CH2/89/1/14 and CH2/89/1/70.

⁶⁴ 26 April 1604, CH2/89/1/18; 2 May 1605, CH2/89/1/53.

⁶⁵ 29 May 1606, CH2/89/1/76.

establish weekly catechising and improve Sabbath services by the following year's visitation and the good practice continued through 1610.⁶⁶

In some cases, poor provision could not be helped despite the good intentions of both minister and congregation. Whilst John White, long-standing minister of Skene, carried out his duties to the best of his ability and was well-regarded by his congregation, his age and infirmities hampered his ministry from at least the beginning of the Aberdeen presbytery records, if not before.⁶⁷ In July 1599, his flock complained that he "delyuers nocht the doctrine of saluatioun" to their "edification" and requested the presbytery to allow them to hire a "helpar" to him.⁶⁸ The presbytery consented, recognising the limitations of White and understanding the congregation to be "verie populous and famous." In December, the parishioners put forward and the presbytery agreed to Alexander Youngson, current minister of Durriss, to preach alternate Sundays and administer the Sacraments when required.⁶⁹ Skene benefitted from his assistance over the next three years, but Durriss' parishioners lamented his divided attentions and asked that he become full-time with them in 1602.⁷⁰ Youngson agreed on the condition that the parishioners contribute to an increased stipend later, which was arranged later that year or early 1603.⁷¹ As a replacement for Youngson, Skene's parishioners chose Alexander Scrogie, whom

⁶⁶ 23 April 1607, CH2/89/1/90; 26 May 1608, CH2/89/1/105; 29 June 1609, CH2/89/1/123; 19 July 1610, CH2/89/1/133.

⁶⁷ White held the charge of Skene along with Fintray from at least 1574. See Haws, *Scottish Parish Clergy*, 219.

⁶⁸ 27 July 1599, CH2/1/1/35.

⁶⁹ According to the *Fasti*, Youngson was minister of Glentanar (/Aboyne) in the presbytery of Kincardine O'Neil (also known as Strathdee) from at least 1593 and took over from James Irvine at Durriss in 1599. Youngson may have held concurrently with Durriss the parish of Kinairney, which bordered Skene parish to the west and was also within the Kincardine O'Neil presbytery. In December 1599, the Aberdeen presbytery ordered him to relinquish Kinairney and "all vth[er] kirkis" and reside at Skene or Durriss. Youngson's payment for Skene was met by the parishioners and a portion of White's provision. See *Fasti*, 6: 52, 77; "Kinnernie," *Gazetteer for Scotland*, accessed 26 October 2015, <http://www.scottish-places.info/towns/townfirst4102.html>; 14 December 1599, CH2/1/1/53.

⁷⁰ 11 July 1600, CH2/1/1/65; 19 June 1601, CH2/1/1/95; 15 January 1602, Stuart, *Selections from the Records of Aberdeen*, 185 and CH2/1/1/137; 16 July 1602, CH2/1/1/173. Travel between the two parishes could be troublesome, especially in winter as Youngson cited the "tempestuouse wadder and gryte rivar being fillit with yce and snaw" as a reason for not attending to Durriss more often. See Stuart, *Selections from the Records of Aberdeen*, 185 and CH2/1/1/137.

⁷¹ 3 September 1602, CH2/1/1/191; 8 July 1603, CH2/1/1/241. The presbytery gave the parishioners until February 1603 to make a decision, but nothing was noted in the records.

they had heard preach and "recauit conforte," to assume White's preaching duties for a year.⁷² The appointment proved so successful that Scrogie was made a full minister there in June 1605.⁷³

By the following spring, however, Scrogie was in talks to transfer to Drumoak and was admitted there in December.⁷⁴ White resumed his duties as minister, but was soon reported to have "faillit in doctrine," necessitating another search for an assistant. The parishioners were evidently so desperate for edifying preaching in June 1607 that they offered to pay for a university teacher to serve them until a permanent assistant could be installed.⁷⁵ No provision (temporary or permanent) was forthcoming and, in June 1608, the parishioners requested of the presbytery that Youngson once again preach to them every third Sunday. The presbytery denied that request whilst suggesting James Strachan, a regent of King's College, as an assistant to White. As the parishioners were reluctant to accept Strachan without knowing anything of him, the presbytery had him give the presbyterial exercise in Aberdeen.⁷⁶ Taking a "a good lyk of him" at the exercise, the elders and other parishioners in attendance requested that he preach at Skene so that "micht haue the lyk affectione to him and be the mair mowet to gif him a good stipend."⁷⁷ Strachan's preaching in August won over the parish and they "desyrit hartlie" that he be admitted as an assistant.⁷⁸ Although he appears to have been amenable to the position, there were several obstacles to his acceptance: he would be unable to leave King's College until the following Lammas (1 August), the offered provision at Skene was insufficient, and he was already promised to the ministry at

⁷² 8 July 1603, CH2/1/1/241; 9 September 1603, CH2/1/1/259.

⁷³ 14 June 1605, CH2/1/1/329.

⁷⁴ 9 May 1606, CH2/1/1/357; 12 December 1606, CH2/1/1/383.

⁷⁵ 5 June 1607, CH2/1/1/409.

⁷⁶ 9 June 1608, CH2/1/1/467.

⁷⁷ 16 June 1608, CH2/1/1/467.

⁷⁸ 26 August 1608, CH2/1/1/479.

Logie-Coldstone (in the presbytery of Kincardine O'Neil).⁷⁹ The parishioners were so keen to have Strachan that they pooled their resources and raised a relatively generous annual provision (27 bolls of meal and £20 silver).⁸⁰ The terms of the final agreement were not recorded, but it is known that Strachan accepted for a trial period and was in the post by the presbytery's visitation in mid August 1609. He received a favourable report and was enjoined to continue through October while White was admonished to catechise and visit the sick more regularly and not substitute reading homilies for preaching.⁸¹ Strachan did not continue at Skene for long, however, and took up the charge at Logie-Coldstone probably between February and April 1610.⁸² Although from time to time the provision of public worship at Skene was less than inadequate, the pro-active communal efforts of the parishioners testify to their commitment to and desire for regular and substantial preaching, loyalty to their minister, and their ability and willingness to work with the presbytery.

In some parishes, kirk services were hindered by the kirk building itself. The parish of Lonmay provides a good example of how the physical space of public worship could impact the programme of public worship. Situated about 250 yards from the shoreline, the medieval kirk of St Combs was no longer suitable or convenient as a parish kirk by the early seventeenth century.⁸³ Such was the "inco[m]moditie" of St Combs that Thomas Rires, the minister of the parish, reported in 1607 that his "grytest greif ves that monie of the parochiners culd not repair to the kirk."⁸⁴ The parishioners, presbytery, the laird of Drum, and the laird of Philorth had

⁷⁹ 16 December 1608, CH2/1/1/491; John G. Michie, *History of Logie-Coldstone and Braes of Cromar* (Aberdeen: D. Wyllie & Son, 1896), 45.

⁸⁰ 10 November 1608, CH2/1/1/485; 16 December 1608, CH2/1/1/491. White's stipend was £66 13s. 4d. in 1606. See 7 March 1606, Stuart, *Selections from the Records of Aberdeen*, 198 and CH2/1/1/347.

⁸¹ 17 August 1609, CH2/1/1/525.

⁸² Strachan gave the presbyterial exercise in early February, but is not listed among the presbytery's ministers in April. See 1 February 1610, CH2/1/1/535; 5 April 1610, CH2/1/1/543; *Fasti*, 6: 103. Gilbert Keith was admitted sometime in or after May 1610, but it is unclear whether he was full replacement of White or just a replacement of Strachan. See *Fasti*, 6: 74.

⁸³ "St Combs, Old Church," *Canmore*, accessed 26 October 2015, <http://canmore.org.uk/site/21121/st-combs-old-church>.

⁸⁴ 26 March 1607, CH2/89/1/88.

begun making plans for the building of a new kirk some years earlier, but could not agree on the location.⁸⁵ A consensus was reached shortly after Rires' lament and a new kirk moved two miles inland was built within the year.⁸⁶ The relocation was a success and, by 1610, a full set of services filled the Sabbath, including a "publict lecture of the vord" before the morning sermon and an afternoon sermon year-round.⁸⁷

Beyond the basic services, presbyteries sometimes sought expanded programmes of public worship in the parishes. The Ellon presbytery instructed both Tarves and Cruden to have afternoon sermons in 1605, but neither parish complied and the subject was not brought up again.⁸⁸ Abraham Sibbald at Deer, however, did implement afternoon services upon the request of the presbytery in 1608.⁸⁹ The congregation was less keen on the idea and Sibbald, apparently on the suggestion of the eldership, compromised by holding "publict prayers and lectur of the scryptur" in the afternoon. Asked at the visitation in 1609 why he did not preach instead, he answered that he would "if the session and co[n]gregation thocht guid and wald desyr" and attend.⁹⁰ Sibbald abandoned the practice by the summer of 1610 because of the "oppositione of a great pairt of the session" who, living a fair distance away, did not want to make the journey to the kirk twice on the Sabbath. They proposed instead a Tuesday service to coincide with the public market, but Sibbald said he would be unable to accommodate a Tuesday sermon.⁹¹ The first surviving visitation

⁸⁵ 12 April 1604, CH2/89/1/17; 21 June 1604, CH2/89/1/23-CH2/89/1/24; 4 April 1605, CH2/89/1/51; 6 February 1606, CH2/89/1/70.

⁸⁶ 26 March 1607, CH2/89/1/88. Very little remains of this kirk, but the surviving portion of a wall bears the date 1607. See "Lonmay, Old Parish Church," *Canmore*, accessed 26 October 2015, <http://canmore.org.uk/site/21128/lonmay-old-parish-church>. At the presbytery's visitation of August 1608, Rires praised his parishioners for their assistance and committed to establishing a new "hous off god." See 18 August 1608, CH2/89/1/109.

⁸⁷ 13 September 1610, CH2/89/1/134.

⁸⁸ 19 June 1605, CH2/146/1/130; 22 July 1605, CH2/146/1/131.

⁸⁹ 5 May 1608, CH2/89/1/104.

⁹⁰ 15 June 1609, CH2/89/1/122. At the visitation of June 1609, the presbytery advised Sibbald to "gif in his greif" at the next General Assembly "anent the largnes of his paroch" and request their help in creating another parish.

⁹¹ 5 July 1610, CH2/89/1/133.

record after 1610 shows that presbytery eventually deferred to Sibbald and were content that Sunday afternoons were spent in public prayer and reading.⁹² In a reversal of circumstances, David Howeson preached at Aberdour on Sunday afternoons during the summer from at least 1606.⁹³ As health declined in the following years, however, so too did afternoon services.⁹⁴ In 1607, he promised to exhort in the afternoons of the "during the tyme of the lang day," but ceased afternoon services altogether by the following year.⁹⁵

For David Robertson, minister of Longley and Fetterangus, holding any Sabbath services at the latter parish proved too much for him by 1610. Admitted to both charges in 1599, Robertson was preaching (twice daily in the summer), catechising, and attending the kirk session at Fetterangus every third Sunday from September 1603, as had been arranged with the parishioners.⁹⁶ The Deer presbytery inquired at their visitation of Fetterangus in November 1610 "quhat publict exerceis of godis seruic ves ther euery sabbothe" and it seems that Robertson took the opportunity to release his pent-up frustrations. He answered that he held services there every third Sabbath because it was "ane cheppell of eis of auld" and a pendicle of his other charge. He also announced that he could no longer hold Fetterangus for three reasons: 1) it violated an act of the General Assembly prohibiting plurality; 2) he did not have the ability or funds to travel the ten or so miles between the two kirks; and 3) the kirk at Longley was due to be relocated for the increased convenience to both sets of parishioners. Robertson thus requested that all operations at Fetterangus cease and its congregation attend all services and other kirk

⁹² 13 May 1613, CH2/89/1/147.

⁹³ 19 June 1606, CH2/89/1/77.

⁹⁴ Howeson was admitted to his first charge at King Edward in 1570, which would make him at least 60 years old by the mid-1600s. See *Fasti*, 6: 209.

⁹⁵ 16 June 1608, CH2/89/1/106. After Howeson died in 1611, afternoon services did not resume until 1616. See *Fasti*, 6: 209 and 29 August 1616, CH2/89/1/201.

⁹⁶ *Fasti*, 6: 218; 22 September 1603, CH2/89/1/10; 16 August 1604, CH2/89/1/32; 11 September 1606, CH2/89/1/81; 27 October 1608, CH2/89/1/113; 28 September 1609, CH2/89/1/127.

matters at Longley. The presbytery agreed and immediately decreed Longley to be the sole "p[ro]per parochie kirk."⁹⁷

These cases exemplify the broader conclusion that presbytery and higher kirk bodies often expected far more services than could practically be offered by ministers. Moreover, ministers were sometimes caught between the unrealistic demands of the presbytery and parishioners who were unwilling to attend extra and "unnecessary" services. On the surface, the picture that the presbytery records painted in these cases was one of incapable or negligent ministers alongside indolent parishioners. However, the reality was that the most ministers furnished the most comprehensive programme of public worship that was possible within their parish. Parishioners regarded extra services, like Sabbath afternoon or weekday sermons, as negotiable and these services were either not implemented or dropped when they proved impractical. Some congregations wanted expanded programmes, like in Old Aberdeen, or tried to preserve existing services, as at Skene. Although the records naturally highlighted deficiencies, such failings reached the attention of presbyteries and higher kirk bodies because they were uncommon or failed to fulfill expectations. By and large, the basic programmes of public worship of the parishes of the North East met the fundamental needs of parishioners and satisfied the standard criteria of the Kirk. With a few exceptions, the evidence indicates that parishes held regular Sunday services at a minimum consisting of prayers and a sermon or reading. A number of parishes were less diligent in their weekly catechising weekly, though there was improvement over the first decade of the seventeenth century. The parish of Aberdeen, long considered to be wholly resistant to reform, had an extensive programme of public worship that went beyond the basic requirements for a "great town," matching the enthusiastically Protestant Fraserburgh. In this most important component of the practice of Scottish Reformed Protestantism, therefore, by the early seventeenth century, the North East had been reformed.

⁹⁷ 15 November 1610, CH2/89/1/137. The parish of Fetterangus was joined to the parish of Deer in November 1618. See 12 November 1618, CH2/89/1/228; *Fasti*, 6: 218.

Chapter 3: Keeping the Sabbath

As the parishes of the North East established programmes of public worship, parishioners adapted not only to the new weekly liturgical cycle that revolved around the Sabbath, but also to the new protocols governing proper Sabbath observance.¹ There was, however, no universal agreement between and among kirk authorities and parishioners on who was required to attend public worship and when or what exactly constituted proper observance. Whilst the records of the prosecution by kirk authorities of absentees or profaners of the Sabbath were meant to document the correcting discipline of wayward or sinful parishioners, they inadvertently reveal the differences in values and expectations and demonstrate the variety of religious experience. This chapter delves into the policies of the Kirk and kirk bodies of the North East and investigates the ways in which parishioners of the North East experienced the Sabbath.

Theologically, there was great continuity between Reformed Protestant and pre-Reformation Catholic Sabbath observance. Both were informed by the scriptural commandment to keep the Sabbath holy by setting aside time for public worship and refraining from labour and other temporal activities.² The difference between pre- and post-Reformation Scottish practice lay in the degree of sabbatarianism and, crucially, the enforcement of observance. Whilst the laity of pre-Reformation Catholicism were expected to attend High Mass on Sundays (and other holy days) and encouraged to attend Low Mass throughout the week, which they commonly did, there was no systematic and sustained enforcement of attendance or punishment for absence.³ Similarly, there was a degree of flexibility regarding acceptable activities outwith services and there was no concerted enforcement against prohibited activities, save for the holding of public markets.⁴

¹ Dawson, "Patterns of Worship," 142.

² For a discussion of the historiographical disagreements concerning medieval and early modern Sabbath practice, see Parker, *The English Sabbath*, Chapter 2.

³ Galbraith, "Middle Ages," 25; Fitch, *Search for Salvation*, 163, 166; Duffy, *Stripping of the Altars*, 112.

⁴ Parker, *English Sabbath*, 14-15, 22.

The Scottish reformers, however, believed in a stricter form of sabbatarianism and sought its standardised enforcement. From 1560, the Scottish people were legally required not only to attend the various services of the Sabbath, but also engage solely in "godly" activities during the entirety of the time outwith services.⁵ Kirk policy was founded upon the text of the fourth Commandment as given in the Geneva Bible of 1560: "Remembre the Sabbath daie, to kepe it holy [...] thou shalt not do anie worke." The annotation on this verse explained that the day was to be honoured "by meditating the spiritual rest, by hearing Gods worde, and resting fra worldelie trauailes."⁶ If this Commandment was kept, then "'the soul will win into Christ's bosom.'" If violated by any "profane activity," then it would be considered "an offence directly against God as well as kirk and community."⁷ At first glance, the interpretation of this Commandment should have been precise: participate in God's word and do not engage in temporal concerns or activities. The practical implementation of the command, however, was highly imprecise and interpretation could vary significantly. Even the *First Book of Discipline* was rather terse and vague on the subject: Sundays must "straitly be kept both before and after noone." Attendance at weekday sermons, if offered, was commonly optional, but the time was still considered sacred and, thus, to "be kept free from all exercise of labour, as well of the Maister as of the Servant."⁸ It was clear that all must attend Sunday services, but what constituted "exercise of labour" on the Sabbath and during weekday sermons was less precisely defined.

Whilst the Kirk understood the Sabbath to be a whole day devoted to God, the records indicate that parishioners tended to regard the time of divine service and "leisure" time differently and kirk authorities distinguished between absenteeism and

⁵ For domestic devotion in post-Reformation Scotland, see Jane E. A. Dawson, "'Hamely with God': A Scottish View of Domestic Devotion," in *Private and Domestic Devotion in Early Modern Britain*, eds. Jessica Martin and Alec Ryrie (Farnham: Ashgate Publishing Limited, 2012): 33-52. Todd notes that the Sabbath day was generally deemed to begin at dawn and end at dusk, but some ministers set extended hours, including a full 24. See Todd, *Culture of Protestantism*, 343.

⁶ Ex. 20:8, note g, Geneva Bible.

⁷ Todd, *Culture of Protestantism*, 342.

⁸ Cameron, *First Book of Discipline*, 181.

profanation in their prosecution of offenders. Consequently, the two categories are discussed separately here.

The records of the Aberdeen kirk session offer the greatest insight into the Sabbath practices of parishioners. As discussed in the previous chapter, it is clear that public worship was a priority of the burgh's kirk authorities because they were quick to establish a full programme of public worship that encompassed both the Sabbath and weekdays. However, they did not initially require universal attendance at these services. An ordinance of the inaugural session of 1562 stipulated that Sabbath service attendance was mandatory for all kirk session members and other "honest personis of the toun." Absentees were to be fined 2s. or 8d., respectively. The requirements for servants were far looser: morning prayers at least every other Sunday and sermons if their "maister or maistres will gife tham licynes." Only kirk session members were required to attend weekday prayers and sermons.⁹ It is important to note that, implicit in this legislation and that of other kirk bodies, illness and other unavoidable circumstances that prevented attendance and could be verified were acceptable reasons for absence.¹⁰

By the point that the Aberdeen kirk session had resumed its operations for a third time and was headed by a new, stricter minister, it appears that mandatory Sabbath attendance had been extended to most parishioners, including servants. An ordinance of 1573 regarding "the transgressouris againis the religion" only refers to those "quha cummis nocht to heir the word of God" and a general attendance and profanation ordinance of 1575 concerned all those who were absent from Sunday services "without leful business," which is not defined.¹¹ By the early seventeenth century, when the kirk session records resume, all parishioners of Aberdeen were required to attend all Sunday services. In August 1604, the session issued, presumably as a reiteration of rules already in place, "Certane heidis and articles of

⁹ 10 December 1562, Stuart, *Selections from the Records of Aberdeen*, 6 and CH2/448/1/5.

¹⁰ Todd, *Culture of Protestantism*, 35-36.

¹¹ 12 November 1573, Stuart, *Selections from the Records of Aberdeen*, 15 and CH2/448/1/31; 24 November 1575, Stuart, *Selections from the Records of Aberdeen*, 21 and CH2/448/1/87.

reformatioun, quhairvnto everie famelie within this burght is appoynted to conforme the selff and all the memberis thair of," including servants. Families (or households) were to keep the kirk (and "quha can raid sail lerne to sing and prais God publictly") and abstain from work or play. Weekday sermons were open to all, but only heads of families had to attend. Catechising attendance was as required. Visitors or guests to the burgh were to do as their hosts.¹² Helping to enforce these requirements were ten or so of the elders and deacons, sometimes accompanied by the burgh's bailies, who patrolled the four quarters of the burgh on the lookout for Sabbath truants or profaners. In practice since at least the beginning of the kirk session records in 1602, the patrols had the authority to "sersche sic houss as they think maist meit."¹³

The patrollers evidently did not have frequent occasion to cite absentees as the figures suggest that most parishioners who were required to attend, did attend. Excluding the chronically-absent fishermen, who are discussed below, there are 85 documented cases of absence (33 of which included profanation) during the period under consideration, all from 1602 or after.¹⁴ Between November and December of that year, the session charged and convicted six people for "abyding fra the sermons."¹⁵ One of them, James Anderson, a listar or dyer, had not attended services for the previous twelve or thirteen Sundays, but was only charged once. After being

¹² 11 August 1604, Stuart, *Selections from the Records of Aberdeen*, 34-36 and CH2/448/2/85. In 1607, the session cracked down on "sindrie landvart gentillmen and vtheris cum to this towne," who stayed temporarily in the parish, but were not members. The session was to catalogue all such persons and order them to attend services or "vthervayes to remowe thame aff the towne." See 12 July 1607, Stuart, *Selections from the Records of Aberdeen*, 58 and CH2/2/448/257

¹³ 17 October 1602, CH2/448/2/7; 8 May 1603, Stuart, *Selections from the Records of Aberdeen*, 26 and CH2/448/2/27.

¹⁴ The following method has been employed within this thesis to calculate the number and nature of cases coming before the kirk courts. It broadly follows Michael Graham's practice, as explained in his *Uses of Reform*, "A 'case' is defined as any instance in which an individual, almost always named, is charged with a particular sin of commission or omission. Thus for example if five people are charged with participating in one act, it is treated here as five cases" See Graham, *Uses of Reform*, 77-78, n. 15. In this present study, a distinction has been made between cases only involving absence and those that involve absence and profanation, but all cases involving absence have been counted as Absence and the specific criteria for Profanation have been set out below in footnote 73.

¹⁵ 7 November 1602, Stuart, *Selections from the Records of Aberdeen*, 23 and CH2/448/2/7; 28 November 1602, Stuart, *Selections from the Records of Aberdeen*, 24 and CH2/448/2/9.

fined 40s. (in line with the updated single day fine of 3s. 4d.), he appears to have obeyed the session's order to "kep the kirk in tyme cu[m]ming."¹⁶

In 1603, the first full year of records since 1577, the session prosecuted eight for absence, all between January and June.¹⁷ The actual rate, however, was evidently higher because the burgh's ministers reported to the presbytery in September "that certane of the inhabitantis freque[n]tlie not the sermone sa fullie as wes requirit." In response, the presbytery issued two injunctions to the ecclesiastical and civil authorities. Firstly, "the provest and [...] mag[ist]ratis" were to ensure that "thair nichbo[u]rs and inhabitantis" obeyed the ordinances of the kirk and take action against absentees, "q[ui]lk they promisit to do." For their part, the ministers were to "vrge the magistratis to performe this p[ar]t of th[eir] offices." Secondly, it was found that some parishioners

cuming to the sermone, abydes nocht till the same be endit, but sum startis up in the middis thairof, and being endit, the maist pairt removes, and tarries nocht the last prayer and blessing, quhilk is ane gryte offence and abuse of Godis seruice, and ewill exemple, quhairat the ministeris at thair teacheing ar nocht litill greivit; for remedie it is concludit, be the presbyterie, magistrattis, and sessioun, that the officearis of the toune, with kirk officear, sall stand at the kirk dur during the tyme of diuine seruice, quha sall hald in and bring back sic as removis befor blessing be endit, except they be seik and may nocht indure sa lang; and giff ony being stayit will nocht reiteir, bot deforcis the officearis, the kirk officear to note thair names, and gif thame in wreit to the magistratis, and the magistratis to punisch as absentis and deforcearis sic as contemnis this ordinance, and sa to be double punischit.¹⁸

Although there were no cases of absenteeism in the kirk session or burgh council records in the months following these orders, the situation evidently did not

¹⁶ 5 December 1602, CH2/448/2/9.

¹⁷ A "c[om]mon c[on]tempner of the Sabbath," William Gray was punished with a stint in the "kirk wolt" because he could not afford to pay the monetary fine. See 5 June 1603, CH2/448/2/31.

¹⁸ 29 September 1603, Stuart, *Selections from the Records of Aberdeen*, 193 and CH2/1/1/261-CH2/1/1/263.

improve.¹⁹ A few days after the session issued the "Certane heidis and articles of reformatioun" in August 1604, the council agreed that there was a "gryt cauldnes" among the burgh's residents in attending Sabbath and weekday services. In response, it recalled the 33 quarter masters, around half of whom were members of the council and/or the kirk session, who had been employed the previous autumn to enforce plague-related emergency ordinances, to patrol the town during Sabbath services and report absentees to council and session.²⁰ Although the order had not yet gone into effect, the presbytery noted two days later that the provost and bailies had taken "ordo[u]r" with absentees, which "c[on]tentit" the presbytery.²¹

Any order the kirk and civil authorities managed to impose, however, was only temporary. Three months later, the kirk session condemned the "gryt contemp of the word." The session instructed the ministers to reiterate in kirk the "actis concerning the keping of the kirk" and both the session and the magistrates were to "sharplie" punish the "manifest and notorious absentis" who did not give obedience.²² The results of these measures are unclear. The session issued three ordinances regarding attendance over the course of the 1605 (January, May, and October), but only prosecuted seven individuals for absence (three of whom included profanation for drinking), all in May.²³

The following year, the number of individual absence cases only rose by ten. Although the plague was particularly persistent and prolonged through 1606 as it had

¹⁹ In October 1603, the burgh council re-ratified "the guide and godlie statute maid of befor be thair predecessors anent the Repairing to the kirk for hering of the preiching baith on the sabboth and vlk dayes." 5 October 1603, CA/1/1/41/398.

²⁰ 11 October 1603, Stuart, *Extracts from the Council Register of Aberdeen*, 2: 244-246; 26 October 1603, Stuart, *Extracts from the Council Register of Aberdeen*, 2: 247-248; 15 August 1604, CA1/1/41/839.

²¹ 17 August 1604, CH2/1/1/303.

²² 4 November 1604, CH2/448/2/101. This act also ordered the prosecution and punishment of those who were absent, "bankettit and maid gude cheir" during the recent fast and humiliation.

²³ 5 May 1605, CH2/448/2/131; 19 May 1605, CH2/448/2/135; 13 October 1605, CH2/448/2/165. The first ordinance required beggars to attend Sabbath services, the second appointed a man to monitor ferry boat usage to Dunie during afternoon services, and the third concerned the attendance and profanation of the Fuddy fishermen. See 27 January 1605, Stuart, *Selections from the Records of Aberdeen*, 44 and CH2/448/2/117; 19 May 1605, Stuart, *Selections from the Records of Aberdeen*, 44 and CH2/448/2/135; 20 October 1605, CH2/448/2/167.

been in 1604, the Kirk in Aberdeen had not identified absenteeism or any other specific offence as the cause for this punishment from God.²⁴ Instead, the session of 1606 began to blame the fishermen who profaned the Sabbath by working and prosecuted them with unprecedented vigour, as is discussed below. For the remainder of the decade, the caseload of individual absences declined to an average of 12 per year. Sixteen hundred and eight was another bad plague year, but, again, the session found direct fault with the habitually-absent and, more seriously, profaning fishermen.

From 1607, confirmed repeat offenders begin to emerge in the records. Between 1602 and 1610, nine (all men) were charged more than once for absence. Four were charged for a second time in 1607 and three of those were charged for a third time in subsequent years. Five of the repeat offenders, who happened to be officers of the burgh, were never fined, but only admonished and cautioned by the session. This form of punishment was broadly favoured by the session from 1606. All 21 absentees charged before 1606 were fined. From 1606, about a third of the 64 absentees were fined. Whilst the admonished offenders included two lairds, it does not appear that the session was being selectively lenient.²⁵ Rather, admonishment and caution became the session's standard punishment for absence for the remainder of the decade. It is perhaps unsurprising that the session did not fine the five burgh officers, even when they re-offended after the session issued an ordinance targeting their proclivity to drink during Sabbath and weekday sermons.²⁶ However, the session also did not fine the four servants who were convicted of drinking in their mistress' house during Sabbath services nor the eight fleshers (butchers) who were

²⁴ 3 May 1604, Stuart, *Selections from the Records of Aberdeen*, 33 and CH2/448/2/73; 10 June 1604, CH2/448/2/75; 22 June 1606, Stuart, *Selections from the Records of Aberdeen*, 53 and CH2/448/2/203; 14 September 1606, CH2/448/2/215;

²⁵ 9 March 1606, CH2/448/2/187.

²⁶ 24 August 1606, Stuart, *Selections from the Records of Aberdeen*, 54 and CH2/448/2/213; 31 August 1606, CH2/448/2/213; 22 March 1607, CH2/448/2/243; 17 January 1608, CH2/448/2/285. The ordinance, issued in October 1606, reiterated the general attendance ordinances and added a clause particular to the burgh officers, stating that each officer was to be chaperoned by a bailie during services. Unexcused absences would incur a fine of 6s. 8d. (the standard rate for absence and profanation). See 12 October 1606, CH2/448/2/221.

warned to keep the kirk with their wives and not trade on the Sabbath.²⁷ Those who were fined from 1606 included a cutler (charged three times and fined twice), a bookbinder (charged twice, fined once), and a weaver.²⁸ Three (including a servant and a skinner) were confined to the "prisone in the kirk stepill" for up to a week.²⁹ An unemployed tailor of the burgh who set "a tryst to a harlott" during services was ordered to leave the burgh or else find employment.³⁰ Whilst the attendance in the parish of Aberdeen was never one hundred percent and absenteeism was particularly common in 1603 and 1604, the evidence overall suggests that the majority of the burgh's 6,000 or so residents regularly attended Sabbath and weekday services as required.

The Aberdeen presbytery did not routinely remark on attendance or record individual absences. Of the 49 recorded cases, 24 were from 1602 (18 from Banchory-Devenick, five from Peterculter, and one from Old Aberdeen) and 20 from 1603 (all for playing football in Drumoak during morning and afternoon services on the Sabbath). The presbytery did note when absenteeism was particularly high or not prosecuted with the expected rigor. Of the parishes reprimanded by the presbytery for insufficient attendance or enforcement, most were found wanting only once or twice between 1599 and 1610. Kintore, for example, was commanded in 1599 "that all keip the sermone on Sunday," but received no further admonishments.³¹ In the same year, the parishioners of Drumoak were "exhortit to be moir frequent at the sermone Than thaj haue bene hidderto," which they did, except for a few isolated cases that appeared before the presbytery.³²

²⁷ 14 June 1607, CH2/2/448/255; 20 September 1607, CH2/2/448/269. The session did fine one of the fleshers and the wife of another in 1605. See 5 May 1605, CH2/448/2/131.

²⁸ 1 June 1606, Stuart, *Selections from the Records of Aberdeen*, 53 and CH2/448/2/203; 29 March 1607, CH2/2/448/245; 23 April 1609; 8 April 1610, CH2/448/3/31; 3 May 1610.

²⁹ 26 February 1609, CH2/448/2/349; 5 March 1609, CH2/448/2/349; 4 November 1610, CH2/448/3/59.

³⁰ 21 October 1610, CH2/448/3/59.

³¹ 20 July 1599, Stuart, *Selections from the Records of Aberdeen*, 169 and CH2/1/1/33.

³² 10 August 1599, CH2/1/1/39.

The presbytery had more occasion to instruct the parishioners of Old Aberdeen to keep the kirk and the minister and session to discipline absentees. After issuing two warnings in 1601 and 1602, the presbytery threatened to deprive David Rait in 1607 if he did not discipline the absentees "w[i]t[h] all haistie expeditione."³³ In the meantime, the other ministers of the presbytery were barred from giving any "benefite of the kirk" (i.e. marriage and the Sacraments) to any Old Aberdeen parishioners.³⁴ One reason for the difficulty in enforcing attendance was, as noted as far back as 1600, that the congregation was "verie populous and far scatterit," which also indicates that some parishioners found it difficult to travel to and from the kirk.³⁵ Thus, the presbytery renewed plans for creating a new kirk in the "dista[n]t p[ar]t of the p[ar]oche."³⁶ The new parish of Monykebuck was not operational until 1609, but the restrictive measure seem to have been effective as Old Aberdeen received no further complaints from the presbytery.

Absenteeism was entrenched in the parish of Nigg throughout the run of presbytery records, but will be discussed below as habitual profanation was also a feature. In contrast, absenteeism in the parish of Durris was not endemic, but stubbornly persistent nonetheless. The presbytery urged the kirk session in 1602 and 1603 "to be verie cairfull for keeping" the Sabbath and reiterated the prescribed punishments for violators.³⁷ At the visitation of 1604, the minister reported that his "p[ar]ochnaris frequentit the kirk mekle better," but not always and some were more

³³ 7 August 1601, CH2/1/1/119; 2 July 1602, CH2/1/1/167. At the visitation of 1602, a Gilbert Fraser was charged to better attend Sunday services, which he promised to do "at sic Sondayes as his helth nicht p[er]mitt him." See July 1602, CH2/1/1/169.

³⁴ 28 August 1607, CH2/1/1/437. A similar prohibition was made in 1604, but a reason is not given. See 2 November 1604, CH2/1/1/307.

³⁵ 8 August 1600, CH2/1/1/73.

³⁶ 28 August 1607, CH2/1/1/437. St Machar's itself had become "ruenouss" by the late sixteenth century. In August 1600, the presbytery ordered the reparation of the kirk and kirkyard "befoir the winter all excuses sett a syde onder all hiaist pane and charge that may follow." Plans for the building of a new kirk at Monykebuck (now known as New Machar) began in 1604, but the old chapel of St Colm's was used in the meantime from the parish's erection in May 1609. See 20 October 1598, Stuart, *Selections from the Records of Aberdeen*, 64 and CH2/1/1/5; 8 August 1600, CH2/1/1/75; 13 July 1604, CH2/1/1/297; 9 May 1609, CH2/1/1/513; "New Machar, Old Parish Church And Burial-ground," *Canmore*, accessed 31 October 2015, <http://canmore.org.uk/site/19443/new-machar-old-parish-church-and-burial-ground>.

³⁷ 3 September 1602, CH2/1/1/191; 28 July 1603, CH2/1/1/247.

negligent. The presbytery's view of their attendance was that there was "Rare c[on]ventioun of the p[ar]ochnaris." In response, it ordered that the session enforce all Kirk ordinances "as they will a[n]ser on their c[on]sciencis to god."³⁸ There is no further mention of the matter until the visitation of 1607 when the presbytery "straitlie admonisit" the session to enforce attendance.³⁹ A year later, the presbytery found that services were not well attended by "the c[om]mouns" and those who did attend were prone to "sleiping" during the sermon "to the gret offense of god and greiff to thair pasto[u]r." The session was again ordered to punish absentees and have the kirk officer prod sleeping parishioners awake with a "wand" and fine repeat offenders 2 sh. a service.⁴⁰ Despite the presbytery's efforts, absent or napping parishioners continued to be a problem until at least 1609.⁴¹ This evidence suggests that absenteeism at Durris was not a case of kirk authorities having overly-high expectations. Because there is no indication in the records that the parish was populated by Catholics or other non-adherents, the reason may be found in a fundamental difference in understanding about the practice of faith between parishioners and the Kirk. Clearly, the parishioners did not share the Kirk's view that regular and attentive attendance at Sunday services, which appears to have consisted of a sermon and catechising at most, was essential or necessary to proper religious practice. Perhaps the parishioners would have come to the Kirk's understanding with more instruction, but the difference was irreconcilable for the present without rigid and severe discipline. The Kirk appears to have, instead, taken a determined and firm approach with the aim of eventually producing willing compliance.

A more complicated fragmentation of expectations of Sabbath practice also occurred in the parish of Nigg, a settlement just south of Aberdeen across the River Dee. Over the course of a decade, absenteeism and profanation became endemic, but it was not a simple case of parishioners versus the Kirk. The reports of the first two

³⁸ 15 June 1604, CH2/1/1/291.

³⁹ 3 July 1607, CH2/1/1/421.

⁴⁰ 21 June 1608, CH2/1/1/469; Todd, *Culture of Protestantism*, 40.

⁴¹ 24 September 1609, Stuart, *Selections from the Records of Aberdeen*, 202 and CH2/1/1/529.

recorded presbyterial visitations of 1599 and 1600 indicates a contented parish.⁴² Although its long-time minister, John Roche, was not resident in the parish until 1607, he seems to have been competent in his ministerial duties.⁴³ At the visitation of July 1601, however, the presbytery lamented that the parishioners showed "gryte c[on]tempt" towards the Sabbath and were now habituated in "remani[n]g fra the kirk." In an effort to reverse these regrettable practices, it ordered Roche to take attendance at kirk every Sunday.⁴⁴ By 1604, the roles had reversed as the parishioners were wanting to attend services, but Roche was not "c[on]veni[n]g" them. Furthermore, he was allowing the profanation of the Sabbath in the form of transporting peat. Still, the only recorded action of the presbytery was its institution of a fine of 20s. upon anyone who "Bracks the sabbothe."⁴⁵ Roche was found at the visitations of 1605 and 1606 to be negligent in punishing offenders and profanation by fishing had become a problem as well by 1606.⁴⁶

The first known prosecutions by the presbytery against offenders of Nigg occurred in October 1606. The first two were found guilty of transporting grain on the Sabbath and, perhaps because their destination was Aberdeen, the presbytery remitted them to the ministers there.⁴⁷ Later, seven were convicted of an unknown breach of the Sabbath and ordered to pay the fine and repent in their kirk.⁴⁸ The situation had deteriorated by the following July to the extent that there was "manifest prophanation" committed with impunity by many in the parish. The presbytery ordered all cases to be brought before it, but no cases were forthcoming.⁴⁹ By July 1608, there was a complete breakdown of Sabbath observance as the elders reported that there was "na catechzing a rare c[on]ventione on the sabbaoth daye And na

⁴² 31 August 1599, CH2/1/1/45; 15 August 1600, CH2/1/1/75.

⁴³ *Fasti*, 6: 69; 27 June 1606, CH2/1/1/361; 24 July 1607, CH2/1/1/431. Roche was admitted in 1588.

⁴⁴ 10 July 1601, CH2/1/1/109.

⁴⁵ 3 August 1604, CH2/1/1/301.

⁴⁶ 19 July 1605, CH2/1/1/333; 27 June 1606, CH2/1/1/361.

⁴⁷ 10 October 1606, CH2/1/1/375.

⁴⁸ 27 October 1606, CH2/1/1/375.

⁴⁹ 24 July 1607, CH2/1/1/433.

executione aganis the absentis." The presbytery admonished Roche, but took no additional action.⁵⁰ The minister may have managed some improvement by the presbytery's general ministerial review in March 1609, but he was exhorted "to be bissie" in convening his parishioners at kirk.⁵¹ Roche was still lax in disciplining absentees at the visitation of August 1609.⁵² The case of Nigg, therefore, is a curious one. Oddly, Roche seems to have been in agreement with his parishioners about acceptable Sabbath "leisure" activities, but not about Sabbath services. Furthermore, it was the elders the congregation who, on occasion, complained about their minister for neglecting his essential duties. The result of the differing expectations of the minister, kirk session, congregation, and presbytery was a dysfunctional and difficult parish.

Like the records of the Aberdeen presbytery, those of the Ellon presbytery contain little information about parish attendance. Still, there is no indication from the available evidence that any parishes had significant absenteeism between 1597 and 1610. In the records of the presbytery and the Ellon kirk session, only 17 people were charged for absence, all of whom appear to be first-time offenders for absence and all included profanation. This figure may indicate that absences were generally low enough in the seven other parishes, for which records have not survived, not to warrant attention beyond their kirk sessions. A closer look at the evidence from the parish of Ellon supports this assumption. At the presbytery's visitation of the parish in 1598, the minister reported that "sundri gentilmen" did not "ordnarly" attend Sunday services. He was instructed to caution the offenders and refer any who disobeyed to the presbytery.⁵³ No further mention of continued absenteeism was made in either set of records until the kirk session issued in late August 1603 its first

⁵⁰ 11 July 1608, CH2/1/1/475. There was also an unspecified ordinance against the parish's brewers.

⁵¹ 13 March 1609, CH2/1/1/503.

⁵² 3 August 1609, CH2/1/1/525.

⁵³ 2 August 1598, CH2/146/1/19.

known general ordinance regarding attendance.⁵⁴ Considering "the contempt of the word and sacraments to be gr[ea]t," especially in the time of harvest, the session ordered absentees to be noted the next Sabbath so that they could be prosecuted.⁵⁵ The process was repeated the following Sunday, but was evidently too informal.⁵⁶ For obtaining "persyis knowledg" of absentees, the session implemented assigned seating within the kirk organised by barony or lairdship. Eight elders were each assigned a section for "esspying and marking of the absents."⁵⁷ The measure immediately led to a half dozen or so people being charged with absence and profanation for climbing over the garden walls at Esslemont and damaging trees during the time of Sunday services.⁵⁸ Since there were no further recorded cases of absenteeism, it is not known if attendance continued to be taken or how effective it was. By June 1604, however, absences were evidently high enough for the session to remind the congregation sharply that service attendance was mandatory.⁵⁹ It appears that the parish's attendance improved thereafter and remained satisfactory for the remainder of the decade. The kirk session prosecuted only three more absentees

⁵⁴ The only case of absence in the interim was that of William Allan who was convicted of shedding the blood of Gilbert Tailor within the kirkyard immediately prior to services, holing up in a hostelry during services, and then pursuing Gilbert with "hagbuit and sworde." He was initially fined £20 and six Sundays upon the stool of repentance dressed only in sackcloth, but the sum was reduced to £10 after the intercession of Peter Blackburn, minister of Aberdeen. See 24 January 1598/1599, CH2/146/1/28; 7 February 1598/1599, CH2/146/1/29.

⁵⁵ 28 August 1603, CH2/147/1/37. In April of that year, the session warned the alms collectors who stood at the kirk door before the beginning of services to come into the kirk once services begun. See 3 April 1603 [year assumed], CH2/147/1/29. Much of the Ellon kirk session records for this period are incomplete or fragmented and the year (or month or date) is not necessarily recorded in the minutes for each meeting, making dating an individual minute very difficult. For minutes with incomplete information, the given year is as catalogued by the Scottish Documents website and noted as "probable." Date and month are either noted as "probable" if contextual evidence is available or stated as unknown if not.

⁵⁶ 4 September 1603, CH2/147/1/39.

⁵⁷ 11 September 1603, CH2/147/1/39; 18 September 1603, CH2/147/1/41.

⁵⁸ 18 September 1603, CH2/147/1/39; 25 September 1603, CH2/147/1/41.

⁵⁹ 7 June 1604, CH2/147/1/61.

(which also entailed profanation) and the presbytery had no further occasions to comment on the general attendance at Ellon.⁶⁰

As with the parish of Ellon, the low rate of prosecuted absenteeism as documented in the presbytery records suggests that attendance levels were reasonably high. Of the eight known cases, three occurred in 1607, one in 1609, and three in 1610, all for drinking in time of services.⁶¹ The actual rate of absenteeism was certainly higher than this small number of prosecuted cases, but the equally-limited number of presbyterial ordinances indicates that need for presbyterial involvement was uncommon. Both of the two general ordinances, issued in 1598 and 1601 and directed to all parishes, concerned weak enforcement of punishing absentees, but not absenteeism itself.⁶² Two individual parishes received orders to tighten their discipline against their absentees. Unusually, the complaints to the presbytery about lax discipline were made by the minister or elders in each case. In 1608, the minister of Slains sought the presbytery's "aduyce" about how to enforce punishment of parishioners who were absent from services and kirk session members who were absent from meetings. The presbytery suggested excommunicating those who persistently disobeyed the session's orders.⁶³ In a reversal of roles, it was the elders of Tarves who, in 1605, "desyreit" that their minister attend kirk session meetings and hold to disciplining Sabbath absentees.⁶⁴ These examples indicate that discipline and Sabbath attendance could be a concern to both the presbytery and the kirk session. They may also suggest that parish-level authorities wanted to bring in higher authorities to uphold and enforce unpopular or difficult policies. In this way, those dealing directly with acrimonious or obdurate parishioners directly could

⁶⁰ 8 April 1607, CH2/147/1/93; 28 September 1608 [probable year], CH2/147/1/133; 20 November 1608 [probable year], CH2/147/1/135. In 1609, the minister of Ellon reported that some brewers were selling ale during services and requested that the presbytery create a "vniforme order" against the offence. See 19 October 1609, CH2/146/2/57.

⁶¹ Three people were prosecuted by the Foveran kirk session in 1607 (again, for drinking) and their cases only came to light in the presbytery records in 1609 as part of the ongoing process against one of them. See 25 January 1609, CH2/146/2/36.

⁶² 29 August 1598, CH2/146/1/21; 29 October 1601, CH2/146/1/81.

⁶³ 8 September 1608, CH2/146/2/28.

⁶⁴ 19 June 1605, CH2/146/1/130.

externalise the responsibility to discipline. However, there was not a regular need for presbyterial intervention since serious absenteeism does not appear to have been a problem.

The Deer presbytery records contain scant information regarding attendance. Only one case of absence is recorded.⁶⁵ What little additional evidence there is does not indicate complete absenteeism, rather parishioners attending services outwith their assigned parish. In 1605, the presbytery issued a general order to the ministers to "caus thair parochiners keip thair awin paroch kirk."⁶⁶ In particular, some of Rathen's parishioners were admonished in 1606 for attending other kirks.⁶⁷ Attendance at Rathen may have been a problem more generally as the presbytery ordered its and Peterhead's ministers in 1608 to "causs thair parochineres repair vnto thair paroche kirkes." The order was prompted by a "ane comond co[m]plent off the session of Deir," which suggests that the traveling parishioners were going there and that Deer was unable or unwilling to accommodate them.⁶⁸ Other than these examples, poor attendance at catechising was flagged at Fraserburgh in 1605 and Tyrie in 1606.⁶⁹ Given the paucity of evidence, it is difficult to judge the situation in the presbytery, but it is not unreasonable to presume that, based on the generally-diligent practices of Deer's parishes, attendance levels were acceptable.

The combined evidence from the three presbyteries suggests that most parishioners attended their parish kirk's Sabbath services most of the time. No parish had full attendance every Sunday and absenteeism may have been rife in certain parishes at certain times, but problem parishes like Old Aberdeen, Durriss, and Nigg were the exceptions. Attendance in the other 31 parishes seems to have been generally high or at least serious absenteeism was not characteristic.

⁶⁵ 9 June 1603, CH2/89/1/6.

⁶⁶ 4 April 1605, CH2/89/1/51.

⁶⁷ 17 July 1606, CH2/89/1/79.

⁶⁸ 5 May 1608, CH2/89/1/104. Both Rathen and Peterhead were about 6-10 miles from Deer, a fair distance, but distances within the parish were not necessarily shorter.

⁶⁹ 22 August 1605, CH2/89/1/59; 29 May 1606, CH2/89/1/76.

Although the Kirk and parishioners might disagree about the necessity of attending Sabbath services, the distinction was clear cut: attendance was either mandatory every Sunday or it was not. There was no grey area of mandatory attendance for certain Sundays, but not others. In comparison, parishioners made less distinction between what activities outwith services on the Sabbath were acceptable or not. Parishioners and the Kirk might be in agreement about some activities, but not about others. This multitude of views made "profanation" of the Sabbath much more common than absenteeism. Since the minutes of profanation cases contain more detail about the nature of the offence than absentee cases, the analysis of profanation within the North East reveals more about how parishioners practiced and experienced the Sabbath.

The Kirk's definition of Sabbath profanation expanded and evolved in the decades following the Reformation. An obvious profanation was the holding of markets and fairs, which had been legally prohibited in Scotland since at least the reign of James III in the second half of the previous century.⁷⁰ Beyond conducting trade, it appears that other more specific offences were initially on a case-by-case basis. It was not until 1576 that the General Assembly discussed what constituted a violation that was more than a general breach of Sabbath and, even then, it only specified "salt pans, mills, and other labouring."⁷¹ In the following decades, the General Assembly and Parliament expanded the list to include "handy labour," "gaming and playing, passing to taverns and ale houses," "gluttony, drunkenness, fighting [...] dancing," "shearing and carting corns, the carrying of victual and belongings," and fishing.⁷² Regional and local kirk courts had the freedom to prosecute other violations not covered by national legislation and, as a result, local forms of profanation were occasionally specific to the parish.

⁷⁰ *RPS*, 1469/24, A1504/3/129.

⁷¹ Shaw, *Acts of the General Assemblies*, 1: 447.

⁷² *RPS*, 1579/10/23; Shaw, *Acts of the General Assemblies*, 2: 854, 912, 1,339-1,340.

Within the North East, charges of profanation outnumbered absence about 2:1.⁷³ The number of profanation-only charges found in the records under consideration totals 280. Almost 96% (268) of those charges occurred between 1601 and 1610, the time range with the most overlap across the records. Using the figures for that period, agricultural labour represents 40% (106) of charges, by far the most common form of profanation. The second highest form is violence (e.g. fighting or assault) at 22% (58) followed by other/unspecified at 15% (41). The highest number of charges in any single year is 74 in 1602 (63 charges of agricultural labour alone). In 1609, the last complete year of records for all kirk courts under consideration, there are 54 cases.

Surveying parishes and presbyteries, the Aberdeen kirk session issued 39 charges of profanation (excluding the Fuddy and salmon fishermen, which are discussed as a separate category below) between 1562 and 1610. Trade activity was the most common form of profanation (11 charges) and the highest number of charges was in 1607 (14). The Aberdeen presbytery issued 32 charges between 1599 and 1610, with agricultural labour the most common (18) and yearly charges peaked in 1606 at 12. Between 1601 and 1610, the Ellon kirk session issued 79 charges, over half (42) of which were for agricultural labour and nearly half occurred in 1602. The Ellon presbytery issued a grand 111 charges between 1599 and 1610. Violence accounts for half (56) and yearly charges peaked in 1609 at 29. Finally, the Deer presbytery issued only 21 charges: 8 for agricultural labour and 1604 and 1605 tie for the peak year at 8 charges.

Labour of any kind (general, agricultural, craft, or trade) represented over half of all charges within the North East between 1601 and 1610. As amply illustrated by the fishers in the parish of Aberdeen, forgoing agricultural or seafaring labour—whether for commercial or personal purposes—on the Sabbath was a serious and substantial commitment and the dozens of other cases suggest that many were

⁷³ For the purposes of this study, the category Profanation has been divided three major sub-categories, Labour, Recreation (or Non-labour), and Other/Unspecified. Labour is further divided into General (or unspecified), Agricultural (including fishing), Craft, and Trade. Recreation is divided into Violence, Sport, Drinking, Carding/Gaming, Travel, and Other. When an individual was charged with more than one category of profanation, only the first charge has been used in the calculation.

unwilling to make that level of sacrifice, especially if their neighbours did not. The parish of Ellon had the highest number of agricultural labour charges among the kirk courts under consideration. Many of those involved threshing or harvesting and, as expected, tended to be committed in the early autumn. In October, probably of 1602, 12 men were accused of profanation related to the harvest.⁷⁴ Generously, the session postponed their trial until after the harvest. On the same day, the session decided to raise further the monetary fines for breach of Sabbath during the upcoming harvest because the current amount was too little to "restraine to hinder men" from working. From the standard profanation fine of 26s. 8d., the rates rose to £6 13s. 8d. for gentlemen and those worth £1,000 or over; £4 for husbandmen; and around 10s. 8d. for "girsman or cotter" (tenants).⁷⁵

The demands of the harvest proved too pressing for parishioners across the presbyteries of Ellon and Aberdeen to stay away from their fields on the Sabbath. In August 1598, the Ellon presbytery ordered the kirk session of Tarves to be more diligent in enforcing the ordinances against Sabbath breakers, "specialli in the tym of harvest."⁷⁶ In December 1603, it retrospectively charged 23 parishioners of Ellon and two from Slains for breach of Sabbath by transporting grain. One employer was convicted for working his servants, but two other employers were absolved for their servants' offences since they were away at the time. Those found guilty were fined 10s.⁷⁷ The presbytery convicted in January 1603 an additional six parishioners of Cruden who, with their servants, transported corn during the harvest. It also ordered the minister to process the remainder of the accused profaners within his parish.⁷⁸

The harvest of 1602 was also a busy time for the Aberdeen presbytery. In late August, it warned the parishioners of Maryculter that any forthcoming absentees

⁷⁴ For difficulties in dating minutes, see footnote 55.

⁷⁵ 18 October 1601 [probable year], CH2/147/1/15. The shilling amount for the girsman is illegible after the "x." The initial penalty in the records for profanation was 10s. and was raised at an unknown date to 26s. 8d. See 4 April 1601 [probable year], CH2/147/1/1 and CH2/147/1/7.

⁷⁶ 28 August 1598, CH2/146/1/20.

⁷⁷ 23 December 1602, CH2/146/1/95; 5 January 1603, CH2/146/1/96; 12 January 1603, CH2/146/1/96-CH2/146/1/97.

⁷⁸ 9 February 1603, CH2/146/1/98.

from services or profaners during harvest would be "pvnished and extremelie poindit" and be excommunicated upon the third absence.⁷⁹ Prosecutions in other parishes were conducted after the harvest season. In November, the presbytery told the minister of Kintore to process those who had profaned during the recent harvest.⁸⁰ That same month and into December, the presbytery charged two men from Banchory-Devenick, four from Belhelvie, and two from Old Aberdeen for profanation during the recent harvest. All those convicted were ordered to repent and pay 20s., with a very heavy £40 fine for future breaches.⁸¹ Two of the offenders from Belhelvie confessed to transporting grain before the morning sermon, which they had never done before, and "avowit on thair c[on]sciens" to observe the Sabbath thereafter. For the present offence, they were fined and made to repent on their knees before the pulpit.⁸² Seven years later, the presbytery charged seven and convicted four from Peterculter of violating the Sabbath during the harvest. Three confessed to shelling (winnowing or threshing) and grinding grain, but pleaded that they had only done it twice. It appears that the presbytery waived the monetary fine, but sternly rebuked the four and ordered them to confess their sins before the pulpit and the congregation and "on thair kneis craveing god and the c[on]gregatione forgiewenes." The three others who were charged, but absent from the hearing were remitted the Peterculter session, who were given permission to "Juge th[e]m as the presbyterie nicht haue done."⁸³

Throughout the year, milling (including hand grinding) was a common form of profanation, but some parishioners disagreed with the Kirk's interpretation of this activity. A rare insight into parishioner's understanding of proper Sabbath observance is provided by an ordinance of the Ellon presbytery in 1599: "grinding

⁷⁹ 27 August 1602, CH2/1/1/187.

⁸⁰ 19 November 1602, CH2/1/1/201; 25 November 1602, CH2/1/1/203.

⁸¹ 31 December 1602, CH2/1/1/207; 12 November 1602, CH2/1/1/199. Because the offenders from Old Aberdeen transported corn out of Fintray, they were ordered to make their repentance in that parish. See 3 December 1602, CH2/1/1/205.

⁸² 25 November 1602, CH2/1/1/201.

⁸³ 12 October 1609, CH2/1/1/529-CH2/1/1/531.

and thrashing vpon Soneday is counted among the multitude no violation off the sabbathe." To correct this error, the presbytery instructed all of its ministers to "intimate the contrare out off the pulpite" the following Sunday and punish violators.⁸⁴ Whilst this recognition of divergent opinions was not normally acknowledged in the minutes of kirk courts, it was implicitly present in many cases of profanation, particularly with regard to agricultural labour. For example, the Deer presbytery accused two parishioners from Peterhead and three from Crimond in February 1604 of running "ther milles euerie sabboth." This routine profanation suggests that the millers saw no harm in this form of work and perhaps their kirk sessions had turned a blind eye. The presbytery, however, directed their respective ministers to "try the truth" and remit the guilty to the presbytery.⁸⁵ In Cruden, "certane p[er]sonis" may have regarded many types of "hande labo[u]r," including milling, as acceptable Sabbath activities since the presbytery ordered the session in 1609 to prosecute such offences.⁸⁶

In the Aberdeen presbytery, the millers of Banchory-Devenick were warned in August 1603 that any found running their mills on the Sabbath would be fined 40s.⁸⁷ The practice was evidently widespread in Belhelvie in 1606 as the presbytery, after summoning all the millers within the parish, imposed a £10 fine for the offence and double that if they received and milled grain that was contracted to another mill.⁸⁸ Similarly, millers in Old Aberdeen faced a £5 fine in September 1609 for the first Sabbath breach and doubled thereafter.⁸⁹ In one instance, a parishioner of Ellon was apparently so impatient to have his grain shelled that he compelled the "pickin man" [or pikeman who used a pick to roughen the mill stone] of his local mill to

⁸⁴ 7 February 1598/1599, CH2/146/1/29.

⁸⁵ 16 February 1604, CH2/89/1/13.

⁸⁶ 14 September 1609, CH2/146/2/55.

⁸⁷ 12 August 1603, CH2/1/1/249. The presbytery also warned masters who had their servants transport peat on the Sabbath that they would be fined 40s. and their servants 20s.

⁸⁸ 18 July 1603, Stuart, *Selections from the Records of Aberdeen*, 198-199 and CH2/1/1/363.

⁸⁹ 14 September 1609, CH2/1/1/529.

work on a Sunday.⁹⁰ On the same Sunday, as the kirk session alleged, another man allowed the use of his mill.⁹¹

For coastal parishes and those endowed with fish-filled rivers or lakes, fishing on the Sabbath was a particular point of contention between parishioners and the Kirk. For example, the fishers from Banchory-Devenick, which straddled the River Dee, were on the receiving end of two or three presbyterial ordinances against them. At the visitation of July 1601, it was reported that "mony" were absent, especially fishers, and "sundrie" profaned the Sabbath.⁹² Any effort by the minister and kirk session to prosecute offenders must have been ineffective since the presbytery, in what is presumed to be a parish-specific ordinance, ordered absentees and breakers of the Sabbath, specifically fishers and other agricultural labourers, to be processed "according to the act of parliament." In 1609, the presbytery reiterated its order regarding the punishment of the "wrekaris of the sabbaoth," especially the "salmond fischaris in ty[m] of preaching" and added a prohibition against the whitefishers and their crews baiting hooks.⁹³ The limited evidence of profanation in the Deer presbytery includes a synodal ordinance from 1603 directing ministers to inform their parishioners of a royal act "co[n]cerning the fisching of watteris on the sabbothe."⁹⁴ A similar ordinance was issued to the Ellon presbytery in 1609, commanding all fishermen to convene in the nearest town on a specified day and there "to bind that they abstein from fisching on the saboth day."⁹⁵

The perennial conflict between the Aberdeen kirk session and the parish's fishermen demonstrates how differing or even opposing expectations and priorities

⁹⁰ "Picki(e)man n," *Dictionary of the Scots Language*, accessed 5 Nov 2015, <http://www.dsl.ac.uk/entry/dost/pickieman>.

⁹¹ 12 February 1604, CH2/147/1/53.

⁹² 10 July 1601, CH2/1/1/105.

⁹³ 6 July 1609, CH2/1/1/517.

⁹⁴ 13 April 1603, CH2/89/1/2. The following month, the presbytery learned that "sum fischer childreing" of Fraserburgh and Aberdour were going "to the sandis of Phillorthe" on the Sabbath to collect bait. The ministers were instructed to "punish them be the Lairds authoritie gif they vald not desisit." See 26 May 1603, CH2/89/1/3.

⁹⁵ March 1609, CH2/146/2/42.

might set the Kirk and parishioners at variance, especially in times of crisis. The session distinguished between the salmon fishers who lived within the burgh and the Futtie fishers who lived in the adjacent settlement of Futtie. Given that the former group had a major presence on the session and the burgh council, it is not surprising that the latter group received more frequent attention from the session. The first ordinance specifically directed toward the Futtie fishermen was issued by the session in June 1577:

The said day, the haill skippares of Futye, being accusit of the crymes wnderwrittin, is ordanit, of thair awin free motiue will, to forbeir selling of fishe on Soneday in tyme of preching or prayaris, failyeing thairof, the fishe to be escheit to the hospitall in tymes cuming; and siclike to forbeir superstitious dayis, sic as Mydsomer avin, Peter avin, and vtheres dayis.⁹⁶

This ordinance, which prohibited the fishermen from absenting themselves from services and, instead, selling fish and also for celebrating traditional festivals, set the foundation for the relationship between session and fishermen for both groups during the next half century.

When the session records resume in late 1602, the matter of absenteeism and profaning Futtie fishermen makes an early appearance. The session appointed four "visitouris" to patrol Futtie on the Sabbath and mark those that were absent from services or working during that day.⁹⁷ No further mention was made of the subject until October 1605. Summoning the masters of the fishing boats for not attending the Sabbath services, the session warned them along with their crews and families to keep the kirk fully or face prosecution. To encourage and mark their attendance, the session also ordered them to "sitt all togidder vnder the loft" in the kirk.⁹⁸

Whilst it is clear that the session would not tolerate the situation, it had not yet made strenuous efforts to enforce compliance. Under threat from a particularly virulent plague in the spring of 1606, however, the session began a fiery campaign of

⁹⁶ 27 June 1577, Stuart, *Selections from the Records of Aberdeen*, 22 and CH2/448/1/123.

⁹⁷ 28 November 1602, CH2/448/2/9.

⁹⁸ 20 October 1605, CH2/448/2/167.

prosecution against offending fishermen within the parish. The initial target was the salmon fishers of Aberdeen. In early April, the session declared that the Sabbath was "grytlie prophanit and broken be a gryt numer of the Inhabitantis," particularly the proprietors and their crews who persisted in working on the Sabbath "to the dishonor of god the plane c[on]tempt of his law and c[om]ma[n]dment and prophanatioun of his halie saboth."⁹⁹ Three weeks later, eight proprietors appeared before the session: Alexander Rutherford, current provost of the burgh and current kirk session elder; Alexander Cullen, former provost and current elder; David Rutherford, former elder; and current elders Mr Alexander Cullen, Gilbert Gray, David Cargill, and William Lowson. They agreed for themselves and their employees to cease working on the Sabbath, except Lowson who only promised for himself.¹⁰⁰ The following week, 21 more proprietors faced the session, including two current elders and at least twelve former elders or deacons. Ten agreed to obey the session, one promised only for himself, and another agreed through the remainder of the year "till he wer farder advysit." In contrast, Mr Thomas Menzies, a repeat offender and Catholic, discussed in Chapter 5, flatly refused to abstain from work and challenged the session's authority to impose such a restriction. Perhaps knowing that his personal views on the matter—that it was "no prophanatioun nor brak of the Saboth to fische thair watteris thairon"—would not be legitimate grounds for defence, he appealed to the session's respect for the law. He declared that, until parliament or the convention of estates specifically outlawed fishing on Sundays nationwide, it was "lauchfull to him to fische thairon, according to vse and wount past memorie of man." Eight of his fellow fishermen, including one current elder, rallied behind Menzies and "refusit to desist from working of thair fischingis on the Saboth day."¹⁰¹ His strategy appears to have been effective because he and his confederates were not troubled again by the session with regard to Sabbath fishing until 1608.

⁹⁹ 6 April 1606, CH2/448/2/191.

¹⁰⁰ 27 April 1606, Stuart, *Selections from the Records of Aberdeen*, 50-51 and CH2/448/2/195.

¹⁰¹ 1 May 1606, Stuart, *Selections from the Records of Aberdeen*, 51-52 and CH2/448/2/195-CH2/448/2/197.

After the partially successful crackdown on the salmon fishers, the session shifted its focus to the Fuddy fishers. Finding that the fishermen were still not attending Sabbath services at St Nicholas, the session implemented a new Sabbath policy. At the ringing of the second bell, the skippers (seven were listed) with their wives and crews were to assemble at the chapel of Fuddy where their attendance would be noted. From there, all were to proceed to "the kirk in all diligence, for heiring of the word" and catechising. Proprietors and their wives who were absent were to be fined double the standard rate of 3s. 4d. and employees the standard rate.¹⁰² The fishermen were evidently not keen to obey this latest ordinance as none appeared at the chapel or St Nicholas the following Sunday.¹⁰³ Although their non-compliance probably continued, no further mention of them was made in the session records for a year. Given that the plague was within 20 miles of the burgh by late June and the kirk session understood the threat to be the result of the "gryt contempt of the gossell, and all vther kynd of sin that presentlie aboundis in this land," it is surprising that the session took no further action against both groups of fishermen as conspicuous absentees and profaners.¹⁰⁴ Possibly the fear of plague, in fact, motivated the fishermen and other absentees to conform to the Kirk's demands.

Any compliance was not sustained, however. Amidst another threat of plague in June 1607, the session ordered four skippers of Fuddy to provide the names of their crew members who were not attending services so that the session could prosecute them as "wilfull brackeris of the lords saboth."¹⁰⁵ Nothing came of this order, but it confirms the continued non-attendance of the Fuddy fishers.

The struggle with the salmon fishermen came to a head in the autumn of 1608. In September and a little under a month before the session declared a fast to ward off the nearby plague, Aberdeen's ministers complained to the presbytery about the fishermen profaning the Sabbath, although their concern does not seem to have

¹⁰² 25 May 1606, Stuart, *Selections from the Records of Aberdeen*, 52 and CH2/448/2/201.

¹⁰³ 1 June 1606, Stuart, *Selections from the Records of Aberdeen*, 53 and CH2/448/2/201.

¹⁰⁴ 22 June 1606, Stuart, *Selections from the Records of Aberdeen*, 53 and CH2/448/2/203.

¹⁰⁵ 7 June 1607, CH2/448/2/253. The session ordered fasts in April and June. See 26 April 1607, CH2/2/448/249; 14 June 1607, CH2/2/448/255.

been shared by the presbytery because it merely exhorted the fishermen "to forebear in tyme cu[m]ing."¹⁰⁶ The session, however, remained anxious. As "God is drawn nerer to the citie be his visitatioun of the plague" through October and November, the session imposed daily fasting and public preaching.¹⁰⁷ Then, at about 9 o'clock in the evening of Tuesday, 8 November, a "fearfull erthquak" struck the burgh and the surrounding countryside. The session met the next day and proclaimed the event "to be a document that God is angrie aganes the land and aganes this citie in particular for the manifold sinnis of the people." A public fast was ordered for the following morning during which:

the covenant to be renewit be the haille people, both ministris, magistrattis, and communitie, with God, be haulding vp of their handis all publictly befor God in his sanctuarie, and promesing be his grace to forbear in tyme cumming from their sinnis that hes procurit Goddis wraith and anger aganes thame.¹⁰⁸

On Thursday, the presbytery was also moved to order public fasting throughout the region every Sunday until the plague relented. It too called for the renewal of the Covenant and "renew thair repe[n]tance be oppin c[on]fession of thair synis and returne vnto the lord w[i]t[h] maist fervent prayer in fasting."¹⁰⁹

In the meantime, the combined dangers of plague and earthquake spurred the Aberdeen kirk session to seek out specific sins and sinners and blame quickly fell upon the salmon fishermen. At the session's meeting the following Sunday, Peter Blackburn, bishop of Aberdeen and session moderator, thundered:

amangis the manyfauld and innumerable sinnis of this citie that procuris Goddis wraith, the sin of bracking and prophaning of the Lordis Saboth, be publict and opin salmond fisching thairon, cheiflie procuris the same, quhilk, howbeit it hes bene from tyme to tyme condampnit and forbiddin be the licht of Goddis word, yit the possessours of the waters, preferring, as apperis, thair greid and avarice to the glorie and wirschip of God, hawe continewit and

¹⁰⁶ 12 September 1608, CH2/1/1/481; 9 October 1608, CH2/448/2/319.

¹⁰⁷ 16 October 1608, CH2/448/2/321; 23 October 1608, CH2/448/2/323; 30 October 1608, Stuart, *Selections from the Records of Aberdeen*, 64 and CH2/448/2/323.

¹⁰⁸ 9 November 1608, Stuart, *Selections from the Records of Aberdeen*, 64 and CH2/448/2/325.

¹⁰⁹ 10 November 1608, CH2/1/1/485.

persistit hitherto in working and fisching of thair watteris on the Saboth day, to the heich dishonour of God, the manifest contempt of his law, and sclander of the gospell.

It behoved "people of all rankis," he continued, "to turne to God" and away from sin, especially open and "rebellious sinnes, quhilk postis on Goddis judgementis aganes ws." By using exceptionally dramatic and pointed language that invoked the Old Testament, Blackburn and the session were underscoring the present danger and imperative need for the community to come together before God to repent, atone, and promise to amend.

Present before Blackburn were 26 "possessours of the waters," 20 of whom had been charged in 1606 (and three served as patrollers of Futtie that year). Among them were the burgh's current provost, who was also a current session elder, a former provost and current elder, another seven current elders (representing altogether half of the current eldership), and ten former elders or deacons. Directly addressing this group, Blackburn inquired if they would promise to stop fishing on the Sabbath either by themselves or their employees. Twenty "promeist absolutelie" to desist from fishing on the Sabbath, one promised only for himself and on the condition that his "nichtbouris" also stopped, something another fishermen agreed to, whilst one remained undecided. Thomas Menzies and two others (one of whom was also a current elder) refused outright, with no explanation recorded.¹¹⁰ The campaign against the salmon fishermen then disappears from the kirk session records for the remainder of the decade and until at least 1640. The only hint of further conflict is a brief minute in the presbytery records from April 1610 noting that the Aberdeen ministers were "to p[ro]ceid aganis the salmond fischaris."¹¹¹ Given that the session's anxiety over God's judgement in late 1608 did not ease until at least mid-January 1609, evidenced by the weekly Sabbath fasts, it is surprising that it did not

¹¹⁰ 13 November 1608, Stuart, *Selections from the Records of Aberdeen*, 65 and CH2/448/2/327.

¹¹¹ 5 April 1610, CH2/1/1/543.

pursue Menzies and the others who had declined to obey.¹¹² The session probably realised that it was a waste of energy to punish Menzies and his supporters for this specific offence. Instead, it appears that the session reset its sights on other, perhaps easier, categories of sin to punish, particularly blasphemy and fornication.¹¹³

In May 1609, the session convicted three Fuddy fishermen of "passing to the sey" in the morning of the previous Sabbath. Although this was the second conviction for one and possibly two of the fishers—Gilbert Atholl and Walter Allan—all were let off with an admonishment and a warning of imprisonment in the kirk steeple if they reoffended.¹¹⁴ Only three months later, Atholl and five of his colleagues received yet another admonition from the session for absence and profanation. This time, the session seems more concerned with the crews rather than the skippers, suggesting that the skippers had been attempting to exploit a (non-existent) loophole in the session's ordinances by sending their crews out on the Sabbath whilst not working themselves.¹¹⁵ This practice was confirmed the following May when four skippers, all repeat offenders, were "conwict of thair awin confessiones for suffering of thair Bottis going to the sea." Having exhausted admonishments, the session fined each man 6s. 8d.¹¹⁶ The skippers were undeterred. After they had ignored a further summons the following month, the bishop of Aberdeen, accompanied by the burgh's bailies, paid a personal visit to Fuddy "to tak order" with its troublesome residents.¹¹⁷ The outcome of this expedition was not recorded, however, and the skippers were not mentioned in the books for the

¹¹² 20 November 1608, Stuart, *Selections from the Records of Aberdeen*, 66 and CH2/448/2/327; 27 November 1608, CH2/448/2/329; 4 December 1608, CH2/448/2/329; 12 December 1608, CH2/448/2/333; 1 January 1609, CH2/448/2/341; 8 January 1609, CH2/448/2/343.

¹¹³ In December, the session issued two lengthy acts against blasphemy and fornication, expressly stating that the latter was to the "greif of the almichtie god quha is justlie provokit th[air]by to punishe this burgh and Inhabitantis." See 12 December 1608, CH2/448/2/329-CH2/448/2/331.

¹¹⁴ 14 May 1609, CH2/448/2/359. A Walter Annand was among those admonished in 1606. Annand/Allan are occasionally confused in the records. See 25 May 1606, Stuart, *Selections from the Records of Aberdeen*, 52 and CH2/448/2/201.

¹¹⁵ 6 August 1609, CH2/448/2/369.

¹¹⁶ 27 May 1610, CH2/448/3/37.

¹¹⁷ 24 June 1610, CH2/448/3/41.

remainder of the year. Obedience to the Kirk lasted less than a year because they were charged once more in 1611 and were routinely in and out of the session house's door through the 1610s and early 1620s.¹¹⁸

The salmon and Fuddy fishermen's entrenched obstinancy and disregard for the kirk authorities (including the bishop) were unusual, but their view of the Sabbath was not uncommon. Fishing was intensely competitive and could be highly lucrative in good conditions.¹¹⁹ When faced with the choice between strictly observing the Sabbath or earning a day's living, fishermen were inclined—or were compelled by employers—to opt for the latter. The majority of fishermen were repeat offenders and probably shared the view expressed by Thomas Menzies that fishing and other types of manual labour were not breaches of the Sabbath. They were not prepared to sacrifice their earnings to satisfy other people's beliefs or for the sake of obeying authority. Being a tight-knit community, the fisher folk were able to take collective action against the prosecution of the Kirk and they succeeded in resisting ecclesiastical control. The salmon fishers had the advantage that some of their number held seats on both the kirk session and the burgh council, thereby critically undercutting the Kirk's initiatives. Nonetheless, the kirk session showed resolve in its persistent, if intermittent prosecution, particularly in times of environmental crisis. The fishermen's case demonstrates that splits might develop between the Kirk and parishioners that could not be easily resolved.

Profanation through non-agricultural labour was concentrated in the burgh of Aberdeen where trade and craft work were the most common offences.¹²⁰ The inaugural kirk session of the parish decreed in 1562 that:

¹¹⁸ 14 April 1611, CH2/448/3/73; 21 April 1611, CH2/448/3/73.

¹¹⁹ Gordon Jackson, "Aberdeen and the Sea," 161-162.

¹²⁰ Outwith the burgh, there are only two known cases of craft-related profanation. The Longley kirk session convicted Alexander Yet for carrying cloth in 1604. In 1608, the Ellon presbytery convicted James Walker for the same offence. Every Sunday, Walker delivered cloth that he had "walkit" or filled at the kirk of Tarves and picked up new orders. Requesting "th[eir] wisdomis to appoint him anoth[er] day," Walker was instructed to "keip the Saterdag for this trade, and wes enjoyned to forbeir the saboth day, wnder the pane of exco[m]municatioun." See 20 December 1604, CH2/89/1/42; 22 September 1608, CH2/146/2/29.

Beacaus the sevint day, quhilk is Sonday our Sabbath day, is commandit be God to be sanctifeit and keepit haly, and the brekaris thairoff, as the Scriptur schawis, war puneist with deth, Herfor it is statute and ordanit, that vpoine the Sabbath day all craftsmen and lauborvvaris, and all vderis within this toun, desist and cease fra all lauboring and handewark.

The session was disposed to interpret Scripture broadly and labour was prohibited "namely, in tyme of prayeris and preching." Although Sabbath services took up most of the morning and afternoon, this clause implied that working at either end of the day might be tolerated.¹²¹ A similar ordinance of 1574—addressed to the "decanis of the cordinars, vobstars, telyers, and baxters" and "coupis cha[m]mermen fleshers"—decreed that the Sabbath was to be "keipit in preiching and prayers," but it also seems to have prohibited labour at any time of the day. The main target of the ordinance was, in fact, the craftsmen's continued observance of holy days or "ony wther festuall dais quhilk wes vsit of auld tyme befor" and they were ordered "to remoif all superstition and occasion thairof."¹²² By 1576, the session had definitely removed any leeway allowed in previous acts. At least five were convicted that year for working on a Sunday.¹²³ Despite the session's early focus on craftsmen, it did not prosecute any until June 1578 when it ordered William Gerard, a barber, to "forbear vsuage of his craft on Soneday" under the pain of 40s.¹²⁴

Through the first decade of the 1600s, the session took sporadic action against the burgh's bakers. In 1602, it ordered that they neither "work nor baik any bakin meatt" on the Sabbath.¹²⁵ Five years later, it convicted five bakers for "heitting of thair oynes and baking" the previous Sunday. Because that Sunday happened to be Pentecost, it may well be that the bakers were supplying bread for the traditional

¹²¹ 10 December 1562, Stuart, *Selections from the Records of Aberdeen*, 6 and CH2/448/1/5.

¹²² 16 February 1573/1574, Stuart, *Selections from the Records of Aberdeen*, 16 and CH2/448/1/37; 18 February 1573/1574, CH2/448/1/37.

¹²³ 1 March 1575/1576, CH2/448/1/95; 15 March 1575/1576, CH2/448/1/95; 25 October 1576, CH2/448/1/107. The minute of 1 March 1575/1576 lists two people, but only specifies the offence and conviction of one.

¹²⁴ 5 June 1578, CH2/448/1/135.

¹²⁵ 28 November 1602, Stuart, *Selections from the Records of Aberdeen*, 24 and CH2/448/2/9.

feast, although no link was made in the minutes.¹²⁶ Two bakers were convicted for the same offence the following year, supporting the supposition that Pentecost continued to be observed in the traditional manner.¹²⁷

In 1609, the session observed "that the Saboth day is opinlie and manifestlie prophanit" by the craftsmen and their employees who work Sunday mornings until eight or nine o'clock, as if it were a weekday.¹²⁸ However, it had only prosecuted a handful of craftsmen during the previous three years, including one for sewing shoes "in his buith" in 1606 and another in 1608 for packing plaiding after the ringing of the second bell.¹²⁹ Once again, there was a mismatch between the session's public declarations and its enforcement. This discrepancy might indicate that the session lacked the practical means of enforcement or that it wanted to be seen taking action without intending to prioritise this offence.

Like practicing one's craft, trading on Sunday hardly featured in the North East as a whole, although it was common in Aberdeen with its long tradition of Sunday markets.¹³⁰ As with other categories of profanation, the restriction of trade in the burgh on the Sabbath proved difficult to enforce. Despite the blanket ban by both Kirk and state, residents continued to hold markets and trade on the Sabbath. In 1574, Regent Morton ordered the burgh's bailies to "permit na marcat [...] quhairby the people may be withdrawin fra the serving of God" and to confiscate the goods of those caught trading on the day.¹³¹ The ordinance of the following November enlisted the assistance of the burgh council to make merchants close their booths, although only between the ringing of the third bell and the end of preaching.¹³²

¹²⁶ 14 June 1607, CH2/2/448/255.

¹²⁷ 14 May 1608, CH2/448/2/297.

¹²⁸ 13 August 1609, Stuart, *Selections from the Records of Aberdeen*, 69 and CH2/448/2/369.

¹²⁹ 21 September 1606, Stuart, *Selections from the Records of Aberdeen*, 54 and CH2/448/2/215; 1 May 1608, CH2/448/2/295.

¹³⁰ In 1608, the Aberdeen presbytery ordered the minister of Peterculter to discipline those who sold meat or drink during services and the Ellon presbytery issued a similar order against the brewers of the parish of Ellon in 1609. See 4 July 1608, CH2/1/1/471; 19 October 1609, CH2/146/2/57.

¹³¹ 18 August 1574, Stuart, *Selections from the Records of Aberdeen*, 19 and CH2/448/1/67.

¹³² 16 November 1574, Stuart, *Selections from the Records of Aberdeen*, 18 and CH2/448/1/63.

No further mention of Sunday markets was made in the session records of the 1570s, but the practice evidently continued through the next two decades. In August 1603, the session spoke against the profanation of the Sabbath by "a gryt numer of people [...] be haulding of ane commoun mercat of flesche, fische, peattis, grass, kail, and herbis" as well as brewers transporting water. These activities were a "grite dishonour of God, sklander of his kirk, and contempt" of the law. Moreover, they invited "the judgementis of God to be execute on this burt, gif the same remane vnpyvnischit." Therefore, the session prohibited all of those offences under the penalty of confiscation and enlisted the bailies to put the act into "scharp execution" by patrolling the market areas on Sundays. The only exception was that kale and herbs could be sold after four o'clock in the afternoon.¹³³ Intent on making Sunday markets a thing of the past, the presbytery made the provost and bailies promise to uphold the act.¹³⁴ The session was slow to prosecute Sunday market trading, although the practice appears to have been widespread. In 1607, the session warned eight fleshers and a kaleman (presumably in violation of the time restriction) to forbear selling their goods on the Sabbath.¹³⁵ The only other known case in the burgh until 1610 was that of Patrick Best, a general trader who was repeatedly warned against selling his wares during Sunday services. He was only fined once, in October 1610, and then merely for 40s.¹³⁶ As with fishing on the Sabbath, the tradesmen and craftsmen of Aberdeen may not have viewed working on the Sabbath as detrimental to their spiritual well-being and, more practically, were reluctant to forego a day's earnings, especially if their competitors did not. The low number of prosecutions suggests that the kirk session was prepared to turn a blind eye to Sabbath breaches until pressured by higher authorities.

¹³³ 14 August 1603, Stuart, *Selections from the Records of Aberdeen*, 28 and CH2/448/2/39.

¹³⁴ 29 September 1603, Stuart, *Selections from the Records of Aberdeen*, 193 and CH2/1/1/263.

¹³⁵ 20 September 1607, CH2/2/448/269. The kailman (seller of kale or other greens) was also in the habit of spending his Sundays blaspheming and drinking to excess. See 6 December 1607, CH2/448/2/281.

¹³⁶ 30 July 1609, CH2/448/2/367; 21 July 1610, CH2/448/3/47; 28 October 1610, CH2/448/3/59; 25 November 1610, CH2/448/3/61. After 1610, Best received two further admonishments (one directly from the Bishop), but was not fined. See 30 August 1612, CH2/448/3/121; 24 October 1613, CH2/448/3/157.

As some opted to work on the Sabbath, others chose to play or engage in leisure activities. Drinking was a particularly favoured pastime. In 1604, for example, the Aberdeen presbytery enjoined the minister of Kintore to catechise on Sunday afternoons to occupy parishioners who would otherwise be drinking, "q[ui]lk they c[om]mo[n]lie vse on the sabbothe as was reported."¹³⁷ The same year, Magnus Ogston of Crimond in the Deer presbytery was convicted for attending a Sunday service whilst intoxicated.¹³⁸ William Cortha of Ellon also came to worship under the influence of alcohol, confirmed by the misfortune of his "spewing."¹³⁹ Some preferred to take advantage of the work-free day to drink socially, as John Hutcheon, a repeat offender, and his wife, Janet Inglis, did and were convicted by the Aberdeen kirk session for drinking with three companions, including Harry Domingo, a "Moir," in their house "ober night ower day" on a Sabbath in December 1608. Although that Sabbath was supposed to have been spent in fasting to appease God's recent wrath, all of the party escaped with an admonishment.¹⁴⁰ However, Magnus Tailor, also a repeat offender, was fined 30s. 4d. for drinking with two companions in January.¹⁴¹

Occasionally, parishioners enjoyed sport on the Sabbath. In 1575, the Aberdeen kirk session included "playing in the lynks, or vther places," among the activities prohibited during Sabbath services.¹⁴² The Links was a large area of open ground separating the east of the burgh from the sea.¹⁴³ Whilst all manner of activity took place, "to play in the links" was an expression, particularly among Aberdonians,

¹³⁷ 18 May 1604, CH2/1/1/287.

¹³⁸ 7 June 1604, CH2/89/1/23.

¹³⁹ 2 July 1609, CH2/147/1/145.

¹⁴⁰ 5 May 1605, CH2/448/2/131; 20 September 1607, CH2/2/448/269; 18 December 1608, CH2/448/2/335. Domingo was previously accused of profanation by the Aberdeen presbytery for "Sounding the trumpet w[i]t[h]in the kirk." He admitted as such, but countered that it "was not wnlawful." As there was no further mention of the case in the records, it is assumed that the presbytery dropped the charge. See 16 January 1607, CH2/1/1/387.

¹⁴¹ 29 March 1607, CH2/2/448/245; 29 January 1609, CH2/448/2/347; 5 February 1609, CH2/448/2/347.

¹⁴² 24 November 1575, Stuart, *Selections from the Records of Aberdeen*, 21 and CH2/448/1/87.

¹⁴³ Gordon, "Abredoniae novae."

that meant playing golf.¹⁴⁴ Recourse to the links was popular enough to warrant in 1576 a patrol of the area every Sunday by an elder or deacon and an officer.¹⁴⁵ Football was another common form of leisure on the Sabbath.¹⁴⁶ In May 1605, the Ellon presbytery instructed its ministers to warn their flocks against "gameing specialie playing at fuit ball" under pain of presbyterial prosecution.¹⁴⁷ As mentioned above, 20 men from Drumoak were convicted by the Aberdeen presbytery in July 1603 for playing football on the Sabbath, including during services. Their punishment was not recorded, although those who were caught playing football thereafter were fined 10 merks.¹⁴⁸ In June of the same year, it was reported to the Deer presbytery that football was routinely played within the parish of Lonmay. At the same meeting, the minister of the parish of Deer accused Alexander Cheyne, an elder of the kirk session, of skipping services and session meetings and breaking the Sabbath by playing football. Cheyne responded that he had only played once "and that accidentlie on the sabbot[h] day." Still, he promised to satisfy for the breach and attend kirk in future.¹⁴⁹

Among the various other profanation cases involving recreation, a number of pipers were prosecuted since their activity was easily detected and often accompanied other prohibited activities such as dancing and drinking. In February 1604 alone, the Ellon presbytery convicted two people for piping in Ellon on a Communion Sabbath. Robert Bruce piped "to the gryt offence off many" and Norman Mair (a parishioner of Foveran) played at a "brydell" or wedding "Imediatlie eft[er] celebratioun of the Lords tabill." Both were ordered to make their repentance

¹⁴⁴ "Linkis, Lynkis," *Dictionary of the Scots Language*, accessed 4 November 2015, <http://www.dsl.ac.uk/entry/dost/linkis>.

¹⁴⁵ 15 March 1575/1576, CH2/448/1/95.

¹⁴⁶ In his Latin grammar textbook *Vocabula* of 1636, David Wedderburn, a master of Aberdeen's grammar school from 1603 to 1640, included a description of football. See "Wedderburn, David (bap. 1580, d. 1646)," *ODNB*.

¹⁴⁷ 8 May 1605, CH2/146/1/128.

¹⁴⁸ 15 July 1603, CH2/1/1/243.

¹⁴⁹ 9 June 1603, CH2/89/1/6.

and faced expulsion from the presbytery if they reoffended.¹⁵⁰ Sunday weddings were not advised because the accompanying celebrations were likely to violate the Sabbath. In August 1608, Robert Karlman, piper, was convicted of "playing oppinlie in the feild [...] conueining the countrey to dansing" over three consecutive Sundays in the parish of Logie-Buchan. Although many had participated, the presbytery blamed Karlman, who was ordered to be punished at the same level as an adulterer.¹⁵¹ Perhaps aggrieved by being made a scapegoat, Karlman belatedly reported to the presbytery a month later "that he wes able to proue" that David Rattray, minister of Cruden, had solemnised a marriage on a Sunday the month before and John Allers had hosted the raucous reception, attended by a "gryt Number" from neighbouring parishes and that had included drinking, football, piping, and dancing in the fields.¹⁵² At a later meeting, Rattray admitted to performing the marriage, but had only done so on Allers' promise "that thair suld be na prophanatioun." There is no record of the presbytery prosecuting Allers or any of his guests, but it did rebuke and warn Rattray to be "moir cairfull of discipline" and, perhaps as a reward for his testimony, quietly reduced Karlman's punishment.¹⁵³ William Mair of Foveran was found guilty of "playing and pyping oppinlie on the saboth" in November 1608. Mair's offence was made worse because not only had it been committed on a day of fasting, but he had performed his repentance in the kirk earlier that day for other offences.¹⁵⁴ Evidence concerning recreational profanation suggests that, whilst many parishioners agreed with the Kirk that the Sabbath was to be a day of rest from work, they thought that leisure should not be included in that prohibition.

A more sinister type of profanation was the use of violence. Violence formed part of everyday life in early modern Scotland and the Kirk employed arbitration,

¹⁵⁰ 22 February 1604, CH2/146/1/111; 28 March 1604, CH2/146/1/113.

¹⁵¹ Margaret Cruikshank and George Robertson were also convicted of drinking and dancing, but only punished as if they were fornicators. See 25 August 1608, CH2/146/2/27.

¹⁵² 22 September 1608, CH2/146/2/29.

¹⁵³ 6 October 1608, CH2/146/2/30.

¹⁵⁴ 23 November 1608, CH2/146/2/32.

discipline, and reconciliation to tackle the culture of violence.¹⁵⁵ Violent acts committed on the Sabbath were treated as profanation and was penalised. For his profanation by drunkenness and, perhaps accidentally, blinding a man upon a Sabbath in February 1609, John Smith of Ellon was given the choice of paying £3 or sitting 24 hours in the stocks.¹⁵⁶ Two couples from Ellon were convicted in 1605 for profanation: the men for "drawing of wappinis and tulyeing" (quarreling or fighting) and the women for flyting. Each was fined 8s. 4d. and sentenced to one Sunday on the stool, as if they were fornicators.¹⁵⁷ In line with other legal contexts, the shedding of blood separated a quarrel from a serious altercation. Robert Milne of Belhelvie was found guilty of drawing his sword in a brewhouse on a Sabbath in August 1602, causing the "effusioun of Mekle blude and truble." His monetary penalty was remitted to the decision of the kirk session, but the presbytery ordered him to repent one Sunday upon the stool in sackcloth.¹⁵⁸ In other cases, bloodshed incurred a heavier fine, as in 1610 when Robert Black and John Wallace of Cruden were convicted of "tuilyeing and schedding wth[er]is bluids" and each fined 2 merks (equivalent to 26s. 8d) and ordered to make their repentance.¹⁵⁹ Although in 1600 it could not be proven that Gilbert Wobster had shed Robert Panton's blood, he and an associate were fined 2 merks and one Sunday on the stool for "giueing ebil exa[m]pil" by drawing their weapons on the "lords day."¹⁶⁰

Parishioners gathered together at the same time every Sunday, giving people the knowledge of when and where individuals might be found and the chance to attack those with whom they were aggrieved or at feud. On 23 April 1600, Gilbert Arthur and two others, possibly his brothers, were accused by the Ellon presbytery of pursuing and assaulting Richard and Robert Simpson on Sunday 6 April "quhen the

¹⁵⁵ For a full discussion of the ways in which the Kirk dealt with violence, see Todd, *Culture of Protestantism*, Chapter 5.

¹⁵⁶ 5 February 1609, CH2/147/1/137. His decision is lost to history.

¹⁵⁷ 1 May 1605, CH2/146/1/127; 8 May 1605, CH2/146/1/127.

¹⁵⁸ 6 August 1602, CH2/1/1/181.

¹⁵⁹ 28 February 1610, CH2/146/2/66; 25 April 1610, CH2/146/2/67.

¹⁶⁰ 10 September 1600, CH2/146/1/65.

pepil wer co[n]vening to the kirk." Gilbert denied the charge, but, before the full hearing convened, he was murdered by Richard in retaliation.¹⁶¹ In a similar case, the presbytery convicted two men in 1608 for profanation by "lying in wait on the saboth day and striking and battouning James Duncan" as he made his way to kirk. Both were fined 5 merks and three Sundays upon the stool in sackcloth.¹⁶²

Violence committed within the kirk or kirkyard usually brought a more severe penalty. Although the post-Reformation Kirk no longer designated these spaces sacred by virtue of their consecration, it did regard them as places demanding reverent and appropriate behaviour.¹⁶³ Any violence or merely carrying a weapon into these spaces, especially on the Sabbath, heightened the offence. In 1608, the Ellon presbytery accused John Hay, his son Alexander, and his servant John Robertson of assaulting Gilbert Cock at the "kirk styill of Cruden half ane hour efter sermone."¹⁶⁴ Minister David Rattray reported that the earl of Erroll would undertake a private trial of the three, but that did not prevent Alexander being convicted and fined by the presbytery 10 merks with repentance on six Sundays as the equivalent of an adulterer.¹⁶⁵ The kirkyard had been the scene of John Chalmer's attack on William Keith in 1606, for which he was made to repent in the Deer kirk "after sermon, vpon his kneis in most humbill maner to ask god and the congrega[ti]on forgiuenes for his offence."¹⁶⁶ John Muirson of Belhelvie drew his sword within the kirk of Belhelvie in 1602 and received an extra severe punishment: three Sundays "in the gowis" (pillory) and three Sundays in sackcloth.¹⁶⁷

¹⁶¹ 23 April 1600, CH2/146/1/57; 7 May 1600, CH2/146/1/58. The presbytery did prosecute Richard, but half of the relevant minute is missing. See 25 June 1600, CH2/146/1/61.

¹⁶² 20 January 1608, CH2/146/2/16; 2 March 1608, CH2/146/2/17; 10 August 1608, CH2/146/2/26. For Clan MacFarlane's method of protecting themselves against those lying in wait whilst they were attending church at Luss, see Dawson, "Calvinism and the Gaidhealtachd," 250.

¹⁶³ For a fuller discussion of sacred space and time in post-Reformation Scotland, see Todd, *Culture of Protestantism*, Chapter 7.

¹⁶⁴ 3 February 1608, CH2/146/2/17.

¹⁶⁵ 5 May 1608, CH2/146/2/21; 25 August 1608, CH2/146/2/27.

¹⁶⁶ 28 August 1608, CH2/89/1/81; 11 September 1608, CH2/89/1/82.

¹⁶⁷ 6 August 1602, Stuart, *Selections from the Records of Aberdeen*, 189 and CH2/1/1/181.

Violence did occur on a Communion Sunday, although it was rare. For example, George Brown admitted to "breaking John Mitcheallis head and drawing his blud" after taking Communion on a Sunday in February 1604, but countered that he had acted in self defence.¹⁶⁸ The case remained unresolved because the presbytery suspended the process upon learning that Brown was "lyand deidlie seik" and there was no further mention made of it.¹⁶⁹ During the celebration of Communion in Foveran in July 1609, William Udney, heir to the laird of Udney and who lay under process for fornication, profaned the Sabbath and the Lord's Table by "Injureing" the minister and "perturbing the ordo[u]r of the kirk [...] and making a tumult."¹⁷⁰ Furthermore, Udney's servant William Morris added to the profanation upon that day. Also under process for fornication and barred from Communion, Morris presented himself at the table and, as was alleged, "q[u]he]n the elements of breid and wyn com in order about to him he put them by him contemptiouslylie." Morris' testimony suggests that he believed that he had "repentit and for thocht fra his hart that he did sa" and he denied handling the Communion elements. The presbytery rejected his defense and, for his "heich conte[m]pt of God, the Minister and congregatioun," sentenced him to repent in sackcloth, bare footed, and bare legged over 12 Sundays or "sa lang q[u]hi]ll the congregatioun of Foueren be satisfeit." Udney's case was referred directly to the synod and no record has survived of its outcome.¹⁷¹

These cases demonstrate that violence could not be restricted to weekdays. The parish congregation—friends and enemies alike—gathered in one place at the same time every week. This weekly meeting might exacerbate existing tensions and provide an opportunity for those with violent intensions. Outwith services, the time spent drinking added to the problem. Parishioners who resorted to violence were not

¹⁶⁸ 7 March 1604, CH2/146/1/112; 4 April 1604, CH2/146/1/114.

¹⁶⁹ 2 May 1604, CH2/146/1/117.

¹⁷⁰ Udney was initially accused of adultery with Marion Gordon in Old Aberdeen, but was able to prove to the synod that her husband had died before the offence took place. As such, the presbytery downgraded the charge to fornication. See 29 October 1606, CH2/146/1/139; 1 July 1607, CH2/146/2/7; 5 August 1607, CH2/146/2/10.

¹⁷¹ 26 July 1609, CH2/146/2/52; 17 August 1609, CH2/146/2/53.

especially concerned about also breaching the Sabbath. Only a general decrease in the levels of violence would bring a reduction in violent acts committed on the Sabbath.

The evidence from profanation cases suggests a variety of conclusions. On the one hand, rates of prosecution were low: only two hundred and eighty cases spread over two kirk sessions and three presbyteries and across ten years. Most individual cases would have been handled by kirk sessions and did not reach the presbytery. However, in the visitation minutes, presbyteries noted if profanation had been widespread, and this was an occasional, though not regular, problem in the majority of parishes. On the other hand, actual rates of profanation must have been higher, perhaps significantly, than the number of recorded prosecutions. In addition, few kept the Sabbath within their homes as strictly as the Kirk expected. Nonetheless, the main conclusion must be that the visible, public behavior of most parishioners on Sundays was in accordance with Kirk policy.

When parishioners acted counter to Kirk policy, it was usually in order to tend their fields, mill grain, catch fish, or carry out other tasks essential to their day-to-day livelihood. In their understanding, these activities did not undermine proper Sabbath observance. Especially since it was not work, recreation was also not regarded as profanation. Since charges of profanation were far more common than absence, this strongly suggests a widespread view among parishioners that recognised that, on a Sunday, there was a time for devotion to God through public worship (and, perhaps, domestic devotion) and also a time for other, non-devotional activities. The Kirk countenanced no such distinction and, as a result, there was a clash of understandings and expectations. Parishioners expected to attend public services on Sundays and then engage in those activities that they needed or wanted to do. The Kirk expected everyone to dedicate the entire Sunday to active and concentrated devotion. In the Kirk's courts, parishioners' understandings were rarely recognised or acknowledged and the issue was presented as clearcut: those who deviated from permitted Sabbath activities were profaners and, thus, sinners to be punished. With profanation continuing long after the Protestant Reformation, many

people plainly continued to maintain their own definitions of appropriate behavior upon Sundays, behave as they saw fit, and refuse to adopt in its entirety the Kirk's view of the Sabbath.

Chapter 4: The Administration of Communion

As God was revealed through the Word as disseminated through public worship, the administration of the Sacraments sealed the "promises contained in the word."¹ Out of the seven Roman Catholic sacraments, Communion was only one of two deemed by Scottish Reformed Protestantism to have been "instituted by the Lord Jesus and commanded to be used by all those who will be reputed to be members of his body."² Communion was essential to individual and communal faith in post-Reformation Scotland and its spiritual and temporal significance to the people of the North East is evident in the kirk records. After an overview of Communion in the Catholic and Scottish Reformed traditions, this chapter examines its practical administration in the parishes of the North East and considers its role within the broader practice of faith.

The sacrament of Communion was (and is) a fundamental component of Christianity involving the consumption of bread and wine—representing the body and blood of Christ—reflecting Christ's sacrifice and in remembrance of the Last Supper. The doctrine of the Roman Catholic Church held that Christ was made physically present during the act of Communion, known as the Eucharist or Mass, as the substance of the elements was transformed through consecration into the substance of Christ, a process called transubstantiation. The celebration of the Mass brought all souls, living and dead, closer to God and gave spiritual benefits to assist towards salvation.³ Over time, the liturgy of the Mass became increasingly elaborate and, in order to protect its efficacy and sanctity, became more restrictive. By the later middle ages, much of the ritual was performed exclusively by those in holy orders, including priests celebrating the sacrifice of the Mass, and largely conducted out of sight of the laity.⁴ In turn, the laity acquired a sense of moral and spiritual inferiority to the clergy. The effect was an intensification of the power of, and

¹ Cameron, *First Book of Discipline*, 16, 90.

² RPS, A1560/8/3.

³ MacCulloch, *The Reformation*, 10-11, 24-26; Fitch, *Search for Salvation*, 158.

⁴ Fitch, *Search for Salvation*, 169; Francis Oakley, *The Western Church in the Later Middle Ages* (Ithaca: Cornell University Press, 1979), 82-85.

devotion to, the Eucharist, which was deemed "mar worthi and mar precious than ony vthir oresone [prayer] or sacrifice that may be said or maid in this earth."⁵ Those who received the Eucharist "unworthily" received it "to thair judgement and eternal damnatioun."⁶ In order to receive the Eucharist in good faith and clean conscience, therefore, thorough spiritual preparation was necessary.⁷ Thus, whilst laypeople regularly attended Mass, it became customary for them to communicate only once a year at Easter, taking the time of Lent to prepare.⁸ When laypeople did communicate, they received only the consecrated wafer or Host from the priest and were not normally offered the chalice containing the consecrated wine.⁹

By contrast, Communion as practiced in Scottish Reformed Protestantism emphasised the parallels with Christ at the Last Supper, making explicit the corporate nature of the act by bringing together minister and congregation at one table with all partaking of both the bread and the wine.¹⁰ Scottish Reformed Protestantism rejected the doctrine of transubstantiation, but also rejected the Zwinglian interpretation that Communion was "nothing else but naked and bare signs."¹¹ Instead, Communion was an act of:

union and conjunction, which we have with the body and blood of Christ Jesus in the right use of the sacraments, is wrought by operation of the Holy Ghost, who, by true faith, carries us above all things that are visible, carnal and earthly, and makes us to feed upon the body and blood of Christ Jesus, which was once broken and shed for us, which now is in the heaven, and appears in the presence of his father for us.¹²

Communion thus served to unite participants with Christ and with each other.

Whilst the elaborate ceremony of the Catholic Mass had been abandoned, the

⁵ "Vertewis of the Mess," in *Ratis Raving, and Other Moral and Religious Pieces in Prose and Verse*, ed. J. Rawson Lumby (London: Trübner and Co. for the Early English Text Society, 1870), 113; Fitch, *Search for Salvation*, 158; Fitch, "Religious Life in Scotland," 89.

⁶ Hamilton, *Catechism*, 211; Fitch, *Search for Salvation*, 169.

⁷ Hamilton, *Catechism*, 212-215; Fitch, *Search for Salvation*, 161, 165-166.

⁸ MacCulloch, *The Reformation*, 11; Fitch, "Religious Life in Scotland," 66;

⁹ MacCulloch, *The Reformation*, 11.

¹⁰ Oakley, *Western Church*, 82.

¹¹ MacCulloch, *The Reformation*, 147-148, 250.

¹² RPS, A1560/8/3.

reformed administration of Communion was not without its ritual.¹³ As Margo Todd has detailed, reformed practice emphasised choreographed and reverent behaviour at Communion and all elements of the process—from the furniture and plate to the passing of the bread and wine around the table—spoke to the "inclusive communality of the faithful."¹⁴ Whilst only ministers were authorised to administer Communion, it was not because they had the power of consecration or were spiritually superior, but to ensure that it was "rightly administered" within the correct doctrine, otherwise "the right use ceases."¹⁵ Before administering Communion on a Sunday morning, the minister held a regular Sunday service, including a sermon that should "put in mind of Gods free grace and mercie, offered unto the penitent in Christ Jesus."¹⁶ Thereafter, he made a short introduction and exhortation regarding Communion from the pulpit and made his way to the table to sit amongst the other communicants. He then took the bread, gave thanks, broke the bread, and passed it and the wine "to the people, who distribute and devide the same amongst them selves" whilst passages from Scripture were read.¹⁷ The service concluded with another thanksgiving, singing of Psalm 103, and a blessing.¹⁸

In continuity with pre-Reformation practice, preparation for Communion was critical. Acts of spiritual cleansing included public confession and repentance of sins and reconciliation.¹⁹ Additionally, communicants (generally all those aged 16 and older) were now required to understand the "use and virtue" of the "Mysterie."²⁰ The *First Book of Discipline* called upon ministers "to be more carefull to instruct the

¹³ Todd, *Culture of Protestantism*, 118.

¹⁴ Todd, *Culture of Protestantism*, 92-119.

¹⁵ RPS, A1560/8/3.

¹⁶ Cameron, *First Book of Discipline*, 90; Todd, *Culture of Protestantism*, 99.

¹⁷ The chosen passages were to "lyvely set forth the death of Christ." See *The Forme of Prayers and Ministration of the Sacramentes, etc. used in the Englishe congregation at Geneva: and approved, by the famous and godly learned man, John Calvyn* in Knox, *Works of John Knox*, 4: 196.

¹⁸ Knox, *Works of John Knox*, 4: 191-197; Todd, *Culture of Protestantism*, 102. If the administration was done in successive groups, which would be necessary in most parishes, the minister would deliver a short homily before each group was seated at the table. The entire process was repeated the following Sunday (if not once or twice thereafter) in order to accommodate everyone. See Todd, *Culture of Protestantism*, 85, 100.

¹⁹ Todd, *Culture of Protestantism*, 92, 94-96.

²⁰ Todd, *Culture of Protestantism*, 112; Cameron, *First Book of Discipline*, 184.

ignorant then readie to serve their appetite" and only permit to the Table those who had passed an examination of their knowledge of the Lord's Prayer, the Articles of Belief, and the Ten Commandments, which were all taught in the weekly catechising.²¹ In order to ensure that all of Scotland's Communicants were uniformly examined, the General Assembly later approved for standard use by ministers and parents alike *A Short Sum of the Whole Catechism*, written by John Craig during his ministry at Aberdeen.²²

The Kirk intended to increase the frequency of Communion from pre-Reformation practice. The *First Book of Discipline* advised ministers to hold Communion quarterly beginning the first Sunday in March, but gave individual kirks discretion to choose appropriate dates. Easter and festivals were to be avoided so as to disconnect the laity's association of the sacrament (and its efficacy) with traditional holy days.²³ In 1570, however, the General Assembly was confident enough in the reform of the sacrament to permit its administration on Easter day: "Why not, where superstition is removed?"²⁴ By holding Communion at regular intervals throughout the year, the reformers hoped that people would amend their behaviour year-round, rather than just in the lead up to Easter Communion.²⁵ In practice, however, annual Communion remained the norm, as demonstrated below.²⁶ The sacrament of Communion, therefore, continued to embody the fundamental doctrines of the Kirk and to express the faith of individuals and communities.

The detailed evidence collected from the records of the North East illustrates the continuity of function as well as the changes of practice experienced in the region. However, that very familiarity could affect what was recorded. Although the

²¹ Cameron, *First Book of Discipline*, 184 and 184n. Examinations were also used in Lutheran and other reformed Churches.

²² Cameron, *First Book of Discipline*, 184n; Shaw, *Acts of the General Assemblies*, 2: 931; "Craig, John (1512/13?–1600)," *ODNB*.

²³ Cameron, *First Book of Discipline*, 183–184, 183n.

²⁴ Shaw, *Acts of the General Assemblies*, 1: 222. Weekday Communion, however, was deemed inappropriate by the Assembly in 1574 after the bishop of Dunkeld was found doing the same. See Shaw, *Acts of the General Assemblies*, 1: 369.

²⁵ Cameron, *First Book of Discipline*, 184.

²⁶ McCallum, *Reforming the Scottish Parish*, 82; Todd, *Culture of Protestantism*, 86.

Deer presbytery was diligent in parish visitation and assessment, it did not record the administration of Communion in the minutes until 1610. Judging from that year, the majority of parishes were holding Communion regularly and probably annually. Its administration was clearly confirmed in four parishes (Deer, Rathen, Lonmay, Crimond), indirectly confirmed in four (Longley, Tyrie, Aberdour, and Peterhead), and not recorded for two (Fetterangus and Fraserburgh).²⁷ By this time, the parish of Fetterangus was a daughter kirk to Longley and its Communion was probably held as part of Longley's. The delay in Fraserburgh's Communion may have been due to minister Ferme's periodic imprisonments (discussed in Chapter 2). Although neighbouring ministers took turns to provide Sunday services during Ferme's absences, Communion was first delayed in 1606. Taking the initiative and assuming authority to manage sacramental matters, the kirk session directly requested the presbytery in May to make arrangements for a Communion.²⁸ The presbytery responded quickly and it was duly held within a month.²⁹ Because Ferme was again "vardit in Ed[inburgh]" at some point in 1610, Communion may have been delayed in that year as well.³⁰

Other delays in administrating Communion were also dealt with by the presbytery and, in some cases, they occurred because of administrative oversights. For example, Peterhead's Communion was delayed in July 1607 because the Earl Marischal, the kirk's patron, had not yet supplied the provisions. While Marischal was not above withholding funds for political reasons, it appears that this delay was a case of benign neglect, rather than deliberate obstruction. In other cases, more serious problems within the congregation prevented the administration of Communion.³¹ In 1606, Communion in the parish of Aberdour was postponed for some months because the minister had great difficulty in disciplining those who had

²⁷ 21 June 1610, CH2/89/1/133; 30 August 1610, CH2/89/1/134; 13 September 1610, CH2/89/1/134; 27 September 1610, CH2/89/1/135; 19 July 1610, CH2/89/1/133; 2 August 1610, CH2/89/1/133B; 25 October 1610, CH2/89/1/135; 16 August 1610, CH2/89/1/133B; 15 November 1610, CH2/89/1/137.

²⁸ 29 May 1606, CH2/89/1/76.

²⁹ 3 July 1606, CH2/89/1/78.

³⁰ 16 August 1610, CH2/89/1/133B.

³¹ 30 July 1607, CH2/89/1/94. Marischal was generally not an attentive patron to his 13-15 kirks, as discussed by Miles Kerr-Peterson in his forthcoming thesis.

not communicated the previous time, including the whole of four prominent families.³² The presbytery's anxiety about the delay is indicated by the three successive checks with the minister over the course of four months and its order to prosecute those who failed to communicate. Similarly, Rathen's Communion was delayed in 1607 because its minister, William Davidson, had, as of July, not taken any action against non-communicants.³³ Davidson begun the process by August, but was unable to effect compliance by October, which the presbytery ascribed to his "slouth."³⁴ Under increasing pressure from the presbytery, Davidson managed to discipline three of the six non-communicants and hold Communion within a month.³⁵ These examples indicate that the Deer presbytery was concerned about regular Communion and was ready to take action when there was a delay. With only two other delays recorded, they were the exceptions and regular Communion was a matter of considerable importance to kirk sessions and congregations.³⁶

The records of the Ellon presbytery and Ellon kirk session contain scant information about the administration of Communion within the parishes. Whilst the presbytery's records are more or less extant from 1597, the presbytery only mentioned Communion three times before 1607, each concerning breaches in the parish of Ellon.³⁷ Nor did the Ellon kirk session make mention of Communion in its records from 1601 to 1609. Although the session minutes are limited in detail and are very patchy at times, some mention of Communion in the 130 pages or so that have survived might have been expected. There is some indication in the presbytery records, however, that separate books were kept for particular matters, such as Communion and recusancy. The presbytery records contain extracts from the "discipline buik of the sessioun of Ellen" regarding the lengthy recusancy proceedings against Elspet Garioch (see Chapter 5), but no evidence from them has

³² 19 June 1606, CH2/89/1/77; 31 July 1606, CH2/89/1/79; 9 October 1606, CH2/89/1/82.

³³ 2 July 1607, CH2/89/1/91B.

³⁴ 8 August 1607, CH2/89/1/95; 8 October 1607, CH2/89/1/96.

³⁵ 5 November 1607, CH2/89/1/97.

³⁶ 27 April 1609, CH2/89/1/120; 10 May 1609, CH2/89/1/121.

³⁷ 22 February 1604, CH2/146/1/111; 7 March 1604, CH2/146/1/112; 28 March 1604, CH2/146/1/113; 4 April 1604, CH2/146/1/114.

survived.³⁸ This absence suggests that the session and, possibly, the presbytery records are not as comprehensive as they might appear.

By combining those minutes that feature the administration of Communion with those regarding non-communicants or recusants, it can be shown that Communion was held regularly in all but one of Ellon's eight parishes. Between the autumn of 1597 and December 1600, for example, there is evidence of Communion in three parishes (Cruden, Tarves, Slains).³⁹ Between 1608 and 1610, six parishes (Cruden, Tarves, Slains, Methlick, Logie-Buchan, and Foveran) have evidence of Communion.⁴⁰ Ellon has evidence of Communion in other years, though nothing conclusive is recorded for Udney.⁴¹ The only conspicuous example of a delayed Communion is from Cruden in 1599. The presbytery ordered the minister, David Rattray, to hold Communion on 13 May, but he was forced to postpone it because he had not yet received the provisions or examined all of his parishioners, a portion of whom would be attending the weaponshaw (or military militia) the following Sunday.⁴² After a scolding from the presbytery, he managed to hold Communion within three weeks.⁴³

Cruden demonstrates, evidence can be found in the records that it had become standard to hold pre-Communion examinations. They were noted in all but one of the minutes regarding Communion between 1607 and 1610 and there was only one instance of negligence. In 1608, the presbytery admonished the minister of Methlick for passing "slichtlie" over examinations and allowing "mony" unexamined to receive Communion.⁴⁴ Since he was found the previous year to be catechising

³⁸ 30 March 1608, CH2/146/2/19.

³⁹ 30 August 1598, CH2/146/1/22; 6 June 1599, CH2/146/1/37; 28 August 1598, CH2/146/1/20; 4 July 1599, CH2/146/1/40.

⁴⁰ 19 July 1608, CH2/146/2/25; 10 August 1608, CH2/146/2/26; 25 August 1608, CH2/146/2/27; 8 September 1608, CH2/146/2/28; [date unknown] March 1608, CH2/146/2/18; 17 August 1609, CH2/146/2/53.

⁴¹ For example, see 16 November 1603, CH2/146/1/106; 22 February 1604, CH2/146/1/111; 25 January 1609, CH2/146/2/35.

⁴² 2 May 1599, CH2/146/1/34.

⁴³ 16 May 1599, CH2/146/1/35; 6 June 1599, CH2/146/1/37.

⁴⁴ 10 August 1608, CH2/146/2/26. In contrast, the minister of Cruden was admonished for only catechising before Communion and not every Sunday. See 25 August 1608, CH2/146/2/74.

weekly, the laxness may have been a lapse, rather than a recurring problem.⁴⁵ Overall, it can be concluded that Communion was held regularly in the majority of parishes and that the presbytery was diligent enough in its oversight of administration.

The Aberdeen kirk session records offer the most information about the practicalities of administering Communion and the regard with which it was held. Although Communion was not mentioned in the records until 1575, the records from the 1600s document twice yearly Communions, which was on par with other major burghs.⁴⁶ Such was the enthusiasm for Communion that the kirk session, acting on its own initiative, agreed in 1606 that it should be held quarterly, "according to the lovable custome of weill reformed congregatiounes."⁴⁷ Although the session reiterated its intentions twice more, quarterly Communions were not put into practice, perhaps because of the logistical obstacles.⁴⁸ Indeed, the winter Communion of 1604 took over four Sundays to complete, not including the week-long pre-Communion examinations.⁴⁹ If administered quarterly, the parish could be in a continual cycle of examinations and Communion without much pause. The problems of managing such a large parish were already evident by 1605, when the parish, divided into two congregations since 1596, was further sub-divided into three parts with each minister having responsibility for catechising and examining his own third.⁵⁰ Whilst this new structure did help speed up the Communion process, it probably would not have coped with two more Communions a year.⁵¹ Still, there was a desire to have more frequent Communion and its indicates the value placed upon it by the community.

⁴⁵ 13 August 1607, CH2/146/2/11.

⁴⁶ Todd, *Culture of Protestantism*, 85-87; Margo Todd, ed., *The Perth Kirk Session Book, 1577-1590* (Woodbridge: Scottish History Society in association with the Boydell Press, 2012), 62n; McCallum, *Reforming the Scottish Parish*, 81.

⁴⁷ 12 May 1606, Stuart, *Selections from the Records of Aberdeen*, 52 and CH2/448/2/199.

⁴⁸ 20 July 1606, CH2/448/2/207; 1 November 1607, CH2/448/2/277.

⁴⁹ 22 January 1604, CH2/448/2/61.

⁵⁰ Lynch and DesBrisay, "Faith of the People," 298; 26 July 1605, CH2/448/2/151.

⁵¹ For example, Communion only took two weeks to complete in April/May 1606. See 20 April 1606, CH2/448/2/195.

Aberdeen's Communion times varied from year to year, but it was generally held in February/March and June/July or October. The pattern of late winter/early spring and autumn Communion is unexpected given the Catholic tradition of lay Communion at Easter. Indeed, other parishes such as Glasgow and Edinburgh continued to hold April/May Communion and the Articles of Perth in 1618 mandated Easter Communion. From the Aberdeen records, however, the closest time of a Communion to Easter was in 1610 when the last Sunday of its administration was 18 March and Easter on 11 April.⁵² Perhaps this distance from Easter was deliberate, reinforcing the break from Catholic tradition and understanding of Communion. Or it may suggest that the break had already been achieved and the chosen times were more out of convenience rather than seasonal association.

The parishioners of Aberdeen clearly had a strong attachment and deep regard for Communion. The importance placed on taking Communion at least yearly was such that supplementary Communion were occasionally held to accommodate those who missed the regular Communion for valid reasons. For example, two supplementary Communion were supplied in 1604, one in May and the other in July. The first was at the behest of the kirk session for the benefit of merchant skippers and sailors away at sea and others who were ill or out of town. Tellingly, the second was at the specific request of the skippers and sailors who were away at the time of the first supplementary Communion.⁵³ Such a request indicates that most parishioners valued Communion just as much as kirk officials and would take the initiative to secure its administration.

Because the Aberdeen Presbytery records contain only infrequent references to Communion, it can be assumed that it was held regularly enough in most parishes

⁵² 4 March 1610, CH2/448/3/27.

⁵³ 27 May 1604, Stuart, *Selections from the Records of Aberdeen*, 34 and CH2/448/2/75; 8 July 1604, CH2/448/2/79.

to satisfy the Presbytery.⁵⁴ When recorded, it was most often to appoint a communion date, particularly for those parishes that did not have a resident minister. Its significance can be seen in the case of the parish of Kinnellar. Because a permanent minister was not admitted until 1606, the parish was served occasionally by a reader from 1599 at the latest as well as Thomas Lumsden, the parson who held the kirk's benefice, serving in an undefined role. Lumsden was apparently in charge of arranging Communion, but was not particularly competent. In July, the parishioners complained to the presbytery that Lumsden had not procured enough Communion wine, presumably necessitating a delay.⁵⁵ There may have been another hiccup regarding the provision of the bread and wine the following year and the presbytery had to make arrangements for a minister to hold Communion in 1603 and 1605.⁵⁶ Kinnellar's parishioners evidently desired regular Communion and, though a very small parish, the presbytery saw to its provision.

The fundamental importance of Communion is reflected in other ways. From 1599 at the latest, the presbytery was in talks with the local lairds to provide a stipend for a resident minister in the parish of Dyce, which was attached to Kinellar's benefice.⁵⁷ As part of its submission, the presbytery noted in 1604 that Communion had not been held in the previous two years and the parishioners had lamented they were "straying and half lost schepe" for want of a minister.⁵⁸ In 1607, the parishioners of Drumoak directly petitioned the presbytery to order their minister, who had been in place for six months, to hold Communion within the next three months.⁵⁹ These examples show that parishioners as well as presbyteries were

⁵⁴ Although the presbytery was careful to record catechising, it rarely noted pre-Communion examination. The presbytery ordered Communion to be held directly in Skene and Maryculter in 1607 as Communicants were already examined and prepared. The presbytery also ordered the administration of Communion in Kemnay as soon as parishioners were examined. The previous year, the presbytery admonished the minister of Banchory-Devenick to catechise every Sunday, not just prior to Communion. See 5 June 1607, CH2/1/1/409; 17 July 1607, CH2/1/1/427; 1 May 1607, CH2/1/1/403; 27 June 1606, CH2/1/1/361.

⁵⁵ 20 July 1599, CH2/1/1/35.

⁵⁶ 27 June 1600, CH2/1/1/63; 27 May 1603, CH2/1/1/237; 7 March 1605, CH2/1/1/323.

⁵⁷ 3 August 1599, CH2/1/1/39.

⁵⁸ 1 June 1604, CH2/1/1/289.

⁵⁹ 19 June 1607, CH2/1/1/413.

concerned about irregular Communion and took steps to provide its administration when possible.

From the combined evidence of three presbyteries, it has been demonstrated that the practice of reformed Communion was well established in the North East by the beginning of the seventeenth century. Most parishes of the North East held Communion annually, which was in-line with the rest of the realm and met the standards of the Kirk.⁶⁰ Whilst not surprising that the presbyteries took care to ensure that parishes were administering Communion regularly, their diligence also indicates that it was regarded as a spiritual necessity and not merely standard ecclesiastical practice. More tellingly, parishioners shared this belief and they or their kirk sessions acted quickly to arrange the timely administration of Communion when it had been neglected or delayed. The practice of twice yearly and supplementary Communion in Aberdeen indicates strong parishioner demand for more frequent Communion and the expectation that it would be provided. This intense enthusiasm for Communion may be explained, in part, by its continuity with tradition. Annual lay Communion had become engrained in western society. It was essential to salvation and it reinforced and deepened temporal and spiritual bonds. Although Scottish Reformed Protestantism had broken with the previous theological understanding of sacrament, it remained an essential and defining component of religious practice. The Communion practices of the parishes of the North East testify to the strength of this new tradition and demonstrate its importance to successful reform.

⁶⁰ Shaw, *Acts of the General Assemblies*, 2: 1,334.

Chapter 5: Non-Communicants and Recusants

Communion as practiced within Scottish Reformed Protestantism served to bond participants to God, to their fellow communicants, and to all others of the "true faith." Since participation in Communion was mandatory for all those who were eligible, its administration was also an opportunity to make "a visible difference between his people and those who were without his league."¹ The majority of those "without" were Catholic, but others voluntarily abstained from Communion for a variety of different reasons, often unrelated to religion. The Kirk was diligent in prosecuting all non-communicants, pursuing a determined course of reconciliation and reserving excommunication for the irreconcilable.² The practice of Communion, therefore, reveals the diversity of faith in post-Reformation Scotland. This chapter surveys the patterns of participation and non-participation in Communion within the North East, examines selected case studies of recusants, and considers what these findings indicate about the experience of faith in the post-Reformation era.

An important distinction is made in this study between recusants and non-communicants with recusants being defined as those who persistently and

¹ *RPS*, A1560/8/3. The policy of the pre-Reformation Church stipulated that all laypersons take Communion at least annually at Easter. Those who abstained without permission from a priest were to be excommunicated and denied a Christian burial. In practice, this statute does not appear to have been enforced. See "Medieval Sourcebook: Twelfth Ecumenical Council: Lateran IV 1215," *Internet Medieval Sourcebook*, Fordham University, accessed 16 October 2015, <http://legacy.fordham.edu/halsall/basis/lateran4.asp>; David Patrick, ed., *Statutes of the Scottish Church, 1225-1559: Being a Translation of Concilia Scotiae: Ecclesiae Scoticanae Statuta Tam Provincialia Quam Synodalia Quae Supersunt* (Edinburgh: Printed at the University Press by T. and A. Constable for the Scottish History Society, 1907), 33.

² The original legislation against the practice of Catholicism set by the Reformation Parliament of 1560 was reiterated and added to over the next 50 years. Over time, the definition of what constituted non-adherence expanded from the saying or hearing of Mass to not Communicating or keeping the kirk. Parliamentary legislation of 1573 ordered that all kirk authorities discipline those suspected Catholics as well as those who had not communicated. In 1587, Parliament decreed that Catholics and other non-adherents, including those who did not attend Sunday services, were subject to trial by the Privy Council. Additional pieces of legislation were required for unusual types of non-adherence. From 1579, young men who studied abroad were to give their confession of faith upon returning to Scotland. In 1581, Parliament decreed that Catholics or other non-adherents who had returned or travelled from the Continent were to be banished unless they gave their confession of faith. Jesuits and those who harboured them were specifically targeted in legislation of 1587. Parliament re-enacted previous anti-Catholic legislation in 1604 and 1607 and codified the acts in 1609. See *RPS*, A1560/8/6, A1573/1/3, 1587/7/13, 1579/10/24, 1581/10/27, 1604/4/21, 1607/3/13, 1609/4/15-19; Graham, *Uses of Reform*, 46, 47-48; Allan I. MacInnes, "Catholic Recusancy and the Penal Laws, 1603-1707," *Records of the Scottish Church History Society* 23 (1987): 37. For the process of excommunication, see *The Ordoure of Excommunicatioun and of Publict Repentance, used in the Church of Scotland and commanded to be prented by the generall Assemblie of the same, in the Moneth of Juin, 1569*, in Knox, *Works*, 6: 453.

deliberately refused to comply with the requirements of the Kirk (i.e. attending services and taking Communion) because of major religious differences (most recusants were Catholic).³ By contrast, non-communicants conformed, but occasionally refrained from communicating for reasons not directly related to doctrine.

While cases of non-communicants and recusants are highly visible in the kirk records of the North East, they represented a small minority of the population. Indeed, Margo Todd has argued that "participation in communion was very nearly universal" within Scotland.⁴ Michael Graham's findings show that absence from Communion rates were very low in his sample districts; there were, for example, only 32 cases within the Stirling presbytery between 1581 and 1594.⁵ Similarly, John McCallum's study of Fife notes the "striking" lack of non-communicants or recusants.⁶

These findings are replicated for the North East as well. By far, the majority of parishioners in all three presbyteries were regular communicants. The Deer presbytery did not regularly take note of excommunicants or non-communicants in its visitation minutes, but, on the occasions that it did, there were normally no excommunicants and few, if any, non-communicants.⁷ Most non-communicants were involuntarily barred for "ignorance" (i.e. insufficient knowledge as assessed by pre-Communion exams) or some reason other than willful abstention for religious dissent. Moreover, those who came before the presbytery for not communicating did not have a history of non-adherence and their cases were settled relatively quickly.

³ For the purposes of this study, a "Catholic" has been defined as one who believed and practiced religion in the Roman Catholic tradition, though did not necessarily hold allegiance to the Pope.

⁴ Todd, *Culture of Protestantism*, 112.

⁵ Graham, *Uses of Reform*, 167, 175. Within Graham's sample, the kirk session of Dundonald in the presbytery of Ayr prosecuted the highest number of cases (29 between 1602 and 1610) and Monifieth in the Dundee presbytery prosecuted the lowest (3 total in 1579-1581, 1593-1594, and 1603-1606). See Graham, *Uses of Reform*, 242, 254.

⁶ McCallum, *Reforming the Scottish Parish*, 202.

⁷ The presbytery did not routinely note non-communicants or excommunicates in their visitations until 1609.

Out of the three dozen or so named cases, about a third were cases of recusancy.⁸

The greatest concentration of recusancy prosecution was between 1603 and 1606. In 1604, in particular, there was a flurry of new recusancy cases before the presbytery, in part, perhaps, responding to the various national and regional efforts to highlight and suppress recusant activity.⁹ From 1607, the number of new cases declined, with only two new cases in 1609 and none in 1610.

Like Deer, the Ellon presbytery did not note non-communicants or excommunicants in general visitation minutes, but was involved in prosecution. The presbytery prosecuted around two dozen cases, nearly equally divided between non-communicants and recusants. There was a concentration of prosecution in the first couple of years of the presbytery's operation and towards the end of the first decade of the seventeenth century.¹⁰ The majority of cases came from the parishes of Slains, Cruden, Tarves, and Ellon, which were particularly rich in Catholic lairds.

The Aberdeen presbytery regularly prosecuted non-communicants and recusants. Although the number of cases were higher than that in Deer, there were proportionately fewer when population and timeframe (1598-1610 and 1602-1610, respectively) are taken into account. Cases came from parishes throughout the presbytery, but the greatest concentration was, not surprisingly, in Aberdeen, Old Aberdeen, and nearby parishes. There were also a number in Fintray (about 13 miles upstream on the River Don from Aberdeen) and Banchory-Devenick (about 6 miles upstream on the River Dee). The presbytery also worked closely with other

⁸ Whilst couples or groups have been counted individually for cases involving absence from kirk services or profanation of the Sabbath as explained in Chapter 3, non-communicant or recusant married couples or families have been counted as a single case. Unlike Sabbath or sexual offences, kirk courts commonly handled the cases of non-communicant or recusant couples or families as one case, especially in the initial stages. This approach is physically apparent in the records, with a couple or family often minuted once per session rather than individually in cases like adultery. Furthermore, fathers in these cases were always named, but their children were often not named or numbered, making it impossible to count family members individually.

⁹ In March 1604, the synod instructed the Deer presbytery to take trial of Jesuits and priests and their receptors, which it reiterated in August. It also had requested a list of all non-communicants within the presbytery, but nothing is known to have been submitted. See 12 April 1604, CH2/89/1/17-18; 16 August 1604, CH2/89/1/31.

¹⁰ The synod of October 1608 named 11 Catholics. In late December, the presbytery instructed its ministers to summon all known or suspected Catholics to attend its meeting on a designated day, but only four such persons presented themselves. See October 1608, CH2/146/2/31; 21 December 1608, CH2/146/2/33; 11 January 1609, CH2/146/2/34-35.

presbyteries in pursuing and prosecuting cases. Of the total five dozen or so cases, non-communicants comprised a slight majority over recusants.

The Aberdeen kirk session prosecuted a number of recusants, but many more non-communicants. As discussed below, the first wave of prosecution occurred in 1574, totaling ten cases of recusancy and one non-communicant. Between 1602 and 1610, recusants only numbered three whilst non-communicants totaled almost 60, although some were charged more than once. More than half of the charges occurred in 1607.

Coupled with the visitation reports, this data suggests that all three presbyteries were diligent in disciplining and prosecuting non-communicants. Moreover, the total number of cases represented a fraction of those eligible to communicate. Actual figures were likely higher, but there is no evidence that kirk authorities were knowingly under-prosecuting or incompetent in identifying non-adherence. Thus, the evidence suggests that there was widespread adherence to the Kirk in the North East and that the reach of Catholicism was limited.

This finding is supported by analysing the characteristics of non-communicants and recusants across the North East. Three common characteristics of non-communicant cases are evident. Firstly, most were settled shortly after reaching the presbytery. There is no indication in the records whether most cases were first handled by kirk sessions or, given the severity of the offence, sent directly to the presbytery. Either way, escalating a case to the higher authority may have encouraged offenders to comply readily since most cases quickly drop from the presbytery records. For example, Robert Gordon was brought before the Ellon presbytery in August 1598 for not subscribing to the Confession of Faith or communicating. He told the presbytery that he was ready to satisfy both points at his kirk of Tarves at the upcoming Communion, which apparently he did because he does not appear again in the records.¹¹ In August 1609, the cases of Margaret Dune and Jean Mek were only recorded once in the minutes of the Aberdeen presbytery as

¹¹ 28 August 1598, CH2/146/1/20.

they gave in their "excuses" for not communicating and were "soir" reprimanded.¹²

Secondly, the reasons for abstaining from Communion were often not confessional. In a few cases, parishioners had chosen not to participate in their home kirk's Communion because they had already communicated elsewhere. For example, Captain Thomas Ker and his wife had not communicated at their kirk of Belhelvie in 1601 because they had already done so at Aberdeen, where they had a secondary residence. The presbytery required the couple to communicate at Belhelvie in future.¹³ In 1609, the Ellon presbytery charged Robert Gray for not attending Sunday services nor communicating in the last two years. He explained that he travelled frequently and gave assurance that he had kept the kirk when at home and away and promised to communicate.¹⁴ Accused of "papistrie" in 1608, John Urquhart of Aberdeen and King Edward (within the presbytery of Turriff) denied the charge and "affirmit on his c[on]science" that he had communicated at the most recent administration in King Edward. The presbytery required him to provide a testimonial from King Edward's minister and keep the kirk wherever he was on the Sabbath.¹⁵ It may be that those who cited their absence at the time of their home kirk's administration were attempting to avoid communicating by relying on inconsistent communication between ministers and kirk bodies, but, given that most do not appear again the records, deception is unlikely. Still, kirk authorities were wary of those who communicated outwith their primary parish and generally prohibited the practice without a legitimate excuse.

A troubled conscience often caused by being at variance with a neighbour was a more common reason for not communicating. For example, William Watson

¹² 28 August 1609, CH2/1/1/527.

¹³ 24 July 1601, CH2/1/1/115.

¹⁴ 29 March 1609, CH2/146/2/42. Robert's wife, Isobel Lundie, was also charged initially, but no further mention of her was made. See 8 February 1609, CH2/146/2/38.

¹⁵ 24 November 1608, CH2/1/1/487. John had a history of non-adherence between 1605 and 1608 and kept company with Catholics and other dubious persons, but neither the Aberdeen kirk session, presbytery, nor, possibly, synod pursued him with the effort generally expended on recusants. He may have been more often resident in King Edward, which he referred to in 1608 as "his parochie," thus complicating the bureaucracy of any sustained prosecution. See 3 March 1605, CH2/448/2/123; 22 February 1607, CH2/448/2/239; 8 March 1607, CH2/448/2/241; 26 November 1607, CH2/1/1/449; 10 December 1607, CH2/1/1/451.

and Andrew Nisbet of the parish of Crimond were cited by the Deer presbytery in October 1606 for not communicating that year. William assured the presbytery that he was "noth ane hater of the treuth, nor ane absteiner fra the Lordis tabill," but had communicated at another parish because there was a "variance betuix him and his ordinar pastor." The presbytery ordered him to "loue his pastor" and communicate at Crimond's next administration. Although Andrew "could noth gif his reasons" for abstaining from the most recent communion, he promised to communicate at its next administration.¹⁶

Being at feud was a more serious obstacle to the Lord's Table. Archibald Watson of Aberdeen cited an irreconciled "grudge and feud" for abstaining from Communion in 1607 and promised to communicate and attend services more frequently in future.¹⁷ In 1608, the Aberdeen presbytery accepted that Gilbert Annand was at bloodfeud with John Seton, laird of Meldrum, and "his friends" and could not appear in public to answer the charges of papistry against him or, presumably, communicate or attend services.¹⁸ Given the prevalence of feud in the North East and throughout Scotland, it is noteworthy that more people were not prevented from communicating.¹⁹ Indeed, the General Assembly regularly bemoaned that the realm was "miserably divided into factions and deadly feud" to the extent that parishioners "dare not resort to their parish kirks" for Sunday services or "to receive the sacrament and seals of their salvation."²⁰ The Assembly's impression was certainly an exaggeration, but feuding was part and parcel of everyday life in many parishes. Whilst the Kirk accepted feud as a legitimate barrier

¹⁶ 31 July 1606, CH2/89/1/79; 9 October 1606, CH2/89/1/82; 28 August 1606, CH2/89/1/81; 23 October, CH2/89/1/83.

¹⁷ 8 March 1607, CH2/2/448/241; 29 March 1607, CH2/2/448/245.

¹⁸ A representative of Gilbert's appeared before the presbytery on his behalf and planned to also meet with the Aberdeen kirk session. Gilbert's sister was also initially charged with papistry, but it appears that the presbytery did not pursue any prosecution against her. See 24 November 1608, CH2/1/1/487; 1 December 1608, CH2/1/1/489. The laird of Meldrum was prevented by the Ellon presbytery in 1607 from receiving any benefits of the Kirk until he submitted a testimonial from the Garioch presbytery affirming that he had subscribed to the Confession of Faith and communicated. See [unknown date and month], 1607; CH2/146/2/3.

¹⁹ Todd, *Culture of Protestantism*, 228, 228n; Keith Brown, *Bloodfeud in Scotland, 1573-1625: Violence, Justice, and Politics in an Early Modern Society* (Edinburgh: John Donald, 1986), 7.

²⁰ Shaw, *Acts of the General Assemblies*, 1: 429.

to communicating and took steps to reduce the practice, it also began to suspect that it was being falsely cited by Catholics and others who wanted to avoid communicating.²¹ In 1604, for example, the Deer presbytery dismissed Edmond Graden's claim that he was under "deidlie feud" and, thus, could not communicate. He was ordered to communicate at its next administration in Longley under caution of £40.²²

It was rare for people to abstain because of differences in sacramental practice during the period under consideration. One example occurred in 1574 when John Crawford assured the Aberdeen kirk session that he was in general agreement with the Kirk, but would only receive it whilst kneeling, according to the "wse of Germanye." Faced with the prospect of excommunication, "he was moued to promise to come to the nixt communion."²³

The third shared characteristic of non-communicants is that that they tended to be from the lower levels of society whilst recusants were found at or above the level of laird. Occupations were seldom noted in the records, but the Aberdeen kirk session provides a few examples. Among the 33 who were charged for not communicating in 1607 were a cooper (barrel maker), litstar (dyer), cutler, bookbinder, two tailors, and two servants.²⁴ Though harder to pin down conclusively the status of non-communicants outwith the parish of Aberdeen, naming conventions

²¹ In 1595, the General Assembly instructed presbyteries to reject the excuse of feud for those who had not subscribed to the Confession of Faith or given their oath. The General Assembly reiterated the statute in 1601 with the added provision that all ministers were to report the non-communicants within their parish to the presbytery. In 1606, the General Assembly ordered ministers to give ample notice prior to Communion to non-communicants (Catholics and/or those claiming feud) to appear before their kirk session, presumably so that the session could ascertain whether or not the excuse was genuine. If the non-communicant disobeyed, he or she would face prosecution by the Crown. See Shaw, *Acts of the General Assemblies*, 2: 997-998, 1,209, 1,332. For an in-depth discussion on the topic, see Todd, *Culture of Protestantism*, Chapter 5.

²² 15 December 1604, CH2/89/1/44. Edmund was prosecuted for the same offence and not attending Sunday services the year before and had satisfied the kirk. Although he failed to set caution for the second offence on the agreed date, he does not appear in the records again, which may indicate that he complied in full thereafter. See 27 October 1603, CH2/89/1/10; 19 January 1604, CH2/89/1/12; 29 December 1604, CH2/89/1/45.

²³ 17 August 1574, CH2/448/1/53.

²⁴ 8 March 1607, CH2/448/2/241; 29 March 1607, CH2/2/448/245; 1 November 1607, CH2/448/2/277; 8 November 1607, CH2/448/2/277; 15 November 1607, CH2/448/2/279. Other than Thomas Menzies and another bailie, the occupations for the remaining non-communicants were not stated in the kirk session records.

and other small details have given some clues.²⁵ For example, William Murray of the parish of Peterhead was brought before the Deer presbytery in August 1609 for being "absent from the co[m]munion thir mony yeirs" because, as he said, he was at "variance" with five men "vho had done him mony greit vrangis." Those who he was quarreling with included one of his tenants and at least two from other parishes, which suggests that he had business dealings outwith his own parish, but was not a laird or among the local elite. The presbytery did not accept his justification for abstaining and countered that it was he who was in "sin" for "Interteneing so mony grudges being shawin him." He was therefore required to reconcile by the next Communion and, as he was "willing to obey the woice of the presbyterie," he made amends by October and promised to communicate at the next administration.²⁶

In contrast to non-communicants, most recusants were Catholic, of a higher social standing, and under process for an extended period. Kirk authorities handled the prosecution of recusants very carefully, always holding out for the possibility of compliance and excommunicating only when all acceptable avenues had been exhausted.²⁷ As such, prosecution against recusants commonly extended to at least a year.²⁸ The six-month process against Patrick Cheyne, a merchant resident in Old Aberdeen, was an exception, but he is a good example of the second point. Accused in December 1608 of papistry, Patrick admitted that he was raised Catholic, but agreed to consider conversion to Protestantism.²⁹ He evidently decided against it as he was excommunicated by June 1609 after the presbytery determined that there was "na hoip of amendme[n]t bot c[on]tinewing indurit in papistire."³⁰ Katherine Hill also refused to renounce her Catholicism. Although she initially agreed to attend

²⁵ For naming conventions see, Maureen M. Meikle, *The Scottish People, 1490-1625* (United Kingdom: Lulu.com, 2013), 15, 83.

²⁶ 21 August 1609, CH2/89/1/126; 26 October 1609, CH2/89/1/128.

²⁷ Knox, *Works*, 6: 453.

²⁸ The longest known case within the three presbyteries was Margaret Hay, who was under process for nearly 15 years before she fully complied with the Ellon presbytery. See 30 December 1602, CH2/89/1/2; 21 August 1617, CH2/89/1/213.

²⁹ 23 December 1608, CH2/1/1/493. He was also accused keeping company with Catholics and fornicating with the daughter of a Catholic.

³⁰ 24 May 1609, CH2/1/1/515; 8 June 1609, CH2/1/1/515.

services following the Aberdeen presbytery's demands in 1604, she had ceased to comply by early 1608 and was branded an "obstinat papist" later that year.³¹ Alexander Gordon's absence from Tyrie's Communion in 1604 alerted the Deer presbytery to his conversion to Catholicism.³² He was close to being excommunicated in late 1605, but recanted in early 1606 after another round of consultation with his minister.³³ He abstained from Communion again that year, initially citing illness, but then admitted to "su[m] scupill off co[n]science."³⁴ He eventually subscribed to the Confession of Faith and communicated in 1607.³⁵

Other cases were less straightforward. On the surface, Patrick Chalmer of the parish of Rathen appeared to be Catholic. First summoned to the Deer presbytery in October 1603, he was accused of not communicating and keeping company with excommunicated Catholics.³⁶ When he finally obeyed the summons the following June, he told the presbytery that he had certain doubts and would like to consult with his minister, William Davidson, which the presbytery allowed on the condition that he set caution for £100 to communicate at its next administration.³⁷ Whether or not the two conferred, Davidson reported in 1605, 1606, and 1607 that Patrick had not communicated.³⁸ In June 1607, Patrick disclosed that his abstentions were "not for papis[trie] or onie scrupill of conscience in relligione," but for other reasons which he prayed that "godis grace" would remove.³⁹ This explanation and his repeated disobedience to additional presbyterial summons, which he excused by illness and other "adois," did not lift the suspicion of papistry.⁴⁰ Whilst Patrick eventually

³¹ 27 April 1604, CH2/1/1/283; 18 February 1608, CH2/1/1/457; 6 October 1608, CH2/1/1/485; 24 November 1608, CH2/1/1/487. Katherine's husband, Thomas Fraser, brother to the laird of Muchall, did comply by subscribing to the Confession of Faith and promising to keep the kirk and communicate. See 6 October 1608, CH2/1/1/485; 17 November 1608, CH2/1/1/487.

³² 26 April 1604, CH2/89/1/18; 24 November 1605, CH2/89/1/67.

³³ 17 October 1605, CH2/89/1/65; 5 December 1605, CH2/89/1/68; 23 January 1605, CH2/89/1/69.

³⁴ 15 May 1606, CH2/89/1/75.

³⁵ 3 July 1606, CH2/89/1/78; 31 July 1606, CH2/89/1/79; 23 April 1607, CH2/89/1/90.

³⁶ 27 October 1603, CH2/89/1/11.

³⁷ 21 June 1604, CH2/89/1/24.

³⁸ 27 June 1605, CH2/89/1/55B; 17 July 1606, CH2/89/1/79.

³⁹ 4 June 1607, CH2/89/1/91.

⁴⁰ 19 November 1607, CH2/89/1/97; 11 February 1608, CH2/89/1/99; 25 February 1608, CH2/89/1/100.

communicated in March 1608, it was not at his home kirk of Rathen and it was seemingly unprompted by the presbytery. As such, the presbytery required him to undergo a trial of his faith and subscribe to the Confession of Faith at the next visitation of Rathen.⁴¹ Any such action was not recorded, however, and there was no further mention of Patrick, which may indicate that he eventually fully conformed.⁴²

The third characteristic of recusants is their elite status ranging from lairds to marquesses. The most high profile cases in North East were George Gordon, 6th earl and 1st marquess of Huntly, and Francis Hay, 9th earl of Erroll. The General Assembly took over these and other prominent cases, but relied on local and regional bodies to handle the ongoing process in between assemblies. Indeed, the Ellon presbytery prosecuted Erroll and all three presbyteries pursued Huntly.⁴³ Among the local and regional elite, a pattern of recusancy can be identified among families. The cases of the lairds and families of Philorth and Gight and various branches of the Cheyne family are discussed at length below, but others include Wardis, Auchry, Urie, Auchmedden, Elrick, and Easter Disblair. Whilst this recusancy pattern does not prove that the elite were more likely to be Catholic or that Catholicism was more prevalent among the elite, their status was an advantage in managing the prosecution process. The elite do not appear to have received softer treatment from kirk authorities, but they were able to use their physical mobility and connections to delay the process or negotiate for time and other considerations. Additionally, their status did provide some immunity to the negative consequences, if any, of excommunication.

These examples demonstrate the ways in which non-communicants and recusants differed as well as the common characteristics among the two categories. In general, non-communicants were non-elite, chose to abstain for reasons unrelated to religious affiliation, and settled with the Kirk relatively quickly. By contrast, most

⁴¹ 24 March 1608, CH2/89/1/102.

⁴² 30 June 1608, CH2/89/1/107. Davidson reported at the presbytery's visitation in August 1610 that there were no non-communicants and it is known that Patrick remained resident within the parish. See 30 August 1610, CH2/89/1/134; Thomson, *Great Seal of Scotland*, 7: 650-651 (no. 1,792).

⁴³ 2 May 1599, CH2/146/1/34; 16 February 1604, CH2/89/1/13; 11 January 1605, CH2/1/1/315; [date unknown] 1607, CH2/146/2/3. The General Assembly began its recusancy prosecution against Huntly in 1588 and Erroll in 1597. See Shaw, *Acts of the General Assemblies*, 2: 863, 1,059-1,061.

recusants were elite, abstained because they were Catholic or did not adhere to the Kirk, and were under process for an extended period of time. Whilst kirk authorities were, on the whole, committed to pursuing both categories, the low number of total cases in proportion to the population indicates that most eligible parishioners adhered to the Kirk and communicated when required.

Although well over a hundred recusancy cases are found in the records of the North East, they do not usually contain much detail about the inner workings of the process or the thinking of the accused or the prosecution. Furthermore, many cases drop from the records before their resolution. A limited number of cases offer a wealth of information and a narrative from beginning to end. The following in-depth examination of five selected recusancy cases reveal the complexities and nuances of personal faith, religious affiliation of kin groups, relationship between recusants and kirk authorities, and change and continuity in communities.

The first selected case features George Gordon, heir to the fifth laird of Gight, and Isobel Wood, his wife. Both avowed Catholics, they took different approaches to their prosecution and the Kirk. Isobel was aloof from the process and unconcerned with its consequences, whilst George, perhaps revealing his inner religious anxieties, attempted to negotiate, threaten, and beg the process away. Stemming from the third son of the second earl of Huntly, the Gordons of Gight had a long history of feuds, rebellion, and general mischief.⁴⁴ After the Reformation, their troubles extended to the Kirk. The process against George and Isobel was one of the first cases undertaken by the recently-formed presbytery of Ellon in 1597.⁴⁵ Already known to be "professed enemies to religion," the catalyst for presbyterial involvement was the recent baptism by a "misse priest" of their latest child.⁴⁶ The following month,

⁴⁴ Bulloch, *House of Gordon*, 1: 168. John Bulloch, a biographer of the Gordons, summarised the family line as "crowded with murder and sudden death; and from first to last was dominated by a spirit of revolt against the established order of things unequalled in the history of any other branch of the House of Gordon." It is fitting that the line ended with Catherine Gordon, the mother of George Gordon, Lord Byron. See Bulloch, *House of Gordon*, 1: 169, 286

⁴⁵ The Aberdeen presbytery previously had oversight of the kirks in what would become the Ellon presbytery. Because the Aberdeen presbytery records do not survive from before 1598, it is unknown if George and Isobel were already under process. See Thomas Mair, *Narratives and Extracts from the Records of the Presbytery of Ellon* (Peterhead, David Scott, 1894), 1-2.

⁴⁶ 28 December 1597, CH2/146/1/9. George was charged by the Privy Council in June 1594 as part of the "conspiratouris aganis the trew religioun." See *RPCS*, 5: 146.

George appeared before the presbytery and, instead of offering a defense, ascribed "his fault" to Thomas Garden, the minister of Tarves. George pointed out that Garden had refused to baptise the first four of his children, implying that there was no reason to bother offering the fifth, although he stopped short of saying so. Because of these slights, George refused to comply with the demands of the Kirk (e.g. to subscribe and swear to the Confession and Faith and communicate) until the "wrangs" committed by Garden were "repaired." Garden retorted that George had only attended services twice and had not requested baptism for any of his children. Highly suspicious of George's claim, the presbytery challenged George to accuse Garden formally at the upcoming synod in Aberdeen. His failure to do so would be taken as an admission of guilt, the false accusation against Garden would be taken "as a schift" or subterfuge, and the process of excommunication would begin.⁴⁷

With no evidence that George took the matter to the Assembly, it appears that the presbytery successfully called his bluff and they continued the process against him and Isobel. Over the next four years, George employed a variety of tactics to stave off his excommunication. Since it was clear that he and Isobel had no intention of converting from Catholicism, the puzzle about this case is why George felt threatened by excommunication from the Kirk and why he bothered to negotiate with the kirk authorities. His wife Isobel made next to no effort to deal with the presbytery—from which they concluded that "nathing is sein in hir bot [...] co[n]tumacie—and the process against her was lengthened only to accommodate her intervening pregnancies.⁴⁸ She was eventually excommunicated in January 1601, some eight months before her husband.⁴⁹

The punishment of excommunication was intended to result in spiritual and temporal (physical, social, political, and economic) isolation.⁵⁰ Given his status in society and connections, George should not have been unduly concerned about the

⁴⁷ 25 January 1597/1598, CH2/146/1/12.

⁴⁸ 11 June 1600, CH2/146/1/60. It seems that she entered confinement in December 1599 and probably gave birth shortly after since the presbytery noted in March that she had "delyvered off her birthe long since." See 12 December 1599, CH2/146/1/51; 5 March 1600, CH2/146/1/55.

⁴⁹ 28 January 1601, CH2/146/1/69.

⁵⁰ Todd, *Culture of Protestantism*, 172.

latter. On two occasions during George's process, the presbytery was reminded of the Gights' most powerful connection, the marquess of Huntly. In December 1599, George cited his service to the visiting marquess as the reason for not attending that day's presbytery meeting, which the presbytery rejected as a valid excuse.⁵¹ In April 1601, Huntly wrote to the presbyteries of Ellon and Aberdeen, personally excusing George's absence from their joint meeting because George was assisting him in his "majesties adois, and wald nocht suffer him to leve him."⁵² Because these references to Huntly and the King were made at points when the presbytery was escalating the process towards excommunication, they were perhaps intended as intimidation and reminders that the Gights would not be adversely affected by the Kirk's actions against them. The presbytery, however, was not overawed by Huntly, who was himself among the elite to be prosecuted by various Kirk authorities, and the process was unaffected in both instances.

If George was less threatened by the temporal consequences of excommunication, then he may have been fearful of the spiritual consequences, even when sentence was issued by a Church to which he did not belong and would probably not have regarded as legitimate. An early biographer of the Gordons remarked on the "fear of this sentence—extraordinary in a man of his turbulent type."⁵³ In common with his ancestors, George was a difficult and violent man whose actions fell well below Christian standards of morality and he seemed to recognise this. In a deposition given to the Privy Council in 1618 regarding a recent series of incidents, it was reported that George had told his second wife (Jean, whom he married in or before 1617) that "'I knaw that I will die upoun a scaffald. Thair is ane evill turne in my hand, quhilk I avow to God presentlie to performe."⁵⁴ Whether or not he spoke these exact words, this account adds to the general sense gained from the presbytery records that George believed that he was incapable of leading a moral life, yet, at the same time, was deeply troubled by the dim prospects for his salvation.

⁵¹ 12 December 1599, CH2/146/1/51.

⁵² 24 April 1601, Stuart, *Selections from the Records of Aberdeen*, 177 and CH2/1/1/91.

⁵³ Bulloch, *House of Gordon*, 1: 237.

⁵⁴ 2 July 1618, *RPCS*, 11: 398; Bulloch, *House of Gordon*, 1: 234, 262.

His concern may have been compounded by an ongoing illness, which he often cited for missing presbytery meetings or not attending Sunday services and which the presbytery thought to be mere "pretence" in an attempt to prolong the process against him.⁵⁵ Although he may have played up the illness to stall for time, George genuinely seemed to believe that he was seriously ill, at one point insisting that he had a "deadlie diseass" and that "Befoir God I persuaid my selff that I haue fewe daies to leve in respect of yeiris."⁵⁶ The illness coupled with George's lifetime of misdeeds may have made him fear excommunication, even when pronounced by a false Church, would dash any hope of salvation.

George's anxiety about excommunication was great enough for him to offer compliance when the presbytery escalated proceedings and his excuses would not suffice. The first such point was in June 1599 after the case was brought before the Aberdeen synod in May. After some months of failing to keep his promises to attend services and confer with John Mercer, minister of Methlick, George was under increasing pressure from the presbytery to subscribe to the Confession of Faith and communicate. In a conciliatory move, George informed the presbytery that he would shortly be traveling for about a week, and, in return for an extension of the proceedings, he would "advyse togidder w[i]t[h] the coppie off the confession" and let them know of his decision to subscribe and communicate (or not) upon his return, to which the presbytery agreed.⁵⁷ This was a deceptively effective ploy as George was able to suspend the process with practically little more than a promise to (re)consider his beliefs, allowing him to concede and be bound to nothing.

Three months later and receiving no word from George, the presbytery resumed the process and added more serious charges of receiving Jesuits and priests and attending Mass.⁵⁸ After the presbytery threatened to begin the last phase of the excommunication process, George finally appeared before them in late December and again requested more time. Knowing that the presbytery would require more

⁵⁵ 21 February 1598/1599, CH2/146/1/30.

⁵⁶ 7 August 1601, Stuart, *Selections from the Records of Aberdeen*, 180 and CH2/1/1/121.

⁵⁷ 20 June 1599, CH2/146/1/39.

⁵⁸ 26 September 1599, CH2/146/1/46.

serious concessions this time, he promised that, although he was currently "of the contrare profession," he would agree "to vse sic meanes as the presbiterie thought necessarie for his resolution," including attending local services beginning the next week, attending the presbytery's exercise of doctrine, and conferring with an appointed minister. In this deal, George laid more on the line by suggesting for the first time that he may be persuaded to adjust his "resolutions." The presbytery sought to ensure his compliance by placing him under caution of 1,000 merks.⁵⁹ Even with the costly penalty, George failed to fulfill any part of the agreement and the presbytery began the formal excommunication proceedings in February.⁶⁰

The presbytery was ready to pronounce George excommunicated in early May, but he managed to convince them to desist, a pattern which was repeated several more times until his eventual excommunication in September 1601.⁶¹ At every brink, George offered ever-increasing levels of conformity. George was at his most conciliatory in April 1601 during a national flashpoint of Catholic persecution. On 27 April, James Wood, Isobel's brother and heir to the laird of Bonnyton, was executed in Edinburgh, officially for thieving from his father in March, but unofficially for his years of Catholic activities, for which the Kirk had pressured King James to make Bonnyton an example. Whilst George's case was not comparable to that of his brother-in-law and highly unlikely to follow the same course, the possibility of severe or even lethal punishment was suddenly not so remote.⁶² In the midst of the proceedings against Bonnyton, George was due to be excommunicated in person at the meeting of the synod, but managed to persuade the presbyteries of Ellon and Aberdeen, which had become involved with the case the previous year, to delay the pronouncement until he had returned from the south where he was in the service of Huntly at court and may have also been working on behalf Bonnyton, who, he said, "wes in danger of his lyfe" and whose "uther freindis

⁵⁹ 26 December 1599, CH2/146/1/52.

⁶⁰ 6 February 1600, CH2/146/1/53.

⁶¹ 7 May 1600, CH2/146/1/58.

⁶² For a fuller discussion of Bonnyton's trial and its surrounding circumstances, see Francis Shearman, "James Wood of Boniton," *Innes Review* 5 (1954).

wald nocht travell for him."⁶³ Only a week and a half after the execution of his brother-in-law, George presented himself to a joint meeting of the presbyteries. After "lang conference," George agreed to the following terms: to confer with the bishop of Aberdeen, read and discuss the Confession of Faith with the ministers of Fraserburgh and New Aberdeen, attend services at Methlick—which, it was emphasised, was less than a mile from his house—confer twice weekly for a month with the ministers of Ellon and Cruden, further confer twice weekly with Aberdeen's ministers in June, and attend services there in July. This new agreement carried with it severe penalties if the conditions were not fulfilled. If he did not subscribe and communicate by the end of that month, George would be promptly excommunicated or obliged to exile himself abroad.⁶⁴ Despite recent events, George made no effort to complete even the first of the demands. Moreover, he had the temerity to tell the presbytery, via a messenger, that it was their mistake to confuse conformity with conversion, which, in his mind, made any promise void.⁶⁵

By 24 July, the presbyteries were ready to pronounce his excommunication within fifteen days.⁶⁶ In a letter written from Kelly, just south of Methlick, on the eve of the pronouncement, Gight attempted to make one last bargain with the presbyteries. This time, he did not offer to conform himself to the Kirk; rather, he made an impassioned plea to be let to live in peace. He began by avowing that he "desyre nocht to incurre" excommunication and asked for "clemencie" because his illness made him not long for this world. His offer to the presbyteries was essentially to exile himself within his own home, have no contact with excommunicants ("my bed fellow being exceptit"), and only receive those who were approved by both kirk and civil authorities. Additionally, he had the "desyre to conferre and haue resolutione" when his health permitted. Beyond the offer, George appealed to the mercy of the Kirk since excommunication would ruin "my wardlie estait, and wil be

⁶³ 24 April 1601 [Stuart mistakenly gives the date as the 10th], Stuart, *Selections from the Records of Aberdeen*, 177 and CH2/1/1/91.

⁶⁴ 8 May 1601, Stuart, *Selections from the Records of Aberdeen*, 178 and CH2/1/1/93.

⁶⁵ 20 May 1601, CH2/146/1/74.

⁶⁶ 24 July 1601, Stuart, *Selections from the Records of Aberdeen*, 178 and CH2/1/1/115.

ane greit motione to yow of the Kirk in Scotland to crave my blude." If that was the Kirk's decision, then, finally, George was willing to become a martyr for his faith: "giff it sail pleis Majestie and your wisdomes of the Kirk of Scotland sa to tack my bluid for my professioun, quhilk is Catholick Romane, I will maist willinglie offere it for the same; and giff sa beis God grant me constancie to abyde the same." Whilst dramatic, the sentiment seems to be genuine. The presbyteries, however, were unmoved by this latest petition and ordered the process to continue unless he began complying with the demands made in May.⁶⁷ Over the next few weeks, George's father and various friends attempted to negotiate with the presbytery on his behalf, but to no avail and the sentence was finally pronounced on 20 September.⁶⁸ George appears to have remained an excommunicant for the rest of his life and died in prison in Edinburgh in 1640.⁶⁹ The contemporary minister and historian James Gordon remarked of him: "he was popish to his professione; that was enouch of indytment against him."⁷⁰

George was unique among those prosecuted for recusancy in the North East in that he was unwilling to yield to the Kirk on the one hand, yet, on the other, he appears to have been terrified of excommunication. This dissonance is reflected in his muddled handling of the process against him. His approach ranged from blaming the Kirk to offering himself up as a martyr, with various other tactics in between.

⁶⁷ 7 August 1601, Stuart, *Selections from the Records of Aberdeen*, 179-182 and CH2/1/1/121-CH2/1/1/123.

⁶⁸ 14 August 1601, Stuart, *Selections from the Records of Aberdeen*, 181-182 and CH2/1/1/123-CH2/1/1/125; 9 September 1601, CH2/146/1/79; 11 September 1601, Stuart, *Selections from the Records of Aberdeen*, 183 and CH2/1/1/127; 23 September 1601, CH2/146/1/79.

⁶⁹ Bulloch, *House of Gordon*, 1: 262. The Ellon presbytery, General Assembly, and Privy Council pursued George for his Catholicism on several occasions in the years after his excommunication. Their efforts were evidently persistent and intense enough to warrant an intervention by Alexander Douglas, the bishop of Moray, in 1610. Writing to King James, he testified to George's various ailments and desire to "keep his health in sum uder church." Whether or not James considered the matter, the prosecution continued. See John Stuart, ed., *The Miscellany of the Spalding Club* (Aberdeen: Printed for the Spalding Club, 1842), 2: 156-157; Jenny Wormald, *Court, Kirk, and Community: Scotland 1470-1625* (London: Edward Arnold, 1981), 133-134. For a timeline of events, see Bulloch, *House of Gordon*, 1: 236-238.

⁷⁰ Bulloch, *House of Gordon*, 1: 262; James Gordon, *History of Scots Affairs, From M DC XXXVII to M DC XLI* (Aberdeen: Printed for the Spalding Club, 1841), 3: 200. James Gordon was a son of Robert Gordon, the cartographer who purchased in 1608 the estate of Straloch, formerly owned by kin of the Cheyne families who are discussed below. See "Gordon, James [called the Parson of Rothiemay] (1617-1686)," *ODNB*; Cheyne, *Cheyne Family*, 64.

Before the Bonnyton episode, there was little reason for George to expect excommunication to have any severe practical repercussions, especially as he was not politically Catholic like Bonnyton or his predecessor in purported martyrdom, David Graham, Laird of Fintry, who was executed in 1593 for his involvement in the Spanish Blanks affair.⁷¹ George could have reasonably ignored the Kirk from the beginning, as Isobel did. Why, then, did he take the time and effort to engage with the process and attempt to negotiate his way out of excommunication? His swift and full offer of compliance in the wake of Bonnyton's execution suggests that he was understandably fearful that he would share his brother-in-law's fate. Why was he then equally swift in renegeing on his promises, thumbing his nose at his prosecutors in the process, only to plea three months later to be spared his life, but keep his illegal faith? The full answer, of course, is impossible to know. A partial explanation may lie in the undertones of the evidence that speak to George's deep distress over his spiritual fate. He would have been well aware of the multitude of marks against his soul. His abiding refusal to repudiate his Catholicism would be in his favour, but he may have believed that the condition of excommunication, regardless of the ruling authority, was insurmountable. Nevertheless, when forced, George ultimately decided to risk the excommunication and remain true to his faith. His case shows that not all recusants were unconcerned or unmoved by their prosecution and they could be involved in, and affected by, the process.

From the Kirk's point of view, George and Isobel were prime targets for prosecution. Not only were they openly Catholic, but they belonged to powerful and well-connected local families with a history of recusancy.⁷² Furthermore, the presbytery may have hoped to resolve the matter one way or another before George's succession to the lairdship. As a relatively young heir when the presbytery began its

⁷¹ Shearman, "James Wood of Boniton," 31. For a fuller discussion of the Spanish Blanks, see Francis Shearman, "The Spanish Blanks," *The Innes Review* 3, vol. 2 (1952).

⁷² A few months after the Ellon presbytery began its prosecution of George and Isobel, it began proceedings against Isobel's two sisters, Margaret and Lilius, and sister-in-law, Barbara Gray, wife of Bonnyton, for recusancy and involvement in the Catholic baptism of Barbara's children. The presbytery dropped its case against Lilius and Margaret was later convicted of whoredom (it was her child, born out of wedlock, that was illegally baptised). Barbara was excommunicated in early 1602. See 26 May 1598, CH2/146/1/18; 16 May 1599, CH2/146/1/36; 10 February 1602, CH2/146/1/85.

prosecution, he would be, in theory, a force to contend with for some time and, as a first post-Reformation generation Catholic, he and his children would further entrench the Catholic tradition.⁷³

Any foresight the presbytery had about the Catholic legacy carried by this family was borne out just a few years after George's excommunication. George's father, William, was pursued by the General Assembly in the 1590s for recusancy and excommunicated for a couple of years and the Kirk's efforts against him did not end with his death.⁷⁴ Frustrated that bishops and presbyteries were turning a collective blind eye to high-profile Catholics, the General Assembly petitioned King James in December 1606 to have several nobles and their families, including Huntly, warded in certain burghs and made to attend services and confer with ministers.⁷⁵ James rejected the suggestion of warding, but agreed that order should be taken with the Catholic nobility and instructed the Privy Council to do so in January 1607. In particular, James directed the Council to investigate "two verie heynous offenceis:" the funerals of James Ogilvy, Lord Ogilvy of Airlie, and William Gordon, Laird of Gight. Not only were these funerals conducted with Catholic rites, but were "specialie licenced and tolerated" by the authorities.⁷⁶ In April, a new charge was presented to the Council, accusing George and a servant of carrying "ane crucifix upoun ane speir immediatelie befor the corps" as part of the funeral procession of his

⁷³ George's birth year is unknown, but it is here estimated as c.1573. The first documentary record where he is referred to as his father's eldest son can be found in a charter of 3 January 1583. In 1593, the Privy Council denounced him and several other Gordons as rebels for upsetting the "peax and quietnes in the cuntrie." It is unlikely that George was up to such behaviour at the age of 10 or 11 and a more conservative estimate would be aged 20. This estimate tallies with the fact that Isobel had already borne five children by early 1598. Their eldest children may not have survived into adulthood, however, as George's heir was described as a "young boy" in 1618 (although old enough to accompany his father in violent exploits). See Bulloch, *House of Gordon*, 1: 198, 235, 262, 264; *RPCS*, 5: 69; *RPCS*, 11: 399.

⁷⁴ Shaw, *Acts of the General Assemblies*, 2: 1,030, 1,034-1,035. According to David Calderwood, William was excommunicated by the Edinburgh presbytery in 1595. The reason was not stated, but it is presumed that it was for recusancy. The sentence was lifted in 1597. See Calderwood, *History*, 5: 366; Bulloch, *House of Gordon*, 1: 206; M. S. Giuseppi, ed., *Calendar of State Papers Relating to Scotland and Mary, Queen of Scots 1547-1603*, vol. 12, *A.D. 1595-1597* (Great Britain: Her Majesty's Stationary Office, 1952), 567.

⁷⁵ Shaw, *Acts of the General Assemblies*, 2: 1,392-1,393.

⁷⁶ *RPCS*, 7: 297-299. These concerns by the General Assembly and King James were a prelude to a partial re-enactment of the anti-Catholic penal laws in August 1607. See *RPS*, 1607/3/13; MacInnes, "Catholic Recusancy," 37. Lord Ogilvy died in October 1606 and was buried in Kinnell church in Angus. See "Ogilvy, James, fifth Lord Ogilvy of Airlie (1540/41-1606)," *ODNB*.

mother, Isobel Auchterlonie, in 1604 and again at his father's funeral in 1605.⁷⁷ James was aware that these very public displays of Catholicism were essentially ignored by kirk and civil authorities. Indeed, the Aberdeen kirk session did take action in response to Isobel's funeral, but only against the painter of the crucifix whom George had commissioned.⁷⁸ Even after the funerals reached the attention of the Privy Council, little effort was made to condemn them or punish those involved. The Council did order George to be warded in Edinburgh Castle, but there is no evidence that this was followed through. The only participant to be formally punished was an attendant servant at William's funeral who was successfully prosecuted by the Deer and Garioch presbyteries.⁷⁹ The funerals speak to the experience of recusants and the ineffectiveness of excommunication because they demonstrate that recusants were able to continue their Catholic traditions. In many ways, excommunication gave more religious freedom to George and others of his status. Civil punishments, such as horning (outlawing), were indirectly available to the Kirk, but, given the social and political protection of the local elite, they would have added little to the theoretical restrictions imposed by excommunication.⁸⁰ Thus, whilst the Kirk was successful in officially removing George and Isobel from the "true Kirk," in practice it made little difference to their daily lives.

For all of George Gordon of Gight's negotiation with the Kirk and terror of excommunication, he was thoroughly and openly Catholic. In contrast, Sir Alexander Fraser, 8th laird of Philorth, was, by all accounts a committed Protestant: he was recruited by Earl Marischal in 1593 to assist in pursuing the northern Catholic earls; he was a trusted and close ally of King James (knighted at the occasion of Prince Henry's baptism in 1594); founded the ill-fated Fraserburgh College in 1592; and appointed a zealous presbyterian to his own parish of Fraserburgh.⁸¹ Yet, he and his adult son and heir, Alexander, were prosecuted by the Deer presbytery for most of

⁷⁷ *RPCS*, 7: 345.

⁷⁸ 13 May 1604, Stuart, *Selections from the Records of Aberdeen*, 34 and CH2/448/2/73.

⁷⁹ 30 July 1607, CH2/89/1/94; 22 October 1607, CH2/89/1/96; 7 April 1608, CH2/89/1/103.

⁸⁰ For horning, see Meikle, *Scottish People*, 156, 159.

⁸¹ "Fraser, Sir Alexander, of Philorth," *ODNB*.

the first decade of the seventeenth century for, essentially, recusancy, explicitly referred to as "papists" by the Aberdeen Synod in 1608. However, the Kirk's labels oversimplify their complex personal faith. The Philorth case offers a wealth of insight into their personal faith and the interaction between individual and organised faith.

By the spring of 1603, both father and son were under process by the Deer presbytery and Aberdeen synod for not communicating, despite repeated promises to do so.⁸² Appearing before the presbytery in June 1603, Philorth elder insisted that he was "resoluit in all heids of the religion" of the Kirk and that his reason for abstaining at the most recent Communion was simply that he had not sufficiently prepared himself, having been "drawin away by his wardlie curis."⁸³ Philorth aligned himself with the Kirk in his testimony, but there was an underlying point of disagreement, to which he only obliquely referred, that prevented him from subscribing to the Confession of Faith or communicating: he believed in the real presence of Christ in the Eucharist.⁸⁴ His position as a non-subscriber and non-communicant does not appear to have been of concern to Philorth; it seems that he agreed with the Kirk in all other points of doctrine and considered himself a member of the Kirk. The Kirk, however, did not distinguish between Philorth's personal adaptation of Protestantism and George Gordon of Gight's unambiguous Catholicism, prosecuting both as recusants. Indeed, the subsynod in June directed the presbytery to excommunicate both father and son if they did not immediately obey the Kirk.⁸⁵ The presbytery, instead, chose to pursue a course of reconciliation and, over the next several years, various ministers conferred regularly with Philorth to correct his understanding. In turn, Philorth attempted to negotiate a settlement without compromising his beliefs. The ongoing dialogue between the ministers and

⁸² 13 April 1603, CH2/89/1/2-CH2/89/1/3.

⁸³ [date unknown] June 1603, CH2/89/1/4-CH2/89/1/5.

⁸⁴ The Kirk's early theology of the presence was broadly within Calvinism and rejected the Catholic and Lutheran belief in the physical or real presence of Christ's body in the elements. See Lee Palmer Wandel, *The Eucharist in the Reformation: Incarnation and Liturgy* (Cambridge: Cambridge University Press, 2006), chapters 3 and 4.

⁸⁵ 9 June 1603, CH2/89/1/5.

Philorth, as recorded in the minutes, reveals much about the process, their relationship, and their experience of faith.

Philorth's first recorded conference was with Charles Ferme in the summer of 1603. In August, Philorth, via an agent, informed the presbytery that he had considered Ferme's "theses" regarding the presence and, "sa far as he yeit saw," was in agreement with the Kirk and "damnit the co[n]terie."⁸⁶ Conferring next with ministers John Gordon (Crimond) and David Robertson (Fetterangus and Longley), Philorth reiterated that he was in agreement with all points of religion "as It is now taught In Scotland," but could not yet subscribe or communicate because "he suspectit his awin ignorance." The presbytery must have seen in him some hint of reform as they accepted his promise to "revise" the articles of religion and request to suspend the process for several months.⁸⁷ The synod of March 1604 likewise felt that there was hope of reconciliation and gave Philorth and his son until mid-June to communicate on the condition that they would immediately be excommunicated if they refused.⁸⁸ Presumably they did not comply since Philorth requested more time in early June, which the presbytery referred to the August synod.⁸⁹ The synod's decision has not survived, though a short-term deal was reached with Philorth, which he promptly fulfilled.⁹⁰ The presbytery temporarily resumed the process in November 1604, ordering Philorth to communicate in late February, but the subsynod advised it be suspended indefinitely to allow continued conference between Philorth and Ferme.⁹¹ Both Philorth elder and younger had still not communicated by the spring of 1605 and the elder's extended travels necessitated

⁸⁶ 11 August 1603, CH2/89/1/8.

⁸⁷ 25 August 1603, CH2/89/1/9; 7 September 1603, CH2/89/1/9. Philorth requested a ten-month suspension, but the presbytery only granted eight.

⁸⁸ 12 April 1604, CH2/89/1/17.

⁸⁹ 10 May 1604, CH2/89/1/19-CH2/89/1/20; 7 June 1604, CH2/89/1/22.

⁹⁰ 16 August 1604, CH2/89/1/31; 30 August 1604, CH2/89/1/36.

⁹¹ [date and month unknown] 1604, CH2/89/1/42; 17 November 1604, CH2/89/1/43. The page preceding the minute regarding the resumption of the process appears to be misplaced as it is dated "twentie day of D[faded and missing, presumed December]." The date given below this minute is 17 November 1604, which suggests that the above minute was also recorded in November since the presbytery met fortnightly.

further suspension of the process.⁹²

The synod rebuked the presbytery in February 1606 for being "remiss" in their handling of the case, prompting them to renew their efforts upon Philorth's return.⁹³ As such, the moderator of the presbytery met with Philorth in October 1606 and heard an impassioned defense from Philorth of his position. In most respects, he said, he was a good and loyal member of the Kirk of Scotland: he adhered to the "heidis of the religion," prayed daily, "dayly haird the vord, w[i]t[h] his Ladie and houshald," did not breach kirk discipline, did not keep company with excommunicants, Jesuits, or known Catholics, "lyked no papsitre," and did not seek a change to the current doctrine of the Kirk. The only problem was that he "feared to gang to the Lordis tabill but good resolution" and pleaded with the presbytery to "spair him a quhyll, whill the Lord opned his hart." The matter was referred to the upcoming subsynod, which, presumably, granted more time.⁹⁴

In another lengthy round of discussions with Abraham Sibbald (minister of Deer) in January 1607, Philorth admitted that he could not and would not accept that there was "ony other presence of Chryste in the Lordis sup-per bot that hie vas thair reallie."⁹⁵ This was a turning point in the process and, from this point, the Kirk began to view the case as beyond reconciliation and was more serious in its pursuit of excommunication. Philorth and his son ignored repeated orders from the synod and the presbytery to communicate over the course of the spring and summer. In August, the presbytery conceded that, despite the "lang freindlie deilling" with Philorth that was "not altogidder fruitles," the first admonition in the process of excommunication should be given. It remained reluctant to proceed without the

⁹² 30 May 1605, CH2/89/1/54; 27 June 1605, CH2/89/1/55B.

⁹³ 6 February 1606, CH2/89/1/70.

⁹⁴ 23 October 1606, CH2/89/1/83.

⁹⁵ 22 January 1607, CH2/89/1/87.

synod's backing and postponed action until March.⁹⁶ The synod admonished the presbytery for delaying excommunication, but gave Philorth elder and younger until the synod of mid-April to communicate, which they disobeyed along with several more summons and directives over the next few months.⁹⁷

By October, the kirk authorities had had enough with the two and declared them "papists." The presbytery now concentrated its attention on Philorth younger. After the first two admonitions were given against him in January, Philorth younger sent commissioners to the presbytery to request a year's extension because he was "sa burdenit w[i]t[h] wardlie cares."⁹⁸ Not only did they reject the request, but, despite his traveling south, they proceeded to the point that they were ready to pronounce the sentence of excommunication in February, then stayed it at the last minute.⁹⁹ Shortly thereafter, it emerged that he was being warded in Edinburgh, where his father was also present, and the presbytery postponed the process until their return.¹⁰⁰ Philorth elder returned in April and, after conferring with William Davidson (Rathen), pled for yet more time. Although he "wes fullie resolut of all douts [...] In maters of trew and fals religion" and was ready to "imbrace and p[ro]fess the p[rese]nt faith and religion keipit and p[ro]fessit in this kingdom," he "culd not be at pace and rest in hes conscience" to communicate before the appointed day at Whitsunday (in June). The presbytery denied the request for several reasons, including not wanting to give a negative report at the upcoming General Assembly about their progress "agance papistre," particularly against Philorth. Philorth, therefore, was either to

⁹⁶ 26 March 1607, CH2/89/1/87; 9 May 1607, CH2/89/1/91; 2 July 1607, CH2/89/1/91B; 16 July 1607, CH2/89/1/92; [date unknown] August 1607, CH2/89/1/93B-CH2/89/1/94. The August minute is not within the main record, but inserted on two separate pieces of paper. It was recorded between the 1st and 8th of August. In January 1608, the presbytery rebuked William Davidson, the minister of Rathen, for marrying without permission Philorth younger to his second wife, Isobel Gordon, daughter of Sir Robert Gordon of Lochinvar. See 28 January 1608, CH2/89/1/99; Fraser, *Frasers of Philorth*, 1: 168.

⁹⁷ 8 March 1608, CH2/89/1/101; 7 April 1608, CH2/89/1/103; 5 May 1608, CH2/89/1/104; 17 May 1608, CH2/89/1/105; 18 August 1608, CH2/89/1/110; 1 September 1608, CH2/89/1/111; 29 September 1608, CH2/89/1/112.

⁹⁸ 12 January 1609, CH2/89/1/115; 19 January 1609, CH2/89/1/116.

⁹⁹ 19 January 1609, CH2/89/1/116; 2 February 1609, CH2/89/1/117; 23 February 1609, CH2/89/1/118.

¹⁰⁰ 9 March 1609, CH2/89/1/119; 30 March 1609, CH2/89/1/119. Further research is needed to determine the reason for Philorth younger's warding. It may related to the various suits against him, his father, his uncle, and others for debts. All were put to the horn in January. See *RPCS*, 8: 310.

comply fully or be summarily excommunicated.¹⁰¹ Philorth younger returned in May and was given the same ultimatum.¹⁰² After years of conference, negotiation, and avoidance and under severe pressure with no available alternatives, both father and son communicated with the congregation of Fraserburgh on Sunday, the 25th of June, ending their prosecution.¹⁰³

This unconventional recusancy case was not a clash of Catholic and Protestant views, but a mismatch of Protestant theology. There is no evidence that either Philorth, especially the elder, was Catholic and, given the elder's status and Catholic kinsmen and connections, it would have been easy for him to have been a practicing Catholic, but no Kirk or civil records suggest that he was.¹⁰⁴ Instead, Philorth's personal theology seems to have been a mix of Reformed Protestantism and, given his belief in the real presence, Lutheran. Indeed, the *Arma Christi* imagery found in a hidden chapel atop a wine tower built by Philorth is further

¹⁰¹ 13 April 1609, CH2/89/1/119; 27 April 1609, CH2/89/1/120-CH2/89/1/121.

¹⁰² 25 May 1609, CH2/89/1/122.

¹⁰³ 29 June 1609, CH2/89/1/123.

¹⁰⁴ Two of Philorth elder's paternal uncles, Michael Fraser of Techmuiry and Alexander Fraser, were under process for recusancy at the same time as him. The brothers were probably Catholic and, in contrast to Philorth elder's approach of friendly dialogue and negotiation, they strongly resisted any dealings the Kirk. Both were excommunicated in the autumn of 1603. Michael's wife, Margaret Hay, was intermittently prosecuted for recusancy, but she managed to avoid excommunication and eventually submitted to the Kirk's demands in 1617. See Fraser, *Frasers of Philorth*, 2: 146-147; 13 [month unknown] 1603, CH2/89/1/2; 2 November 1603, CH2/146/1/106; 21 August 1617, CH2/89/1/213.

evidence of his Lutheranism, rather than Catholicism as previously supposed.¹⁰⁵ Whatever the exact nature of his sacramental beliefs, Philorth was firmly Protestant. His testimony and record of religious activities suggests that he thought himself a willing and involved participant in the Kirk of Scotland. His alternative understanding of one article of faith prevented him from becoming a full and formal member. He did not seek to reshape Kirk theology to fit his personal views. Instead, he seems to have been content in his position as a friend and patron to the Kirk. This attitude is apparent in his dealings with kirk authorities during the process against him. It appears that he was happy to receive and confer with ministers, honestly and openly professed his beliefs and doubts, negotiated sincerely for a settlement that would be agreeable to both sides, and did not cynically delay or obstruct the process. Philorth's conciliatory approach was accepted by the kirk authorities, though, increasingly, they viewed him as a recusant who was separate from the community of the godly. As in other recusancy cases, they strove to reconcile Philorth to the "truth"

¹⁰⁵ There has been speculation that Philorth elder was Catholic (or at least Catholic-leaning) based on the prosecution of the Kirk, the supposed Catholicism of his wife Magdalen Ogilvie, and a tower built by Philorth. The main source of modern scholarship on the topic is Ian Bryce (and occasional co-author Alasdair Roberts), who bases his conclusion of Catholicism on the latter two pieces of evidence. Both, however, are circumstantial. Regarding Magdalen's religion, Bryce argues that she was Catholic because two of her brothers, John (parson of Cruden) and Thomas, had exiled themselves in France, likely for religious reasons. Bryce assumes that she was "of the same unshakable persuasion." However, there is no other evidence linking her with Catholicism, making Bryce's conclusion highly speculative. The tower, known as the Wine Tower, is situated on the coast at Fraserburgh and was adjacent to the Frasers' castle of Kinnaid. Probably built by the 8th laird, its uppermost chamber contains a pendant boss depicting the *Arma Christi*. Bryce takes the inclusion of the *Arma Christi* as "unequivocal evidence" that the room was "a chapel, a private chamber for the celebration of the Mass as observed by the Roman Church." Because the lower chambers do not appear to have served any purpose, the tower may have been built expressly for the chapel. Furthermore, because the only entrance to the tower was through a second storey door that could only have been reached via a detachable ladder, it appears that the chapel was meant to be hidden. Therefore, Bryce's overall conclusion is that Philorth built the tower for Magdalen as a Catholic chapel. Whilst agreeing with Bryce about the date and purpose of the building, this study challenges the assumption that the *Arma Christi* constitutes incontrovertible evidence of Catholicism. Bryce does not take into account that Lutheranism was not opposed to religious imagery, unlike Scottish Reformed Protestantism, and traditional imagery continued to be used. The documentary evidence is evidence of Philorth's Lutheran views and the tower's *Arma Christi* imagery supports this conclusion. The *Arma Christi* would have also accommodated Magdalen if she were Catholic. It is much more likely, therefore, that the chapel was built for use by Philorth himself as well as his family. See *RPCS*, 4: 351; Balfour, *Scots Peerage*, 2: 9; Ian B. D. Bryce, "The Wine Tower, Fraserburgh," *The Double Tressure: Newsletter of the Herald Society of Scotland* 11 (1989), 3-14; Bryce and Roberts, "Post-Reformation Catholic Houses of north-east Scotland," 367-368. For imagery and the Lutheran Church, see the essays collected in *Lutheran Churches in Early Modern Europe*, ed. Andrew Spicer (Farnham: Ashgate, 2012). I am grateful to Lauren Murdoch for bringing the subject of the Wine Tower to my attention and sharing some of her findings on the matter from her forthcoming PhD thesis on post-Reformation religious imagery in Scotland.

and only pursued formal excommunication as a last resort. They did not show him any special favour and would never allow him to remain a non-communicating member of the Kirk. Philorth's case provides a vivid example of the diversity of beliefs among Scottish Protestants on the one hand and, on the other, the Kirk's intolerance of such diversity and its ambition to achieve a unified godly community.

The relationship between recusants and the Kirk is further illuminated by the case of John Cheyne and Elspet Garioch.¹⁰⁶ Of the recusants prosecuted by the Ellon presbytery, the various members of the Cheyne kingroup comprised a sizable proportion. Although the Cheyne lairds were known to be Catholic, the family's cadet branches received the most attention from kirk authorities. John was an uncle to Patrick Cheyne, the 9th laird of Esslemont (about two miles southwest of Ellon), and lived nearby in Claymires.¹⁰⁷ For over 10 years, he and Elspet were under scrutiny for not only their own recusancy, but also maintaining a sort of Catholic hub. The first stages of the chronology are confused, but their prosecution began in October 1598.¹⁰⁸ Their offence was not stated, but later evidence proves that it was recusancy. They were under threat of excommunication by March 1599 and were probably excommunicated in October 1599.¹⁰⁹ John was under excommunication by May 1601 when he offered to submit to the Kirk and, in June, he was reported to have been attending services.¹¹⁰

John's reform was short-lived. At some point before April 1602, the Privy Council charged the marquess of Huntly, as Lieutenant of the North, to apprehend and deliver to the burgh of Aberdeen one Jesuit and seven "excommunicated

¹⁰⁶ There is some confusion by an earlier historian about the identities of John and Elspet. Thomas Mair, in his *Extracts from the Records of the Presbytery of Ellon* (1894), identifies two John Cheynes, one of whom was resident in the (Mains of) Esslemont and married to Elizabeth Garioch; the other in Claymires of Esslemont and married to Isobel Garioch. However, A. Y. Cheyne, in *The Cheyne Family in Scotland* (1931), identifies these two sets as the same. Based on the evidence, A. Y. Cheyne is correct and it is assumed here that John Cheyne in the Mains of Esslemont and John Cheyne in Claymires of Esslemont is one and the same. His wife is referred to here as Elspet (which is the Scottish form of Elizabeth) as that was how she was first identified in the records. See Mair, *Records of the Presbytery of Ellon*, 42-44; Cheyne, *Cheyne Family*, 81-82.

¹⁰⁷ Cheyne, *Cheyne Family*, 81.

¹⁰⁸ 4 October 1598, CH2/146/1/23.

¹⁰⁹ 21 March 1598/1599, CH2/146/1/33; 10 October 1599, CH2/146/1/47.

¹¹⁰ 6 May 1601, CH2/146/1/74; 24 June 1601.

papists," including John, where they were to confer with ministers and be "resolvit in sic pointis of thair religioun quhairof they stud in doubt." If any refused, Huntly was to banish them from Scotland. Not having fulfilled the order, Huntly was charged again in April to deliver the group to the council and the king and he also disregarded this command.¹¹¹ It is significant that John had reached the attention of such a high authority.

John's excommunication was lifted before November 1603 when he was once again charged with absenting himself from services and Communion, which he admitted and promised to amend. He denied the additional accusation of receiving Jesuits and priests in his house. At this point, the focus shifted to Elspet, who was still excommunicated. She was allegedly running a tavern where "sundry cuirept me[n] resortes."¹¹² The charge was plausible because taverns were commonly operated by women and provided inconspicuous and discrete meeting places.¹¹³ The presbytery perceived Elspet to be enough of a threat to the local community that they sent Thomas Tullidaff, minister of Foveran, to persuade Helen Bruce, Lady Esslemont—widow of the 7th earl of Erroll and step-mother to the current laird of Esslemont—to remove Elspet "out of her bounds."¹¹⁴ Helen was also to be warned not to associate with Elpset. No further action was recorded, perhaps due to an intervention by Helen, who would be disinclined to expel her sister-in-law, especially given her myriad of Catholic kin and connections.

No further mention was made of either John or Elspet until March 1605 when the presbytery once again found them to be offering refuge to excommunicated Catholics. John was accused of harbouring Patrick Butter and his family.¹¹⁵ Patrick was in the service of Huntly, a distant cousin, and had been excommunicated c.1597, necessitating many years of life on the run and reliance on sympathetic

¹¹¹ *RPCS*, 6: 366.

¹¹² 30 November 1603, CH2/146/1/107.

¹¹³ Meikle, *Scottish People*, 103.

¹¹⁴ 30 November 1603, CH2/146/1/107; Mair, *Extracts from the Records of The Presbytery of Ellon*, 43; Cheyne, *Cheyne Family*, 82, 87. She is variously named as Helen/Helenor Bryson/Bruce in different records. See Balfour, *Scots Peerage*, 3: 569.

¹¹⁵ [date unknown] March 1605, CH2/146/1/120; 17 [month unknown] 1605, CH2/146/1/125;

connections.¹¹⁶ By housing the Butters for at least two months, John and Elspet were taking a considerable risk as Patrick and other "traffiquing papists" were ordered by the Privy Council in April 1605 to be apprehended and banished from Scotland by the end of June.¹¹⁷ John might have defied the orders of the presbytery, but he was not prepared to ignore the Council. It appears that the Butters left his residence shortly thereafter.¹¹⁸ John himself was not the focus, instead it was his—and previously Elspet's—activities in aiding other Catholics that was of the greater interest.

From late 1607, however, the presbytery became increasingly concerned with the personal religious loyalties of John, Elspet, and, now, their son John. In December, John elder was accused of "papistrie and Idolatrie," absenting himself and his servants from services and Communion, and receiving Jesuits and priests. He denied the accusations, stating that he had previously subscribed to the Confession of Faith, attended services with his servants when at home, took Communion when it was offered, and had not received any Jesuits or priests. Promising to continue to obey "the discipline of the kirk in all poynts," John's prosecution was suspended. Elspet, however, was unwilling to conform. She must have made some previous concession to the Kirk since her excommunication had been lifted at some point in the last three years, though she had not recently communicated and was not currently attending services. Since she refused to appear before the presbytery, the presbytery ordered John to ensure she obeyed. John replied that "scho wald do nathing for him in that poynt nor wald not be moueit be him to be obedie[n]t to the voce of the kirk q[uhai]rfor he wald promeis nathing in hir nam." Similarly, he could not "moue" his son to subscribe or communicate and also refused to speak or promise anything on his behalf. John did manage to negotiate a six-month suspension of Elspet's process if she agreed to attend services and confer with Robert Mercer, Ellon's minister, and two elders, one of whom may have been her brother-in-law William Cheyne.¹¹⁹ The

¹¹⁶ *RPCS*, 5: 213.

¹¹⁷ *RPCS*, 7: 37.

¹¹⁸ 17 [April] 1605, CH2/146/1/125.

¹¹⁹ 30 December 1607, CH2/146/2/15; Cheyne, *Cheyne Family*, 82.

group did meet with Elspet and John younger, but failed to effect their "conversioun." Furthermore, Elspet put in another request for a suspension, whilst rejecting outright all of the presbytery's terms.¹²⁰ Two months later, Mercer excommunicated Elspet and John younger. The minute noting the presbytery's permission to excommunicate includes rare detail about the language commonly used to describe recusants. After giving Elspet and John three admonitions and three prayers on consecutive Sundays, Mercer declared to the congregation of Ellon that each was an "obstinat papist" and "ane rottin me[m]ber of the Misticall body of Christ noysum and hurtfull to the co[n]gregatioun" who should be cut off "as ane Rottin me[m]ber from the societie of Gods kirk." Still, he prayed for their reconciliation and asked the "co[n]gregatioun to joyne w[i]t[h] him in prayer." Since both mother and son proved irreconcilable, Mercer pronounced the sentence of excommunication against them two weeks later in presence of the congregation.¹²¹ The traditional metaphor of diseased parts of the Christian body allowed Mercer to remind his congregation that the health of the godly community was dependent upon the steadfast adherence of all its members. More than just the punishment of non-adherents, excommunication was for the good of the temporal and spiritual community. Yet, as God was forgiving and merciful, the godly should be likewise and, if they repented and reformed, excommunicants might be reabsorbed into the community.¹²²

With two members of his immediate family excommunicated, John and his extended family came under increased scrutiny by various kirk bodies. In July 1608, the General Assembly petitioned the king to order the destruction of Gordon of Gight's chapel and the house of John Cheyne because both places were found to be haunts for Jesuits and priests.¹²³ In the same month, Patrick Cheyne of Esslemont, already wanted by the Kirk since 1605 for adultery, was found to be recusant and

¹²⁰ 20 January 1608, CH2/146/2/16.

¹²¹ 30 March 1608, CH2/146/2/18-20.

¹²² Todd discusses repentance meaning and ritual at length in Chapter 3 of *The Culture of Protestantism*.

¹²³ Shaw, *Acts of the General Assemblies*, 2: 1,426; Cheyne, *Cheyne Family*, 82.

employing John Cheyne younger.¹²⁴ In early 1609, the Ellon presbytery accused John elder of recusancy, receiving Gight, and hosting the Catholic wedding of a daughter of Patrick Butter and Patrick Cheyne (relation unknown), a merchant of Old Aberdeen. He admitted to receiving Gight and not Communicating for the past three or four years, contradicting earlier assurances that he had. He was willing to confirm that the wedding had taken place, but it had not been in his house, a fact later corroborated by his brother James.¹²⁵ The presbytery reiterated the charges of recusancy a few more times, but the process inexplicably disappears from the records in mid-March.¹²⁶ For the rest of the decade, the family made only one more appearance in the presbytery records when three men were convicted in January 1610 for associating with Elspet.¹²⁷ John elder appears in civil records for matters concerning property and various misdeeds, but his religious activities did not feature until 1612 when the Fife synod accused him of receiving Jesuits and priests and possessing vestments for Mass.¹²⁸ He denied the charges and stated that he professed "with us in all things."¹²⁹

Despite John's repeated denials of his Catholicism and affirmations of his adherence to the Kirk, he and his family were clearly Catholic. They were actively involved in preserving Catholic practice by providing refuge for other lay Catholics as well as Catholic clergy. John's ready, but intermittent compliance with the presbytery suggests that he, as head of his family, tactically offered outward conformity in order to shield his household and activities from further prying, a

¹²⁴ March 1605, CH2/146/1/120; 19 July 1608, CH2/146/2/25. Patrick managed to avoid excommunication only by escaping to Shetland and dying sometime before March 1609. See October 1608, CH2/146/2/31; 8 March 1609, CH2/146/2/41; Cheyne, *Cheyne Family*, 96.

¹²⁵ October 1608, CH2/146/2/31; 11 January 1609, CH2/146/2/35; 25 January 1609, CH2/146/2/35; 8 February 1609, CH2/146/2/37; 8 March 1609, CH2/146/2/40. James admitted that he had performed the wedding beside a "Mekill Gray stane" a few miles away near the house of the laird of Foveran.

¹²⁶ 8 February 1609, CH2/146/2/37; 22 February 1609, CH2/146/2/38; 8 March 1609, CH2/146/2/39.

¹²⁷ 17 January 1610, CH2/146/2/63.

¹²⁸ Cheyne, *Cheyne Family*, 82; *RPCS*, 8: 314; David Littlejohn, *Records of the Sheriff Court of Aberdeenshire*, vol. 2, *Records, 1598-1649* (Aberdeen: Aberdeen University, 1906), 162.

¹²⁹ John younger and Elspet, who were also called to appear before the synod, were not referred to as excommunicants, which suggests that their sentences had been lifted. See 24 April 1612, *Ecclesiastical Records. Selections from the Minutes of the Synod of Fife, M.DC.XI.-M.DC.LXXXVII* (Edinburgh: Printed for the Abbotsford Club, 1837), 52; CH2/154/1/117.

common tactic.¹³⁰ These activities were, in a way, of more concern to the kirk authorities than the Cheynes' personal faith. Their personal Catholicism was cause enough for prosecution, but their persistent propagation of it was the bigger threat, amplified by John's extended Catholic kin network. Indeed, many of his higher-status kin within the North East were prosecuted for recusancy. Among them were his sister Margaret, her husband, Patrick Con, Laird of Auchry, and their sons Alexander and Patrick and his cousins Thomas Cheyne, 2nd laird of Raniestoun and Walter Cheyne, 9th laird of Arnage.¹³¹ By virtue of being an uncle to a prominent Cheyne laird, John had the protection and connections offered by the status without as great responsibilities or public profile, making him better placed to operate an underground movement. Aware of John's position, the Kirk kept a particular focus on him and his household.

The parish of Aberdeen provides the setting for the final two case studies. Since Aberdonians were, as a whole, reluctant to accept reform before and after 1560, the official approach to recusancy developed over three phases, from initial inclusiveness in the 1560s, to strategic prosecution in the mid-1570s, to general intolerance in the 1600s. Because the burgh was a large, but tight-knit and well-documented community, the role of networks in recusancy and recusancy prosecution during these phases is more clearly visible. Moreover, given the relatively-long run of records, the changes and continuities of recusancy can be traced.

Given the prominent and lingering political presence of Aberdeen's Catholics,

¹³⁰ Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (Woodbridge: Boydell Press for the Royal Historical Society, 1993), 77-81.

¹³¹ 2 May 1599, CH2/146/1/34; 23 March 1604, CH2/1/1/273; [date unknown] July 1607, CH2/146/2/8; [date unknown] March 1608, CH2/146/2/18; 24 November 1608, CH2/1/1/487; Cheyne, *Cheyne Family*, 83. A. Y. Cheyne has suggested that Thomas was the same Thomas Cheyne who travelled through Italy in 1595 in connection with the Catholic activities of Huntly and Erroll. Walter was married to Marjorie Cheyne, a daughter of John Cheyne, 10th laird of Straloch. Walter's uncle was a secular priest and a founder of the Scots College in France. See *Cheyne Family*, 138-140, 129-131; Michael Yellowlees, "So strange a monster," 44; Markham John Thorpe, ed. *Calendar of The State papers, Relating to Scotland: Preserved in the State Paper Department of Her Majesty's Public Record Office*, vol. 2, *The Scottish Series of the Reign of Queen Elizabeth, 1589-1603; An Appendix to the Scottish series, 1543-1592; and the State Papers Relating to Mary Queen of Scots During Her Detention in England, 1568-1587* (London: Longman, Brown, Green, Longmans & Roberts, 1858), 683.

the matter of recusancy was always going to be tricky to negotiate. The fourth and fifth earls of Huntly's protection of Aberdeen—and the whole of the North East—for most of the 1560s and early 1570s allowed the burgh's civil and ecclesiastical leaders to ignore outside pressure to rid itself of Catholics.¹³² It is not surprising, therefore, that the inaugural kirk session of 1562/1563 and its second and also short-lived incarnation of 1568 did not pursue any cases of recusancy. The most significant anti-Catholic activity before 1574 was the ousting in June 1569 of five senior faculty members of King's College in Old Aberdeen who were found to be "obstinate papists." As the university had been the one remaining academic pillar of conservative Catholicism, this was a notable coup for the Kirk and was of great symbolic importance, especially as it occurred in the midst of the civil wars. The General Assembly had requested their removal almost a year earlier, but it was effected only after the fifth earl's submission to Regent Moray in May and Moray's subsequent stay in the burgh.¹³³ Shortly after Moray's assassination in January 1570, Huntly regained control of the North East and, apart from a report to the Assembly in 1572 of a Mass that was held in Old Aberdeen, there were no further serious efforts to combat Catholicism at the time.¹³⁴

In early 1573, the political landscape changed once again. At the end of the civil wars, Huntly lost his independent power in the North East—this time for good—and Regent James Douglas, earl of Morton sought to reimpose royal authority upon the region.¹³⁵ Morton was a staunch Protestant and keen to reform areas of lingering Catholicism.¹³⁶ Bolstered by these developments and the appointment in August of John Craig, an enthusiastic new minister previously posted at St Giles in Edinburgh, the kirk session was resurrected in September, possibly for a third

¹³² In fact, the fifth earl of Huntly collected the Kirk's thirds of benefices through his collector John Duff for a few years from the late 1560s and had delivered less than twenty percent of the revenues to ministers. See White, "Religion, Politics and Society in Aberdeen," 256.

¹³³ Shaw, *Acts of the General Assemblies*, 1: 161, 176-178; White, "Religion, Politics and Society in Aberdeen," 237, 240-241.

¹³⁴ Shaw, *Acts of the General Assemblies*, 1: 303.

¹³⁵ Dawson, *Scotland Re-Formed*, 280; White, "Religion, Politics and Society in Aberdeen," 270-271. Huntly was warded in Galloway from July to December 1574 and died in October 1576. See *RPCS*, 2: 381, 423; "Gordon, George, fifth earl of Huntly (d. 1576)," *ODNB*.

¹³⁶ Dawson, *Scotland Re-Formed*, 284; White, "Religion, Politics and Society in Aberdeen," 271.

time.¹³⁷ Among other matters, the reform-minded faction of the session pushed for a crackdown on recusants and those who observed traditional Catholic customs. In March, the General Assembly demanded the immediate excommunication of "papists" who did not conform to the Kirk within eight days of receiving warning.¹³⁸ The Aberdeen kirk session was not so bold. It called for the "transgressouris againis the religion," meaning those that did not attend services, "to be first handillit and travellit with gentilly, gife be ony meanes possible thay may be von." If compliance was not forthcoming, then the "actis of the Kirk and Parliament" were to be implemented.¹³⁹ This comparatively mild legislation may suggest that Craig and the progressive members of the session sought to convert rather than coerce. One reason why reform had failed to take hold in the burgh initially was the tangle of familial, social, political, and economic networks. Aggressive action against Catholics by the new minister and a minority of the session might have resulted in further conservative entrenchment.¹⁴⁰ This suggests that the conservative faction was sufficiently weakened by the eclipse of Huntly and various other events to be forced to compromise, but retained enough authority to impede more vigorous handling.¹⁴¹

Despite the weak wording of the legislation, it produced the session's first prosecution of recusants, almost a dozen years after its initial formation. After a warmup case in November 1573, the session tried seven individuals, one couple, and two families for Catholic recusancy between April and August 1574. It also sought to repress culturally Catholic customs by enforcing the prohibition on observing holy and festival days and instructing the master of the song school to "give no play nor any priwoledge to the scholors in the dayes dedicated to superstition in Papistrie."¹⁴²

¹³⁷ *Fasti*, 6: 35-36.

¹³⁸ Shaw, *Acts of the General Assemblies*, 1: 313; White, "Religion, Politics and Society in Aberdeen," 290.

¹³⁹ 12 November 1573, Stuart, *Selections from the Records of Aberdeen*, 15 and CH2/448/1/31.

¹⁴⁰ White, "Religion, Politics and Society in Aberdeen," 293-294.

¹⁴¹ In 1573, the Privy Council took action against non-conforming clergy, many of whom were resident in Aberdeen and the North East. See White, "Religion, Politics and Society in Aberdeen," 291-292.

¹⁴² 16 February 1573/1574, Stuart, *Selections from the Records of Aberdeen*, 16 and CH2/448/1/37; 18 February 1573/1574, CH2/448/1/37; 27 April 1574, Stuart, *Selections from the Records of Aberdeen*, 16 and CH2/448/1/4 (Stuart erroneously gives the date as the 24th).

The session's anti-Catholic efforts were further bolstered by Regent Morton's stay in the burgh from August to September. Asserting his authority, Morton rebuked the burgh's three bailies in the presence of the Privy Council for their negligence in inhibiting and punishing religious transgressions, such as keeping traditional festival day, holding Sunday markets, and possessing "imagerie or vtheris monmmentis of ydolatrie." Morton's public programme of eliminating the remnants of Catholicism was most powerfully demonstrated by his order to remove the organ in St Nicholas and repurpose as seats the "prestis stallis and bakkis of altaris" to accommodate the hearing of sermons.¹⁴³

A wholesale change in the kirk session's membership was also effected with its election in late September, perhaps partly due to the Privy Council's reissue of the 1567 parliamentary act requiring all public officials to profess "the purity of religion and doctrine now presently established."¹⁴⁴ Pronounced from Aberdeen in early September, the new act went further by requiring officials, upon admission, to swear that they professed the "trew religioun of Jesus Chryst, as the same is now publictie preacheit and be law ressavit and establissit within this realme; renunceand all ydolatre superstitioun and paptisticall errouris quhatsumevir."¹⁴⁵ Although this act was directed at civil magistrates, it had a knock-on effect on the kirk session. Contrary to former practice, none of the twelve elders or ten deacons elected in 1574 had served before and only four were current burgh council members.¹⁴⁶ Moreover, the session had lost some of the burgh's most prominent Catholics, including Thomas Menzies, although he retained the provostship and there were few changes to the council.¹⁴⁷

The successful year of repressing Catholicism and prosecuting recusants was not to be repeated in the remaining years of the surviving session records for the

¹⁴³ 18 August 1574, Stuart, *Selections from the Records of Aberdeen*, 19-20 and CH2/448/1/67-CH2/448/1/69. White discusses in more detail the matter of the kirk furnishings at this time in "Religion, Politics and Society in Aberdeen," 278-280.

¹⁴⁴ *RPS*, A1567/12/8.

¹⁴⁵ *RPCS*, 2: 401-402; 3 September 1474, CH2/448/1/69-CH2/448/1/71.

¹⁴⁶ 28 September 1574, CH2/448/1/59; 3 October 1574, CH2/448/1/59; White, "Religion, Politics and Society in Aberdeen," 297.

¹⁴⁷ 23 October 1573, CH1/1/1/28/104; 8 October 1574, CH1/1/1/28/290-CH1/1/1/28/291.

1570s. There were still Catholics in the burgh, though there was only a single case of recusancy in 1575, which was quickly settled. Several reasons for this abrupt end to the session's anti-Catholic efforts can be suggested. Firstly, once Morton had moved his attention away from the North East, the burgh's conservatives reasserted their influence on the session's activities. This reversion was formally achieved in the 1575 session election when the new-broom kirk session of 1574 was brushed aside with only five of its members remaining. Furthermore, the council now had ten of its members as elders because the reform faction had lost the upper hand.¹⁴⁸ Secondly, as Allan White suggests, the removal of the last public vestiges of Catholicism and the concentrated period of high-profile and successful prosecution obliged many Catholics to withdraw into "the relatively private world of recusancy."¹⁴⁹ They were probably unable (or unwilling) to cloak their identity altogether given the communal nature of burgh. Their withdrawal would make it more difficult for the session to prosecute them, especially if they were protected by important kin or made outward signs of conformity such as attending services. Despite the setbacks of 1575 and the inactivity of the next few years, the achievements of 1573 and 1574 proved to be the most significant since 1560 and were a milestone in Aberdeen's religious transformation.

The conclusion that the transformation to a predominantly Protestant burgh had been largely achieved by the beginning of the seventeenth century is supported by the dearth of recusancy cases between 1602 and 1610. The kirk session only handled three confirmed cases of Catholics recusants (two of which were shared with a presbytery) and the presbytery handled the cases of two occasional residents of Aberdeen, Thomas Cheyne of Raniestoun and Walter Cheyne of Arnage.¹⁵⁰ This total is only a small fraction of the number of non-communicants/non-adherents, which suggests that entrenched recusancy was no longer common in the burgh. Moreover, the primary target of the kirk session was Master Thomas Menzies

¹⁴⁸ 16 October 1575, CH2/448/1/83; White, "Religion, Politics and Society in Aberdeen," 297-298.

¹⁴⁹ White, "Religion, Politics and Society in Aberdeen," 298.

¹⁵⁰ 8 November 1607, CH2/448/2/277; 2 July 1609, Stuart, *Selections from the Records of Aberdeen*, 68 and CH2/448/2/363; 21 November 1606, CH2/1/1/379; 1 December 1608, CH2/1/1/489.

(second son of the former provost), a dynastic remnant of the old political and Catholic guard. Actual Catholic numbers were certainly higher, but the kirk session was not in the habit of turning a blind eye, especially as it was itself under the scrutiny of higher kirk bodies. Instead, its policy was to prosecute open and avowed Catholics, like Menzies.

The kirk session had a history of strategic prosecution. With its initial recusancy case in November 1573 and the barrage of prosecution that followed in the spring of 1574, it was sharply selective in its targets. Before launching a campaign against the burgh's recusants, the session first tried Robert Rust, a lawyer of Old Aberdeen who had ties with William Gordon, the bishop of Aberdeen and great-uncle to the fifth earl of Huntly.¹⁵¹ Presumably wishing to make a high-profile example of Rust, the session sentenced him to make his repentance in public on two Sundays and a Thursday. On the first Sunday and Thursday, he was to stand bareheaded at the kirk door from the first bell, escorted to and stand beside the stool of repentance during the sermon, escorted back to the door when the sermon had finished, and remain there until all had departed from the kirk. On the last Sunday, he was to "mak his recantation publicklye, and confession of the fayth."¹⁵² Rust complied without any evident fuss and no more was mentioned of him the records.

No doubt buoyed by this smooth and successful initial prosecution, the session turned to the burgh's resident recusants. Since prosecuting current kirk session and burgh council members, such as Provost Thomas Menzies, was still not an option, the reform faction of the session set its sights on close family members of prominent Catholics. Indeed, the provost's sons Master Thomas of Durn and Gilbert of Coull (and his three sons) and the extended family of the provost's brother, Gilbert elder, were the main cases, all initiated during Morton's stay in August. Gilbert of Coull, a bailie of the burgh, had already been under process by the Privy Council for recusancy; imprisoned in Edinburgh in February, he was released in March after he promised, on the pain of £1,000, to "behave himself as ane obedient member of the

¹⁵¹ White, "Religion, Politics and Society in Aberdeen," 292-293; "Gordon, William (d. 1577), bishop of Aberdeen," *ODNB*.

¹⁵² 26 November 1573, Stuart, *Selections from the Records of Aberdeen*, 15 and CH2/448/1/31.

Kirk of God."¹⁵³ The Aberdeen kirk session followed up the Privy Council's orders and directed him to communicate by All Hallows and have his youngest child baptised.¹⁵⁴ He probably complied and his two older sons joined the Kirk and subscribed to the Confession of Faith.¹⁵⁵ The wife, daughter, and two sons of Gilbert elder, himself a member of the kirk session and council, also eventually obeyed the session's demands to repudiate Catholicism and subscribe to the Confession of Faith.¹⁵⁶ Four other session relatives were accused of papistry and ordered to give their confession of faith: Bessie Seinyeor, the wife of the session's scribe; Janet Knowles, a daughter of an elder; and Isobel Irvine, the wife of another of the burgh's bailies.¹⁵⁷ Maitland refused and no further action was recorded.¹⁵⁸ The other three, however, did comply.¹⁵⁹ Master Thomas Menzies was first summoned by the kirk session in April 1574, but did not appear until June.¹⁶⁰ Enjoined to adhere to the Kirk, he requested more time.¹⁶¹ The matter was dropped, though it was picked up again in October 1576 when Thomas requested baptism for his illegitimate child. The kirk session granted the baptism on condition that Thomas subscribe to the Confession of Faith and, for the offence of fornication, pay 20 sh. and make his repentance, with his uncle Gilbert Menzies elder standing caution.¹⁶² The kirk appointed a Sunday in December for Thomas' repentance, but it is not known if he

¹⁵³ *RPCS*, 2: 332, 343-344; White, "Religion, Politics and Society in Aberdeen," 294.

¹⁵⁴ 17 August 1574, Stuart, *Selections from the Records of Aberdeen*, 18 and CH2/448/1/53; 6 January 1574/1575, CH2/448/1/67.

¹⁵⁵ 9 September 1574, CH2/448/1/57; 16 September 1574, CH2/448/1/57.

¹⁵⁶ 20 April 1574, CH2/448/1/41; 17 August 1574, CH2/448/1/53; 9 September 1574, CH2/448/1/57; 16 September 1574, CH2/448/1/57; White, "Religion, Politics and Society in Aberdeen," 294, 295, 296.

¹⁵⁷ 20 April 1574, CH2/448/1/41; 22 April 1574, CH2/448/1/41; 13 May 1574, CH2/448/1/45.

¹⁵⁸ 20 April 1574, CH2/448/1/41; 17 June 1574, Stuart, *Selections from the Records of Aberdeen*, 17 and CH2/448/1/47; White, "Religion, Politics and Society in Aberdeen," 178; 295.

¹⁵⁹ 17 June 1574, Stuart, *Selections from the Records of Aberdeen*, 17 and CH2/448/1/47. Knowles, the concubine of Bishop Gordon, initially testified to the session that she would "co[n]fesse all good things and refuse all ewill things, but wold not do in the Mas in especial." There is no record of any negotiation, but she agreed by the end of June to meet the demands of the Kirk. See White, "Religion, Politics and Society in Aberdeen," 178; 22 April 1574, CH2/448/1/41; "Gordon, William" *ODNB*.

¹⁶⁰ 20 April 1574, CH2/448/1/41.

¹⁶¹ 17 June 1574, CH2/448/1/47.

¹⁶² 25 October 1576, CH2/448/1/107.

fulfilled this or the other conditions.¹⁶³ The kirk session may not have succeeded with all its targets, but its initial round of prosecution was relatively successful and, for the long-term, asserted the power and authority of the kirk session and set a precedent for future anti-Catholic measures.

The second phase of the kirk session's recusancy prosecution is exemplified by the case of another Master Thomas Menzies, one of a handful of recusants in the burgh to be prosecuted in the first decade of the seventeenth century.¹⁶⁴ In March 1606, the session requested Bishop Blackburn and Provost Alexander Rutherford to meet Thomas and urge him to attend services.¹⁶⁵ Thomas did not obey and his case reached the presbytery in August, which gave permission to the session to continue its process against him, adding that he had not communicated within the last year and had contemned the recent public fasts.¹⁶⁶ Still, the session did not summon him until November and he managed to avoid further prosecution by stating that he had communicated and did attend sermons, though admittedly not regularly, which he promised to amend.¹⁶⁷

The following March, however, the session escalated the case against him. After accusing Menzies of associating with an excommunicated Catholic, the

¹⁶³ 20 December 1576, CH2/448/1/111.

¹⁶⁴ It is presumed here that the Master Thomas Menzies of the early 1600s is different from the one of the 1570s, but it is difficult to untangle the two since many edited or secondary sources confuse them. The latter succeeded his brother Gilbert as Aberdeen's provost in 1588 and his son and heir, Thomas, was elected provost in 1592, 1595, 1602, and 1615-1620. Alexander Munro supposes that he died between 1593 and 1595 given that his son is noted as heir in 1592, but not 1595. However, Thomas younger, acting as a commissioner to parliament in 1593, is noted as heir on 10 July, but not 16 July, making the reference to heir unreliable (unless Master Thomas happened to die in the brief interim). The last reference to "Mr Thomas Menzeis of Durne" in the Privy Council register is from January 1594. See White, "Religion, Politics and Society in Aberdeen," 334; Alexander M. Munro, *Memorials of the Aldermen, Provosts, and Lord Provosts of Aberdeen, 1272-1895* (Aberdeen: "Free Press" Printing Works for the Subscribers, 1897), 110, 116, 121, 126, 129; *RPS*, A1593/4/12, 1593/4/15; *RPCS*, 5: 609. Master Thomas Menzies of the early 1600s seems to have been a sometime Aberdeen burgh council member and bailie and may have later acquired the lairdship of Balgownie. A "Mr Thomas Menzies, burgess of Aberdeen" appealed to the General Assembly in 1593 for more time to confer with the Kirk regarding the "heads of religion." In 1601, the Privy Council prohibited him and many others from associating with certain outlaws. See Shaw, *Acts of the General Assemblies*, 2: 959; *RPCS*, 6: 222; William Temple, *The Thanage of Fermartyn, Including the District Commonly Called Formartine, Its Proprietors, With Genealogical Deductions; Its Parishes, Ministers, Churches, Churchyards, Antiques &c.* (Aberdeen: D. Wyllie & Son, 1894), 651.

¹⁶⁵ 9 March 1606, CH2/448/2/187; White, "Religion, Politics and Society in Aberdeen," 335.

¹⁶⁶ 8 August 1606, CH2/1/1/365; 27 April 1606, CH2/448/2/195; 20 July 1606, CH2/448/2/207.

¹⁶⁷ 16 November 1606, CH2/448/2/227; 23 November 1606, CH2/448/2/227.

moderator, James Ross, put to him that he had not communicated at the previous eight administrations. Menzies gave no reply to the first charge, but responded to the second that he was out of the burgh during the Communion of the previous year and was ill during the most recent administration in February. Ross countered that he was known to be in residence during the Communion times and, on the Saturday prior to February's Communion, had been spotted "walkin on the causey." Ross then asked if Menzies was of the "trew religioun" to which he had previously sworn and subscribed, to which he replied that "he wald obey the kingis lawis." Pressing Menzies to give an unambiguous answer, Ross enjoined him "in a mater of conscience and religioun, he shuld frame his answer, that he shuld obey God and his word, established be his Maiesties lawis." Refusing to budge, Menzies was ordered to appear before the synod in a few days.¹⁶⁸ It appears that the kirk session then referred the matter to the presbytery.

In November 1607, the presbytery reiterated and updated the charges against Menzies, which he accepted for the most part and promised to amend.¹⁶⁹ He managed to avoid recusancy charges for over a year and, from later records, he communicated during this time and may have subscribed again to the Confession. By 1609, however, he had resumed his former ways and the presbytery vigorously resumed their prosecution. On 24 February, the presbytery charged him with associating with Huntly, Patrick Mortimer, and two other excommunicated Catholics, holding bonfires on Midsummer's Eve and St Peter's Eve the previous year, not attending services regularly, and not communicating for the past three years. More seriously, the presbytery branded him "a reasonar w[i]t[h] the papistis aganis the true relligioun" who has given good reason for the Kirk "To esteme him as ane apostate frome the true and relligioun."¹⁷⁰ Menzies appeared before the presbytery on 2 March. He admitted associating once with Huntly, but denied associating with Mortimer within the past three years and never with the other two. He blamed his

¹⁶⁸ 8 March 1607, Stuart, *Selections from the Records of Aberdeen*, 57 and CH2/448/2/241.

¹⁶⁹ 26 November 1607, CH2/1/1/449; 10 December 1607, CH2/1/1/451. Thomas denied socialising with George Gordon of Gight, but admitted to occasionally associating with excommunicated Catholics for business purposes.

¹⁷⁰ 24 February 1609, CH2/1/1/499.

son for the bonfires. As for attending services, he claimed that he was often too infirm to make the journey. He had been away at the times of Communion and would have communicated at the previous Sunday's administration, but was debarred by the minister because he was under process. He denied "reasoni[n]g aganis the true fayt[h]" and insisted that he abided by the Confession. Challenged to repudiate the doctrine of transubstantiation and other "errors of papistrie," he replied that that point was a "mesterie to him" and "past his capacitie," but assured the presbytery that he "renu[n]cit all errors according to the worde of god." The presbytery saw through his prevarication and again ordered him to appear before the March synod. There was no need for the synod's involvement because the bishop and Aberdeen's ministers reported on the 9th that Menzies had "satisfeit thame in all poy[n]tis," took Communion with them, and promised to keep the services and "all vth[er] Christiane dueties."

The stages of Aberdeen's Protestantism can be viewed in the cases of the two Thomas Menzieses. Master Thomas Menzies of Durn's prosecution was associated with a religious and political turning point for the burgh as the combined power of Regent Morton and minister Craig forced Aberdeen to confront its continued Catholicism. By targeting the Catholic networks of the Menzieses and other important families, the kirk session effected the beginning of the end of overt Catholicism. By the first decade of the seventeenth century, the kirk authorities had largely achieved their aims, as symbolised by the other Master Thomas who was no longer one of many, but very much in the minority. He represented the progress of Protestantism in the burgh, yet he also represented continuity. He remained Catholic, though he occasionally submitted to the Kirk, perhaps for some respite from the process of prosecution. The circumstances of his case, therefore, demonstrate that Catholicism withstood the Kirk's battle against it and survived as a living religion in the North East and Scotland as a whole.

Through the case analysis of non-communicants and recusants, it can be concluded that the majority of parishioners in the North East adhered to the Kirk. Not only were rates of non-communicants and recusants low, but most

non-communicants and a significant number of recusants who were prosecuted actually submitted to the Kirk and adhered. The Kirk was generally diligent in prosecuting non-adherents and most cases were resolved. In all those cases, the Kirk was victorious since those charged either complied with its demands to join (or, in a few cases, were made to submit proof of adherence) or were excommunicated. Either way, the authority of the Kirk was strengthened with each resolved case.

Whilst the kirk authorities had the upper hand in prosecuting cases of non-adherence, they were not inflexible or uncompromising. They pursued open dialogue and negotiation and, even after excommunication, bringing people back into the Kirk was always the goal. Dialogue and negotiation might also be used by those under process. Both non-communicants and recusants sought settlements that would be acceptable to both parties. Some tried to delay the process indefinitely or convince the Kirk to permit their non-adherence. Even a convinced Catholic such as George Gordon of Gight employed both tactics. A difference in expectations between the Kirk and non-adherents could also be a factor in negotiation. For example, Sir Alexander Fraser of Philorth appeared not to comprehend fully why the Kirk pursued him so persistently. Since he accepted most aspects of the Kirk and posed no threat, he may have hoped that his choice to abstain from Communion could be accommodated. In contrast, the kirk authorities were expected to prosecute him and expected him to conform or be excommunicated. Other non-adherents refused to have any dealing with the Kirk and had no expectations of accommodation, resulting in comparatively prompt excommunication.

In all cases, both parties possessed a certain degree of agency. Whilst it was the Kirk's duty to prosecute all non-adherents and keep to general standards in the process, individual kirk bodies had leeway to carry out the process as they deemed appropriate and most effective. They had the option to prosecute strategically and adapt their approach to suit the case, always with a view to effecting reconciliation. In turn, those prosecuted had the choice to

work with kirk authorities or not and, ultimately, to reconcile or not. They did not have direct control over the process, but their choices at each juncture shaped the ways in which it progressed. Thus, the nature of each case of non-adherence was formed by many variables and the non-adherents themselves represented a wide spectrum of religious belief and experience.

Chapter 6: Provision of Ministers and Readers

As the practice of Scottish Reformed Protestantism at the parish level was primarily directed through public worship and the Sacraments, those who led worship and administered the Sacraments were critical to the parish's spiritual life. Through effective ministers and readers, reform was able to take root and grow at the parish level. The initial planting of ministers and, in some parishes, readers across Scotland, the financial settlements for kirk personnel and parishes, and the creation of new ecclesiastical bodies and structures was a long, complicated, and incomplete process.¹ Despite the difficulties, all of the parishes of the North East were served in full or partial capacity by a minister and/or reader by the beginning of the seventeenth century. The main focus here is on the provision process of the second or third waves of ministers and readers who succeeded those first appointments. In the Kirk's standard placement process of ministers and, to a lesser degree, readers, the congregation had an active role with the power and responsibility, with some limiting conditions, to choose their ecclesiastical leaders. This authority not only shaped the process and its outcome, but also invested parishioners in the formal practice of their faith. This chapter, therefore, looks at how ministers and readers were placed in the parishes of the North East and the role of the congregation in the placement process.

The placement of parish ministers as directed by the *Forme of Prayers* and *First Book of Discipline* consisted of three stages: "Election, Examination and Admission."² Whilst the General Assembly tweaked the specifics over the following decades, the basic principles and structure remained. The first stage was the "election" or nomination of a candidate by the congregation. Lay patronage of clergy by individuals or groups was extensive in pre-Reformation practice, but was not exercised by parish congregations as a collective unit. Whereas the teinds

¹ For developments at the national level, see, for example, MacDonald, *Jacobean Kirk*; Duncan Shaw, *The General Assemblies of the Church of Scotland, 1560-1600: Their Origins and Developments* (Edinburgh: Saint Andrew Press, 1964); Dawson, *Scotland Re-formed*, Chapter 10, 251; Julian Goodare, *State and Society in Early Modern Scotland* (Oxford: Oxford University, 1999), Chapter 6.

² Knox, *Works*, 4: 175-176; Cameron, *First Book of Discipline*, 18, 96.

(tithes) or other financial contributions of parishioners did not bring with them the power of appointment, the rights of lay patrons were obtained through endowments. Although the financial settlements of the 1560s preserved the position of the individual patron and their entitlement to present candidates, as is shown below, they did not have the authority to appoint ministers unilaterally or force their admission.³ The official trial process that was to be followed gave the congregation a key role. In practice, however, most congregations did not nominate candidates directly as they were not involved in Kirk operations to the extent that they would be informed about potential ministers. Therefore, the task often fell to presbyteries or patrons, but congregations were involved in the subsequent stages.⁴

Once nominated, the candidate was to undergo an examination and demonstration of his faith, knowledge, abilities, and conduct in life. From the establishment of the presbyteries, the examination was conducted as part of a regular presbyterial meeting, which was open to the public. The candidate was to give the Exercise, which involved expounding on the doctrine of a set piece of Scripture.⁵ If found proficient by the presbytery, the candidate would then be assigned a date, normally on a Sunday, to preach at his potential kirk "in open audience of his Flock" and, again, give a confession of his faith. If the congregation approved of his abilities and character, he was accepted for the post and formally admitted to the kirk at a later date.⁶ Although the congregation had the option of rejecting the candidate and a forced appointment was to be avoided, higher kirk authorities had the power to install an otherwise qualified minister without the congregation's permission if they

³ *RPS*, A1561/12/3, A1567/12/9; *RPCS*, 1: 487-488; Shaw, *Acts of the General Assemblies*, 2: 1,022.

⁴ In the *First Book of Discipline*, the right of nomination was transferred to the "best reformed Church" in the area, which was initially the superintendent and the principal kirk of his jurisdiction, if the congregation did not supply a nomination within 40 days (from which date is not stated). See Cameron, *First Book of Discipline*, 18, 96, 96n.

⁵ Cameron, *First Book of Discipline*, 19, 96-98; Shaw, *Acts of the General Assemblies*, 1: 671. Concerned about the "too sudden admission and light trial" of ministers, the General Assembly exhorted authorities in 1596 to be "more diligent [in] inquisition and trial" of candidates. The candidates were to be particularly examined upon the points of their calling and "spiritual wisdom." See Shaw, *Acts of the General Assemblies*, 2: 1,020-1,024.

⁶ For a discussion of the admission ceremony, see Cameron, *First Book of Discipline*, 19-20, 101-102; Duncan Shaw, "The Inauguration of Ministers in Scotland: 1560-1620," *Records of the Scottish Church History Society* 16 (Part 1).

did not have an equally acceptable alternative candidate ready for examination. Whilst each congregation's "libertie [...] to have their Votes and Suffrages in election of their Ministers" was to be safeguarded, the Kirk was unwilling to jeopardise the "salvation of the people" when a "sufficient man" was available.⁷ Rarely, however, was a forced appointment necessary and most ministers were admitted with the assent of both the congregation and the Kirk. Once in place, a minister was prohibited from leaving his charge at will, only moving by arrangement with the presbytery or other higher body.⁸ As this process indicates, the Kirk envisioned regional kirk authorities and congregations working in tandem to place the most suitable candidate. The Kirk valued and sought the judgement and will of congregations and sought to balance the interests of both sides when at variance.

In the North East, the parishes and presbyteries largely followed the Kirk's directives for placement and often worked closely with congregations. For example, the placing of a minister at Kinnellar in the presbytery of Aberdeen highlights parishioners' involvement in the process. As discussed below, it had been assumed that the parish's long-serving reader, Robert Forbes, would seamlessly advance to its ministry. Despite training, he was unable to meet the Kirk's standards and the search for a new minister began in August 1605. Given the small financial provision available for a minister, the presbytery enjoined the parishioners to contribute to increasing the stipend and land holdings in order to attract an "honest ma[n]."⁹ After some cajoling, the provision was raised to a sufficient level by May 1606 and the parishioners requested the presbytery to "spy" a suitable candidate.¹⁰ It also appears that the parishioners did some spying of their own. Having "herde guid" of Walter Anderson, the reader of Aberdeen, the parishioners requested the presbytery to try him at Kinnellar in late June and the presbytery and Anderson agreed.¹¹ After hearing Anderson's sermon on the Gospel of John, the presbytery was satisfied with

⁷ Cameron, *First Book of Discipline*, 19, 98-99.

⁸ Cameron, *First Book of Discipline*, 20, 103; Shaw, *Acts of the General Assemblies*, 1: 69.

⁹ 7 August 1605, CH2/1/1/335.

¹⁰ 9 May 1606, CH2/1/1/355; 16 May 1606, CH2/1/1/357.

¹¹ 12 June 1606, CH2/1/1/359.

his doctrine and sought the opinion of the parishioners. They called for his immediate admission because not only was their kirk in dire need of a minister, but also because of their "great lykinge" of him. The presbytery took the parishioner's advice and instructed Anderson to be inaugurated the following Sunday.¹² The parishioners' judgement that Anderson would be a good fit for their parish proved well-founded and he remained Kinnellar's minister for a little under four decades.¹³

The supplying of Udney with a minister sheds further light upon the ways in which congregations were involved in the process. Udney was one of two parishes that came into existence after 1560 and it provides a rare opportunity to follow the process from the start, offering more details about the practicalities and challenges of setting up a new parish.¹⁴ It appears that Udney was erected by an act of Parliament in December 1597, some two months after the erection of the Ellon presbytery.¹⁵ The text of the act has not survived and little is known about how and why the parish was created, except that its lands drew from the parishes of Logie-Buchan, Ellon, Tarves, and Foveran.¹⁶ The first piece of parochial infrastructure to be put into place was the admission in May 1598 of Robert Murray as reader, who was authorised to lead public worship on the Sabbath by reading from Scripture. His post was intended to be temporary until a permanent minister could be admitted. From September, his Sunday service was supplemented by preaching provided by neighboring ministers.¹⁷ These arrangements quickly proved unsustainable. In January of the following year, the presbytery found that the locum ministers had neglected their duties to the parish, including Sunday preaching.¹⁸ Ministerial

¹² 26 June 1606, CH2/1/1/365.

¹³ *Fasti*, 6: 59.

¹⁴ The other is New Machar or Old Monkykebuck, which was disjoined from St Machar's in 1609. See Chapter Chapter 3 and *Fasti*, 6: 65-66. Slains and Forvie in the presbytery of Ellon were both pre-Reformation parishes, but were joined in 1573. See *Fasti*, 6: 200. The kirk of Philorth was moved to Fraserburgh in 1571. See *Fasti*, 6: 220.

¹⁵ *RPS*, A1597/11/8; *Fasti*, 6: 186.

¹⁶ *New Statistical Account of Scotland*, 12: 131; 8 July 1601, CH2/146/1/75.

¹⁷ 3 May 1598, CH2/146/1/16; 28 August 1598, CH2/146/1/20.

¹⁸ 24 January 1598/1599, CH2/146/1/28. The locum ministers had also failed to assemble an eldership, which had resulted in "great dissolution." An informal eldership or general session may have been established within five months and a formal eldership was definitely in place by July 1601. See 28 August 1598, CH2/146/1/20; 6 June 1599, CH2/146/1/38; 8 July 1601, CH2/146/1/75.

services may have improved thereafter as no further admonishments were recorded. The reader's service continued until at least May 1599, but appears to have been dropped by May 1600 when the parishioners requested Murray to resume the service of reading and prayers.¹⁹ He seems to have demitted the readership sometime between the summer of 1601 and early spring 1602 and the position remained vacant through the decade.²⁰

With the loss of Murray, both the presbytery and the parishioners recognised by March 1602 the urgent necessity of a permanent minister. Not only was the congregation in decay, so too was their kirk—a former chapel—because it was in dire need of repair and had been roofless since at least July 1599.²¹ In response, the presbytery began the process of hiring a minister and arranging his financial provision. In June, William Udny, laird of Udny, heritors of the parish, and several others from the congregation met to discuss these matters, but failed to reach a consensus and the process stalled for two years.²² In April 1604, Thomas Mitchell was put forward as a suitable candidate. After the congregation heard Mitchell preach (on Colossians 1:18-19) at their kirk and considered his "Literature and Lyif," all agreed to his admission. The question of financial provision, however, remained unresolved.²³ Mitchell requested the usual remuneration of a stipend, manse, glebe, and various land-use rights. As a temporary solution, the laird offered some land for a glebe until the presbytery could provide a permanent designation and the parishioners agreed to contribute to Mitchell's stipend until their teinds were sufficient. In the longer term, the three ministers who still possessed vicarages in the

¹⁹ 16 May 1599, CH2/146/1/35; 21 May 1600, CH2/146/1/59.

²⁰ 8 July 1601, CH2/146/1/75; 31 March 1602, CH2/146/1/87. There is a mention of Sunday morning prayers at the presbytery's visitation in July 1601, which suggests that the Murray was still acting as reader.

²¹ 6 June 1599, CH2/146/1/37; 12 July 1603, CH2/146/1/103. A new kirk was built in 1605 to replace the chapel. See "Udny, Christ's Kirk Of Udny," Canmore, accessed 10 November 2015, <http://canmore.rcahms.gov.uk/en/site/19613/details/udny+christ+s+kirk+of+udny/>.

²² 16 June 1602, CH2/146/1/90; 12 July 1603.

²³ 18 April 1604, CH2/146/1/115.

annexed parish agreed to transfer their holdings to the new minister. Mitchell was satisfied with these arrangements and was soon inaugurated.²⁴

Mitchell's placement was initially agreeable to him and his flock. At the presbytery's visitation in May 1605, the elders reported favourably of him and, in turn, he was pleased with them and the rest of the congregation.²⁵ His provision, however, was proving insufficient and he put in a formal transportation request in July, citing his inability to "discharge his calling in the Ministerie." The presbytery sympathised with Mitchell and agreed to his transportation when a charge within the presbytery became vacant.²⁶ No vacancy was forthcoming, however, and Mitchell petitioned the presbytery (and synod) again in 1608 for an increase in his stipend or transportation, which was granted and funded by the parishioners and the four neighboring ministers.²⁷ The pay rise was still not enough for Mitchell and his parishioners complained in November 1609 that he was moonlighting every other Sunday at Bourtie, some ten miles from Udney and in the presbytery of Garioch, leaving their parish "desolat w[i]t[h]out preaching or prayers." Furthermore, the commissioner from Bourtie's presbytery requested that Mitchell either become a resident minister at Bourtie or desist from all activities there. Mitchell chose to stay at Udney and his stipend was re-guaranteed by the parishioners and ministers.²⁸

At the Aberdeen synod of April 1610, however, Mitchell put in his third request for transportation and another parish was selected for him. Representative elders attended the meeting of a sub-synod in May and the whole of the parishioners met with the presbytery in July to make their "earnest suit" against the transportation. They argued that they had "contribut liberalie" to Mitchell's provision, but blamed some of their number for their "caldnes" in not contributing their share, for which assurances were made for future payment. They were committed to retaining Mitchell as they had found him "maist effectuall to the glorie of god and edificatioun

²⁴ 18 April 1604, CH2/146/1/115; 25 April 1604, CH2/146/1/116.

²⁵ 30 May 1605, CH2/146/1/129.

²⁶ 3 July 1605, CH2/146/1/131.

²⁷ 26 May 1608, CH2/146/2/22.

²⁸ 23 November 1609, CH2/146/2/59-CH2/146/2/60.

of that pepil" and had "a lyking and speciale guid will caryit" to him. Moreover, they threatened to withhold provision for a new minister should Mitchell leave. For his part, Mitchell left the decision to the presbytery, which was moved by the parishioners' commitment and concluded that he should remain at Udney.²⁹ The planting of the parish of Udney demonstrates that the Kirk and the congregation recognised the need for a permanent minister and that the parishioners were willing and able to contribute financially to installing a minister, and, once Mitchell was installed, they went to great lengths to retain him.

The ministerial placement of Peterhead reveals to a greater extent the ins and outs of the process and the ways in which a congregation was involved and how they interacted with a powerful patron. In this case, the parishioners were regularly consulted by the Deer presbytery and Aberdeen synod and, at times, took an active role in choosing their minister. Around mid-March 1604, Thomas Bisset, long-time minister of Peterhead, was discharged from his post by the synod. His tenure was marked by a series of serious disputes between him and his parishioners and the parish's patron, George Keith, 4th Earl Marischal.³⁰ To ensure they had a less vexatious minister, the parishioners were closely involved from the outset in the search for his replacement. On the same day that the presbytery confirmed the dismissal, two commissioners from Peterhead attended the meeting and requested that it plant "ane qualifiet pastor" and that, "wntill god p[ro]vyd," a locum would serve the parish on Sundays. Acting on the request, the presbytery instructed Abraham Sibbald, the minister of Deer, to write on behalf of the commissioners to Marischal, entreating him to present a suitable candidate as soon as possible.³¹

Within the space of two weeks, David Robertson, minister of Fetterangus and Longley, was holding services every other Sunday and had appointed a reader to serve the alternate Sundays. Robertson was also tasked with directing the hiring

²⁹ 6 July 1610, CH2/146/2/71. Mitchell remained Udney's minister until his transportation to Logie-Buchan in the early 1620s. See 24 July 1623, CH2/146/2/179; *Fasti*, 6: 206.

³⁰ Bisset was installed at Peterhead in late 1584 or early 1585. See *Fasti*, 6: 230-231. Because this case appears to have been primarily handled by the Aberdeen synod, whose records have not survived before 1651, the specific reason for Bisset's deprivation is unknown. For further discussion about the conflict between Bisset and Marischal, see the forthcoming PhD thesis of Miles Kerr-Peterson.

³¹ 29 March 1604, CH2/89/1/15.

process in conjunction with the parish's elders. They were soon put to work as Marischal put forward as a candidate John Keith, a kinsman (specific relation unknown) and current minister of Dunnottar, which was some 50 miles to the south and also under Marischal's patronage.³² The elders in attendance gave their approval to the proposal and the presbytery instructed Robertson to ask for the remaining elders' "consent" to approach Keith with an offer, which appears to have been accepted.³³ Thus began six months of hiring negotiations between the parishioners, kirk session, presbytery, synod, Marischal, Keith, and other candidates.

In late April, the presbytery gave the elders the option of agreeing to John Keith's admission sight unseen, but they decided to try him at the parish before giving their "advyse" on his admission.³⁴ By late June, it appears that Keith was no longer under consideration and the presbytery, prompted by another petition from the parishioners, recommended to Marischal four new candidates, which he ignored.³⁵ Instead, Marischal, re-asserting his authority as patron, presented Gilbert Keith, a regent of King's College in Old Aberdeen. Not having much choice in the matter, the presbytery agreed to Gilbert Keith's trial.³⁶ At the successive presbytery meetings, he gave the addition (response to the "exercise" or sermon that opened meetings) at Longley and the exercise at Peterhead and was approved both times.³⁷ Before Gilbert Keith's appointment to teach at the synod in Aberdeen, however, the principal and other staff members of King's College blocked his candidacy, informing the presbytery that he was "sa bound vnto tham" that he was prohibited from leaving for another charge.³⁸

³² Keith had been minister at Dunnottar since at least 1593. See Hew Scott, *Fasti Ecclesiae Scoticae: The Succession of Ministers in the Church of Scotland From the Reformation*, vol. 5, *Synods of Fife, and of Angus and Mearns*, rev. ed. (Edinburgh: Oliver and Boyd, 1925), 459.

³³ 12 April 1604, CH2/89/1/16. Additionally, the presbytery decided to take the opportunity to propose to Marischal the division of the parish into two, each with their own minister. Since nothing more of this matter is mentioned in the records, it is assumed that Marischal vetoed the proposal. The division was eventually achieved in 1620 with the creation of the parish of Longside. See *Fasti*, 6: 226. For further discussion of Longside, see the forthcoming PhD thesis of Miles Kerr-Peterson.

³⁴ 26 April 1604, CH2/89/1/19; 10 May 1604, CH2/89/1/20.

³⁵ 26 June 1604, CH2/89/1/24-CH2/89/1/25.

³⁶ 5 July 1604, CH2/89/1/27-CH2/89/1/28.

³⁷ 19 July 1604, CH2/89/1/28; 2 August 1604, CH2/89/1/29.

³⁸ 16 August 1604, CH2/89/1/33.

Subsequently, the synod instructed the presbytery to try John Heriot, who was previously nominated by the presbytery, and Alexander Youngson. From later minutes, it seems that the synod also extended an offer to Alexander Scrogie, but he turned it down.³⁹ Meeting with the presbytery on 16 August, Heriot confirmed his potential interest in the charge, but surprised the gathering by accusing Scrogie, who was present, of "fraudfullie" buying the presentation a couple of days before from Marsichal himself. Scrogie admitted the purchase, which, he claimed, was done above board and without "faill or offence," and produced Marischal's letter—dated 14 August—directing the presbytery to try Scrogie for Peterhead. Faced with a number of dilemmas, the presbytery decided to adjourn the meeting.⁴⁰

Reconvening two weeks later, the presbytery initially decided to press forward with Heriot's candidacy since they clearly favoured Heriot and Scrogie was neither present nor had submitted a renewed presentation. Because Heriot declined to accept the offer without a formal presentation from Marischal, the presbytery arranged to seek Marischal's presentation of him. In the meantime, they instructed him to preach at Peterhead the following Sunday. The presbytery's plans were derailed again, however, as John Keith, the erstwhile candidate, presented himself, along with 27 out of the 33 kirk session members, to pursue his presentation to Peterhead. John Keith had evidently preached at the parish the previous Sunday to the satisfaction of the congregation and they "earnestlie" requested the presbytery to "heir him as thay haid" and admit him as their minister. Asked why they had supported Heriot at the synod and did not even mention their interest in John Keith, the parish commissioners answered that they could not nominate Keith because he was of another synod. Moreover, they could not support Heriot because, 1) Keith "was the first ma[n] thair eye was sett vpoun" and they "socht none vther" and 2) Keith had already been offered and accepted Marischal's presentation, unlike Heriot

³⁹ 16 August 1604, CH2/89/1/31. The minutes do not state the current positions of Heriot, Youngson, or Scrogie. Heriot does refer to his "flock," which suggests that he might have been the same John Heriot who was minister of Ellon. According to the *Fasti*, Heriot at Ellon died between 8 June 1604 and 20 March 1605. See *Fasti*, 6: 189. Youngson may have been the current minister of Durris. See *Fasti*, 6: 52. Alexander Scrogie may have currently been the assistant minister of Skene. See 9 September 1603, CH2/1/1/259; 27 July 1604, CH2/1/1/299.

⁴⁰ 16 August 1604, CH2/89/1/33-CH2/89/1/34.

who had not been offered "nor wald gett" a presentation. Accepting the will of the "patrone and pepill," the presbytery asked Keith if he had "adwysit withe his god and remowit all difficulteis" to his transfer to Peterhead. Keith answered that he was amenable to the transfer, but was concerned that the provision was too small for such a large parish and was unsure about accepting the charge before a division was effected. Eager to fill the vacancy, the presbytery advised him to accept and then work with them and the parishioners to obtain Marischal's permission to split the parish. With all parties agreeing to Keith's placement at Peterhead, the presbytery set his admission there for 13 September.⁴¹ In their notification letter to the congregation, the presbytery ordered all parishioners to observe the "fasting prayer and halie meatting" on the day and join the "brethering of the presbyterie in prayer to the lord for farder grace to his wark That it may be to your co[m]fort salwatioun and to the glorie of god by the blissing of the Lord our god throwche Jesus."⁴²

On the assigned day, Keith preached upon the fifth chapter of the Epistle to the Ephesians and, whilst the congregation continued "in prayer and hearing of the word," the presbytery withdrew to the session house to consider his admission. The presbytery was satisfied that Keith's doctrine was sound and accessible and that he was capable of taking on the "baurdein of that co[n]gregatioun." There was concern that the choice of Keith had contradicted the synod's recommendation of Heriot, but, since Heriot had not pressed his claim and was not present at the meeting, that matter was dismissed. Another cause for concern was that the presbytery had not consulted with the Aberdeen presbytery, which was the practice "in sik great tounes." It was noted that Keith was already known to the Aberdeen presbytery since his first placement was within its jurisdiction and, upon his transfer to Dunnottar within the synod of Angus and Mearns, it had "reco[m]mendit him as ane ma[n] weill lykit off be tham." Thus, there was no need to wait for Aberdeen's input.

⁴¹ 30 August 1604, CH2/89/1/34-CH2/89/1/36. At the same meeting, Thomas Bisset gave in a list of complaints, including that the Keith "did him manifest wrang" by taking the charge because his appeal to the crown and the General Assembly for his "vniust" deprivation was still outstanding. The presbytery dismissed Bisset's objection on the grounds that "the synod was abill to stand to thair Jugment aganis his appellatioun." Asked whether or not Bisset's "wordis haid cassin in ony dout" in Keith's mind, he answered that his opinion was changed and desired to "ga fordward in godes wark."

⁴² 13 September 1604, CH2/89/1/36.

Although Keith had met most of the presbytery's criteria and the approval of the congregation, there was one major remaining obstacle that delayed his admission. The details are muddy, but it is known that Marischal claimed the vicarage of Peterhead for himself sometime before April 1603, which Bisset unsuccessfully contested and which likely contributed to the minister's deprivation.⁴³ Keith's impending admission gave the presbytery the opportunity to petition Marischal for the restoration of the vicarage to the minister and, at the meeting of 30 August, charged Keith with obtaining a new presentation that expressly granted the entirety of the original benefice.⁴⁴ At the meeting of 13 September, Keith reported that Marsichal refused to amend the current arrangements. Fearful of slanderous "mowthes" against their handling of the process and risking the synod declaring the kirk dilapidated, the presbytery decided to further delay Keith's admission until it could consult with either the sub-synod or the Aberdeen presbytery. The presbytery was mindful that the parishioners had been without weekly services for some time and retained Keith as acting minister.⁴⁵

When the full presbytery next met on 11 October, the situation was unchanged. Charles Ferme, the moderator of Deer presbytery, and Abraham Sibbald, the minister of Deer, had met with Marischal, but to no avail. Along their journey home, however, they stopped to consult privately with the moderator of the synod, who suggested that the presbytery could go ahead with Keith's admission if it put in place a legal framework that stipulated that the admission was not an acceptance of Marischal's terms with regard to the vicarage and that reasserted the minister's rights

⁴³ The first reference to the matter of the vicarage in the Deer presbytery records is from April 1603 when the synod charged Bisset with reclaiming the vicarage for the Peterhead benefice. See 12 April 1603, CH2/89/1/3. For further discussion of the lengthy dispute over the vicarage, see the forthcoming PhD thesis of Miles Kerr-Peterson.

⁴⁴ 30 August 1604, CH2/89/1/36.

⁴⁵ 13 September 1604, CH2/89/1/36-CH2/89/1/37. Thomas Bisset also attended the meeting and raised six objections to Keith's admission. Besides a few minor points of administrative procedure, Bisset was concerned that Keith's admission would halt the plans to divide the parish, which he had "alreddie obtieit the consent of the patrone and place [...] for kirk gleib and mans be co[n]sent of the pepill," and would lead to the dilapidation of the parish. The presbytery promised to be attentive to both matters.

to the original benefice.⁴⁶ In light of this option and with all his "douttis to be fullie resolluit" in accepting the charge, John Keith offered to take out an obligation that bound him to pursue legal action against Marischal for "reclamyng out of his L hand the vicarage of Pet[er]heid" and any other holdings that belonged to the kirk "according to the laws of the co[n]tray." The decision to admit Keith sooner rather than later was given additional weight by the plea of the kirk session, who complained "havelie of the desolation of thair kirk [...] be reson of the lang want of ane pastor and minister" and feared greater decline if a "haistie remedie" was not found. Thus, they urged the presbytery to admit Keith without "farther delay."

The combination of the session's "eirnistie," Keith's "resoluit willingnes" and bond, and the general consideration of the "the grit loss of" the parish "throw sum lang wa[n]ting of the word of disciplein" persuaded the presbytery finally to admit Keith to Peterhead the following Sunday.⁴⁷ Although all agreed to Keith's placement, it seems that none of the parties had great enthusiasm for the decision, save for Marischal who wanted Keith in the first place and was untroubled by the threats against his holding of the vicarage.

Throughout the hiring process, it is clear that Keith was uneasy with taking the charge at Peterhead and would not have pursued it were it not for Marischal. Both Keith and the presbytery faced intense pressure from different directions: Keith did not want to leave Dunnottar and the presbytery wanted John Heriot, but neither could ignore the wishes of Marischal as patron or, to a lesser extent, the congregation. These misgivings were borne out by Keith's almost immediate neglect of his new charge. Barely five months after his inauguration, the presbytery "greavit [...] the lang absens of [Keith] fra his flok and receaving no excuse fra him be vord or vreit."⁴⁸ Again noting "the desola[ti]on in that paroch to be gryt," the presbytery commanded Keith to return immediately to his charge. Keith paid no heed to the

⁴⁶ After the meeting with the synod moderator, it appears (the minutes are damaged) that Ferme consulted with the presbytery of Aberdeen, which advised delaying Keith's admission until after the meeting of the sub-synod in November. See 11 October 1604, CH2/89/1/38.

⁴⁷ 11 October 1604, CH2/89/1/38-CH2/89/1/39; 25 October 1605, CH2/89/1/39-CH2/89/1/39B. It is of interest to note that the inauguration ceremony was completed with Keith receiving "the bouk of God in his hand."

⁴⁸ 21 March 1605, CH2/89/1/50.

order and, with no further effort from the presbytery likely, the congregation took it upon itself to prod the presbytery into action. Representatives of the congregation appeared before the presbytery in April and insisted that it "tak ordo[u]r" with Keith because they were "vant of doctrein and discipline." This time, the presbytery ordered Keith's return with a legal summons.⁴⁹ David Robertson, who was again chosen to handle the matter, castigated Keith in the summons for wholly abandoning his ministerial duties at Peterhead for the past three or so months, resulting in "ane vniversall desola[ti]on [...] sune cuming in atheism and infidelitie otheris perishing and deing in ignorance." Keith merely replied that he was presently engaged in attending Marischal and would return when he had finished.⁵⁰

In late May, Keith let his true feelings be known and formally requested re-transportation to Dunnottar. The presbytery flatly denied the request and reiterated their order for him to "adhere to his flok at Petirheid." Faced with an unyielding Deer presbytery and, perhaps, Dunnottar's presbytery of Fordoun (also known as Mearns), which was also alerted to the order, Keith made amends the next month to his congregation: he "in pulpit confessit his gryt falt and vrang he haid done to ws and craivit pardone for the same q[uhi]lk we all remittit" and "maid a solemne p[ro]mise to amend for that vrang and continew with ws in tyme cuming." This reconciliation was short-lived, however, as the congregation wrote to the presbytery in late June with news that Keith had definitely removed himself from the charge and made it clear that he would "not cumin again."⁵¹

The matter came to a head a month later when Keith appeared before the presbytery to answer for his departure from Peterhead. His frustration, exasperation, and deep discontent with the situation are palpable in the minutes. He began his testimony by stating that he would in no way "exercise onie ministrie" at the parish

⁴⁹ 18 April 1605, CH2/89/1/52.

⁵⁰ 2 May 1605, CH2/89/1/54.

⁵¹ 27 June 1605, CH2/89/1/56. At the same meeting, the presbytery issued an ordinance barring parishioners of Peterhead to receive any benefits of the kirk (e.g. the sacraments, reading of banns, etc.) from another kirk within the presbytery without a testimonial from their kirk officer, which demonstrates the pressing need for a functional ministry within the parish. At the visitation of the parish on 11 July, it was further noted that the session was not operating and that Sunday services consisted of two sessions of prayer reading. See CH2/89/1/56.

in future and listed seven reasons for his decision: 1) his "conscience did accuse him for [...] deserting" the congregation of Dunnottar for Peterhead, 2) he was pressured by Marischal to take the charge at Peterhead, 3) he was expecting a peaceful ministry, 4) he was underpaid or not paid at all since his admission, 5) "his lyf ves in the daylie perrell" from an unnamed man, 6) Marischal could not hand over the rights to his stipend because of the ongoing dispute with Bisset, and, 7) Peterhead's "parochaneris haid nevir acknavledgit his travels and expe[n]sis maid in thair servis." The parishioners admitted that there could have been better protection for Keith and promised to keep him "in saiftie be all possibill mean as lay in thair pover." Regarding his stipend and expenses, they countered that, if he had said something to them, "he suld nocht have vantit" and offered "provisione and sustena[ti]on" until the matter between Marischal and Bisset was resolved.

In an impossible situation, the presbytery was relieved of resolving the difficulty by the person who had created it in the first place: Marischal, through his commissioner, requested Keith's return to Dunnottar.⁵² Noting that Keith's "hart and affectione" were "altogidder away fra Petirheid," the presbytery asked the parishioners if they would release Keith from their charge given that "his mynd ves sa aliene fra them." They consented upon the condition that they would have ministerial provision, either by Keith or one of the presbytery, until a replacement was installed. With an agreement reached, all parties were instructed to attend the synod the following week to finalise the arrangements.⁵³

Keith's re-transportation from Peterhead to Dunnottar was officially granted by the presbytery in August. Immediately, Marischal again presented his own candidate, James Martin, who was due to be installed at Dunnottar. Chastened by their experience with Keith, the presbytery and parishioners were more cautious and demanding in the hiring process. The presbytery allowed Martin to trial for the charge on three conditions: that he accept the provision as granted by Marischal's

⁵² Although the marginal note is incomplete, it is known that commissioners for the parishioners of Dunnottar also appeared before the presbytery and requested for Keith's re-transportation, evidently on the grounds that they had not consented to his transportation to Peterhead in the first place. See 25 July 1605, CH2/89/1/57.

⁵³ 25 July 1605, CH2/89/1/57.

presentation (which was "not sufficient"), be interviewed and approved by the Aberdeen presbytery, and supply a statement from the Fordoun presbytery testifying to his "freedom and honesty." Martin agreed and the process moved swiftly.⁵⁴ After hearing him teach in late September, the presbytery were assured of his "inward calling" to the ministry and assigned him to preach before the Aberdeen presbytery and at Peterhead.⁵⁵ On 17 October, the presbytery heard the reports of Aberdeen, which endorsed Martin, and the parishioners. The majority of the eldership were in attendance and reported that they "likit weill of his doctrin" and had no reservations, but wanted to hear him preach again before they consented to his admission. He complied and preached at Peterhead the following two Sundays and made the addition at his hearing on the 31st.⁵⁶ The majority of the eldership and a number of other parishioners in attendance declared themselves "fully satisfiet v[i]t[h] him in all things crawling him ernstly to be admittit thir pastor" as soon as possible "inrespect of the gryt necessity."⁵⁷ On 21 November, the parishioners reiterated their assent to Martin and the presbytery "all in ane voice [...] thankit god for him and ver veill satisfiet."⁵⁸ The following Sunday at Peterhead before the congregation, Abraham Sibbald and David Robertson admitted Martin to the parish in the following manner:

efer Inuocation of the name of God and doctrin did admit,
inaugurat authareis, seiss and Inuest w[i]t[h] prayers and Imposition
of hands Mr James Martein in the haly office and funitones of the
ministry of gods vard and sacraments gifand and co[m]mittaid to

⁵⁴ 22 August 1605, CH2/89/1/60. In the midst of this upheaval, the troublesome spectre of Thomas Bisset appeared once again. On 12 September, three of the elders and the schoolmaster reported to the presbytery that Bisset "interruptit the reder and all dyvyne seruice in ther kirk and haid him self vsurped the office of the ministry" the previous two Sundays. Reiterating the synod's act of deprivation, which prohibited Bisset from the ministry within its jurisdiction and any parishioners from hearing or acknowledging him as a minister on the pain of excommunication, the presbytery summoned Bisset. Moreover, it charged a "gryt nu[m]ber" of parishioners for "hering and mante[nin]g" him. All were admonished and made to promise "amendment." Bisset contested the charge in November and, after being forcibly removed from the meeting for his "vnreuerent and rebellious behaiour," he was ordered to "ceas and desist in al tyme cu[m]jing fra the said usarpatio[u]n and truble" and publicly repent at Peterhead (which there is no record of). He continued to harass and burden the presbytery, the parish, and Martin himself for several more years. See 12 September, CH2/89/1/62-CH2/89/1/63; 26 September 1605, CH2/89/1/63; 17 October 1605, CH2/89/1/65; 24 November 1605, CH2/89/1/68.

⁵⁵ 26 September 1605, CH2/89/1/62.

⁵⁶ 17 October 1605, CH2/89/1/65.

⁵⁷ 31 October 1605, CH2/89/1/66.

⁵⁸ 21 November 1605, CH2/89/1/67.

him full power and authority to exerceis all the partis of the pastorall office v[i]t[h]in the kirk and congregation of Petervgy in the na[m] of the father the son and the halie ghaist quha gaif his solemne aithe of fedilitie in his office to his most excellent maiestie and of submi-tion wnto the disciplin of the reformed kirk of this nation In takin quhair of he resauit the halie buk of God the oath onlie of all his sayings and doings in his office and his flok be the hand.⁵⁹

The trial of Martin demonstrates the continued and increased involvement of the congregation. At their request, the parishioners heard Martin preach three times before they agreed to his admission, whereas they had heard Keith only once. Moreover, there is a sense in the minutes that both the parishioners and the presbytery took a deeper consideration of Martin's qualifications and character, perhaps partially because he was new to the ministry. Unlike Keith, Martin's fit with the parish was evident straight away. At the presbytery's first visitation since his admission, he was commended by the eldership for being "ane exempill vnto the flok [...] vpon his calling." In turn, he gave a good report of them, only admonishing a few for not regularly attending the session.⁶⁰ His commitment to the parish lasted until his death in 1623. He was succeeded by his son at some point before October 1636 and grandson in 1650.⁶¹ The saga of Peterhead shows that congregations could be active and influential participants in matters that determined their religious provision and effected their spiritual well-being. Moreover, the kirk authorities encouraged and sought their involvement, were unwilling to act without their consent, and deferred to their judgement when possible. These characteristics are also found in the planting of Kinellar and Udney. In both cases, the parishioners were in great want of a full-time minister who was suitable for their parish and invested time, money, and energy to achieve this. Both parishes were able to admit the ministers they wanted and, although Thomas Mitchell at Udney was dissatisfied with

⁵⁹ 24 November 1605, CH2/89/1/67.

⁶⁰ 1 May 1606, CH2/89/1/73.

⁶¹ *Fasti*, 6: 230.

his financial provision, their efforts paid off as both placements proved to be a good long-term asset to the parish.

Although, in theory, the Kirk regarded the position of reader as little more than a placeholder until the admission of minister, many congregations were strongly attached to their readers. Authorised to hold the Sunday services of prayers and Scripture reading, they often provided the only form of regular public worship available to parishes without a single-charge minister. In these circumstances, congregations could be grateful for their services and made an effort to find and retain suitable readers. Because the position of reader was initially designed to be a stop-gap measure in the first few years after 1560, their placement was more informal than that of ministers.⁶² Technically appointed by the kirk session or presbytery rather than "elected" by the congregation, the only stipulations on readers were that they be "the most apt men" over the age of 21 who were "endued with gravity, witt, and discretion" so that their services would be serious and sensible.⁶³

There was no role for the congregation as a whole in this official process, but, in practice, some congregations decided that the position was too important to leave solely to the authorities. Cruden, for example, shows a congregation at odds with their presbytery over a certain reader and their efforts to employ him. The surviving minutes are incomplete, but a general narrative can be pieced together. Cruden was between ministers in the autumn of 1597 and its parishioners had evidently engaged, without the Kirk's authorisation, John Alexander to read on Sundays.⁶⁴ The parish requested the Ellon presbytery to make the appointment official and continue the office until a new minister could be installed. The presbytery refused to admit John and, instead, charged him with usurping the office without license and without

⁶² Cameron, *First Book of Discipline*, 22. For further discussion of readers and their developing role within the Kirk, see Jane Dawson, "'The Word did everything': Readers, Singers and the Protestant Reformation in Scotland c1560-c1638," *Records of the Scottish Church History Society* (forthcoming). I am grateful to Professor Dawson for allowing me to consult this work before its publication.

⁶³ Cameron, *First Book of Discipline*, 105-106, 111.

⁶⁴ Alexander Bruce, the most recent minister, was transported to Slains sometime during 1597. See *Fasti*, 6: 186. According to the *Fasti*, John was schoolmaster at Peterhead and there may be some evidence in the presbytery records that he was also a reader there. See *Fasti*, 6: 187 and 21 December 1597, CH2/146/1/7.

"calling."⁶⁵ John submitted himself to the discipline of the presbytery in December, but first explained that, from what may be discerned from the damaged records, he had been invited to read by Cruden's parishioners because they were in want of the "comfort off the word." The parishioners continued to back John and, at his hearing, again requested the presbytery to either admit John as reader or provide temporary ministerial provision from amongst themselves. The presbytery rejected both requests and, instead, appointed two ministers to administer baptisms and perhaps some other basic services until a minister was in place, a matter on which they were working.⁶⁶ Dissatisfied with the arrangements, the parishioners filed another request for a reader. It was then passed to the synod in February, but it is not known if a decision was reached.⁶⁷ As it happened, David Rattray was installed as minister in early March and, without explanation, John was authorised in April to read and catechise.⁶⁸ In this case, the congregation took the initiative to meet their desire for weekly worship and challenged the presbytery's judgement of what was best for the parish.

The parish of Peterhead had a similar experience. As mentioned above, after the dismissal of minister Bisset in 1604, the presbytery acted quickly to arrange interim provision for Sabbath services. David Robertson, minister at Fetterangus, was instructed to preach every other Sunday and Andrew Gray, an elder of the parish, was "chosin," though unclear by whom, to read on alternate Sundays.⁶⁹ With full agreement from the eldership, Gray was replaced by John Davidson, who was also to act as scribe for the kirk session.⁷⁰ John Davidson's stint as reader lasted fewer than two months and, in late June, the presbytery instructed the kirk session to find the

⁶⁵ [date unknown] 1597, CH2/146/1/3; [date unknown] 1597, CH2/146/1/4.

⁶⁶ 21 December 1597, CH2/146/1/7-CH2/146/1/8. The presbytery was trying to recruit James Ross, presumably the minister of Strachan, but not clearly identified as such in the presbytery records. Ross refused the transportation. See 21 December 1597, CH2/146/1/8; 28 December 1597, CH2/146/1/8; 11 January 1597/1598, CH2/146/1/10; *Fasti*, 6: 111.

⁶⁷ 11 January 1597/1598, CH2/146/1/11.

⁶⁸ 22 March 1597/1598, CH2/146/1/14; 19 April 1598, CH2/146/1/15.

⁶⁹ 29 March 1604, CH2/89/1/16.

⁷⁰ 12 April 1604, CH2/89/1/16.

"maist qualifeit" man for the position.⁷¹ Two weeks later, the session presented their choice of John Jak and the presbytery assented to his appointment.⁷²

The presbytery was satisfied with Jak at their visitation in early August, but it appears that problems surfaced at that month's synod. It emerged that Isobel Ross, a convicted fornicator, was residing at Jak's house. Because Robertson demonstrated that Ross had satisfied for the offence, the presbytery allowed Jak to continue reading whilst they investigated further.⁷³ After the presbytery issued a public proclamation requesting anyone with information against Jak to come forward, it held a hearing in mid-September.⁷⁴ Thomas Bisset himself attended and gave in four accusations against Jak, including that he was a member of another parish and had been removed from a kirk session. The allegations were verified and the presbytery dismissed Jak from the readership and, again, provisionally appointed Andrew Gray as reader.⁷⁵ The presbytery rejected the kirk session's request in January 1605 to reinstate Jak, but it appears that they reversed their decision and Jak was again serving as reader by July and seems to have continued until Martin's admission in November.⁷⁶ It is evident that the kirk session, at least, hoped that the readership would provide some stability to the parish during the ministerial upheavals. Since both the kirk session and Jak seemed satisfied with his placement, the session was committed to retaining him over the objections of the presbytery, which they may have deemed unreasonable. Again, their championing of Jak eventually convinced the presbytery and the parish benefitted from his services through a troublesome time.

The readership was intended to serve not only as a temporary measure for parishes, but also as a stepping stone to ministry. During their time at a kirk, readers

⁷¹ 21 June 1604, CH2/89/1/25. The last known reference to John Davidson as reader is from 26 April in a minute regarding an order for Bisset to return the parish's common Bible. See CH2/89/1/19.

⁷² 5 July 1604, CH2/89/1/28. Jak may have had a connection to Earl Marischal and, as such, it would have behoved the kirk session to retain him as reader. Certainly a William Jak had ties with Marischal and John may have been a relation. See *RPCS*, 4: 552; 25 October 1604, CH2/89/1/39B.

⁷³ 16 August 1604, CH2/89/1/34.

⁷⁴ 30 August 1604, CH2/89/1/36.

⁷⁵ 13 September 1604, CH2/89/1/37-CH2/89/1/38.

⁷⁶ 31 January 1605, CH2/89/1/47; 11 July 1605, CH2/89/1/56; 17 October 1605, CH2/89/1/65.

were expected "to exercise both themselves and the kirk, till they grow to greater perfection" and enter the ministry. As readers continued in their education and demonstrated their abilities, they were allowed to exhort (explaining of Scripture, but not expounding fully upon it as preaching did) in public worship.⁷⁷ Those who were unable or unwilling to advance to the ministry within two years were to resign from the readership.

Within the three presbyteries, there are few cases of a reader advancing to the ministry within the region. The example of Walter Anderson at Kinnellar, discussed above, demonstrates direct and successful promotion to the ministry. William Wallace at Peterculter is another example. A reader and vicar of the parish since 1580, Wallace had begun preaching by August 1599. At that time, the presbytery arranged for Richard Ross, who was minister at both Peterculter and Drumoak, to hold services at Peterculter every third Sunday and Wallace to take the remaining Sundays.⁷⁸ Wallace was referred to as the "present minister" of Peterculter at the designation of land for new manse and glebe in July 1601 and was fully promoted to the ministry by the synod in December 1601 upon the resignation of Ross.⁷⁹ The experiences of John Milne at Maryculter and Robert Forbes at Kinnellar before Anderson, however, show that the path to ministry was not always straight or guaranteed. Despite mixed performance reviews during their tenures as readers and, later, exhorters, Milne and Forbes were offered the opportunity to trial for the

⁷⁷ The *First Book of Discipline* authorised qualified readers to administer the Sacraments and perform marriage ceremonies, but the General Assembly revoked the license in 1579. See Cameron, *First Book of Discipline*, 106; Shaw, *Acts of the General Assemblies*, 1: 513; Dawson, "The Word did everything."

⁷⁸ *Fasti*, 6: 71; 10 August 1599, CH2/1/1/39.

⁷⁹ 3 July 1601, CH2/1/1/103-CH2/1/1/105; 4 December 1601, CH2/1/1/133.

ministry by the Aberdeen presbytery in April 1604.⁸⁰ Their decisions were to be made after a period of prayer, fasting, and introspection. Self-confidence in their own potential ministerial abilities was not enough; "feiling of ane Inward calling" was also needed.⁸¹ Milne was unsure and was granted a few months to decide.⁸² At the visitation in June, he declined the offer for the present, citing the insufficiency of Maryculter's ministerial provision and that he would like to be "advisit with god" in the matter.⁸³ The presbytery evidently retained their trust in Forbes as a potential minister as they gave special permission to him in March 1605 to baptise the child of a local laird.⁸⁴ Shortly thereafter, the presbytery tasked Forbes with the addition to the exercise, but external circumstances necessitated a postponement.⁸⁵ At the visitation of Maryculter in June, the presbytery renewed the offer and Milne again asked for more time since he was not yet convinced that he would be "abill to discharg th[a]t calli[n]g." The parishioners also shared Milne's doubts, judging that he "accordi[n]g to his graces and abilitie did veil but not in sic measure as ves necessair to a pastour."⁸⁶ The presbytery was satisfied enough with Milne's sermon

⁸⁰ *Fasti* states that Milne was first offered to trial for ministry in 1602 at the Aberdeen presbytery's visitation. However, the available minutes show that arrangements were made to increase the ministerial provision to allow the kirk to be planted with Milne in mind, but there is no record of an explicit offer to ministry. See *Fasti*, 6: 61; 27 August 1602, CH2/1/1/187-CH2/1/1/189. Regarding Forbes, *Fasti* states that Forbes was dismissed from the readership in June 1600 for "neglecting his duties." On the contrary, the available minutes indicate that he was "weill reportit of be his eldaris" and the other parishioners. *Fasti* then has Forbes readmitted as a reader on 1 May 1601 and, confusingly, reinstated at Kinnellar as a reader or, possibly, minister on 19 June. Forbes did add to the exercise on 8 May, but there is no record of his "readmission." Forbes is listed among the "ministers" present at the visitation of Skene on 19 June, but is titled an "exhortar and the kirk officear" at Kinnellar's visitation that afternoon. Although the presbytery warned Forbes that they would discharge him if he did not better enforce discipline and the collection of fines, there is no record of the presbytery taking further action. Forbes is called "minister" several times in the records for the visitation of August 1602, but the minute of the visitation of May 1603 states that "Robert Forbes teachis thairat sum tyme and exhortis [missing] a nane qualifeit minister be p[ro]vidit," which indicates the clerk of the previous minute was in error. At the May 1603 visitation, Forbes received the entirety of Kinnellar's vicarage, which, like in the case of Milne, may have been done with a view to eventually promoting Forbes to the ministry there. Finally, it was noted in July 1605 that Forbes "vas newer admittit minister." See *Fasti*, 6: 59; 27 June 1600, CH2/1/1/63; 8 May 1601, CH2/1/1/93; 19 June 1601, CH2/1/1/97; 20 August 1602, CH2/1/1/185; 27 May 1603, CH2/1/1/237; 26 July 1605, CH2/1/1/335.

⁸¹ 21 April 1604, CH2/1/1/283.

⁸² 27 April 1604, CH2/1/1/283.

⁸³ 29 June 1604, CH2/1/1/293-CH2/1/1/295.

⁸⁴ 29 March 1605, CH2/1/1/325.

⁸⁵ 19 April 1605, CH2/1/1/325.

⁸⁶ 28 June 1605, CH2/1/1/329.

on Matthew 9:36-38 that they were in "hoip" that he would continue his training.⁸⁷ However, the matter was not mentioned again until 1609, when the presbytery "demandit" Milne either to proceed to trial for the ministry or resign his position and stipend. He chose the latter option because he did not think himself qualified for the ministry.⁸⁸

Forbes took a different path, but to the same outcome. He quickly accepted the offer in April, but on the condition that he would be assessed solely on his doctrine and "not as a Lатыn scholar" because he had no knowledge of it, to which the presbytery seems to have agreed, at least for the meantime.⁸⁹ Forbes gave his first sermon (on Ephesians 5) before the presbytery in June (at the visitation of Maryculter). Dissatisfied with Forbes' doctrine, the presbytery continued his trial.⁹⁰ Forbes preached again (on Acts 19) at Kinnellar's visitation in July and, this time, the presbytery "thocht he did ressonable Weill." However, there were concerns about his lack of Latin and "meane knowledge." The presbytery referred the matter to a higher body (whether to the synod or General Assembly is not clear) and, in the meantime, asked Forbes to preach (on John 3) in early August. Forbes refused, insisting on "ane Inglishe commentar on that plaice."⁹¹ From this point, the process seems to have stalled, save for Forbes making the addition at the exercise in September 1604.⁹² The trial evidently resumed in May 1605, but it was becoming clear that Forbes was not going to meet the requisite qualifications. He offered at some point to resign his position to make room for a qualified minister and the presbytery agreed in July that they needed to find another candidate. In August, the synod finally decided that Forbes was "vnmeit for the ministerie" and discharged him from the readership.⁹³ The unsuccessful careers of Milne and Forbes indicate that

⁸⁷ 26 July 1605, CH2/1/1/335.

⁸⁸ 28 August 1609, CH2/1/1/527.

⁸⁹ 27 April 1604, CH2/1/1/283.

⁹⁰ 29 June 1604, CH2/1/1/293.

⁹¹ 27 July 1604, Stuart, *Selections from the Records of Aberdeen*, 196-197 and CH2/1/1/299.

⁹² 14 September 1604, CH2/1/1/305. Forbes added on Isaiah 43:9-10.

⁹³ 7 August 1605, CH2/1/1/335.

kirk authorities were rigorous in their assessment of ministerial candidates and dedicated to promoting only those who were qualified.

As leaders of public worship and administrators of the Sacraments, ministers were essential to the functioning of reformed parish. To ensure that the parishes of Scotland were filled with the most qualified ministers, the Kirk designed a rigorous placement process. A presbytery and other kirk authorities not only had to test a candidate's knowledge, abilities, conduct and calling, but also had to evaluate his suitability for the intended parish, balancing the interests of all concerned parties (parishioners, presbytery, synod, patron, and candidate). Comprised of many steps, therefore, the process was commonly long and complex, requiring considerable effort by all those involved.

Whilst congregations need only be involved in the final decision of admission, a number of congregations in the North East involved themselves through the whole process. They knew the needs of their parish, were informed about the candidates, personally invested in having a functioning and well-run ministry, and were not shy in voicing their views and judgements. When in urgent need of a minister, some congregations took the initiative in pressing the presbytery to begin or advance the process or in finding and presenting their own candidate. Congregations might take an equally active interest in the placement of readers, although the process was far more informal and less involved. A competent and suitable reader could sustain the formal religious life of a parish during the months or years when it lacked a minister, providing much-needed continuity in public worship from Sunday to Sunday. Readers who served a parish well might also make the transmission to its minister. Promoting readers within their parishes relieved the need to find an external candidate and strengthened the position of the minister as he could build upon the trust and ties that he had already established.

Although congregations and presbyteries might disagree about matters such as prospective or current ministers and readers, presbyteries took the judgement and wishes of congregations seriously and sought to accommodate them when possible. They and congregations knew that the key to a successful and harmonious parish was

competent and caring leadership. As such, kirk authorities of the North East often worked hand-in-hand with parishioners during the planting process to ensure that their parishes were provided with ministers and readers who were best-suited for their needs and circumstances. By taking care with the placement of ministers and readers, presbyteries were able to advance and deepen reform at the parish level.

Chapter 7: The Practice of Ministers and Readers

The planting process of a minister or reader formed the first phase of the relationship between them and their congregation. Their inauguration marked the beginning of the second phase, which, as James Cameron has observed, was the implementation of a "mutually binding contract." As simply stated in the *First Book of Discipline*, ministers had to "attend upon the flock" and live virtuously whilst the congregation had to obey their minister as "they would obey God himselfe."¹ As chapters 2-5 have examined the practical components of this contract (e.g. observing the Sabbath and celebrating Communion), this chapter considers the qualitative aspects of kirk practice and the nature of the pastoral relationship between ministers and readers and their congregations.

It was important to the health of the Kirk and the advancement of reform that the quality of parish practice was regulated and monitored. Over time, a detailed process of parish visitation, review, and discipline of ministers, readers, elders, and deacons was developed. The *Forme of Prayers* insisted upon the need for internal monitoring. Kirk sessions were to be vigilant of "fautes and suspicions" amongst not only their congregation, but their own number as well. Ministers were to be under particular scrutiny and sessions were to be prepared to censure or even depose ministers "spotted with any vice." Offences warranting deposition included heresy, blasphemy, fornication, theft, fighting, drunkenness, and "unlawfull games." Meriting censure were lesser sins ranging from negligence or slackness in fulfilling ministerial duties, such as "strange and unprofitable" preaching or being idle in study, to unseemly personal behaviour, including "scurrilitie, flattering, lying," coveting, and "dissolution in apparel" and carriage.² The *First Book of Discipline* also warned ministers away from patronising taverns and being involved in civil government unless acting in the capacity of a Kirk official. Additionally, the manners and behaviour of a minister's family were to be scrutinised, especially with regard to their material consumption, for "excesse and superfluitie is [...] utterly to

¹ Cameron, *First Book of Discipline*, 19-20, 101-102.

² Knox, *Works*, 4: 178; Cameron, *First Book of Discipline*, 176n.

be damned in Christs servants."³ The same expectations applied to elders and deacons. Given their role as "judges over others manners," it was essential that they be "examples of godlines." Deviating from this standard risked a rebuke from the minister.⁴ The General Assembly of June 1562 added that elders were bound to assist their minister "in all his lawful assemblies" and could ultimately be excommunicated if disobedient.⁵

In addition to self-monitoring, the *First Book of Discipline* provided a snippet of guidance for external review of ministers and kirk session members. With the superintendent system in mind, an elder and deacon were to report annually to the superintendent's council on the "life, maners, study and diligence of their ministers to the end the discretion of some may correct the levitie of others."⁶ Given that superintendency was incrementally and incompletely implemented during the following 25 years, the duties of visitation and review were variously carried out by superintendents, bishops, or commissioners, depending on the region.⁷ The directives of the *Second Book of Discipline* of 1578 echoed those of the *First Book of Discipline*, emphasising that the primary purpose of visitations was to "keip the religioun and doctrine in puritie" and, secondarily, "to keip cumlines and guid ordour in the kirk."⁸ When presbyteries were established in the 1580s, they assumed the duties of visitation as commissioners of visitation were phased out.⁹ Although the visiting personnel changed during these decades, the nature of visitations did not.

By the General Assembly of 1598, regular visitations had evidently fallen by the wayside (if ever implemented fully) as John Davidson, minister at Prestonpans,

³ Cameron, *First Book of Discipline*, 178.

⁴ Cameron, *First Book of Discipline*, 179.

⁵ Shaw, *Acts of the General Assemblies*, 1: 21.

⁶ Cameron, *First Book of Discipline*, 177. As Gordon Donaldson and James Cameron have discussed, the later body of the synod may have evolved from this directive. See Gordon Donaldson, *Scottish Reformation* (Cambridge: Cambridge University Press, 1960), 124; Cameron, *First Book of Discipline*, 177n.

⁷ James Kirk, *The Second Book of Discipline* (Glasgow: Covenanters Press, 2005), 14-15; MacDonald, *Jacobean Kirk*, 8-9.

⁸ Kirk, *Second Book of Discipline*, 197. For additional directives, see the seventh "Head" of the *Second Book of Discipline*.

⁹ MacDonald, *Jacobean Kirk*, 36-37; James Kirk, ed., *Stirling Presbytery Records, 1581-1587* (Edinburgh: printed for the Scottish History Society by Clark Constable Ltd, 1981), xviii, xix-xx.

called for "the ordinance of the universal visitation of the presbyteries and kirks [...] be wakened up again." He drafted a brief set of articles regarding proper visitation procedure, but his proposal "was not much regarded, nor taken notice of" at the time.¹⁰ The subject was revisited, however, by the Assembly in November 1602. Since the "lack of a constant and uniform order" had made previous efforts "almost unprofitable and ineffective," the Assembly composed and ratified a "form and order" for visitations.¹¹ In addition to the routine trial of individual ministers, the form also required the trial of congregations.¹² Visitors were to inquire of ministers if there were any "Jesuits, papists [...] witches, excommunicates, contraveners of the discipline of the Kirk [...] non-communicants [...] adulterers" or profaners of the Sabbath among their parishioners and if there were any "superstitious places of pilgrimages, wells, and chapels [...] homicides, or deadly feuds" in their parish."¹³ By holding all members of a parish to account, the Kirk was underscoring communal responsibility to live uprightly in the sight of God.

In addition to the directives from the General Assembly, lower-level kirk bodies also set visitation guidelines for their jurisdictions. In 1606, for example, the Aberdeen synod requested its presbyteries to try their ministers at each meeting.¹⁴ There is no evidence that this directive was implemented, but the Aberdeen presbytery carried out an annual general review, which was separate from the parish visitations, from 1608 and Deer did likewise from 1609.¹⁵ The Aberdeen kirk session of 1573 attempted a more ambitious programme of internal review, which

¹⁰ Shaw, *Acts of General Assemblies*, 2: 1,134-1,138.

¹¹ Shaw, *Acts of General Assemblies*, 2: 1,328, 1,333-1,336.

¹² Aside from the standard checks of ministerial performance, visitors were also to inquire about a minister's "provision of books and necessary helps that may enable him in his calling," including specific titles such as the translations of the Old and New Testaments by John Emanuel Tremellius and Theodore Beza, respectively, the *Common Places of the Holy Scripture* by Thomas Becon, and the *Magdeburg Centuries*, a landmark history of European Protestantism. The form also included guidelines for the trial of presbyteries. See Shaw, *Acts of General Assemblies*, 2: 1,334-1,336.

¹³ Shaw, *Acts of General Assemblies*, 2: 1,335.

¹⁴ CH2/89/1/70; CH2/89/1/80.

¹⁵ Aberdeen: 7 March 1608, CH2/1/1/459; 13 March 1609, CH2/1/1/503; 1 March 1610, CH2/89/1/131; 5 April 1610, CH2/1/1/541-CH2/1/1/543; Deer: 9 March 1609, CH2/89/1/119; 1 March 1610, CH2/89/1/131; 29 March 1610, CH2/89/1/131. The Deer presbytery noted in 1608 that "all the bretherne" were privately reviewed by the synod, although it is not clear whether or not this was specific to the presbytery. See 25 February 1608, CH2/89/1/100.

was to consist of an examination of each elder and deacon, the minister, reader, and "thair howssis and families" quarterly and prior to each Communion.¹⁶ The first of these reviews was held the following January in presence of "all and sundrie within" the parish. Examining each of its members in turn, the kirk session found them all to be "sufficient and qualefeit in thair offices, lyffis, and conversatioun" and there were no complaints against them from the parishioners in attendance. Wherefore, "sylance ves protestit for in all tymes cuming, except quhat occasioun wald giff wthervayse."¹⁷ This call for "sylance" may mean that the kirk session found the examination process too burdensome and unnecessary and decided to hold an review again only if a specific problem arose. The annual election of kirk session members was also an opportunity to review or remove individual members if necessary.

For parish visitations, the presbyteries of the North East had similar practices. In general, a presbytery visited each of its parishes once a year, usually between May and October. Additional visitations were made if a particularly serious matter emerged or required a follow-up. This consistent, if infrequent, schedule of visitation provides an opportunity to track how a parish functioned from year to year, what worked and what did not, and how it responded to presbyterial directives.

The ministers who made up the presbytery and the parish's minister and/or reader, kirk session, and parishioners attended these routine visitations. Following the exercise (a minister's exegesis on an assigned passage of Scripture) and addition (a supplementary commentary), the minister (and/or reader) was removed and the elders and, commonly, the congregation at large reported of him. As with ministerial elections, the judgement and opinion of parishioners were integral and valued components of a presbytery's assessment. Parishioners were not shy in voicing their approval or concerns about their ministers and the health of their parishes and, as the examples demonstrate, presbyteries took seriously these reports. In turn, ministers

¹⁶ 9 September 1573, Stuart, *Selections from the Records of Aberdeen*, 14 and CH2/448/1/27 (Stuart erroneously gives the date as 7 April 1568).

¹⁷ 21 January 1573/1574 and 28 January 1573/1574, Stuart, *Selections from the Records of Aberdeen*, 16 and CH2/448/1/35.

reported on their flocks, which is one indication that minsters and parishioners were in regular conversation and had a working relationship.

By comparison with ministers, there are few recorded cases of disciplinary action against readers, perhaps because they would normally be matters for kirk sessions rather than presbyteries. Still, these cases were taken no less seriously. For example, Gilbert Leslie, reader and schoolmaster in Aberdeen, was suspended from the readership in January 1605 for his conviction of fornication, although he protested that he had committed the offence "lang befoir" his admission sometime before October 1604.¹⁸ At some point, he was also deprived of his teaching position and he appealed to the session in August 1606 to be re-hired in both positions. The session accepted Leslie's contrition and penitence—seeing that he was "more offendit with him self than" they were with him—and granted his return to reading and teaching.¹⁹ Thomas Gray, reader of Kemnay, was disciplined twice by the Aberdeen presbytery. In 1601, the presbytery ordered his suspension for his disobedience in failing to provide an account of his exercise of discipline.²⁰ It is not known, however, if the sentence was imposed because there was a delay in the formal pronouncement.²¹ He was in the office in 1604 when the presbytery learned that he had leased the vicarage to Lady Angus.²² Despite the efforts of the presbytery, Gray held on to the lease and was eventually suspended (again) from the office in October 1606, but was reinstated sometime between the spring of 1607 and the autumn of 1609.²³ These two cases demonstrate that kirk authorities imposed rigorous standards on readers. Since readers were not only trainee ministers, but were also in

¹⁸ 14 October 1604, CH2/448/2/93; 6 January 1605, CH2/448/2/113. The minute of 13 January notes that Leslie was "relapss" in fornication and thus fined 10 merks and made to repent publicly on the stool, which he satisfied on 20 January. See 13 January 1605, CH2/448/2/115; 20 January 1605, CH2/448/2/115.

¹⁹ 24 August 1606, CH2/448/2/211-CH2/448/2/213.

²⁰ 19 December 1600, CH2/1/1/79; 2 January 1601, CH2/1/1/81.

²¹ 13 February 1601, CH2/1/1/83.

²² 19 May 1604, CH2/1/1/287.

²³ 12 September 1606, CH2/1/1/369; 10 October 1606, CH2/1/1/373; 1 May 1607, CH2/1/1/403; 19 October 1609, CH2/1/1/531. Two months after Gray's suspension, Andrew Gray, an elder of the parish, was convicted of usurping the office of reader and minister, for which he was disciplined. See 12 September 1606, CH2/1/1/367 and 27 December 1606, CH2/1/1/385.

a position somewhere between parishioners and ministers, it was critical that they dignify the office and be examples of upright conduct.

Reviews of ministers by their kirk sessions and parishioners as given to presbyteries were generally favourable. The report from 1600 of the minister in Belhelvie in the Aberdeen presbytery is typical: Patrick Garden was "fund diligent baith in doctrine and discipline and well reportit of be his congregatioun and th[ai]rfor allowit."²⁴ Robert Forbes, reader and exhorter at Kinnellar, was also "weill reportit off" by the elders and congregation in 1600.²⁵ The minute of Deer presbytery's visitation of Longley in 1610 offers a bit more detail: "the elders and parochiners being tryit concerning the doctrin, lyf and conversa[ti]on of their minister in a voice reported veill of him as lykvyse the minister gave ane honest testimonie of the elderschip thair assistance and co[n]currence."²⁶ Reports were occasionally highly complimentary. In 1606, the session and many of the congregation of Deer reported that their minister:

was cairfull and diligente in his office his doctrein was sound without errour or schisime and plaine to the capacitie of the pepill and gryt comfort of the hearers. In exerceissing of disciplein painfull, In lyff and conversa-tioun honest without ony offence to the guid Exempill of vtheres

In return, the minister spoke of the "fordwardnes zeall and comfortabill concurrence off his Elderschip according to thair giftes and of the obedience off the pepill."²⁷

Similarly, Lonmay's minister commended his session to the same presbytery in 1610 for their "assistance and zeall [...] for repressing sin, and outbearing of the vark of god."²⁸ The next year, the minister again reported of the session's "fidelitie fordvardnes and concurrence vith him in the Lords business; for the q[ui]lk praise ves givin to God and they all exhorted to perseverance."²⁹ Reports like these and

²⁴ 17 August 1599, CH2/1/1/41.

²⁵ 27 June 1600, CH2/1/1/63.

²⁶ 21 June 1610, CH2/89/1/133. At the same visitation, the stool of repentance was found to have been repaired, presumably much to the relief of the parishioners.

²⁷ 15 May 1606, CH2/89/1/75.

²⁸ 21 August 1610, CH2/89/1/125.

²⁹ 13 September 1610, CH2/89/1/134.

many more indicate that relations between ministers, sessions, and parishioners were, on the whole, healthy and mutually beneficial.

Less common, but not unusual, were complaints against ministers or parishioners by ministers, parishioners, or visitors. Problems reported at visitations tended to be minor while more serious issues were generally reported at the time. When criticisms were leveled at ministers, they often concerned points of ministerial practice. For example, the minister of Old Aberdeen was asked in 1604 to apply himself "mair diligentlie to his studie" and to refrain from preaching on the book of Daniel, a difficult and complicated text, choosing instead "a text mair plane for the capacitie of the wulgar peple."³⁰ In the same year, William Davidson of Rathen in Deer was also enjoined to be "mair familar and populer in his doctrin."³¹ During a general ministerial review in 1608, the Aberdeen presbytery urged all ministers to be "weill preparit" for forthcoming visitations by dedicating themselves to study, especially in the "reding of the historie Ecclesiastick."³² In the same year, the parishioners of Methlick reported to the Ellon presbytery that their minister, John Mercer, was diligent in most aspects of his duties, but was neglectful in visiting the sick and examining before Communion, matters which were of particular concern to them.³³

Reader negligence was also uncommon, but there are a few cases. For example, the Aberdeen presbytery repeatedly reprimanded John Milne, vicar and exhorter of Maryculter, for neglecting to teach the Lord's Prayer, Ten Commandments, and Confession of Faith, which all parishioners were required to know in order to take Communion.³⁴ In 1610, the Deer presbytery admonished William Ogston, reader of Rathen, for his "negligence and Informality" in his keeping of the kirk session's book of discipline.³⁵

³⁰ 8 July 1604, CH2/1/1/295.

³¹ 24 May 1604, CH2/89/1/21.

³² 7 March 1608, CH2/1/1/459. One of the history texts that the presbytery may have had in mind was the *Magdeburg Centuries*, as mentioned in footnote 12.

³³ 10 August 1608, CH2/146/2/26.

³⁴ 25 July 1600, CH2/1/1/71; 27 August 1602, CH2/1/1/187; 9 September 1603, CH2/1/1/257.

³⁵ 15 November 1610, CH2/89/1/137.

The off-duty behaviour of both ministers and readers was also subject to censure. William Davidson, the minister of Rathen, was exhorted in 1609 to "modify sobriety temperance and grauity in his behaiour."³⁶ In 1605, the elders of Tarves objected to minister Thomas Garden's recreational pursuits of visiting the tavern, "carting dyceing [and] ciuill trysting," which the presbytery forbade him to do in future.³⁷ Gambling and "drinking extraordinarlie" were also vices of Gilbert Kintore, reader of Foveran, who was reported to have continued such activities after his conviction by the kirk session. The threat of deprivation evidently did not deter him as he was charged again for the same offences a year later.³⁸

A more serious problem was non-residence. There are several cases of non-residence in the North East, generally due to inadequate financial provision. A full analysis of the complex, densely-layered, and ever-changing financial arrangements for ministerial provision is outside the scope of this thesis. However, an examination of the impact of non-residence upon parishioners can be made. It was often at the behest of parishioners that ministers took residence at their kirk. For example, Alexander Bruce was re-admitted to the parish of Slains in 1597, but had yet to reside in the parish by the time of the Ellon presbytery's first recorded visitation in August 1598.³⁹ The presbytery, therefore, ordered him to take up residence by the following summer or be deprived of the office.⁴⁰ Still not resident by the next visitation in August 1599, it was the parishioners who urged Bruce to take up residence. Bruce answered that his provision was insufficient to allow him to reside in the parish, especially as there was no fuel or kale to sustain him through the

³⁶ 27 April 1609, CH2/89/1/120.

³⁷ 19 June 1605, CH2/146/1/130. 1605 was an unusually bad year for Garden, who was favourably reported of at other times. In that year, he was additionally admonished to "await on his buik," or study more, teach on Sunday afternoons so as to sanctify the day and discourage drinking, punish Sabbath breakers, drunkards, banners, and swearers, and to endeavor to set up a schoolmaster. The kirk officer was also "rebuikit for his drunkines."

³⁸ 22 September 1608, CH2/146/2/29; 17 August 1609, CH2/146/2/53.

³⁹ Bruce was briefly minister of Slains in 1589, but was re-transferred to Cruden in 1590. See *Fasti*, 6: 200-201.

⁴⁰ 30 August 1598, CH2/146/1/22.

coming winter. The minister promised to reside "howsoone he wes helped in provision" and presbytery gave him until spring.⁴¹

By the visitation of July 1600, Bruce had evidently moved to Slains as nothing else was reported other than the parishioners' testimony of his "fidelity and diligence in his ministry and honesty in lyff."⁴² From later records, it appears that Bruce moved to the parish despite the lack of adequate provision. In the spring of 1605, the presbytery recognised the "Insufficiencie of the gleib" and received permission from the Earl of Erroll to expand the glebe.⁴³ This case shows that parishioners wanted a resident minister and that Bruce was willing to put their needs above his and reside in the parish without proper provision.

For the parish of Rathen, the non-residence of their minister, William Davidson, mentioned above, was to the detriment of weekly worship. Installed in 1603, Davidson was ordered by the presbytery at their first recorded visitation in May 1604 to take up residence. He was also instructed to hold an afternoon service on the Sabbath, which may have been neglected because of his travel from his home.⁴⁴ Although Davidson's "gracis found incresing" at the next year's visitations, he was still not resident and afternoon services had not been implemented. The presbytery thus ordered him to take up residence or face disciplinary action. In the meantime, there was to be Sunday afternoon public prayers and preaching as soon as he was resident.⁴⁵ It appears that Davidson heeded the demands and was resident by the 1606 visitation, although that was not explicitly stated. The kirk session told the presbytery that he was "daylie mending in doctrein honest in co[n]versatioun and diligent in discipline" and that an afternoon service of reading was offered.⁴⁶ Thus,

⁴¹ 29 August 1599, CH2/146/1/45.

⁴² 30 July 1600, CH2/146/1/62.

⁴³ 24 April 1605, CH2/146/1/126; 1 May 1605, CH2/146/1/127; 23 May 1605, CH2/146/1/128.

⁴⁴ 24 May 1604, CH2/89/1/21.

⁴⁵ 13 June 1605, CH2/89/1/55-CH2/89/1/55B

⁴⁶ 17 July 1606, CH2/89/1/79. Davidson did not stay in the manse for long, however, as he was found in 1607 to have set it and the glebe to William Ogston, who may have been reader at the time and was certainly reader by February 1609. Although Davidson did not re-occupy the manse until 1610, the presbytery or congregation did not find fault with his Sabbath duties. See 4 June 1607, CH2/89/1/91; 2 February 1609, CH2/89/1/117; 27 April 1609, CH2/89/1/120; 30 August 1610, CH2/89/1/134.

the fullness of a parish's programme of public worship often depended upon the minister living and working within the parish.

The non-residence of Peterculter's minister, William Wallace, did not come at the expense of his public duties, but, rather, his studies. As discussed in Chapter 6, Wallace had been a reader at the parish since 1580 and was officially installed as minister in late 1601. Over the next nine years of presbyterial records, he was always "well reported off his haill elders," "approuit in his doctrine and discipline," and "of guid lyff."⁴⁷ Of concern to the presbytery was that he was not resident at his kirk and a great deal of time that he was supposed to be dedicating to learning was spent tending his own land. At almost every visitation or review, the presbytery (and, in one instance, the elders) implored him to withdraw himself from his "wardlie turnes" and apply "him selff earnestlie to his buik."⁴⁸ Wallace responded that his meagre provision prevented him from residing at the kirk.⁴⁹ In 1607, he told the presbytery that he was living within a half mile of the kirk and that there was no land to provide fuel available in the parish.⁵⁰ He protested further the following year that his wife and servants managed the husbandry and his ministerial income (a little under £36) did not even cover his expenses of attending synods, sub-synods, and presbytery meetings. Should the parishioners contribute to provision, "glaidlie he suld reside [...] vth[er]wayis thay culd not vrge him."⁵¹ Wallace was still not resident by July 1609, but was found "fayt[h]full in his calling" all the same.⁵² Unlike the other cases of non-residence, Wallace's did not affect his ability to carry out fully his ministerial duties. Perhaps his parishioners would have benefitted from his further study, but the evidence suggests that his scholarship met their needs and

⁴⁷ 29 June 1604, CH2/1/1/293; 5 July 1605, CH2/1/1/331; 1 August 1606, CH2/1/1/365.

⁴⁸ 19 August 1603, CH2/1/1/251; 4 July 1608, CH2/1/1/471.

⁴⁹ The old manse and glebe had long been dissolved by 1601. At the synod's directive, the presbytery designated land for a new manse and glebe in July 1603 to provide for Wallace and his successors. Funds for building of a manse were not forthcoming, however, from either Wallace or the parishioners and, in July 1609, the manse had still not been built. See 3 July 1601, CH2/1/1/103-CH2/1/1/105; 27 July 1609, CH2/1/1/523.

⁵⁰ 26 June 1607, CH2/1/1/415.

⁵¹ 4 July 1608, CH2/1/1/471

⁵² 27 July 1609, CH2/1/1/523. Wallace resigned from the ministry in 1612 and was succeeded in the parish by his son. See *Fasti*, 6: 71.

capabilities. Although non-residence could be a problem for a parish, the impact was generally minimal or at least not severe. In some cases, it was the presbytery's concern and interference that caused inconvenience to a parish by distracting a minister with a matter that was otherwise not a problem. In these cases, the difference in expectations between ministers and parishioners and higher kirk authorities led to disagreement and disruption.

Other types of low-level, but persistent problems with ministers were more serious and were experienced by a handful of parishes within the North East. A particularly significant example occurred in the parish of Banchory-Devenick in the Aberdeen presbytery. Robert Mercer was installed as minister there in 1595 and appears to have been dutiful in the discharge of his duties.⁵³ At the first three recorded annual visitations from 1599, he was found to be "diligent," "of a guid lyff," and "well reportit of by the eldaris and congregatione."⁵⁴

From 1602, however, his standards began to slip. In March, the presbytery rebuked him for not disciplining Sabbath absentees and not punctually keeping the time of catechising.⁵⁵ By the time of the presbytery's return in July, the situation had deteriorated greatly. Mercer was negligent in preaching and keeping and enforcing discipline. Absenteeism was rife and, when parishioners did attend services, they departed before the sermon, as revealed in the complaint "litill remeane or attendance gewin to To [sic] Worde teached." Mercer was "scharplie admonisit" and ordered, with the assistance of the elders, to preach regularly, "hald hand to discipline," and "correct the irreverent heraris of the worde."⁵⁶ At the following year's visitation, it was found that Mercer had moved to Aberdeen in order that his children could attend

⁵³ Robert Mercer, a regent of King's College in Old Aberdeen, succeeded to Banchory-Devenick upon the death of his father in 1578. Mercer elder was an exhorter at the parish from at least 1567 and admitted as minister sometime before 1574. At the General Assembly of August 1575, the superintendent of Angus and Mearns was accused of admitting Mercer despite the fact that he was "unable to discharge his cure." The superintendent rebutted that he had admitted Mercer upon the recommendation of the Aberdeen presbytery, who had tried Mercer for the post. The Assembly directed Alexander Arbuthnott, principal of King's College, and John Craig, minister of Aberdeen, to review Mercer's "doctrine and literature." See *Fasti*, 6: 43; Shaw, *Acts of the General Assemblies*, 1: 395.

⁵⁴ 31 August 1599, CH2/1/1/45; [date unknown] 1600, CH2/1/1/71; 10 July 1601, CH2/1/1/105.

⁵⁵ 20 March 1602, CH2/1/1/153.

⁵⁶ 23 July 1602, CH2/1/1/175.

school there, as a later record notes. In contrast to other non-resident ministers, the parishioners reported that he "teaches bettir and oftn[e]r" than he did when he was resident in the parish. The presbytery was not persuaded by this reasoning and ordered him to return.⁵⁷ He continued to improve through 1604, but did not reside permanently in the parish as his family remained in Aberdeen.⁵⁸ By 1605, his absence began to take a toll on his ministry. Not only was he not resident, but he had let out the manse, been absent several Sundays from his kirk, skipped even more presbytery meetings, and it appears that unauthorised persons were reading Scripture publicly and leading prayers in kirk. In addition, his doctrine was found unsatisfactory upon his teaching (Luke 1:67) at the exercise of the presbytery in Aberdeen.⁵⁹

The presbytery's trial of February 1606 confirmed Mercer's decline: he remained in Aberdeen, had not attended to his kirk or presbytery meetings for almost two months, and his doctrine was "raw and sensles."⁶⁰ Given his absence from his own trial, the presbytery referred the case to the synod meeting of the following week.⁶¹ Although the synod records have not survived, it can be presumed that Mercer was absent (as he was absent from the next presbytery meeting) and further charges were brought against him, which Mercer answered at his trial in April.⁶² He confessed his eleven-week absence from kirk and presbytery and his non-residence, but denied, among three other charges, that, when he was present for services, he simply read instead of preached or that he had someone else read for him.⁶³ Over the next few weeks, the twelve elders of Banchory-Devenick kirk session were called to the presbytery to give their testimonies as witnesses. Only a handful of the elders

⁵⁷ 12 August 1603, CH2/1/1/249.

⁵⁸ 3 August 1604, CH2/1/1/299-CH2/1/1/301.

⁵⁹ 9 July 1605, CH2/1/1/333; 26 July 1605, CH2/1/1/335.

⁶⁰ Mercer's most recent preaching before the presbytery had been on 8 November 1605. His colleagues' assessment at the time was that he was "no better nor befor." See CH2/1/1/341.

⁶¹ 14 February 1606, CH2/1/1/345.

⁶² 28 February 1606, CH2/1/1/345.

⁶³ 18 April 1606, CH2/1/1/353-CH2/1/1/355. He also denied that he had spoken to "ony p[er]sone at th[eir] owlyeing off the kirk, tary till I speik w[i]t[h] yow," that he was not "ather fra sermon or prayers" when in Aberdeen (except once when summoned by the commissioners), and that he kept "company off prophane men."

offered testimony regarding the above charge. David Menzies, confirmed by two others, admitted that he had read the prayers during Sunday services in the presence of Mercer on two or three occasions.⁶⁴ With the evidence in mind, it appears that the presbytery met in early June to make their final judgment in Mercer's trial (and of John Mercer at Methlick discussed below), but the space provided for recording the verdict is blank.⁶⁵ Mercer at least kept his job.

Although Mercer's performance was found unchanged at the presbytery's visitation in June 1606, there was some improvement noted at the visitation the following year.⁶⁶ His congregation reported that he had "mendit bayt[h] in doctrine and discipline" and the presbytery encouraged him to "press dailie mair and mair to forder diligence and to increse in grace." Discipline, however, continued to be a problem.⁶⁷ In 1608, Mercer was again found "negligent" in punishing absentees and "Mony" in the parish had not communicated.⁶⁸ With no signs of progress by March 1609, the presbytery decided at a general ministerial review to renew the "processe vnder the q[ui]lk he lyis."⁶⁹ No further details are given, but the threat may have been enough as the elders and parishioners reported in July that Mercer "vses all meanes to mend in doctrine and vttera[n]ce" which had "wrocht ane guid" in him.⁷⁰ In 1610, he was found "sumquhat cauld in his doctrine and delyu[er]ie" and that he had once again dilapidated his benefice, which matters were to be referred to the next sub-synod.⁷¹ The details of further hearings or trials are unknown since the records after May 1610 have not survived, but Mercer remained at Banchory-Devenick for

⁶⁴ 25 April 1606, CH2/1/1/355; 16 May 1606, CH2/1/1/357. On the 16th, Robert Sibbald added that Mercer "eftir sermon and blessing be his heid him owt off pulpit, say; tary till I w[i]t[h] yow."

⁶⁵ 30 May 1606, CH2/1/1/359; 5 June 1606, CH2/1/1/359. The Ellon presbytery was involved or at least consulted in the Mercer trial since a minute from 9 May directed the moderator to notify Ellon of the next meeting. The Ellon presbytery records have not survived from this time. See 9 May 1606, CH2/1/1/355.

⁶⁶ 27 June 1606, CH2/1/1/36.

⁶⁷ 24 July 1607, CH2/1/1/427.

⁶⁸ 11 July 1608, CH2/1/1/473.

⁶⁹ 13 March 1609, CH2/1/1/503.

⁷⁰ 6 July 1609, CH2/1/1/517.

⁷¹ 5 April 1610, CH2/1/1/541.

the next decade or so.⁷² The reasons for Mercer's troubles are also unknown, but it is evident that the presbytery had some hope for his improvement based on his previous record of dutiful ministry and was willing to continue his position at the parish for, perhaps, the sake of the congregation. The presbytery certainly took his behaviour seriously and disciplined him accordingly, but it also sought to reform and retain an otherwise worthy minister who had served his parish well.

As kirk sessions and congregations reported on their ministers to visiting presbyteries, so too did ministers report about them. Most reports were favourable, but there are a few recorded complaints. The elders of Banchory-Devenick, for example, were admonished in 1609 for being of "litill" assistance to Mercer and thus ordered to attend the weekly session or pay 20sh. for each absence.⁷³ At the four visitations of Aberdour in Deer between 1605 and 1608, the minister, David Howeson, gave good reports concerning the elders, except those who lived in Pittendrum (about seven miles north-east of the kirk) and the southern moors, who irregularly attended session meetings. The presbytery chastised them "to mak grytter co[n]science of thair calling and to be mair faithfull unto it the minister" and threatened them with fines and deprivation. In addition, the presbytery enjoined the minister and session to reconcile two elders who had fallen out with each other in 1607.⁷⁴ Absenteeism from session meetings was also found to be a problem in Fraserburgh in 1606 and distance was no excuse as the regular absentees lived in town.⁷⁵ The minister of Peterculter informed the Aberdeen presbytery in 1608 that he "receavit litill assistance of the eldaris" and they were thus ordered to "assist at thair vtter maist."⁷⁶ Similarly, Ellon's minister complained upon a handful of the elders that they were negligent in their "office of elderschip."⁷⁷ More seriously, the kirk session of Old Aberdeen reported to the presbytery in 1601 that a handful of

⁷² Mercer's tenure at Banchory-Devenick ended sometime between 1618 and 1622. See *Fasti*, 6: 44.

⁷³ 5 April 1610, CH2/1/1/541.

⁷⁴ 30 May 1605, CH2/89/1/54; 19 June 1606, CH2/89/1/77; 9 May 1607, CH2/89/1/90-CH2/89/1/91; 16 June 1608, CH2/89/1/106.

⁷⁵ 3 July 1606, CH2/89/1/78.

⁷⁶ 4 July 1608, CH2/1/1/471.

⁷⁷ 19 October 1609, CH2/146/2/57.

elders had committed "harlottrie." When the session's threats of banishment failed to keep the offenders from inappropriate "companie," it requested the presbytery's intervention to effect enforcement.⁷⁸

Occasionally, parishioners bypassed the formal complaints process against ministers or readers and took to verbal or physical confrontation. Verbal attacks in public were the most common form. Perhaps prompted by previous incidents or simply anticipating a possible problem, the inaugural Aberdeen kirk session legislated against those who would "mok, skorne, and haw in derision the preching of the word off God," minister and kirk session members.⁷⁹ Conversely, the minister was prohibited from writing or speaking about sensitive matters or rebuking "ony notable or particular persoune" without authorisation of the session.⁸⁰ As Lynch and DesBrisay have noted regarding this prohibition, "the elite had drawn up an insurance policy for its own preservation."⁸¹ Moreover, it is indicative of the authorities' anxiety over the strife that could occur as a result of religious sensitivity. The first known enforcement of the former act is from a case in 1574. Andrew Philipsson was convicted of "blaspheming the doctrine and ministrie of the kyrk," which he attributed to "drynk," and was ordered to make his repentance by asking God and the congregation for mercy.⁸²

Specific grievances were more often the cause of abusive language. Recently convicted of repeat adultery in 1599, William Cults of Fintray accosted his minister, William Neilson, "publictly in pulpit." Eventually hauled before the Aberdeen presbytery by the sheriff, he was ordered to make his repentance in sackcloth the following Sunday for his crime against Neilson and pay ten merks for the adultery.⁸³ In a similar case of 1608, John Gordon of Tillielt caused "opprobrious Iniure" to his minister in Tarves by speaking out against him during service. For his outburst,

⁷⁸ 10 April 1601, Stuart, *Selections from the Records of Aberdeen*, 175 and CH2/1/1/89.

⁷⁹ 10 December 1562, Stuart, *Selections from the Records of Aberdeen*, 9-10 and CH2/448/1/7.

⁸⁰ 10 December 1562, Stuart, *Selections from the Records of Aberdeen*, 10-11 and CH2/448/1/9.

⁸¹ Lynch and DesBrisay, "The Faith of the People," 295.

⁸² 27 April 1574, Stuart, *Selections from the Records of Aberdeen*, 17 and CH2/448/1/41; 29 April 1574, Stuart, *Selections from the Records of Aberdeen*, 17 and CH2/448/1/41.

⁸³ 20 April 1599, CH2/1/1/27; 26 April 1599, CH2/1/1/29; 9 May 1599, CH2/1/1/29.

Gordon was dismissed from the eldership.⁸⁴ In 1604 in Aberdeen, Andrew Clerk interrupted Bishop Blackburn's admonition of William Allan during the Sabbath morning service to make "publict oppositioun and contradictioun" of the process against Allan. The act was viewed as an offence not only against Blackburn and the congregation, but also against God and the Kirk. At his hearing, Clerk acknowledged the serious nature of his behaviour, but insisted that he had acted on the spur of the moment, "fearing" that Allan was going to be excommunicated. Bursting "furth in tearis," Clerk apologised and submitted himself to the discipline of the kirk session. Because of Clerk's show of contrition, the session decided to be lenient in his punishment. Following the next Sunday's morning sermon, Clerk was to "sitt doun on his kneis" at the location of his offence, confess, and ask forgiveness from the offended parties, which he duly carried out.⁸⁵

It was rare for a minister to be assaulted physically, but cases were not unknown.⁸⁶ Like John Mercer, his neighboring minister at Tarves was once assaulted by one of his parishioners. In October 1599, Alexander Bruce alleged that, as he was traveling one Sunday to the home of Gilbert Stevenson, who was under process for recusancy, Stevenson "laid waitt for his lyff and persewed him off the same."⁸⁷ Stevenson filed a countersuit, through his agent James Cumming, accusing Bruce of pursuing him "off his lyffe and mutilated him." Unusually, Bruce was advised to refer the case to the Earl of Erroll for trial.⁸⁸ Erroll agreed, but had not taken trial by

⁸⁴ 19 July 1608, CH2/146/2/25. Gordon was irate because Thomas Garden (acting with the kirk session) had accused one of his servants of being a vagabond, drunkard, nightwalker, and general troublemaker and had set the sheriff on him. When the presbytery ordered Gordon to attend the next meeting to receive the final sentence, he replied "the deuill a fuit wald he co[m]peir" and walked out. No further mention of the case was made in records.

⁸⁵ 18 December 1604, Stuart, *Selections from the Records of Aberdeen*, 42-43 and CH2/448/2/109-CH2/448/2/111; 23 December 1604, Stuart, *Selections from the Records of Aberdeen*, 43 and CH2/448/2/111.

⁸⁶ Kirk officers were especially in the firing line since they were employed to summon the accused. In October 1601, the Ellon presbytery had to issue an ordinance prohibiting the "deforceing or dinging off kirk officiaris in the execution off thair office." Those convicted of the former would be fined 10 merks and made to repent "vpon his knes befor the pulpit" and of the latter 20 merks and repent "through eu[er]y kirk off the p[re]sbiterie." See Mair, *Records of the Presbytery of Ellon*, 34 and CH2/146/1/81.

⁸⁷ 4 July 1599, CH2/146/1/40.

⁸⁸ [date illegible in the manuscript, but Mair gives 24 October] 1599, Mair, *Records of the Presbytery of Ellon*, 27-28 and CH2/146/1/48.

the end of November.⁸⁹ The outcome of the case is unknown, but it may be supposed that the ruling, if there was one, was in favour of the minister. The teaching at the visitation of Methlick in June 1600 ended abruptly when Cumming gave chase to Bruce.⁹⁰ No further mention of the matter was made until the presbytery ordered Cumming in October 1601 to stand trial for the assault at the upcoming synod.⁹¹ All that is known of the synod's decision is that Cumming submitted himself to the presbytery in March 1602 and the presbytery suspended the process against him.⁹² Given the pervasiveness of violence in early modern Scotland, physical or verbal assaults against ministers were likely to happen. The fact that assaults were not more common may indicate the regard with which ministers were held, especially as the disciplinary role of ministers involved them in some highly charged disputes. Their roles as spiritual and community leaders did not make them immune to personal attacks, but did bestow on them an authority that was recognised and honoured by society similar to that afforded to civil leaders.

Beyond low-level or temporary ministerial misconduct, there were some instances of chronic negligence and/or serious personal malpractice. Admitted to the parish of Cruden in the spring of 1598, David Rattray received favourable reports at the Ellon presbytery's annual visitations from 1598 to July 1603.⁹³ He occasionally missed presbytery meetings and was fined for his absence from the synod of April 1601, but was otherwise a dutiful minister.⁹⁴ However, something happened between 5 October 1603 and the synod meeting later that month to necessitate his suspension. The synod seems to have ordered his temporary suspension and assigned John Heriot, minister of Ellon to preach at Cruden on the last Sunday in October. Heriot informed the presbytery (the first one to be held since the synod) that he had arrived

⁸⁹ 28 November 1599, CH2/146/1/51.

⁹⁰ 25 June 1600, CH2/146/1/61.

⁹¹ 7 October 1601, CH2/146/1/80.

⁹² 31 March 1602, CH2/146/1/88. See also Mair, *Records of the Presbytery of Ellon*, 27-30.

⁹³ 5 April 1598, CH2/146/1/14; 30 August 1598, CH2/146/1/22; 29 August 1599, CH2/146/1/44; 12 August 1601, CH2/146/1/77; 28 July 1602, CH2/146/1/91; 27 July 1603, CH2/146/1/104.

⁹⁴ See 12 September 1599, CH2/146/1/45; September 13 January 1602, CH2/146/1/84; 18 November 1602, CH2/146/1/94; 24 April 1601, CH2/1/1/91; 31 June 1603, CH2/146/1/102;

on 2 November to find a locked kirk and with no congregation in sight.⁹⁵ Rattray's suspension was confirmed in December or January when the presbytery learned that he had usurped the ministry in some manner, perhaps by holding Sunday services.⁹⁶ Failing to appear before the presbytery in late January, he was cited in March to attend the upcoming synod "to heir and sie the process of depriua[ti]on led against him"⁹⁷ The synod's decision is not known and it is not clear if Rattray remained suspended. Even if his suspension was lifted, he was still neglecting his duties and was in contempt of the presbytery. On Sunday 8 April, Heriot was meant to preach at Cruden in an effort to drum up financial support for the Protestant cause in Geneva, but Rattray was nowhere to be found on the day and the kirk was locked. The exercise was repeated the following Wednesday with the additional attendance of two other ministers and some barons, but to no avail.⁹⁸

The situation continued to deteriorate as Rattray disobeyed the various summons of the presbytery and synod and visiting ministers were prevented from holding services in the kirk.⁹⁹ Because the Ellon presbytery records are missing from June 1604 to March 1605, there is a gap in Rattray's narrative. However, the Aberdeen presbytery became involved in November 1604 when a joint meeting was held to take "Tryell of his lyfe and doctrine." Not in attendance, Rattray sent a written appeal instead. He protested that the synod of October 1603 effectively convicted him without a hearing and on the grounds of "sinister informa[ti]oun" and private denunciations. Therefore, he appealed to "his Maiestie" and the General Assembly to clear his name. No records of these appeals exist, perhaps because the Assembly had been prorogued in 1602 and did not reconvene until 1606. Rattray did

⁹⁵ 2 November 1603, CH2/146/1/106.

⁹⁶ [date unknown] CH2/146/1/110.

⁹⁷ 25 January 1604, CH2/146/1/110; 7 March 1604, CH2/146/1/112.

⁹⁸ 18 April 1604, CH2/146/1/115-CH2/146/1/116. Heriot described that the group had arrived at eight o'clock in the morning to a gathering of sundry of the congregation (including some who had brought their babies to be baptised). Rattray had been absent and the kirk doors had been strongly secured with new nails, fasteners, and iron bolts. A few of the parishioners had climbed into the kirk through the windows to open the doors from the inside, but the barriers would not give. Exasperated, Heriot lamented that they "gat na support to Geneva."

⁹⁹ 9 May 1604, CH2/146/1/118; 16 May 1604, CH2/146/1/119; 25 May 1604, CH2/146/1/119. Thomas Tullidaff, minister of Foveran, improvised one Sunday by preaching and administering baptism in the kirkyard. See CH2/146/1/118.

renew his appeal at the November 1604 hearing when the presbyteries judged his claims to be inconsistent with his previous testimony and determined to proceed with the trial.¹⁰⁰

Appearing before the presbytery again on 21 December, Rattray answered the eight allegations against him. Because the charges were not listed separately in the records and Rattray referred to the written indictment, which has not survived, the details of six charges are vague and two are unknown. Of the known charges, one was for desertion of a previous charge at Slains, two were for unauthorised or improper baptisms (both concerning cases of fornication), two for slandering fellow ministers, and another for observing festival days, including Christmas. He denied all the charges and was thus ordered to provide proof before the synod in early January.¹⁰¹ No record has survived of his appearance and what, if any, actions were taken. The process was delayed from late January, but concluded in March.¹⁰² At that meeting, he confessed to slander and, additionally, to obstructing the presbytery and neglecting his ministerial duties during the trial process. He promised to correct his behaviour in future and adhere to the directives of the Kirk. The presbyteries placed him on probation under the pain of transportation to another parish and or deprivation should he fail to comply. He was ordered to make his repentance in his own kirk the following Sunday in the following manner: after preaching, Thomas Garden, the minister of Tarves, was to read Rattray's sentence and have Rattray stand in front of the pulpit and confess his sins, affirm the justness of his sentence, and promise with his "hand haldin wp" to obey the Kirk. Sitting upon his knees, he was to ask forgiveness from God and the Kirk. Concluding the ritual, Garden was to restore Rattray to his ministry.¹⁰³

¹⁰⁰ 30 November 1604, CH2/1/1/309-CH2/1/1/311.

¹⁰¹ 21 December 1604, CH2/1/1/311-CH2/1/1/313; 28 December 1604, CH2/1/1/313. In regard to charge of desertion, Rattray was transported from Slains (where he had been minister since 1586) to Kinneff in Kincardine in 1589. The available sources, although limited, do not suggest that Rattray "deserted" his charge at Slains nor that there were irregularities in his transportation. See *Fasti*, 6: 200; 22 March 1597/1598, CH2/146/1/14; 5 April 1598, CH2/146/1/14.

¹⁰² 25 January 1605, CH2/1/1/319.

¹⁰³ 1 March 1605, CH2/1/1/321-CH2/1/1/323.

The surviving visitation reports of 1605 through to 1610 suggest that Rattray did indeed amend his behaviour.¹⁰⁴ At the visitation of July 1605, the elders did not complain upon Rattray's conduct, but did request that he preach and catechise in the afternoon on the Sabbath.¹⁰⁵ In other years, the elders reported that he was "diligent in studie," "sinceir in discipline honest in lyif and conu[er]satioun," and preached to the "sensible to the edificatioun of the heireris."¹⁰⁶ He did lapse occasionally and, in November 1608, he was convicted of neglecting Sunday services in favour of attending a fair with his family and servants, for which the synod ordered him to confess publicly during service.¹⁰⁷ Although this and the previous alleged offences certainly discredited Rattray personally and professionally, they do not appear to have effected his routine ministerial duties and did not concern the congregation at large. Far more troublesome had been his suspension and negligence of the parish during the trial process between 1603 and 1605, which deprived his congregation of essential services. As in the non-residence case of William Wallace, this case demonstrates a difference between the acceptable standards or expectations held by Rattray (and his parishioners) and those held by the higher kirk authorities. If the recorded allegations were true, his conduct was indeed reprehensible, though probably not serious enough to warrant such a severe process against him, especially as, in other respects, he had been an adequate minister. From the presbytery's point of view, however, he had disgraced the ministry, undermined his credibility and authority with his parishioners, and was morally unfit for the profession, further evidenced by his conduct during the process. Unlike in the case of Robert Mercer at

¹⁰⁴ There is another gap in the Ellon presbytery records from December 1605 to October 1606.

¹⁰⁵ 22 July 1605, CH2/146/1/131.

¹⁰⁶ 23 July 1607, CH2/146/2/9; 25 August 1608, CH2/146/2/27; 14 September 1609, CH2/146/2/55; 27 August 1610, CH2/146/2/74.

¹⁰⁷ March 1609, CH2/146/2/42. The presbytery only learned of Rattray's attendance at the fair through the discipline of a parishioner of Ellon for the same offence, who stated that Rattray had "prophaneit the saboth in grytter measure thein he." See 23 November 1608, CH2/146/2/33. There is also a rather bizarre case involving him, Dame Agnes Sinclair, Countess of Erroll, and her husband, Alexander Gordoun of Strathdowne. The only details to have survived are that William Forbes took out £500 in caution for Rattray in 1607 "not to harm" the aforementioned couple. See *RPCS*, 7: 666. Despite committing a number of serious civil and ecclesiastical offences after 1610, he remained Cruden's minister until at least 1628 and possibly until 1632, when his son Patrick was admitted. See *Fasti*, 6: 187.

Banchory-Devenick, which was arguably more serious, the Ellon presbytery acted quickly to uphold Kirk policy against Rattray and it was not willing to show patience or leniency, even if that would have been to the benefit of the congregation.

David Rattray was certainly far from a shining example of the ministry, but he served his parish well enough and had a fairly good relationship with his flock. In contrast, John Mercer at Methlick was a dutiful minister, but his tenure was blighted by confrontation and even violence towards his parishioners. Installed in 1595, Mercer's fraught relationship with his congregation is evident from the beginning of the Ellon presbytery records.¹⁰⁸ In May 1598, the presbytery made an urgent visitation to the parish to deal with the "scisme" that had developed there.¹⁰⁹ The trouble was not yet between congregation and minister, who received a "guid testimonie" from the elders, but lay in the entrenched feud between George Gordon, laird of Gight and James Gordon, laird of Haddo, with their respective adherents.¹¹⁰ In late 1597, the synod altered the parish boundaries of Methlick (the domain of Haddo) and Tarves (Gight), which was, in effect, an annexation of Gight's barony of Schivas from Tarves to Methlick.¹¹¹ According to the minutes of the Ellon presbytery, the General Assembly of March 1598 suspended the annexation until its next meeting and Haddo demanded in April that the suspension be activated, which appears to have been done.¹¹² However, the enmity stirred by the dispute between Gight and Haddo over the annexation spilled into the Methlick congregation, which had (or still) included Gight's tenants. The result was a "great hinderance to discipline" and much more. At the May visitation, the presbytery determined that it was out of its depth and sought the help of the upcoming synod.¹¹³

¹⁰⁸ *Fasti*, 6: 198.

¹⁰⁹ 17 May 1598, CH2/146/1/16.

¹¹⁰ 26 May 1598, CH2/146/1/17.

¹¹¹ The synod act of 9 November 1597 was ratified by the General Assembly in March 1601. The annexation brought the parishioners of Shivas shorter travelling distance to a kirk. The land holdings of each parish remained intact. See Shaw, *Acts of General Assemblies*, 2: 1,211.

¹¹² 19 April 1598, CH2/146/1/15. This matter is not found in the published editions of the records of the General Assembly.

¹¹³ 26 May 1598, CH2/146/1/17.

The other, less serious dispute was between Haddo and Mercer. At the visitation, Haddo's agent presented an unspecified accusation against the minister, which the presbytery remitted to the synod.¹¹⁴ The complaint was probably linked to Haddo's second conviction for fornication in late 1597 and his request for marriage in early 1598.¹¹⁵ Although the synod had authorised Mercer to proclaim the banns, Gight had raised objections to the marriage and the matter was remitted to the Aberdeen presbytery in February.¹¹⁶ At the visitation of September 1598, the elders again reported well of Mercer and, in turn Mercer of his parishioners, except that Haddo had not been attending services. The strained relations between the minister and the laird were not helped by Haddo's third conviction for fornication, for which he was fined £40 and required to make his repentance upon the stool in presence of the Methlick congregation.¹¹⁷ The repentance element within Haddo's latest punishment seems to have been the source of the presbytery's accusation against George Chalmer, an elder of Methlick and sometime-agent of Haddo, of ministerial usurpation. The presbytery alleged that Chalmer presided over Haddo's act of repentance and absolved him. Chalmer denied the offence and was instructed to provide proof of his innocence at the next presbytery meeting, but he contracted an

¹¹⁴ 26 May 1598, CH2/146/1/17.

¹¹⁵ 28 December 1597, CH2/146/1/8-CH2/146/1/9. Haddo's defense for his fornication was that George Keith, earl Marischal, his former brother-in-law, had reneged on some major financial agreement which left him unable to "find a mariage for him selff vnles he wald marye farre beneth his awin estaite to the disgrace off him selff and dishono[u]r off his hous." Because this was Haddo's second conviction for fornication since his wife's death, the presbytery fined him 10 merks and two Sundays "vpon the stuill off repentance." He was also to "put away his harlott," who, because it was her first conviction, was only fined 2 merks and one Sunday on the stool.

¹¹⁶ 22 February 1597/1598, CH2/146/1/13. The Aberdeen presbytery records from early 1598 have not survived, but Haddo's marriage to Helen Udny was evidently allowed and solemnised. Still legally married to Helen in January 1599, Haddo requested the Ellon presbytery for marriage to Agnes Gordon. It referred the matter to the Aberdeen presbytery, but nothing of it is mentioned in the records. In May, Agnes' father, John Gordon of Tillielt, was charged with presenting a counterfeit marriage license from Mercer to David Henderson, minister of Ruthven in the synod of Moray, who proceeded to marry the couple. Finally appearing before the presbytery in July, Gordon admitted that, at the suggestion of his wife, his son James had forged the testimonial of the banns and Mercer's signature. The synod of September 1599 instructed Mercer to fine Haddo £20 and make him repent for his "whoredome," which, presumably, refers to his conduct with Agnes. Haddo did repent, but failed to pay the fine, obliging Mercer to pay and seek restitution from Tillielt. See 24 January 1598/1599, CH2/146/1/28; 2 May 1599, CH2/146/1/34; 26 September 1599, CH2/146/1/46; 10 October 1599, CH2/146/1/46; 14 November 1599, CH2/146/1/49; *Fasti*, 6: 305.

¹¹⁷ 13 September 1598, CH2/146/1/22. Haddo's extracurricular actives resulted in an illegitimate child, who was baptised by Thomas Garden, minister of Tarves, without authorisation from Mercer. See 4 October 1598, CH2/146/1/23.

extended illness that delayed the process until the following May.¹¹⁸ Chalmer later "cleared him selff off the said accusa[ti]on be his oathe" and that was the end of the matter.¹¹⁹

The next few years appear to have been free of any significant problems and nothing arose at the visitations of 1599, 1601, and 1602.¹²⁰ A week after the visitation of July 1602, however, Mercer was assaulted at a presbytery meeting at Cruden. That day, the presbytery tried the case of alleged adultery between a George Gordon and Agnes Gordon, Lady Haddo. Both parties being present at the trial, they denied the allegation and Haddo himself sent in a written testimony of the "honestie off his wyff" and pointedly warned the presbytery to not "midle any funder."¹²¹ Unsure of what action to take, the presbytery decided to stay the process until they could consult with the Aberdeen presbytery and instructed the defendants to eschew "suspicious societie" in the meantime. Evidently taking the allegations as slander, George, John Gordon of Tillielt, Agnes' father, and a number of accomplices then set upon Mercer, resulting in a "tumult."¹²² The attackers were charged and tried by the Aberdeen presbytery, but no punishment was recorded.¹²³

After this incident, tensions between Haddo and Mercer settled down for the next few years and no notable problems with him or other parishioners arose in 1603. The calm was broken in April 1604, however, by allegations of severe ministerial misconduct. On 25 April, Elspet Smyth, wife of William Maitland, alleged that Mercer physically assaulted her in her barn the previous week. Her account of the assault was that he had punched, hit, and kicked her several times with his hands, feet, and elbows. Mercer left, only to return with a pitchfork with which he

¹¹⁸ 29 November 1598, CH2/146/1/26; 13 December, CH2/146/1/27.

¹¹⁹ 2 May 1599, CH2/146/1/34.

¹²⁰ 4 July 1599, CH2/146/1/40; 16 September 1601, CH2/146/1/79; 21 July 1602, CH2/146/1/91. The visitation in June 1600 was interrupted and not re-held. See 25 June 1600, CH2/146/1/61.

¹²¹ Agnes was again indicted for adultery in 1610. Her co-accused was Patrick Barclay, a servitor of the family. For a detailed account of the process, which included several spectacular confrontations between the accused and Mercer, see Mair, *Records of the Presbytery of Ellon*, 83-87.

¹²² 28 July 1602, Mair, *Records of the Presbytery of Ellon*, 137 and CH2/146/1/92.

¹²³ 6 August 1602, CH2/1/1/181. John Gordon may have been an elder of Tarves at this time. He was an elder in July 1608 at least when he was discharged of the eldership. See 19 July 1608, CH2/146/2/25.

attempted to strike her, but was stopped by Alexander Tailor. Snarling, Mercer throttled Elspet, saying "I shall end ye and thow sall neu[er] gang out of my hands in lyue," but Tailor was eventually able to free Elspet. Mercer confessed to striking Elspet on the mouth and knocking her about, but denied the other points of the accusation. At the same meeting, it was also reported that some parishioners had made a complaint against Mercer to the visiting ministers come to collect for Geneva earlier in the month.¹²⁴ Both charges were tried at the visitation of the parish the following fortnight. Asked to give an account of Mercer's ministry, the present elders requested from the presbytery a postponement since the majority of the eldership was absent. The presbytery gave them a week and Mercer requested that all the elders take an oath promising to report of him "sinceirlie auoyd[ing] all malicious calumneis."¹²⁵

At the hearing of her case, Elspet attended, but appointed her son Thomas Maitland as her representative. After Thomas recounted the points of the assault, Mercer this time confessed to striking Elspet on the side of her head and shoulder, but again denied the other points of the allegation. His defense was that he was provoked into confronting Elspet by previous altercations. The first incident was when Elspet's son George had insulted Mercer's son, "avowing him to be dismemberit of his priuie me[m]ber," and called Mercer himself a "scabbit knaue." When Mercer sought redress for the offence from Elspet and her husband, Elspet grabbed Mercer's son and threatened to tear him to pieces. The second incident involved Elspet slandering Mercer's wife. Regarding the accusation that he brandished a pitchfork, Mercer testified that Elspet's children had set fire to a kiln being used to dry grain and he had fetched the pitchfork to rescue his grain and protect himself from the children. Confronting Elspet, she railed against him and he took her by the chin and head, but "without ony hurt to hir body."

Elspet's son challenged Mercer's defense of provocation because the first incident occurred about a year before and the second two or three years before.

¹²⁴ 25 April 1604, Mair, *Records of the Presbytery of Ellon*, 48 and CH2/146/1/116.

¹²⁵ 9 May 1604, CH2/146/1/117.

Moreover, there had been "frenschip and nychtbo[u]rheid" between the two families since the most recent incident, with "salutatiounis conference borrowing and lenning," all of which Mercer conceded. Tailor had not seen Mercer strike or attempt to strike Elspet with the fork, but did see him gripping her head. The case was continued and the presbytery sought advice from the Aberdeen presbytery.¹²⁶

The following week, Thomas Garden, minister of Tarves, reported to the presbytery that he had met with the elders of Methlick. They had agreed to Mercer's request for their oaths, but, in turn, requested the presbytery members to swear that that they would "faithfullie Judge" Mercer following trial, to which the presbytery also agreed.¹²⁷ Additionally, Thomas Maitland informed the presbytery that Mercer had threatened Elspet, via the kirk officer, to cut out her tongue if she spoke out any further in the case against him. Mercer admitted issuing the threat, but, from what can be gathered from the incomplete minute, it was in response to her insulting him.

The presbytery decided to postpone their verdict on Elspet's case until after trial was taken of the elders' allegations in early June.¹²⁸ Only a portion of the trial is extant because the minutes of the trial are the last of the surviving records between June 1604 and March 1605 and the final decisions on both cases are not known. The available minutes show that the elders presented a catalogue of Mercer's "falts" in "his lyif and ministri" that might be proved by witnesses or put to Mercer's oath. At least four charges were presented, three of which were for assault. The first occurred on a Sunday soon after Mercer's placement at Methlick. On his way to Sunday services, Mercer attacked Thomas Maitland and tried to take his sword. Mercer admitted taking hold of Thomas in the kirkyard, but did so in self-defence as Thomas was pursuing him with sword in hand. Two witnesses testified that they did not see the start of the altercation, but heard Mercer say "ye sall sie me tak the sword fra the

¹²⁶ 9 May 1604, Mair, *Records of the Presbytery of Ellon*, 48-49 and CH2/146/1/117-CH2/146/1/118.

¹²⁷ 16 May 1604, CH2/146/1/118.

¹²⁸ 30 May 1604, Mair, *Records of the Presbytery of Ellon*, 49 and CH2/146/1/119.

knaue" then saw him run to Thomas and tackle him to the ground.¹²⁹ The laird of Tolquhon testified that the laird of Udney had reconciled the parties, which seems to have closed the matter. The other two assaults were upon two "puir" men, which Mercer acknowledged.¹³⁰ Adding some variation to his misconduct, the fourth charge was that Mercer had called his congregation "atheists and theiffis." Mercer denied applying the terms to all parishioners, but "affirmit sum off them war sa." Inquired if all or some of the parishioners had been addressed, the attending elders responded that they "rememberit not that thaj hard him speik sa generalie." From here, the minute continues onto the recto, which has not survived.¹³¹

Whatever the presbytery's verdicts, Mercer continued in his post at Methlick and improved relations are evident in the good reports of Mercer and the parishioners at the visitation of June 1605. The presbytery merely instructed Mercer to keep a separate book for recording baptisms, marriages, and burials and to catechise families on Sunday afternoons.¹³² The harmony proved short-lived, however, as the synod of August 1605 instructed the presbytery to deal with an unspecified falling out between Mercer and his parishioners. Concurrently, the presbytery handled a case of assault upon Mercer by some unnamed servants of Gight (the servants were evidently under process by Mercer and, of course, Gight was currently excommunicated as discussed in Chapter 5). It is not clear if these two matters were one and the same or unconnected.¹³³ The assault case was delayed through the

¹²⁹ Thomas Maitland and the witnesses noted that Mercer was careful to lay down his book and remove his gown before going after him. See 8 June 1604, Mair, *Records of the Presbytery of Ellon*, 50 and CH2/146/1/119A. It was not acceptable in this period to carry weapons into a kirk and they would be left at home or outside, possibly before entering the kirkyard. See Dawson, "Calvinism and the Gaidhealtachd," 250.

¹³⁰ Mercer admitted to attacking one of the men with a "trie" in Thomas Maitland's house, but insisted that the man was neither blinded nor marked by him and did not die from the attack. Mercer also testified that they had reconciled before the man's death. Mercer gave the other man "ane cuf for failing to mak the kirk mort q[uhi]lk he suld haid done." See 8 June 1604, Mair, *Records of the Presbytery of Ellon*, 50 and CH2/146/1/119A.

¹³¹ 8 June 1604, Mair, *Records of the Presbytery of Ellon*, 50 and CH2/146/1/119A.

¹³² 5 June 1605, CH2/146/1/129. Mercer's violent reputation among his parishioners remained and was such that another assault accusation, this time false, was brought against him in January 1605. Dealt with by the Aberdeen presbytery, the accuser was ordered to ask Mercer for "forgiveness on his kneis befor the pulpit [...] i[n] p[rese]ns off ane other Minister on the nixt Sunday." See 11 January, CH2/1/1/315-CH2/1/1/316.

¹³³ [date unknown], August 1605.

autumn of 1605 since Gight was initially in Edinburgh and later laid up by illness (an excuse which he regularly made during his recusancy trial).¹³⁴ The last specific reference to the Gight case was in October 1605 and the resolution to the case has not survived.¹³⁵ The other matter only received one more comment (regarding arrangements for a meeting with the Aberdeen presbytery).¹³⁶ The resolutions to both cases are again not known due to the second gap in the Ellon presbytery records.

Over the next few years, Mercer was involved in further troubles, but the visitation reports of 1607 and 1608 suggest that the parish was functioning adequately.¹³⁷ By the summer of 1609, however, tensions had reached a boiling point. In late June, Mercer sought the deprivation of Alexander Wilson, the kirk officer of Methlick, for inappropriate behaviour and other unspecified offences against him.¹³⁸ In turn, Wilson gave in a complaint against Mercer. The presbytery convened at Methlick the following fortnight to try these matters and conduct a general visitation. "Sic wes the wnrewlines" of Mercer when he engaged in a shouting match with Robert Maitland, laird of Auchencrieff, that it became so heated that "nather of them culd be restraynit."¹³⁹ After Auchencrieff had stormed out along with his followers and a number of elders, the presbytery wisely decided to suspend

¹³⁴ 2 October 1605, CH2/146/1/135.

¹³⁵ 16 October 1605, CH2/146/1/135.

¹³⁶ 4 December 1605, CH2/146/1/138.

¹³⁷ 13 August, CH2/146/2/11. At the visitation of August 1608, the elders' only complaint was that Mercer had been slack in visiting the sick and in examining all before Communion. See 10 August 1608, CH2/146/2/26. In May 1606, Mercer was summoned to a joint meeting of the Ellon and Aberdeen presbyteries to answer unspecified matters brought against him by the Ellon presbytery. He did not attend and the process was postponed to the following week, but the space provided to record the verdict is blank. See 30 May 1606, CH2/1/1/359; 5 June 1606, CH2/1/1/359. In early 1608, the synod threatened Mercer with deprivation for his intrusion upon the ministry of Coldstone, "leaving his awin flok." The details and outcome of the matter were recorded "at greit lenth" in the synod book, which has not survived nor have the records of the Coldstone kirk session or its presbytery of Kincardine O'Neil. See 4 February 1608, CH2/1/1/455; 11 February 1608, CH2/1/1/457.

¹³⁸ 28 June 1609, CH2/146/2/50.

¹³⁹ Auchencrieff may have been a current elder. He was at least in 1598 and 1604, when he testified at Mercer's trial. See 26 May 1598, CH2/146/1/17; 8 June 1604, Mair, *Records of the Presbytery of Ellon*, 50 and CH2/146/1/119A.

proceedings relating to the parish.¹⁴⁰ The presbytery later ordered Mercer and Auchencrieff to attend a disciplinary hearing at the August synod.¹⁴¹ No disciplinary action appears to have been taken and it was not until May 1610 that the Ellon and Aberdeen presbyteries, acting on the instructions of the recent synod, ordered the minister of Methlick and Auchencrieff to satisfy for their offence by confessing in front of the congregation.

At this late stage, the synod and presbyteries had finally realised that they must take measures "expedient for the peace of the kirk of God in that congregation." Sometime after the spring of 1598, the annexation of the barony of Shivas to Methlick from Tarves was re-instated. After the flare up in 1609, it finally dawned on the Kirk authorities that the annexation was the root cause of the "cheif ewillis" in the parish and had been the catalyst for more than a decade's worth of "contentione, truble, and onquietnes at the said kirk to the said pastor and presbyterie, and impeding of discipline." Auchencrieff and the other tenants of Schivas had been the principal agitators, but, essentially, the "cauldnes" between Haddo and Gight was played out among the mixed parishioners of Methlick. Thus, for "remowing of thir ewillis, and procuring peace to the parochinaris, pastor, and presbyterie," the presbyteries directed the residents of Schivas to return to their "awin paroche kirk of Tarves."¹⁴² The return to the previous boundaries was approved by the General Assembly in June with the condition that the next Aberdeen synod would review the matter and re-annex the barony to Methlick if stated "euills" had been "fullie remoueit."¹⁴³

In late July, Auchencrieff, his son, and Andrew Wood, a bailie of Gight, petitioned the presbytery for the residents of the barony to receive the "benefitis of the kirk" from Mercer at Methlick. Considering the enmity between Shivas and the

¹⁴⁰ 12 July 1609, Mair, *Records of the Presbytery of Ellon*, 79 and CH2/146/2/52. According to a later account, one of them even warned "yee will be hangit." See Stuart, *Selections from the Records of Aberdeen*, 203 and CH2/1/1/547.

¹⁴¹ 26 July 1609, CH2/146/2/52.

¹⁴² 10 May 1610, Stuart, *Selections from the Records of Aberdeen*, 202-203 and CH2/1/1/545-CH2/1/1/547.

¹⁴³ 9 August 1610, CH2/146/2/73. This act is not found in the published editions of the records of the General Assembly.

parish of Methlick, this request is surprising and may suggest that Gight was seeking to retain a foothold in Haddo's territory. Having Wood, Auchencrieff, and, perhaps by now, Auchencrieff's heir as elders in Methlick was a convenient and effective way of wielding indirect influence in the parish. The return of Shivas to Tarves would certainly decrease the routine spats amongst the divided parishioners, but at the cost of additional local power. Although the presbytery granted temporary provision at Methlick, the presbytery rejected the petition in August and assigned Garden responsibility for Schivas.¹⁴⁴

As instructed, the synod in October reviewed the matter and the representatives from Schivas renewed their petition. Meeting soon after the synod, the presbytery and commissioners from the synod again rejected the request, citing "mony impedime[n]ts," including the "Mislyking" between Gight and Haddo and between Mercer and Auchencrieff and Wood. Moreover, Mercer was unwilling to take on the barony because he would not benefit from the lands, especially since Auchencrieff was already withholding part of his glebe. The commission referred the matter to the following month's sub-synod, which was to include Haddo and all the lairds who had holdings within the barony.¹⁴⁵ The findings of the sub-synod were not recorded in the presbytery minutes, but the reassignment evidently proved an effective remedy. At the August visitation, Mercer and the elders gave a mutually favourable report at the August visitation and no further problems were recorded for the remainder of the year.¹⁴⁶

The example of Methlick demonstrates the necessity for ministers to be able to meet the pastoral as well as spiritual needs of his parishioners. Mercer was a dedicated, competent, and even zealous minister of the Kirk. Through the tumults of

¹⁴⁴ 19 July 1610, CH2/146/2/72; 9 August 1610, CH2/146/2/72.

¹⁴⁵ 27 October 1610, CH2/146/2/77. At some point before April 1611, another portion of Tarves was annexed to Methlick. The residents petitioned the presbytery for their return to Tarves, citing the inconvenience of the Methlick kirk (travel to the which necessitated crossing "twa gryt watters," whereas Tarves had none) and harassment by the residents of Shivas, who "wald rais them and tak them be the sleue saying, gang to your awin kirk." Plus, they were being required to contribute to the building of the kirkyard dikes, but had already done so for Tarves. The matter was referred to the upcoming synod, but there was no further mention in the Ellon presbytery records for 1611. See Mair, *Records of the Presbytery of Ellon*, 91 and CH2/146/2/83.

¹⁴⁶ 9 August 1610, CH2/146/2/72. Mercer was transferred to Slains in 1619 and died c.1637. See *Fasti*, 6: 201; 22 September 1619, CH2/146/2/142.

the period between 1597 and 1610, it appears that he dutifully fulfilled his public responsibilities of holding Sunday services, upholding parish discipline, and participating in presbyterial business. However, he was unable or unwilling to provide adequate pastoral care. His own conduct was undisciplined and he exhibited an easily provoked temper and a tendency to aggression and violence. Even without the external stress of the political factionalism caused by the transfer of Schivas to the parish of Methlick, tensions would have developed between minister and parishioners because Mercer's weaknesses would have undermined his strengths. However, these tensions would probably not have regularly escalated into full and open hostility. With the added pressure, the result was a chronically dysfunctional and deeply discontented parish.

Although cases of misconduct by ministers or readers are highly visible in the records, they were not representative of general practice in the North East. Indeed, presbyteries were able to devote so much attention to these cases because they were unusual and exceptional. In most North East parishes, ministers and readers fulfilled their public and pastoral duties and had a healthy and mutually beneficial relationship with their parishioners. Parishioners, in turn, were generally satisfied with their ministers and readers and gave praise when it was due. When parishioners did have complaints, they were commonly minor and they sought resolution through the presbytery.

What has been demonstrated is that parishioners and presbyteries were not always in agreement about the priorities of acceptable practice by ministers and readers. Parishioners were less bothered by matters such as non-residence or responsibilities outwith parish administration, which were particular concerns of presbyteries, and more worried by matters that directly involved them, such as having regular Sunday services, preaching on texts and subjects that were accessible, and visiting the sick. When presbyteries took disciplinary action against ministers for problems that were not impacting the day-to-day functioning of a parish, parishioners may have regarded the presbytery as creating unnecessary fuss and, in turn, actually impairing ministerial function. These differing expectations could,

therefore, lead to practical problems within a parish. Additionally, external factors were major contributors within the few cases where there were severe and long-lasting difficulties between congregations and ministers.

On the whole, however, the practice of the ministers and readers of the North East was characterised by competence and diligence in their duties and concern for the spiritual and pastoral well-being of their parishioners. Parishioners, in turn, regarded their ministers with respect and approval. A good relationship between a minister or reader and his congregations formed the bedrock of a functional parish, enabling the proper practice of faith and allowing it to be the focus of parish life. In this way, reform was able to develop and strengthen at the parish level and eventually create a reformed society.

Conclusion

At the Aberdeen presbytery's visitation of Durriss in September 1609, the parishioners commended their minister and praised God for him.¹ A year later, the parishioners of Lonmay in the Deer presbytery testified to their minister's "fidelitie in doctrine and discipline, honestie in lyf and conversa[ti]one." The minister likewise reported of the eldership's "fidelitie fordvardnes and concurrence vith him in the Lords business." In good spirits, "praise ves givin to God and they all exhorted to perseverance."² The following month, the minister of Ellon received a good report from his parish's elders and he, in turn, spoke well of their assistance and the "obedience of the parochiners to Gods word and discipline."³ These examples of functioning reformed parishes reflect the general state of Scottish Reformed Protestantism in the North East fifty years after the Reformation. Certainly the region was no reformed idyll, nor was it a bastion of Catholicism. On the whole, however, the North East of the early seventeenth century was reformed within the context of the post-Reformation Kirk.

Most parishes met the Kirk's own criteria for the practice of the reformed faith—they exhibited Word, Sacraments and Discipline, the three marks of a "true kirk." On the provision side, the majority of parishes had a single charge minister who preached every Sunday and administered Communion annually. Many parishes had extended programmes of public worship that included, for example, a reader's service or an afternoon sermon. A few parishes held daily public prayers and weekday sermons. The ministers and readers who led these services and the parish administration were, by and large, capable and dedicated in their duties. They often worked together with their parishioners, bonding kirk authorities and parishioners as a communal parish. On the parishioner side, most attended services every Sunday and took Communion when administered. Although some parishioners "profaned" the Sabbath by engaging in activities prohibited by the Kirk, profanation was not

¹ 24 September 1609, Stuart, *Selections from the Records of Aberdeen*, 201 and CH2/1/1/529.

² 13 September 1610, CH2/89/1/134.

³ 25 October 1610, CH2/146/2/78.

habitual or endemic. Catholicism certainly endured in the region, but recusancy prosecution shows that it was limited to a minority.

Within this broadly reformed society, however, there was a spectrum of beliefs and views that could set kirk authorities at variance with parishioners or even with each other. This variance was represented in the Kirk records as parishioner disobedience or opposition to the Kirk, kirk authorities, and reform. This explanation is certainly true for some cases as shown, for example, by clear-cut cases of Catholic recusancy or assault upon a minister. For other cases, the explanation is found in differences in understanding and expectation between authorities and parishioners. The standards set by kirk authorities for godly living and those practiced by parishioners were not necessarily identical. As shown in Chapter 3, for example, most parishioners agreed with the Kirk that, in accordance with the Commandment, time on the Sabbath should be devoted to God. Thus, most attended public worship services at their parish kirk. Fewer parishioners, however, agreed with the Kirk that every hour outwith services on the Sabbath should also be dedicated to active devotion, especially if they needed to carry out chores necessary for their daily living. Parishioners who did not follow the Kirk's strict interpretation of the Commandment nonetheless believed they were acting in accordance with the law of God, but kirk authorities deemed them to be in contempt of God. A similar divergence of views might also be found in cases of non-communicants or even recusants, as discussed in Chapter 5. For example, so as not to take Communion unworthily in the sight of God, an otherwise eligible communicant who was at feud or had a troubled conscience might voluntarily abstain. The Kirk, however, would view such abstention as an offence to God because the parishioner should have taken the responsibility to reconcile in preparation for Communion. Alexander Fraser of Philorth was an adherent to the Kirk in all but one matter of doctrine that prevented him from communicating. The Kirk treated him as a recusant who was outwith the "true faith."

Kirk authorities might also differ amongst themselves, especially between the various ecclesiastical levels. For example, the high, sometimes wildly idealistic,

standards of the General Assembly were unrealistic for many parishes and parish ministers set their own, more attainable, standards. In the eyes of the General Assembly, practical modification could be considered tantamount to failure, leading to pronouncements of destitution or desolation of reform. Even presbyteries and kirk sessions could prescribe criteria that were simply not feasible. For example, the Deer presbytery required the minister of Deer to hold an afternoon sermon, but did not take into consideration that traveling the substantial difference to and from the kirk twice in a day was too onerous for many parishioners. The Aberdeen kirk session's goal of quarterly Communion was unlikely to succeed given the practical constraints imposed on by its large congregation. By not allowing for local needs and practicalities in their expectations, therefore, the kirk authorities created a system that, in many cases, held the standards of higher bodies in a greater regard than those of lower bodies. Parishes and parishioners could be thoroughly reformed by some standards and unreformed by others. The range of views and expectations found amongst kirk authorities and parishioners reflected the variety of religious practice and experience within the reformed society of the North East.

The nature of post-Reformation religious practice and experience in the North East was comparable with that of other regions. As with the North East, traditional historiography has grouped Angus and the Mearns under the umbrella of the "conservative north," primarily on the basis of the increasingly conservative theological position of its ecclesiastical leaders in the pre-Covenanting period.⁴ Frank Bardgett, however, has demonstrated that a broad and pragmatic form of reform was achieved in the region. Because ministers and kirk authorities worked together with parishioners, "the Reformation endured and the reformed kirk secured a lasting place in the society of Angus and the Mearns."⁵ John McCallum came to a similar conclusion in his study of Fife. Despite its reputation as a pre-Reformation Protestant "heartland," the process of reform in Fife was "hesitant" and "a gradual

⁴ Bardgett, *Scotland Reformed*, 165.

⁵ Bardgett, *Scotland Reformed*, 166-167.

transition."⁶ Nonetheless, it had a "relatively well-functioning church emerging in the seventeenth century" and was "ultimately reformed" with a "vibrant religious culture."⁷ Additionally, his findings show that "individual parishes developed in individual ways."⁸ The conclusions of this present study are also in line with Margo Todd's assessment of the Lowlands. Indeed, she has argued that reform in "the northeastern towns of Fraserburgh and Aberdeen, through Fife, the Lothians and Borders, and southwest to Ayrshire" was "as remarkably successful a Reformation as anywhere in Western Europe."⁹ This success was due, in large part, by the efforts of kirk sessions who took a "measured, flexible and comprehensive" approach in reforming the parishes in which they were members.¹⁰ Whilst reform was achieved so successfully, she also observes that the culture of post-Reformation religion "constituted an ongoing negotiation between elements of change and continuity."¹¹

Todd ultimately concludes, however, that, by the Covenanting Revolution of the late-1630s and early-1640s, the force of change was so powerful that it wholly eclipsed continuity. As she asserts, "Scotland within a couple of generations of Reformation was not merely protestant. It was a puritan nation."¹² Although the present study does not stretch across the nation nor reach 1638, the evidence it has collected suggests that the North East should not be identified as "puritan" in or shortly after 1610. Yet, it also challenges Donaldson's "conservative north" theory, for which his first piece of supporting evidence was that "No historian has failed to notice [...] the fact that the strongest opposition to the National Covenant was concentrated in and around Aberdeen."¹³ Instead, this study supports Jenny Wormald's analysis, as put forth in her article "Reformed and Godly Scotland?", that Scotland, as with the North East, was Protestant in the reformed tradition, but was

⁶ McCallum, *Reforming the Scottish Parish*, 10, 231.

⁷ McCallum, *Reforming the Scottish Parish*, 232, 235.

⁸ McCallum, *Reforming the Scottish Parish*, 234.

⁹ Todd, *Culture of Protestantism*, 15.

¹⁰ Todd, *Culture of Protestantism*, 403.

¹¹ Todd, *Culture of Protestantism*, 22.

¹² Todd, *Culture of Protestantism*, 405.

¹³ Donaldson, "Conservative North," 65.

not puritan. It provides strong regional evidence for her conclusion that historians (and contemporaries) have tended to understand the practice and experience of parishioners "through the prism of the harsher discipline of the reformed Kirk" and have equated "disciplined Scotland" with "godly Scotland."¹⁴ The paradox is that the records of discipline that are "so consistently used to illustrate godly Scotland, actually tell us about the failure to make Scotland godly."¹⁵ The cases contained in the records do indeed undermine the impression of a godly society, yet those of the North East reveal a largely reformed society nonetheless. The majority of those disciplined for offences relating to religious practice were not opposed to Reformed Protestantism or the Kirk, but had fallen short of the Kirk's lofty standards and expectations. Or, in their view, they had not sinned at all, but had acted in accordance with their own religious principles. Furthermore, the low number of prosecuted offences in proportion to population (even allowing for higher actual rates) suggests that most parishioners did share and live in accordance with the principles of the Kirk. Thus, the North East was neither "conservative" nor godly, but reformed.

The particular response of Aberdeen's religious leaders to the earthquake of 1608 provides a clear indication that reform had been achieved. At the beginning of 1560, the burgh had been a Catholic stronghold that determinedly opposed to the advancement of Protestantism. Over the next half -century, however, Aberdeen and the rest of the North East shared in Scotland's fundamental transformation from a Catholic to a Protestant realm. By the end of the first decade of the seventeenth century, most parishes in the region were equipped with the essentials necessary for the practice of Reformed Protestantism: a minister, public worship on the Sabbath, and annual Communion. By means of these components, parishes were reformed and parishioners were changed into Reformed Protestants. Parishioners were active in their faith and congregations as a whole were directly involved in the practical administration of their parish. The ways in which they understood and practiced

¹⁴ Jenny Wormald, "Reformed and Godly Scotland?", in *The Oxford Handbook of Modern Scottish History*, eds. T. M. Devine and Jenny Wormald (Oxford: Oxford University Press, 2012), 206.

¹⁵ Wormald, "Reformed and Godly Scotland?", 207.

their faith, however, did not always correspond to the doctrines of the Kirk. Ministers and other parish kirk authorities might also disagree with some aspects of Kirk policy and adapt them to suit their local circumstances. A small minority of parishioners rejected the faith of the Kirk altogether and lived as Catholics. Thus, in 1610, the North East was reformed, but, equally, its parishes reflected a wide spectrum of religious beliefs and practices.

This study has demonstrated that, to understand lived religion and religious change as a whole in the early modern period, it is essential to grasp the viewpoint of both ministers (and other kirk authorities) and parishioners; the "view from the pew" as well as the "view from the pulpit." The Minister and his congregation formed a parish, the fundamental unit within Scottish Reformed Protestantism and, together, they practiced their faith. Their experience of faith, however, was different. Ministers did not merely instruct their parishioners on how to practice their faith nor did parishioners merely react to what their ministers taught. Rather, parishioners' lived religion blended Kirk teachings with their own understanding and experience and ministers, in their turn, were sometimes able to modify high Kirk policy to reflect local practice. This reciprocal process shaped the ways in which reform was implemented and developed. Thus, the Reformation was not achieved either from the top/down or the bottom/up, but was accomplished at the parish level by interaction, collaboration, and negotiation between the kirk authorities and parishioners. The effective implementation of major religious change during this period, as in many others, had to await the willingness of those at local level to accept it.

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