# **DUNFERMLINE AS AN EARLY BURGH**

HISTORICAL BACKGROUND FOR CONSIDERATION OF QUESTION AFFECTING PRESBYTERIAL GOVERNMENT

### AND

# ADMINISTRATION.

By

The Rev. J. M. WEBSTER. B. D.



Malcolm's Tower first mentioned 1069-70

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# **DUNFERMLINE AS AN EARLY BURGH**

From notes left by -

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Minister, North parish, Dunfermline. (20.11.1902)

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Clerk to Dunfermline Presbytery. (1919; demitted 7.9.1948)

Joint Clerk. (1919) Minister, Carnock. (5.2.1920; demitted 26.8.1945)

Moderator. (1945)

Throughout his life Dr Webster evinced the greatest interest in the historical background of Dunfermline and the immediate surrounding neighbourhood. His literary works included "History of the Parish of Carnock" and more recently, "Dunfermline Abbey." In a tribute to Dr Webster's authorship of the latter work the minister of the Abbey, the Rev. Robert Dollar, B.D., said, shortly after its publication: "He has brought all previous histories of the church up to date—and corrected a great many previous misconceptions." Dr Webster was also responsible for an introduction and notes, in conjunction with Mr A. A. M. Duncan, M.A. (Hons.), lecturer in History, Queen's University, Belfast, to a transcript of the Regality of Dunfermline Court Book, 1531-1538, which was published by the Carnegie Dunfermline Trustees in February 1953. He was also a frequent and informative contributor to The Dunfermline Press on a variety of topics related to the history of the burgh and its environs.

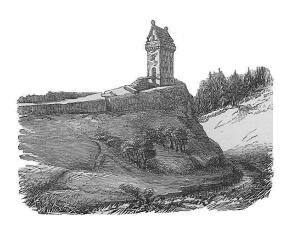
In November 1952 his jubilee as an ordained minister of the Church of Scotland was marked when he was the guest of honour at a Presbytery lunch where he was made the recipient of a gift subscribed to by fellow Presbyters. When he received his Doctorate degree from Aberdeen University in 1950 members of the Presbytery and friends in the parishes of Carnock and Dunfermline North presented him with a D.D. hood and cap to mark the honour conferred upon him.

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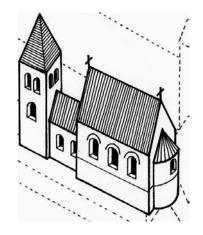
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#### **DUNFERMLINE AS AN EARLY BURGH**



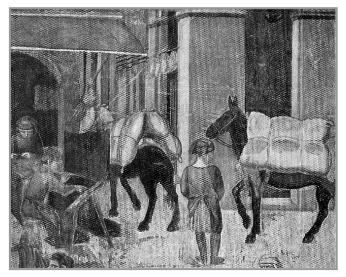




Monastic life in Dunfermline began with the arrival in 1124 of twelve monks from Canterbury under the charge of one who was to be their abbot. There were no buildings to speak of except the church, which Malcolm, at the request of Margaret, erected to replace the little Culdee church in which they had been married.

But some gifts had already been conferred and many were to follow. Very often the charter conveying the gift indicated certain rights to be enjoyed or reservations to be observed. The majority of these were of a general nature, but some had a particular relevance to Dunfermline and speaking generally, these are concerned with questions either of trading or jurisdiction.

#### TRADING RIGHTS





From an early date four burghs were attached to the monastery of Dunfermline (Dunfermline, Kirkcaldy, Musselburgh and South Queensferry), (Registrum de Dunfermlyn. pp.269/70.) Musselburgh was gifted by Malcolm III (Reg. pp. 3/5), but, apart from its inclusion in the list of four, no date can be found in the Registrum for the gift of, South Queensferry.

In any question affecting trade or commerce these burghs are, naturally, very much in evidence, and the development of trading rights in the regality is probably most easily followed in the light of their experience.

In 1314 Robert the Bruce granted the abbot and convent of Dunfermline a charter in the following terms: -

"know ye that we, for the salvation of our own soul and the salvation of the souls of our predecessors and successors, Kings of Scotland, have given and granted, and by this present charter confirmed to God, to the blessed Virgin Mary, and to the church of the sacred Trinity, and of St. Margaret, at Dunfermline and to the monks there serving God, and that shall serve him for ever, the right of patronage of the vicarage of Inverkeithing with the pertinents thereof.......

Besides, we give and grant, and by this present charter confirm to the foresaid monks, our whole new great custom of all their land within our kingdom, viz. as well of the burghs of Dunfermline, Kirkcaldy, Musselburgh and Queensferry, as of all their other lands whatever; so that the said monks may have and use their own proper cocket according to the liberties of their regality, and this our present grant in all their foresaid lands; which cocket is to be admitted and acknowledged by all our burgesses and people and foreign merchants throughout our whole kingdom without the impediment of our chamberlains or any other of our ministers whatever, who may for the time be without the petitioning of any other allocution or clearance. In testimony of which...." (Reg.232/3/)



For the cocket, or seal, above referred to, see E.R. i.79, 175.

In 1326/7 King Robert issued an instruction to his chamberlain confirming his grant to the monks of Dunfermline, of the great customs which may accrue from their lands and people throughout the realm, alike within their burghs as without. (Reg.p.252.).

In 1363 David II issued a charter in the following terms: -

"Know ye that we, by inspecting the charters which the religious men, abbot and convent of the monastery of Dunfermline, have from our ancestors, Kings of Scotland, have more fully understood the rights and liberties of their regality and likewise of their burghs; we also, for the salvation of our own and of the souls of all our predecessors and successors, have given and granted to buy and sell in each of their burghs, viz. Dunfermline, Kirkcaldy, Musselburgh and Queensferry, and also that in their boundaries and limits of the whole regality of these religious men through our whole kingdom they may lawfully hold markets both for wool, hides and skins, and for all other merchandise whatever, however, that they do not exceed the bounds and limits of their said burghs, or their regality aforesaid, RESERVING always to ourselves the great custom of wool, hides and skins and other merchandise according outwith the limits and boundaries of the said burghs and regality foresaid, positively forbidding any other men our burgesses or merchants of any of our burghs whatever, to usurp within the boundaries of the regality of the said religious men their right or power of merchandizing or exercising the premises in time to come to the prejudice of the foresaid religious men or their burghs or burgesses or to the contradiction of this our present declaration and confirmation. testimony....." (Reg. Pp. 269/7)

It may be that the monks, accustomed to the terms of Robert the Bruce's charter, which did not in so many words expressly limit the grant to the bounds of the regality, either overlooked or ignored the confirmation charter of his son, which did so limit it.

In any case, in a charter of 1404 Robert III, having learned that the abbot and religious men of the monastery of Dunfermline, by taking to themselves the great customs, have exceeded the limits of the concession made to them "to our no small prejudice", orders the tron and customs to be put under arrest and brought into his hands. The embargo was, however, relaxed "to the end that they may hold and enjoy the customs due to them granted by our predecessors and confirmed by us, on condition that they do not usurp the customs due to us under penalty (of the loss) of all that they can lose in relation to our royal majesty". (Reg. P.274)

This was not the last, however, to be heard of this seeming difference of opinion.

"13 Aug. 1540 – The auditors of Exchequer appoint a day for George, abbot of Dunfermline, to show his right "of to mak impediment to the Inglismen cumand in at the port of, Kirkcaldy to pay that custumes sic Inglis gudis as cummys to the said port to our soverane lordis custumaris." (A.D.C. p.493)

"31 Aug. 1540 – In the action before the auditors of Exchequer against the abbot of Dunfermline (Aug.13) the lordis of counsale decernis and ordainis the said venerable fader and convent to brouke and jois thair haill new grete custumes of all and sindry thar landis within the realme of Scotland, that is to say of the burrowis of Dunfermline, Kirkcaldy, Mussilburgh, the Quenis ferry, and of all and sindry utheris quhatsumevir, and that thai have and use ane coquette of thair awin eftir the fredome of thair regalite and eftir the forme and tennour of thair charter grantit to thame by King Robert Bruce undir the grete seill; and ordainis thame, thair servandis and factouris, to desist and ceis fra all intrometting with ony custumes pertenyng to our soverane lord of his rialte, and siclike of all strangearis resortand to ony port or part within this realme, because it is understand to the saidis lordis be ressone of the infeftmentis schewin and producit before the saidis lordis that thai have na rycht to na custumes bot within the saidis foure burrowis and proper landis of thair regalite foresaid; and lettres to be direct heirupoun gif need be in forme as efferis." (A.D.C. 493/4)

It is not that the Lords and Council were in any way antagonistic. In the exercise of its legitimate rights, the regality could depend on their support: -

"8 May 1543 – The abbot and convent of Dunfermline having free regality, complain that James Kirkcaldy of Grange has obtained letters to the sheriff in an action by him against a widow anent land, both within the regality, suppressing that fact.

The lords charge the sheriff, if the widow dwells within the regality, to remit her to the judge thereof." (A.D.C. 526.)

If we are to judge by the phrase used in the charter of David I "in burgo meo de Dunfermelyn" (Reg. pp.3/4) it would seem that as early as 1124 it was already in possession of the status of a burgh. It would be misleading, however, on the strength of this, to describe it, as is so often done, as a 'royal burgh', - a designation, which afterwards came to have a very specific connotation.

It is at once safer, and more historically accurate, to describe it as a "King's Burgh".

For such a burgh to become an Abbot's Burgh might seem a considerable reduction in status, but such reduction, if any, would be amply compensated for by the very much wider bounds within which the burgesses would now be free to trade. As a King's Burgh its trading activities would, unless otherwise provided for, be confined to the burgh boundaries.

As an abbot's Burgh, its burgesses would be free to trade within the widely scattered area over which the monastery had rights of regality.

To begin with, all the four burghs would, naturally, be under the control of the monastery, but, following the grant by the Crown of feu-ferme status to Aberdeen in 1319, and to other King's Burghs thereafter, there arose on the part of ecclesiastical burghs a desire for similar relaxation of their dependence.

On 10 October 1393 the <u>Registrum</u> (p. 276.) records an Indenture between the Venerable Father John, abbot of the monastery and convent of Dunfermline, on the one part, and the alderman and community of the burgh of Dunfermline, on the other, whereby it is testified that the said abbot and convent have let for ever in feu-ferme the said burgh with its small customs, stallages and court-fines,

with all commodities, rights, laws and easements belonging to it, to be held as freely in every respect as time burgesses of the king hold, have and possess their burghs in feu-ferme throughout the kingdom: RESERVING, however, to the said lord abbot and convent the lands in the said burgh, acquired or to be acquired, with chamberlain's justice-ayres, annual pensions due to the monastery from these lands, with the "correction" of the bailies as often as they, or any of them, fail in the administration or execution of justice.

For this grant the alderman and community agree to pay yearly in all time coming to the aforesaid religious men thirteen marks usual money at the four usual terms in equal portions without delay, denate or evil intention. And if it shall happen that they fail in payment of the forementioned sum, either in part or in whole, at the foresaid terms, - which God forbid, - they bind themselves that all the goods belonging to the community, and the goods of every individual in it, shall be at the will of the said religious men.

On 20 Jan. 1450 a similar arrangement was reached with the burgh of Kirkcaldy (Reg.p.357). South Queensferry may have had a similar grant, but there is no reference to it in the Registrum.

The combined priories of Urquhart and Pluscarden, if they did not receive a feu-ferme, at least claimed exemption from the payment of customs: -

"10th March 1500/1 –Comperit the Prior of Pluscardy and producit and charter of the Robert of Bruis that the place of Urquhart quhilk was ane cell of the abbay of Dunfermling was fre of al paying of custumes in all partys of the realm of Scotland and thairupon the Prior askit ane instrument and protestit tharfore for the privilege of the place." (A.D.C. p.478)

In substance, these grants of feu-ferme represent the conversion, or commutation, of all dues owed by the burghs in question to the monastery as superior – rents of houses and lands, petty customs, market-tolls and burgh-court fines – into a fixed annual sum. In other words, the burghs obtained something like fiscal autonomy, but remained dependent in other respects upon the monastery. The annual payment for Dunfermline, as we have seen, was thirteen marks: for Kirkcaldy thirty-three shillings and four pence; for Musselburgh four marks.

As to further measures or relief from their dependence on the monastery it is not easy to write with confidence, contemporary documentary evidence being somewhat scanty.

In 1438 Musselburgh is referred to as a barony (Reg.p.287); in 1539 the same designation is applied to Kirkcaldy (Reg.p.388); and in 1561 to Dunfermline (Reg.p.450).

It is possible to read too much into this, the powers and privileges of a barony being largely determined by the terms of its erection, and in none of these cases is there any record of an erection.

An entry in the Register of the Great Seal (No.1629), under date 11 Feb. 1588/9, goes even further, asserting in the king's name that Dunfermline had

long enjoyed the status of a burgh of regality:- "The king, knowing the burgh of Dunfermline to have been from of old a free burgh of regality". This is confirmed by Dr. John Erskine, author of the "Institutes of the Law of Scotland ", who, as laird of the neighbouring burgh of Carnock, may be presumed to have had local as well as unique legal knowledge on the subject. "When, therefore, - he writes, - "boroughs of regality were erected into royal burghs, as ...... Dunfermline" (Inst. I.241). The same applies to Kirkcaldy: - "Know all men that we, perfectly understanding that our burgh of Kirkcaldie was formerly one of the burghs of regality in our lordship of Dunfermline." South Queensferry, is in the same position. On 4 July 1627 it also is referred to as a burgh of regality. (R.M.S. 1097)

It is not easy to know what to make of this.

The references are too authoritative to be entirely disregarded, on the other hand it is difficult to know how much importance to attach to them.

"In a private letter Dr. George S. Pryde writes: - "Burgh of Regality" is a very late term. Though writers freely talk of medieval burghs of regality, I know of no evidence for the use of the term before the charter of 1578 to Kilrenny (R.M.S. iv.1831; A.P.S. iii. 167-9). It was, I think, purely a post-Reformation legal refinement."

Dependent as they were on the monastery, each and all of the four burghs had held and exercised regality rights for many years. Some of these rights, in course of time, had been curtailed; others had become atrophied through disuse; so that the designation "burgh of regality" probably no longer had the same rigidity of meaning; and it may be that all that was meant by these references to them as burghs of regality was that they were in possession of regality rights – which they certainly were.

Following the Reformation and the Suppression of the Monasteries in 1560, the four burghs became more or less independent; but when they attained the dignity of royal burghs is a somewhat different matter. We know that Kirkcaldy was erected "ane frie Burgh Royall" by a charter dated at, Whitehall 19 Feb. 1636, though it was not presented to Parliament till 1644. No record has been traced dealing with Musselburgh, but the Kirk of South Queensferry was disjoined from Dalmeny and the burgh of South Queensferry, created a "free burgh Royal" in 1641. (Ibid. p.578)

Dunfermline it would seem, was in a different category from the other three. According to Dr. Chalmers (Hist. i.394), "it was constituted a royal burgh by a charter of King James VI, dated at Holyroodhouse 24th May 1588", Dr. Henderson, on the other hand, expresses himself as follows:-

"Writers hitherto, when referring to Dunfermline as a burgh, have asserted that this Charter of Confirmation of James VI constituted, Dunfermline <u>a royal burgh</u> – which is evidence sufficient that they had never seen this Charter. If they had, they would have seen that it was simply a Charter of Confirmation – not one of <u>erection</u>." (Annals, p.231)

In this case, one's sympathies are definitely with Dr Henderson.

The royal charter referred to is a perfectly authentic document and is still in the possession of Dunfermline Town Council, but, as Dr. Henderson says, it is a Confirmation Charter, not one of erection. The idea, however, that it did constitute, Dunfermline a royal burgh has been so deeply implanted and has been so widely accepted that it may be desirable to say a little more about it.

It consists of two ancient charters — one granted by Robert, abbot of Dunfermline conferring on the burgh "a common moor" (Reg.415); the second a charter already referred to, dated 10 Oct. 1393, and two Confirmation Charters. About 150 years after the issue of the second charter, the burgh authorities became a little uneasy about the validity of these two early charters "because of their oldness" and applied to the abbot for confirmation of them, and George Durie gave them a Confirmation Charter.

Following the Reformation, the burgh authorities again became uneasy, monastic charters no longer having in this country the authority of the Pope behind them, and, at their request, James VI, being advised that there was no reason why he should not, gave them the confirmation that they asked for. From first to last there is not a word in the charter that would support the idea of creating Dunfermline a royal burgh.

When, then, did Dunfermline become a Royal Burgh?

Fortunately, a good deal of information has become available since Drs. Chalmers and Henderson wrote, and, while the situation still remains disappointingly indefinite so far as Dunfermline is concerned, a good deal of light has been thrown upon the subject.

The substance of it is as follows: - The two outstanding features of a royal burgh in those days were, (1) Representation in Parliament, (2) Enrolment in the Convention of Royal Burghs.

"In the representation of the burghs there are some exceptions to the rule that only Royal burghs could sent commissioners to parliament. The rule was based on the fact that Royal burghs alone contributed to the payment of special taxes. In return for this privilege, and for the burden of representation, they possessed a monopoly of the trade of the kingdom..... But from a very early date certain trading privileges had been given to burghs which held, not from the Crown, but from an abbey or bishop. The most important of these were Glasgow, Arbroath, St. Andrews, Brechin and Dunfermline....... A burgh possessing such privileges might fairly be expected to take its part in the payment of national taxation, and a burgh paying its share of taxation might find itself represented in Parliament." (Rait, S.H.R. xii.pp.127/8)

None of these (church burghs), except perhaps Dunfermline, was a royal burgh before its representation in parliament or in the convention of burghs, but they all appear in the earliest complete stent-roll (1535), or assessment of the proportions of taxations by the burghs themselves. There was apparently a close connection between liability to taxation and membership of the convention.

Forty-one burghs appear on the stent-roll of 1535, thirty six royal burghs and the five church burghs already mentioned.

These all appear at later meetings of the convention without any formal admission, while they twenty-six burghs which were represented later each applied for admission and had to produce its charter as a royal burgh before becoming a member." (Pagan, Conv. of the Royal Burghs of Scotland, pp.27/8) Facts available from other sources are as follows:-

In an allocation of taxation among burghs in the year 1533, Dunfermline paid its share, and also for 1534 (L.H.T. Accounts vi.143) of £20,000 Scots levied in 1535 to meet the King's expenses in France, 5,000 merks were allocated on the burghs, of which Dunfermline paid £33:15/-. (Conv. of R.B. i.514)

At a Convention of Royal Burghs at Dundee 18 Septr. 1555, Walter Baxter and William Cowper appeared as "commissioneris of Dunfermling". (Recs. Of Conv. of R.B. i.p.10)

Walter Baxter was a bailie of Dunfermline and William Cowper head-deacon. (D.B.R.224)

Amongst the commissioners to Parliament, 18 Jan. 1593, was a "willelmus prateris pro dunfermling". (A.P.S.) It would seem, however, that this was not a full meeting of Parliament but a Convention. There is no record of a commissioner present at a meeting of Parliament till 1612.

In view of the facts above set forth, it seems a very real probability that Dunfermline, was never given a charter conferring on it the status of a royal burgh. There had never been any occasion calling for the production of such a charter.

Associated as early as 1533 with the royal burghs and contributing its full share of the taxation allocated upon them, years were to pass before it began to enjoy the corresponding privileges – twenty-two years before it got representation in the Convention of Royal Burghs, and other fifty-five before it got full representation in Parliament.

The change-over was so gradual, and, in a way, so inevitable, that the people of those days saw nothing surprising in it. Those who shared the royal burghs' burdens could not indefinitely be denied the privileges. The situation called for no comment and therefore no record of day and date has come down.

But the fact that Dunfermline, for long an abbot's burgh, did eventually become a royal burgh is as well established as any such fact can be. The various stages – abbot's burgh, burgh of barony, burgh of regality – may be difficult to explain and to define, but the fact has never been seriously questioned and cannot be.

Pressed to give an approximate date when the change-over did formally take place, one can only once again draw attention to the fact that in the year 1555 a bailie and the head-deacon of the burgh were formally commissioned to represent Dunfermline in the Convention of Royal Burghs for that year, and were as formally enrolled as members of that Convention. If that is not evidence of its being a royal burgh, it is difficult to see what would be.

Thirty-three years, that is, prior to the issue of the much-talked-of Confirmation Charter of 1588.

J.M. Webster c.1951



#### THE QUESTIONS AFFECTING PRESBYTERIAL

#### GOVERNMENT AND ADMINISTRATION

The Presbytery was the last of the four Church Courts to be established.

The first <u>General Assembly</u> met on 20th. Dec., 1560 and resolved that there be two meetings every year.

Some <u>Synods</u> also were in existence from the start, though there is no express reference to their institution, - the old dioceses being accepted as their 'bounds'. Like the Assembly, the Synod met twice a year.

Though many a year was to elapse before uniform <u>Kirk Sessions</u> were everywhere in operation, some must have been very early in existence. There were elders appointed in Edinburgh as early as 1556 or 1557, and the earliest record of St. Andrews' Kirk Session is dated 1559. The Kirk Session met every week.

<u>Presbyteries</u> did not come into operation till 1581 – 20 years, that is, after the Reformation.

Two institutions, however, for a time helped to bridge the gap between the weekly meeting of the Kirk Session and the half-yearly meeting of the Synod, viz: - THE EXERCISE and the office of THE SUPERINTENDENT.

Although there was nothing corresponding to it in the Pre-Reformation Church, the Exercise was widely known and practised in other lands before Knox introduced it into Scotland.

The idea commended itself to him for various reasons.

It met a very real practical need. It was in line with Reformation doctrine. And, most weighty of all, it could claim the warrant of Scripture. (I. Cor. XIV. 29 ff)

Even of the former Churchmen who entered the Reformed Church very few had any experience of preaching, and, to begin with, there were no facilities for training men, - - not even commentaries to help them. Something of the nature of the Exercise was an absolute necessity.

The usual procedure was for an appointed minister to lead off with an exegesis of a selected passage. Another was appointed to add to what the first speaker said. And then discussion of doubts and difficulties followed.

The gathering at Corinth, on which Exercise was based was, of course, open to all and Knox was at pains to make it clear that everybody was at liberty to speak. But the local records give the impression that, the discussion was almost entirely in the hands of ministers and young men intending the ministry. Even

after Presbyteries were established, the Exercise still continued, - the devotional part coming first, followed by the transaction of business, - the congregation, if present, leaving when the Exercise was finished.

For as urgently needed as something of the kind was at the beginning, one question whether it was at any time a very popular gathering.

The First Book of discipline declared it to be `most necessary for the Church of God this day in Scotland'. But even then, when the need for it was unquestionable, it was thought expedient to add that, if any be disobedient, discipline must proceed against them. In the records of this Presbytery there is an ever-increasing number of entries to the effect that there was no Exercise this day. The explanations offered were generally reasonable enough, - varying as they did from tempestuous weather or bodily infirmity on the part of the appointed minister or `throng of business' on that particular day to `ane part of the Dutch Fleet shooting against Burntisland.'

The last reference to it in this Presbytery, apart from students and probationers undergoing `trials', is dated 25th March, 1752, "Mr. Darling having delivered an Exercise and Addition upon Hebrews IV. Verse 1, it was approved of."

My colleague, Mr. Forbes, (laudator temporis acti) still, however, keeps the old tradition alive by carefully recording month by month, that the Presbytery was constituted with devotional <u>exercises</u>.



#### **SUPERINTENDENTS**

The Exercise, however, was but one of the institutions, that helped to fill the gap. The other was the office of the Superintendent.

A National Church inevitably involved questions of administration and jurisdiction, and to deal with these there had to be some form of local authority.

Some of us older men were brought up with the idea that Presbyterianism was so suited to the genius of the Scottish people that they would tolerate no other form of Church government, unless it were under compulsion.

I am not sure that the records bear that out.

The Reformers laid no stress on the idea of Apostolical Succession, but for administrative purposes not a few of them would have favoured the retention of bishops.

The difficulty was that the memory of the scandals and abuses of the old regime was still too fresh for any idea of that sort to find general acceptance. And so the choice fell on Superintendents.

On 13th April, 1561, <u>JOHN WYNRAM</u> was elected to be "Superintendent of Fyff, Fotheryk and Strathern."

In the First Book of Discipline his charge is described as "the hoil schirefdome of Fyffe and Fotheringhame to Striveling (Stirling) and the hoil schirefdome of Perth".

The stipend assigned to him for the work, reckoned in chalders and merks, was small, but, as he still continued after the Reformation, to be Sub-Prior of St. Andrews, as well as Prior of Portmoak, it is more than probable that his stipend was supplemented by the revenues attaching to these offices.

His duties may be roughly summarised as follows:- He had to preach at least three times a week, either in the chief town of his diocese, where he could remain three or four months at a time, or elsewhere within his bounds. Where congregations were already in existence, he had to find ministers for them if none were yet in office, and arrange for the provision of a suitable stipend. Where no congregation yet existed he had to do his best to organise one.

He had to preside over the Kirk Session of St. Andrews, where much of his time was taken up in dealing with cases of discipline and appeals against sentences passed by Pre-Reformation courts. He presided, also, at meetings of Synod.

As for powers, he could give collation or admission following a letter of presentation by a patron, - translate ministers from one charge to another and depose them if they proved unsatisfactory. The same applied, of course, to all Readers and Exhorters within the bounds. He was also responsible for the censorship of all books on religion.

There could have been few men better fitted for the work than John Wynram. He had had ample experience. For many years he had been Professor of Theology and Sub-Prior of the Metrepolitan Church of St. Andrews and, as the Prior was a layman, the work of administration must have been entirely in his hands.

The drawback was that at the time of his appointment he was nearly seventy years of age and, in any case, the task assigned was too great for any man.

His work naturally centred on St. Andrews, where he lived and where the bulk of his work had to be done, and, with such a huge area under his control, it was hardly to be expected that he should leave his mark very prominently on outlying portions of it.

During the eleven years of his superintendentship covered by the Register of the Kirk Session of St. Andrews there is little reference to work done by him in this particular area, but it does not follow that the work was not being done as well as was possible in the circumstances.

The Book of the Universal Kirk, it is true, records that the Superintendent of Fife was blamed for being too much given to worldly affairs, slack in preaching, rash in excommunication, sharper than became him in exacting payment of small tithes.

But complaints of the kind were not uncommon at the time concerning all the superintendents, and, in any case, complaints as to slackness must be read in the light of the man's age and the hopelessly large area assigned to him.

When relief at last came to him by way of limitation of his sphere, it is doubtful if the change was altogether welcome.

The Earl of Morton appointed John Douglas as `tulchan` Archbishop of St. Andrews. It was a miserable business and how a man like John Douglas came to have anything to do with it is something of a mystery; for he had an excellent record both in the Pre-Reformation Church and also as a collaborator with the Reformers. One can only conclude that he was in his dotage, for he was 78 years old when the appointment was made.

On Douglas's appointment as Archbishop, Wynram asked to be relieved of his office as Superintendent; but his request was not granted and he was ordained to continue in office in respect of that portion of his province which did not lie within the diocese of St. Andrews, and for the remaining period of his service he is generally referred to as Superintendent of Strathearn.

It is not to be supposed, however, that the work of superintendence ceased within the diocese of St. Andrews when Wynram was relieved of it. The work was carried on by Douglas and by his successor, Patrick Adamson. On one occasion at least Adamson is referred to as "my Lord of Sanctandrois, Bischop and Superintendent

That the office served a useful purpose at the time cannot seriously be questioned. The failure lay not in the office itself or in the men, but in the simple fact that, for lack of funds, so few could be appointed that the work proved utterly beyond them. Only five men actually held office, though the name was sometimes given to commissioners and visitors who were appointed for short periods.

As to whether or not it was intended to be a permanent arrangement, there is difference of opinion. Many writers seem to take it for granted that it was only meant to meet a passing need. But, while some of the work was admittedly of a temporary character, there is also a good deal to suggest that a succession of holders of the office was clearly contemplated.

St, Andrews, at least, seems to have been in no doubt as to the desirability of its continuance.

"Wythoutte cavr of superintendentis, neyther can the kyrk be suddenlie erected, neyther can thei be rentened in disciplin and unite of doctrin..... Of Christ Jesus and of his apostolis we have command and exampill to appoynt men to sic chergis."

But St. Andrews was the home-town of the Superintendent and doubtless saw a good deal more of him than some of the outlying districts.

By 1581 the Church had quite definitely made up its mind. Superintendents were to go, and Presbyteries were to take their place.



#### PRESBYTERIES.

As with the Exercise, the idea was not new, Holland and France both having intermediate courts between the Kirk Session and the Provincial Synod.

The leading advocate of the movement was Andrew Melville, who, after long residence abroad, had now returned; and the purpose these new courts were meant to serve, as defined by Parliament was; -

"to give diligent labours in the bounds committed to their charge that the kirks be kept in good order, to inquire diligently of naughty and ungodly persons, and to travel to bring them in the way again by admonition or threatening of God's judgements or by correction."

In 1581 the assembly resolved to establish thirteen Presbyteries as an example to the others that were to follow:

Of these, Fife had three: - St. Andrews, Falkland and Dunfermline. But the Presbytery of Falkland was short-lived.

The very next year Falkland was declared by the Assembly to be

"no Presbyterie, they being in all but three ministers, and now one of them declared scandalous; wherefore, till it please the Lord of the harvest to send forth more labourers, all be-east Leven is ordained to keep St. Andreoes Presbyterie, all bewest Leven to keep Dunfermline Presbyterie."

It would be a mistake, however, to imagine that because certain Presbyteries were erected in 1581 the courts immediately entered on full-fledged and effective jurisdiction or made any real impression on the administration of the Church.

Commissioners and Bishops still continued to act and in the Register of Presentations to Benefices only two cases can be traced for this period of presentations directed to a Presbytery, - Haddington in both cases. And by 1584 such Presbyteries as did exist were definitely suppressed.

Following the Raid of Ruthven - a movement in respect of which Protestant ministers were somewhat suspect by the King, - there came the <u>BLACK ACTS</u>, the effect of which was that Presbyterianism was suppressed and Episcopacy established.

From 1586, however, when a working compromise was reached between Presbyterianism and Episcopacy, Presbyteries did definitely grow in strength till they were ready for state recognition in 1592.

On 10th May, 1586, the assembly 'inacted' that there be four Presbyteries in Fife, - St. Andrews, Cupar, Dunfermline and Kirkcaldy. Falkland pressed its claim for reconsideration. In a letter from Archbishop Gledstanes to King James VI., dated 9th June, 1611, the Prelate suggests "that your Majestie give directione and charge to me that the exercise at Cupar be dissolved and out of the breach thereof ane other be established at Falkland; specially since, in the

first erection of Presbyteries, Anno 1581, Falkland was appointed ane special place for ane Presbyterie, swa that there sal be ane gude warrant thairfor."

On 5th August, that same year, King James wrote to the Archbishop in the terms desired and, in obedience to the royal wish, the Presbytery removed its sittings to Falkland.

But when the synod of Fife on 4th Septr. following, it took a different line and instructed the Lord Archbishop `to deal with the King's Majestie' that the Presbytery be brought back to Cupar, `Sundry gude causses and considerationnes' were advanced in support of this course, - notably that `in Winter, or after greit weittes in Summer' Falkland was not accessible.

The Presbytery of Dunfermline, at the time of its erection, consisted of fifteen parishes, but only seven of the charges were provided with ministers. Within a comparatively short time, however, ministers were found for several of the vacant charges, - Beath being the last of all to be provided, some 80 years after the Reformation.

The **FIRST EPISCOPACY** does not seem to have created any great upheaval. Two ministers were confined to their own parishes, but two others, who were known to be dissatisfied, were not interfered with. The others conformed.

The <u>SECOND EPISCOPACY</u> was a different matter. Five ministers were deprived of their charges, - one of them, - Donaldson of Dalgety, - being eventually put in prison. Two schoolmasters, one chaplain, and one Expectant were also driven from office.

Seven ministers conformed.

Following the Revolution Settlement, the Presbytery was in very low water. This, of course, is not surprising when one remembers that, for the last 28 years, every vacancy had been filled by an Episcopalian.

Then the brethren were free to meet again, only four ministers were present, - Andrew Donaldson of Dalgety, released from prison, being very appropriately appointed Moderator.

So meagre, indeed, did their numbers continue for some time to be that they had to be supplemented by Assessors from other Presbyteries

It was, undoubtedly, a serious situation and, though the members quite clearly did their best to fill vacancies with worthier men, to organise Kirk Sessions where they had lapsed, and to secure possession of churches from which they had been debarred, progress proved disappointingly slow. So much so, that, by April, 1692, it was found expedient to unite the Presbyteries of Dunfermline and Kirkcaldy, - the numbers in both cases being so small and this continued for four and a half years.

Gradually, however, things improved and, before the new century was far advanced, it is clear that the Presbytery had found its feet and was seriously tackling the problems that confronted it.

The Presbytery Seat was, of course, Dunfermline, though meetings could be, and were, held elsewhere. Meetings, which were at first held weekly were, by the beginning of the 18th Century, seldom held more than once or twice a month. But special meetings for prayer and privy censures were not infrequent, - each minister being in turn removed while the others sat in judgment on his life and work.

The position of the Moderator can only be rightly estimated in relation to the Clerk.

For more than a hundred years after the erection of the Presbytery of Dunfermline only once was a member of the court appointed Clerk,- and that was a very exceptional case.

To begin with, the clerks were professional `writers' – either the Town Clerk, or Clerk to the Regality of Dunfermline.

Somewhat later, licentiates, acting as schoolmasters or household chaplains within the bounds, held the office whilst waiting for a charge of their own. But in all these cases the chief and almost only duty of the Clerk was to keep a faithful record of what took place.

The responsibility for the conduct of business rested entirely on the Moderator, - with the result that the Presbytery had to be at pains to see to it that a suitable Moderator was chosen.

There was no question of appointment to the office by rotation. It was a matter of deliberate choice. A list of three or four names was submitted and a choice made 'by plurality of votes.' Who drew up and submitted the list of names is no-where mentioned. It may have been a 'circumtabular oligarchy' or it may have been some sort of Business Committee. But there was no question about the carefulness of the choice.

The term of office was nominally `between Synods', but with a suitable man the period was frequently extended.

That was the system under which the Presbytery attained the zenith of its power and glory in the palmy days of the undivided Church in the 18th century; and now that the Church is once again united it may not be amiss to consider the expediency of a return to it.

October 1942.



# THE FOLLOWING SEAL ENGRAVING IS TAKEN FROM A WAX IMPRESSION

# OF THE OLDEST KNOWN SEAL OF THE BURGH OF DUNFERMLINE

THE TOWER AT A VRY EARLY PERIOD WAS ADOPTED FOR THE DUNFRMLINE BURGH ARMS

A VIEW OF THE EAST GABLE OR APPROACH OF THE TOWER,

WITH LIONS RAMPANT AS SUPPORTERS.



# "S'COMMUNE`CIVITATIS`DE`DVNFERMLING"

"The Common Seal of the City of Dunfermline

or

#### "S'COMMUNITATIS'DE'DYNFERMLING"

"The Seal of the Community of Dunfermline."

End