

**REFERENDUM ON THE SABBATH**

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R.W. BRASH

The referendum, with rare exceptions such as the question of Scottish Devolution in 1979, is not an instrument of decision making in Scotland either locally or nationally. To duly elected members of public authorities are delegated the right to make decisions affecting the welfare of those to whom they are responsible. Public opinion, expressed either orally or through the press, may influence their course of action, but in no way are they subject to the will of their constituents other than through the ultimate sanction of the ballot box. However, a notable exception to the general rule did take place in Ayr in the opening year of the 20th century.

By the Ayr Burgh Act 1899 Ayr Town Council was authorised to construct and operate an electric tramway service between Prestwick Cross and Alloway (Burns Monument). The first section as far as St. Leonard's Church was due to open in September 1901 with the remaining part in May of the following year. At the meeting of the full Council on 13th May 1901, when general arrangements for the new tramway service were being drawn up, a discussion took place as to whether a service of cars would be provided on Sundays, and this was finally approved by a majority of twelve votes to three, with three abstentions. Such reservations that were expressed by the dissident councillors on the propriety of operating a Sunday service were mainly directed against the principle of municipal trading and the example it might set to other bodies, notably the railway and steamship companies, who might be encouraged to introduce Sunday trains and boats, with the incursion of day-trippers into the area.

The reaction to these proposals was swift and emphatic, notably, as might have been expected, from the churches. On the Sunday evening following the Council's decision, the Rev. Millar Patrick of Trinity U.F. Church made it the subject of his sermon, and for the following eight weeks the local newspapers were bombarded with letters indicating the strong feelings of a wide section of the community. Many were anxious to point out that their objections were based not on rigid sabbatarian principles but on the practical view that,

in a town the size of Ayr, public transport was unnecessary on a Sunday, involving as it did, *rest day* work by its employees. There was also a genuine concern that the provision of easily accessible transport would encourage Sunday drinking on the *bona fide* traveller principle then in force.

Petitions were organised by several institutions and forwarded to the Town Clerk. An impressive Memorial was drawn up on behalf of 'The Ministers of the Gospel in the Parishes of Ayr, Newton-on-Ayr, Wallacetown, St. Leonards and Prestwick', subscribed to by twenty ministers from both the Established and United Free Presbyteries, asking that the decision be reconsidered. Other requests came from the Kirk Session of Ayr U.F. Church West (the later Sandgate Church), from the United Free Presbytery of Ayr, from the local Y.M.C.A., and from the St. Andrews U.F. Church Christian Endeavour Society, whose uncompromising opposition to the idea of Sunday cars was clearly expressed:

*'We are convinced that such a proceeding would be detrimental to the community, and above all to the cause of Christianity within this town'.*

However, it was felt that a more co-ordinated expression of opposition to the Council's decision was needed, and to this end a public meeting was arranged for Wednesday 5th June in the Carrick Street Halls. Mr. William Robertson J.P. took the chair, and the platform party consisted of representatives from the churches, the professions and the business community. The case was put by one of Ayr's most impressive figures, William Maybin, Rector of Ayr Academy, whose closing remarks drew prolonged applause:

*'The Town Council of tomorrow and tomorrow will shift the line from time to time till gradually, imperceptibly, quite naturally we join the advanced guard of liberal Sabbath Breakers, and the quietness, serenity, rest and worship of the good old Scottish Sabbath shall have gone beyond recall for ever. Then will come upon you the Nemesis that dogs the steps of every abuse of liberty. Then you will desire, as many on the Continent now desire, the return of the day of rest, and then you will fail of your desire as they now fail. May God avert such a calamity from Scotland!'*

A list of Five Resolutions protesting against the decision to impose on the community a system of Sunday cars was put before the meeting and approved unanimously. Included in them was the intention to set up a committee of prominent persons to keep a watching brief on further developments. The proposals were sent to the Town Clerk for submission to the Council at its next full meeting on 10th June, when a deputation of twenty three was appointed to attend for this purpose.

This, however, was only the beginning. The next move was to

involve the whole community in a monster petition, signatures being obtained from residents in almost every street in the town and numbering close on seven thousand. The sheets were pasted together to form a continuous roll (when recently unrolled it stretched for 65 yards!). Nearly eight hundred signatures were secured in a separate petition from Prestwick. The Ayr Petition was headed in these words:

# TO THE PROVOST, MAGISTRATES, AND TOWN COUNCIL OF THE BURGH OF AYR

*'The petition of the undersigned humbly shewth that we, inhabitants of the town of Ayr, having learned that the Council, at its meeting on the Thirteenth Day of May, resolved by a majority to sanction a service of Sunday Cars, hereby desire to express our strong disapproval of said decision, and, also, our surprise that a conclusion so vitally affecting the life of the community should have been arrived at, without due notice having been given, or any attempt made to test public feeling on the matter.*

*The sense of the community, we are convinced, regards the proposed service as an innovation both unnecessary and undesirable; and in view of that fact, we humbly beg that the decision come to be reconsidered. And your petitioners will ever pray' . . . . .*

Needless to say there was much lobbying to encourage signatories. The Rev. Alex. Taylor of Darlington Place U.F. Church preached a special sermon on the issue, taking as his text, Galatians, Chapter 5, Verse 1.

*'Stand fast therefore in the liberty wherewith Christ hath made us free, and be not entangled again with the yoke of bondage'.*

As a comment on what motivates people to sign petitions, it is interesting to note that one of the first signatories was a citizen of Ayr known to be a life-long atheist!

The Town Council deferred taking any decision until the meeting on 8th July. The debate was stormy, and Provost Templeton frequently had to call for order. Several councillors who favoured the Sunday cars drew attention to the large number of private and hired carriages seen outside churches on Sundays, and that ministers were seen on occasions in such conveyances. Why should the less affluent be denied the means of transport to their services? Bailie J.B. Ferguson of Balgarth was particularly scathing in his remarks on the double standards adopted by the objectors, saying that he would welcome people enjoying wholesome recreation on Sundays in the lovely area around his Doonfoot home, and that he had already provided seats for their convenience. Eventually it was moved that a service of cars on

Sundays be provided for six months, after which a plebiscite of rate-payers would be held on whether the service was to be continued. Voting would be by Wards as in a municipal election. This was approved by a majority of three, much to the anger of the Action Committee who condemned the decision as 'disrespectful to the public, insulting to their intelligence, inconsistent in itself, and discreditable as a subterfuge. Shall three citizens defy the will of thousands?' But the democratic procedures left them no option but to await the result of the referendum six months hence.

The tramway service began on Thursday 26th September. On the first Sunday of operation three thousand passengers were carried without incident, and the Sunday services became increasingly popular. Finally on Saturday 26th April, 1902 the long-awaited plebiscite was held. The results as announced on 12th May found 1252 voters in favour of continuing the Sunday cars and 433 against. Admittedly only ratepayers were eligible to vote, but the results show a striking reversal of what might have been expected from the previous year's campaign. The Council now had full approval—at least from those concerned enough to vote—for their original decision. Until the system finally closed on 31st December 1931, the service of cars on Sundays was to remain consistently popular and well patronised.

On only one other occasion was there the prospect of a municipal referendum, and, by coincidence, it too concerned the tramways. By 1930 the tramways were no longer profitable, and at the Council Meeting on 11th August Treasurer Thomas Galloway proposed the following motion: 'That a plebiscite be taken of the ratepayers of Ayr as to whether they desire the tramway undertaking to be continued or not'.

An amendment was moved 'That a plebiscite be not taken', and on a vote being taken, the result was a tie of nine votes each. Provost John Stewart had voted in favour of the motion, but gave his casting vote, as was customary, for the *status quo*. Thus the citizens of Ayr were denied a second chance to influence Council policy, and the referendum on the desecration, or otherwise, of the Sabbath remains the sole occasion when the Will of the People really meant what it said.

## REFERENCES:

- |                                      |  |
|--------------------------------------|--|
| <i>Ayr Advertiser</i>                | Petition from Ayr St. Andrews Church     |
| <i>Ayrshire Post</i>                 | Christan Endeavour Society               |
| Ayr Town Council Minutes             | Petition from Ayr United Free            |
| Memorial from Ayr District Ministers | Presbytery                               |
| Petition from Ayr U.F. West Church   | Public Petitions from residents of       |
| Kirk Session                         | Ayr and Prestwick                        |
| Petition from Ayr Y.M.C.A.           | Brash, Ronald W., <i>The Tramways of</i> |
|                                      | <i>Ayr (Dundee, 1983)</i>                |