

II.

EXTRACTS FROM FENWICK PARISH RECORDS, 1644-1699.

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If one is asked where to find anything like a history of Fenwick, it would be difficult to give a satisfactory answer; in fact, if the question were put to most persons outside the west of Scotland, they would probably not be able to locate the parish.

Pont's survey was made previous to the formation of the parish. There were then two "Finnicks,"—"Ross" and "Wattis." It is stated that on the 19th of February 1574, Andrew Arnott of Lochrig "is retoured heir of his father, Robert, in both these lands." There is the interesting statement, which should not be overlooked, viz., "There is a small rivulet called 'Fenwick,' which falls into the Kilmarnock water."

In 1842 an article appears on the parish of Fenwick, in the *New Statistical Account*, from which most writers appear to derive their information on the subject; so, in 1866, Paterson quotes therefrom, as well as from the *History of the House of Rowallane*.

The earliest mention that Paterson makes of Fenwick comes from the latter, and is of date 1497. I may be here pardoned if I shortly refer to the curious attempts that have been made to find the origin of this place-name. Fenwick, Pont mentions, was probably from Anglo-Saxon, Fen-wick, village at the fen or marsh, and that it is also said to be from Gaelic, "Hooded Crow." I fancy the latter will be difficult to connect with this place-name.

If I were asked to venture an opinion, it would be that it has its name from the small water said to have its fall into the Kilmarnock river. It is more in accordance with experience that place-names are derived from a river than that the water is named from a village or town. The authorities known to me have not gone very deeply into

the subject; as, however, I am not discussing the nomenclatural question, yet it will not be out of place if it is shown that a very great deal might be said touching an earlier (although perhaps hidden at the present) history of this ancient spot.

In the year 1415 a "Notarial Transumpt" was made, at the instance and expense of Nicholas Fynwyk, Provost of Ayre, of a Charter by King Robert the Bruce, of date 1324. In the same year a "Notarial Transumpt" was made, at the same gentleman's instance and expense, of a Charter by King Alexander II., under the Great Seal, in favour also of the Burgh of Ayr, dated 20th April 1236.

Again, a "transumpt," at Fynwyk's instance, was made of a confirmation by David II. of a Charter by King Alexander II.; this confirmation was dated at Edinburgh, 10th May 1366.

Further, there was a decret by Robert, Duke of Albany, in a dispute between the Friar Preachers, regarding an annuity of £20 out of the rents from the mills and burgh of Ayr. One of the "two prudent men" representing the Burgh was "Reginaldus de Fynwik Aldirmanus de Air."

It will thus be seen that a nice question arises as to who this gentleman was, bearing a name of a place eighty years, at least, before the earliest mention of it is found in Paterson's *History of Ayr and Wigton*, and of which the *New Statistical Account* says its history may be said to commence at the period of separation from Kilmarnock parish in 1642, and no such person as Nicholas of Fenwick appears among the families "of note" in Paterson's account.

The Records, now extracted, constitute a history of the place and locality, never before published, so far as I know, forming a systematic account of facts and events, more comprehensive, local, general, and historical, than can be found elsewhere. Upwards of thirty years ago I very carefully copied the whole of the Kirk Session Records of Fenwick, from a transcription lent to me for that purpose, by the then session clerk, William M'Nair.

At the end of the transcription was the following:—"That the copy written on this and the preceding two hundred and fifty pages is a full and literatim transcript from the old Kirk Session Record is certified by the transcriber. (Signed) WILLIAM FINDLAY, V.D.M."

It is almost needless to say, that from the entries which go to make up these records, a very large proportion must be put aside as undesirable to reproduce here. Yet there is left a mass throwing additional light on the period dealt with, which cannot possibly fail to deeply interest those who study the early days of an interesting epoch. To the latter I principally confine myself, as being, from both a local and historical point of view, the most important.

The historical descent of the House of Rowallane (1624) informs us that Sir Gilchrist gifted the two "finiks" to Edward Arnot about 1280. It also tells that Sir Gilchrist distinguished himself at the battle of Largs (1263). His name, however, does not appear in Hector Boece's *Cronikilis*. Of course, that does not disprove the statement that Sir Gilchrist was at the battle. With regard to this matter I may be pardoned if I refer to my *More Ancient History of Kilmarnock*, in which I prove that there were more de la Moors than the one in question. In 1213 one was sent by King John to Scotland; and a Sir Gilchrist, in 1296, did "homage" at Berwick. In the Rowallane History we find it recorded that Sir Gilchrist's daughter Anicia was, "it is supposed," married to Richard Boyle. How the word "supposed" should be found in a trustworthy family history is difficult to understand, when Sir Christopher de Ardrosan was a witness to a Charter by Sir Gilchrist Mure of Rowallane to the said daughter, who was married, etc. The date of this charter was 1280.¹

Pont, in the face of this, states that Sir Gilchrist died in 1277.² The Rowallane History has it that he died about 1280.³

The year 1596, it has been stated, "saw the Church of Scotland

¹ See Pont, p. 59.

² Appendix II., p. 399.

³ I do not place implicit confidence in this history.

come to her perfection, and the greatest purity she ever attained to." The state of society, depicted by the Committee of Assembly, disproves this up to the hilt. Half a century afterwards, Edinburgh, the centre of the Reformation movement, was said "to be the ordinary place of butchery, revenge, and daily fights"; while more than fifty years after that, from my reading of church records of Scotland, the state of morality and the respect for religion most certainly had not improved among the masses. It is only just to say that exception must be made with regard to ministers. No such cases came under my observation as reported in St Andrews and some other printed kirk-session records.

Fenwick records, to my mind, are even worse in the respect indicated than any I have dealt with. Lying, false swearing, and a host of grossly worse immoralities positively occupied nearly the whole time of the kirk-session meetings.

Some writer informs us, "As this was a newly erected parish, the people had been very much neglected." Surely this does not redound to the credit of the mother parish, when its population, including Fenwick, is not supposed to have been more than 1400.

Pages 9 and 10 of the original records were in the handwriting of "Mr William Guthrie, the first minister of the new kirk." Here it is perhaps necessary to state that Fenwick was originally a part of Kilmarnock parish. The separation was made by Act of Parliament in 1641,¹ which enacted that it should be called the New Kirk of Kilmarnock. The church was built in 1643.

To pass over the Rev. Wm. Guthrie's introduction would be leaving out one of the brightest stars which illumined Fenwick, if not the "Cause of the Covenant." He was born in 1620, and studied at St Andrews. The zeal he evinced in the Reformation caused his being one of the ejected in 1664. He died in the following year. Before me lies an edition of a book by him entitled *A Short Treatise of the*

¹ Paterson has 1641. The *Statistical Account*, 1642.

Christian's Great Interest, etc., published at Edinburgh, 1720. It appears that it was first published about 1659, and passed through many editions in Scotland and England.

From the preface, "To the Reader," a few words may be quoted : "Thou mayst think it strange to see anything in print from my pen, as it is indeed a surprise to myself. But necessity hath made me to offer so much violence to my own inclination, in regard, that some without my knowledge have lately published some imperfect notes of a few of my sermons." It may be worth notice that it is clear that Mr Guthrie's marvellous freedom from the persecution meted out to others is due, in a great measure, to the favour of some powerful men in the Government and to the Earls of Eglintoun and Glencairn. Whether from Guthrie's great popularity in Fenwick (which some records quoted seem opposed to), or his fame as an eloquent preacher, one thing is certain, his name travelled far and wide, while a number of the regular attendants at his church came from Glasgow, Paisley, Lanark, and Hamilton, etc. ; so, from the records, the parishes brought into connection with Fenwick, from a church discipline point of view, number at least fifteen. When, therefore, such an insignificant parish is considered, it may be safely said that Mr Guthrie gave a prominence to Fenwick and the county which few could boast of.

"The first Session holden at the New Kirk of Killmarnock be Mr. Mathew Mowat, Minister at the old Kirk of Killmarnock, vpon the twentie sevine day of Junij of the zeir of God 1644." "The qlk day Johne Howat is ordained Kirk officer, untill ane actuall Minister be placed." The second Session was held on November 13th, 1644. "The qlk day Mr. Williame Guthrie being now admitted Minister of the said Kirk, being conveyed with the Elders yr of nominats chuses and ordaines Robt. Gefmill in H (-----) Clerk to the Sessioune." "The qlk day the Sessioune continues Johne Howat Kirk officer, ordaineing yt he sall have 6ss of each buriall in the parochie, 4ss of each baptisme and four ss for giueing up of the names of pairties to be procleamed."

At the Session which met on the 29th December 1644, "The qlk day Sir Wm. Muir, younger, of Rowallane, Knyt, is nominat and chosen rueling Elder for ye presbiterie and synode, and gives him full power and aucttie to that effect as besemes."

An Act was passed by the "Session fbry 25, 1645, the qlk day the sessiounne,

considering the prejudice the people susteined by the multiplieing of furmes to wards the bossome of ye church, ordaines from hencefurth yt no furmes be placed w'tout the cuinzies nether yt any persounes remove yr nÿtbõrs seat wt-out advyse of ye Sessioune and vÿr wayes to be found sensorable by the same." It would thus appear that some crowding of the church existed a short time after its erection.

Sir Wm. Muir was deeply attached to the Reformed Church and a closely intimate friend of the Rev. W. Guthrie's. That so-called conventicles were held at Rowallane, there is little doubt. Muir was imprisoned in the following year, but was liberated in 1668. He was apprehended again, this time with his son, in London, and was sent to Edinburgh, and imprisoned in the Tol-booth.

At the Session held on the 20th of April 1646, "Sir William Muir, younger, of Rowallane, Knyt, was nominat and chosen ruling Elder for ye paroche." Needless to say the Muirs of Rowallane were an ancient family, dating to the year 1214 or 49; David de Moor being mentioned in a Charter of Alexander II.; this David was possibly followed by Sir Gilchrist, previously mentioned. By the marriage of Sir Adam to a Muir of Polkellie, the two estates were joined. A daughter, Elizabeth, issue of this marriage, married Robert, High Steward, afterwards King of Scotland. In the records under consideration the Muirs of Rowallane, father and "younger," appear by name upwards of twenty times. In the last-named meeting of Session we have an instance of the state of feeling among some as to what was the cause of the visit of soldiers to the neighbourhood.

"Johne Gilmor was delaited for sayeing, let the Minister and vÿrs yt believed in God, and now, he had beguiled them and yr beleiveing both, this was in tyme yt the enemie did overflow." Naturally he was to be summoned. "The qlk day wer delaited Marioune Tod, wyfe to William Barr, in Balgray, and Johne Wyllie yr, for making merchandice w't the enemie or rebell qn they did overflow." At the next Session they were ordered "to stand two severall Lords dayes before the congregatiõne." As an illustration of a supposed cause of soldiers visiting the district, reverting to a Session held on the 23rd of December 1645, the following is recorded: "Robt. Tailior was delaited for his scandellous speitches and curseing Marioune Crũiks, thus, ye cunning whore, the curse of God go with you, ye have brocht the curse of God vpon the land. This was delaited to have bein spocken in the tyme of the Sturres."

Buying off soldiers from destroying property was equally a breach of Church discipline, as was the trading with them; at least it was against the authorities' sense of fairness and ideas of justice. That all Kirk Sessions held the same opinion, or views, is not so clear, as we will see later on. With respect to Fenwick, the Session of "Aprile 30, 1646, Adame Muir in Glaister, James Brown in finick, Thome Hall in Gaineleitch, Joñ Lowrie in Breirs brisch, Thomas Adame in Wornockland, ar accused *apud acta* for subscriyving a bond to ye Laird of Langschaw for such a sune of money, as he condiscended on wt the enemie, for protectiõne to ym at yr owne desyre, as also Johne Power in Dameheed for helping to puinding his nytbors for money to ye enemie; and yrfore all of ym ar ordained to mak confessiõne of ye same, from off ye furme before ye pulpit, ye nixt Lord's day."

In the course of about two years, after the attempt to read the Litany in Greyfriars Church, Episcopacy was abolished by the General Assembly. The Solemn League and Covenant was entered into, and Scotland agreed to send an army to England. The year of the Revd. Wm. Guthrie's introduction to Fenwick saw the march of the assisting army to England. Montrose at this time was in Scotland, in the cause of Royalty. His success caused the greatest alarm in the west of Scotland, which was forced to protect itself, and assist the Covenanters, as well as it could.

It was the highlander Alex. Macdonald who commanded the Irish division of Montrose's army that went west, plundering as he went, at least as far as Kilmarnock, where, as in other places, he levied large contributions. Lainshaw's conduct, referred to in connection with Fenwick, was at the time most creditable to his judgment and good sense. The gentlemen of the county who were at home bought protection, Lainshaw wrote to his chief, the Earl of Eglintoun, then with the Scottish army in England, putting him in possession of the state of matters, and that he saved Eglintoun's and his tenants' property by buying off the destroyer. With this exception, and that referred to in Fenwick records, I have not seen attention called to any similar instance.

On May 19th, 1646. "The qik day compeired Johne Gillmor, in Gaineferd, is accused of ye former delatioune, and he denyes ye samen." A curious entry is that of "Julij 1, 1646, as also Heilling Henrisoune was delaited for setting doune vponer her knies, and curseing her nytbor, and saying schoe sould deive heaven bot schoe sould haue amends of her nytbor, and give god wold not tak amends, shoe sould cause man doe it." She was summoned to the next Session. July 16th, "Peter Dunlope in Gaineleichte, for taking something out of his nytbor's house on a weik day, as also for buying ane horse from one of the enimies." "On Julij 31, 1646, the Sessioune nominats and chuses Sr William Muir, younger, of Rowallane, Knyt, Adam Muir, in Glaister, and Thomas Gemill of Dalsraith, to treat and agrie wt the Sessioune of Kelmornok for some compts and debts, aughting be the said Sessioune, to this Kirk and Sessioune."

"Compeirit Johne Gilmor and his witnessis go legalie deponed as was delaited. The Sessioune referes to consult the Presbiterie, ye case being extraordinary." The same day "The Sessioune considering yt thair hes no eldership elected since the Minister was admittit, finds it now requisitt that thair be ane new electioun of elders and deacones, for functiones of these offices wt in the congregatioune." It would occupy too much space to enumerate all the names of those elected, but the place-names may be interesting: thus Rowallane, Brierbushe, Polruscein, Raithhill in Machernok, Warnock-land for the lands of Polkellie,¹ Balgray, Grie, Craufurdland, Midland, Ardes Birkenhalls, Raith, Dalsraith, Darquhilling, ffor Harlschaw Muirs, Midowheid, finik, Righill, Drumeboy, Cullarie, Craiginduntane, and Sandbed. The candidates' names were read out in the church on the next Lord's day, and at the meeting of the Session August 4th, "Compeired the fornamed per-

¹ From "the military report," prepared by an English official between 1563-1566, "Bawkelle House" (the Laird of Cunningham) was among those mentioned which could provide "able men, foot and horse, at the suddain."

sounes quho wer nominat to be elders and deacones. The Kirk officer having called at the door, gife any had ought to say aganest the persounes quhose names wer red out ye last Lord's day to be elders and deacons, that they wold come now and declair it." There not being any objectors, the candidates were duly elected. These office-bearers, however, had to appear at the church "on the following Sabbath to tak on yr offices, and to giue yr oath of fidelitie."

"Midland" above mentioned was where Fergushill and Woodburn were shot in 1685. "Hareschaw" (Hartschaw) and "Drumboy" were at one time the property of Alexander Muir.

The practice of making defaulters stand "in the public place" does not seem to have been looked upon, by many, with any great reverence, neither did it always act as a deterring force, and, certainly, it did not add to the solemnity of the proceeding. Much of the conduct of the supposed penitent showed little signs of contrition, but was often taken advantage of for haranguing the worshippers. This was fairly common in many parishes. Mauchline, for instance, when one John Millar, with three others, broke "the stool of repentance whereon they stood." Janet Wallace is ordained to be summoned "for her miscarriage on the place of repentance." Janet Dicky in Holme, for calling one of the elders "a mansworne sleverie loün, for delaiting her to the Sessioune, for ane former scandell." The last "Janet" was at the next meeting "ordained to stand ye next Lord's day, from eight hörs to ten hörs at the Kirk door, and then from thence to goe to ye publick place of repentance wtin the Kirk, yr to acknowledge her offence."

There seems to have been a sort of epidemic of misbehaviour among "Janets," for at the same Session "Janet Wallace quo for her unbeseming speitches on the place of repentance, is ordained to stand the two nixt Lord's dayes, and yr to acknowledge ye same wt her former faut."

Montrose's soldiers seem to have afforded an excuse for much of the "unbeseming" conduct of many Fenwick folk: "Janet Hog in Hartschaw was delaited for taking some things out of her nyfbors house (qn the enimies did overflow) on the Lords day."

The long, and often merciless arm of a Kirk Session at length reached John Gilmor on August 18, "compeired John Gilmor, after he had bein befor the Presbiterie, and according to yr orders, submitts himself to ye Sessioune, quho ordanes him to stand at the doore in the Joges ye nixt Lords day from eight hour in ye morneing till ten, and from thence to go to ye publick place of repentance wt in the Kirk, yr to confes his fault."

The fact of a man going to fight on behalf of his country in no way cleared him from a breach of discipline, and so we find, on March 23rd, 1647, "was delaited Robt. Henrie, qō now was come home from ye armie" and is ordered to be summoned to the next Session. "Sabbath" and "Lords day" were apparently convertible terms at the period dealt with. "James Rosse in Whythill, for breck of the Saboth day in dryveing his Kow towards Killmornok fair, on the Lords day."

It would appear that the Session which was initiated in 1644, at Fenwick, had retrospective powers. The Session held on August 1st, 1647. "Compeired Gawane Lindsay, and Marioune Gemill etc.," committed anno 1643, "and ar appoynted to be somoundit to ye nixt Sessioune."

The idea was strong in the minds of the Reformers that to oblige parishioners,

by all means, to attend Church, was a fairly sure way of making Christians. "The qlk day Añd. Blackwood, in Gairdrum, was delaited for stayeing at home orderly on ye Sobath day, and is appoynted to be somound to ye nixt Sessiounē." He appeared and declaired "yt it was throu inabilityie of body" that he stayed from church, and is warned "to keip the Kirk qn he is able."

A more extraordinary instance of the persistency with which absenters from church were followed, is found in the Presbytery records of Paisley, about the same period, March 27th, 1646. "The guidwife of Ferguslie, after being dealt with, at last swears, and subscribes the Confession of Faith, and Covenants, and renounces Popery." This was, in all probability, the initiative of what follows. In June she was delated for not coming to church, on July the Minister of Paisley was appointed to deal with her husband, to "provide ane chamber in Paisley for his wife, that she may reside there, for the more easy coming to the Kirk." On September 3rd her husband declared that she could not be removed; he was instructed to bring a "testimonial that she cannot be removed." On the 24th he reported that he had not an opportunity to see the physician. On December 17th she "was advertised to come and reside at Paisley between and February next." April 1st, 1647, she was admonished for not coming to reside at Paisley; on the 22nd two members reported that they visited the "Guidwife of Ferguslie, and had seen her infirm"; they got her to promise to come to the Kirk within twenty days. On May 8th Mr. Henry Calvert (Colvert), Minister of Paisley, reports that Margaret Hamilton, Guidwife of Ferguslie, had come to the Kirk of Paisley, *carried on a bed.*"

Gairdrum, which has been mentioned, belonged to the Abbey of Kilwinning before the Reformation, afterwards (1634) to the Hamiltons of Grange, then came into the possession of James Kelso, and then in 1703 to Matthew Hopkin, merchant, etc., Kilmarnock. There was a Matthew Hopkin, Magistrate of Kilmarnock in 1708.

On December 22nd 1647, "The Sessiounē ordaines the schoole Mfs wt in ye parosche to giue in ye names of poore schollers yt are not able to pay yr quarter wages, as also ye name of such of yr scholer yt most be helped to buy buiks."

It was further ordered that as "mony put yr children to the schoole and taks ym away qn they will, not paying yr quarterly wages, qr by the Schooleñr was defrudit of yr wages, thairfore everie scholer sall pay his wages at his entrie and yr after ever at the begining of ye quarter." On "Jañry 12th, 1648, the Sessiounē instructed the Kirk treasurer to pay 10ss. for ilk ane of ym quarterly for tyme bygane, as also appoynt 24ss. to be giuen to each of ym to help to buy bybles wt, yt could reid and wer not able to buy ym ymselves."

On the same date "Röt. Curie, in Raithburne, was delaited for vpbraiding the Sessiounē for yr stricknes anent extraordinar Oventiounes at brydells, wch speitches he vttered to one of the elders and two vñr persons and is appointed." etc. It mattered not whether an offence was committed against Church discipline, by a member, in a parish to which he did not belong, he was followed. "Aprile 26, 1648, Röt. Boyd in Cuikstoune, wt in the old parosche of Kilmornok, was delaited for being drunk in finik, and appoynts yt the same be signified to ye Sessiounē of Kilmornok, yt he may be somound hither, qr he gave the offence." This Boyd was summoned, but did not appear till the 6th of December, and had to give "satisfaction." We have yet another reason assigned for Montrose's raid. On the 13th of the

last named month Rõt. Tailior, in Creilsheugh, is delated for saying yt the hussies in finik had the wÿte of all the evill yt was cume vpon the land, and wisched that they myt be made to rune naked, and nothing to cover ym wt bot yr hands (meaneing by the hussies some gratus persounes)." He was to be summoned to the next Session. On the 17th of the same month, "Marioune Browne, wyfe to Thomas Patoune, in Bruntland, is delated for cursing ye day yt ever ye Minister came to this countrie." On the 19th, Marioune appeared at the Session and "denyed the former delatione." Witnesses were summoned, the accused appeared on the 31st of January 1649. "Agnes Smÿt deponit as follows, to wit, 'schoe hard her say the curse of God will be vpon ye Minister for haveing the people to Mauchlein muir. Marioune Ternochill deponnes, yt schoe hard ye said Marioune browne say, the curse of God will be vpon the Minister." The accused was ordered to give public satisfaction "the nixt Lords day." At the same meeting "Issobell Walker, in lintbrae, wt in the parochine of Stewartoune for cursing the New Kirk, and all thes yt had a hand in yt work, and also the Minister, and all thes yt went to Mauchline Muir wt yrs, the lyk expressiounes." Of course the "usual" was dealt to her: the Session resolves to send to Stewartoune "to cause somound her heir to gife satisfactioun, qr the offence was given." The battle of Mauchline Muir, it will be remembered, was fought between the King's troops and the Covenanters, June 7th, 1648.

The following is the first case of the kind that I have come across. "21st October 1649 Johne Browne in Loanefoot, and Jeane Boyd yr ar delated," and also "yr is a flagrant scandell yt the said Jeane has taken phisick dreinks to caus abortioun."

November 4th, Boyd and Jonet Geñill appeared before the Session. On the 9th again they put in an appearance, and the accused denied the charge; that, too, in presence of witnesses against them. On November 21st they were before the Session, but were ordered to appear on the 5th of December, which they did, and again denied the charges, and were appointed to come on the 10th, which they obeyed, only to refuse a confession. On March 20th, 1650, "The Session heiring thet Alexr. Boyd did still keip oÿrs companie, not being cleared of ye former scandell, does interdict ym of others companie in all suspect tymes and places." April 10th, the two were brought before the Session, "but denyes it, etc., quhairvpon the Session ordaines ye said Alexr to purge himself, by oath, before ye congregatioun the nixt Lords day, and both of ym to give public satisfactioun. The said Alexr. refuses to gife his oath neÿr will he confes quhairvpon they ar both referred to the Presbetrie." On the 9th of January "George Lauchland, in darclavoch, is delated for drunkenness, and a blasphemie vtterer at yt tyme—he was no more obliged to God, nor he was to him"—is appointed as usual.

March 3rd, "George compeired and denyed ye foresaid accusatioun." He was appointed to appear next Sess., which he did on March 20th, when he again denied the charges and was referred to the Presbytery "for his blasphemie."

It would be difficult to suppose that the funeral of Lady Boyd would appear in the parish records of such a little out-of-the way place as Fenwick, and more especially associated with a breach of Church discipline. March 20th, 1650, "Johne Geñill, in Longdyk, is delated for drunkenness in Glasgow, at

my Lady Boyd's burriall, and is appointed" etc. I venture to think, that this Lady was the widow of Christian,¹ first married to Lord Lindsay, and secondly to Lord Boyd.

The Session of 29th May reports that "The Presbetrie haveing appoynted Alex. Boyd to purge himself by oath, publickly before ye congregatioune, the Session resolves to delay a quhyle, in hope of confessiounne."

The Session meetings were interrupted owing to the Minister going to Angus, "qho on his return was appointed by the Commissionne to wait on ye armie besyde Edr. the space of ane month." Here we have evidence of Guthrie's active sympathy, well known to Covenanters, irrespective of what was known generally, and apparently overlooked by the opposing party.

The next meeting was on the 4th of September. "Alex. Boyd and Jonet Geñill confest," and were appointed, etc. The contumacious pair were again under the consideration of the Session on October 6th, when they were informed "that Alex. Boyd and Jonet Geñill doe keip fellowship togidder," for this they were ordered "to continue yr publick satisfactiounne till they sall appear before the Sessiounne." The two were before the Session on the 15th of December, when it appears they were again guilty at the very time of their "giving publick satisfactiounne for the previous offence." The matter was put off till "a new dyet" as Alex. Boyd "is now gone towards the north." On 5th of February "They ar referred to the presbetrie." They next appeared on the 14th of May 1651, when Alex. Boyd, according to the Presbetrie, is to "satisfie publickly, in sackcloth," while Jonet is "to goe on in hir publick satisfactiounne ye nixt Lord's day." On August 13th the Session "is informed yt Alex. Boyd is gone to the armie, and has not obeyed the presberies orders." Nearly a year after, viz., on August 4th, 1652, the Session hearing that Boyd had returned, appointed him to be summoned to the next Session.

Reverting to the case of George Lauchland, when he was handed over to the Presbytery on the 20th of March 1650. It appears that on the 13th of October 1652 Fenwick Session reports, "the Sess. finding yt the presbetrie hes remited George Lauchland back to ym about his forsd scandell, appoynts him to be somound." The next meeting was on the 24th. George was called, but did not appear. August 3rd, 1653, he put in appearance, but would only confess to drunkenness, "thairfore the Sessiounne, according to ye Presbiteries' order, ordaines ye Minister to mak publick prayer for him ye nixt Lord's day, as previous to excommunicatione."

At this same meeting "The Sessiounne considering ye many inconveniences and scandells occasioned by young women liveing allone in houses, thairfore, for the preventing ye same in tyme cuming, the Sessiounne resolves it sall be inacted yt no young woman sall live allone w'tout fitting and beseming compani."

It appears that a Minister was entitled, by Act of Parliament, to four acres of land, and that the Fenwick Minister, up to February 15th, 1654, had never been put in possession thereof. We find "some of the Sess. considering that ye Minister had not gotten ye four aikers of land, ordained some of their number to speik ye heritors yr anent, and to report diligence." The deputation were unable to get any satisfaction, and the matter was carried to

¹ Daughter of the Earl of Haddington.

the Presbytery, who, in turn, appointed two to "speik the heritors, and try qt may be done yr in in ane amicable way."

On the 29th of March the Session appointed the Minister "to speik to Andro Melvin, to engage him to be Scholeir." It was on April 26th that the Session resolved to build the churchyard dyke and a schoolhouse "on the north-west corner of it, which is to be done with all convenience, at ye expenses of ye parioche, proportionallie." This information is not, I think, to be found anywhere else.

The women were not one whit more disposed quietly to obey the dictates of the Session than the men. "Julij 19th, the women alone named compears and declaired yt they have not amynd to give obedience to ye act, becaus (say they) they cañt find conveniencie to doe soe. They ar suspend from ye sacrament for yr disobedience." This was in regard to the Act that no two were to live alone. On the 18th of October another woman appeared, Jonet Armor, and told the Session she would not obey the Act. She was accordingly summoned to the next Presbytery meeting.

A new stand was made against Church discipline at the Session of 20th December, when Mongow Warnock "compeird and doth not deny his drunkenness, but denyes yt hee offendit yrby"; "some are to speak to him in privat."

We have not heard more of that obstinate person, George Lauchland, since August 3rd, 1653. He now appears at the Sess. 11th April 1655, and "denyes his drunkenness formerlye confessed: it is advysed the Minister shall consult ye presbyt in this case." On the 18th, "the Minister reports yt the Presb. had appoynted prayers publictly to be maid for George Lauchlane, in order to his excommunicatiōe, and to report his diligence to ye nixt Presb. day." On the 22nd, "The Minister reports yt ye Presb. hath appoynted him to proceed to the excoñmunicatiōe of George Lauchlane if he did not acknowledge, and submit to discipline, qvpon he is sumōned to ye nixt Sessioune day." In the meantime, we find that the case is again put off, and is not heard of till May 1656, when he "compeirs on the 28th and is still obdurate, and his case was continued." The minute, however, contains the following tragic conclusion, "The said George Lauchland died before the matter was putt to a close." This case is the most remarkable, of its kind, I have ever come across, either in Records themselves or printed copies. Here was a case, bandied from Session to Presbytery, from Presbytery to Session, from 1650 to 1656, and all the pains and penalties that were put in motion were valueless, for good, to the offender.

"12th August 1655, compeirs Jonet Smyth, and denyed the forsaid alleadgance; witnesses ar appoynted to be sumōned to ye nixt day, viz. Lady Lochrige," etc. The latter Lady's name carries us back many years, when, for instance, Robert Muir is mentioned, in the History of Rowallane, as having received from Arnot of Lochrig in 1497 "Wattis Fenwick." It is clear that the Arnots resided at Fenwick for many years after the gift, or whatever it was, is referred to. At the Session, February 13th, 1656, it was reported that an offender named Thomas Reid "did resyde in the parish of Kilbarchane." The Minister having written to the latter place, caused Reid to appear, and his case was held over to the next meeting. Reverting to Lady Lochrig, I venture to think that sufficient evidence will have been produced to controvert the

statement by Paterson, "that no family of note appears to have resided in the parish of Fenwick except the Mures of Polkelly."

On the 23rd of April, "The qlk day the tenants of Hartshaw Mure compeane of the disaccomodōne, for want of a furme behind the seats appoynted for ye fewers of ye Raith, conforme to ye act of Presbe yr anent. The Session appoynts all ye fewers of ye Raith to be present ye nixt day, to see ye Presb. act mad effectuell." At the meeting of 4th May, "The tenants of ye Hartshaw Mures doe againe plead ye benefit of ye Presb. act, in presence of ye fewers of ye Raith. The Sessioune appoynts Thomas Gemill in dalshraith, with ye fewers of ye Raith, to rectifie yr seats, yt the act of Presb. may be mad effectuell, in favouris of ye tenants of Hartshaw Mures, which they under tak to doe before the 15th of June, and for remeyding of further contest, the session doeth appoynt yt ye entirie of ye seat belonging to Thomas Gemble of Dalsraith shall henceforth continowe in the midds of it, as now it is, and that a little furme shall stand at ye end of ye seatts belonging to him and ye fewers of Raith, in which they ar to claime no proprietrie."

"Also for awoyding discord and contentione likly to arise, among ye fewers of ye Raith, ye Sessioune, with yr oune consent, ordaines That ye two seats allowed ym behind Thomas Gemmill's desk, shall only serve for ten persones, viz. Two out of each familie of ye foresaid fewers, which ten persones shall be served by the saids seatts, according to yr proportionall and respective burden, borne at the erectione, That is to say, Darquhallane shall have the first roome for 2 persones in the former seat, David Gemmill in Horshill, ye 2nd roome for 2 persones in ye forseat, Johne Andro, in Horshill, shall have roome for one persone, after ye forsaid four, in ye foremost seat, Hew Taylior, in Rashes, ye first roome for 2 persones in ye back seat, Johne Whyte, in Brae, shall have ye 2nd roome for 2 persones in ye back seat, and Johne Andro, in Horshill, shall have roome for one after ye forsaid four in ye back seat."

"Sess. 30th July 1656, the tenants of the Harshaw Muirs gave in a supplicañe for some further rome in the Kirk, for there better accomadōne. The Sess. finding no place wt in the church att their own disposing, convenient for these people, doe desire Sr. Wm. Muire of Rowallan, then present, to quitt these three formes in the north syd of the east Ile, wch were appoynted by the Presbrie, att the first divisione of the Kirk, for the use of the tenants of Rowallan, as part of the roome allotted for them, wt in the said church, upon wch grant by him, if he should condescend, the Sessione did offer unto him that side of the forsaid east Ile, att the syde of his own loft, wt liberty to him to build the samen on his own expence, and to joyne it to his own loft, for the vse of his familie and tennants, wch desire the said Sr. Wm. takes to his advysment, resolving to consult wt his father thereanent till the nixt Session day."

On the 13th of August the Session met, and "Sr. Wm. Muir then present did agree to quitt the three formes forsaid for the use of these of the Harshaw Muirs, upon the condition offred by the Sessione and declared he had his fathers approbaōne and consent thereto, upon wch grant by him, of the forsaid three formes, the Sessione did unamiouslie agree that the said Sr. Wm. sould hav full libertie to loft over the whole north side of that east Ile, being yet vnlofted, and in their poure to dispose one as they judge

most convenient, and to adjoyne it to the other loft, alreadie builded, and belonging to his father and himselfe on the south side, of that east Ile. He keeping the same entire, to all wch he had before. As also the Sess. did vnanimously agree and condescend, that the New loft to be builded, sould be of the same height from the ground, wt the other loft, and sould have the fore face thereof, advanced towards the bodie of the Church, as farr as the middle pillar, of the former loft, and no further, and that they shall hav the full power of the loft to be builded as weil as of the other, for the use of their familie and tennants."

Sir William Muir, the Father, referred to in the foregoing, must have been the author of "The True Crucifixe," and several pieces. He translated some books of Virgil, and among other works of his, a collection of poems, etc., to King James. He, some years prior to 1629, seems to have had in hand a version of the Psalms for Scotland. This Sir William died in 1657, the year in which it is said the oft quoted "History and Descent of the House of Rowallane" was written, published from MSS. of Lady Flora Mure Campbell's ancestor.

"17th November" has only the short entry, "Hew Hanna is chosen School-master wherof he accepts." On the 28th of October 1657 "John Howatt is chosen schoole master for the interim, whereof he accepts."

The Session which met on the 29th of May, 1658, "resolves to putt up a coñon lofte in the north Ile and do comissionat Thomas Gemble to buy the timber obleidging themselves for his releefe, he concurring proportionally." On the 10th November "John Howatt is continwed schoole master." On the 16th of March 1659 we learn that John Howatt church officer "being dead Robert Howat his son, is appoynted officer in his stead."

"11th Apryll, 1659, The tennants of Craufurdland, and Polkellie being present it was signefyed to them, that there was a coñon loft to be erected in the north Ile, as was designed from the first division of the roome in the Kirk, whereupon the forsaid tennants, did offer, that if loft sould be proportionally appropriated to them, they wold proportionally erect it, the Sess. granting vnto them, the timber alreadie broght home to that effect. It is taken to consideraõne till the nixt day." On the 18th of May, "compeard Wm. Pore in name and behalfe of the tennants of Polkellie, and Wm. Montgomerie in name of the tennants of Craufurdland, desiring they might hav libertie to erect a loft in the north Ile of the Kirk, from wall to wall, coming forward wt in three quarters of ane ell, to the corner or cuñzie, as also that the Session wold allow to them some timber on the public charge of the coñon box, to help to erect the same. The Session grants them libertie so to doe, allowing the forsaid loft for the proper vse of the tennants of Polkellie and Craufurdland forsaid, allowing them three great trees, and a quarter of ane hundred deals, out of the public charge of the Kirk box to help the same, vpon these conditions following, first, that they putt up the said loft before the first day of Sepr. next to come, secondly, that for the better accomodaõne of the parish they shall quitt and forgoe all the roome vnder the said loft, to be disposed by the Session as they shall find reasone for the end forsaid, excepting only one seatt, inediatlie behind my Lord Loudon his seatt, and one seatt inediatly behind Craufurdlands proper seatt The one to be reserved for the vse of such in Polkellie, to whom it shall be found due, the other for the

vse of Craufurdland, his servants, thirdly, that there be no doore on the loftt att the foote or head of the staire, of all wch the forsaied persons doe accept, in their own name, and in the name of the tennants of Polkellie and Craufurdland, whom they are now comissionate to represent. and both parties agree, that this shall be recorded in the Sessione booke."

The Lord Loudoun mentioned above was most probably the second Earl, who was obliged to leave the country during the time of Charles II. He died in 1684. He had issue by his wife, Lady Margaret Montgomerie, three sons and four daughters.

It appears that the tenants of Polkellie and Craufurdland could not agree about the division of the loft allotted to them, and the dispute was settled by several members and the Minister. The tenants of Craufurdland were to have the third part of the loft on the east side, "close back to the staire, and further twentie foure inches on the next divisione, close back as said is, wherevnto parties doe agree, and this to be recorded."

Here we have accurately described the manner in which the "loft" on the "north" side of the church was erected, and the exact position of the seats occupied by two rather important families in Fenwick Church, upwards of two and a half centuries ago.

In Pont there is certainly a fair account of the plan of this church (quoted from MS. Parish Churches and Burying Grounds of Ayrshire), but lacking in all essential details, which are here filled in.

"February 1, 1660. The Session having trysted John Smith, meassone in Kilmares, to speake wt him anent the erecting of a bellhouse, doe agree wt him, that he shall have two hundreth pounds, scotts money, if he will erect a spring from the ground of competent breadth thiknesse and handsomnesse, and build a bellhouse on the tope of the forsaied spring and Gevell, competent in all respects, and that he shall make a little wondow, on each side of the spring on the west gevell, whereinto the parish is to furnish materialls, and all this to be done before the last day of May." (From a note on the margin: "The work is accomplished and John Smith payd.")

For preciseness in a parish record such entries as these will be difficult to find. The question will arise, How was all this paid for? The answer is found recorded in the minute of March 21st—"The Session doe vnanimouslie (knowing the goodwill of all the people thereunto) lay on a stent of, two hundreth pound scotts, upon the parish, beside a voluntarie contribution from the servants and cottars, for erecting of the forsaied bellhouse, and other necessarie work about the Kirk."

To a reader of ancient Church records, it is impossible to put on one side a question which frequently crosses the mind—How was the inquisitorial business managed? Assuredly it sometimes appears as if it was impossible for a person to think audibly, without his thoughts reaching the Session's ears.

"A flagrant scandall going abroad, of Robert Gemble, in finnick, etc., and of a covenant betwixt them to mary other, after his wyfs decease." Before the next meeting, this arrangement was admitted, and both delinquents had to face the congregation and give public satisfaction.

On the 1st of January 1662, "Johne Muir, Johne Brown, and John Gemill were 'summonded' to agrie with the Session, anent the howses builded on the Church yaird dyk." At the next meeting it was appointed that they should

"pay zeirlic, half ane mark scots, for the liberty foreſd, and to draw tacks to the Sess., accordingly, qr unto they agri." At the same Sess. an Act was passed that "non who have built, or sall build howses heirafter, on the Kirk-yard dyk sall have libertie to stryk owt a doore towards the church yaird."

The widow of the deceased church officer seems to have been in poor circumstances; the son who was elected in his father's place does not appear to have been very considerate as to his mother's condition, so we find his duty, in a measure, was forced upon him by the Session.

It appears that the position of church officer was given to the son, in consideration of the poor state of the family. "The Sess. apoynts for the tyme the sd Robert Howat, to give to his mother freele what benefit hee gets by the baptisment, and she is to have what advantadge she can mak of the Church chairs and stooles." How the latter "advantage" worked out is left to conjecture.

The entry which follows is a little curious. The Lord Boyd named was, I presume, ninth Lord, as he succeeded his father in 1654. The latter was fined by Cromwell £1500, for the support he gave to Charles. Whether or not William's financial position was the cause of what is stated below, or merely an overlook on his part, it is now difficult to elucidate.

"29 June 1659. The Minister doth declare before the Session, yt he can not gett in my lo. Boyds proportion, to pay for the new glebe," the Session therefore "appoints him to receive from the treasurer, fiftie merks vntill my lord Boyd pays his proportion, and ye Minister is content to make out ye rest of ye sowm payable by lo. Boyd, and the treasurer for ye tyme is to repeat yt 50 merks, when it can be had from my lo. Boyd." The Minister is to subscribe this (signed Will: Guthrie). On the 4th February 1660, at a meeting to "revise the compts the Minister grants he got also from him [the treasurer] fiftie merks to pay for ye Glebe, as sd wes befor, but yt my lo. Boyd hath not, as yet payed it back."

At the side of the Sess minute of 27th June 1664, the following appears: "Here ends Mr Guthrie's handwriting." The succeeding minutes are introduced by—

"Session by Maister Thomas Wyllie, Minister, and remainder of the Elders, the 5 of November 1673" (after the intervall), "from Mr William Guthrie, his tyme till the day forsaid."

So far as I at present know, this Minister is not named by Paterson or the New Statistical Account.

Between "consignment money" which was retained for months after marriage, the laws which were retrospective, and the Acts bearing on the number allowed to be present at the ceremony, it would appear, that there was not much encouragement given to those desirous of entering the state of matrimony, which was thus hedged about with a lot of trouble and expense.

On March 11th, 1674, it was ordered that every one cited to the Session was to pay the church officer "two shillings scots each tyme hee doth cite them to the Session *gotius totius*."

On the 25th of the same month, "Edward Hemphill confesses, etc., in or about the year 1663, and is appointed to come to the public place of repentance the next Sabbath in sack-cloth," which he did "severall Sabaths." A side-note

informs the reader, "that he appered in public ten Sabbaths, and is absolved." At the same meeting, "at the desyr off the Session, conveened the Lairds of Rowallane, Elder, and younger, the Laird of Lochrig, Wm. Montgomrie for the Laird off Craufurdland, with severall others of the lesser heritfs, and mesured from without the ground stone of the Kirk-yaird dyk, vpon the east syd' theirof, two ells and ane half ell, to be an pasag way, and did set meiths and marches accordingle, and also appointed the lyke bounds, vpon all syds and corners of the sd Kirk-yaird dyk."

April 9th. "At the direction of the Minr and for his vse alenerlie, the Laird of Rowallane younger, John Gemill, in Dalisraith, David Gemill, portioner of Horshill, and Adam Gillm̄r in Oldhall, are apointed to misoure the yaird, that Pathrik Gemill doth possess, and desyr him to produce ane tack, or els to cause sumond him to remove against the nixt year." "The persons foirnamed conveened misoured the said yaird, and finding twentie falls of ground in the said yaird gras, hee formerly payed but for sixtein falles, did apoint the other four falles of yaird, to the Newhouse builded by John Moor." It is clear that all Acts passed by the Session were not strictly observed, whether from the Session losing sight of them or their falling into desuetude is difficult to say; instances are not wanting of Acts passed at one period being renewed at another.

June 10th, 1674, "the Session ordaines that non build houses upon the Kirk yaird dyk, except they draw tacks from the Sess, according to ane former Act of Sess., January 15, 1662." This reassertion of the Act resulted only as follows: on the 22nd of July, John Moor, James Holmes, and John Gemill were cited to "the nixt Sess. to mak payment of 6sh. 8d., each one of them yearly, the space of twelve yeares, for their priviledg in gettg leave to build their houses vpon the Kirk yaird dyk, and to pay acordingly henceforth."

From this it is plain the parties who took advantage of the churchyard wall had never paid for it, according to the original agreement, or any other. This revival of the Act did no more good than its predecessor. On August the 19th they appeared and denied "that they promised half merks money, yearly, each one of them for the priviledg of the Kirk yaird dyk, whereas the contrar is found in ane Act of Sess., January 15, 1662, therefore the Sess. again appoints them to mak payment of 6sh. 8d. yearly, from the beginning of the year 1662 till the end of the year 1674, betwixt, and the nynth of September nixt." Church discipline seems to have been a little at fault, for no notice appears to have been taken, that here was a clear proof of untruth on the part of those named.

"The qlk day Robert Howat, church officer, is inhibit to lend out any furmes scooles, or any sort of timber, belonging to the Kirk, nor yet to open the Kirk dore to let any other persone tak owt any under the pain and penaltie of ten pounds scots mony."

A curious evidence of at least one line of thought which dictated the class of reading among the working classes occurs on March 18, "the sd Edwart and sche (Jean Smith) did verie often frequent on anothers company vpon the Sabbath dayes, and their exercise was to read Aristotle, his book."

November 4th saw the appointment of the Laird of Rowallane as "Civil Mag. in the sd Sess.," several members of which were then appointed, "to

crave in the rents of John Moor, James Holmes, and John Geñill, for their priviledges of the Kirk yard dyk," etc. The orthography of the Session meetings varies with different writers, but that the facts are truly recorded, not a shadow of doubt crossed my mind. 18th November 1674, "the Session appointed the Laird of Rowallane, John Geñill, David Geñill, William Hendrie, Thomas Whyte, James Kirkland, John Thomsonsone, to convene at the Minister, his house, vpon Monday nixt, to revise the minuts, the year past, and to see and hear them wreiten into the Sess. Book." The practice of going to the border of England, and getting married there, had a disturbing effect on the Session; thus at the meeting of December 16th, "as also of their vnorderlie and scandallous going about their marriage, in going to the border of England, so that it questioned whither they be maried or not, ffor qch the sd Jonet is apointed to cum to the publick place of repentance," etc.

At this meeting, the Laird of Rowallane, elder, the Lairds of Craufurdland, and Lochrig, and several other heritors with the Session, "vnanimoslie consented, that the Laird of Rowallane younger, should be civill magistrat in the Session, and for that effect drew up ane supplicæon to the Erl of Eglington, Bailzie principall of Cuningham, for a comission to the sd Rowallane to exerce that office, within the sd New paroch, against vicious persons (according to ane act off Parliament, relating theirto)." The Session of February 24th, 1675, affords another instance of the repetition of an order made by a previous Session. This is possibly due to the appointment of a new officer or his re-appointment: "the Session ordaines the sd Alexr. (Tanochill) to receive from each person within the paroch that borrows it (the mort-cloth) 24sh. scots, and any without the paroch that borrows it 36sh. scots, for qch hee is to be comptable to the Sess. As also inhibits the sd Alexander to lend it out to any person or persons whatsumever, without laid down money or els ane pound als good as the loan of the Cloath, and that, vnder the pain and penultie of ten pounds scots money *gotius totius* for ilk failzie." The charges for the loan of the mort-cloth are the same as were agreed upon in July 1662.

The somewhat anomalous manner which characterises many of the proceedings of the Kirk Session is a bit puzzling at times. In some cases an Act of years previous would appear to be overlooked, while another, where a greater distance of time has elapsed, seems to be perfectly known to the Session. The Act, it will be remembered, against young women living by themselves, passed in August 1653, was enforced in July 1675 against one Robert Young "for keeping ane young woman, Jean Colvin, in the house with him, and no other in the house."

In the days being dealt with, instances of incantation, and such like belief in omens, spells, etc., were more common, but it is questionable if in greater proportion to the population, or the influences at work to-day.

"October 13, 1675. The qlk daij, their being a scandalous report gon abroad of John Brown in finik, and John Brown, in Loanfoot, for conversing with, and imploying of, an micramancer, or one that professed to be such; ffor probæon of qch, the Sess appoints (ten witnesses) to be cited nixt Sessioune, also appoints Simeon Baird, in Hilboushill to be cited to the nixt Sess, for imploying an micromancer or charmer, anent the recoverie of his horse, which was under a disease, and for probæon, appoints to be cited Alexr. Mitchell, John Geñill, portioner of Horshill, Thomas Craufurd, in Weilstown, Agnes

Craig, in Awald, John Hilhous of Hilhoushill, Jonet Howstown, servant to the sd Simeon Baird, as witnesses." The testimony given is recorded on December 15th.

We have the name of a bridge in Fenwick or its neighbourhood, which evidently had to be kept in repair by the parishioners, for in this same year the Minister "made intimãon to the Congregãon, for a contribution to repair flock bridge."

"October 27th, at the desire of the Session, conveyed the Laird of Rowallane, the Laird of Craufurdland, the Laird of Lochrig, and the Laird of Grainge, with the rest of the lesser heritors (and being thus conveyed) the tenents possessors in the Hartshaw Muires, did give in ane petition for som enlargement, and mor bounds in the Kirk for erecting seats, anent which petition the Session, with consent of the Gentilmen heritors forsd, did grant and give room to the tenents forsd, to erect and set one dass onlie, in that place wher formerlie the Minister, his dass was, beyond the Sesion tabel, and because the seat belonging to the Fewers of the Raith (at that place) hath its breast befor the pillar of Rowallane, his loft: ordaines it to be moved behind the piller, that so their may be room to that seat granted to these in Hartshawmuirs in the place and room of the seat that formerlie belonged to the Minister, as also ordaines, the tenents in Hartshaw Muires, to plant the ground formerly aloted to them, behind the south dor of the Kirk, with all expedition, and to leave ane entrie, to the Laird of Lochrig, his seat, of half ane ell, and ane naill of free ground, betwixt Lochrigs dass and their seats."

With respect to the "consignment" money previous to marriages, the following is unusual—Matthew Gemill applied to have his money "reduced he had consigned in order to mariag with Marion Todd." The said Marion having declaired befor witnesses "that she wold move no farder in that busines, the said Marion Tod confesses that the failzie was on her pairt, and therfor her pairt of the consignation is confiscat."

Reverting to the "necromancer" case, it will be of interest to quote the whole minute of the Session, recording the "trial." "December 15, 1676, the qlk day being called compeired Simeon Baird forsd, and confessed that he did converse with that vagabound fellow, and that he tok vpon hand, to cover his horse; and mad a drink to that effect, but was not ane quarter of ane hour in his house. Alexr. Mitchell being called, declaired, that Simeon Baird sd to him, that the fellow sd to him, that the horse was enchanted, and that the evill that was cum vpon the beast, was intended for Simeon himself and if hee pleased, he should give him the persons name that had enchanted the horse, the qch, Simeon refused to have from the fellow, because of which, conversing with the vagabound, and that he did not rod him out of his house and presence; the Sess appoints the sd Simeon to be rebuiked, publickly in his own seat the next Sabbath day."

"The qlk dai, being caled compeired John Brown, elder in Finick, and being acused for conversing with, and imploying of a vagabond felow (profesing forsd), and that his servant had stolen his gear, and if hee pleased, hee wold let him see in a glase, qo had resett his gear, and confessed that hee suffered the fellow to threaten his servant to tell; compeired John Brown younger, and confessed that hee was present, when the fellow threatened the lass, and offered to present to them Jupiter's glass, and so confesed that hee was in his com-

panie; being called compeired Alexr. Dunlop, and declaired the same, and that the fellow cursed and swore horible. Because of which conversing and imployment forsaide, the Session ordains John Brown, elder and younger, to be re-buiked publickly in their own seats, the nixt Sabbath day. The qch accord- ingly was performed."

In accordance with the "supplication" to the Earl of Eglintoun, that the Laird of Rowallane might be civil magistrate, the commission having arrived, it was delivered to Rowallane on Junij 21, 1676.

At the Session meeting of November 6th, two breakers of the ecclesiastical laws were ordered to appear to give public satisfaction, "the nixt Sabb that their is ane actual Minister in the church." What construction is to be placed on this? But that there was not a fixed Minister then, is made probable by the following: "The Kirk Session off Ffinnick, held by Mr James Mayne, Minr thereat, wt the elders elected and nominat by him, the fourtine of October 1683 years."

(The page following 67 is blank, and the record resumes at top of page 69.) The foregoing is a marginal note. It is, however, clear that from 1677 to the Session meeting as above, there were no minutes written, or they were lost.

At the meeting just mentioned it was ordained that "each elder wt in his respective bounds and quarter, shall dilate to the Session, all who enter the parioch and reside therein, whither servants cottars or others, without sufficient testimonials produced by them, from the parioches they formerly resided in." George Miller, kirk officer, is appointed to "summond the scandalous persons within the parioch, to compeir befor the Session at ther nixt meiting, qch is to be this day eight days." Here we have a new Minister and church officer introduced. In this same year a new Act was passed "that no scandalous person be admitted to stand in the public place of repentance, till first their penaltie be consigned in the treasurers hand."

Another new Act was "no persons be proclaimed in order to marriage, wt out present consignatione of money, and all cationrie rejected." Rather strange is the entry, in the same year which saw George Miller appointed kirk officer. "This day the Session establishes John Howat church officer" (December 19th). We learn from an entry of 9th March 1684 that "the Kirk of Stewartoune is vacant of ane Minister."

January 4, 1685. "This day compeired Marion Warnock." A note in the margin informs us that the rest of page 72 (on which this and some previous meetings were recorded) is blank. Again it is evident that from some cause there is a blank in the minutes from the date just given to the entry, thus—

"The records of the Acts of the Session of New Kilmarnock, from the first Aprill 1691." (After sermon by Mr Patrick Warner, Minister of the Gospell at Irvine), "Mr Andrew Foulis being ordained by the presbri, Minr of the Gospell at New Kilmarnock, upon the eighteenth day of March 1691. A Session by the old eldership and the said Mr Andrew yr, Minr, followed upon April 1, 1691."

There was a schoolmaster appointed, named John Miller, who was one of the elders; to his other appointments was added that of Clerk. On the 20th of May, the conduct of a couple who were married in the parish, was under the consideration of the Session, the result being at the next Sess. it was enacted that "the necessitie of consignatione money according to former

custome, and the neglect of laying it down according to order, they appoint that none be proclaimed except they consign ten merks, according to ane act made in former tymes."

In June 16th, the number allowed to attend a marriage "was ratified" and renewed of "ane old act" whereby those "who had more, upon both sides, then fourtie persones at yr weddings" lost their consignation money. "Because this might probable have more weight with the people (it being of the date February 3, 1648), qu a new act appoints that it be intimate to the people." (The date here is incorrect, it should be 23rd.) An extraordinary application of Church discipline is found in the minute of "Julie 12." In this case of adultery, it transpired that the offence was committed "twenty years since," "though it be but four years since it was discovered." The offenders were appointed to go to "the Presbri qch is to meet at Kilmar, the 21 of this instant."

It was enacted on 30th Decr. 1691, "That all and everie ane who have come to this place, since the first of May 1688, shall bring testificats from the respective places out of qch they came against the first of March next, as they would not be repute scandalous," etc. "As also does appoint that all Landlords and setters of land or subtacks, within the parish, doe not sett their lands or houses to anie, but such who have testificat from the places out of qch they came."

The Session meeting of March adds another instance of a penitent appearing in "sackcloth," which this woman did seven times in all.

William Wallace, an obstreperous breaker of Church discipline, "was called befor the Presbrie, *pro tertio*, he having beaten the officer and threatned the Minister, the Presbrie had delayed ani further processing of him, till the next Presbrie."

On Julie 20th 1692, "John Gemmill, brother german to Thomas Gemmill of Dalzraith," was elected "to exercise" the office of Civil Magistrate, the Laird of Rowallane, the Laird of Craufurdland, a representative of the Laird of Polkellie, and many of the smaller heritors being present.

It appears that the arbitrary Act above referred to at 30th Dec. 1691 did not work so smoothly as was apparently expected, so we find a large number were reported as "not giving in their testificats." The matter being, it is supposed, serious, was carried to the Presbytery, who advised the disobedient "should be born with till nearer the term of May nixt, if they keep themselve sober, and in the interim to be using endeavours with their Landlords to remove them at that tyme, which course the Session resolves to take with them."

Observance of the Lord's day, it appears, was still a subject which occupied the attention of the Session. October 18th, "Robert Wilson, in Polkellie, for casting down ane Bean stack upon the Lord's day, is appointed to be summoned to the next Session."

"March 22, 1693, compeired John Taylzor of Rashes, and being challenged by the Minr. for his breach of ane act of the Sessione that was publickly intimate, and for his breach of promise in that matter, to the Minr., did carie most unchristianlie toward the Session, and upbraided them, and refused to putt away the forsd cottar. Qrupon the Session resolves to comitt the sd John to the Civill Magistrate." Gilbert Olipher was the cottar, who refused to remove from John Taylzor's of Rashes, and the Session, at its meeting on the 26th of the month, it was stated that he would go "att May day" and that

he was "Valetudinarie for the tyme, does desist from all further processe att present." On the 22nd of June 1692, William Lauchland and Jonet Mills were summoned to the next Session, at which they were called but did not appear. On Octob. 18th they appeared, man and wife; they both "promised to give satisfaction." At the Session meeting of 29th Decr., "The whilk day the Session considering, William Lauchland, his still shifting his publick appearance, and the long delay that the session hath made in this matter, appoints him publickly to be called the next Lords day with his spouse, to be rebuked for yr sin, that thereby the Session may be excused, before the Congregatione, as to the sd Wm. Lauchland." This procedure, so far as I at present remember, was an innovation.

April 26th, 1693, was reached, and William Lauchland was still the subject of the Session's solicitude, and we learn that he was called before the "Presbrie," but did not appear, so he was ordered to come to the next, but on May 24th it was reported by the Miir. that Lauchland was called att the Presbrie for the 3rd tyme" and did not appear, and that it was appointed "he is to be publickly admonished, in order to excommunication." At last, William and his wife were rebuked "publickly."

The "Test and Succession Acts" were passed in 1681. It does not seem the fact was generally known, that the Episcopal clergy were opposed to it, as well as those of the "National Covenant," or "Solemn League."

June 21, 1693, it was arranged that the Sacrament "shall be celebrat the last Sabbath of Julie next being the 30th day of the sd month." "It was resolved that such persons who have taken the test, in the late evill and ensnaring tymes, and who otherwise are of such conversationes, and knowledge, as they may be admitted to the Lords supper, should in a privat manner, be desired to come to the Session, and acknowledge yr sin, in taking the forsd sinful oath, and shew yr remorse for the same." Many are recorded as having appeared at the Session for this purpose, including elders and deacons.

Many were brought before the Session for "breaking the monthlie fast." One John Steill appeared for "driving some kine to a fair in Strathavon, did carie most insolentlie, and upbraided the Session, instead of giving anie suitable confessione and acknowledgment of his sin." He was summoned to compear before "the next Presbrie."

An Act was passed on the 29th Sepr. whereby "no two single unmarried persones, man and woman, take up house and familie and reside together, except there is a third person residing with them, att or above the age of sixteen, who both may be of age to take up, and decern the cariage of the one person toward the other, qr lascivious and unsuitable, a scarecrow from comitting the forsd sin." From a marginal note at the side of the entry of Novr. 1, 1693, I quote the following—"Jan. 30, 1694, The Session Bk of finnick from the time of Mr froulis entrie, to this, was visited and approven by ye Presb. of Irving. The Clerk Cl. P."

A rather important entry is attached to the Session minute of the 27th of Decr. 1693. "It is here appointed, to be marked, that the members of ye Session, who revised the subsequent minnots, had certain knowledge, there was Sessions kept each fifteen days, betwixt November first 1693, and Janr. first 1694, but yt ye minnots was lost by ye death of the Clerk." The next minute is of date Janr. 23, 1694. "The Session resolved, that the Minr

should write to the Presby, and represent the necessity of visitation in this place. The Presby replied that they "thought it just and reasonable," and that they had "agreed to convene here, at the Kirk of Finnick, upon the 30 day of March next, and appoints intimation to be made thereof," etc.

There seems to have been constant trouble about the seats in the church, from one cause and another. On Feby 14th, "the qlk day there being a reference made to ye Session, be Alen Brown in Galrochhill, portioner of Grasyeard, and Alexr Ross, there, that they would determine and decide, annent a debate about their seats, in ye Kirk, which Alexr Ross claimed interest in, as his own. The Session finding upon consideration, that these seats do belong to the Earle of Loudoun, being at first assigned to his grandfather, when the Kirk was devided, also Matthew Miller lays claim to the sd place in ye Kirk, in regard of his superiority over the south pairt of grasyeard, and his other interest in ye raithmill and netherraith gron, does therefore condescend unanimously, as their minde in this matter, that Alexr Ross being justly in possession, and claiming an interest in the double desk, as his own, shall have which of the seats he pleaseth to pitch upon, and Alexr Brown shall have the other seat that shall not be choisen be the forsd Alexr Ross: and further, yt there shall be room for two persons of the Raith mill in the sd higher desk, and one to another in Netherraith in the lower desk be choisen by whomsoever, providing always, that Alexr Ross shall be satisfied for the timber, and work of ye desks, as workmen shall determine, be ye respective persons presenting ye same."

The Presbytery visited Fenwick, etc., "and did declare that the Kirk and Manse sufficient in glass, slate and pointing." This is not what would be called a very full report on Fenwick Church, but perhaps it was not all that actually took place; probably what did take place between Presbytery, Minister, and Elders, would not be taken notes of, to enable them to be inscribed in the Session minutes. The Presbytery's statement that the kirk "was sufficient in glass" seems to have been early refuted, for on May 23rd, "The qlk day appeared Alexr. Tannahill, Elder, weaver, att the Kirk, and John howat, in finnick town, and did suplicate the Session for liberty, to strike a window through the side wall of the Kirk, because of the want of Light, in these three seats, in the west end of the Kirk, which supplication the session, having considered, they unanimously determine, that they shall have liberty to make an window as forsd, providing that they make it, wt heun scheeks wt out, so as the Kirk may not be deformed thereby, and that it be done by a skilled workman, half an eln from the wall head, and rowland, and Crafordland consent (being the two heritors nearest hand) obtained."

At this same meeting a new Act was passed whereby the absolving of delinquents was put off till they had appeared twice before the Session.

The schoolhouse was built in 1654, and now, in 1694, "the Session considering the ruine of the Schoolhouse at present, condescends that a Schoolhouse, and a Chamber for the Scholmaster, be built, and in order here unto, appoints David Gemmill, portioner of horshill, John Smith, portioner of Rodindyks, and James Harper, Elders to buy the timber in Loudoun-wood for the rebuilding thereof, and that Thomas Gemmill of Raith, speak to Alexr Mitchel, annent the building of it."

The payment for the right to build houses against the churchyard wall

now appears as having been honoured more in the breach than the observance. On May 23rd the matter engaged the attention of the Session. On the 13th of June, three of those who were enjoying the privilege were present, and refused to pay, and the matter was referred to next Session.

"This day David Gemmill gave an account that he and the forsd persons had bought the timber for the schoolhouse in Loudoun wood, according to appointment." On the 3rd of August the Session agrees that "Alexr Ross, portioner of grasyear, be appointed to appear before the nixt meeting of ye session, to acknowledge his sin, in taking the test as others have done," etc. This Alexr Ross, it will be remembered, was in possession of a seat in the church, which was the subject of a Session meeting in the previous year.

The placing of money in the hands of the Session by parties about to marry was stipulated for one certain purpose; now, however, we find that it could be confiscated for quite a different purpose. At the meeting on Novr. 20th, "This day James Corbetson in tannaereach required up his signation money, which he consigned in order to marriage wt Agnes Buntine, now his spouse, the Sess. understanding that he had exceedingly transgressed the act of the Session by the number at his wedding, doth confiscate the same for ye use of the poor." The question of paying for the privilege to build houses against the churchyard dyke was so far settled on Novr. 20th, 1695, that is, after a lapse of about thirty-three years.

At the meeting on the above date, "The Session pass from all by all bygone time, as to payment, and that each of the sd persons pay three pound scots, for each six elns of, length of the dyke, and the sd persons to have a right to themselves, their airs and succers for all time coming, providing always, that if they or their fords remove their houses from off the sd dyke, to leave it sufficient, and in as good case as the rest of the Kirk yeard dyke."

The following is a note on the margin, opposite the above entry: "The Sess considering the great aversness of the sd persons, to pay that money for ye Kirk dyke, together with other weighty considerations do forbear to exact it att the time (Gray)."

An Act was passed on Decr. 18th, "the Sess finding a Laxness in several persons, in this paroch, as to the observing of fasts, and thanks giving days, occasioned by habit, and custome since the late episcopall times. The Session enacts that if any person or persons within this paroch, for the future do not observe such days, and occasions, they shall be proessed and proceeded against as scandalous persons."

Worthy of notice is the following: on Febr. 26th, 1696, it was reported that the treasurer's accounts had been examined, and there was "in his custody 31 lbs. 15ss. 08d., of which there is 24 lbs. 09s. 08d. current money, and 07 lbs. 06ss. 00d., cleeped money not passible at ye time."

That the Session invested their funds for the use of the poor by lending money to private parties on security, is proved by the following: "March 25, 1696—The gulk day the Sess for the use of the poor of the parish, doth agree to lend upon bond, and caution, to John Hog, in Midland, fiftie merks scots till the case of the poor require it, and the Sess think fit to call for it." It was agreed that the "Sacrament" should be "celebrate" on the last Sabbath of May, instant. "This day they agree also that the Session meet on the 19th day of this instant (May 13th), and consult anent the distribution of the

tokens, in order to the Comunion." Here we have the "Lord's supper" and "Communion" as convertible terms. In the Confession, and Shorter Catechism, of 1648, The Lord's Supper is the only appellation.

From March 3rd to June 23rd, 1697, there was not a Session meeting, and in the margin it is written: "The reason of this long intervall was ye Minrs being supling in ye North, in ye Synod of Murray, by ye appointment of the Gen. Ass." On July 7th the Minister reported that he had received a letter from "Mr Thomas Boyd, Minr at Acadine (?) in Ireland, showing that ane John McGill, in his paroch, now marid to another woman, and that the sd Helen was once servant in this paroch. The Sess understanding that she is now in Kelmarnock, appoints two of their number to speak with her anent the same, and report to the Sess." Helen Wallace was interviewed and reported "that she would neither confess nor deny what was laid to her charge, and she said if ye sd John McGill, which was marid to another woman, had neither faith nor truth to give to any other than which he had given her." The matter was referred to the Presbytery.

"July 12, 1698. This day John Smith (who hath been lately a soldier in West flanders) and now returned home to his wife Jannet Young, whom he left his married wife when he went abroad, is delated for being married to another woman there." Smith appeared as ordered and confessed that he had cohabited with the woman, whose name was Elizabeth Bell, but declared he was not married. He was handed over to the Presbytery; they in turn agreed to consult the Synod.

On Sept. 21st "John Taylor, in Rashes, his wife, and Mother in Law, hath declared to severall persons that they had consulted a necromancer anent goods that was stolen from them." John Smith appeared before the Presbytery, and was ordered to appear "att irvine before them upon teusday, come a twenty days Decēbr. 29." It was "enacted that no one Elder shall have power to give the morcloth to any poor, wt in his quarter, but that it be done by three, at least," etc. It would appear as though some sort of "leakage" had been taking place.

On March 22nd, 1699, John Hog, deacon, delivered to the treasurer the half of the fifty merks, viz., twenty-five merks he was owing to the Session. April 25th: it was stated at the Sess. "John Miller precenter, and schoolmaster, formerly, being now removed by death, Robert howat, Kirk officer, was instructed to proclaime persons to be married and to uplift ye consignations, untill a schoolmaster be had. This day the Bellam is inhibited by the session, to make any graves in this Churchyard, to any person, qt somever, that dies w^t out the paroch, that hath not their Lairs here."

The decision of the Presby was announced by the Minister, *re* John Smith, that the sentence of the Lesser excommunication be passed against him, which was done, publickly on the Sabbath. On the 24th of May the necessity of a schoolmaster engaged the attention of the Sess. and "they understanding that Mr John Walker, son to Robert Walker, in Righill, is qualified and fitt for the sd office, appoint Alen Stevenson, one of their number to speak to him for that effect." In June, at the next Session, Mr John Walker sent a reply by his father to the effect "that he cannot undertake ye charge, unles he get the Legall sallarie, according to Act of Parliament," which the Session "judges they will not get done."

In the meantime Daniel Harper was to be spoken to, "for keeping of a school." On the 21st of June the minister was asked to speak to Mr John Walker as to his being schoolmaster, and deal with him, and at the next meeting it was stated that Mr Walker would decide in eight days. On the 30th of August, "Mr John Walker being called in, accepts of the office of Schoolmaster, Session Clerk and precenter: having promised fidelity, is installed in ye office." October 11th—"John Smith, being called was appointed to appear in public in *sackcloth* the next Lord's day."

One Robert Fulton was "delated for suspected murder of his child, who, a considerable time since, had been privately conveyed away." He was summoned to the Session, but did not appear, and it was decided "not to proceed in such a difficult matter till they have the Presby minde therannent." This is part of the last entry in the Records dealt with.

A note at the foot is, "The foregoing minutes are in the handwriting of Thomas Gray, from 27th Decr. 1693. The rest of this page and the following thirteen leaves are blank. The Register of baptisms follows on the recto (?) of the fourteenth leaf."

Concluding, let me note that elsewhere in 1648 it is found that "I William Guthrie, Minister at the New Kirk of Kilmarnock grants me to have received from William Wishart, the sowme of two hundreth sixtie two merks, six shilling, eight pennies, which is part of the contribution allowed by the estates for the widows, bairns, orphans, and maimed, within the New paroch of Kilmarnock, as witness my hand at Irvine 9th Februarie 1648." (Signed Mr William Guthrie.)

This sum, allotted to Fenwick, was about the same as Dalry received; about 200 merks less than Kilmarnock, and about 100 more than Ardrossan.

It would be mere affectation on my part if I attempted to underestimate the value I place upon the records dealt with here, however feebly or inadequately I may have done it. What is done is an important addition to any published or unpublished Church Records dealing with the period.