Ayrshire Parish Clerks

D. A. McKay, M.A., Ph.D.

At the middle of the fifteenth century the priest and people of every parish and certain chapels in Scotland could claim by the law and custom of the realm to have an official assistant minister known as the parish clerk. When he first appears in the records at Roxburgh in 1331 he is already an established official marked off as the special assistant of the parish priest and serving him at the high or parish altar. The clerk was sometimes appointed directly by the bishop but was usually presented to the bishop by a patron. The parishioners themselves were very frequently patrons, presenting their clerk after a popular election held at the parish church on Sunday before the high, principal or parish mass. Elections were also held in the tolbooth and, contrary to canon law, in private houses. The right to vote was confined to *generosi, husbandi et tenentes*, men and women, landholders able and required to meet the parish dues. There was only one candidate at a parochial election. The names of the voters were registered by a notary and presented to the bishop as proof that " the greater and sounder part " of the parishioners accepted the choice of clerk as required by canon law. The bishop then issued a writ ordering the induction of the clerk. This writ was countersigned by the inducting cleric. The *principales*, because of their greater land-holdings and their power, dominated these local elections so that the parish clerk was often a member of the gentry, a Kennedy at Colmonell, a Buchanan at Killearn, a Hamilton at Cambusnethan. The member of the landed family was however merely the principal parish clerk and acted through a paid deputy in many cases. Well-born clerks brought little honour to the office because they were expected to take part in the quarrels of their class, the burnings, mutilations and killings which marred the peace of town and countryside under the weak rule of the Stewarts. Rival families in a parish sometimes came to blows over the clerkship and the pension and prestige that went with it, as for instance when the Muirs and the Cunninghams fought at the parish church of Stewarton in 1508. These feuding clerks were generally from landward parishes and were married men in minor orders, safe from the rope or axe because they enjoyed benefit of clergy and were repledged from the criminal courts to the bishop's court, which could not deal in blood. Disputes about the clerkship were normally settled before the courts civil and ecclesiastical, sometimes at Rome. In burgh churches the clerk was often in sacred orders and a

chorister, sometimes notary and schoolmaster like Sir Gavin Ros, organist like George Cochrane, and on occasion town clerk.

The parish clerk was the vicar's clerk making responses at mass and other services. He or his servants had to keep the church clean, care for the high altar and look after its furnishings and vestments. Chaplains looked after their own side altars but were served with water and a light by the clerk. A characteristic duty of the clerk was the weekly tour of the parish with " holy water styk and stop " to asperse the people in their homes, a duty possibly in decline in the sixteenth century. As a reward for his services the clerk was given a house and garden in some parishes. In every parish he could claim clerk-meal, a measure of milled grain, usually oats or barley at the rate of one firlot per plough. He also collected clerk-mail, a money payment which was in some cases a commutation of clerk-meal. In landward parishes the income and status of the clerk might be low but in burgh churches relatively good.

TWO DISPUTED ELECTIONS.

A disputed election was one in which more than one candidate were nominated for the clerkship. These disputed elections, which gave the parishioners the chance to exercise the veto by refusing the clerk-fee, occurred when the prior choice of a single candidate could not be amicably arranged because of the rival claims of two or more prominent local families or factions, as well as in cases where time and distance had obscured the *ius patronatus* of some religious house or in cases where a friend at court was able to secure a royal nomination for a candidate.

On 1st and 2nd November, 1524, Hugh Campbell, sheriff of Ayr and bailie of the lands of Mauchline from 1521, organised a parochial election at Mauchline in favour of Adam Reid, his servant, probably one of the Reids of Barskimming, to be parish clerk of Mauchline in succession to William Lame. On the Sunday following, 6th November, prior to the induction of Reid, Hugh Campbell rose in the parish church of Mauchline and asked the people assembled for divine worship if any parishioners wished to object to the proposed induction. No doubt Campbell took over this duty of the presiding notary to make sure that no objection came from the parishioners. Reid, wearing the surplice of the clerkship, was then inducted by an assistant chaplain. David Lundy, who was nominee of the abbot and convent of Melrose, patrons of the office, also appeared in the parish church and offered to serve as clerk but he was forcibly (*forti manu*) prevented from doing so by Reid, the newly inducted clerk. Through one of his monks, who appeared in the church of Mauchline on the same day,

the abbot of Melrose protested against Hugh Campbell's action in contriving to have Reid elected. The immediate resolution of this dispute is not recorded by Gavin Ros. It would appear however that the abbot was able to put his claim to patronage to full effect because another Lundy, John, was inducted to the clerk-ship of Mauchline five years later, in April, 1529, on the production of a letter of provision from Melrose. Ros records no popular election previous to induction, the only reference to the parishioners being an instruction to all of them to answer to Lundy for all the fruits of office, and the appearance of five of them, of whom three were Reids, as witnesses to the instrument recording Lundy's induction. [1]

Another dispute between two prominent families in the parish of Kilmaurs in 1547 was fundamentally affected by the attitude of the parishioners, although they were not patrons of the clerkship. At the beginning of the sixteenth century the office of parish clerk of the church of Kilmaurs, erected into a college about 1413 by William Cunningham, Lord of Kilmaurs, was in the hands of the Cunninghams. In 1502 Peter Cunningham, parish clerk, was ordained to the priesthood and was succeeded in the office by Andrew Cunningham. In 1515 a William Cunningham was clerk at Kilmaurs but by the middle of the century the Barclay family were in possession ; and when William Barclay, parish clerk of Kilmaurs, fell at Pinkiecleugh in 1547 his brother David as next-of-kin was granted a presentation to the clerkship under the privy seal in accordance with the order made on 8th September previous, that the goods of the fallen should pass to the next-of-kin. The Earl of Glencairn, Lord Kilmaurs, as patron of the office, seized this occasion to re-establish the Cunninghams in the clerkship by presenting Robert Cunningham to the office. The consequent dispute between the two clerks came before the Lords of Council when Barclay complained that Cunningham would not allow him peaceful possession. The defendant was ordered to produce his title to the clerkship to the court. As the parishioners of Kilmaurs did not recognise Cunningham's claim to the office and refused to pay him the dues of the clerkship he summoned them before the sheriff of Ayr. On Barclay's plea the Lords declared this action at Ayr unlawful and commanded the sheriff and his deputies " to desist and ceis fra all proceedin in the said matter."

The dispute was carried a stage further when Robert Cunningham, styling himself parish clerk of Kilmaurs by virtue of his election by the patron and confirmation by the ordinary, appealed against the decree which Barclay had obtained against him in 1549.

1 Cf. " The Election of Parish Clerks " by Dr. R. C. Reid, *Trans. Dumfries and Galloway Nat. Hist. and Antiq. Socy.*, xxxiv, p. 25.

Cunningham argued that the Council was not competent to deal with a matter concerning a parish clerkship because it was an ecclesiastical cause under the bishop's jurisdiction and should " nocht be decydit befor ony temporale juge." The Lords dismissed this plea, granted expenses to Barclay and cancelled the " letters in the four forms " which Cunningham had obtained against the parishioners. Barclay now obtained a decreet on 3rd April, 1549, ordering Glencairn to present him to the clerkship within a reasonable time or to appear before the court to show reasonable cause for failure. The Earl challenged the competence of this decreet but the Lords confirmed it. He then argued that it would be reasonable for the court to set aside the order made before Fawside (Pinkie) in this instance because he had already presented another to the clerkship and had obtained episcopal confirmation as well as " letters in the four forms ". The dispute apparently ended in a victory for Barclay and the parishioners, because on 19th July the Earl was forced to deliver a letter of presentation to the clerkship to Barclay. The Earl now petitioned that the letters obtained by Barclay against him might be suspended *simpliciter* in time to come.

List of Ayrshire Clerks and Clerkships

1. ARDROSSAN.

1545   Earl of Eglinton, patron. (*RSS*, iii, 1381).
1548   Countess of Eglinton, patron. (*ibid.*, 2957).
1554   Gilbert Montgomery. (Justiciary Court Records, vii).
1611   Countess of Eglinton, patron. (*RMS*, (1608-1620), 591).
1661   Earl of Eglinton, patron. (*Retours*, i. Ayrshire, 510).
1667   Earl of Eglinton, patron. (*RMS*, (1660-1668), 1055).

2. AUCHINLECK.

1527   John Lekprevick, a minor, son of John Lekprevick of Auchinleck, succeeded his father " by suffragan ". (*Gavin Ros*, 777).

3. AYR.

1449   ....(*Obit Book*, p.4).
1475   James of Crawfurd ; succeeded by John Chepman. (Ayr Burgh Register, Court Book (1428-1478,) fol. 137 *v.*).
1528   George Blair, notary public. (*Gavin Ros*, 923 ; *Charters of the Friars Preachers of Ayr*, p. 72).
1531   Thomas Colquhoun. (Ayr Burgh Register, Court Book (1428-1478), fol. 39 *v.*).
1543   George Cochrane, organist. (*Ayr Burgh Accounts*, p. 35).

4. BARNWEILL.

1508   John Riddell resigned ; succeeded by
1508   Paul Wallace, son of George Wallace in Symington. (*Diocesan Registers of Glasgow*, no. 85).

5. BEITH.

1545   Hugh Montgomery, Earl of Eglinton, patron. (*RSS*, iii, 138).
1548   Countess of Eglinton, patron. (*ibid.*, 2957).
1565   Earl of Eglinton, patron. (*RMS*, (1546-1580), 1674).
1614   Heritable patronage of the parish clerkship granted to the Countess of Eglinton. (*RSS*, vol. 83, fol. 235).
1661   Earl of Eglinton, patron, (*Retours*, i, Ayrshire, 510).

6. COLMONELL.

1477   Gilbert Kennedy ; succeeded by
1477   Archibald Sandeland. (*Reg. Epis. Glas.*, ii, pp. 435-6).
1512   Lambert Blair resigned in favour of
1512   Gilbert Graham, son of Andrew Graham of Knokdolian. (*Diocesan Registers of Glasgow*, no. 589).
1525   Robert Graham of Knokdolian, (Justiciary Court Records, vol. iii).
1527   Robert Graham of Knokdolian resigned on being constituted a chaplain.
1527   Thomas Kennedy was presented by the president and chapter of Glasgow. (Extracta e Protocollis Cuthberti Simonis, fol. 5).
1547   Quintin, brother german of the earl of Cassillis, on being elected to Crossraguel, resigned in favour of his brother
1547   Hugh Kennedy. (*Ayrshire Collns.*, second series, iii, p. 50).

7. CROSBIE.

1520   David Cunningham of Bartaneholme resigned in favour of
1520   Sir John Howy, chaplain. (*Gavin Ros*, 423).

8. COYLTON.

1513   James Crawford, deceased ; succeeded by
1513   Matthew Crawford. (*Gavin Ros*, 52).
1522   Duncan Crawford, witness. (Inventory of Fraser Charters, 85).

9. CUMNOCK.

1512   James Campbell, repledged. (Pitcairn, *Ancient Criminal Trials*, i, 82).
1517   James Campbell. (*Gavin Ros*, 212).
1524   John Campbell. (*ibid.*, 707).
1527   John Campbell of Polquhirter involved in the murder of the Earl of Cassillis. (*ibid.* 775 ; repledged, *Pitcairn*, i. 84).

1531   Sir Thomas Crawford elected to hold office for George Campbell, son of the last clerk, till he should have obtained absolution. (*Gavin Ros*, 1144, 1146, 1147, 1148).

1532   John Dunbar. (Prot. Bk. of Thomas Kene, fol. 40).

1555   James Dunbar, repledged with Gavin Dunbar, rector of Roskene. (*Pitcairn*, i, p. 376).

1601   James Dunbar, patron of church and clerkship. (*Retours*, Ayrshire, i, 41).

10. DAILLY.

1545   James Boyd, son of Adam Boyd of Pynkhill. (Prot. Bk. of James Colville, p. 10 of transcription in SRO.).

11. DALRY.

1534   Thomas Boyd. (*Ayr and Wigton Collns.*, iii, p. 166).

12. DALRYMPLE.

1528   Sir Robert Muir resigned; succeeded by

1528   Sir Alexander Jamesoun, notary public. (*Gavin Ros*, 905; *Obit Book*, p. 5).

13. DREGHORN.

1518   John Cunningham. (General Register House Charters, no. 870).

1545   Earl of Eglinton, patron. (*RSS*, iii, 1381).

1548   Countess of Eglinton, patron. (*RSS*, iii, 2957).

1554   Patrick Mowat. (*RMS*, (1546-1580), 940).

14. DUNLOP.

1549   William Dunlop, repledged. (Justiciary Court Records, vol. 6).

1596   .... (*Retours*, ii, Ayrshire, no. 772).

15. GIRVAN.

1559   John Guvane, repledged. (Justiciary Court Records, vol. 2).

16. IRVINE.

1506   Twopence to the clerk for ringing the bells. (*Muniments of the Royal Burgh of Irvine*, i, p. 160).

1541   Eightpence to the sacristan for ringing the bells. (*ibid.* p. 179.).

17. KILBIRNIE.

1478   David Barclay. (*Acts of the Lords Auditors*, p. 73).

1540   Christopher Crawford, at the horn for the slaughter of Alexander Gilmour, smith; succeeded by

1540   John Bog, son of John Bog, yeoman in the king's stable. (*RSS*, iii, 3517).

18. KILMARNOCK.

1547   Thomas Boyd of Lyne; succeeded by

1547   Alexander Boyd, son of Robert Boyd, master of Boyd. (McKay, Archibald, *History of Kilmarnock*, 3rd ed., pp. 100-101).

19. KILMAURS.

1502   Peter Cunningham, promoted presbyter; succeeded by

1502   Andrew Cunningham. (Hutton's Collns., vol. vii, Perth, bundle iii, no. 27, fol. 102).

1515   William Cunningham. (McNaught, D., *Kilmaurs, Parish and Burgh*, p. 328 seq.).

1528   George Barclay. (?). (*Pitcairn*, i, p. 138).

1547   William Barclay, slain at Fawside; succeeded by brother

1547   David Barclay. (*RSS*, iii, 507).

1548   David Barclay, in action against Robert Cunningham. (Act. Dom. Con. et Sess. vol. 25, fol. 68).

1549   David Barclay, parish clerk of Kilmaurs, against Robert Cunningham, provided thereto. (*ibid.*, vol. 28, fol. 126).

1549   David Barclay, presented by the earl of Glencairn. (Acts and Decreeets, vol. 3, fol. 157).

20. KIRKMICHAEL.

1546   John Kennedy. (Prot. Bk. of J. Colville, fol. 8a).

21. LARGS.

1555   John Montgomery of Flat. (Acts and Decreets, vol. xi, fol. 53).

1559   John Montgomery of Flat. (ibid., vol. 19, fol. 85; *Glasgow Protocols*, ii, 517).

22. LOUDOUN.

1529   Thomas Campbell, resigned. (*Gavin Ros*, 1002).

1531   .... Nesbitt, priest. (*ibid.*, 1157).

23. MAUCHLINE.

1507   Alexander Hervi provided at the court of Rome. (Transcripts from Vatican, p. 15, *penes* SRO.).

1524   William Lame deceased; succeeded by

1524   Adam Reid. (*Gavin Ros*, 725, 726).

1529   John Lundy. (*ibid.*, 795).

1555?   Mungo Campbell. (Justiciary Court Records, vol. 9).

1557   Mungo Campbell. (Acts and Decreets, vol. 15, fol. 175; Campbell, D., *The Clan Campbell*, vol. 8, p. 31).

24. MONKTON.

1558   David Hamilton of Bothwellhaugh. (Justiciary Court Records, vol. 7).

25. OCHILTREE.
1530   David Colville.   (*Gavin Ros*, 1064).

26. STEWARTON.
1508   John Boyd, deceased ; succeeded by
1508   Robert Boyd.   (*Diocesan Registers of Glasgow*, no. 314).

27. ST. QUIVOX.
1522   Sir John McTere resigned ; succeeded by
1522   Ninian Wallace.   (*Gavin Ros*, 555).

28. SYMINGTON.
1500   Hugh Wallace resigned ; succeeded by his son
1500   William.   (*ibid.*, no. 11.).
1555   John Symington.   (*Pitcairn*, i, p. 382).

29. TARBOLTON.
1530   John Mye.   (Justiciary Court Records, vol. 3).
1561   Earl of Eglinton, patron.   (*Retours*, i, Ayrshire, 510).

30. WEST KILBRIDE.
1482   Thomas Boyd.   (Kilmarnock Writs, *Ayr and Wigton Collns.*,
          iii, p. 141).
1507   Robert Montgomery, deceased ; succeeded by
1507   Thomas Semple, son of John Semple.   (*RSS*, i, 1488).
1550   Sir John Broun, deceased ; succeeded by
1550   William Wallace.   (*RSS*, iv, 783).