

THE PRESBYTERY OF AYR 1581 - 1981

"To Warn The Sinner, Cheer The Saint"

Throughout its existence, the Presbytery has shown concern for the general well-being of those living within its area. We now consider some of the ways in which that care and concern was shown.

THE POOR

The ideal of the Scottish Reformers was that the poor would be provided for by using some of the wealth of the pre-Reformation Church. That ideal was never realised. Instead, there were makeshift arrangements whereby the poor were supported, mainly by collections taken at Church Services, but also by income from lands and money bequeathed for that purpose, fines levied by the Kirk Sessions on those guilty of moral offences or other sources. Not a great deal of money was available from these sources for the support of the poor.

The Scottish Parliament passed various acts concerning the poor, but, by and large, these measures were ineffective. There was long and widespread opposition to any assessments being levied for the care of the poor, such assessments having been permitted by Parliament in 1574. In practice, the Kirk Sessions tried to care for their own poor as best they could with the limited resources available to them.

The records, particularly in the earlier period, show that the Presbytery would assist specific cases by giving to certain individuals the right to receive a day's collection from the congregation within the Presbytery.

1687, October 18 "One Mr. William Blair presented a supplication for charity, which being considered, he was allowed a dayes collection out of every paroch where there is preaching within the bounds of the Presbytery; and the same to be brought in and given him at the next meeting."

1688, May 8 "Overtur'd and concluded that a collection be gather'd for a poor lad in Stratoun called Thomas Herron, who is to be cutt of the gravell."

The Reformed Church inherited from the past the division of the poor into two groups — the able-bodied poor and the helpless, impotent poor. The general attitude to the former was that they should be punished for their idleness, whereas the latter — the aged, the disabled, the sick — were entitled to what care there was available. Each parish was expected to look after its own poor.

In the eighteenth century, the number of vagrants was causing concern to the Presbytery. In 1746 and 1747, the members were discussing this matter. The number of impotent poor had increased lately and vagrants were obtaining charity which should have been given to the real and known poor. The position was aggravated by the high cost of food.

1747, February 4 "the Presbytery do hereby warn necessitous persons to repair to their respective Parishes as they are not after this to except any Supply where they are unknown and Expressly enjoyne all Such in their bounds which cannot be maintained by their own Labour and publick funds of the Parish not to wander abroad but to ask the Relief they stand in need of from their neighbours only who are members of the Congregation to which they belong, this being absolutely necessary to distinguish Real from pretended objects of Charity. And for this purpose the Kirk Sessions are

appointed to give lines or badges as they find it necessary the effect of which is not to extend beyond the bounds of their own Parish."

By 1770, the practice of vagrant begging had reached such proportions that the Presbytery took action, in consultation with, and with the co-operation of, the Justices of the Peace of the County. On the first Sunday in October, 1771, each minister of the Presbytery had to read from the pulpit the Act of Presbytery and the Act of the Justices of the Peace.

1771, August 28 "The Presbytery of Ayr taking into their consideration the present state of the poor within their Bounds observe with regret that the practice of Vagrant begging which for a while was happily restrained in this county hath revived of late years and is at present come to a great height and also considering the extreme hardships to which the real poor in every Parish must be subjected by these Vagrants intercepting a considerable part of what should go to their support they therefore unanimously recommend it to their own members that no beggars out of their own parishes shall be encouraged by serving them and that they earnestly enforce the observation of the same."

In the early 1840's, the poor were still being supported by the traditional methods, despite the increase in population and the great changes which had taken place in Scottish society through industrialisation. In the parishes of Riccarton and Newton on Ayr there were assessments, but this was not the usual way of raising money for the care of the poor. When the Presbytery met at New Cumnock in 1843, it was noted that there "the Heritors have been obliged of late to contribute voluntarily in aid of the collections for the same purposes." That seems to have been the case in other parishes as well. The collections taken at the parish churches were not sufficient for the demands being made upon them.

Some parishes had received bequests for the poor, but the interest earned by such sums as £100 (New Cumnock), £110 (Sorn) or £208 (Craigie) would be limited in its effect. The Kirk Session of Kirkmichael received £5 6s 8d per annum in interest towards the relief of the poor.

The Poor Law Act, 1845, about which the Presbytery made no representations, removed the support of the poor from the Church to the new parochial boards of managers of the poor, on which the Kirk Sessions were represented. This reform of the Poor Law did not come soon enough, because no one could claim that the little amounts of money which the Kirk Sessions allocated to those in need were adequate. Nor could the old system cope with a large number of people being out of work in times of economic depression. The Church did the best it could with the limited resources available to it.

A legacy of the times when the Kirk had responsibility for the poor is the present day "Benevolent Fund" or "Fund for the Poor of the Parish.". Several parishes have such funds from which allocations, in cash or kind (perhaps coal), are made to those living on small incomes.

SOCIAL CONDITIONS

In its care of the poor, the Church was attempting to alleviate their condition. From the Presbytery minutes, there is no evidence that the court made any attempt to influence the economic policy of the country or to speak out on behalf of those who suffered as a result of the changes brought about by the Industrial Revolution.

In a county which, in the past, employed many men in the coal mining industry, it is sad to have to record that the Presbytery took no action to improve the life and conditions of the miners. An Act of the Scottish Parliament of 1606 had the effect of turning the colliers into slaves. This Act was an attempt to solve the shortage of labour facing the coal-owners. As slaves the colliers remained until 1799 when Parliament improved their lot and they were emancipated.

Sabbath observance was an issue which did concern the members of Presbytery. In the middle of the nineteenth century it was reported:

1849, September 5 "At Coal and Iron works it is a common practice to execute repairs of machinery on the Lord's day. The people employed at these works, and also in the construction of Railways, either spend the Sabbath slothfully at home, or they ramble about in the fields and on the highways. or they assemble together to indulge in the use of ardent spirits—an evil greatly promoted by the number of Public Houses, and by the practice of paying wages on the Saturdays

Even in rural districts the salutary authority which heads of families were wont to exercise over their domestic servants on the Lord's day, has of late years been greatly diminished, and the younger servants particularly both male and female, claiming the Sabbath to themselves, have become irregular and careless in the discharge of their Sabbath Duties".

When the railway age arrived, the Presbytery put no obstacles in the way of companies which wished to build lines through any of the glebe lands. However the running of trains on Sundays was another matter. The Glasgow and Ayr and the Glasgow and Greenock Railway Companies received letters from the Presbytery Clerk:

1840, October 25 "I am directed by the Presbytery of Ayr, in Presbytery assembled, to express the very high satisfaction which they derive from your continued adherence to the christian and laudable resolution of not opening your line of Railway on the Lord's day"

The Presbytery were also opposed to the mail being carried on Sundays.

Ministers were asked for information about conditions prevailing in their parishes with regard to the poor law, housing and the like. That information was supplied to the agency requesting it, but no moves seem to have been made by the Presbytery to change the economic conditions which governed the lives of the majority of their people.

WITCHCRAFT

The Parliament of Scotland enacted the death penalty for witchcraft in 1563. That it did so was a reflection of the widespread belief in witchcraft, a belief which was to be found throughout Europe.

It has been estimated by T. C. Smout that, between 1560 and 1707, somewhere in the region of 3,000 to 4,500 people were killed in Scotland because there were regarded as being guilty of witchcraft. There were times when the persecution of witches was severe, while at other periods there seems to have been little persecution. Nor was the whole country affected. There was not a large number of witchcraft trials in the Highlands and Islands, Galloway and Ayrshire.

The procedure followed, when a woman was suspected of being a witch, was that, first of all, she was reported to the Presbytery, who examined her. If there was evidence to support the accusation,

then that person was taken before the burgh magistrates. If they came to the same conclusion, then the Lords of Council, in Edinburgh, received an application for a commission to try the suspect. In this matter we have an instance of the civil and religious authorities working in co-operation.

The Ayr Burgh Accounts witness to the end of those guilty of witchcraft.

1586 "In expenses sustained in burning the with of Barnweill, to candles, to meat and drink, to pitch barrels, to coals, roset, hedir, treis and 'uther necessaris', £7 3s 8d."

In the Presbytery Minutes there is evidence of witchcraft being dealt with.

1643 , March 22 (Ayr) "This day in respect of sundrie depositions given in before the Presbytrie against Susanna Shang spous of David Barclay burges of Ayr, wherein thair wer fund great presumptions of the sinne of witchcraft, thairfore the Prbrie considering heirof ordained a letter to be directed to the Lords of Counsell for purchasing ane warrand to try the said Susanna."

1650, May 1 (Ayr) "The Prbrie taking into their serious consideration the points of dittay presented to them by Gilbert Richard provost of Air and Gilbert M'Amount bailie there against Jonnet M'Graine, Helene Girvan, Jonnet Smelly, all guiltie by there awn confessions of that horrid and develish sin of sorcerie, did judge the particular points conteaned in he said dittayes against the said persones a sufficient ground to obteane a commission for there tryall and condigne punishment, and therefor ordained that a supplication might be drawn up by the saids magistrats to the Lords of Secret Counsell to that effect."

What the outcome of this was is unknown, with the exception of the case of Janet Smellie, who died in prison that same month and whose corpse was burned at the gallows in Ayr.

Some were fortunate enough to escape the death penalty. In the Ayr Burgh Records there is noted in 1595, the case of Agnes Hucheoun, the widow of a freeman of the Barony of Alloway. She was not accused of witchcraft but of being an abuser of the people. Her punishment, decided by the Provost and one of the bailies of Ayr, "with advyss of ye Ministeris of ye Presbitorie of Air", was that of being scourged at various public places within the burgh and of standing in the "branks" during two market days. When this sentence had been carried out, Agnes Hucheoun had to accept the discipline of the Presbytery and show signs of repentance.

In 1596, Margaret Reid, aged 16, from Galloway, was suspected of witchcraft, but she pled guilty to the lesser charge of "chairmering and abusing the pepill". She confessed her crime before the Presbytery and was sentenced by the bailies to be banished from the Sherifffdom of Ayr.

Gradually the hold of superstition slackened and public opinion changed. In 1736, the death penalty for witchcraft was abolished, a move which was condemned by some of the Seceders, but not by the national Church.

GODLY DISCIPLINE

The First Book of Discipline (1560) described the duties of elders thus:

to assist the Minister in all public affairs of the Church; to wit, in judging and decerning causes; in giving of admonition to the licentious liver; in having respect to the manners and conversation of all men within their charge.

The system of kirk sessions throughout the land was to be the means whereby society was to be moulded by Christian principles and standards. This was to be a society which would respect God's will as that was understood by the Reformers and their successors.

In the burghs, this policy was carried out more readily, for often the same men served both as bailies in the town council and as elder in the Kirk. Within a generation after the Reformation, the kirk session had established itself a power within a burgh. This process was slower in the rural areas but, through time, the influence of the kirk sessions was felt there. Over two groups in society the kirk sessions had no control. One was the nobility, who were powerful enough to ignore any criticism or judgement made by any kirk session. The other was the vagrants, who paid little or no attention to either Church or state. Despite these exceptions, the Kirk did come to have great power over the lives of the majority of the population. Without the co-operation of the civil authorities, this would not have been achieved.

Several moral offences were also crimes against the state, for example, adultery, fornication, and drunkenness. More important was the fact that excommunication by the Church was supported by civil penalties. That was the position until 1690 when these civil penalties attaching to excommunication were abolished. A few years later, in 1712, Parliament put an end to magistrates enforcing the censures and summons of the Church.

These two moves resulted in a reduction of the powers of kirk sessions, although they were still a force to be reckoned with. The various secessions from the Church of Scotland, which occurred during the eighteenth century, along with the Disruption, had the effect of weakening further the power and authority of the kirk sessions.

The majority of the cases dealt with by the kirk sessions concerned sexual offences—adultery and fornication. Those guilty of such offences were punished by having to do penance, dressed in sackcloth and before the congregation, over a period of several weeks.

One result which the interest of the kirk sessions in moral offences produced was a rise in the number of child murders. To escape the disgrace and the severity of Church discipline, some people would destroy the evidence by having illegitimate babies murdered as soon as they were brought into the world. With the coming of the "reign of the Moderates", ministers whose views were not so narrow, came the abolition of public penance and, consequently, child murder almost disappeared.

The Presbytery of Ayr had to deal with appeals against the judgements of the kirk sessions within its bounds and also with kirk sessions which were seeking guidance in the handling of difficult cases. Also before the Presbytery came "delinquents" guilty of frequent offences. The Minutes contain, with monotonous regularity, such entries as these:

1827, January 3 "Margaret McClelland, parish of Maybole, guilty of a quadruple in fornication, and Robert Murdoch and Margaret McVey, also from the parish of Maybole, guilty of adultery, and Isabel Boyd, parish of Ayr, guilty of a triple in fornication, having been summoned to appear before the Presbytery this day, and having been called, compeared, were solemnly rebuked and exhorted to repentance, and ordered to attend their respective kirk sessions to be taken under discipline."

1859, October 5 "Compeared Agnes McDonald from Ayr, Peter Urie from Maybole, Helen Murdoch from Straiton, Jean Samson from Mauchline and Agnes Hannay from Stair— all guilty of triple in fornication— and having been duly admonished by the moderator and exhorted to repentance, were remitted to their own Kirk Sessions."

On occasions it happened that the man accused of being the father of an illegitimate child would deny the charge, claiming that he was innocent. During the Kirk Session's investigation of the affair, he would protest his innocence and to prove that ask for the Oath of Purgation to be administered. This was of such a fearful nature that, during the period when it was in use, the Presbytery's approval had to be sought before this Oath could be administered. "I doe therefor in the presence of the greit and dreadful majestie of the etternall everliving and everblessed God the searcher of the heart and reins in his holy sanctuary, humblie upon my knees, with my head lifted to heaven, protest and swear be the holie and dredfull name of the Lord the onlie trew God, as I salbe ansytable to his majestie in that greit and terrible days wherein he sail judge the world in righteousness be Jesus Chryst whom he hes appointed the judge of the quick and the dead, that I never committit the abominable sinne of And this oathe I take in the presence of the allseing and sinner avenging God" and soon, affirming his innocence and realising the punishment in store for those who swear falsely.

After the civil penalties attaching to Church censures had been removed, it was the case that, if a person chose to disregard the Presbytery, then there was not a great deal which that court could do about it. In 1836, the Presbytery were dealing with or, rather, failing to deal with, one Andrew Cowan of Ayr.

1836, February 24 "Execution of summons served pro 2do on Andrew Cowan, in the parish of Ayr, guilty of contumacy, was given in and read. Said Andrew Cowan was called but compeared not. As he was three times summoned to appear before the Kirk Session of Ayr, and twice before the Presbytery — all which citations he has refused to obey — therefore the Andrew Cowan, in the parish of Ayr, guilty of contumacy, was given in and under the sentence of the lesser excommunication." In all likelihood, the sentence of the lesser excommunication (the loss of Church privileges) would have little or no effect on the life of Andrew Cowan. Once that sentence would have been severe but, by 1836, if an individual disregarded both Kirk Session and Presbytery, then both were powerless to act.

This type of discipline has now vanished from the Kirk: those guilty of such offences are no longer brought before Kirk Sessions and Presbyteries.