The Church of Scotland

Pre-1560   Scottish Reformation: Church of Scotland established on Presbyterian lines, with the congregation calling its ministers and electing elders

1560-1690   Conflict between the Kirk and the State over the issue of episcopacy (favoured by the Crown) and Presbyterianism, favoured by the Church

"The Church of Scotland's governing system is presbyterian, which means that no one person or group within the Church has more influence or say than any other. The Church does not have one person who acts as the head of faith, as that role is the Lord God's. Its supreme rule of faith and life is through the teachings of the Bible."

Source: **www.churchofscotland.org.uk/about-us/our-structure**

There were various schisms from the Kirk over the issue of patronage. Chart showing these available at
https://web.archive.org/web/20160826205942/http://website.lineone.net/~davghalgh/churchhistory.html

1712   **Patronage Act**

1733-40   **Associate Presbytery**/**Original Secession**

      1747   **Burghers** and **Anti-Burghers**

      1798   Burghers: **New Lichts** v **Auld Lichts**

      1806   Anti-Burghers: **New Lichts** v **Auld Lichts**

      1820   Both New Licht factions merge to form **United Associate Church**

1761   **Relief Church**

1847   United Associate Church & Relief Church merge to form the **United Presbyterian Church**

Also 1843:   The **Great Disruption**, led to the creation of the **Free Church of Scotland**

Records held at the National Records of Scotland (**www.nrscotland.gov.uk**) for many Presbyterian denominations:

Church of Scotland	1560	CH2
Associate Synod	1733	CH3

General Assoc. Synod (A/burgher)	1747	CH3
Associate Synod (Burgher)	1747	CH3
Relief Church	1761	CH3
United Association Secession	1820	CH3
Original Secession Synod	1827	CH3
Free Church of Scotland	1843	CH2/CH13
United Free Church	1929	CH13

Additional records held in local archives in Scotland (most have been digitised by the NRS), and in private hands for churches which did not rejoin the Church of Scotland.

Church of Scotland structure

Kirk session	Lowest ecclesiastical court at parish level
Presbytery district	Comprised of ministers and elders from several parishes in a local
Synod	Comprised of representatives from a group of presbyteries (abolished 1993)
General Assembly	Highest church court, which meets annually

Kirk session

From **Kirk** (Scots) meaning a church, and **sessio** (Latin) meaning 'to sit'. Comprised of the **minister**, acting as the **session moderator**, and the **ruling elders**. The **Clerk of Session** records minutes of meetings and all vital records registers.

Kirk session responsibilities

- Discipline
- Education
- Accounts – proclamation money, mortcloths, collections, etc
- Poor relief admin (pre-1845)
- Issue of testificates
- Church business – appointments of elders, representatives to Presbytery, heritors, etc

Discipline

First Book of Discipline (1560)

www.fpchurch.org.uk/about-us/important-documents/the-first-book-of-discipline-1560/

Second Book of Discipline (1578)

www.fpchurch.org.uk/about-us/important-documents/the-second-book-of-discipline-1578/

Various offences

- Drunkenness
- Blasphemy
- Slander (backbiting)
- Swearing
- Failure to observe the Sabbath
- Antenuptial fornication
- Adultery
- Illegitimacy / Paternity
- Irregular marriage

Judicial powers

The Kirk had no criminal jurisdiction – cases of suspected criminality were referred to the civil courts

Measures:

- Fines
- Rebukes
- Wearing of sackcloth
- Cutty stool / stool of repentance
- Removal of church privileges
- Excommunication

Excommunication

"After which sentence may no person (his wife and family only excepted) have any kind of conversation with him, be it in eating and drinking, buying or selling, yea, in saluting or talking with him, except that it be at the commandment or licence of the ministry for his conversion… The sentence of his excommunication must be published universally throughout the realm, lest that any man should pretend ignorance.

"His children begotten or born after that sentence and before his repentance, may not be admitted to baptism, till either they are of age to require the same, or else that the mother, or some of his especial friends, members of the church, offer and present the child, abhorring and damning the iniquity and obstinate contempt of the impenitent."

(First Book of Discipline, 1560)

Illegitimacy and paternity

- OPR records noted the child as being **natural born** (as opposed to **lawful**), **born in uncleanness, or begotten in fornication**

- Kirk session records will likely carry an investigation into the child's paternity

- Couple were both hauled before the kirk session to give statements

- Upon admitting that they had conceived the child together, they would be rebuked

- Marital status? **Antenuptial fornication** or **adultery**?

- If the putative father refused to acknowledge paternity, the case would be referred up to the Presbytery

- In cases of deadlock, an **oath of purgation** was taken

- Failure to swear the oath could lead to **excommunication**

Veto Act (1834)

Passed in 1834 to counter the Patronage Act of 1712. Male heads of households were recorded in session minutes annually from 1834-1838 in order for the session to determine an electorate to vote down the appointment of a ministerial appointment by a patron. The annulment of the Act led to the Disruption in 1843. Patronage was finally abolished in 1874.

Male Heads of Households records from 1834 can be consulted at Old Scottish (**www.oldscottish.com**).

Various other records

Examples shown of Vaccination certificates from 1864-1874 in Speymouth parish, Morayshire, and copies of the 1851 Religious Census from the same parish.

Some early 1801-1831 census records and statistics are also available in some session registers – see **www.nrscotland.gov.uk/research/guides/census-records/pre-1841-census-records** for details.

Accessing the records

In ScotlandsPeople Centres via Scottish Documents (**www.scottishdocuments.com**)

At the National Records of Scotland in Edinburgh via Virtual Volumes in the Historic Search Room. Consult the online catalogue for details.

Now also being made available on ScotlandsPeople (**www.scotlandspeople.gov.uk**) via the Virtual Volumes link.

Further reading:

Tracing Your Scottish Ancestry Through Church & State Records: A Guide for Family Historians, by Chris Paton (2019, **www.pen-and-sword.co.uk**)

Tracing Your Scottish Family History on the Internet: A Guide for Family Historians, by Chris Paton (2020, **www.pen-and-sword.co.uk**)

Also available:

Tracing Your Belfast Ancestors: A Guide for Family Historians, by Chris Paton (2023, **www.pen-and-sword.co.uk**)

Tracing Your Irish Ancestors Through Land Records: A Guide for Family Historians, by Chris Paton (2021, **www.pen-and-sword.co.uk**)

Tracing Your Irish Family History on the Internet: A Guide for Family Historians (2nd ed), by Chris Paton (2019, **www.pen-and-sword.co.uk**)

Sharing Your family History Online: A Guide for Family Historians (2nd ed), by Chris Paton (2021, **www.pen-and-sword.co.uk**)

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www.ScotlandsGreatestStory.co.uk
Scottish GENES Blog (GEnealogy News and EventS)
https://ScottishGENES.blogspot.com