Ministerial Stipends in the Church of Scotland from 1529 to 1833.

by

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MINISTERIAL STIPENDS IN THE CHURCH OF SCOTLAND BETWEEN 1560 AND 1633.

At the Reformation in 1560, the newly-established Protestant Kirk in Scotland, in its capacity as the national religious body, found itself saddled with the heavy responsibility of ministering to the long-neglected spiritual needs of the whole Scottish people. One way in which it sought worthily to discharge this responsibility is to be seen in the various documents which it drew up defining its religious position: in particular, the Confession of Faith, which set forth its creed, and the Book of Common Order, which embodied its views on public worship. Another way - and one which must be regarded as of equal importance - is to be seen in the high-minded and persistent attempts which were made by the Kirk of the Reformation to settle within every Scottish parish a fully-qualified minister, and to provide him with a stipend which, while not at all princely, should be sufficient to free him from worldly cares. To trace the history of this latter movement - i.e. the struggles of the Scottish Kirk to provide every parish in the land with an acceptable and reasonably-paid ministry - is the purpose of this thesis.

The Medieval Church in Scotland and its Patrimony.

During the Middle Ages the Roman Catholic church in Scotland managed to acquire a very considerable patrimony. This consisted mainly of two kinds of possessions: (I) Lands and (II) Teinds. (I). The landed endowments of the medieval Church, in Scotland as in England, were mainly the outcome of the devotional sentiment of private individuals - a sentiment which, not unnaturally, was warmly encouraged if not actually exploited by the Church leaders and representatives. Among these individuals who thus gave lands to the (Roman) Church the most important were the Scottish kings, especially David I (1124-1153), that 'sair saint for the Crown'. As the late Bishop John Dowden explains in
chapter IX of his book, 'The Medieval Church in Scotland', much of this Church land was held in frankalmoign. This was a tenure of the most favourable kind. According to the soundest opinion, land so held was exempted from all secular exactions and services, except the ancient and universal trinoda necessitas, i.e. the three-fold obligation to John a general levy in order to resist foreign invasion, to help in building the king's fortresses, and to assist in the construction and repair of the king's highways and bridges. Such frankalmoign tenure likewise implied exemption from numerous services frequently demanded of tenants by their feudal superiors, and more particularly from so-called 'aids' - special ad hoc contributions levied by the king as overlord upon his tenants. Quite obviously, under these highly favourable conditions the Medieval Church in Scotland was given ample opportunity to build up a large patrimony; and this is precisely what it did. This accumulation of landed property by the Church, while it went on throughout the whole of the Middle Ages, was particularly strong during the twelfth and thirteenth centuries. Indeed, with the exception of certain collegiate churches which were founded during the fifteenth century, the Roman Catholic Church in Scotland practically attained her maximum material development before the Wars of Independence i.e. before 1300. (cf. Cosmo Innes, 'Scottish Legal Antiquities', pp.200-201).

(II) Teinds or Tithes. Into the long history of this form of Church property it is not necessary to enter in any detail. Though under the ancient Jewish law the duty of contributing one tenth to the service of the altar was scrupulously observed and rigidly enforced down to New Testament times, it would appear that tithe-paying did not become a religious obligation for Christians till the beginning of the seventh century. In Scotland this custom of tithe-paying developed much later than on the European continent. There is no evidence to show that it existed in the ancient Celtic or Culdee Church; and apparently the practice developed as a result of the Romanising movement in the Scottish Church which was initiated by
Queen Margaret, the wife of Malcolm Canmore, who reigned from 1058 till 1093. It is not certain when tithe-paying came to be legally enforced in Scotland. David I apparently dealt with this question in an Assize, of which unfortunately, all traces have been lost. But from subsequent references, it may plausibly be surmised that this Assize made the payment of tithes compulsory, under prescribed penalties for default. But even so, it is fairly safe to assume that tithe-paying did not become a generally-established custom throughout Scotland until the unruly outlying districts of the North and West had been reduced to submission to the authority of the Crown; and this process was not completed until the middle of the thirteenth century.

When the tithe system was first introduced into Christendom, there was some doubt as to the exact ecclesiastical official to whom the tithes were payable. This matter was set at rest, however, by Pope Innocent III, who in 1210 and 1212 issued two Decretals making it an absolute rule that the tithes of each parish should go to none other than the priest of that parish. The Pope thus authoritatively laid down the rule set forth in the maxim, 'decimae debentur parocho'. There seems little reason to doubt that it was soon after the issuance of these Decretals, and in direct consequence of them, that the parochial principle in respect of tithes was recognised and enforced by the civil law of Scotland.

These tithes were composed of one-tenth part of what was lawfully acquired year by year, either from the fruits of the earth, or the produce of animals, or from the outcome of labour and skill in industry or commerce. Tithes were divided by canonists into two categories, (A) predial and (B) personal. Predial tithes consisted of one-tenth of all things renewable annually. The full list of tithable articles is given in one of the Scottish canons. (cf. David Patrick, 'Statutes of the Scottish Church', p. 21). It included corn, hay, lint, gardens, mills, fishings, the young of animals, wool, milk, cheese, butter, fowls, eggs, peats, coppice-wood, and the fruit
trees. (B). Personal tithes were levied on the profits of trading, hawking, and hunting, and on the wages of labour.

Such was the theory which governed the assessment and payment of tithes. But in actual practice the Roman Catholic Church in Scotland exactly soon abandoned the attempt to levy a toll of any one tenth, and accepted a small annual payment—usually three oblations of one half-penny each per year—in satisfaction of its claims. (cf. John Dowden, 'The Medieval Church in Scotland', p.168). It would seem, indeed, as if personal tithes never took deep root in Scotland, no doubt because of the difficulty of assessing, and even more of collecting, them.

Church property in Scotland became somewhat complicated by reason of the development of monastic and episcopal control over the teinds—'teinds', of course, being the Scottish name for tithe. During the twelfth and thirteenth centuries—particularly during the reigns of David I (1124-1153), Malcolm IV (1153-1165), and William the Lion (1165-1214)—the custom grew up of annexing parish churches to monasteries or to cathedral chapters. Lay patrons of livings transferred their rights to a monastery or a cathedral chapter. Legally a patron could transfer no more than the patronage: he had no control over the fruits of the benefice. But new patrons soon found ways and means of securing control over the revenues as well. The commonest method was to present to the living an accommodating priest who would promise to surrender to the patron all but a small fraction of the revenues. Hence in practice the grant of the right of patronage came to include all the other rights attached to the living; and by a kind of legal fiction, the corporate patron-monastery or chapter—became the corporate (parish priest, the) parson or rector of the parish. In this way all the important abbeys and bishoprics of Scotland became richly endowed with parish church livings which had been appropriated—to use the legal term—to them. Kelso Abbey, for example, had forty, Holyrood thirty-three, Arroath twenty-three, the
the Archdiocese of Glasgow thirty. After the War of Independence this practice of appropriation became rare—doubtless because its difficulties and injustices had become glaringly apparent—and Parliament actually began to legislate against it in 1471. But by this time the process had gone very far indeed: of the nine hundred or so parishes in Scotland, only two hundred and sixty-two remained independent, i.e. unappropriated.

If the question is asked: how did these corporate patrons discharge the ecclesiastical duties of their annexed parishes?, the answer is plain. If the parish attached to a monastery were situated not far away from the monastic buildings, a monk would probably be detailed as chaplain of the parish. But the more common practice was to appoint a secular priest as resident vicar, i.e. deputy of the parson of the living. This vicar sometimes received a fixed sum of money as his stipend. But more usually he was allowed to retain a proportion of the parish tithes. A division tended to be made between what were called the vicarage teinds, that is, the tithes of hay, dairy, and garden produce, and the young of animals, on the one hand, and on the other hand, the great, the garbal or the rectorial teinds, as they were variously called, consisting of all cereal crops grown in the parish. The rectorial teinds were drawn by the corporate patron and were usually, though not always, much more valuable than the vicarage teinds. (cf. John Dowden, 'The Medieval Church in Scotland', p.123.) In this way these monastic establishments and cathedral chapters made provision for the spiritual oversight of their annexed parishes, at but small cost to themselves, while continuing to draw the bulk of the parish revenues.

Such is a bald and summary account of the kinds of property accumulated by the Roman Church in Scotland before the Reformation. To how much did it amount? What proportion did it represent of the total wealth of the country? Miss I.F. Grant, in her volume 'The
"The Social and Economic Development of Scotland Before 1603", section II, chapter 2, in seeking to answer this question quotes from Cardinal Sermoneta, 'the promoter of the Kingdom of Scotland at the Court of Rome', who in 1556 wrote to the Pope that the clergy in Scotland far surpassed the laity in 'the wealth and abundance of their resources'. 'The Church lands, in fact,' continues Miss Grant, 'were assessed, in all mid-sixteenth century taxation, at one half of the whole national contributions'. And she goes on to quote the estimate given by the Roman Catholic historian A. Bellesheim, in his 'History of the Catholic Church in Scotland', II, 312, that this great wealth of the pre-Reformation Church was divided up in the following way:

Income of 200 abbeys, monasteries, and convents ———— £220,618 —— shillings

" " " the archbishoprics, bishoprics and cathedral chapters £35,765 —II shillings

" " " the collegiate churches ———— £5350 —0 "

" " " the hospitals ———— £18000 —— 0 "

" " from tithes and other dues ———— £50,000 —— 0 "

This gives a grand total of £327,734 —6shillings. Another estimate quoted by Miss Grant, though without indication of its source, puts the total annual income of the pre-Reformation Scottish Church at £250,000.

The late Dr. D. Hay Fleming's comment on this question agrees in the main with the estimates quoted by Miss Grant, though he differs in his view of the exact composition of the Church's wealth. He says, in his 'Reformation in Scotland', pp524-525: 'Principal Lee calculated that, on the eve of the Reformation, 'the ecclesiastical property was nearly equal to one half of the Kingdom', the temporality (i.e. lands and tenements held in property by the Church) being little less than a fourth, and the spirituality (i.e. tithes and other ecclesiastical dues) more than a fourth, of the whole rent. (William Lee, 'Lectures on the History of the Church of Scotland', volI p.41). In Dr Thomas McCrie's opinion, 'the full half of the wealth of the nation belonged to the clergy' ('Life of John Knox' (1855), p7)
p. 64.

Whatever the exact income of the Roman Catholic Church may have been, and however it may have been made up, there can be no question that it was by far the wealthiest corporation in the land.
Pre-Reformation Alienation of Church Property.

For some time prior to the Reformation, however, a process of deliberate and systematic alienation of the Church's patrimony had been proceeding apace in Scotland. This question is carefully and competently dealt with by the late Professor Robert K. Hannay in an article which was published in the now-defunct Scottish Historical Review (vol. XVI, pp52-71) entitled 'Church Lands at the Reformation'. In 1556 it was stated that the alienation of Church lands began to become a serious abuse in the period immediately following the Battle of Flodden, which took place in 1513. (cf. 'Papal Negotiations of Mary Queen of Scots', Scottish History Society, p.529). There is no reason to question this statement. During the minority of James V, the young prince of seventeen months who succeeded to the Scottish throne on the death of his father King James IV at Flodden, the finances of the Scottish Crown became deeply embarrassed. Money just had to be raised somehow; and since a profitable marriage for the young King was not immediately practicable, James through his counsellors appealed to Pope Clement VII for financial help. At that moment, as it happened, the Pope's position was being made particularly difficult because of the immense power of the Emperor Charles V and the matrimonial recalcitrance of King Henry VIII of England. So, since he was in no position to make any further enemies among the crowned heads of Europe, he was persuaded or threatened into imposing a heavy tax of three shillings and three pence in the pound of Bagimond's assessment—that late-thirteenth century valuation of Church property in Scotland which remained, down to the Reformation, the basis for all taxation—upon the Scottish prelates for the benefit of the Crown. The prelates, as the unwilling victim of this transaction, hit upon the expedient of paying this tax by feuing out their Church lands. This idea of the clerics suited the King's book admirably; for it not only enabled him to obtain his badly-needed money in a manner which caused the minimum of irritation, but it also fostered
the development of the national economy in a natural way. Quite clearly, this kind of financial expedient offered a most tempting money-raising mechanism for future use, especially in circumstances of financial stringency. It was therefore quite natural that when the Scottish ecclesiastics, led by Cardinal David Setoun, Archbishop of St. Andrews, committed themselves to war against England in 1542, a further feuing of Church lands should be resorted to in order to finance the ill-starred venture which, of course, ended with the disaster of Solway Moss. In the case of the St. Andrews archbishopric the process of feuing had been carried out so far that in 1545 Setoun, the Archbishop, ordered the compilation of a new rental book (cf. Rental St. And. (Sc. History Society XXVI)). Even Mary of Guise, who assumed office as regent in April 1554, stout and orthodox churchwoman as she was, sought to recoup the royal finances for losses suffered under the Arran administration which had been in power since the death of King James V in December 1542, by an appeal to Rome. In response Pope Paul IV seems to have granted her a levy on churchmen beginning in November 1556, and ultimately extended for a second year. In the negotiations which followed between the Pope and Cardinal Sermoneta, it was pointed out that 'for about forty years' prelates had been alienating their Church lands, usually to the more powerful nobles; and that they had in fact practised dilapidation of these lands to the detriment not only of the Church but also of the Crown. The Pope was therefore asked to revoke such alienations of Church lands as had been carried out without regard to the forms of canon law. As the Reformation movement in Scotland drew nearer and nearer, this movement of dilapidation of Church lands was naturally accelerated. As Professor Hannay puts it: 'Apprehension for the future, present needs, and the loosening of papal authority induced many prelates to consult their own interests and those of their relations. '

A notorious and conspicuous example of this tendency is cited by D
Dr. Hay Fleming in his 'Reformation in Scotland', p.519, note 4. He says:

'Patrick Hepburn, Bishop of Moray, was the great dilapidator of the Church possessions; and almost all the charters of alienation at the conclusion of the present volume (viz. N. 307-460, Cartae Abbreviatae, appended to the Registrum Episcopatus Moraviensis) are granted by him. He had numerous children, and he provided for them, both sons and daughters, out of the possessions of his bishopric and abbey. He outlived and braved the Reformation, and continued his former mode of life in his palace and castle of Spynie, and his profuse alienation of Church lands, till his death, 20th June, 1573 (Registrum Episcopatus Moraviensis; Bannatyne Club, pp. 1561).

After the Reformation, a general proclamation was issued forbidding churchmen to feu their lands. It is, however, highly doubtful whether this edict had much effect - to judge from frequent Acts of the newly-established Protestant Kirk against this practice, and even from certain Acts of Parliament, e.g. that of 1564 (for which vide infra).

Meanwhile, subjects of the Crown who had been given leases of Church lands desired Crown confirmation of their leases, in order to give them some security of tenure. An Act of Parliament, passed in December 1564, declared that such confirmations as might now be granted by the Queen would have the same validity as those which in pre-Reformation days had proceeded from home; and it enacted that infeftments which had taken place since March 1558-9 must have official confirmation in order to be effectual ('Acts of Parliament', ii, 545). For the purpose of passing upon such transactions this Act appointed a special body of Commissioners, since each individual case would require to be examined on its own merits. It appears that these Commissioners, animated by the desire to replenish the chronically empty royal treasury, compelled lessees to pay a composition sum of money in return for confirmation. In 1578 a further Act of Parliament was passed, which by laying down the rule that in cases of double infeftments priority of confirmation should determine validity of
title, was designed to prompt these lessees who had not yet applied for confirmation to the Commissioners appointed under the Act of 1564, to make such application as quickly as possible. But apparently even this measure did not suffice to bring all the recalcitrant lessees into line; for in August 1584 Parliament enacted still another measure, according to which all unconfirmed feus of Church lands, including a large number prior to March 1558-9, were to be submitted to the Commissioners on or before September 1585, i.e. within about a year. Failure to make such an application would constitute a sufficient ground for reduction of the lease at the instance of the Advocate, and the lands under consideration would fall to the King's disposition ('Acts of Parliament ',iii, 351).

Because of a raging epidemic, this Act could not be carried out au pied de la lettre. Its provisions were therefore renewed in 1585 ('Acts of Parliament ,iii, 380"), and December 1586 was fixed as the last day on which holders of feus might claim official confirmation. On July 29th, 1587, Parliament passed the famous Annexation Act ('Acts of Parliament ',iii, 431) annexing the temporalities of benefices to the Crown. This Act links up this part of the story with the other question, with which this thesis is primarily concerned, namely, that of the general provision out of the Church patrimony for the stipends of the Kirk of the Reformation. This other question will now be considered.
The Reformation till 1561.

By the enactment of the Scottish Estates in Parliament in August 1560 the Protestant Kirk displaced the Roman Catholic Church as the national established Church in Scotland. The Confession of Faith was declared to be 'hailsome and sound doctrine groundit upon the infallibill treuth of godis word', and the celebration of Mass or of baptism according to the Roman form was strictly prohibited. But though the Roman Catholic clergy were thus disestablished, they were not disendowed. As a matter of fact, the question of the amount of their former financial interests they were to be allowed to retain, remained under discussion for about a year and a half after the official disestablishment of their Church.

Several stages in this discussion, which, of course, inevitably concerned the question of what provision should and could be made for the payment of stipends to the Protestant ministers - are traceable with some degree of clarity.

I. Archbishop John Spottiswoode, in his 'History of the Church of Scotland' volume I, p. 327, says that the first business to be considered at the meeting of the Estates in August 1560 was a 'supplication of the barons, gentlemen, and burgesses, and other subjects, concerning religion; where in three things were petitioned'. The third of those things was this; 'that the Pope of Rome his usurped authority should be discharged, and the patrimony of the Church employed to the sustentation of the ministry, the provision of schools, and the entertainment of the poor, of a long time neglected'. But this request, Spottiswoode goes on to say, 'was not very pleasing to divers of the nobility, who, though they liked well to have the Pope his authority and doctrine condemned, had no will to quit the Church patrimony, wherewith in that stirring time they had possessed themselves. So making no answer to the last point, the ministers were desired to draw into several heads the sum of the doctrine they craved to be established'. In response to this overture from the Estates, within
four days the Kirkmen presented the Confession of Faith, which was promptly ratified on 17th August.

II. Meantime, on 29th April the Protestant Lords, assembled in Council, they formed the political spearhead of the Reformation movement—had, in anticipation of final victory, entrusted a committee of ministers consisting of the so-called 'six Johns'—Knox, Willock, How, Douglas, Wynram, and Spottiswoode— with the task of drawing up a book of discipline which should regulate the government and practice of the future Kirk of Scotland. The result was the First Book of Discipline, described by Professor Hume Brown 'the most interesting, and in many respects the most important of public documents in the History of Scotland' ('History of Scotland', vol. ii, p. 74). It was dated 20th May, but was probably not put into final form until some months later. Lord Eustace Percy, in his book on 'John Knox', p. 335, describes it as 'a comprehensive scheme for a new Church and for a complete system of universal education'. From the point of view of the present thesis the most important chapter in this historic document is that which deals with the question of the disposition of the Church's wealthy patrimony. It is contained in two 'heads', namely, 'The Fyft Heid, concerning the Provisioun for the Ministers, and for the Distributioun of the Kentis and Possessionis justlie appertenyng to the Kirk', and 'The Sext Heid, of the Kentis and Patrimony of the Kirk'. They are set out in John Knox's 'History of the Reformation in Scotland', in David Laing's edition of Knox's 'Works', vol. ii, pp. 196-225. The effective portion of the 'fyft heid' runs as follows: 'Of necessitie it is, that honest provisioun be maid for the Ministeris, quhilk we requyre to be suche, that thai haif neather occasioun of sollicitude, neather yit of insolencie and wantoness. Difficill it is to appoint a severall stipend to everie Minister, be reassoun that the chargis and necessitie of all will not be licke; for some wilbe contenewaris in one place, some wilbe compellit to travell, and oft to change dwelling place gif thai sall have charge of divers kirkis. Amongis these, some
wilbe burdened with wyiff and childrein, and one wit mo then one other; and some perchance wilbe single men: Gif equall stipendis suld be appointed to all those that in charge ar so inequall, eather suld the one suffer penurie, or ellis suld the uther have superfluitie and too muchoe.

'We judge, thairfor, that everie Minister have sufficient quhairupoun to keip ane house, and be sustened honestlie in all thingis necessasie, alsweill for keiping of his house, as claithis, flesche, fische, buykis, (fewell) and other thingis necessary, (furth) of the rentis and the thesaurie of the kirk, (where he serveth), at the discretioun of the congregatioun, conforme to the qualitie of the persone and necessitie of the tym. Quhairin it is thocht (good) that everie Minister sail have at leist fourtie collis meill, and twenty-six collis malt, to find his house bred and drink; and mair, sa mekill as the discretioun of the Kirk findis necessaries, the modificcatioun quhairof is referred to the judgement of the kirk, to be maid everie yeir at the chosing of the eldaris and deaconis of the kirk.....

The dearth of qualified ministers was so great at the time of the reformation, that, as Dr. Hay Fleming puts it, 'if all the ablest men had been settled in particular towns or parishes, there would not only have been widespread murmuring among the people, but the salvation of many might have been endangered for want of the Evangel'. ('Reformation in Scotland', p.273). Hence the framers of the First Book of Discipline 'thocht it a thing most expedient for this tym', that ten or twelve men should be selected, and each set ever a province, 'to plant and erect the churches, and to set ordour and appoint ministeris (Laing's 'Knox', vol ii, p.202). About the salaries of these men the 'r It neid' says this: 'To him that travelleth from place to place, quhom we call Superintendentis, ... must farther consideration be haid. And, thairfoir, to suche we think sax chalder beir, nyne chalder meill, thre chalder aittis for his horse, 500 markis money, ...'.
pI4.
In order to supply congregations for which no fully qualified ministers were then available, the First Book of Discipline sanctioned another order of Church officials, known as Readers or Exhorters. The Readers, the lower branch of this order, were to be chosen from the most apt men that distinctly can read the common prayers (i.e. the prayers in the Book of Common Order) and the Scriptures. The Exhorters not merely read the Scriptures, but sought to explain them as well. Concerning the salaries of these men the First Book of Discipline says this: 'To a Reader that is laitlie enterit, we think fourty markis, or maire or less, as the Parocheneraris and Readeris can agree, sufficient.' ... 'The other sorte of Readeris, quho have long continewed in godliness, and have some gift of Exhortation, ... we think ane hundreth markis, or maire at the discretion of the Kirk, may be appointed.'

Such were the stipends for the various Kirk officials proposed in the First Book of Discipline. Where was the money to come from, in order to pay these stipends? This question is answered in the 'sext heid,' which, beginning with the statement that 'These twa sortis of men, that is, to say, the Ministeris and the Pure, together with the Schollis, when ordour sall be takin thairanent, must be sustenid upon the chargeis of the Church; And thairfore provisioun must be maid, how and of whome suche soumes must be lifted,' goes on to add the following concrete suggestion. 'The soumes abill to susteane thir forenamit personis, and to furnische all thingis appertenyng to the preservatioun of gude ordour and polecie within the Church, must be lifted of the teyndis, to wit, the teynd cheaf, teynd hay, teynd hempt, teynd lint, teynd fiseis, teynd calf, teynd fole, teynd lambe, teynd wolle, teynd cheise, etc. And becaus that we knew that the tythes reasonable takkin... will not suffice to discharge the formar necessitie; we think that all thingis devoted to Hospitalitie, all annual rentis, both in burgh and land, perteanyng to Preastis, Chanterie, Colledgeis, Chaplanryis, and to Freiris of all Ordouris, to the Sisters of the Seanis (they were nuns of the predicant Order of St. Dominic) and to
all utenils of that Ordour, and suche utenils within this Realme, be receaved still to the use of the Churche or Churches within the townis or parrischeis whaire thai war doted. Furtheremore to the uphalding of the universiteis, and sustentation of the Superintendentes, the hoill revenue of the temporalitie of the Bischopis, Deanes, and Archdeanes landis, and a all rentis of landis pertenyng to the Cathedrall Churcheis whatevery. And further, merchandis and riche craftismen inbre Burghis, who have no thing to do with the manuring of the ground, must mak sum provision in their citeis, townis, or dwelling placis, for to support the neid of the Churche.

'To the Ministeris, and failzeing thairof the Heideris, mus must be restorit thair manses and thair gleibis; For ellis thei can not ser serve thair flock at all tymes as thair dewtie is. If an' gleib exceid sex ankeris of land, the rest to remane in the possessouris handis, quhill ordour be tackin thairin'.

This scheme embodied the ideal which the reformation Kirkmen, and those who thought with them, set before themselves. It will be noted that in these proposals of the First Book of Discipline there is one significant omission, which is too important to have been unintentional. No reference is made to the monastic lands of the pre-Reformation Church: they were not claimed for the Protestant Kirk by the compilers of the Book. For this omission two circumstances may be accountable. On the one hand, it is quite possible that the reformed Kirkmen considered the restoration of these lands an utter unrealisable dream. Or on the other hand, the may have thus tacitly acquiesced in the secularisation of these monastic lands on the ground that the Scottish Crown - now in a chronic state of financial embarrassment - was entitled to recover some of the landed property which, in more prosperous days, it had lavished on the Church. But whatever the explanation, the fact remains that these monastic possessions were not claimed for the Kirk of the Reformation in this First Book of Discipline.'
Exception has been taken to the plans set forth in the book by the late Dr. William Law Mathieson, who, to be sure, had no great sympathy with the Scottish Reformers in any case. In his book 'Politics and Religion in Scotland' (1902), Volume I, p. 32, he says: 'The ministers had some reason to resent the selfishness of their lay associates; but if their demands had been a little more moderate, they might perhaps have been more successful. As the property of the ancient Church has been reckoned at one-ninth of the national wealth, it would certainly have been a liberal endowment for a handful of Protestant pastors'. As has just been pointed out, however, not all the property of the ancient Church was actually claimed by the Protestant Reformers. Again, Dr. Mathieson's suggestion that 'if their demands had been a little more moderate, they might perhaps have been more successful' is refuted by the whole history of this question for half a century after the Reformation. But apart from these considerations, it must be stated that Dr. Mathieson's whole argument here rests upon a plain and even perverse misreading and misunderstanding of the proposals advanced by John Knox and his co-authors of the 'First Book of Discipline'. Dr. R. Fleming's rejoinder to Dr. Mathieson in this matter is quite conclusive: 'This is an extraordinary mistake for anyone to make, after referring, as Dr. Mathieson had just done, to the First Book of Discipline, which was far from suggesting that the ministers or superintendents should have extravagant stipends (Laing's 'Knox', vol. ii, pp. 197-199); and in which it is expressly stated that the poor and the schools, as well as the ministers, must be sustained by the tithes (Ibid., ii, 222); and that the universities ought to be endowed from the temporality of the Church (Ibid., ii, 218) - 'The Reformation in Scotland', p. 524.

J.P. Lawson, in his 'Episcopal Church in Scotland from the Reformation to the Revolution', vol. i, p. 47, stigmatises the scheme set out in the 'First Book of Discipline' for disposing of the Church's patrimony as 'impracticable'. But it is difficult to justify such a description. So far
as the available evidence goes, there would have been little or nothing 'impracticable' about these proposals of the 'First Book of Discipline', if the will to carry them into execution had been present among the nobility of the country and the disestablished clergy of the Roman Catholic Church. But such a will was, in fact, singularly lacking.

III. What actually happened was this. On 15th January 1561 the First Book of Discipline was presented, not to the Estates - for possibly the imminent return of Queen Mary from France kept the Lords from assuming the responsibility of calling them - but to a Convention of the nobility whose members, according to Knox, 'did peruse it many days' (Laing's 'Knox', ii, 128). 'Some', he goes on to say, 'approved it, and willed the samyn have ben sett furth be a law. Otheris, perceaving thair carnall libertie and worldlie commoditie somewhat to be impaired thairby grudged, insomuche that the name of the Book of Discipline became odious unto thame'. Their reasons for such opposition are clear enough. Some were licentious, some had already laid greedy hands upon Church possessions and were most unwilling to disgorge them, some expected to share in the plunder now that the medieval Church was disestablished and its power overthrown. Everything in the Book of Discipline which ran counter to their corrupt affections, says Knox, was termed by them 'devote imaginationis' (Ib\d).

IV. At a Convention of the Estates, held in Edinburgh in January 1561, however, the Book of Discipline was again brought forward; and at this gathering the proposals of the reformed Kirkmen were given more thorough consideration. According to one contemporary, 'six whole days were spent in examination and reasoning thereon, the matter well debated, divers well satisfied, and in the end approved by common consent' (Randolph to Cecil, in J. Bain's Calendar of Scottish Papers', vol. i, p. 512, quoted by D. Hay Fleming, 'Reformation in Scotland', p. 252). Knox's account states that at this meeting of the Convention, the Book of Discipline was 'perused newlie oure agane, for some pretended ignorance, be reassone thei had not heard it (Laing, ii, 138).
p.18.

Another contemporary, the anonymous author of the 'Diurnal of Remarkable Occurrents', says (p.60): 'Eftir summary great disputatioun, sum subscribit the said buik, and utheris denyit the said buik of the quhillikis was my lordis Erskine, Crawfurd, Cassilis, Somervill, with utheris'. Unfortunately the official records of this particular Convention, and also of the Privy Council for that period, have been lost. But Dr. May Fleming is undoubted­ly right in saying that 'there is proof enough that this Convention as such did not approve or authorise the Book of Discipline, though a considerable number of nobles subscribed it, and promised to promote its objects to the utmost of their power, provided that the conforming prelates and other beneficed men should enjoy their revenues for life, and sustain the ministers' ('Reformation in Scotland', p.252; cf. Leing's 'Knox', ii,207-8).

The kirkmen, however, urgently pressed for the legalising of the Book of Discipline 'by ane Act and publict law'; and Knox inserted it in his 'History of the Reformation in Scotland', in order to place on permanent record what his colleagues and he had vainly desired, and also in order that posterity might 'eather establishe a more perfite, or ellis imitat the quhillik avaritiousnes wald not suffer this corrupt generation to approve' (Leing's 'Knox', ii,131-2).

V. After the arrival of Queen Mary from France (August 1561), however, the kirk leaders returned to the attack. The third General Assembly of the Protestant kirk was held in December 1561. (No notice of it is given in the 'Book of the Universal Kirk', except perhaps a certain supplication to the Queen, dated May 1561 ('Book of the Universal Kirk', p6), concerning a scandal which was then a matter of public comment. Since the Queen did not return till August, the date is presumably wrongly given in the 'Book of the Universal Kirk'. Apparently this petition was presented by the General Assembly held in December of that year). According to Knox (Leing, 'Knox' ii,297), at this meeting of the General Assembly 'the Duke of Discipline was proponed, and desired to have been ratified by the Queen's Majestie'. But the Lords, through their spokesman
laithland of Lethington, the queen's secretary, refused even to consider the matter seriously: in Knox's own word, it was 'scripped (i.e. mocked) at'. 'How many of those that had subscribed that Book would be subject to it?', the Lords asked. So nothing came of this petition from the third General Assembly.

Professor Hume Brown's comment on this matter ('Life of John Knox', vol. ii, pp. 169-170) deserves quotation and comment. This is what he says: 'The very question (i.e. how many of those who had subscribed to the First Book of Discipline would be governed by it) proves how powerfully the mere presence of Mary in Scotland had affected the course of affairs. A few months before her arrival the large majority of those who composed her Secret Council had signed the Book of Discipline with the express pledge that they would 'set the arme forwarde at the uttermost of our poweris' (Laing, 'Knox', ii, 257). How was it that a few months had sufficed to change their minds so completely? The accepted explanation, for which Knox himself is mainly responsible, is that if the Book became law, the wealth of the old Church would simply have passed into the hands of the new, and the Protestant Lords would not have been a penny the better for all their late trouble. In the case of every revolution we must give due place to the lower motives that influence even the noblest spirits, but the above explanation is a totally inadequate account of the political and religious situation in which the Protestant Lords now found themselves ... The return of Mary was a serious menace to Protestantism in Scotland. A false step on the part of the Protestant leaders might revive the late tumults, in which the country, sick of strife, would almost certainly declare for the queen. But to ask Mary, who knew her own strength, to ratify such a document as the Book of Discipline, would have been to drive her to measures which would have risked what the new religion had already gained. To maintain their hold on Mary, to keep her from the counsels of the Catholic party, the Protestant Lords were forced to make concessions,
and to hold out promises which, as practical politicians, they recognised as a necessity of their position. Knox and his brother ministers, therefore, might storm as they pleased; the Lords were resolved that the Book of Discipline should not be forced on Mary to the ruin of all their plans.

The present writer does not admit the force of this point of view expounded by Professor Hume Brown. Doubtless the Protestant Lords were most anxious to prevent any return to the Roman Catholic faith in Scotland - though their hold on Queen Mary, mentioned by Professor Brown, was never other than tenuous and insubstantial. But why were they so anxious to keep Scotland Protestant? If the reason had been, that they were so deeply convinced of the religious truth and value of the new faith as compared with the old, then it is at least logical to suppose that they would have done everything in their power to make sure that Protestant ministers were planted and adequately supported throughout the land. They would have done this either by the exact method proposed in the First Book of Discipline, or in some other equally effective way. But of any such anxiety on their part to spread the blessings of Protestant truth throughout Scotland, there is little or no trace. If, on the other hand, their devotion to Protestantism was animated by financial motives - since any return to Roman Catholicism might imperil their hold upon their ill-gotten plunder out of the patrimony of the ancient church; then their attitude and actions are readily understandable. In a word, while superficially Professor Hume Brown's explanation of the motives of the Protestant Lords may sound plausible, at the bottom a traditional explanation advanced by John Knox seems to fit the facts of contemporary and subsequent history better. And, in fact, on page 140 of the same volume Professor Hume Brown, commenting on the First Book of Discipline, says this: 'It was declared to be the Church's duty to make provision for the superintendents, masters, reader, parish-school teachers, and the poor. But in the ruin of the old
Church the question rose where the revenue was to be found to meet these responsibilities. Under the sixth head, this question is treated with a candour of statement and precision of detail which could not be welcome to many of the Lords... It was this special section, indeed, that determined the fate of the book...!' This is exactly the point that Knox himself made!

Meantime, in spite of hazard and difficulty, the infant Protestant Kirk was beginning to take something like concrete shape, and was settling down to its primary task - a task, of which, it is fair to say, it never lost sight - of evangelising a people who for centuries had been in large measure deprived of the light of the true Gospel of Christ. The First General Assembly of the Kirk met in Edinburgh on December 20th, 1560. It consisted of forty-one members, only six of whom were ministers. Thirty-five new ministers were appointed and a few leaders. How were these leaders and ministers of the Kirk actually supported during the early months after the establishment of Protestantism in Scotland and the setting up of the Kirk's organisation throughout the country? The answer to this question would seem to be contained in the statement made by Knox (Loisg, vol. ii, p. 161, that 'the most part of the Ministers, lived upon the benevolence of men'. How well they fared under this system, or rather lack of system, is a matter concerning which no exact information has survived; but on general principle, it can hardly be supposed that they enjoyed any very princely livelihood.
The Reign of Queen Mary, 1561-1567.

It would now appear that the genuine supporters of the newly-established Scottish Kirk among the Scottish nobility, after the official and definitive rejection of the financial proposals of the First Book of Discipline, began to exert such pressure as they could upon the 'auld possessouris', i.e. the clergy of the disestablished but not disendowed Roman Catholic Church, to accept a compromise solution of the problem of support for the ministry of the reformed Kirk, by which they (the 'auld possessouris') would offer a proportion of their ecclesiastical revenues for the sustentation of the Protestant ministers, on condition of being allowed to retain the remainder in secure possession. David Calderwood, in his 'History of the Kirk of Scotland', vol. ii., p.161, explains the situation thus. 'The barons perceiving that the ratification of the Book of Discipline was refused, presented certain articles to the Counsell, craving idolatry to be suppressed, kirk to be planted with qualified ministers, sufficient stipends to be provided for them according to equitie and conscience... Manie deteained in their owne hands the fruicts which the bishops and others of that sect had before abused, and so some part was bestowed upon the ministers; but then the bishops began to grippe again to that which most unjustlie they called their owne. The earl of Arran was discharged to intromett with the rents of Sanct Andrewes and Dunfermline, wherewith he had intrometted before in name of factorie; and so were manie others. The barons required, therefore, that their ministers might be provided, or elles they would not suffer anie thing to be lifted to the bishops' use, more than they did before the Queen's arrivall; for their religiou, which the Queen promised not to alter, could not continue without ministers; and ministers could not live without provisioun. The court flatterers were somewhat moved, for the rod of impietie was not then strenthened in her and their hands'. So threatening was the Protestant feeling thus brought to a focus-point throughout the country (Laing's 'Knox', ii, 300-303)
that this demand could not be set aside: something concrete and immediate had to be done.

The manner in which the arrangement was made was as follows. The ordinary Crown revenues not being sufficient to cover the necessary expenses of Queen Mary, the question arose as to how most conveniently and painlessly to augment them. The Church patrimony which, as has already been explained above, had in the half-century before the Reformation served as a milch-cow for the financially-embarrassed Crown, was once again thought of. An arrangement was therefore made with the 'auld possessours', according to which they were to surrender one third of their ecclesiastical revenues, while being legally secured in their enjoyment of the remaining two thirds. (cf. John Spottiswoode, 'History of the Church of Scotland, vol. ii, p.15).

Professor Hume Brown's comment on this arrangement ('John Knox', vol. ii, p.171) explains its acceptability. 'The Protestant congregation insisted that their ministers should receive permanent stipends from the property of the old Church to which they were the legal heirs. But to effect this end classes must be sacrificed whom it was impolitic to offend in the interests of Protestantism itself. The bulk of the Catholic clergy were still in possession of their incomes; and to deprive them at this moment was beyond the strength of the Protestant leaders. Lay lords, both Catholic and Protestant, had become masters of much of the ecclesiastical property; and them it would have been still more impolitic to unite in a common selfish interest. An ingenious escape from their difficulty occurred to Mary's advisers. In the name of the Queen herself a certain portion of the rents of the Church should be appropriated (Laing's 'Knox', ii, 307). According to Knox himself, the Crown had no shadow of a claim on the property of the Church (Ibid., p.312); but the old clergy would submit more readily to be robbed for the benefit of a Catholic queen than for the increase of a heretical sect'. William Forbes, in his 'Treatise on Tithes',

p.23
sams the matter up picturesquely as well as accurately when he says (p.114);
They (i.e. the Roman Catholic clergy) saw the provision of the ministers would surely fall as a burden upon their copy-holds; and therefore suffered the paring of their nails to the quick to save their fingers: being content to part with something for fear of losing all’.

On 22nd December 1561, at a Convention of Estates held in Edinburgh, there was tabled for consideration an offer made by the disestablished Roman Catholic Archbishop of Saint Andrews and his brethren the Bishops of Dunkeld, Moray, and Ross. This offer, which was being made in the first instance on their own behalf, but secondly on behalf of all the rest of the Roman clergy, was to the effect that they would be willing to surrender to the Crown one quarter of the revenues of their benefices, on condition of being allowed to retain the remaining three quarters in sure and guaranteed possession. The Convention to which this proposition was made seems to have been somewhat doubtful as to the adequacy of so small a proportion as one quarter, to fulfil the double purpose of (a) substantially augmenting the Crown revenues and (b) providing a reasonable, or even a livable, stipend for the Protestant ministers. Accordingly, in the regulation drawn up by this meeting of the Estates the fraction of one third of the clerical revenues was suggested as being perhaps necessary. The effective part of the measure thus passed reads as follows (‘Acts of Parliament’, ii., 607):

Because the certaintie thereof was not knowin, nor zit quhat summes of money wald sufficientlie sustene the ministrie and ministeris of Goddis word within this realme, nor zit how mekle was necessar to support the Queenis Majestie abone hir awin rent for the commone exararis of the cuntrie: thairfoir it is concludit, decernit, and determit be the Queenis Grace, and Lords of Counsale foirsaidis, and utheris of the nobilitie present, that gif the feld part of the fruits of the hale benefices ecclesiastical within this realme may be sufficient to sustene the ministeris throw the hale realme, and support the Queenis Majestie to interteny and sett forwart the commone
p.25.

... the thrid part of the saidis results, or mair, quhill it be fund sufficient to the effect foresaid, to be takin up zeirlie in tyme cuming, quhill ane generale ordoure be takin theirin, samekle thairof to be employit to the quenis majestie for interten-yng and setting fordwart of the commone effectis of the cuntrie: And samekle thairof to the ministeris, and sustentatioun of the ministerie, as may ressonablie sustene the samyn, at the sicht and discretioun of the quenis majestie and Counsale foresaid, and the excrescence and superplus to be assignit to the auld possessouris: And to that effect, that the rentis and zeirlie avale of the hale benefices within this realme may be cleairlie knawin to the quenis majestie and Counsale foresaid, it is statut and ordanit, that the hale rentalis of all benefices within this realme be producit befoir hir Grace and Lordis foresaid, at the tymes underwritten; that is to say, of the benefices on this syde of the month (i.e. mount, meaning the Grampian mountains) the xxiv day of Januar nixtlocum, and beyond the month, the x day of Februar nixt thaireftir...’. A similar entry is found in the register of the Privy Council, for that same day (register of the Privy Council, i, 193)

Very few rentals of the Roman Catholic clergy having been produced by the appointed dates, at the meeting of the Privy Council which was held on 12th February 1562 it was decreed ('register', i, pp199-200) that factors and chamberlains should be appointed 'to intromett, gadder, uplift, and ressave, to our Soverane Ladeis uss, all and sindrie malis, fermis, teindis, rentis, proventis (profits), emolumentis, canis (duties paid in kind by tenant to landlord), proffittis, and dewteis of quhatsomeevill beneficis, quhairof the rentalis ar nocht producit, conforme to the said ordinance '(i.e. the decree of 22nd December). At the same time, under this new decree of 12th February these factors were given authority to proceed upon such rentals as had already been lodged, in accordance with the statute of 22nd December - in so far, at least, as these
rentals might be found sufficient and correct.

Three days later a final conclusion was reached as to the exact proportion of the revenues of the Roman Catholic clergy which would have to be commandeered by the government. At a meeting of the Privy Council held on 15th February 1532 it was definitively laid down ('Register', i, pp. 204-5) that the proportion of the revenues of the disestablished Roman Catholic Church which should thus be devoted to the needs of the Crown and the sustentation of the Protestant ministry would be one-third—no quarter—as ascertainable by a just valuation. Under this scheme, the remaining two-thirds would be left in secure possession of the 'auld possessouris' during their lifetime. The operative section of this decree runs thus: 'Hir Hienes, with advyis of hir Counsale...having consultit rypilye and diligentlie advyisit upoune the commone effarís and necessitëis concerning the Quenis Majestie, and chargis tbe borne for the commone weill of the Realme, and sustentatioun of the preacheouris and readaris, conforme to the said ordinance maide thairupoun of befoir, hes funden and declarit the hale thrid partis of all beneficis within this Realme...to be employit to the effect foirsaid...And that ordoure be directit be the quenis Majestie to the Lordis of Sessioun, that the auld possessouris may be answerit of the remenënt fruítis of the saidis beneficis, providing that the thrid part foirsaid be full and hale takin w://be the personis to be depute to the uptaking thairof...'.

In this same Privy Council enactment there was included a special provision which, in the words of the late Professor David Masson, 'cleared off from the general account what may be called the mere debris of old ecclesiastical property, consisting of such small items as the relics of chaplaincies and prebends among secular clergy, and friars' houses and lands still surviving as monastic relics'. It was ordained that any revenues still derivable from such relics should be in charge of officers of the Crown and employed in aid of hospitals and schools, or for other
Ooalj uses; and in particular, that wherever friars' houses were 'as yit undemolissit' - e.g. at Aberdeen, Elgin, Inverness, and Glasgow - the magistrates should take possession of them 'with thair yardis, orchardis, and pertinentis', and uphold them for the common good and service of their respective towns - for instance, as hospitals. The important point about this provision was this, that by thus clearing out of the way the less considerable remnants of the property of the pre-Reformation Church, it enabled attention to be focussed distinctly and directly upon the more substantial elements in that Church's property - namely, of the property of the regular clergy, abbeys and priories and nunneries, and among the property of the secular clergy, archbishoprics, bishoprics, and provostries etc.

This settlement, negotiated thus, and enacted by these statutes of the Convention of Estates and the Privy Council in 1561-2, known as 'the assumptions of the thirds of benefices', governed in large measure the fixing of the stipends of the ministers and readers of the Scottish Kirk throughout the rest of the reign of Queen Mary, i.e. till 1567, and indeed until 1617, that is, almost the whole of the reign of King James VI, her son and successor.

Obviously, there were three main parties interested in the disposition of the patrimony of the pre-Reformation Church of Scotland: (i) the disestablished Roman Catholic clergy; (ii) the various laymen who, as described above, had acquired rights in Church lands from the 'auld possessouris'; and (iii) the ministers of the newly-established Reformed Kirk. What were the reactions of these different parties to this settlement of 1561-2?

(i). Though George Buchanan in his 'History' ('Iterum Scoticarum Historia' (1532), translated in four volumes by James Aikman in 1827) vol.ii., p.452, says that 'the rich priests were dissatisfied that any part of their ancient revenues should be taken from them', there is little
reason to doubt that they were at least tolerably well pleased with these arrangements of 1561-2. They had every reason to be satisfied. To be sure, they would now lose one third of their annual revenues. But after all, the Roman Catholic religion had been officially abolished, and even outlawed, in Scotland; and therefore those clergy of that Church who were now given security of tenure in respect of two thirds of their large revenues were being treated not merely with justice but with mercy. And in most cases they knew it.

(ii). Of the second group the late Dr. Hill Burton writes as follows: 'It might have been expected that these lay holders, should have readily acquiesced in an arrangement which secured to many of them a lion's share in the two thirds. But in general they seem to have thought the chance of keeping what they could with a strong hand a preferable alternative; and that there was throughout the whole body much growling at the disgorgement they were called upon to make' ('History of Scotland', vol. iv., p.195).

(iii). The ministers of the Protestant Kirk were, as might have been expected, deeply disappointed with the settlement of 1561-2. Their objections to its provisions was partly one of principle, and partly one of practical consequence. They disapproved of it because it left two thirds of the patrimony of the ancient Church in the legalised possession of those to whom, in the judgment of the Kirkmen, it did not belong. It effectively prevented the execution of the wisely-designed plans for the poor and the schools set forth in the First Book of Discipline. And it assigned to the ministers and readers of the Kirk stipends which must inevitably fall short of the minima prescribed by the Book of Discipline. Says John Knox in his fortnightly way ('Laing's 'Inox', ii.,310): 'The ministers, even in the beginning, in publick Sermons opposed them selves to suche corruption, for they foresaw the purpose of the Devill, and clearly understood the butt whitrat the quene and hir flatteriris schot; and so in the stoolle of Edinburghe, John Knox said: 'well, if the end of this ordoun pretended to be
takeen for sustentatious of the ministeris; be happy, my judgement faileth me; for I am assured that the Spirit of God is nott the auctor of it; for first, I see two partis freely given to the devill, and the third shal be devided betwix God and the devill: Well, bearer witnes to me, that this day I say it, or it be long: the devill shall have three partis of the third; and judge you then, what Goddis portioun shalte'. Though, as Knox himself report reports, 'this was an unsaverie saying in the earis of many', there can be no doubt that this pungent comment of Knox accurately expressed the sentiments of the Protestant Kirkmen of Scotland.

As stated above, under the official enactments of the Convention of Estates and the Privy Council in December 1561, it was decreed that the rentals and yearly value of all benefices were to be placed on record with the Privy Council on specified dates. This decree apparently was more honoured in the breach than in the observance; for the number of such returns actually filed with the Privy Council was disappointingly small. A further order was therefore made in a Privy Council enactment of 6th January 1562 ('register', i,196). And on 24th January 1562 commission was given to Mr. James Makgill of Wankellour Neather, Sir John Bellendine of Auchinmoul, knight, justice-clerk, the secret, treasurer, advocate, and the Laird of Fararrow, to 'call before them, within the burgh of Edinburgh, all and sundry prelates and beneficed men, and require of them the rentals of their benefices; and likewise to request all superintendents, ministers, elders, and deacons, to give in to them the names of all the ministers, that her Highness might take order with the benefices, in accordance with the tenor of the first ordinance made thereupon.' (David Calderwood, 'history of the Kirk of Scotland', vol. ii, p.169).

But even this new order went almost unheeded by the holders of ecclesiastical property. This was explicitly stated by the Privy Council at its meeting on 12th February, as follows: 'the queen's majestie and the council, and others appointed by her for receiving the said rentals, have continually since the said 24th January awaited upon the receiving thereof.'
yet only a very small number of them have produced their rentals, contemning thereby not only her Grace's ordinance and proclamation, but also herself and her authority, like as if they were princes and not subjects, expressly against reason, equity, and justice ('Register', i, p. 199). Therefore the Privy Council appointed the factors and chamberlains already mentioned (above, p. 25).

It would appear that some holders of benefices, like Ananias of Biblical notoriety, 'kept back part of the price' - or at any rate credited themselves with smaller rentals than they were in fact enjoying. Under a decree of the Privy Council of 12th February 1562 - that same decree referred to above - it was ordained that, as Calderwood says, 'if anie rentals produced beare not the right availl, for their fraudulent dealing, n (the factors and chamberlains) to i$romett with so much of the profites and fruicts of the said benefice as were omitted; and that the producers of the rentals, and possessors of the benefices, saill never have actioun, to clame from the tenents and occupyers more than was conteined within the saids rentals alreadie produced by them' ('History of the Kirk of Scotland', vol. ii, p. 170).

Apparently even these measures did not altogether succeed in their intended purpose. So on 23rd February 1562 another decree of the Privy Council was enacted, ordering sheriffs to ascertain the facts concerning the rentals of all ecclesiastical benefices within their particular spheres of jurisdiction. The effective section of this edict runs thus: 'The Queen's Majestie, with advys of hir Secrete Counsale, ordanis letteris to be direct to hir Hienesses officiaris, Shireffis: in that part, charging thame to pass to all paroche-kirkis and mercat-croces of the burrowis of this realme; ... and thair, be oppin Proclamationoun, in hir Hienesses' name and autoritie, command and charge all and sindrie po-rochinaris, takkismen, telismen, fewaris, rentalis, possessouris, and utheris intromettouris with quhatsumever teind-schavis, and utheris teindis, fruis, rentis ... ... and
uthers dewities of quhatsum-vir kirkis, alsweill parsonages as vicaries, chappellanes, landis, rowmes, and possessionis pertenyng to ony beneficit men within this realme, alsweill freris landis, annuells, or utheris; that none of thame tak upon hand to answer, intend, or obey, to ony beneficit men, thair chalmerlanis or factouris, or to ony of the collectouris or factouris constitute in the Queenis Majesteis absence, to the uplifting of the saids frutis...teindis...pertenyng to ony beneficit man within this realme, be quhat-umevir letteris past...; bot that thai retene the saids males, fermes, and dewities foirsaid, in thair handis... unto the tyme thai be chargit of new be letteris, past be deliverance of the Lordis of Sessioun, daitit eftir the said first day of Marcx niuittocum...'. This measure appears to have been effective in compelling holders of benefices to file statements of their holdings and rentals.

According to John Knox ('Laing's 'Knox', ii, 310), the Commissioners officially appointed to 'modifie', i.e. fix, ministerial stipends were the earls of Argyle, Moray, and Morton, Secretary Laitland of Lethington, the Justice-Clerk, and the Clerk of Registry. The Laird of Pitarrow was appointed to pay the stipends assigned by these Commissioners; that is to say, he acted as bursar or comptroller to the Commission.

How did the Protestant ministers actually fare under this scheme? Bishop Robert Keith, in his 'History of Affairs of Church and State in Scotland', volume iii, pp360 ff., goes into this question in some detail. According to his findings, the total sum of money, victual, and all other payments whatsoever, converted into money, for the first year during which this scheme was in operation, amounted to £72,491 -13/3--; he superintendents, ministers, exhorters, and readers throughout the country, received in stipend the sum of £24,831 -17/7, besides certain special salaries paid to four superintendents and to John Knox. Now it will be obvious that the total sum collected under this scheme, namely, £72,491 -13/3--; fell very far short of the annual value of the entire possessions of the pre-
\textit{mation} Church; indeed, it may not have amounted to much more than one third of this value. There were 940 parishes in Scotland before the Reformation; and so, had there been a sufficient number of qualified Protestant ministers to fill them all immediately after the establishment of the Reformed faith in 1560, their average remuneration out of the sum of £24,231 -17/7 devoted to the purpose, would have been no more than 40 marks each. But in fact, of course, there were nothing like 940 ministers in the Scottish Kirk in the first year of the Reformation; and under the modification actually carried out in this first year of the scheme the effective stipends received by the ministers amounted to about 100 marks in the vast majority of cases. A very few enjoyed higher stipends that this, of varying sums up to 300 marks, which was the maximum stipend received, except by (a) John Knox, who as minister of Edinburgh received a salary of 400 marks, paid not out of the thirds, but by the Town Council of the city; and (b) several superintendents, who were, of course, higher Kirk dignitaries with weightier responsibilities and heavier expenses than ordinary ministers; and (c) a very few other notabilities, who received some special and separate grants.

It may be said, of course, that over and above their monetary salaries, ministers had manses and glebes as a substantial perquisite. But it appears that many, perhaps most, glebe lands had been let out in feus before the Reformation, or otherwise had fallen into hands which were more tenacious of spoil than apt to distribute liberality. And as for manses, the difficulty of obtaining access to them is apparent from the following decision which was taken by the General Assembly of the Kirk at its fourth meeting in December 1562: 'Forsamickle as it was heavilie lamentit be the maist part of the ministers that they can have no dwelling places at their \textit{kirks}, because the Manses ar either deteinit be the Parsons or Vicars of the samen, or else sett in Few or utherwaes to Gentlemen, the Clerk Register and Justice
Clerk desyres the Superintendants to signifie to the Clerk of the Tentalls where the said Manses, and in what Countrey, to the effect that the saids landis may be assignit to them...; and thereafter that the saids ministers complimandand may be staiked and helped to the samen for their commoditie and remaining with their Flocke' ('Book of the Universal Kirk', p.13).

Dr. William Lee, in his 'Lectures on the History of the Church of Scotland', has an Appendix (volume ii, pp349-362) in which he discusses the question of 'Provision for the Ministry After the Reformation'. In this Appendix Dr. Lee seeks to prove that John Knox's salary of 400 marks per annum as minister of Edinburgh was 'by no means inconsiderable'. In support of this contention Dr. Lee adduces the following considerations. (A). 400 marks, converted into grain, would have yielded a stipend of 15 chalders, which was above the average yield of benefices in Scotland. Indeed, according to other reckonings of the price of grain, a sum of 400 marks would have amounted to even more than this; to 20 chalders or perhaps 33.

(B). Dr. Lee maintains that, according to a reasonable reckoning, a sum of 400 marks in the latter half of the sixteenth century would have been equivalent to £562 at the beginning of the nineteenth century - and that, admittedly, is a considerable income. (C). In 1563 Judges of the Court of Session - the highest judicial body in the country - received not much above 200 marks as their annual salary. Other permanent officials of the Crown had not much more than this. For instance, in 1564 the Commissary Court of Edinburgh was established. Three of the four Commissioners of this Court were given 300 marks as their annual salary; the remuneration of Sir James Balfour, as the highest judge of the court, was fixed at 400 marks. Dr. Lee goes on at this point to add, however, that in 1567 Sir James Balfour was elevated to the Presidency of the Court of Session, and had a pension of £500 conferred on him.

All this line of reasoning advanced by Dr. Lee may be accepted and agreed to; and from it the conclusion follows that John Knox, as minister
of Edinburgh, was comfortably off, according to the prevailing standards of that time. But this fact throws little or no light on the general question of ministerial stipends at that time. For John Knox was a very exceptional minister; and in any case, as has already been pointed out, he was paid, not out of the thirds, but by the Edinburgh town Council. The real question is this: How did the great body of the ministers of the Scottish Kirk fare under the scheme of modification of stipends adopted and carried out under the provisions of 1561-2? In attempting to arrive at an answer to this question, the following considerations seem relevant and informative.

I. To begin with, it is quite clear that the stipends actually received by the Scottish Kirk ministers fell far short of what the authors of the First Book of Discipline had regarded as reasonable and fair. As has been stated above, the 'fifty heid' of that Book had suggested that superintendents ought to receive, besides 500 marks in money, payments in kind of six chalders of bere (barley), which might be valued at about £120, and nine chalders of meal, valued at perhaps £144, and three chalders of oats for a horse. For the ministers, the stipend suggested was at least forty bolls of meal, the money value of which might be about 800 shillings, twenty-six bolls of malt, of value perhaps 650 shillings, and as much money as their congregations might think fitting. For exhorters, the stipend suggested in the Book of Discipline was 100 marks, and for readers 40 marks.

From the Register of Ministers, Exhorters, and Readers, and of their Stipends, after the period of the Reformation (presented by Alexander Macdonald to the Maitland Club in 1830), it is possible to understand something of the stipends actually paid to ministers of the Kirk in the period which followed upon the settlement of 1561-2, and more particularly, around the year 1567. According to this register, among the superintendents, John Erskine of Dun, superintendent of Forfar, Kincardine, etc., received 700 marks, five chalders of wheat and ten chalders of barley, plus £100 for
visitation of Stormouth and Gowrie; John Spottiswoode, superintendent of Lothian, received 500 marks, two chalders of wheat, four chalders of barley, one chalder of meal, and three chalders of oats; John Wynram, superintendent of Fife, received as his stipend 500 marks, two chalders of wheat, five chalders of barley, three chalders of oats, and two chalders of meal; John Millock, superintendent of the west, received 500 marks, twenty-four bolls of wheat (1 chalder =16 bolls), five chalders of barley, sixty bolls of oats, and three chalders of meal. Of the fifth superintendent no mention is made in this register.

As for the ministers - now, i.e. by 1567, numbering 257—one (John Knox) received 500 marks; two (the Commissioners in Ross and Moray) received 400 marks; 13 received 300; five received around 250; twenty-three received 200; seventeen had 180; fifty-three had 150; twenty-eight received 120; and forty-five received 100. The remaining seventy received less than 100 marks each; and a few of them had as little as 45 marks. Evidently the average fully-qualified and regularly-ordained minister of the Kirk was receiving at that time between 100 and 150 marks in annual stipend. Of the 151 exhorters who were serving in the Kirk by 1567, by far the greater number received between 40 and 60 marks per year for their services. The salaries of the 455 readers ranged from 24 marks to 40 marks; the beggarly pittances which these readers received for their services made it necessary for them to supplement their income by acting as parish schoolmasters.

Clearly, from the above evidence, the following conclusion is inescapable: that while the handful of superintendents would seem to have been remunerated at something like the level which the First Book of Discipline ministers had laid down as reasonable, the remaining Kirkmen—especially the ministers and exhorters, who were, of course, the better educated men—received stipends which in the vast majority of cases fell far short of the standards set out in the Book.
II. So much for the statistics of the situation. But apart from such arithmetical considerations, certain things stand out plain regarding the financial appropriations made to the Scottish Kirkmen. For one thing, John Knox, who was quite well of himself, had no personal grievance to air or axe to grind in his comments on the situation. At the same time, he was until his death in 1572, right at the centre of things in the Kirk, and was therefore in an excellent position to express an informed judgment on the situation. He was bitterly disappointed at what he considered to be the meagreness of ministerial stipends as modified under the scheme of 1561-2. This is what he says (Laing's 'Knox', ii, 331): "Shortlie, whither it was the nygartnesse of thair awin heartis (he is referring to the Commissioners whose business it was to decide the exact amount of ministerial stipends), or the cayre that thei had to enryche the quene, we know not; but the poor ministreis, readeris, and exhortaris cried out to the heavin... that neither war th ei able to lyve upoun the stipendis appointed, neither could thei gatt' payment of that small thing that was appointed...". In at least twenty complaints in his 'History of the Reformation in Scotland', he complains of the distress and penury endured by the Kirkmen, which were so serious that they were 'like to decay and perish', and their ministerial work was thereby greatly obstructed and limited (cf. Laing's 'Knox', ii, pp 340, 328, 544 etc.).

III. Once more, there is the fact that the proceedings of the General Assembly of the Kirk during the years which followed the Reformation in Scotland are filled with complaints concerning the inadequacy of the stipends paid to the ministers. John Knox tells of a petition on this subject addressed by the Assembly of June 1562 to the Queen, in which the ministers complained that 'thair livingis ar so appointed, that the most parte shall lyve but a beggaris lyef' (Laing's 'Knox', ii, p. 340). "There is no mention of this particular petition in the Book of the Universal Kirk; but that is no reason at all for doubting the truth of Knox's statement. The Book of
the Universal Kirk, however, states (p. 20) that in June 1554 the General Assembly, meeting in Edinburgh, appointed fifteen Commissioners, whose names are given, to present certain articles to the Lords of the Privy Council. One of these articles ran thus: 'And for this effect, that the Ministers be provydit decentlie with an assurit appointment, where they shall receive their livings asweill bygane as to come, and not to live as Beggars, as presentlie they doe'. The reply to this petition from the Privy Council Lords was to this effect ('Book of the Universal Kirk', p. 21): 'Tuiching the sustentatiioun of the Ministers, the saids Lords... promised to labour at her Hienes hands that they might have pointment of the saids stipends, and hoped to dresse her Hienes so that they sauld be reasonable satisiied of their desire in that point... Thereafter the saids Lords declarit, be the mouth of my Lord Secretaire, how they had proponit the saids deals to the Queen's Majestie, and how they were not only accepted be her Hienes in good part, but also gentlie answerit, and accedid to the performance thereof; and therefore the saids Lords promised, in her Majestie's name to the hail Assemblie, the accomplishment of the saids desires, of the quhilk they need not in any wavys to doubt...'.

Whether the members of the Privy Council were merely putting the Kirkmen off with soft words and smooth promises which they had no intention of implementing, or whether they were unduly sanguine in their optimistic interpretation of the Queen's solemn assurances in this matter of ministerial stipends, is not certain. But the General Assembly, at its very next meeting, in December 1564, felt itself obliged to present to the Privy Council, for transmission to the Queen, much the same kind of complaint. Article two of their petitions so presented runs thus ('Book of the Universal Kirk', p. 25): 'To require payment to Ministers of their stipends for the tyme bypast, according to the promise made, and to let the Assembly know how the Ministers shall be sustained in tyme to come'. In the 'Book of the Universal Kirk' there is no
mention of any specific answer to this petition. But apparently no great satisfaction was obtained by the petitioners. For at the next General Assembly held in June 1565 ('Book of the Universal Kirk', pp27 ff.), it was resolved at the very opening session, inter alia, 'to request her Highness to cause thankful payment to be made to the ministers' stipends throughout this realm'. And four members were appointed to draw up a series of Articles to be presented to the Queen. Article two of the series ran thus: 'That sure provisione be made for sustentation of ministers, as well for the tyme present as for the tyme to come, and that such persons as are presently admitted to the ministrie may have their livings assigned to them in the roome where they travell, or at leaest next adjacent thereto, and that they have no occasione to crave the same at the hands of any others, and that the benefices now vaikin or that hes vaiked since the month of March 1558, or yet hereafter shall happen to vaikie, be dispensed to qualified and learned persones, able to preach God's word, and to discharge the vocacione concerning the ministrie, be tryall and admissione of the Superintendents...'.

The reply to this petition, received by the General Assembly at its next gathering in December 1565, was as follows ('Book of the Universal Kirk', p.34): 'To the second article it is answered, that her Majestie thinks it no way reasonable that she should defraud herself of so great a parte of the patrimony of her crowne, as to put the patronages of benefices furth of her own hands; for her own necessitie in bearing of her great and common charges will require the retention of one good parte in her own hands. Notwithstanding, her Majestie is well pleased that consideration being had of her own necessitie, and what may be sufficient for her, and for the reasonable sustentatione of the ministers, one speciall assignatione be made to them in places most commodious to them, with the whilk her Majestie shall not intromitt, but suffer the same come to them'.

The members of this General Assembly, not deeming this
reply satisfactory, returned to the attack with the following rejoinder ('Book of the Universal Kirk', p 37): 'As to the second point, concerning the retention of ane good part of the benefice in her Majestie's own hands: This point abors so far from good conscience, alswell of God's law as frane the publick order of our common lawes, that we are launth to open up the ground of the matter be any long circumstances; and therefore most reverently wishe that her Majestie would consider the matter with her selfe and her wise counsell, That howsoever the patronage of benefices may appertaine to herself, or the retention thereof in her own hands undisponed to qualified persons, is both ungodly, and also contrare to all publick order, and brins noe small confusione to the poor soules of the common people, who be these meanes should be instructed of their salvation. And where her Majestie concludes, in the second answer, that she is content that ane sufficient and reasonable sustentatione of the ministers be provided to them, be assignationes in places most commodious to them, consideration being had of her own necessitie;as we are desirous that her Grace's necessitie be relieved, so our dewtie craves, that we should notifie to her Grace, the trew order that should be observed to her in this behalfe, whilk is this: The teinds are properly reputed to be the patrimonie of the Kirk, upon the whils, before all things, they that travells in the ministrie thereof, and the poor indigent members of Christ's body, ought to be sustained; the kirks also repaired, and the youth brought up in good letter: whils things being done, then ther necessitie reasonable might be supported, according as her Grace and her godly counsell thinks expedient: allways we cannot but thank her Majestie most reverently of her liberal offer of assignation to be made to the ministers for their sustentation, whilk not the less is so generally conceaved, that without more speciall condescending upon the particulars thereof, no executione is likely to follow thereon; and so to conclude with her Majestie at this present, We desyre most earnestly the saids ministers' articles to be reformed,
beseiking God that as they are reasonable and godlie, so her Grace's heart and the Estates presently conveened may be inclined and persuaded to the performance thereof.

Two points in this frank and yet courteous rejoinder of the Kirkmen to the Queen are worthy of notice, from the standpoint of the present thesis. (A). The claim was officially made by the Kirk, and formally placed on record in transactions with the Crown, that 'the teinds are properly reputed to be the patrimonie of the Kirk, upon the whils, before all things, they that travails (labours) in the ministrie thereof, and the poor indigent members of Christ's body, ought to be sustained'. More was to be heard of this claim later, in the negotiations of the Kirkmen with the "Scottish Government."

(B). The General Assembly showed itself fully aware of the fact that the Queen's pious but vague promises of adequate remuneration for the Protestant ministry would not mean much in actual practice, apart from a concrete and detailed scheme which would specify exactly where the necessary money was to come from, and according to what principles it was to be distributed to the ministers. Of this fact the members of the Assembly, and those ministers for whom they spoke, already had painful experience. Hence their apostolic plainness of speech in making the frank statement, even to their Queen, that 'without more speciall condescending upon the particulars thereof, no executione is likely to follow thereon'.

Such are illustrations of the fact that the General Assembly of the Kirk was in almost perpetual controversy with the Queen and her advisers on this vexed question of providing something like adequate stipends for the ministers of the Kirk. Since all the available evidence - for example, that of the First Book of Discipline - goes to prove that the ministers of the Scottish Kirk after the Reformation, as a whole, were not mercenary or selfish, it is fair to conclude that such complaints concerning inadequate stipends, registered so frequently and so pointedly by the
General Assembly, were designed purely and simply to draw the attention of the queen and her advisers to the clamant needs of the Kirkmen.

IV. Another strange circumstance which lends colour to the view that Scottish ministers were inadequately paid is the admission made by John Knox in 1562 (Laing, 'Works', ii.337) that 'some ministeris, suche as Maister Johne Sharpe, had left thair charges, and entered into other vocactionis more profitable for the belly'. Apparently at the Reformat-ion Sharp occasionally exercised the functions of the ministry, without being appointed to any particular church. On the 2nd of July, 1562, the General Assembly, no doubt anxious to press into ministerial service every qualified man, 'finding him able to preach the word and minister the sacraments, as he had done before times, charged him to re-enter the ministry, the place where he should minister being reserved to further deliberation'. But Sharp chose to practice rather than to preach; for he decided to become an advocate, and won considerable success at the Scottish bar. In 1604 he was one of five Scotsmen knighted by King James at whitehall. Now it may be that such men as Sharp were more worldly-minded than the majority of their ministerial bretheren. But it is much more likely that, especially at that time, the Protestant ministry was not likely to attract many money-seekers and ambitious worldlings; so that when ministers deserted their calling for some other vocation, sheer financial need must have dictated the change, more than anything else.
The Supplementary Acts of 1566.

It would hardly be literally correct to say that the repeated complaints and deputations from the General Assembly to the queen and her Privy Council entirely failed to elicit any response. For—presumably in order to make some show of implementing the royal promise to provide something like adequate stipends for the ministers—three Acts in relief of the ministry were passed by the Privy Council in the latter half of 1566, one in September, one in October, and the third in December.

17th September. The enactment of that day throws a revealing light on what had been happening to the thirds in certain quarters. It runs thus:

'Diverse personis, mair regardand thair awin particular proffeit nor (than) the honorabill estait of hir Majestie and commoun weill of this realme, sa inopportunelie preissit hir Majestie fra tyme to tyme, that hir Hienes hes bene movit to discharge the thridis of sum beneficis to the possessouris thameselffis, to mak giftis, dispositionis, and assedationis (leases) of the thridis, commoun kirkis, freris landis, and rentis thairof; or to gif pensionis or portionis furth of the same; or to assigne the thridis as it were in payment of dettis of yeirlie feis; or to set the landis and teyndis assumit in payment of the thrid of ony benefices for les avale nor wes contenit in the rentallis at the first ingeving thairof; and finally be thir and a greit nowmer of sic uther schiftis and inventionis is hir Majesteis liberalitie sa planelie abusit be unsaciabill and gredie askeris cheiflie be occasioun of the troublis occurring the last yeir (presumably the upheavals occasioned by Queen Mary's marriage with Lord Darnley, the so-called 'Chaseabout Raid', and the murder of the Queen's Italian secretary David Rizzio) that now of the saidis thridis of benefices, commoun kirkis, freris landis, and rentis, lytill or na thing is left undisponit, owther to the sustentatioun of hir Hienes hous and uther neidfull effaris, nor yit to the sustentatioun of the ministeris... sa hir
Majestie, be avyise of hir honorabill Counsale.. rescindis, revokis, cassis (i.e. makes void), annullis, and dischargeis now. and in all tyme cuming, all the saidis giftis, dispositionis, etc.' This Act of the Privy Council is headed, 'hirds again set apart to State and ministers'; and this heading accurately describes its tenour. (Register of the Privy Council, i, pp 477-8)

II. The second of these measures is dated 3rd October 1566, and is headed 'Thirds being insufficient for ministers, small benefices, parsonages, vicarages, and other to be dispensed for their support' (Register of the Privy Council, i, pp 487-8). The effective sentence of this decree runs thus: 'that in tymes cuming all small benefices, parsonages, vicarages, and utheris, extending in yeirlie rentall to the soum of thre hundrith markis, or within, as thai sal happen to vaik, sall always be disponit to sic parsonages as the superintendentis and assembly of the Kirk, efter dew examinatioun, sall find abill, qualifiit, and sufficient; quhilkis being sa nominat and presentit, thair Hienessis sall admit thame, and be thair authoritie caus thame to be answerit of the frutis and dewities of the saidis benefices'.

III. The date of the third decree of the Privy Council was 20th December, and it is headed 'Stipends not having been paid last year, certain victuals and money assigned to them'. The Act itself runs thus ('Register of the Privy Council', i, pp 494-5): ' Forsamekill as the Ministeris within our realme this hail yeir bigane hes wantit thair stipendis in respect of sindry occasionis that hes intervenit, yit becaus we ar myndit and weibl willit that the said Ministerie be sustenit and intertenit in tyme cuming thereby, with avyise of our Secret Counsil, hes tane sic ordour as effeit as we mycht best for the present, and hes assignit for sustentatioun of the said Ministerie certane victuales and money in sindry placeis to be tane up and disponit be the said Ministerie and thair Collectouris or Chalmerlanis as thai sall think maist expedient, extending to the soum of 10,000-pundis money, and four hundrith chalderis victuale...' Since the value was about £20 per chalder, this measure appropriated something
appropriated something like £18,000 to be levied out of the benefices of the Kingdom generally, to supplement the inadequate and irregular stipends of the ministers of the Kirk.

These Acts of the Privy Council represented some measure of relief for the impoverished and hard-pressed kirkmen. Or rather, they would have done so, if they had ever been put into practice. But as a matter of fact they remained a dead letter. Their practical application was frustrated by reason of the political revolution which took place in Scotland following the murder of the King (the former Lord Darnley) in February 1567—a crime in which Queen Mary was suspected of complicity—and Mary's subsequent marriage to the notorious Earl of Bothwell. This revolution ended only with the abdication of the Queen in July 1567 in favour of her infant son James, and her flight to England after the battle of Langside Hill in May 1568.
The Regency of the Earl of Moray (1567-1570).

At the height of this political crisis—a crisis which was also religious, since Queen Mary was an agent of the Roman Catholic reaction in Europe—the General Assembly of the Kirk met on 25th June 1567. Recognising that in the critical and hazardous circumstances in which this meeting was being held, the co-operation and collaboration of the nobility of the country would be most desirable in prosecuting the task of national rehabilitation, the fathers and brethren decided to re-convene in July, and in the meantime to send 'missives' to important members of the landed aristocracy, inviting them to be present and to co-operate with the members of the Assembly in their plans and projects. The list of persons to whom these communications were sent is given in the 'Book of the Universal Kirk', p. 57; and the tenour of the letters is set down on p. 55. In the hope of ensuring greater respect for, and closer attention to, these 'missives', John Knox, John Douglas, John How, and John Craig—four of the most important Kirkmen in Scotland—were appointed Commissioners by the Assembly, and were given the following instructions ('Book of the Universal Kirk', pp. 57-8): 'Forsuameikle as Satane, this lang tyme, in his members, has so raged and perturbed the good success and proceedings of Christ's religion within this realm be craftie meanes, and subtil conspiracies, that the dame from tyme to tyme doth decay, in hazard altogether to be subverted, unless God of his mercy finds hastie remed; and that chiefly through the extreme povertie of the ministers who should preach the word of life to the people who therethrough are compelled some to leave the vocatione allutterly, and some uther so abstracted be careful povertie that they may not insist so diligently in the exercise of the word as they would doe: And therefore the Kirk, presently convenued at Edinburgh in this Generall Assembly, hes thought it most necessare be thir presents to request and admonishe most brotherly, all sic persons as truely professe the Lord Jesus within this realm, of what estate or degree that ever they be, alswell the nobility
barons, and gentlemen, as all others trew professors, to convene at Edinburgh the 20th day of July next in their personal presens, there to assist with the Councill and power for order to be taken, alswell towards the establishing of Christ’s religion universallie throughout this realme, and abolishing of the contrarie, whilk is Papistrie, as the sustentatione of ministers, not only for the present tyme and instant necessitie, but also for ane perfect order to be taken in all tyme coming, toward the hail libertie of the patrimonie of the Kirk, and the dew restoring of the same to the just possessors thereof according to the word of God: With certification to all and sundrie, of what estate or degree whatsoever they be, that compears not, due advertisement being made to them, that they shall be repute hereafter as hinderers of this most godly purpos, and as dissimulate brethren, unworthy to be esteemed hereafter of Christ’s flocke; seeing God of his mercy at this present hes pffered some better occasion nor in tyme bygone, and has begune to tread downe Satan under foot, and for the due requisitione and admonitione, in name of the Eternall God, to the effect foirsaid, of all and sundrie the brethren, alswell in burgh as to land, the Kirk presently convened in this Generall Assembly be thir presents gives their full power and commission to their lovites’ (‘lovite’ is a forensic term used in charters etc. expressive of regard for the person or persons so described).

But this strenuous effort on the part of the Kirkmen to ensure the presence and enlist the co-operation of the nobility in their labours was only partially successful. Spottiswoode says (‘History of the Church of Scotland’, volume ii, p. 64) that almost all the nobles etc. who were personally invited to be present excused themselves, some verbally, others by letter. This may have been the case. But in the ‘Book of the Universal Kirk’, pp. 6–4, ‘letters of excusation’ are inscribed only from the Earl of Argyll, Lord Boyd, and the Commendators of Arbroath and Kilwinning. (There is also given the letter of excuse from the city of Aberdeen). But altogether some thirty-one noblemen and six commendators had been invited personally. And that some
of them were actually present would seem to be proved by the statement in
the 'Book of the Universal Kirk', p. 60, to this effect, that at the meeting
of the General Assembly which opened on 21st July 1567, were assembled
'Earls, Lords, and Barrons...'

This Assembly at its third session, on 23rd July, received the
report of 'certain brethren' who had been appointed to convene to sit and
advise upon the assignations of the stipends of the ministry lately
assigned by the Queen's Majesty. This report ran as follows ('Book
of the Universal Kirk', pp. 64-5): 'We have seen the assignations within the
shires of Kincardine, Forfar, Perth, and Fife, and finds that all
the haill contained therein, at least for the most part, had been
thankfully paid, and that the collector has given his charges for
payment thereof duly, and rests nothing but to put them to the horn, that
there be letters direct, and commission given in the said letters, with
consent of the treasurer, to collect and uptake the haill fruits of the
benefices of so many as past to the horn for the 1566 year, and sicklyke
for the 1567 year instant, so long as they remane, and to make comft of the
third to the ministrie, and so meikle of the two part as they intromett wit
with to the thesawrer as escheat; and as to the victual within the
forsaid shires, we finde that long before any letters raised upon this
assignation, and before the baptism of the prince, they were sold to the
comptroller, and therefore he must be charged in his comfts to render sa
meike of the prices heirof againe to the ministers, as is contained in his
assignation. Touching the thirds of the ministry's assignation beyond Die,
except Orkney, findes be the collector that the 1565 years cropt is not
used to be payed whill Lambs in the year 1567 year after; and for execution
given to him within bounds shall pass with the possible diligence, and
charge that haill bounds according to the letters, of the whils he supposes
good payment, as hes been of before, except the bishoprick of Caithness, whilk
the collector alleages the bishop payes to his ministers of his own kirk,
conforme to the book and compts made of before.
Item, Deare, Dunnett, and Pilorthe, are given free to the Earle "armchell, and the friars of Aberdeen, to Captain Lauder; but it is understood that all the gifts are revoked, and therefore the collector is to charge them. Item, the vietuall within the same bounds are sold ut supra, and therefore the compt-roller in his compts shall render conforme to the first article. Item, the thirds contained within his collectorie, that it is alladged discharged of the Abbey of Cambuskenneth, to £323-6/8, 3chalders beir, and 3 chalders meall. the thirds of Drybrugh, £304 and 62 part boll qwhyte, 3chalders, 2 bolls, 2 part boll beir, 7 chalders, 10 bolls, two part boll meill.

The thirds of Melros, Haddingtoune, Northberrick, the third of Kelso and Coldingham; as to Dumfries, Annandale, and Kirkcudbright, and Wigtoune, the Bishop of Galloway hes deput certain collectors for satisfactione of the ministers within the samen.

Item, within Kyle, Carrick, and Cunninghame, executiones past, and believe to have payment at the nixt ganging in the countrie. Item, Corraguel is given frie, and the minister of Fairfurd is evill payd that the act be reised, made be the Queen's Grace and Secret Councill, discharging the gifts and tacks of all the thirds, and that none be given hereafter, without advysing of the Secret Counsell, to the effect the collector may charge, notwithstanding any sic gifts. Remember that ilk collector execute within his bounds, that letters be direct, with consent of the thesaure, according to the first article.

In view of the situation which then confronted the Kirk, this General Assembly drew up a series of articles, which were subscribed by the 'noble barrones, and uthers' present at its deliberations. The first of these articles recalled the decision of the Parliament of 1568, 'in the whilk
Parliament it was concluded, that the religion of Jesus Christ be
universallie receaved within this realme, should be universally established
and approved within the same, and all Papistrie. be abolished and put away;
and it went on to ask that this Act of Parliament be put 'in full
executione as ane puhlisk law' ('Book of the Universal Kirk', p65). The
second of these articles requested 'that the act allready made towards the
thirds of the benefices within this realme, principally for sustaining of t
the ministrie, may be dewly put to executione, according to the order of the
Book of the appointment of ministers' stipends, alsweel of them that are to
be appointed, as for them already placed; and that the ministers be first
duely answered and suufficiently sustained of the same, to the relief of
their present necessitie, ay and whill ane perfect order may be taken and
established toward the full distributione of the patrimonie of the kirk,
according to God's word; and that also the ordinance made be the Queen's
Majestie and Her Councill towards the small benefices, now extending to the
somme of three hundred merks, be dewly put to executione, alsweel towards the
benefices whilks hea waiked since the date of the said ordinance, as
concerning them that shall happen hereafter to vake...' ('Book of the
Universal Kirk', p.66).

Pottiswoode does not think very highly of the co-operation which such
nobles as were present promised to give to the Kirk in securing the practic-
al execution of these proposals. 'The noblemen that remained at Edinburgh',
he says, 'joining with the General Assembly, condescended to all the articles
proponed for the good of the Church, and made great promises of performance;
howbeit, having once attained their ends, they did forget all, and turned
adversaries to the Church in the same things whereunto they had consented'
('History of the Church of Scotland', volume ii, p.65). George Grub, in his
'Ecclesiastical History of Scotland', volume ii, p158, explains the situation
in this way, that at that particular juncture in Scottish politics, the help
of the reformed Kirkmen was of the utmost importance to the Earl of Morton.
and his aristocratic friends, who were threatened at that time by a powerful combination of Huntly, Argyll, and the Hamiltons, with those who had always remained faithful to the Queen. Morton and his friends were therefore willing to enter into any engagements which the Kirkmen might wish to make. But with the abdication of Queen Mary on the 24th of July, 1567, the tension was somewhat eased; hence that change of attitude of which Pottiswoode complains.

Nevertheless, as a practical outcome of the consideration given by this General Assembly to the question of ministerial stipends, in December of that same year (1567) certain Articles were 'presentit in Parliament', by a group of noblemen favourable to the claims of the Kirk, e.g., John Erskine of Dun, and some of the leading ministers, such as John Knox, John Craig, and David Lindsay. Article 12 of this series, as given in the 'Book of the Universal Kirk', pp.86-7, asks 'that ordoure may be takin, how that the pure ministeris, quha lang hes bene defraudit of thair just stipendis, may not onlie be prouidit heireftir for a sufficient leving, but also that thai may understand how thai may lift up the same be ordour of law, and quhat redres thai sail haif for the bipast, and how thai salbe prouidit in the present'. The Article goes on to add that 'it is thocht neifffull that, quhill the Kirk be put in full possessioun of the hale patrimony, the hale thriddis be assignit to the ministrie, and thai to uptak the samyn be thame selfis and thair collectors...'.

Presumably in direct response to this petition from the Kirkmen and their sympathisers, Parliament passed the well-known Act of 20th December 1567. (Acts of Parliament', iii, 24). This Act begins with a conventional preamble to the effect that 'the ministeris hes bene lang defraudit of thair stipendis, swa that they ar becumin in greit pouertie and necessitie. And notwithstanding hes continewit inthair vocatioun without payment of thair stipendis, be ane greit space, uhairthrow thay ar and salbe constrainit to leif thair vocatioun, without remeid be prouydit'. Then it proceeds as
"Thairfoir our Soverane Lord with auise of My Lord Regent and thre Estatis of this present Parliament, hes statut and ordanit, that the hail thriddis of the hail benefices of this realme, sall now instantlie and in all tymes to cum, first be payit to the ministeris of the euangell of Jesus Christ and thair succousouris, and ordainis the Lordis of the Sessiou to grant and gif letteris, charging all and sindrie intrometteris, or that beis addettit in payment of the samuin, to answer and obey to the saidis ministeris and their collectouris to be nominat be the saidis ministeris, with auise of my Lord Regent, in forme as effeiris, notwithstanding ony discharge geuen be our Soverane Lordis mother, to quhatsumever person or personis, of the saidis thriddis, or ony part thairof, ay and quhill the Kirk cum to the full possessioun of thair proper patrimony, quhilk is the teindis; Prouyding alwayis that the collectouris of the saidis ministeris, mak zeirlie compt in the Chakker, of thair intromissioun, swa that the ministeris may be first answerit of thair stipendis appertening to euerie ane of thame. And the rest and superplus to be applyit to our Soverane Lordis use.

The importance of this Act is at least three-fold.

(A) It gives the ministers of the Kirk the first claim upon the thirds. Up till this time, under the Privy Council decrees of 1561-2, as interpreted and applied in practice, the Crown had had first claim. Since the money collected as thirds was designated both to support the royal household and to pay the stipends of the ministers, it was perhaps not unnatural that the Commissioners who were charged with the allocation and distribution of the thirds—who were, of course, Crown nominees—should put the claims of the monarchy first; and only after the royal needs were considered to have been satisfactorily met did they begin their allocation of stipends to the ministers. Under this Act of 1567, however, this position was to be reversed: the ministers and not the monarch were to rank as preferred creditors in the allocation of the thirds. This new arrangement might possibly have the effect of increasing the amounts of the stipends actually allocated to the
ministers; but whether or not, it would at least tend to make such amounts more certain and secure.

(B) The above consideration receives added force and cogency from the fact that this statute decrees that the collection of the thirds, with the power of determining exactly what proportion should go to the Crown as surplus after the rightful needs of the ministers of the Kirk had been properly met, should be entrusted to collectors who should be appointed by the Kirk and responsible to it.

(C) This Act of 1567 constituted the first official recognition on the part of the Scottish government that the teinds were the peculiar and rightful property of the Protestant Kirk. To be sure, the Kirkmen had been making this claim ever since the drawing-up of the 'First Book of Discipline' in 1560; and no amount of official, or unofficial, contempt and discouragement had moved the Kirkmen to bat one jot of their claims in this matter. Now, under this Act of 1567, this claim of the Kirk was admitted, at any rate in theory, by the ruling authorities of the land, and written into an official statute.

The same Parliament of 1567 which passed this Act also ratified the recent ordinance of the Privy Council - to which reference has been made above (p. 43) - appropriating the fruits of the small benefices for the benefit of the Kirkmen.

Did the ministers of the Kirk fare much better as a result of this legislation of 1567? According to David Calderwood ('History of the Kirk of Scotland, volume ii, p. 397') - though no mention is made of the matter in the 'Book of the Universal Kirk' - twelve or thirteen brethren were appointed by the General Assembly which met in December 1567, a few days after the passing of the Act of Parliament, to 'convene, and choose collectors, for uplifting and inbringing the thirds of benefices in everie province. Commission and power was granted to everie collector within the bounds
assigned to him, to intromett and uptake all and sindrie the thrids of whatsoever benefices lying within the bounds assigned to them and generallie, to doe all things which to the office of collectorie, in such cases, by law or consuetude, is knowne to perteane. That is to say, the Kirkmen lost no time in acting upon the powers conferred on them by Parliament in December 1567—which seems a logical and natural step to have taken; and for the next six years this privilege of appointing the collectors was theirs.

But it was one thing to have the legal right to the thirds, and to set up constitutional machinery for their collection and allocation; it was another and very different thing to be able actually to obtain possession of the stipends so modified. In the official record of the proceedings of this Parliament of 1567 ('Acts of Parliament, iii, 37), there is a notice to this effect: 'That prudence may be taking how that the pure ministeris quha lang hes bene defraudit of thair just stipendis may not onlie be providit heireftir for a sufficient leving bot also that thai may understand how thai may lift up the same be ordour of law and quhat redres thai sall haif for the bipast and how thai salbe providit for in the present'. And in the margin opposite the following note appears: 'It is thought needfull that quhill the Kirk be put in full possessioun of the hale patrimony the hale thirddis be assignit to the ministerie and thai to uptake the samyn be thame selffis'. That term, 'the hale patrimony', included temporalities as well as teinds. But despite this quasi-official recognition of the claims of the Kirk to 'the hale Patrimony', this measure, though on the parliamentary agenda, was not passed into law. The only conclusion which can be drawn from this circumstance is this, that the Regent Moray, who had been appointed to the Regency on the abdication of Queen Mary in July, 1567, but was having great difficulty in obtaining recognition for his governmental authority from many of the most powerful Scottish nobles, was anxious to enlist the co-operation and support of the 'irk; and in order to secure this, he was
willing to hold out to the Kirkmen lavish promises of financial relief—without, however, much serious intention of implementing these promises.

In the absence of any adequate or definite legal machinery for enforcing the financial rights of the Kirkmen, their financial difficulties remained acute. The late Professor David Masson, in his 'Introduction to the Register of the Privy Council', has stated some of the practical difficulties which ministers encountered in their attempts to collect their stipends. 'There were difficulties in the way of each clergyman identifying his own. His 'thirds' might have to come out of some estate which had belonged to his Roman Catholic predecessor in a distant county. The local collectors paid over everything to the Comptroller in Exchequer, and of him the ministers had to seek their respective shares without means for recovering them, or even perhaps of identifying them'. Masson refers, by way of concrete illustration of the problems involved, to the collection of documents relating to thirds of benefices and the claims of the Kirk, printed by Sir John Connell in his 'Treatise on Tithes' (1830), volume i, pp. 156 and Appendices 25-27.

In December 1567 the General Assembly sent a letter to John Willock, one of the most distinguished of Scottish Kirkmen, who was then resident in England, urging him to return to his native land. In the course of this touching epistle the fathers and brethren took occasion to point out to Willock that circumstances at home had now taken a distinct turn for the better. 'Our enemies, praised be God, are dashed; religion established; sufficient provision made for ministers.' (Calderwood, 'History of the Kirk of Scotland', volume ii, p. 399). But the Kirkmen soon altered their view as to the sufficiency of the provision which had been made for the ministers. For at the very next meeting of the General Assembly, in July 1568, certain Articles were drawn up and presented to the Regent Loray. One of these Articles ran thus: 'That his Grace knew the heavy and grievous
complaints of ministers against them (presumably the Roman Catholic 'auld possessouris'), to subscribe the assignatiounes through the quhill they are altogether disappointed of their stipends, for the assignationes standing, the thirds are not able, as they are ordered, to pay the ministers' half-year stipends; in some parts, not the quarter thereof.

'It is thought ane thing very unreasonable that the Papists, enemies of God's Kirk and the commonwealth, and utheris that labours not in the ministrie, shall possess freely, without impositione, the third of the benefice and the Kirk, whilk labours, shall not possess the third.

'Herefore, the Kirk desyres that my Lord regent's Grace will take sic order that the commone charges might be sustained upon the two parts of the benefice possessed be the Papists, and that the third may remain free to be disponit to the Kirk; not that the ministers desyres more nor their reasonable stipends, but that the superplus might support schools and the poor, according to the will of God; and that the collectors of the Kirk shall yearly make compt thereof, so that my Lord regent's Grace and the Counsell shall know the dispositionne of the samen' ('Book of the Universal Kirk', p. 101).

To this petition the Regent replied the same day (8th July) with the soft answer and the ready promise which, as doubtless he supposed, would turn away wrath and disarm suspicion. 'Anent the complaint', his reply runs:

'maid be the Kirk for default of payment of the thirds of benefices to the sustentation of the ministrie: The persones addebit for payment of the same, being at the horne (Outlawed), and no farther diligence to be usit for obtaining of payment, my Lord regent's Grace, with advyce of the Lords of Secret Councill, ordayne the thersaurer to receive all letters of horning (letters issued from the Royal Signet, and directed to a messenger, who was required to charge a debtor to pay his debts or perform his obligations, within a limited time, or else be outlawed) to be presentit be whatsoever collectors, either of the 1566 yeares crope, or of the 1567, or in tyme coming; and upon the saids letters of horning, to direct letters of horning
to officers of armes, or to the shrefrs of the shyres, or uthers ordinare judges, to uptake the escheits of the persones denounced and put to the home, and of the first and readiest escheats to pay to the collectors the soumes auchtand, for the quhilks the saids persones was put to the home; friely taking up the remanent to our soveraigne Lord's use; At the leist takeing so meikle above the valour of the debt auchtand as will make the expenses upon the executione of the letters in uptaking the escheit; so that no expenses in executione of the saids letters be made utherways but of the escheit of the persone denuncit. ('Book of the Universal Kirk' pp112-3).

Whether this measure of the Regent and Privy Council afforded much relief to the hard-pressed Kirkmen or not, next year the General Assembly, meeting in July 1569, passed an 'Act made for Assignatioune of Stipends', the tenour of which was as follows: 'Forsuameikle as this lang tym bygane the ministers hes been universallie defraudit and postponit of their stipends, and now at last it hath pleasit God to move the hearts of the superiour power and Estates of this realme to grant the thrids of the hault benefices within this realme to the ministers of Christ's religione be plains and publie proclamation, as at mair lenth is contenit in the said Parliament, holden at Edinburgh in the moneth of December 1567; In respect quhereof the Kirk presently convenit finds it maist needfull and expedient that all Superintendents, ministers, Exhorters, and Headers, shall have their owne particular assignationes appointit to them, to receave the same frae the hand of the laborers, taxmen, or uthers addebit in payment of the saids thirds; And therefore the Kirk in ane voyce, be this act, gives their full power and commissione to every Superintendant and Commissioner of Kirks within their owne bounds, as they shall find the same expedient, under the Superintendant's subscriptione and ministers foresaid, with all clauses needfull and expedient thereto, quhilks sallbe also sufficient as if the same were specifiet be the Generall Assembly of the Kirk. And as
concerning the Superintendants and Commissioners of Kirks, their provisione and assignacione to be made by the Generall Assembly of the Kirk.

'And to the effect this act may take full perfectione, the Assembly present requyres maist humbly, my Lord regent's Grace and Secrett Counciell, to interpone their authoritie thereto, that the assignations forsaisd, generall and particular, as they shall be presentit to his Grace, may be specifit in forme of provisione ad vitam, under the Privy Seal, with ordinance thereupon, that Letters may be direct at every man's instance, under all the four formes, as is grantit to the possessors of the twa part; and also to the same end, that his Grace and his Counsell forsaid/wald decerne the thrids of the benefices forsaisd within this realm, to be separate and devydit reallie and with effect, from the twa part, so that the Kirk may intromitt with the thrid part, as the possessors does with the twa part, the superplus always to be comptable to the commone effaires, conforme to the act of Parliament'. ('Book of the Universal Kirk', pp112-113).

The answer of the regent to this request from the General Assembly was sent from Perth on the 30th July, and was as follows: 'Tuiching the Act made in the Generall Assemblie, concerning the assignatioun of ministers' stipends, my Lord Regent's Grace, with advice of the Lords of Secret Counsell and others of the nobilitie and states assembled at this present conventioun, ordeane the assignatioun to be put in forme, and thereafter to be presented to the Exchecker, to be seene and considered by the lords auditors thereof, to the effect that the order being found good and reasonable by them, and suche of the kirk as sall happin to be present with them, provisions may thereafter be made and exped thereupon, according to the meaning of the said act; providing that commissioners or procurators of the kirk, at the said Exchecker, present the names of the whole kirks in Scotland, and manie ministers are presentlie therat, to the end it may be knowne what kirks are presentlie provided, and what desolat and destitut of the ministrie; and also, show...
a perfyt order, how they would the ministers soould be payed by the thirds or otherwise; or have all the writs in readinesse, which may cleere doubts for farther resolution.' (David Calderwood, 'History of the Kirk of Scotland ', volume ii, p.496).

It is not certain that very much came of this petition from the Assembly and the answer given to it by the Regent and Privy Council. But Spottiswoode ('History of the Church of Scotland ', volume ii, p.118) indicates that that particular time the Regent and his colleagues were negotiating with the English government concerning a possible marriage between ex-queen Mary, now an exile in England, and the Duke of Norfolk. And even if he is not quite accurate in saying that 'these petitions (i.e. from the General Assembly) in regard of the more weighty business, were deferred to another time', there is no reason to suppose that much was done about them in practice.

To this General Assembly the Regent sent a long letter in which he sought to justify the ecclesiastical policy which he had pursued since assuming the reins of government. The letter is set out in extenso in the 'Book of the Universal Kirk ', pp.II3-II8. The effective portions of it are these: 'Ye are not ignorant, as we suppose, what has meene the estate of the Kirk of God within this realm, baith before we acceptit the burding of regiment and sinsyne: How first, the thirds of benefices war grantit to the ministrie.... The first order, indeed, was divers wayes, interruptit and broken in, but chiefly in that year when we were exyled in England ... The first thing we war careful of was, that the trew religion might be established, and the ministers of the Evangell made certain of their livings and sustentatione in tyme cominge: ye knaw, at the parliament we war maist willing that the Kirk sauld haue been put in full possessione of the proper patrimonie, and towards the thirds we expeded in our travel, and inlaikit only a consent to the dissolutione of the prelacies, whereunto although we were earnestly bent, yet the estates
delayit and wold not agree thereunto; and sen that tyme to this hour, we trust we will affirme, that we have preteimitit nothing that may advance the religione, and put the professors thereof in surtue, whereanent the haill and only inlaik hes been in the ciuill troubles, that God hes suffered the countrie to be plagued with. Now, the matter being, after so great rage, brought to some stay and quietness, it was convenient that we returne where matters left and prease (make strenuous exertions) to reduce them to the estate they stand in. Ane thing we must call to remembrance, that at sic time as we travellit in the parliament to cause the estates to agre, that the thrids should be decernit to pertaine to the ministrie, they plainly opponit them to us in respect of the first act, alledgeand, that with the sustentation of the ministrie, there was also regard to be had to the support of the puire, in sustaining of the public chairges, quhilks, if they had not some reliefe be that meine, the revenue of the crown being so diminisched, and the ordinare charges come to sic grytnes, on force they wold be burdenit with exactions; and so this dangerous argument compellit us to permit to the take upon us, the act being grantit to the Kirk, they should satisfie and estates, that we wold agree to ony thing soule be thocht reasonable, for supporting of the public charges of the prince. And according to this, the Commissioner Deput for the affaires of the Kirk agreit to certaine assignations of the thrids for supporting of the King and us bearing authoritie; quhilk order had been sufficient for the haill, gave the ciuill trouble had not occurrit; yet the disobedience growand so universallie, we are content to sustaine ane part of the inlaik and loss for the tyme past, but because there has bene murmure and grudge for that thing assignit to the Kings houss and ours, and some other needfull things in the State, as that thereof the Ministers were frustrate of their appointit stipends, some communicacione was had at St. Andreis, and nothing yet concludit quhill the Generall Assembly of the Kirk, quhilk now moves us wreit to you in this forme, pray and you richtlie to consider the
necessitie of the cause, and how the same has proceeded frae the
beginning, haveing respect, that the Kirk will not be very well obeyit
without the King's authoritie and power, and that now the propertie of
the Crowne is not able to sustaine the ordinarie chairges. How in the
beginning the thrids had not been grantit giue the necessitie of the
prince had not been ane of the chief causes; and at the parliament, the
estates, as we have before written, stak to consent that the hail thrids
would be declareit to pertaine to the ministrie, whill first we take in
hand, that they being made without conditiones in favours of the Kirk,
the same wold condescend to so meikle as wold be sufficient to the
support of the publick affaires, in furthsetting of the King's authoritie,
and that therefore we will agree to ane certaine and speciall assignatione
of it, that sall be imploiyit to this use: The quantity qwhairof, diverse
of your selves and the Switer heirof, Mr John Wood, our servant, can inform
you, that after ye may distribute to everie ane haveing chairge in the
kirk of God his stipend, according to the conditione of the place he
serves in, according to your wisdomes discretione. Hither, all confusione
that lang hes troublit the estate of the Kirk toward the stipend, shall be
avoidit, and some speciall provision being made for sustaining of their p
publick chairges, we may the better hald hand to see the Kirk obeyit of
that whereon the ministers should live, as ye shall reporte....'

The Regent's messenger, Mr John Wood, pursuant to the above
letter, proposed in the Assembly, 'That a sufficient summe be takin off
the whole thrids of benefices and rents now in your hand by the last act of
parliament, and particular presentations since that time, and granted for
certain yeares to my lord regent,....for support of the publict charges;
and that the summe may be assigned in place and rowme commodious.'

To this request the Assembly agreed most graciously, in the
following terms: 'It is answered by the Kirk, that in just consideration
of my lord regent's Grace his necessitie in the publict charges ne
present...
presentlie beareth, they have consented that the whole summes of silver and money crave and desired by his Grace ... be granted and allowed, and readilie answered by the collectors. when the same shall be appointed and assigned. '(David Calderwood, 'History of the Kirk of Scotland', volume vii, p. 502').
The Regencies of Lennox (1570-1) and Mar (1571-2).

Moray did not have much longer to bear the 'burden of regiment'; for he was assassinated in January 1570; and, says the anonymous author of the 'Diurnal of Remarkable Occurrents' (p. 156), 'the death of my lord regent was the cause of great mourning to all theme of Christ's religion'. He was succeeded in the regency by the Earl of Lennox. The period of Lennox's regency (July 1570 - September 1571) and that of his successor the Earl of Mar (September 1571 - October 1572) was one of virtual civil war in Scotland; and in these circumstances it is not surprising that during these years the financial grievances received but scant consideration. These grievances still persisted; and how deeply the Kirkmen felt about them is made very clear in a sermon from the pen of David Ferguson, minister of Dunfermline, and one of the Kirk leaders. This sermon was delivered before the Regent in January 1571, and was published in 1572 at the express request and by the authority of the Kirk. Taking as his text the well-known passage in Malachi chapter three, verses 8-12, Ferguson denounces the wholesale spoliation of the patrimony of the pre-Reformation Church by the nobility and gentry, and the supine and even culpable connivance of the Government.

'As sumtyme Kingis, renais, Lordis, and uther potent men, liberally inrichit the Kirk, sa now be the contrair all thair travell is to satiate thair gredynes with the spuilze thairof'. He describes the Protestant churches of Scotland as being in such a mean and ruinous condition that 'if I had been brought up in Germany, or any other country where Christ is truly preached, and all things done decently and in order, according to God's word, and had heard of the purity of religion that is among you, and for the love thereof had taken travel to visit this land, and then should have seen the foul deformity and desolation of your kirks and temples, which are more like sheep-cotes than the house of God, I could not have judged that there had been any fear of God or right religion in the maist part of this realm.'
In order that 'the preachers of God's Word be reasonably sustenit; the schools and the poor be well provydit as they ought; and the temples honestly and reverently repaired, that the people, without injury of wind or weather, may sit and hear God's Word, and participat of his haly sacraments', Ferguson exHORTs the Regent and nobility to restore to the Kirk those things of which they had despoiled it, lest the Lord require at your hands the blood of them that perish in default of the right dispensation of thir things'. (Ferguson's 'Tracts').

To the General Assembly which met in August 1571 at Stirling John Knox addressed a letter, in which he stressed two dangers against which the Kirk must ever be on its guard. First, he admonished his brethren not 'to suffer unworthie men to be thrust into the ministrie of the Kirk, under what pretence that ever it be'. Secondly, he adjured them to 'withstand the merciless devourers of the patrimonie of the Kirk'. ('Book of the Universal Kirk', p. 129). Apparently the Assembly paid due heed to Knox's admonitions. For, later on in the month, some lay sympathisers - 'gentlemen, barons, and other Protestants within this realme', was how they described themselves - presumably at the direct bidding of the ministers, addressed a remonstrance to the Regent Lennox, on behalf of the Kirkmen. This document was couched in very frank terms, as the following extract will show: 'Enemies to Jesus Christ we call all suche, as, directlie or indirectlie, goe about to deface the ministrie of his blessed Evangel, Of which crime, in our conscience, we nather darre excuse your Grace, nor yitt your counsell: for what can be a more ready way to banishe Christ Jesus from us and our posteritie, than to famishe the ministers present, and tyrannicallie so to impyre (rule) above the poor flocke, that the kirk sall be compelled to admitt dumbe dogges to the office, dignitie, and rents appointed for sustentation of preaching pastors, and for other godlie uses?. In which crime the whole world may see your Grace and the nobilitie joyned with you. As tuiching
the conditioun of our ministers present, it is more miserable than the conditioun of a begger. For beggers have freedame, without reproof to beg over all. But our poore ministers, bound to their charge, are compelled to keepe their hous, and with dolorous hearts see their wives, childrein, and familie, sterue for hunger, and that, becaus your Grace and greedie courteours violentlie reave, and unjustlie consume, that which just law and good order hath appointed for their sustentatioun; to witt, the thirds of benefices, which are now so abused that God cannot long delay to powre furt& his just vengeance for this proud contempt of his servants; whereof we crave hastie and suddane redresse' (quoted in David Calderwood, 'History of the Kirk of Scotland', volume iii, pp.144-5; also in richard Bannatyne, 'Memorials of Transactions in Scotland', p131). But this remonstrance, despite its apostolic plainness of speech, elicited no response.
The year 1572 marked an outward change in the policy of the Scottish Kirk on the question of ministerial stipends and, even more, on the larger and more inclusive question of inadequately supplying the spiritual needs of the people of the realm, which was, as the Kirkmen never let themselves forget, their primary responsibility. Even before 1572, however, the attitude of the policy-makers of the Kirk seems to have been altering, gradually but surely and unmistakably, towards the holders of the ancient patrimony of the Church, the so-called 'auld possessouris'. To be sure, as has already been emphasised, the Protestant Kirk in Scotland never formally staked even one jot of its claims to at least the bulk of the revenues of these benefices, for the purposes set forth in the 'First Book of Discipline'. And, as has also been noted above, certain of these claims, in theory at least, had received official recognition, particularly in the Act of December 1567. The unwelcome trend in royal and parliamentary policy since 1560, however, appears to have convinced the leaders of the Kirk that their claims to the patrimony of the pre-Reformation Church would not be granted in practice, however much lip-service and theoretical assent they might receive, within the determinable future. But their task of evangelising Scotland, of 'establishing, strengthening, and settling' the Scottish people in the evangelical faith, still remained as their solemn responsibility and obligation. They therefore determined to seek to impress into the service of the reformed Church as many as possible of the 'auld possessouris', who, of course, under the arrangement of 1561-2 had continued to enjoy the bulk of the fruits of their former benefices. If they, or at least some of them, could be persuaded to give their co-operation, they could greatly assist the Kirk in its nation-wide task of evangelisation, for which its own scanty resources in men and in money were all too inadequate. There is some evidence that this
policy had been decided upon, and in a measure acted upon, during the years which followed the financial settlement of 1531-2. The working of this policy in the 1560's is seen most clearly in the attempt of the Kirk to persuade the conforming bishops of the pre-Reformation Church to discharge the duties of superintendents in the Kirk of the Reformation - duties for which their previous experience had presumably prepared them. John Knox expressed himself on the question in the following pointed words: 'A Bishop that receaves profitt, and feidis not the flock, even be his owne labouris, is boith a theif and a murderare'(Laing's 'Knox', ii, 393); and in 1571 John Erskine of Dun, one of the original superintendents of the Kirk appointed in 1560, in a letter to the then Regent, the Earl of Mar, said this: 'As to the provisioun of benefices, this is my judgment: all benefice of tithes, or having tithes joynd or annexed thereto, (which is takin up of the people's labours) have the offices joynd to them: which office is the preaching of the Evangell, and ministratioun of the sacraments'. (quoted in David Calderwood, 'History of the Kirk of Scotland', volume iii, pp 156-7).

For instance, in June 1562 the General Assembly refused the request of Alexander Gordon, Roman Catholic Bishop of Galloway, to be appointed superintendent in his former diocese. (Laing's 'Knox', ii, pp 374-5, note 2; David Calderwood, 'History of the Kirk', volume ii, p. 84). But in December of that same year the Assembly nominated for the office of superintendent of Galloway, not only Mr. Herbert Pont, minister of Dunkell, but also 'Mr. Alexander Gordon, entituled Bishop of Galloway'; and it ordered the inauguration to take place in the parish kirk of Dumfries,'on the last Lord's day of April'. (Laing's 'Knox', Ibidem; Calderwood, volume ii, p. 207). George Grub explains this episode by saying that 'having embraced the Protestant opinions, he (Gordon) probably thought that his former ecclesiastical appointment entitled him, without any other election or formality, to a similar position in the "reformed Church". ('ecclesiastical History of Scotland', volume ii, p. 113). But the true explanation is surely
this, that Gordon wanted to be paid separately as a superintendent of the Kirk, while the Assembly insisted that he should perform his ecclesiastical duties without separate and additional payment, since he was already in possession of the episcopal revenues of the diocese. In the records of successive General Assemblies there are references to Gordon as 'superintendent' or 'commoner' of Galloway:Laing, in his footnote in 'Knox', ii, 375, says that 'Gordon was continued as Commissioner for planting and visiting the churches of the diocese, even though frequent complaints were lodged against him'. In 1568 and 1569 Gordon was suspended from his ecclesiastical office, first for negligence and then for support of the exiled Queen Mary. (David Calderwood, 'History of the Kirk', volume ii, pp 424 and 491). Other pre-Reformation prelates who served in the Reformed Kirk during the 1560's as superintendents and even as ministers were Adam Bothwell of Orkney and Robert Stewart of Caithness. The Bishop of Orkney, by marrying Queen Mary to the notorious Earl of Bothwell, a divorced adulterer, in May 1567, incurred the displeasure of the Kirkmen; and in December of that year he was suspended from all his ecclesiastical functions, to which he was restored in July 1568 only on condition of publicly acknowledging his guilt and asking for pardon. ('The Book of the Universal Kirk', pp 71 and 104).

A disposition to extend the application of this principle which had prompted the employment of conforming ex-Roman Catholic bishops within the Reformed Kirk seems to lie behind the resolution of the General Assembly in December 1566 that all bishops, abbots, priors, and others receiving teinds should appear at the next General Assembly 'to give their assistance and counsell to the said Assembly, in sic things as appertaine to the Christian religion and preaching of the true word'. ('Book of the Universal Kirk', p 54).

After the Kirk's victory - such as it was - in 1567, the Kirk leaders attempted to insist that patrons should obtain ecclesiastical approval -
i.e. that of the Kirk of their proposed nominees to vacant benefices, and that only conforming clerics should hold such benefices, so that they could be compelled to serve the Protestant Kirk. (cf. 'Acts Of Parliament', iii, 23, c. 7; 37, c. 2; 37, c. 6; 72, c. 3; 'Book of the Universal Kirk', p. IOI).

The above account of the adoption of what may be described as 'angli-man' practice - i.e. the taking over, as far as possible, of the framework and officials of the disestablished Roman Catholic Church by the Kirk of the Reformation - partly explains the attitude of the Kirk to the Protestant episcopacy introduced by the Convention of Leith in January 1572. At the instance of the Earl of Morton, the Chancellor, a Convention of the Kirk was held at Leith on 12th January, the chief business of which was to appoint a Commission, consisting of six ministers and six Privy Councillors, to devise some arrangement for the peace and order of the Kirk. Within a week this Commission produced its report, which was promptly accepted by the Convention. The main point in this report was the re-introduction of the old ecclesiastical titles: the episcopal recipients of these titles became known irreverently as 'tulchan' bishops. Although James Melvill in his 'Diary' (p. 31) describes this move as 'the warst turn that ever was done for the Kirk', yet potentially and in principle (though not of course not necessarily in practice) it was in the interests of the Kirk. The appointment of Protestant bishops, when the Kirk was at last established, was an entirely logical development from the use already made of conforming ex-Roman Catholic bishops and other benefice-holders, and from the attempts already made by the Kirkmen to compel patrons to present to livings under their patronage only qualified men who were acceptable to the Kirk. What the Kirk hoped to gain from this general appointment of new bishops under the scheme of January 1572 is apparent from what it had already gained, at least in some degree, from conforming bishops already employed in its service. For not only did Bothwell, Stewart, and Gordon carry out the duties of superintendents in
their respective dioceses, but it appears that they also gave some of their revenues for the support of ministers in those localities over which they exercised supervision. A concrete instance of this kind of thing is given in the report made to the General Assembly of July 1567 by those brethren who had been appointed to convene to sit and advise upon the assignment of the stipends of the ministers' ('Book of the Universal Kirk', p.64) - a report to which reference has already been made above (pp.47-48). 'Touching the thirds of the ministers' assignment beyond Die, except Orkney, findes be the collector that the 1566 yeares cropt is not used to be payed whill Lambes in the 1567 year after; and for execution given to him within bounds shall pass within the possible diligence, and charge that haill bounds according to the letters, of the whils he supposes good payment, as hes been of before, except the bishoprick of Caithness, whilk the collector alleages the bishop pays to his ministers of his own kirk, conforme to the book and compts made of before. Besides making possible an extension, the Leith settlement of 1572 made arrangements for the employment of abbots and priors, i.e. regulars, in the reformed Kirk - and their property had been given up for lest by the compilers of the First Book of Discipline!

This settlement of 1572, then, was accepted by the Kirk, but only as a temporary expedient. For doubtless the Kirk leaders still hoped, despite their previous disheartening and disillusioning experiences, that a settlement more on the lines of the First Book of Discipline might, in due course, be obtained. And of course they were political realists enough to know that no settlement which was final could be expected during a royal minority and in time of civil war. As a matter of fact, they said as much in their official pronouncements. For at the meeting of the General Assembly which was held in August 1572, at which ratification was given to the Leith settlement, it was explicitly stated that 'the haill assembly, in one voice, . . . solemnly protests . . . that the said heads and articles agreed u
p70.

upon, be only receavit as ane interim, untill farther and mair perfect order be obtaynit, at the hands of the King's hajestie's regent and Nobilitie, for the whilk they will preass, a occasion shall serve...'

('Book of the Universal Kirk ', p133).

Superficially and on paper, therefore, after the adoption of the 1572 compromise the kirk of Scotland had a constitution and polity which bore a close resemblance to the constitution and polity of the Church of England across the border. This system might have satisfied kirkmen of almost every shade of opinion as to ecclesiastical polity. But the system failed. Part of the reason for its failure lay in its deliberate abuse by nobles and bishops, many of whom proved themselves to be entirely unworthy of their high office. For example, on the death of Archbishop Hamilton in April 1571 Morton had received the benefice of St. Andrew's. After the Leith settlement - but not till then - Morton appointed an aged and infirm minister, John Douglas, to the vacant see; but he kept in his own hands the bulk of its revenues. Dr. Day Fleming rightly says that 'in the matter of his own exaltation, poor old Douglas was much more of a helpless tool, than of a designing instrument, in the hands of the politic and grasping Morton'. (Preface to 'St. Andrew's Kirk Session Register', volume i, p.xxxii. ). Again, at the meeting of the General Assembly in August 1573, a complaint was presented against James Paton, who had been elected to the see of Dunkeld after the agreement of Leith, and given the temporalities in April 1573. The ground of complaint was this, that Paton used the name without exercising the office of bishop, and that he had made a simoniacal agreement with the Earl of Argyll in regard to the revenues of his bishopric, besides committing other offences. (George Grub, 'Ecclesiastical History' volume ii. p.190). Such abuses of the new system by nobles and bishops furnished a golden opportunity to the ultra-Presbyterian party in the Kirk, a party which advocated a different system of Church government, and claimed.
At the General Assembly of March 1575, held in Edinburgh, the question was formally raised, as to whether the functions of bishops as then existing in Scotland were grounded on the Word of God, and whether the chapters appointed for electing them should be tolerated in the reformed Kirk. A Commission of six brethren—including Andrew Melvill, who was making his first appearance as a member of the Assembly—was appointed to confer on these questions, and report to the Assembly. The Commissioners reported that they did not deem it expedient to answer the first question directly; but they went on to say that should any bishop be found lacking in those qualities which the Scripture requires, he should be tried by the Assembly, and deposed. This was the opening shot in the campaign against episcopacy in the Kirk of Scotland. The attack was kept up without respite by Melvill—the leader of the anti-hierarchical party—and his supporters in every succeeding Assembly, until in June 1580 the Assembly declared the office of bishop, as then used and commonly understood, to be destitute of warrant in the Word of God. (Thomas K'Crie; Life of Andrew Melvill', pp53-4).

Thus ended the well-meant attempt of the reformed Kirk, to add to its revenues, or at any rate to its effective ministerial strength, by impressing into its service the conforming incumbents of the pre-reformation Church who, under the settlement of 1561-2, still enjoyed a major proportion of their former revenues, and by giving them a duly-recognised place in the ecclesiastical organisation of the country. But the failure of this attempt was not due, primarily, to reasons of principle: it was due to the human factors involved.
Meantime, the Earl of Morton had succeeded to the Regency of Scotland in November 1572, after the death of Mar. Between that year and 1580, when his rule came to an end, several developments took place which had a direct bearing on the ceaseless struggle of the Kirk to obtain something like adequate stipends for its ministers. The Presbyterian historian David Calderwood says of Morton that 'the time of his regiment was esteemed to be as happy and peaceable as ever Scotland had. He was wise, stout, and ever upon the best side'. ('History of the Kirk of Scotland ', volume ii, p395). But Morton's dealings with the Kirk hardly justify such a glowing and flattering description. To begin with, in 1573 the regent persuaded the Kirkmen to renounce the right, granted them under the Parliamentary Act of 1567, of collecting the thirds. He announced that he would undertake to collect the money himself and distribute it to the ministers. Spottiswoode makes the following explanation of, and comment upon, this move of Morton. "Breaking first upon the Church, he subtly drew out of their hands the thirds of benefices, offering more sure and ready payment to the ministers than was made by their collectors, and promising to make the stipend of every minister local, and payable in the parish where he served. To induce them the more willingly unto this, promise was made, that if they should find themselves in any sort hurt or prejudged, they should be restored to their right and possession whensoever they did require the same." ('History of the Church of Scotland', volume ii, p195).

Seduced by these specious promises, the Kirkmen agreed to Morton's proposal. But that his distribution of stipends would not be evergenerous to the ministers became apparent very soon. For in 1574 - the very next year - the regent, presumably anxious to have the spiritual needs of the Scottish people supplied as economically as possible, and unwilling or unable to increase the scanty amounts of money paid out of the thirds to the ministers of the Kirk, decided to combine two, three, four, or even five
contiguous parishes into one ecclesiastical unit. Each such unit was to be served by one duly qualified and ordained minister with regular stipend, assisted by as many readers, each to be paid the miserable pittance of £20, or 30 marks, per annum—as might be necessary to undertake the work of the enlarged parish. The extent to which Morton carried out this 'rationalising' policy, as it might be called, into practical execution can to some extent be judged from a survey of the Scottish Kirk made in 1574. This is printed in the 'Miscellany of the Wodrow Society' (1844), edited by David Laing. From this Register of parishes and stipends, it may be computed that in 1574 there were 938 churches in Scotland, with 289 fully qualified ministers and 715 readers; the places of 20 ministers and of 97 readers were then vacant. That is, there were supposed to be 1121 such clerical officials serving the Kirk.

As compared with the year 1567, the number of fully qualified ministers had risen by only 32; but the number of probationary and less-well-paid ministers, namely, readers and exhorters, had risen from 606 to 715, i.e. a much larger proportionate increase. In 1574 there were on duty 1004 clerics, almost exactly the computed number of parishes in the country; but of these only about one-quarter were fully qualified ministers. However, in order to pay 1000 fully-qualified ministers even at the beggarly minimum rate of 100 marks per year, a sum of 100,000 marks, or £66,000, would have been necessary. But the actual amount of the money from the thirds available for the kirkmen, both in specie and in kind, was only £40,000. The Register itself discloses how this paltry sum was made to suffice. The 1000 parishes in Scotland were taken, for financial purposes, and grouped together into 303 unions, or clusters of parishes. Each such union was supposed to require the services of only one fully-qualified minister in charge, with one, two, three, or four readers as his colleagues, the number of such assistants depending on the area to be served. Hence, with a few vacancies still requiring to be filled
filled up, the total of 289 fully-qualified ministers on the rota sufficed - at least sufficiently to quiet the official conscience of Morton and his colleagues in the administration. The stipends of readers were wretched, averaging only £16 with kirkland, or £20 without kirkland, for each. The stipends of fully-qualified ministers varied. A number of them were very poorly paid indeed: about 50 of them, for example, serving mainly in the Highlands and in Shetland, received less than 100 marks each. Of the rest, 41 received around 100 marks; 42 around 120 marks; about 50 received 150 marks; about 25 received 180 marks; 33 received 200 marks; 19 received 225 marks; about 25 had 300 marks. The average stipend seems to have been between 150 marks or so. That is to say, for ministers the average rate of stipend had increased hardly any since 1567. It may be supposed, of course, that to each monetary stipend manse and glebe would be added; but this is not certain in any means all case. The highest paid of all were probably Messrs James Lawson, John Dury, and Walter Balcanquall, the three ministers of Edinburgh in succession to John Knox, who had died in 1572. But an entry beside their names, and the name of John Cairns, the reader, says that they were 'ministers sustenit ove the Toun': that is to say, their stipends were paid, not out of the thirds, but out of an appropriation made by the city Council - as, of course, Knox had been.

The bait which Morton had held out to the kirkman in return for their surrender to him of their previously-granted right to collect the thirds of benefices, and for their acquiescence in his 'merger' plans, was the promise of increased stipends. In particular, the Regent made this promise, that, - as the ministers had long and earnestly desired - the stipend of each parish should be paid out of its own teinds. Such an arrangement would, of course, greatly facilitate the identification and collection of stipends. But no sooner did Morton get the thirds into his possession than he proceeded to break these promises; and - as is obvious
from the records he contrived to keep ministerial stipends miserably small. This breach of faith, as can well be imagined, excited great discontent and even anger within the Kirk. Protestations were made; but they had no effect. According to Spottiswoode, the protesting Kirkmen were curtly told by the Regent in 1574 that, 'seeing the surplus of the thirds belonged to the king, it was fitter the regent and council should modify the stipends of ministers, than that the Church should have the appointment or designation of a surplus'. ('History of the Church of Scotland', volume ii, p.196).

The Kirk did not succeed in recovering its right - first granted it in 1567, but surrendered by it to the Regent in 1573 - of collecting the thirds.

In March 1574 the General Assembly felt itself obliged to issue a regulation governing the situation created by Morton's 'merger' schemes. The Assembly ruling was to this effect, that 'as concerning the appointing of syndrie kirks to ane minister; to the end the matter may be plainer, and the mynde of the Kirk knawne to all men herein, the Kirk hes declarit, that howbeit syndrie kirks be appointit to ane man, yet shall the minister make his residence at ane kirk, quhill shall be properly appointit to his charge and he shall be callit principallie the minister of that kirk; and as concerning the rest of the kirks to the quhill he is nominat, he shall have the oversicht and help therein, in sic sort as the Bishop, Superintendent, and Commissioner shall think expedient, and as occasion shall serve him from his awne principall charge: The quhill on no wayes he may neglect; and this order to remane quhill God of his mercie shall thrust out moe labourers unto his harvest'. ('Book of the Universal Kirk', pp.141-2).

In connection with the same situation, the Assembly in August 1575 presented certain articles to the Regent, the first of which ran thus: 'For planting and preaching the word through the whole realm: It is desyrit that so many ministers as may be had, quhilks are yet unplacit, may be receivit, as well in the countrie, to relieve the charge of them that hes many kirks, as utherways throughout the whole realm; with superintendents.
or Commissioners within these bounds where Bishops are not, to help sic Bishops as hes uther great charge, and reasonable livinges to be appointed to the foirsaid persons. ... ("Book of the Universal Kirk", p. 150). But, since no reply was made by Morton to these Articles presented to him by the Kirkmen, it is extremely unlikely that any of the requests was acted upon.

In view of what has been said concerning Morton's ecclesiastical policy, it is not surprising that he was in almost perpetual trouble and controversy with the sixteen General Assemblies which met during his regency. The most acrimonious of these disputes took place in October 1577, the high point of which was the sending by Morton of forty-two questions to the Assembly. These questions were probably suggested to him by Patrick Adamson, who, after the death of John Douglas in 1574, had been presented by Morton to the Archbishopric of St. Andrews. Morton's questions to the Assembly are not reported in the "Book of the Universal Kirk"; but they are given by David Calderwood in his "History of the Kirk", volume iii, pp. 389-393. Some of them may have been animated by a genuine desire to get to know the mind of the Kirk on certain matters of importance—for example, question 12, 'What is the proper patrimonie of the Kirk?', or question 13, 'Sall all ministers' livinges be alike in quantitie, becaus they are thought to be alike in dignitie?'. But others undoubtedly were asked 'with malice prepense' i.e. in order to put the Kirkmen in a verbal corner. This is true, for example, of question 41, which runs thus: 'Whether hath the city of Geneva committed sacrilege or not, in appointing of the rents and tithes of their bishoprick to their common treasurie, paying but a certain portion thereof to the stipends of their ministers?'. After setting down these questions, Calderwood says: 'These questions... sette them (i.e. the Assemblymen) to farther consultatioun: yitt were not so difficill but were soon exped: and the whole heeds of policie agreed upon, and were to be putt in mundo, according to the ordinance of this Morton's last Assemblie'. Whatever may have been the replies of the Assembly to Morton's questions, they did nothing to improve the financial lot of the ministers.
Lennox and Arran (1580-1585); 'The Second Book of Discipline'.

Morton fell from power toward the end of 1580, and was put to death for treason in June 1581. Despite Calderwood's tribute to him, it must be supposed that, so far as the Kirk was concerned, he went from office 'unwept, unhonoured, and unsung'. For despite all his high-sounding and eloquent promises of financial amelioration for the impoverished Kirkmen, it is clear from the whole tenour of his policy that he was quite unwilling to give any serious consideration to the idea of augmenting ministerial stipends from the only just and adequate source of such augmentation, namely, the masses of property of the pre-Reformation Church locked up in monastic remains, or in Archbishoprics, Bishoprics, Deaneries, and Provostries. Indeed, the impartial student of his ecclesiastical policy finds it difficult to avoid the suspicion that he sought to use the Kirk and its friends merely as pawns and counters in his own political game.

Morton was succeeded in the control of the government by the duumvirate of Lennox and Arran. In April 1581 the General Assembly held a meeting in Glasgow, a gathering which, in the words of the late Professor Hume Brown, 'is memorable in Scottish Church history'. ('History of Scotland', volume ii, p. 182). This Assembly was presented in the name of His Majesty the King with an elaborate scheme for the regularisation and standardisation of the whole Kirk parochial administration, including its finances. (Cf. (Book of the Universal Kirk' pp. 208 ff; David Calderwood, 'History of the Kirk', volume iii, p. 516 ff). The idea roughly was this. The total number of churches in Scotland, 'beside the diocese of Argyle and the Isles, of which bounds never rentals were yet given up', was 924. If these were reduced to 600, might not this number suffice for the spiritual needs of the country? Every such kirk was to have one minister, 'their stipend and living to be in four degrees'. 150 of such charges would carry with them a stipend of 500 marks per annum; 200 a stipend of 300 marks; 200 a stipend of 150 marks; and the final 100 of such charges would carry with them a stipend of 100 marks — 'or somewhat mair or less as it may be neir thir soumes, beneath
or above; all stipends and livings to be modified according to the possibility of the rent in that place'. (Book of the Universal Kirk', p.212) ('The Book of the Universal Kirk' gives the number of charges which were to have stipends of 300 marks and 150 marks as only 100 in each case; but these are obviously misprints). The 600 parishes were to be divided up into 50 presbyteries of 12 churches in each; and the whole would be grouped together in 17 dioceses. The list is given in detail in the 'Book of the Universal Kirk', pp.213-218). This scheme as presented to the General Assembly, did not discuss with any fullness the practical ways and means of providing the proposed stipends, for which, obviously, a sum of 150,000 marks, or £100,000 would require to be found annually. But there was a sentence in the draft scheme which ran thus: 'The Kirks devydit unto Prebendaries, to be gine to the ministers as they vaik (fall vacant)'. The suggestion was that there should be an investigation into the state of all prebendaries, which are described by the late Professor Masson as 'bunches of livings hung on as pluralities without cure to provostries or collegiate kirks' - and that whatever amount of their revenues should be found to consist of teinds should go to swell the fund out of which stipends were to be allocated, while all that was derived from land-rents should be appropriated, as already had been thought most fitting, to schools and universities. ('Book of the Universal Kirk', p.213).

The General Assembly to which this scheme was presented received it with much profession of respect, but left it substantially unanswered. That is, no direct ad hoc reply was returned by the Assembly to these proposals. The real answer of the Kirkmen to this scheme of the Regent was given by the General Assembly when in session 9 of its deliberations it passed the following resolution.'Forsuameikle as travels has been taken in the forming of the Policie of the Kirk, and diverse sutes made to the Magistrate for approbation thereof, quhilk, albeit as yet, hes not taken the happie effect quhilk good men would crave; yet that the posteritie sould
judge well of the present age, and of the meaning of the Kirk, the Assemblie has concludit that the Book of Policie agist upon in diverse Assemblies befor, sould be registrate in the acts of the Kirk, and to remaine therein, _ad perpetuam rei memoriam_, and the copies thereof to be taken be every Presbytrie: of the whilk Book the tenor follows:'. (Book of the Universal Kirk', pp218-219). The 'Book of Policie' referred to in this resolution of the General Assembly was none other than the 'Second Book of Discipline', which had been drawn up in 1578 by Andrew Melvill, then Principal of Glasgow University, Knox's successor from 1575 onwards in the leadership of the Scottish Kirk, who was now (1581) at the zenith of his influence. Professor Hume Brown thus describes the difference between this document and its predecessor, the 'First Book of Discipline' of 1560. 'The First Book is an ideal sketch of a Christian Commonwealth such as commended itself to Knox and his brethren in the first zeal of the reformation; the Second is the draft of a practical policy which to the minds of its authors was at once a logical deduction from the teaching of Scripture and the most efficient machinery for combating the evils and dangers which bedet the reformed Church'. ('History of Scotland ', volumeii, p182) Though the chief importance of the Second Book of Discipline lies in the strictly ecclesiastical sphere of government and worship, to which questions it is mainly devoted, yet a whole chapter (IX) is devoted to the question of Church property. It is headed, 'Of the Patronymie of the Kirk, and Distribution'. The effective portions of this section run thus: 'be the patrimonie of the kirk we mein whatsumever thing hath bane at any time before, or shall be in tyumes cuming, gevin, or be consent or universalle custome of countries professing the Christian religion, appyle it to the publique use and utilitie of the kirk. Swa that under this patrimonie we comprehend all things gevin, or to be gevin, to the kirk and service of God, as lands, biggings, possessions, annual-rents, and all sic lyke, therewith the
kirk is dotit, aither be donations, foundations, mortifications, or any other lawfull titles, of kings, princes, or any persons inferiour to them; togethér with the continuall oblations of the faithfull. We comprehend also all sic things as be laws, or custome, or use of countries, hes bene applyit to the use and utilitie of the kirk; of the quhilk sort ar teinds, manses, gleibs, and sic lyke, quhilks, be common and municipal lawis and universal custome, ar possessit be the kirk.

' To tak ony of this patrimonie be unlawfull meinis, and convert it to the particular and profane use of ony person, we hald it ane detestable sacriledge befoir God '. (David Calderwood, 'History of the Kirk of Scotland', volume iii, pp543-4).

Quite obviously, from the explicit wording of this whole chapter, the Kirk was claiming as its possession not only the teinds, but the whole patrimony of the pre-Reformation Church. And, as if to make this matter crystal clear to the meanest comprehension, the 3ook went on in chapter xi to give a particular and detailed enumeration of the classes of person who, in the judgment of helvill and his colleagues, were chargeable with unjust possession of any items of the Kirk's just patrimony. Such teinds as might be dispersed among these people were, of course, under the proposals of the 'Second Book of Discipline', to be recovered from them; but so was all their other ill-gotten and unlawful booty as well.

These far-reaching schemes of the kirk set forth in this 'Second Book' were not acted upon: they were passed over in stony silence by the Government. The fact, however, that they were advanced, at that time and in that way, is a matter of some importance: for it meaneth that the Reformed Kirk of Scotland, even after twenty years of vain attempts to enforce its point of view with the State authorities, had not abandoned any of its financial claims, but had, on the contrary, enlarged them to include all the patrimony of the pre-Reformation Church.
This 1581 scheme of the regent, then, was not accepted by the Kirk. In the very next year, viz. October 1532, certain 'Articles' were presented to the Government by the General Assembly, in which, while blandly ignoring the elaborate scheme of the previous year, the Kirkmen craved, either that every minister should be supported out of the teinds of his own parish, or that 'the Kirk be restored by the Earle of Morton'; because we have found ourselves grievously hurt by the giving them out of our owne hands'. ('Book of the Universal Kirk', p.266; David Calderwood, 'History of the Kirk of Scotland', volume iii, p.634). Similar complaints and requests were made by the Kirkmen in well-nigh every General Assembly for the next few years; for example, Calderwood, volume iii, p.726, gives a transcript of Articles presented to the Government by the General Assembly in October 1533; and the 'Book of the Universal Kirk' contains many such complaints during the early 1580's. But for several reasons little or no amelioration seems to have taken place in the financial condition of the ministers during the early 1580's. The opposition of the nobles accounts for this in part. The insatiate avarice of the servants of the Crown was another contributory factor. A third influence lay in the introduction of an administrative, as distinct from a 'tulchen', episcopacy, under King James's so-called 'Black Acts' of 1584, and the serious dissension between Crown and Kirk to which this move gave rise.

It has to be admitted, of course, that an Act of Parliament was passed in 1581, which might appear on the surface to have benefited the Kirkmen. Under its terms, ('Acts of Parliament', volume iii, p.211), it was decreed that every parish should have its own minister, with a 'sufficient and reasonable stipend'; and Commissioners were appointed, the king's collector of superplus always being one, to meet with corresponding Commissioners from the Kirk, and to make such orders that ministers might be better sustained. But nothing seems to have come of this legislation in actual practice.
As has already been indicated, the early 1580's witnessed no visible improvement in the financial condition of the ministers of the Kirk. Indeed, during the self-assumed supremacy of the pseudo-Arran (July 1583 - November 1585), no demand for increased stipends could even be discussed. For during these years Presbyterianism in Scotland was undermined, and almost destroyed. The Presbyterian ministers were trampled upon; and the Presbyterian system was subverted and superseded by royal enactments, under the "black acts" of 1584 already mentioned. (Patrick Adamson, the archbishop of St. Andrew's, the best representative of what Professor G.D. Henderson has recently called 'the party of prudence and compromise' in the Kirk, Session did not think too badly of these Acts of 1584. (cf. 'St. Andrew's Kirk Session Register', volume ii, p. 529). But the opinions of the vast majority of Scottish Kirkmen concerning them are given in a document entitled 'Animadversions of Offences Conceaved upon the Acts of Parliament maid in the yeir 1584', presented to King James at Linlithgow in December 1585; and to say that these opinions are not favourable is a model of understatement, such Presbyterian leaders as dared to challenge these enactments were either imprisoned or were forced to flee over the border into England, where at Berwick-on-Tweed they formed a considerable community. General Assemblies, those symbols of Presbyterian independence, were not allowed to meet; and altogether, as Professor Hume Brown says, (the year 1584 is reckoned among the disastrous years in the annals of Scottish Presbytery). ('History of Scotland', volume ii, p. 196).

The fact seems to be that stipends continued to be modified for many years, as before, out of the thirds of benefices, by Commissions which were renewed from time to time, the members of which, it would appear, were annually elected. Sir Thomas Hope says that these Commissions were composed of a number of nobility and ministers, and that they sat yearly in November ('Minor Practicks', p. 103).
The assignations made to ministers out of particular benefices, in security of their stipends, were only temporary, and were frequently changed. New assignations therefore became necessary, not only for the purpose of any augmentation, but even in order to preserve at the same level stipend, as formerly modified. Sometimes such renewal of Commissions was neglected, delayed, or even refused altogether. In consequence, some churches were left without provision, and in some cases were abandoned by their ministers or were not filled up when a vacancy occurred. For example, somewhat later than this period of the 1580's, the General Assembly at its meeting in March 1596 ("Book of the Universal Kirk", p. 437) estimated that at that time there were four hundred churches without ministers, "by and attour (over and above) the kirks of Argyle and the Isles". This was an unhealthily large proportion of all the churches in Scotland. Not only did some ministers have trouble in obtaining a regular allocation for stipend, but even those ministers whose stipends were regularly assigned, sometimes had great difficulty in enforcing payment of them in the law courts.
The Government of the 'Restored Lords'.

The Arran administration was superseded in November 1535 by the so-called government of the 'restored Lords'. These were enemies of Arran who had engineered a coup d'état in 1584 and had had to flee to England when it failed. Their principal leaders were the Earls of Angus and Mor and the Master of Glamis. In the reorganisation of the government after the fall of Arran these leaders of the anti-Arran faction shared power in the Privy Council with some of the nobles who had recently been in authority - men like the Earls of Huntly, Montrose, Crawford, and the Earl Marischal. With these 'Restored Lords' in this newly-constituted administration, the protestant Kirkmen had reason to hope that their financial claims would now be given more serious consideration, since those lords had expressed interest in, and sympathy with, the cause of the Kirk. When, however, the 'Restored Lords' were 'admonished of their duetie and promises' by a group of Kirkmen gathered at Linlithgow in November 1585, 'they answered, they behoved first to be settled in their owne places, and then they sauld work wonders' when it was pointed out to them by the dissatisfied Kirkmen that 'suche relenting would both weaken the cause, and discredit them before God and man the Master of Glamis surprised the protesters by saying that 'it was not expedient to throw out of the king, so addicted to the government of bishop, ane reformatioun of the Kirk for the present, but to procure it by time, with his full consent and liking'. (David Calderwood, 'History of the Kirk', volume iv, p.449). This was probably a wise observation. The youthful James VI, not fifteen years old when the Lennox-Arran government superseded that of the Earl of Morton, had reached his twentieth year by the time the 'Restored Lords' were installed in office; and though, as the late Professor David Masson says, 'the pleasantest years of his life had been passed in the company of Lennox and Arran, and their church policy was much more to his liking than that of his former tutor George Buchanan's conoepts as embodied in his well-known work 'De Jure Nepni apud Scotos' (1579)', yet,
as Masson goes on to add, 'he was not so wedded to it that he could not adjust himself to changed circumstances'.

**The Annexation Act of 1587.**

In June 1587 King James VI reached the age of twenty-one. To be sure, he had been declared to be of age nine years before, in 1578. But it was really only since 1585 that he had been able to make his personal influence felt in the counsels of government. Now, however, on attaining the age of twenty-one he came to his majority in the fullest sense. It was therefore arranged that the coalition ministry of the 'Restored Lords' should give way to a more regular ministry under the leadership of Sir John Maitland of Thirlestane, a younger brother of William Maitland of Lethington, sometime Secretary to Mary Queen of Scots. Thirlestane was elevated to the office of Lord Chancellor. To effect this change of government, and to signalise the King's real coming of age, Parliament was convened. It met at Edinburgh on the 8th July, 1587, and transacted legislative business between the 12th and the 29th of that month. Two Acts of first-rate importance were passed by this Parliament. One of them reaffirmed the right of the smaller barons to choose Commissioners to represent them in Parliament—a right which had been granted them in the reign of James I, but which had lapsed into desuetude. The other was the Act for the Annexation of the temporalities of benefices to the Crown. ('Acts of Parliament, iii, 431ff), to which reference has already been made above (p10). The main provision of this Act decreed that because the possession of the ancient Church property by the 'auld possessouris' was now 'natheir necessar nor profitable', the King by this present Act 'haif unit, annex, and incorporate all and sindrie landis. .and all and sindrie utheris commodities, profitis and emolumentis..quhilkis ..pertenis ..to quhatsumevir archbishop, bishope,abbot,prior,prioresse...or ecclesiasticall or beneficiit persoun,, and to quhatsumevir ordor of freiris or munis,monkis...or to quhatsumevir
prebendarie or chaplanrie. All these ecclesiastical properties were to be annexed to the Crown, unless expressly excepted in the Act itself.

This comprehensive provision seemed flatly to reject and categorically to rule out the rights and claims of the Kirk as set forth in the 'Second Book of Discipline', because it appeared to place the Church patrimony to which the Protestant Kirk considered itself the rightful heir utterly and finally beyond reach.

For some years prior to 1587, certain vacant benefices of the pre-Reformation Church had been erected into what were called 'temporal lordships', i.e. grants made over to lay lords without obligation and with full heritable rights. This Act of 1587 specifically excepted and left unannexed to the Crown all Church lands already erected into these temporal lordships; and by implication it gave the Crown the power to proceed in similar fashion with all Church lands still remaining at its disposal. Previously, i.e. just after the Reformation, Church lands falling vacant had been parcellled out in what were called 'commendatorships'. The commendator was supposed to act as a kind of steward: he enjoyed the fruits of the benefice during his lifetime, but he was under obligation to preserve the benefice undiminished, and he could not transmit it to his heir. Now so long as the lands of the pre-Reformation Church had been disposed of by erection into such 'commendatorships', recovery of them by the Protestant Kirk was at least conceivable: at any rate the door to such recovery was always open, since these lands reverted to the Crown for a fresh disposal on the death of each commendator. But once these lands were erected into temporal lordships - and, of course, such erections were generally made on behalf of some of the most powerful families in the land - recovery of them for the Kirk must have seemed well-nigh impossible.

From the point of view of the Protestant Kirk, perhaps the most ominous feature of this Annexation Act of 1587 was this implied intimation that the era of mere 'commendatorships' in respect of Abbey and Priory lands...
was definitely at an end, and that in future all such lands would automatically be erected into temporal lordships.

Professor [name] Brown sees the importance of this annexation Act to consist in this, that, 'by this Act, as was fully understood at the time, episcopacy as it had been established in England was once for all made impossible in Scotland'. And he goes on to say that 'that James should have consented to such an Act is decisive proof that his preference for bishops was due to mere reasons of state, and that he had no earnest conviction of their divine appointment for the guidance of the Church'. ('History of Scotland', volume ii, p. 205). Its importance for the future of the finances of the Presbyterian Kirk was mainly two-fold.

(I). With only minor reservations - i.e., in cases where lands and t teinds were let out at a fixed rental, so that there would have been great difficulty in determining exactly how much was land rent and how much was teind - this Act expressly exempted the teinds from its operation. When it is borne in mind - as of course it must have been by the framers of this Act - that under the 1567 Act of the Regent Moray the teinds had been formally declared to be the peculiar patrimony of the Kirk, this exception as made in the 1537 measure constitutes a tacit recognition of the justice of the Kirk's claim to possess at least this part of the patrimony of the pre-Reformation Church. Again, this Act of 1587 went on to exempt similarly from its operation all castles and residences of prelates, and all manse and glebes of parish-parsonages to the extent of four acres. According both to law and to tradition, these were 'spiritualities' of the benefices concerned. So it may well be that the conjunction of them with the teinds among Church properties exempted from the operation of this Act was a hint by the Government of that time to the leaders and spokesmen of the Kirk that the wisest - or at any rate the most immediately practicable - course for them to follow would be this: to drop their stubborn but futile attempts to recover all the patrimony of the ancient Church, and instead seek to
concentrate on the phrase in the Act of 1567 - 'quhilk is the teinds'.

(II). The principle was laid down, and, indeed, written into the law of the land, that the disposal of the temporalities of the Church was within the power of the Crown. This principle was to find more complete and (so far as the Kirk was concerned, more favourable) expression in the Acts of 1617 and 1629, the measure of this latter year definitively settling the question of the finances of the Scottish Kirk.

Though these points of principle and theory made this Annexation Act of 1587 significant and important in respect of Kirk finances, the ministers - because of its threat of large-scale erections of Church lands into temporal lordships - had little reason to rejoice over its immediate effects. The unknown author of the 'Historie and Life of King James the Sext' has this to say (p.233): 'The only proffet and commoditie that was obtenit, the Prelatis gat it; for whereas befor thay war callit men of benefices, now thay be callit temporall lords, lyk to the rest of the common sort'. And James Melvill writes about the Act in his 'Diary' as follows: 'That yeir (1587) was haldin the first Parliament be the King efter his perfyt age of twentie and a yeirs: Wherein, except the ratefication of the Actes maid of befor for establishing of the trew helligion and abolishing of Papistrie, na guid was done for the Kirk: bot, be the contrar, schein was spuilyet be a plane law of the ane halff of her patrimonie, to wit, of the temporal landes of all her benefices be that Act of annexation: Her ei in the mean tyme bleurit with twa fear (fair) promises: ane abolishing of all Bishoprics and *relacies, and yit the Bishop of St. androis was a speciall deour thairin, (and was the last publict act that ever he was at); ane uther, that the hauill teinds sould be peaceablie put in the Kirk's possession.

But Melvill goes on - of God's just judgment, the annexation of the temporalitie hes done the King alsmikle guid as sic promises of the Kirk's Spiritualitie.' (p.260).

The comment of Spottiswoode on this Act of 1587 is along similar lines.
lines. He says ('History of the Church of Scotland', volume ii, p376-7):

'It was in this parliament that the temporality of benefices was annexed to the crown, upon a pretext of bettering the patrimony thereof, and that the king might have means to bear forth the honour of his estate, and not burden his subjects with taxations for his support. This was the public pretext, and the king made to believe that the reservation of the prelates' houses and precincts, with the tithes of the churches annexed to their benefices, would suffice to maintain their dignity and estate. But privately to such of the ministry as sought the subversion of episcopal government it was whispered, that this was the only way to undo the prelacy; for there being no livings to maintain them, none would be found to accept those places; which also proved true. Hopes besides were given to those ministers, that they should have the tithes to use and dispone at their pleasure. Yet it was not long ere the king did find himself abused, the temporalities formerly disposed (which were not a few) being all in the same parliament confirmed, and those that remained, in a short time begged from him, and given away to the followers of court, so as nothing was left to benefit or reward any well-deserving servant. When he saw this, and that the spiritual estate was by this mean utterly decayed, the priors and abbots, being all turned temporal lords, he did sore forthink the passing of the act, calling it ('Basilikon Doron', lib. ii, p. 43) a vile and pernicious act, and recommending to the prince his son the annulling thereof. The ministers that looked for restoring the tithes, perceiving themselves likewise deluded, began also to exclaim and condemn the course, howbeit somewhat too late'.

Scottiswoode is certainly right in saying that the Kirkmen began to complain about the Annexation Act. At the meeting of the General Assembly in August 1583 the following action was taken: 'Forsusmeikle as ser the last act of Annexatione his Lajestie hes transferrit the right of the patronages of divers benefices, from his bienes to temporall men as Bailers, Lords, Barrones, and wthers, and hes annexit the same to their lands; of quhom some
nes gotten confirmatione in Parliament, wtheres hes obtaynit the same sen the Parliament, and the third sort hes gotten gift of the naked patronage... alanderlie, to the evident hurt of the hail Kirk: wherfore it is thocht good, that his Majestie be intreatit be earnest sute, that the saids dispositiones authorized, as said is, be Parliament, may be brought back in the next Parliament, and such wthers as hes been grantit sen the said Parliament, in lyke manner may be annullit: and in the meintyme, that it may please his Majestie to close his hands from disposing the said right of patronage, and transferring of the said right from his Majestie, whilk remayneth as yet undisponit..." ('Book of the Universal Kirk', p.335). This 'earnest sute' did not avall much to stem the rising tide of erections into temporal lordships; and it is therefore not surprising that in 1592, among certain articles presented to the King by the General Assembly, there was one 'for the abolutione of the act of annexatione' ('Book of the Universal Kirk', p.358).
from 1587 onwards, the problem of adequate ministerial stipends for the Kirkmen took the form of a search for what was called a 'constant plat', i.e., a method of providing fixed and steady stipends each year for all ministers of the established Kirk, instead of the fluctuating and uncertain appropriations out of the thirds of benefices, which were still the source of ministerial salaries. During the lifetime of King James VI the only, or at least the most practicable, means of encompassing this most praiseworthy end was to extricate the teinds proper from the miscellany of alienated Church property with which they had up till then been tied up, and devoting the money so derived to the intended purpose. In virtue of the enactments of 1567 and 1537, particularly the latter, the problem had been simplified and clarified, at least to this extent, that it was recognised under legal statute that the teinds belonged peculiarly to the Kirk. Besides, as Professor David Masson has pointed out, a further clarification was effected in this way, that it was generally agreed that the old pre-Reformation maxim, 'the teinds belong to the parish', should still obtain. Therefore, instead of all teind money being pooled into one common treasury and distributed from some central headquarters, each parish teind should be regarded as belonging to one local minister, in addition, of course, to his manse and glebe.

Even so, however, the problem of putting any such scheme into practice was one of enormous complexity and difficulty. For one thing, the teinds were not gathered together in each parish into compact heaps, so much in victual and so much in silver, waiting to be uplifted by the parish minister whenever he should receive authority from the Commissioners to go ahead and collect his teinds. Again, there were so many parties with rights to the teinds. As has already been pointed out, there were only 262 of the pre-Reformation parishes in Scotland which remained unappropriated by monastic establishments or cathedral chapters; the remainder of the parishes—and they
of course, constituted the vast majority—had some such ecclesiastical foundation for their patron and their parson. Now, under the settlement of 1561-2, these patrons were left in possession of two-thirds of their previous revenues—subject only to deduction of the stipends of the disestablished vicars, whom they had employed to run their parishes. As these Reformation clergy died off, their benefices were erected into 'commendatorships'. Latterly, however, these 'commendatorships' had been giving way to temporal lordships; and under the Annexation Act of 1587 the impression was distinctly given that this process was likely to continue. Clearly, the extrication of the teinds from such a multiplicity of clutch- es would be a matter of grave difficulty.

But such rescue of the teinds had been made even more complicated by reason of the fact that these teinds were a negotiable commodity. Ministers themselves engaged in such bargaining, as is amply evidenced by the fact that the General Assembly felt obliged to pass measures forbidding such trafficking, unless with its express consent as well as that of the patron of the living. For example, in October 1576 the Assembly expressed itself outspokenly about this matter as follows: 'Forswameikle as the Kirk and Commissioners present, advysidly considering the greit prejudice and hurt done to the Kirk of God be beneficed persones within the ministrie, that sets taks and feus of their benefices and ecclesiastical livings, lands, rents, tynds, and fruits of the samain, defraudand not only their successors of that quhilk justlyould pertayne to them, and quhairupone they ought to be sustainit; but also bringand upon the Kirk be their inordinat and corrupt dealing, infinite sclanders and inconvenients; Therefore, with uniformitie of votes and mynds, they have resolvit and concludit, that no beneficit persone within the ministrie, bishops, or uthers, sall sett fewes or tacks of their benefices, or ecclesiastical livings, lands, rents, teinds, and fruits of the samain, or any part thereof, to whatsumever persone or persones, without the advyce and consent of the Generall Assembly of the Kirk; and sick, i.e., that
no minister subscryve nor give their consent to the said fewes or tacks, in any wayes, quhile he sie the consent of the Assembly. ('Book of the Universal Kirk', p. 152; cf. p. II9).

Such transactions, however, on the part of parish ministers were not to be compared, either for number or for magnitude, with similar transactions by lay titulars of the teinds. In July 1569 the General Assembly, in certain Articles presented to the Regent Moray, protested against this widespread practice, and requested that 'remedie may be provided for chaiping and changing of benefices, and selling of the same, diminishing of the rentall, of setting of lang tacks in defraud of the Kirk, and that all tacks sett sen the assumption of the thirds may be disannulit, with express inhi bipolarne against the same in tyme to come.' ('Book of the Universal Kirk', p. II2). But this protest does not appear to have had the smallest effect. In fact, the practice was encouraged by reason of the fact that 'commendatorships' were giving way to temporal lordships; for whereas the former tenure was merely for life, with express prohibition of any diminution of the rental, the latter was in perpetuity, and carried with it no restrictions of any kind. Under this system of tenure the practice grew up of granting tacks (leases) of former Church benefices for nineteen years, renewable for another nineteen years, and so on, indefinitely, without any fixed limit. Thus there grew up, underneath the titulars of the teinds, intermediate between them and the vast mass of the labouring population, a class of middlemen, considerable in size, known as the 'tacksmen of the teinds'. Sometimes these 'tacksmen' granted further leases to other men, who were known as 'sub-tacksmen' of the teinds.

Obviously, quite a number of different groups of persons had become financially interested in the teinds. Frequently their interests conflicted; and the conflict was so sharp that the annual levying of the teinds became in many parishes the occasion of an uproar. The contemporary records of the Privy Council and of the Court of Session contain many references
to disputes as to proprietorships of the teinds of particular parishes for the coming year. So bitter were these disputes that the proclamations of the period often refer to the annual 'leading of the teinds' as events which brought forth illegal convocations in arms and which resulted in bloodshed.

In view of the enormous difficulty and complexity of this thorny problem, it is not surprising that few Scottish statesmen of the later sixteenth century had both the ability and the courage to grapple with it effectively.

If any Scottish government might have been expected to make a serious attempt to settle this vexed question of adequate ministerial stipends, it was that administration which was headed by Maitland of Thirlestane, who was Chancellor between 1587 and 1595. For it was this government which passed the important Act of June 1592 ("Acts of Parliament", iii, 541) 'for abolishing of the Actis contrair the trew Religion', which has been well called 'the Magna Carta' of the Church of Scotland. By this measure the policy of the 'Black Acts' of 1584 was reversed, all previous legislation in favour of the Reformed Kirk was ratified, and the severest measures against Roman Catholicism confirmed. Says James Melvill concerning this Act of 1592: 'The Kirk is addettit to Mr. John Mettellan (Maitland), Chancellor, for the tyme, for the sam, wha inducit the King to pas it at that tyme, for what respect I leave it to God, wha workes for the confort of his Kirk be all kynd of instruments, to whom thairfor be all praise and thankes for ever!' ('Diary', p. 298). Spottiswoode, in his 'History of the Church of Scotland', volume ii, p. 421, explains that King James was at first unwilling to agree to this Act of 1592, 'for he foresaw the inconvenient that would grow by the liberty that ministers should assume to themselves'. 'Yet', he goes on, 'Bothwell's way, business and the many discontentments within the realm moved him to give wa lest he should be troubled likewise with their outcries'. The truth would seem to be that James was encountering trouble and unpopularity because of
his alleged lenity to the traitorous Earl of Bothwell, and by reason of his supposed complicity in the murder of the Earl of Moray by the Earl of Huntly; and he was advised by Maitland that he could win much-needed support from the Kirk by enacting the legislation of 1592, which he agreed to do.

The Kirkmen did all they could to exploit their opportunity by inducing King James and the Thirlestane administration to devise some practical plan for the earnestly-coveted 'constant platt'. When the General Assembly met in August 1590 - Spottiswoode says that this meeting was in June, but this is presumably a misprint - the King honoured the gathering with his presence. The Kirkmen took occasion to present certain petitions to his Majesty, one of which was to this effect: 'That all kirks within this countrie be sufficiently plantit with ministers, teachers, and uthers necesare office-bearers, and sufficient stipends appoyntit to them for serving of their cures, of the best and readiest of the teynds and uthers rents mortified to the use of the Kirk, and the haill rest to be employit upon Colledges, bringing up of the youth, sustentatione of the poore, the faabrick of the Kirk, and uther common affaires thereof' ('Book of the Universal Kirk', p. 346). No mention is made of any royal response to this petition in the 'Book of the Universal Kirk'. But, according to Spottiswoode ('History of the Church of Scotland', volume ii, p. 409), 'because many were interested therein, he (the King) did advise them to make choice of the most discreet of their number, to meet with such of the council as he should appoint, for conferring upon the readiest means to effectuate that which they desired'. Whether anything came of this is uncertain: at any rate, nothing is said by Spottiswoode of any sequel.

At this same General Assembly, however, the following resolution was passed: 'Forsuameikle as it is considerit that the patrimonie of the Kirk has been wastit be such as are clad with benefices, whilk is the occasion of laike of provisione to the ministrie: Therefore, all presbyteries are
commandit to try the beneficit men within their bounds, and to examine in
what estate and conditione they receavit their benefice, and in what
condition they are in presently; - as also what they now were that sett
tacks and titles of their benefice, or any part thereof, without consent
of the Generall Assemblie; and to report to their Synodall assemblies, what
they have found, and alse the said Synodall to try where any thing is
neglectit be them, and report to the Generall Assemblie'. ('Book of the
Universal Kirk', p.350). The presumption is this, that, should any opport­
unity occur for discussing this question officially with any accredited
government representatives, the Kirkmen wanted to be in a position to have
the facts regarding diminution of livings by leases, etc., set down in
black and white.

The Kirk leaders did not by any means abandon their attempts to obtain
an honorable settlement of this vexed question. For they returned to the
attack in the General Assembly of July 1591, presenting a series of 'humble
petitions', which they 'cravit of his Majestie and Councill'. One of these
petitions was to this effect, 'that the ministrie plantit be sufficiently
provydit, and also that ministers may be provydit of sufficient living to
the kirka implantit'. ('Book of the Universal Kirk', pp356-7). Apparently
nothing concrete came of this; but the undiscouraged Kirkmen refused to be
daunted. James Melvill, in his 'Diary', pp299ff, states that in November 1592
a Convention of ministers of the Kirk met at Edinburgh 'to foresie and
prevent the dangers imminent to the religion and professours thereof'.
'his Convention drew up a series of Articles, to be presented by a Committee
of the ministers to 'his Majestie and Councill', one of which ran thus:
'That a Commission be gifien to the persones underwryttin, viz..., to sett
down a constant form of provision of Ministers' Stipends at everie
Congregation within this countrey; and that to be ratefied in Secret Councill
session, and Chacker (Exchequer), to haiff the strainthe of a law qhill
Parliament, and then to be ratefied be the haill Esteatts'. (p.305). Whether
in response to this petition or not, an Act of Parliament was passed in 1592, ('Acts of Parliament', iii, 553) appointing a Commission 'to consider how provision may best be made for a resident minister at each parish kirk, and to summon the tacksmen of teinds and temporalities of benefices to agree upon reasonable stipends'. This act nominated certain important public officials, such as the Lord Privy Seal and the Justice Clerk, and some of the more prominent ministers of the Kirk, like Robert Bruce and David Lindsay, as members of this Commission, with the following terms of references: 'How in quhat maner their may be a minister prouydit at ilk paroch kirk within this realm, quhat locall stipend is nccessar for the minister serving the cure at ilk paroche kirk, and be quhat meanis the same may be best convenientlie haid and prouydit to thame that be not abstractit fra thair cure in tyme cuming be suiting of thair stipend utherways'. But it is doubtful if this Commission ever did much; at any rate nothing is recorded concerning its work.

The suspicion that this Parliamentary Commission did not do much is confirmed by the fact that the General Assembly, at its meeting in June 1595, appointed a group of 'irkmen to set out a 'constant platt' of their own. 'Forsameikle as a great occasion of the non planting of the Kirk stands in laick of provisione of the ministrie, and that their stipends from year to year, being changeable, they are drawn from their Kirks, to the neglecting of their flocks, and to the dischargeing of their callings: with common advyce it is heirefore concludit and resolvit, that ane constant platt shall be set downe be the brethren following, appoyntit out of euery province, quha sail sit and conveine the first day of September next, within Edinburgh; and, before their conventione and sitting, every Presbytrie sail, setwixt and the 15th of August next to come, delveryer to the saids brethren appoyntit of their provinces, ane resolute informatione, written in forme of a booke in mundo, of the estate of their kirks, in the heads following: viz, of the names of the benefices within their bounds, quwether the samen be
seuerall benefices, or annexit—who is patron thereof—who is possessor—be what right the same is brookit—the ald rent—the present rent, and the just availl thereof, and what kirks may be unite or divided; whilk informations being receavit and collectit, together with the saids Commissioners convening as said is, shall appoynt every Presbytrie severall dayes, to direct a speciall brother. to be with them, with constant platts of the kirks within their Presbyteries; and the said brethren, swa, directly with the Commissioners foresaid, to conclude and put in forme ane constant platt of their Presbytrie, and so forth to proceed, whill the warke be whollie made up and compleit; and after compleiting thereof, the saids Commissioners shall make warning to every Presbytrie to direct a brother from them to consider the whole warke; and the samen being allowed be the saids Commissioners and brethren from every Presbytrie, whilk are considerit to be fifty in number, the ratification thereof to be sought of his Majestie and Bunsell... ('Book of the Universal Kirk', pp416-7). Nothing is recorded in the 'Book of the Universal Kirk' of the proceedings of these Commissioners and Presbyterial delegates; but it is at least doubtful whether they were able to complete the large and responsible task assigned to them.
The Mennuire Proposal.

Wattland of Thirlestane was dismissed from office in August 1595, and died within two months of his fall, in October. King James, now a grown man of twenty-eight years, felt that he was at long last free to govern the country according to his own ideas. He declared that he was resolved no more to use great men as Chancellors in his affairs: in future he would employ only such men as he could correct and as were hangable. In accordance with this resolve, he removed all officers of State connected with the Treasury and the Exchequer, and appointed in their places eight commissioners of the Exchequer, popularly known, from their number, as the 'Octavians'. To these men James entrusted absolute power of collecting and administering the royal revenue; and with their counsel he governed the realm. They were Alexander Lord Urquhart, President of the College; Walter, commendator of Blantyre; Lord Privy Seal; Mr. David Carnegie of Colluthie; Mr. John Lindsay, parson of Mennure; Mr. James Elphingston of Innerachty; Mr. Thomas Hamilton of Dummany; Mr. John Skene, Clerk of Register; and Mr. Peter Young of Seaton, the King's eleemosynar. Professor Hume Brown says that all these 'Octavians' were men of note in their time, three of them - Urquhart, Hamilton, and Skene - ranking among the most distinguished of their countrymen. But James Kelvill does not appear to have had much regard for them: he says of them, 'Diary', p. 330, that 'the ane halff war suspected Papists, and the rest little better'.

The King, having taken the reins of government into his own hands, was anxious to be on as good terms as possible with the Kirk, presumably because he did not wish to encounter any more than the minimum of opposition to his schemes for the reorganisation of the polity of the Scottish Church. At the General Assembly which met in March 1596 he instructed his Commissioners to assure the Kirkmen that, so far from his being opposed to increasing ministerial stipends and to the planting of Kirks, he was most anxious to effect those very ends; and that he would order persons deputed by him to meet with representatives of the Assembly, in order to devise a practicable
The famous "Menmure Proposal" was made, taking its name from Mr. John Lindsay of Balcarres, Secretary of State in the Octavian cabinet, and popularly known as 'the parson of Menmure', since he was the titular of that Forfarshire parish. He is described by Spottiswoode in these terms: 'a man honourably descended, of exquisite learning and a sound judgment, held worthy by all men of the place he had in the Senate, both for his wisdom and integrity' ('History of the Church of Scotland', volume iii, p. 77). While even James Melvill admits that Lindsay was 'a man of the greatest learning and solid natural wit' ('Diary', p. 33). The 'Menmure Proposal' is thus summarised by Dr. George Cook in his 'History of the Church of Scotland from the Reformation to the Revolution', volume ii, pp. 57-8. He proposed, as the only method of providing comfortably for the clergy, that all tithes should be declared to be the patrimony of the church, that the lords of the Exchequer, with such ministers as should be appointed by the Assembly, being equal in number to the lords, should modify and assign, from certain bounds in every parish, a quantity of victual, and other duties of vicarage, with a manse and glebe, as a local stipend to each church, in whatever manner the teinds might have been previously granted or enjoyed; that the commissioners should have power to unite or disjoin parishes, with consent of the parishioners; and that the assignations made by them should be valid, giving full power to the ministers, in a summary way, to collect what belonged to their benefices. He then laid down a method for the valuation of tithes, so as to prevent all further dilapidation; and he recommended that, this having been accurately done, an estimate should be made of the amount of the whole tithes; and that what remained, after paying the stipends, should be employed for upholding schools, for sustaining the poor, and for other godly uses; the title, however, to the whole being vested in the ministers, who were to account for the surplus to persons nominated for receiving it.

This scheme, by distributing all the teinds, for the temporal estates of the church had been previously and for ever wrested from it, left nothing...
for the support of prelates -thus following out the act of parliament abolishing that order, and effectually preventing its restoration in the form in which it had once existed. But as one of the estates of parliament was thus destroyed, and as a spiritual estate was judged requisite for preserving the entire fabric of the political constitution, Lindsay concluded by a proposition, that in time coming, every presbytery should send, from its own members, a commissioner to parliament -that from the commissioners so returned the two other orders should choose as many as, joined with the surviving possessors of prelacies, should compose a number equal to that of any of the other estates; and that, after the decease of the titular bishops, the whole of the representatives of the church should be taken from the commissioners elected by presbyteries, the persons chosen having the same rights and privileges in parliament as had been possessed by the prelates.

Such, in substance, was the famous 'Menmure Proposal'. Calderwood says of it that it 'was thought the best and most exact that ever was devised or set down'. Certainly it had great and obvious merits. For one thing, its ideas were entirely in harmony with previous legislation, notably the Acts of Parliament of 1567 and 1587. Again, it sought to make sure, as well as any such proposal could do, that the tithes would be rendered so free from all other burdens and financial claims, that they would be completely available for the provision of stipends for the ministers of the Kirk. Once more, it aimed to provide a perpetual local stipend in every parish, i.e. a fixed and regular income to be attached to each living in the Kirk. This was something which the Kirkmen had most earnestly desired, and for which they had been clamouring, ever since the Reformation, or at any rate, since the financial settlement of 1561-2. Finally, by making this fixed and regular stipend a local burden, this plan of Menmure contrived to make it as certain as possible that the stipend would actually be paid to the local minister in each parish.
why the said Menmure's plan, having such merits, not win more serious and favourable consideration than it did? Dr. Cook says that 'it would, in all probability, have been carried into effect, had not the events which soon took place made a material change in the civil and ecclesiastical state of the kingdom'. (Ibidem, p. 59). Presumably Cook is referring to the trouble which broke out between the King and the Kirk in 1596, because of James's suspected leanings towards Roman Catholicism. In November David Black, minister at St. Andrew's, was summoned before the Privy Council for preaching against a sermon which the King regarded as seditious; and, despite his protest against the competence of the Council to sit in judgment upon him, he was banished to the North of Scotland. In December a tumult broke out in the streets of Edinburgh. On the alleged ground that the ministers and citizens of the capital were responsible for this riot, James left for Linlithgow, where he persuaded the Council to ratify all the Acts establishing the King's spiritual and temporal supremacy, and declared that all who refused to acknowledge that supremacy would be deprived of their benefices and would receive no benefice, pension, or stipend in future. Such a state of conflict between King and Kirk would certainly militate against any serious attempt by the King to provide adequate stipends for the Kirkmen; but that it was the main reason why Menmure's plan was not taken seriously, can hardly be maintained.

Caldervood

Much more to the point is the comment of Calderwood in his 'History of the Kirk', volume v, p. 433). This is what he says: 'Some little things amended, (it) would have been gladlie receaved by the brethrein of best judgment, if, in the moneth of August after following, there had not beeene an act of the estats devised, tuiching the renewing of the tacks of tithes to the present tacksmen, for their granting to the present platt, which in effect made the tithes in all tyme comming heretable to them, their locall stipend, and a portioun to the king sett aside in everie parish; to the which nather the kirk, nor gentlemen whose tithes were in other men's possession, could nor would condescend to. And so, the said Mr Johnes,
cheefe in this worke, gave it over, as a thing not like to be done in
his dayes. Melvill puts the matter in this way ('Liev', pp. 281-2):
'I hard Mr. Alexander Hay, Clerk register, a man of anie in Scotland maist
exercised in tha matters, and the said Mr. Jhone Lindsay... controvert
diverse tymes, bathe be worde and wrat, anent that Platt: The an, halding
that it was an imposisilitie, as things stud in Scotland, to devyse a
Constant Platt, or, giff it war devysit, to effectuat it; and deid (died)
in that opinion: The uther, to wit, Mr. Jhone, halding that baith was
possible...bot, as concerning the effectuating thairof, he died in the
sam fathe with the Clark Register!'. The fact is, that the vested
interests in the Privy Council and in Parliament effectively blocked the
application of this Menmure plan; and the King, though he could not have
done much to override and overrule such opposition, was not disposed to
give his serious attention to this problem of ministerial relief until
he had first settled the question of Church government to his satisfaction.
Thus this well-thought-out scheme of Menmure, which, if taken seriously,
might have gone far towards a just and definitive solution of this
question of clerical stipends, remained a dead letter, a mere paper
proposal which no attempt was made to put into practice.

But the question of adequate ministerial stipends continued to be
discussed by the Kirkmen. In May 1597 the assembly met at Dundee. At its
ninth session King James was present in person, and, as reported in the 'Book
of the Universal Kirk', pp. 460-1, 'declareit, that sieing... their (are) sundrie
matters of weight and importance, quhill did in speciall touch the hail estate and bodie of the Kirk, quhill could not commodiuslie be intreated in
this present Assembly—as, namely, touching both the planting of particular
congregationes and of the hail kirks within this realme...; and anent ane
solid order to be taken anent a constant and perpetuall provisione for the
sustentatione of the hail ministrie within this realme...'. 'And therefor',
so the account goes on, 'his Majestie desyrit the brethren to consider
quhither it were expedient that ane general commissione sould be grantit to certane of the most wyse and discreet of the brethren, to conveine with his Majestie for effectuatin of the premisses'. This royal request the assembly readily granted, and appointed fourteen of their most prominent members to constitute this Commission, with terms of reference which included not only the planting of churches and the constant platt but also the giving of advice to his majestie in all affaires concernyng the weill of the Kirk, and intertainment of peace and obedience to his Majestie within this realme' ('Book of the Universal Kirk', p.461). So far as the records go, this Commission, doubtless because the agenda was drawn up by the King, concerned itself much more with Church government, particularly the reintroduction of Episcopacy into the Kirk, than with the question of stipends. There is all too much truth in the observation of William Scot, that 'it was easy to the King's faction to induce a great number (to agree to) this Generall Commission; because before, they wer forced to attend long upon such as wer appointed to modifie stipends, but now they are put in hope of large and constant provisions. This policie hath served their turn ever since, to put them in hope of augmentation of stipends, when the King was to urge any point upon the Assembly.' ('Apological Narration', p.95).

The question of stipends was brought up again next year, however, at the meeting of the Assembly in March 1598. Once again a Commission of Kirkmen was selected to take the matter under consideration. "The whilk day, in presence of the haill Assemblie, The King's Majestie having declarit his advyce anent the necessitie of Commissioners, to be appointit be the General Assemblie, to awayte and concurr with his Majestie for bringing to ane finall end, the langsome warke of the constant platt for planting of ministers at the burghes within this realme, in caice any of their places shall happen to vaick before the next Generall Assemblie, for awayting upon the Parliament, if any shall be, and craving the redress of
such things wherewith the ministers finds themselves grievit, and finally, for redressing of such enormities, and awayting upon such good occasiones as may fall out before the next Generall Assemblie; desyring, therefore, that the brethren wald consider the necessitie foresaid, and according to their discretione, whither if it were expedient that ane Commission sould be grantit to certaine of the maist wyse and discreit of the brethren for the causes foresaid : the whilk his Majestie's advice the Assemblie thinks very necessar and expedient, and therefore hes given and grantit ... their full power and commission to nineteen ministers whose names are given, and his Majestie's and the Prince's ministers, or any nyne of them, to conveine with his Majestie, at such tyme and place as shall be found expedient; with power to them, or any nyne of them to concurr with his Majestie, anent the setting down and concluding of the solid ground and fundamentes of the constant platt, and what securitie shall be made to the tacksmen for the remanent of their teinds; whilk grounds being sett down be them, they shall make every Presbytrie within this realme privie to the same; and in caice the saids Presbytreis, be their Commissioners or be themselves, after visitatioun of the saids grounds and conclusiones, ratifie and approve the same, with power to the saids Commissioners, or any nyne of them, to conveine thereafter with his Majestie and the said Lords of his Privie Councill, having the power of th the Parliament to that effect, and there to put ane finall end and conclusion to the constant platt, and solide planting of every particular Kirke within this realme; with power, also, to the saids Commissioners, or any nyne of them, to awayt upon the Parliament, if any shall be before the nixt Assemblie, and give in the grieves of the samyn, desyrand them to be redrest, and to give their advice to his Majestie for avoyding or eschewing any danger or inconvenient whilk may be lyklie to fall out in prejudice of the Kirke...! (Book of the Universal Kirk 'pp472-3).
It was perhaps expected that this Commission would complete its report within a year. But in fact this report was not forthcoming until November 1602. It is set out in Calderwood's 'History', volume vi, pp547-8, and suggests various proposals for the solution, or at least the amelioration, of the problem. It runs as follows:

'Giff everie Minister be assignit out of the fruitis of the Kirk quhair he serves, by the benevolence of the takismen grantit to the augmentation of the said stipend, iff thair sallbe ane perpetuall securitie maid to the said takismen of thair teyndis of ane speciall gressowme (sum paid to a landlord by a tenant, at the entry of a lease, or by a new heir to a lease) to be condescendit upon for ilk chalder, for the space of nyne yeiris, and to be renewit yeirly thairafter for the lyk space and the lyke gressowme; upon this condition, that the said principall takismen sall grant and renew one lyk securitie to the sub-takismen for payment of thair part of the said gressowme pro rata, where ony sub-tacks are.

'Or giff the gryt benefices sallbe provydit to Ministeres upon this condition, that all the Kirkis of the Prelacies be planted with sufficient Ministeres, and be provydit with competent livingis, as the modificaris of the said Constant Plaite sall think expedient, and he to pay to the Kingis Majestie yeirly the tent part of the fruitis of the said benefice qhill sall rest, by and attour the sustentation of the said Ministeres; and that all the inferiour benefices sallbe provydit with Ministeres serving the cuir of the saidis Kirkis, alseewill personage as viccaradage.

'Or giff all the gryt benefices sallbe dissolvit, and the Prelat to haiff the principall Kirke of the Prelacie with the temporall landis thairof, and the rest of the Kirkis to be provydit with qualified Ministeres, and the said Prelat and Titularis of the said Kirkes to pay ane yeirlie duetie to his Majestie, as the benefice may beire, at the sight of the Commissioneres forsaisd.'
The particular plan which the General Assembly approved as being the most practical and acceptable was the second, namely, the proposal that the great benefices should be appropriated, under certain burdens, for the maintenance of the ministers of the reformed Kirk. But, partly owing to the thoroughgoing nature of these proposals—especially the one actually endorsed and recommended by the Kirk—and partly because of the accession of King James to the throne of England on the death of Queen Elizabeth in 1603, and his consequent departure to take up residence in London, nothing was done to implement this proposal for a 'constant platt'.

The truth would seem to be that during the decade between 1596 and 1606—years in which James VI, now ruling in his own right, sought to undermine and subvert the essential Presbyterianism of the Scottish Kirk—the monarch was not disposed to bestir himself in the direction of securing adequate stipends for the reformed ministers of Scotland. It may be that during those years he was not allowed by the kirkmen to forget the distinction which had been made in the Annexation Act of 1687, between those Church lands annexed to the Crown under the Act, and the Teinds, which had expressly been left unannexed because they were regarded as the peculiar patrimony of the Kirk. But this did not in the least prevent the King from erecting more and more of the unannexed Church lands into temporal lordships (cf. Spottiswoode, 'History of the Church of Scotland', volume ii, pp.376-7); and, of course, every such transaction carried off from the general patrimony of the Kirk an ever larger proportion of the Church property in such a way as to make it less recoverable than it would have been had the land remained under life-commendatorship. The continuance of this practice on the part of the King drew a sharp protest from the General Assembly of 1602. ('Book of the Universal Kirk', p.524; Calderwood, 'History of the Kirk', volume vi, p.130).

James was compelled to promise the irate kirkmen that in future such
erections of Church lands into temporal lordships would cease. But it is
to be feared that this, like so many others of James's promises, was not
very strictly observed.

As an illustration of how the Kirk of Scotland felt about the payment
of stipends during this decade 1596-1606, Principal William Lee, in his
'Lectures on the History of the Church of Scotland', volume ii, Appendix 7,
quotes from Robert Pont's 'Three Sermons against Sacrilege', which were
published in 1599 at the express request of the Kirk. Pont was one of
the most distinguished Kirkmen of his day; and he knew whereof he spoke, for
after having been earnestly entreated to accept the pastoral charge of St.
Andrew's, he was compelled to resign, because he was not provided with a
stipend. In the first of these sermons Pont says that 'for all the crying
out and preaching of the faithful messengers of God, with threatenings used
against such persons, yet they cease not, but add daily more and more, as well:
they of the nobility as others following their example, to rob, spoil, buy,
conquest, and occupy the Kirk-rents... Many stop and hinder the propagation
of the gospel of Christ; in so far that they hold him as man of no account,
having any power in these corrupted days, who hath not polluted his hands
with some spoil of the Kirk goods.

'At the first reformation, sundry men of name and reputation joined
with the congregation of the Reformers, not so much for zeal of religion, as
to reap some earthly commodity, and to be enriched by spoil of the Kirks
and Abbey places. But all this was of small account in respect of that
which after hath followed, and daily falleth out in this unruly commonwealth.
For from the year of our Lord 1560 unto this present time, the greatest
study of all men of power of this land hath been, by all kind of invention,
to spoil the Kirk of Christ of her patrimonie, by chopping and changing,
setting diminishing of rentals, converting of victual in small sums of money, setting
of feus within the avail, long tacks upon tacks, with two or three life-rents,
with many twenty years in one tack, annexations, erections of kirk rents in temporal livings, and heritage pensions, simple donations, erecting of new patronages, union of teinds, making of new abates, commendators, priors, with other papistical titles, which ought to have no place in a reformed kirk and country, with an infinitie of corrupt and fraudulent ways, to the detriment and hurt of the kirk, the schools, and the poor, without any stay or gaine-calling, till all the revenues of the Kirk are so wracked that the posterity may look for a decay of religion, which cannot stand unless it be holden up by preaching, and preaching cannot be had without provision, unless merciful God, by some means, put to his hand and remeid these evils. For this deceitful idol of avarice in spoiling the Kirk goods, hath so seized men's hearts, that amongst us the means are already taken away, in many parts, whereby the ordinary ministry should be sustained. Yea, a great part of the realm lacks kirks and ministers.'

In the second sermon Pont deals with the suggestion of providing for the sustentation of the ministry otherwise than by the teinds, and expresses himself thus: 'I will not deny that the teinds might be possibly changed in other means, by sufficient provision for the kirk, if such godlie zeal were now among us, as of old time. But in so far as we see the plain contrarie, that men are now readier to take away than ever our predecessors were to give, it were a foolish thing to lose the certain for the uncertain, and that which is never likely to come to pass. And the wisdom of our fathers has done better in this behalf than anything that we can devise or perform.' Later on in the sermon, dealing with the contention that Scotland was a poor country, and therefore unable to spare much for the upkeep of the Kirk, Pont exclaims: 'Is it not a miserable thing, and unworthy to be heard tell of, in any foreign country, that the Levites of Israel, thirty-eight thousand above twenty years of age, with their wives and children, and the whole poor of the land, were so liberally provided for, and entertained
sufficiently; and now amongst us, albeit it were but six hundred ministers to serve the whole country of Scotland, sufficient living cannot be provided for them? Yea, of these that are planted, a great number were left little better than beggars, and some notable men left altogether destitute. O miserable age, and unhappy days that we be fallen into! Shall not the Papists, in their blind zeal, rise up in judgment against this unthankful generation, who sustained thousands in their kirks, in their abbeys, and cloisters, besides that which they dealt to the poor upon the kirk-rents; and now there be not so much left as to sustain a few ministers, colleges, and schools, albeit the poor should be utterly neglected'. Pont concludes with the statement that 'there be more sacrilegious in Scotland (considering the quantity and revenues thereof) than in any other country that hath embraced the true light of the Gospel of Jesus Christ'.
The year 1606 witnessed a change of policy on the part of King James, who was now, of course, monarch of both England and Scotland. For years James had believed in the doctrine of the Divine Right of Kings; and indeed he had expounded his views on this thorny question in two recently-published volumes, 'The True Lawe of Free Monarchies' (1598) and 'Basilicon Doron' (1599), in the latter of which, as Professor Hume Brown well says, 'we have the full-blown Stuart conception of the royal prerogative in Church and State' ('History of Scotland', volume ii, p. 229). On going to England in 1603 to assume the throne James had sought to apply his Erastian doctrines to the Anglican Church; and by 1606 his English experience, brief as it had been, had been sufficient to confirm him in his belief that the most desirable form of Church polity and organisation was neither Roman Catholic nor Presbyterian—he is reported to have remarked on one occasion that a Scottish presbytery agreed as well with monarchy as God with the Devil—but Anglican, or at any rate Episcopal; 'the bishops', he said, 'must rule the ministers, and the King rule both'. So in 1606 he began to put this policy into practice in the Kirk of Scotland. He had begun the re-establishment of an effective administrative episcopacy in Scotland by having an Act passed by Parliament in 1597 declaring that 'all ministers provided to prelacies should have a vote in Parliament'. Though David Fergusson compared this measure to the wooden horse by means of which Troy was taken, and John Davidson of Prestonpans made this comment, 'Busk (dress) busk, busk, him as bovnily as you can, and bring him in as fairly as you will, we see him well enough, we see the horns of his mitre', yet this Act was ratified by a docile General Assembly in 1600. In that same year James appointed three diocesan bishops, David Lindsay to the see of Ross, George Gladstanes to that of Caithness, and Peter Blackburn to that of Aberdeen; and these men received commission to vote in Parliament on behalf of the Church. After the union of the Crowns in 1603, further episcopal appointments were made in Scotland, to the number of eight in all. For
example, John Spottiswoode, minister at Calder and son of the quondam Superintendent of Lothian, was nominated to the archbishopric of Glasgow in 1603 on the death of Archbishop Beaton, the last survivor of the pre-Reformation Roman Catholic hierarchy; and Peter Hollock was appointed to the see of Dunkeld, probably in the same year. To be sure, these newly-created bishops differed in certain important respects from the prelates of the Anglican Church. They were not consecrated - at least until 1610 - but derived their title and authority solely from the King. There was no particular sacrament which they, and they alone, were authorised to dispense. And, of course, they did not enjoy anything like the wealth of the plutocratic pre-Reformation Roman Catholic bishops in Scotland. In order to ameliorate their financial situation, at least in some degree, King James persuaded the Scottish Parliament to pass an Act in 1606 entitled 'An Act anent the Restitution of the Estate of Bishops' (Acts of Parliament, iv, 281-284). The Annexation Act of 1587 had made no distinction, for purposes of disposition, between the lands of the secular clergy and those of the regulars. But this new Act of 1606 rescinded the 1587 measure in so far as the latter concerned the lands of the pre-Reformation bishops. The net effect of the 1606 measure was this, that while the King might continue his policy of erecting pre-Reformation Church lands into temporal lordships, he could now do so only with Abbey lands and other former monastic properties - i.e. in general, with the property of the regular clergy, but not with the lands of the pre-Reformation bishoprics.

With a large measure of underlying logic, that is, granting the validity of the premises, for the rest of the reign of King James VI, i.e. till 1625, the royal policy in respect of Church lands followed two parallel though quite distinct courses. On the one hand, James persisted in his previous policy of erecting the pre-Reformation lands into temporal lordships, and he even magnified the scale of such operations; but such transactions affected only the Abbey and other monastic lands, At the
same time, in order to bolster up his new episcopacy by financial and other undergirding, he induced a compliant Scottish Parliament to pass a succession of measures designed to strengthen the position and authority of the prelates by augmenting their stipends—for instance, the 'Act anent the election of Archbishops and Bishops' of 1617, the terms of which are set out in the 'Book of the Universal Kirk', pp.613-4. Indeed, not a few of these enactments consisted of actual transferences to bishops and archbishops of lands which had formerly been attached to abbeys and priories. Thus, for example, not only did the Act of 1606 necessarily give back the estates of the Archbishoprics of Glasgow and St. Andrew's by cancelling the previous erections of them into temporal lordships for the Duke of Lennox, and the estates of the Bishopric of Moray by cancelling a similar tenure of them by Lord Spynie; but, by subsequent donations at intervals between 1606 and 1617 the abbacy of Fearn was annexed to the Bishopric of Ross, the abbacy of Glenluce and the Priory of Whithorn to the Bishopric of Galloway, Ardchattan priory to the Bishopric of the Isles, and Crossrague abbey and the priory of Monymusk to the Bishopric of Dunblane. Throughout this period, too, the recently-appointed Scottish episcopate steadily became stronger through the King's fostering care in other ways. Thus, in 1609 an Act of Parliament restored to Archbishops and Bishops their former rights of jurisdiction by Commissary Courts in their dioceses. In February 1610 James imposed upon Scotland two Courts of High Commission (they were united in December 1615) for the trial and punishment of ecclesiastical offences. Each of these courts was to have an Arch bishop for its President and was to consist of clergy and laity. All the lieges were to be subject to the jurisdiction of these courts; offences 'in life or religion' were to be their special province; and fines and imprisonment were to be the means of enforcing their authority. (cf. David Calderwood, 'History of the Kirk', volume vii, pp.57-62). Thus the powers of James's new bishops were vastly increased. Later in the year 1610, by an arrangement which James made for
the consecration of three of them—Archbishop Potticoac of Glasgow, Bishop Lamb of Brechin, and Bishop Hamilton of Galloway—in London, by the bishops of London, Ely, Rochester, and Worcester, and the transmission of that consecration to their episcopal colleagues at home, the whole body of the Scottish prelates were suddenly elevated to full dignity in English High Church eyes by being recognised as bishops jure divino and by apostolic derivation. By an Act of Parliament of 1612 ('Acts of Parliament', iv, 469-470), their episcopal jurisdiction was still further enlarged: for example, they were designated as moderators in each diocesan synod, etc. By another Act of Parliament, of the year 1617, 'Anent the restitution of Chapters'—each cathedral was re-invested with its former equipment of Dean and Chapter. 'This Act', says ProfessorLesson with truth, 'shows that James was not content to have brought the Scottish episcopate to something like perfection, but desired to re-establish also the underprops and minor embellishments of the ecclesiastical hierarchy'.

How did the working parochial ministers fare under this new episcopacy during the years which followed 1606? The 1606 Act itself did not make for any improvement in their financial position. For very clearly, under the terms of this Act the restored Archbishops and Bishops were not pledged to any more strict or liberal expenditure out of their rents and tithes for the benefit of the parish ministers and the planting of additional parish kirks, than the lay lords of erection. Perhaps they might have been expected to have been less penurious and cheese-paring in this matter than grasping lay lords; but in fact and in law they were virtually exempt from any tax even on their Tithes for this purpose beyond what they might find reasonable and convenient. This Act, therefore, gave the parish ministers little ground for hope of any financial amelioration.

There was, however, another Act of Parliament passed in that same year 1606 ('Acts of Parliament', iv, 324-5). Proceeding on the
admission that Church lands had in fact been erected into temporal
lordships, this measure went on to say that it was entirely reasonable
that 'ane yearly duty' should be granted to the King out of the revenues
of each of these benefices, and also that the ministers of churches
belonging to these benefices should be provided with sufficient stipends.
To attempt to carry this resolution into effect, two sets of Commissioners
were appointed, one to assess the amount of the duty to be paid to the
King, the other to fix the stipends due to the ministers. Sir John Connell
says that these Commissions appear to have functioned; at least, there is
some evidence of the functioning of the Commission which decided upon the
stipends of ministers. Thus, a parliamentary grant having been made to
Lord Abercorn of the barony of that name, ('Acts of Parliament ', iv, 329)
there is subjoined to the grant a warrant by the Commissioners, stating
that it was provided that this Act of Parliament should remain 'unbooked or
extracted', until the minister should be provided 'with ane sufficient stipend',
and certifying that a stipend had been provided, consisting of
one chaldar of meal, eight bolls of bere (barley), and 250 marks in
money - which was not an unreasonable payment, as stipends then went. In
In like manner, the Act of Parliament ('Acts of Parliament ', iv, 328)
erecting the Abbey of Glenluce into a temporal lordship in favour of
Mr. Laurence Gordon has this clause: 'Providing alwayes, that the said
Mr. Laurence Gordoun, his aires-maile and assigneis, satisfie the present
minister of Glenluce and his successors ministeris thairof in all tyme
cuming of ane sufficient stipend, furth of the reddiest teyndis of the
said parsonage and vicarage of Glenluce, according and conforme to ane act
and ordinance maid in this present Parliament thairenant'. In other cases,
the stipends of ministers were fixed by Parliament and written into the
Acts of Erection, e.g. Scone, Holyroodhouse etc. (cf. 'Acts of Parliament',
iv, 332 etc.).

The fact would seem to be this, that these Commissioners
appointed to fix ministerial stipends under this Act of 1563 were able to function effectively only when new erections into temporal lordships were about to take place. Then and in that case they succeeded in making the grant of a reasonable ministerial stipend an essential precondition of the whole transaction of erection. Otherwise the transaction was not allowed to go through.

In the case of ministers in general, however, until 1617 their stipends continued to be modified out of the Thirds, in much the same way as had been the case since 1561-2, with such minor variations as have been noted, and with this difference, that now the Commissioners appointed to assess and allocate stipends were chiefly bishops. There was much dissatisfaction among the kirkmen, not only with the scanty funds available for allocation under this arrangement, but also with their unfair and inequitable distribution. (cf. David Calderwood's 'History', volume vi, pp. 686 and 705 etc; James Melvill's 'Diary', pp. 749-750). But such dissatisfaction, however plainly voiced, went unheeded by an autocratic and assentee monarch.
The Act of 1617.

During the years between 1606 and 1612 episcopacy was firmly riveted upon the necks of the Scottish kirkmen who, however much they might dislike this form of ecclesiastical polity, and whatever protests they might make against it, had just to accept it in practice—at any rate for the time being. But once King James had thus planted his favoured episcopacy within the Scottish kirk, he apparently was not unwilling to give serious attention to the long-drawn-out question of an adequate provision for the rank-and-file ministers of the Kirk. James was, it may be surmised, shrewd enough to realise that such a move would help to reconcile even rock-ribbed die-hard Presbyterians to his new episcopacy. How long the King took to evolve his final plans is not certain. But—very significantly—he promulgated his schemes in 1617, the year before the so-called 'Five Articles of Perth', on the occasion of his first return visit to Scotland since his departure for England in 1603. Presumably he was moved to publish and enact his plan for improving ministerial stipends at that particular time, because he was then seeking to impel a reluctant Scottish Presbyterian Kirk even further along the Anglican path by introducing certain church practices of a liturgical character—innovations which, as the 'Five Articles of Perth', were passed by a packed and tractable General Assembly in June 1618. It may well be supposed that James believed that a financial solatium would go far to melt the Presbyterian prejudices of reluctant Kirkmen in this matter. Indeed, David Calderwood says as much: 'The commissioners appointed by Parliament to sie the plantation of kirks, and modification of ministers' stipends, convened in Edinburgh the 1st of November, 1617, and held their meetings this winter. Time was protracted, and meanes were used to move ministers with hope of augmentation of their stipends, to condescend to the king's five articles'. ("History", volume vii, p. 286; cf. John Spottiswoode, "History", volume iii, p. 251.)
James himself presided over the Scottish Parliament which met in Edinburgh in June 1617; and that body, in the course of its deliberations, enacted no fewer than sixty-two measures, several of which had immediate and important reference to the Scottish Kirk as then constituted.

(I). An Act 'Anent the Election of Archbishops and Bishops' ('Acts of Parliament', iv, 529) decreed that the mode of election of prelates should be by congré d'elire from the King to the Deans and Chapters of Cathedrals.

(II). The Act 'Anent the restitution of Chapters' ('Acts of Parliament', iv, 529-530) has already been mentioned and discussed. (above, p. 114).

(III). An Act 'Anent the setting of Tacks by Prelates and other beneficed persons' prohibited, under penalty of deprivation and infamy, any Archbishop or Bishop from letting out any part of his patrimony on lease for longer than nineteen years, and any clergymen of inferior status from doing this for longer than his own life-time plus five years beyond.

(IV). This measure, however, acquires full significance only when read in connection with the Act which immediately precedes it in the Parliamentary Register, entitled An Act 'Anent the Plantation of Kirks' ('Acts of Parliament', iv, 531). This Act was, in effect, King James' proposed solution of the much debated and long-deferred problem of the 'Constant Platt'. Setting out in its preamble that 'there be divers kirks within this kingdom not planted with ministers, wherethrough ignorance and atheism abounds among the people; and that many of those that are planted have no sufficient provision nor maintenance appointed to them, whereby the ministers are kept in poverty and contempt, and cannot fruitfully travail in their charges', this Act went on to appoint an independent Parliamentary Commission. This Commission was to consist of the Archbishops of Glasgow and St. Andrews, and the Bishops of Dunkeld, Aberdeen, Moray, Ross, Dunblane, and Galloway, 'eight persons nominate for the clergy and prelates'; and in case of the decease of any of them, the Bishops of Brechin, Orkney, Angus, and Caithness were to act as
substitutes; eight members of the nobility; and a similar number of representatives of the counties and burghs. The parties named in this Commission were authorised to examine the state of the teinds in each parish, and, in all cases where those teinds were sufficient for the purpose, to assign to the incumbent as the minimum stipend five chalders of victual, or 500 marks, exclusive of manse and glebe; and as the maximum stipend, ten chalders of victual, or 1000 marks.

The fundamental importance of this Act of 1617 lies in this, that for the first time it was definitely laid down by statute that the provision of stipends for ministers of the Kirk was a legal burden on the teinds. To be sure it had already been recognised by Parliament—particularly in the Act of 1567— that the teinds were the peculiar property of the Kirk. But only now—half a century later—did Parliament give practical and legal effect to this doctrine.

The effects of this important measure may be considered under two heads (A.) Its effect on the teinds. At the time of the passing of this Act of 1617 the Scottish teinds were divided up among four classes of holders. Some belonged to the bishops; these continued to be drawn, after as before the passing of this Act of 1617, by the bishops, along with other episcopal revenues, subject always, of course, to any provisions made in favour of the ministers of their churches. Other teinds belonged to ministers: this Act of 1617 made no change here either. Still other teinds belonged to laymen, who had received them, partly by rights or, granted directly by Roman Catholic ecclesiastics, but chiefly by the erection of benefices into temporal lordships by the Crown. By this Act of 1617, all these lay lords of erection, as well as other laymen who had received grants of teinds, became liable to pay the stipends which, under the Act, were to be modified to the ministers of the Scottish Kirk. Finally, some teinds were still held by the Crown: in the case of such tithes, changes were made by this Act of 1617 similar to those made in respect of
teinds held by laymen.

(3). The effect on ministerial stipends. There were two matters of importance here. For one thing, the new rates of stipend proposed in the Act, even making all allowance for the depreciation in the value of money which had taken place during the half-century which followed the Reformation in Scotland, represented a marked advance on the beggarly pittance with which the Reformed Kirkmen had started out in 1561. Indeed, the proposed rates under this act of 1617 represented an advance even upon the highest levels of stipend received by the working ministers of Scotland at any time during the operation of the rickety system of Assignation of Thirds set up in 1561-2. But secondly, just as important was the fact that, under the provisions of this Act of 1617, stipends were to be paid entirely out of the teinds of their own parishes. The Commissioners who had been charged with the administration of the thirds of benefices under the settlement of 1561-2 had been tied by no such rules, and had acted not only sparingly in respect to the allowances which they had made to the Kirkmen, but also arbitrarily in respect of their distribution. To see the principle laid down in an Act of Parliament that stipends were now to be paid out of the teinds of their own parishes, must have been in itself a great relief to the ministers of the Kirk.

In view of these considerations, it is not surprising that this measure of James of 1617 has been greatly praised by many historical commentators. Thus, J.P. Lawson—who, to be sure, writes from the Episcopal point of view—in his 'Scottish Episcopal Church', volume 1, pp372-3, quotes Dr. George Cook's description of the measure ('History of the Church of Scotland from the Reformation to the Revolution', volume ii, p271, as 'a most wise and just law ... framed for the maintenance of the clergy, and for the plantation of churches, by which such salaries were allotted to the ministers as guarded them from the poverty to which they had long submitted.

Lawson likewise cites the comment of Bishop Gilbert Burnet, in his
'History of his own Times' (1883) volume i, p.4, to the effect that the rate of stipend granted to the ministers under this Act was one 'which, considering the plenty, and the way of living in that country (Scotland) was a very liberal provision'.

The Commissioners appointed to function under this Act were sworn in immediately after the measure had been placed on the statute-book. No original records of the work of these Commissioners are now in existence. But a number of decreets were registered under the authority of the Act of Parliament of 1707, caput 9; and from these documents, which have been preserved, it is possible to ascertain the nature of the proceedings of the Commission. Its first meeting was held on 20th August 1617. For about three months the Commissioners seem to have busied themselves with making preliminary arrangements. They divided Scotland into districts, each district including three or more dioceses; they appointed certain days for the discussion of the financial business connected with each of these districts; and they authorised summonses to be issued in the name of the King's Advocate and the Procurator of the Church, against patrons, ministers, heritors, etc. of each of the parishes within these districts, requiring them to attend Commission hearings and to give evidence. The state of the teinds, and the provision of the ministers, of the different parishes, were then reviewed in order, and stipends were assigned in terms of the Act. Provision for the minister was craved, sometimes by the bishop of the diocese, sometimes by the minister himself, and sometimes by a Committee of the Presbytery in which the parish was located.

It seems clear that the Commissioners appointed under the Act of 1617 effected a fairly general augmentation of ministerial stipends throughout Scotland. Dr. Hill Burton, in his 'History of Scotland', volume vi, p.319, says that 'as ecclesiastical lawyers and antiquaries find that the complaints of the Churchmen about their incomes were much modified after this Commission began its work, there
is the inference that it gave some satisfaction'. From a specimen list of thirty-five concrete examples printed by Sir John Connell in an Appendix to his 'Treatise on Tithes' (1830), and from the 'Reports on the State of Certain Parishes in Scotland, made to His Majesty's Commissioners for the Plantation of Kircs' (1627), edited by Alexander MacGowen for the Maitland Club in 1835, it is fair to say that while in most cases the Commissioners raised the stipends of poorer ministers up to the specified minimum of 500 marks, they kept as nearly as possible to about this level; though in some cases they fixed stipends at 600 marks or 620 marks, and in a very few exceptional instances at 650 marks or even slightly more. No case is quoted, either by Connell or the 'Reports', in which the Commissioners raised any stipend to 1000 marks, the maximum sum specified in the Act; but as the legal minimum of 500 marks plus manse and glebe was thought to be a fair provision for a Scottish parish minister in the early seventeenth century, the parochial incumbents appear on the whole to have been reasonably satisfied with the stipends assigned to them. At all events, it is not of niggardliness that David Calderwood complains. He finds fault with the Commissioners on other grounds. In his 'History of the Kirk', volume vii, pp 302-3, he says this: 'Neither the ministers, nor the noblemen and gentlemen which had the tithes, were well pleased. The provision made for ministers in many places was verie uncertaine. All parties having interest were not duellie callit. So it appeared, that for a long time, the ministers wold be putt to charges in pleading for their stipends (presumably because the Commissioners did not take enough care to make their modifications legally binding in all cases). They united sometymys two, sometymys thrie kircs in one, to the number of two hundreth or therby. The bishops, to currie the favour of noblemen or gentlemen, or for gaine, consented to these unions. Bannatyne, Bishop of Dunblane (who was one of the 'commissioners') gate from my Lord of Maderdie a thousand merks to unite kircs, and save him from great stipends. Dunkell (another member of the
p.123.
Commission) united two or three kirks together. "r. "illiam Coupe, 
Bishop of Galloway (still another Commissioner) condiscendit, for pleasour 
of his friends and allyes, to unite kirks which before had beene planted 
severallie, notwithstanding the ministers within his dioece dealt with him, 
not to suffer such incommodious unions to passe. He procured the union of 
the kirks of Dunrode, Satua, planted before by themselfs, in the persoun 
of Mr. James Donaldsone, with the kirk of Kirkcudbright, a burghe royall, 
and a parochie indifferentlie peopled. He united the kirks of Kirkmabrecke 
and Kirkdale, planted before with Mr. Jhone Calender, with the kirk of 
Anwerth, a kirk distant from the other two sixe miles or mountainous and 
hard way, the parochiners lying distant in some places ten myles from it, 
which kirk was planted before with Mr. Isaac Paterson. These unions he 
brought about to please the Laird of Zombie, and his brother Jorge, the 
bishop's son-in-law, for Zombie was tacksmen to the two kirks of Kirkcud-
bright and Anwerth. 

"from such a reporter as Calderwood, with his staunchly Presbyterian 
point of view, this unfavourable verdict on the working out of the scheme 
laid down in the Act of 1617 might perhaps have been expected. But a rather 
surprising appraisal of it is given by archbishop Spottiswoode himself, the 
titular head of the Commission, who might have been expected to take the 
most favourable possible view of its proceedings. Here is what he says in 
about the matter in his 'History of the Church ', volume iii,p252: 'lost 
of the next summer (i.e. 1618) was spent in that work, but with greater 
detriment than benefit to the Church; for what augmentation soever was 
granted, the same was recompensed to the givers by prorogation of their 
former leases for numbers of years, and thereby the Church more damnified 
than bettered '. This statement of Spottiswoode points to the liberal 
use which the Commissioners made of the special powers given them under the 
Act for conciliating recalcitrent tacksmen, and compensating them for any 
losses they might sustain under the new arrangements concerning ministerial
stipends by extending the duration of their leases proportionately. The manner in which the Commissioners proceeded to go about their business is well illustrated by three cases cited by Sir John Connell, namely (I) the parish of Glassery in Argyllshire (II) the parish of Auchterarder in Perthshire and (III) the parish of Stirsie in Aberdeenshire.

Dr. George Cook, in his 'History of the Church of Scotland from the Reformation to the Revolution', volume ii, pp271-2, quotes another instance of this prolongation of leases. 'A tack of part of the lands belonging to the New College of St. Andrew's had been granted for a very small sum, to endure for 203 years. The tack was dated 1612. In 1618, in consequence of the Act, this tack, in compensation for an augmentation then given, was prolonged for 250 years beyond the original 203, by which a very considerable proportion of the teinds destined for that seminary was wrested from it'.

Quite obviously, every such prolongation of leases granted by these Commissioners introduced a fresh complication into the already deeply entangled network of Scotland, and only helped to postpone the time—if, indeed, that time should ever arrive at all—when the whole of the teinds, should be set apart for the exclusive support of the Kirk. Hence, perhaps, the underlying reason for Spottiswoode's criticism.

The General Assembly met at Perth in August 1618, and sat for only three days. It was the last Assembly to be held during James's reign. Professor Hume Brown says that 'From the results which followed it may be regarded as one of the most important Assemblies of the Scottish Church. As in the case of the Glasgow Assembly of 1610, threats and bribes were freely employed to influence the votes of its members; and the great business in hand was carried through in flagrant disregard of the tradition—al
forms of the House'. ('History of Scotland', volume ii, p. 269). In such circumstances the so-called 'Five Articles of Perth' were passed in the Assembly by a sufficient majority. The enactment of these measures threw Scotland—and particularly the Kirk—into a fresh convulsion, which lasted for the rest of the lifetime of King James, and on into the reign of his son and successor Charles I. Alexander Henderson, minister at Leuchars in Fife, became the leader of the opposition party, which objected to the 'Five Articles' partly because they believed that such matters should be left to the free vote of an untrammelled Assembly, and partly because they regarded the Articles as the thin end of the wedge of Papacy. Popular resistance to these ritualistic practices—especially those which decreed that Communion should be received kneeling, and that five yearly holy days should be observed—was widespread and incessant; and it was carried on with characteristic Scottish obstinacy. It was in vain that the Scottish Parliament, meeting in Edinburgh from 25th July till 4th August 1621, passed an Act for the ratification of the 'Five Articles'; the opposition continued as fiercely as before. As Professor Hume Brown puts it: 'Not even the twofold sanction of Parliament and Assembly could reconcile the mass of the people to James's ecclesiastical novelties; and to the close of his reign all the efforts of himself and his advisers were ineffectual to make them kneel at Communion or pay deference to the great festivals of the Church'. ('History of Scotland', volume ii, p. 271).

After this Parliament of 1621—the last ever to be held in Scotland during James's reign—the King seems to have concluded that he had done his utmost for Scotland ecclesiastically. Except for spasmodic persecutions of conspicuous and obdurate nonconformists by James and his Court of High Commission—for example, the High Commission Court proceeded in 1620 against William Livingston, minister at Lanark—Church matters in Scotland were left to take their own course, apparently in the hope that time and certain soothing influences would mollify the dour and determined Kirkmen. Among
those soothing influences was the recent augmentation of ministerial stipends decreed under the Act of Parliament of 1617. This work, however, was not yet completed; so that same Parliament of 1621 passed an Act (caput 5) 'Anent the Plantation of Kirks as yet Unplanted', as a supplement to the measure of 1617. Under this supplementary Act of 1621, a new Commission, consisting of twenty-four members, six from each of the four estates, was appointed to continue and complete the labours of the previous Commission set up under the Act of 1617. These new Commissioners of 1621 were authorised 'out of the said teynds of everie parochine and Kirk not already planted, to appoint and assign at their discretions a perpetuall locall sti unprovided pend to the ministers present and to come, at all the saids kirks unprovi as said is; and that notwithstanding any title pretended by the saids taskmen or others, in whose favours teynds have been erected'. On the question of the amount of the stipends to be thus modified, this Act of 1621 differs considerably from its predecessor of 1617; for the Commissioners under this new measure were empowered 'to appoint such proportion and quantity as they shall find expedient, either amounting over the sum of 500 marks, or beneath and under the same, as they shall find may most conveniently and commodiously be had, after the consideration of the quantity and estates of the fruites of the Kirk, and the case wherein the same is, and as may be with the least prejudice spared out of the same'. In other words, the maximum and minimum stipends prescribed in the Act of 1617 were now done away with; but the members of this new Commission were to have no power to alter, or indeed to meddle with in any way, any Kirk whose stipend had already been fixed under the Act of 1617.

There is some doubt as to whether these Commissioners appointed under this Act of 1621 ever took any effective action. Certainly no authentic records of their transactions have survived; but Sir John Connell, in his 'Treatise on Tithes', says that he saw some registered decrees of Commissioners acting about this period. Assuming the dates attached to these decrees...
to be accurate, the conclusion would appear to be warranted that these Commissioners nominated under the Act of 1621 did in fact meet and discharge at least some part of their prescribed functions. How much they actually accomplished in this way is not certain. But in any event, it is clear that these new Commissioners of 1621 could at best act only on the lines laid down by their predecessors of 1617-8; so that the late Professor David Lasson is right in saying that 'the known results of the Commission of 1617-8 must still represent for us generally the state of the Scottish teinds at the close of James VI's reign'.
Conclusions.

Such was the state of ministerial stipends in the Scottish Kirk at the time of the final settlement of the question made by King Charles I after his accession, under the Evocation Edict of 1625 and the Decreets-Arbitral issued by the king in 1629 and ratified by Parliament in 1633. Several conclusions are suggested by this study of the stipends of the parish ministers of the Scottish Kirk between the Reformation of 1560 and the accession of King Charles in 1625.

Very clearly, at no time during those first two generations of Protestantism in Scotland were the bulk of the parish ministers adequately paid. The General Assembly of June 1567 complained that 'at every light occasione the ministrie (were) frustrate of all life and sustentatione' ('Book of the Universal Kirk', p.56); and this statement is substantially true of the whole period between the Reformation and 1617-8. Such inadequacy was due, not to any lack of complaint on the part of the ministers or their spokesman, nor to any lack of money to pay them, but rather to the insatiable cupidity of the ex-Roman Catholic clergy, and, even more, of the lay nobility of the country, who contrived, by fair means or foul, to acquire the greater part of the very considerable wealth of the pre-Reformation Scottish Church; and in this enterprise they were tolerated, if not actively encouraged, by the successive governments which were in power during those years.

It is this inadequacy of provision which undoubtedly accounts for the fact that several ministers—even including men of undoubted consecration and piety—felt obliged to abandon the ministry altogether during those lean years, presumably for some occupation which offered a more substantial and secure living. The case of John Sharp has already been cited above (p. 41). In December 1565 the General Assembly expressed itself plainly on this question as follows ('Book of the Universal Kirk', p.40): 'Seeing that our Master Christ
Christ Jesus pronounces that he is but ane mercenarie, who, seeing the wolf coming, fleeth for his own safeguard, and that the very danger of lyfe cannot be ane excuse for sic as shall fall back from Christ, we nowyes think it lawfull that sic as ane put their hands to the plough shall leave the heavenly vocation and return to the prophane world, for indigence or povertie'.

But this matter continued to engage the attention and concern of the Kirk. In March 1576 the General Assembly decreed that 'it is not lesum for ministers to leave their vocatione and use other offices and charge within the commone weill, without consent of the Kirk'. ('Book of the Universal Kirk', p.120). And in July of the same year the Assembly ruled that 'ministers, at their publick inauguration, shall protest solemnlie that they shall never leive their vocatione any tyme thereafter under the paine of infamie and perjurie'. ('Book of the universal Kirk', p.121).

In October 1580 the Assembly gave its answer to this question: 'Whither if ane minister .. leaves his vocatioun, and applys him to a civill office, may be admitted to be ane elder of the Kirk?'; and that answer was to this effect: 'this man is desertor gregis, and sould not be admitted to be ane elder, but rather aught to be callit for his desertione'. ('Book of the Universal Kirk', p.206). The Kirk took the strongest action in its power to prevent such defection from the ranks of the ministry; but, in view of the inadequacy of stipends, even such action proved unavailing.

It is this same factor of inadequate financial provision which, in the judgment of the present writer, helps to account for certain happenings in the Kirk during those years, which otherwise might be thought peculiar. For example, in October 1576 the General Assembly passed the following resolution: 'Ane minister or reader that tapis ale, peir, or wyne, and keep ane open taverne, sould be exortit be the Commissioners to keep decorum'. ('Book of the Universal Kirk', p.160). There has been some controversy as
to the exact meaning of this enactment of the Assembly. Thus, the late Dr. William Law Mathieson makes this rather cynical comment: 'The Assembly in 1576, when it was asked whether a minister or reader should keep 'an open tavern', replied merely that those who did so should observe decorum'. ('Politics and Religion in Scotland', volume i, p. 215). But, as Dr. Hay Fleming points out in his 'Reformation in Scotland', p. 524-5, since the 'First Book of Discipline' (Laing, 'Works of Knox', ii, p. 286) had declared it to be unseemly and intolerable that ministers of the Kirk should even be boarded in common ale-houses and taverns, it is highly probable that by this enactment of 1576 the Assembly meant that ministers and readers were to observe decorum by not keeping taverns at all. And Dr. Fleming clinches the matter by referring to How's version, which runs thus: 'No minister or reader ought to tap all, beer, or wine, or keep an open tavern. Indecorum est'. There can be no doubt that in this controversy Dr. Hay Fleming is right and Dr. Law Mathieson wrong. But the question arises: why should the Assembly have felt itself compelled thus to legislate against tavern-keeping on the part of ministers and readers?. The answer, in all probability, is simply this, that the practice existed at the time - just how widely, of course, is not certain. And if the further question be pressed, as to why ministers, in face of the explicit and unambiguous words of the First Book of Discipline, should have resorted to such a practice, the most reasonable answer would seem to be, that they did so mainly, if not solely, in order to eke out their all-too-inadequate stipends.

Again, in March 1596 the Assembly ordained 'that ministers given to unlawful and incompetent trades and occupations for filthy gaine-as halding hostlaries-taking of ockar(usury) beside conscience and good laves, and bearing worldly offices in noble and gentlemen's houses, merchandize, and such lyke-buying victuals and keeping to dearth, and all other worldly occupations as may distract them from their charge, and may be slander to
the pastor or calling;—be admonished and brought to the knowledge of their faults, and if they continue therein, to be deposed'. ('Book of the Universal Kirk', pp428-9). It is not necessary to suppose that the ministers of that day were unduly depraved or money-loving, in order to account for the state of affairs which this Assembly enactment was designed to correct. The more natural and reasonable explanation is simply this, that, in general, such ministers as engaged in these outside occupations did so in order to make a reasonable living for their families and themselves, since their stipends alone were not enough for them to live on.

In such ways as these, then, the inadequacy of the stipends had its repercussions on the life and work of the ministers.

(III). It seems to the present writer that the inadequacy of ministerial stipends has much to do with the fact that, particularly in the outlying parts of Scotland—the Highlands and Islands—the work of Protestant evangelisation was not done very thoroughly. To be sure, Miss Janet G. Macgregor is substantially right in saying that 'it will appear from a study of the enactments of the General Assembly, that the Scottish Church passed quickly from the stage of missionary endeavour to that of a national Church, carefully organised locally, and with a central authority exercising an effective control over local activities'. ('Scottish Presbyterian Polity', p.73). The late Dr. Donald Maclean, in his well-documented study entitled 'The Counter-Reformation in Scotland', has conclusively exploded the hoary myth of a stretch of land in Scotland—between Braemar and Ardnamurchan and Benbecula and Barra—which remained unaffected by the Protestant Reformation (pp159); and he has shown that the whole structure of the Roman Catholic Church as it existed in 1560 'fell to pieces before the impact of the Reformation; and as an organised form of Christianity it ceased to exist even in the remotest parts of Scotland'. (P.II).

In his book Dr. Maclean has given a detailed account of the persistent
efforts of the Roman Catholic Church—which began very soon after the establishment of Protestantism in 1560—to win back Scotland to the fold. That movement was most successful during the seventeenth and eighteenth centuries in the Highlands and Islands. The reasons for this were several. One was the fact that outlawed Roman Catholic priests found it easier to evade the long arm of the law and even to carry on their illegal propagandising activities in those remote and outlying corners of the country. Another was the fact that a determined effort was made by the Roman Catholic strategists, helped by Irish ecclesiastics, to concentrate on the Highlands and Islands as the most fruitful and promising part of Scotland for their propaganda. (Maclean, p.145).

But over and above these considerations, it seems clear to the present writer that the Highlands and Islands were better prospects for cultivation by the agents of the Counter-Reformation, by reason of the fact that in these districts the work of the Protestant Reformation was less deeply rooted than elsewhere in Scotland, because these districts were, and had always been ever since the beginning of the Reformation movement, less well supplied with the ordinances of the Protestant Gospel. For example, Dr. Maclean records, ('Counter-Reformation in Scotland', p.156), that in 1560 the Bishop of Argyle supplicated the Privy Council for warrant to grant vacant stipends to some qualified persons to minister within the parish of Ardnamurchan, submitting as one reason for the difficulty of planting ministers there the remoteness and inaccessibility of the area. He also states (p.196) that for thirty-four years after the Revolution there was no minister of the Kirk throughout the extensive area from Aberfeldy to Inverary.

Now a similar situation would appear to have existed right from the beginning of the Reformation movement in Scotland. Dr. George Cook puts the matter thus: 'For want of the means of support, many parts of the kingdom were destitute of religious instructors'. ('History of the Church of Scotland from Reformation to Revolution', volume II, p.56)
The Reformed Kirk, having but slender resources in men and money, quite naturally and properly tended to concentrate these on the more thickly populated areas; and thus inevitably the remoter districts were less adequately supplied with ministers. Thus Grub, speaking about the state of the Kirk in 1578, says that 'the parishes were about a thousand in number, and it was long after the Reformation before each was supplied with a minister of its own.' (Ecclesiastical History of Scotland, volume ii, pp. 203-204)

In March 1596 it was stated in the General Assembly that there were 'above four hundred parish churches destitute of the ministrie of the word, by and attour the kirks of Argyle and the Isles.' ('Book of the Universal Kirk', p. 437). David Laing, commenting upon the state of affairs in the Alford area of Aberdeenshire about the end of the sixteenth century, when John Forbes was settled as minister, says this: 'Into that remote part of the country the light of the Reformation had but very partially penetrated, and the people were generally sunk in the ignorance, superstition, idolatry, and moral degradation of Popery. It was but thinly planted with Presbyterian ministers, and they met with much opposition and discouragement, particularly from the Earl of Auncly, whose whole influence was thrown on the side of the Popish interest.' (Scot's 'Narration!; Forbes's 'Records', p. xxxv).

As a matter of fact, even in well-established and populous parishes the inadequacy of financial resources sometimes impeded the work of the Reformed Kirk. For example, the 'Register of the Kirk-Session of St. Andrew's' contains interesting and revealing information bearing upon the fortunes of the parish between the Reformation and the end of the sixteenth century. The Church of St. Andrew's, 'ane ancient and famous congregation' ('Kirk-Session Register', p. 909), was considered important enough to have a minister assigned to it at the Reformation: his name was Christopher Goodman. But the parish was unworkably large for one minister effectively to serve the spiritual needs of all its people. The population of the
city alone at the reformation has been estimated at between 12000 and 15000. Such figures are probably far too high. But even so, the population was so large that more than one minister refused to take the whole charge upon him, since, as Robert Wilkie, who was minister between 1586 and 1590, put it, 'for boundis and pepill it mycht weill be four parochinis'. ("Kirk-Session Register", p.655m). Eventually, of course, other parishes were carved out of St. Andrew's—e.g. Ceres, Cameron, Dumino, and Kemback; but the fact remains that during that vital first generation after the reformation of 1560, the parish was so large as to preclude intensive personal evangelisation.

Moreover, vacancies in the pastorate of St. Andrew's sadly disarranged and disorganised the work of the charge, and militated further against a continuously effective ministry. For instance, between the death of Robert Hamilton in April 1581 and the entry of John Rutherford in July 1584, the congregation had no regular minister. In 1582 Robert Pont was called to the charge. He is sometimes supposed to have served for one year; but from various entries in the "Kirk-Session Register" (cf. p.481) it may be doubted whether he ever actually served in St. Andrew's at all. Apparently he discovered something of the difficulty of collecting an adequate stipend, and decided to withdraw before entering upon the duties of the pastorate at all. During this prolonged vacancy of three years, according to James Melville's 'Diary', p.126, the earl of March the Commendator conspired with the rulers of the town in keeping the parish vacant, spending the stipend in golf, archery, and good cheer. Meanwhile, the charge was served pastorally by two successive Readers, and in the pulpit by Archbishop Patrick Adamson and the two Melvills, James and Andrew. As the result of pressure from the local Presbytery, in 1584 John Rutherford was called to the vacant charge; but he died of plague in October 1585. The vacancy created by his untimely death lasted till June 1586, when Robert Wilkie became minister, realising that the work was more than one man could competently handle. Wilkie on several occasions made application for a colleague. ("Kirk-Session Register", pp.338 and 352).
lot till January 1590 was John Authinleck chosen as associate to Wilkie, on the understanding that the town would provide him with a stipend till he could be assured of a portion of the thirds then allocated to the ministry of the Kirk. But it would seem that Authinleck's stipend was woefully inadequate: for within two years he had left his charge for lack of a little maintenance. In September 1590 Wilkie, on being appointed to the Principalship of St. Leonard's College, resigned the pastoral charge of St. Andrew's. Next November David Black was chosen as his successor. Black, after struggling for a year, and finding that no successor to Authinleck was likely to be appointed, withdrew. He did not return till the General Assembly in April 1593 nominated Robert Wallace as his colleague.

Such were some of the vicissitudes through which the parish of St. Andrew's passed during the first generation after the establishment of Protestantism in Scotland in 1560. In circumstances like these, there can be little doubt that, while of course the whole of Scotland was finally won over from the Roman allegiance, in the more outlying parts of the country —mainly because of the inadequacy of financial resources in the Reformed Kirk—Protestantism could not strike its roots very deeply. Thus those districts would be the most fruitful fields for cultivation by the agents of the Counter-Reformation.

To say this, of course, is in no way to depreciate, or even to minimise, the great work of Protestant evangelisation which was accomplished by the Kirk during the early years of the Reformation movement in Scotland. Grub, speaking about the state of the Kirk in 1587, pays this well-deserved tribute: 'Most of the readers, and a considerable proportion of the ministers, had probably little learning, but they were conscious how much the success of the Reformation had been owing to the ignorance of the Roman clergy, and they zealously endeavoured to promote as high a standard of attainments as the circumstances of the country and their slender endowments would allow.' (Eclesiastical History of Scotland), vol. ii. p. 201.

p. 135.
Despite poverty, indifference, and downright opposition, the kirk did a work of evangelisation and conversion which was so real and deep as to make Thomas Carlyle describe the Scottish Reformation as 'a resurrection as from death'.

(III). The inadequacy of ministerial stipends during the first two generations after the reformation has a distinct and direct bearing on another matter, namely, the question of why Scotland should have, so fully and finally, embraced Presbyterianism as its chosen form of Church government. It has sometimes been supposed, or at least implied, that Scotsmen were born Presbyterians, that their national genius could have found satisfactory expression under no other kind of ecclesiastical polity; and that, in particular, they could never have been happy under a system of Church government by bishops.

In the judgment of the present writer this explanation is quite unsound. The real and basic reason for Scotland's final acceptance of rock-ribbed Presbyterianism and rejection of episcopacy is to be found, not in any theoretical objection to the episcopal office as such, but rather in the experience of episcopacy which the kirk suffered during the period which followed the reformation. Let us examine this contention in some detail.

Since the main architect of the Scottish reformation was John Knox his attitude toward episcopacy ought to be as clearly understood as the documents permit. As is well known, Knox ministered in England between February 1549 and January 1554. During this sojourn in England he was offered several appointments in the Anglican Church of Edward VI. One of these offices so tendered Knox was the Bishopric of Rochester. This see he refused—a circumstance which Walter Marshall Horton, an American theologian of the present day, describes as 'A narrow escape for England!' ('Contemporary British Theology', p.13). The suggestion has been made that Knox's
refusal of this bishopric was due to his objection to episcopacy on principle, to a rooted disbelief in the episcopal office as such. Thus, for instance, Grub says that he (Knox) was offered the bishopric of Rochester, 'but declined to accept it, because he held the episcopal office to be destitute of divine authority' (\textit{\textit{Memoirs and Letters of John Knox}}, vol. ii, p. 43). But such was not the case at all. Dr. Hume Brown, in commenting on this incident ('\textit{\textit{John Knox}}, volume i, p. 93), quite rightly says that Knox's refusal 'was from no conviction of the sinfulness of episcopacy'; and he quotes the explicit testimony of Knox himself to corroborate his statement. 'What moved me to refuse and that with displeasure of all men (even of those that best loved me) those high promotions that were offered by him (King Edward VI) whom God hath taken from us for our offences? Assuredly, the foresight of trouble to come' (Laing's '\textit{\textit{John Knox}}', iii, 122). In other words, the reason for Knox's refusal of the see of Rochester did not lie in any ultra-Presbyterianism that would deny all divine authority to the episcopal office in the Church; it lay, rather, in Knox's conviction that the time was not ripe for him to accept any such appointment in the Church of England—a conviction that must have been strengthened in his mind by the premature death of Edward VI in 1553.

Dr. Hume Brown goes on to say that at a later period in his life Knox ascribed his refusal of the Rochester see to his disapproval of bishops. But this statement was made after he had passed under the influence of John Calvin, and had been forced to the conclusion that in Scotland as in Geneva the Presbyterian form of Church government was the best safeguard of evangelical religion. Historically, however, the reason for his unwillingness to become Bishop of Rochester was simply this, that the times were not such as to justify him in accepting this preferment.

There is no proof, indeed, that Knox at any time taught that the office of bishop was unscriptural. In a pamphlet, entitled \textit{\textit{An Exhortation to Reformation in England}}, published at Geneva in 1559—the year before the Scottish Reformation
Knox has the following passage, which virtually recognises the office of bishop: 'Let no man be charged, in preaching of Christ Jesus, above that which one man may do: I mean that your bishoprics be so devided, that of every one as they be nowe (for the most part) be made ten; and so in every citie and great towne there may be placed a godly learned man, with so many joined with him, for preaching and instruction, as shall be thought sufficient for the bondes committed to their charge' (Laing's 'Knox', v, 518).

Again, in August 1572 the General Assembly met at Perth, in order to consider the proposals of the Leith Convention for the establishment of a modified Episcopacy within the Scottish Kirk. To the assembled fathers and brethren Knox sent a letter, together with certain articles which dealt with those matters which the Assembly was to discuss. Knox had recently been in correspondence with his friend Theodore Beza, Calvin's successor in Geneva, and had received from Beza a letter roundly denouncing episcopacy as injurious to the freedom and safety of the Church of Christ. But, even with this respected and authoritative opinion before him, Knox in the letter and articles which he sent to the Perth Assembly raised no objection to the episcopal office as such. Its existence, in fact, he took for granted; and his sole concern was to ensure (a) that fitting incumbents should be appointed to the office, and (b) that the Kirk should have its rightful voice in their appointment (Laing's 'Knox', vi, 319-321).

Professor Hume Brown is therefore quite right when he says that 'even to the last Knox never taught that bishops are unscriptural' (John Knox, John Knox, volume i, p. 93 n.).

The general question of the sources of Scottish ecclesiastic government in the sixteenth century has been examined most authoritatively by Miss Janet G. Macgregor in her volume 'The Scottish Presbyterian Polity.' Miss Macgregor makes the point that the Scottish Reformers of 1550, like their co-religionists in Switzerland, proposed to fashion their Church...
constitution on the model of the New Testament; and in this protestation they were doubtless quite sincere. But even John Calvin, in dealing with the question of a suitable method of choosing ministers, noteworthily remarked in his 'Institution de la Religion Chrétienne', that 'il faut prendre conseil selon l'opportunité du temps, les moeurs du peuple, et autres circonstances'.

(quoted by Miss Macgregor in 'Scottish Presbyterian Polity', p.23). In fact, as Miss Macgregor has shown conclusively, the Scottish 'reformers in drawing up their system of Church government were influenced by several contemporary schemes, especially (a) the ecclesiastical organisation proposed by Francis Lambert for the Protestant Church of Hesse in 1526.

(b), the system of government which obtained in John a Lasco's Congregation of the Foreigners in London during the reign of Edward VI.

(c), the organisation of the Congregation of French refugees in Frankfurt under the leadership of Valérand Bullin.

(d), the polity of the Protestant Church in France.

Thus, for example, the Scottish Kirk was influenced mostly by the French Church in respect of the discipline exercised by the General Assembly over elders and deacons as well as superintendents and ministers. (Macgregor, p.40). Again, in regard to the business with which the Consistory or Session was competent to deal, the Scottish Kirk resembled most closely the French Church and John a Lasco's Congregation. (Macgregor, p.50).

On the question of the origin of the office of Superintendent, Miss Macgregor has this to say: 'From a comparative study of the Scottish office of superintendent of 1560, it would appear that, in its chief purpose, that of missionary preaching, it followed the example of the Edwardian Church of England and the Genevan Church, while in its administrative duties, the Swiss Churches in general, and possibly also the Reussian Church constitution of 1526, contributed suggestions to the Scottish reformers'. ('Scottish Presbyterian Polity', p.47).

This means that the Kirkmen of Scotland, in their search for that
form of Church polity which would suit them best, were perfectly willing to lay under contribution all those ecclesiastical constitutions with which they were familiar— including that of the Anglican Church of Edward VI, which was, of course, governed by bishops.

In the office of the Superintendent, the Scottish Kirk during the first twenty years of its post-reformation history had something which, except of course for the important matter of ordination, bore considerable resemblance to the episcopacy of pre-reformation times. Indeed, John Erskine of Dun, one of the earliest and most distinguished of Scottish superintendents, wrote in November 1571 that 'I understand a bishop or superintendent to be but one office'. (David Calderwood, 'History of the Kirk', volume II, p.160; and the word 'diocese' was used to describe the area over which the superintendent exercised supervision. (cf. 'St. Andrew's Kirk-Session register', p.74).

Besides, as has been pointed out above (pp.65-71), during the 1560's to some extent, and even more during the early 1570's, the reformed Kirkmen of Scotland sought to utilise the former bishops of the pre-reformation Church by inviting them to function within the framework of the reformed system, on the grounds (a) that they were still enjoying the bulk of the revenues of their benefices, and therefore owed something to the community; and (b) in view of the woefully inadequate resources of the Kirk in men and money, any service which these bishops could render to the new ecclesiastical order would be a distinct help. This would seem to prove, if any such proof were necessary, that the Scottish Kirkmen of the first generation after 1560 had no objection to bishops on principle. This is borne out by the fact that at the meeting of the General Assembly in August 1572, at which the Articles adopted by the Convention of Leith were considered, such names as ' Arch Bishop, Deane, Archæane, Chamber, Chapter... were thought scandalous and offensive to the eares of many of the brethren, appearand to sound to Papistrie' ('Book of the Universal Kirk', p.100); but no
exception whatever was taken to the name of bishop.

Quite clearly, the Scottish Kirk of the Reformation did not start out on its career with any doctrinaire objection to bishops on principle. Why, then, should the Kirk have developed such a deep-seated aversion to episcopacy and such a solid preference for presbyterianism? The answer is to be found in this fact, that whenever episcopacy was in force in the Church of Scotland, it was always associated with grave abuses which finally rendered it odious and even intolerable to the mass of pious Scots. For example, before the Reformation, as Dr. Hay Fleming has pointed out, it was possible to have bishops appointed who 'not only had no heart in their work, but were otherwise unfit; who were wicked or ignorant or under age, or not even in orders'. ('Reformation in Scotland', p. 106) After the Reformation, though the Roman Catholic Church was disestablished, the prelates were left in possession of two-thirds of their revenues; and though a few of them - e.g. the Bishop of Caithness and the Bishop of Galloway - were willing to serve in the Reformed Kirk, it appears that the majority discharged no ecclesiastical duty except that of drawing their revenues. It was hoped by the Kirkmen that the arrangements concluded in 1572 would make episcopacy an active and efficient part of the polity of the Kirk, at any rate temporarily. But in fact, as soon became apparent, the 'tulchan' bishops appointed under the scheme of 1572 were most incompetent in the performance of their episcopal functions; and, as Miss Macgregor well says, 'when it was found, in the course of the next couple of years, that the Crown and the nobility were so manipulating the hierarchy, by the device of tulchan bishops, that they were draining the bulk of the ecclesiastical revenues into their own pockets, the feeling in the General Assemblies ran very high against the titular bishops'. ('Scottish Presbyterian Polity', p. 100). The kind of thing which could and did happen - and that, too, after the General Assembly had explicitly condemned Episcopacy - is illustrated
in the notorious case of Robert Montgomery. In June 1581 Robert Boyd, the titular Archbishop of Glasgow, died. The Duke of Lennox, thinking this a fitting opportunity to obtain for himself the revenues of this important benefice, prevailed upon Robert Montgomery, minister at Stirling, and hitherto a vehement supporter of the anti-episcopal party in the kirk, to accept the see on condition of making over the revenues to him (Lennox), subject to the payment of 1000 pounds Scots as his (Montgomery's) yearly stipend. His nomination was reported to the General Assembly, which met in October. The Assembly refused to sanction the proposed arrangement, and ordered Montgomery to continue as minister at Stirling, on pain of excommunication. At the next meeting of the Assembly, in April 1582, Montgomery openly professed to acquiesce in the judgment which had been pronounced. Soon after this, however, presumably because of the repeated overtures of Lennox, he went back upon his acquiescence in the Assembly's judgment; and, furnished with an injunction from the king to the neighbouring gentlemen to assist in installing him, he sought to gain possession of the Glasgow see. Accordingly, sentence of excommunication was pronounced on him by the Presbytery of Edinburgh, which acted as the agent of the General Assembly in the matter; and an extraordinary meeting of the Assembly itself was convened at Edinburgh in June. But meantime Montgomery had been proclaimed Archbishop of Glasgow at the cross of Edinburgh, and his excommunication declared null and void. Eventually, in 1586, Montgomery once again—this time definitively—submitted to the jurisdiction of the Assembly, but not before his case had occasioned much friction between the kirk and the Scottish government.

The fact is, that during the 1560's and 1570's the bishops, despite well-meant attempts by the kirkmen to enlist their services and integrate them into the reformed kirk, refused to co-operate with any effectiveness; and, so far from helping the kirk to obtain possession of the ecclesiastical revenues to which it believed itself to be entitled, the bishops were
actively instrumental in alienating those revenues from the Kirk.

In the 1580's, and even more during the thirty years between 1596 and the death of James VI in 1625, Episcopacy in Scotland was associated with, and indeed was the tool of, Erastian dictation and even tyranny. The King, animated by ideas of 'divine right' and royal supremacy, sought to fasten on the Scottish Kirk a caste of bishops through whom he could effectively dictate Church policy and silence all opposition, whether from General Assemblies, from groups within the Kirk, or from particular individuals; and in large measure he succeeded in this aim. Charles I, the son and successor of James, by his high-handedness and arbitrary tyranny succeeded in uniting practically the whole nation against him. It is therefore no wonder that when the General Assembly was able to resume power, as it did in 1638, it not merely rejected Charles's innovations in church worship, but overthrew the whole episcopal system in the Scottish Kirk, which has—except for the brief period between the Restoration and the Revolution—remained inflexibly anti-episcopal in its polity. The point of importance, however, is this, that originally the Scottish reformers were not doctrinaire Presbyterians who believed in the sinfulness of bishops as such; they were alienated from episcopacy because, in their experience of it, it was always associated with some abuse or evil which they detested.
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