

Ecclesiastical Record Books and Political Legitimacy in Mid Seventeenth-Century Scotland

by CHRIS R. LANGLEY

The Open University

E-mail: Christopher.Langley@open.ac.uk

This article explores the ways that ecclesiastical record books produced by national and local Church courts in Scotland were bound up in the contests for legitimacy around the Scottish Revolution. The article argues that adherents to the National Covenant used paper record books and the practices that surrounded them, as well as their printed output, to legitimise their protest movement and to attack their opponents. Reconstructing the Church in paper represented an essential part of the Covenanters' protest, reconstructing the Church after the fall of episcopacy.

The general assembly of the Church of Scotland convened in St Mungo's, Glasgow, on 21 November 1638. The assembly was dominated by those who had protested against some of the most controversial policies of Charles I and who had signed the National Covenant earlier in 1638. As part of the 'procedural wrangling' that would dominate the first few days of the assembly, Covenanter leaders and royal representatives were interested in ascertaining the whereabouts of the paper records of the Church.¹ Rumours swirled around Glasgow that the archbishop of St

NLS = National Library of Scotland, Edinburgh; NRS = National Records of Scotland, Edinburgh

My thanks to the anonymous reviewer and to this JOURNAL's editorial team for their comments. I am grateful to Dr Charlotte Brownhill, Dr Russell Newton, Dr Sara Wolfson and Dr Neil Younger for conversations about drafts of this article and to the staff at the National Library of Scotland and National Records of Scotland for granting access to relevant manuscripts.

¹ David Stevenson, *The Scottish Revolution, 1637–44*, Edinburgh 1973, 120; Allan I. Macinnes, *Charles I and the making of the Covenanting movement, 1625–1641*, Edinburgh 1991, 188.

Andrews had taken the registers of the general assemblies with him when fleeing to England in 1637. Other members of the episcopate were accused of committing similar acts. A month before the meeting, Edinburgh Presbytery received a petition demanding that David Lindsay, bishop of Edinburgh, and other members of the country's episcopate, appear before the forthcoming assembly and bring with them 'the books of the Generall Assemblie, which they or their Clerk had or have fraudulently conveyed away'.² Further north, ministers in Dunkeld Presbytery demanded that all of Scotland's bishops 'bring with them the buiks and scrolls of subscrip[ti]ones and oaths of intrants, the books of the hie commissione and the buiks of generall assemblie quhilk ather they or the clerk ... fraudfullie hes put away'.³ By the time the assembly had closed on 20 December, its members had condemned the Caroline reform of the Church, declaring the *Book of common prayer*, *Book of canons* and the Court of High Commission incompatible with the Church of Scotland. During the sixteenth session of the assembly, on 8 December, members declared episcopacy unlawful. Both the Covenanters and the Crown made preparations to defend their positions in an armed confrontation that, by the start of 1639, was looking inevitable.

First signed in 1638, the National Covenant created an interpretative space over what it meant to be a loyal citizen and a good, Scottish, Protestant. Laura Stewart contended that events in mid seventeenth-century Scotland saw the emergence of a 'covenanted public' and that political reputations were discussed actively in crowds driven by rumour and polemic. Sarah Waurechen reflected on how the Covenanters attempted to use the printing press as a means of persuading godly neighbours in England of the legitimacy of their actions against royal policies.⁴ Stewart surmised that the appeal and distinctiveness of Covenanter rhetoric 'lay not in its originality, but in the repackaging of a known vocabulary' of dissent to suit the circumstances of the time.⁵ Such conditions led to mid seventeenth-century Scotland seeing a proliferation of popular political engagement.

Political participation did not occur in public discourse alone and historians are becoming increasingly sensitive to the ways that early modern

² *Records of the Kirk of Scotland, containing the acts and proceedings of the General Assemblies*, ed. Alexander Peterkin, Edinburgh 1843, 98.

³ NLS, Wodrow Folio XXVII, fo. 35.

⁴ David Como, 'Secret printing, the crisis of 1640, and the origins of Civil War radicalism', *Past & Present* no. 196 (2007), 37–82; Jason Peacey, 'Print culture, state formation, and an Anglo-Scottish public, 1640–1648', *Journal of British Studies* lvi (2017), 816–35; Sarah Waurechen, 'Covenanter propaganda and conceptualizations of the public during the Bishops Wars, 1638–40', *HJl* lii (2009), 63–86.

⁵ Laura A. M. Stewart, *Rethinking the Scottish Revolution: Covenanted Scotland, 1637–1651*, Oxford 2016, 216.

authorities engaged with religious and political ideas in more institutional settings. In addition to the undoubted impact of print, the emergence of various information states across early modern Europe relied on a proliferation of paper that was intended for a very limited audience. Subtle innovations in the management of information contained in these documents could have profound consequences. While the products of these bureaucracies have long been the haunt of historians, the recent ‘archival turn’ has encouraged scholars to understand the internal logic and organisation of records in this period to gauge the aims and intentions of early modern governments.⁶ As Randolph Head neatly summarised, the structure of records ‘conformed to reality as the archivist saw it’.⁷ Religious authorities were not immune to these bureaucratic innovations and such practices spanned early modern Europe’s confessional divide.⁸

This article explores how the Covenanters attempted to reconstitute the institutional archive of the Church of Scotland and how struggles over the records reflected contemporary ecclesiological views. The Covenanters’ use of printed polemic is well known, but this article shows how private manuscripts were central in creating a sense of legitimacy around the movement. Possession of the Kirk’s records served to underscore the Covenanter’s contention that the legitimacy of laws, both civil and ecclesiastical, stemmed from ‘the continuity of the institutions of the realm’, rather than through royal or episcopal edict alone.⁹ Inheritors of a strong tradition of record-keeping, Covenanter leaders saw the possession and maintenance of paper record books as a method of connecting their protest with the past.¹⁰ Records pertaining to the history of the Church since the Reformation were precious commodities to justify the Covenanters’ actions, attack their opponents and symbolise continuity with the purity of the Scottish Reformation. As per the archival turn, however, it was not simply the contents of these books that were of interest to Covenanter leaders. Rather, the activity taking place around these books offered the Covenanters an opportunity to attack their opponents for

⁶ Filippo de Vivo, Andrea Guidi and Alessandro Silvestri, ‘Archival transformations in early modern European history’, *European History Quarterly* xvi (2016), 421–34; Markus Friedrich, ‘Government and information-management in early modern Europe: the case study of the Society of Jesus (1540–1773)’, *Journal of Early Modern History* xii (2008), 539–63; Alexandra Walsham, ‘The social history of the archive: record-keeping in early modern Europe’, *Past & Present*, supplement 11 (2016), 9–48.

⁷ Randolph Head, ‘Knowing like a state: the transformation of political knowledge in Swiss archives, 1450–1770’, *Journal of Modern History* lxxv (2003), 751.

⁸ Margo Todd, *The culture of Protestantism in early modern Scotland*, New Haven 2002, 17.

⁹ Charles W. A. Prior, *A confusion of tongues: Britain’s wars of Reformation, 1625–1642*, Oxford 2012, 86–7.

¹⁰ Sebastiaan Verweij, *The literary culture of early modern Scotland: manuscript production and transmission, 1560–1625*, Oxford 2016, 127–31.

lacking the wherewithal to sufficiently protect the Church's legacy. Such emphasis on historical record books cascaded down the Kirk's institutional structure, as provincial synods, regional presbyteries and local kirk sessions sought to reconstruct their institutional archives following the abolition of episcopacy.

Nearly three hundred clergy and laymen, plus countless onlookers and associates, descended on Glasgow in November 1638 to attend the first general assembly of the Church of Scotland for twenty years, the first such event in Charles I's reign. From the outset, some of the most eye-catching exchanges revolved around the Church's historical records. The clerk of the previous general assembly in 1618 was dead and in his stead was his son, Thomas Sandilands. Sandilands argued that his father 'hath given out extracts of the Acts and conclusions of the Assemblie', serving as *de facto* clerk until his death. After a heated debate, Sandilands presented two bound volumes of minutes that contained the acts of the general assemblies since 1590 and was replaced as clerk by the zealous Covenanter Archibald Johnston of Wariston. Being asked by the assembly's moderator, Alexander Henderson, what had happened to the minute books from the assemblies between the Reformation Parliament in 1560 and the general assembly in 1590, Sandilands replied that he and his father had 'never seene mor of the volumms of the register' than those he had in his possession.¹¹ A private letter exchanged between Sandilands and the king's commissioner at the assembly, James Hamilton of Hamilton, earlier in the year suggests that the Crown was also interested in the whereabouts and safe-keeping of the record books.¹²

The absence of so much of the Kirk's documentary history offered Covenanter leaders a polemical opportunity. One contemporary noted how the moderator had deliberately asked Sandilands for the records to set up a dispute in the assembly, presumably over their safekeeping.¹³ John Leslie, sixth earl of Rothes, suspecting an episcopal cover-up, or at least parading the possibility of one, demanded that the bishops 'might be caused deliver' whatever records they had in their possession.¹⁴ Another member of the assembly recorded how the missing documents had been 'abstracted' – improperly or illegally removed – presumably by opponents of the Covenanting movement.¹⁵ Sidestepping the polemic, Sandilands insisted that 'he had destroyed none of these bookes'. Pushing the anti-episcopal agenda further, the moderator complained that 'this Assembly should not be deprived of so powerfull a meane of information', describing the record books as 'the Kirk of Scotland's Magna

¹¹ James Gordon, *History of Scots affairs, from 1637 to 1641*, ed. J. Robertson and G. Grub, Aberdeen 1841, i. 146.

¹² NRS, GD406/1/406.

¹³ *History of Scots affairs*, 146.

¹⁴ *Records of the Kirk of Scotland*, 18.

¹⁵ NLS, Wodrow Octavo X, fo. 12.

Carta, containing all her priviledges since the reformation'.¹⁶ Henderson described the absence of the records as 'pitifull'.¹⁷ In such an emotive public forum, Covenanter leaders understood the absence of the Kirk's historical documents – and the delay to the assembly's proceedings – as being caused by episcopal mismanagement.

The assembly attempted to piece together any records its members could find in the hope of producing a palimpsest of the Kirk's history, with the moderator of the assembly urging members of the meeting to obtain and share copies of the Church's record books. In a moment of convenient drama, the newly-appointed clerk, Archibald Johnston of Wariston, announced that 'many books were come in his hands, as should be able to make up a perfite register of the whole affaires of the Kirk'.¹⁸ Prior to the assembly, Wariston had obtained five bound volumes of manuscripts, four of which included the proceedings of general assemblies between 1560 and 1589 and the fifth, the largest of the corpus, containing a 'compend' of all the acts of the assemblies between 1560 and 1590. Wariston had obtained the first four volumes from Alexander Blair, servant of the subclerk to Thomas Nicholson, a previous clerk of the assembly, and the fifth volume was on loan from an unnamed clergyman. Seeing the manuscripts arrayed on the assembly table, the moderator announced that the books were 'good and comfortable newis unto the Church of Scotland'. Nevertheless, members were eager to establish the provenance of the records and if they were 'written be the Clerks [of assembly], or be their deputs, or copies only of these bookes'. The assembly began the onerous task of piecing together the first three decades of general assembly meetings by collating the 'imperfite mutilate transcripts' presented by Wariston.

Several of the oldest members of the assembly – some of whom were in their seventies – were appointed to an *ad hoc* committee to prove the veracity of the registers, linking those present in 1638 with the Kirk's longer institutional history. The familiarity of these senior members of the assembly with the historical documents of the Church of Scotland and the men who created them allowed them to mobilise a 'collective knowledge of the past', connecting their protest with the history of their Church since the Reformation.¹⁹ Despite none of the members of the assembly in 1638 being directly involved in the events of the early Reformation, they felt

¹⁶ *Records of the Kirk of Scotland*, 133; Walter Makey, *The Church of the Covenant, 1637–1651: revolution and social change in Scotland*, Edinburgh 1979, 38.

¹⁷ *The letters and journals of Robert Baillie, A. M., Principal of the University of Glasgow*, ed. D. Laing, Edinburgh 1841–2, i. 129.

¹⁸ *Records of the Kirk of Scotland*, 133.
¹⁹ Judith Pollmann and Erika Kuijpers, 'Introduction: on the early modernity of modern memory', in Erika Kuijpers, Judith Pollmann, Johannes Müller and Jasper van der Steen (eds), *Memory before modernity: practices of memory in early modern Europe*, Leiden 2013, 7.

that they were part of the same narrative and the registers were evidence of that relationship. The oldest register in the corpus, recording the proceedings of the general assemblies between 1560 and 1566, was judged authentic by ‘dyverse old ministers’ who recognised the handwriting of the clerk.²⁰ As moderator, Alexander Henderson asked ‘if there be any brother who has any copy’ of the handwriting of the previous clerks of the general assembly, ‘let them produce [it], to give farder information to confirme’ the authenticity of the registers. Fortunately, several ministers appointed to the committee possessed documents that allowed them to confirm the identity of previous assembly scribes, revealing how individual ministers could keep their own caches of manuscript records (and in some cases bring them to the assembly).²¹ These records were usually acts of the general assembly that had been extracted from the minutes and signed by the scribe to confirm their authenticity. John Row, the septuagenarian minister of Carnock, Dunfermline Presbytery, had ‘yett in his hands’ copies of acts included in *The Book of policie* subscribed by the assembly clerk James Ritchie, allowing a comparison of the handwriting in the registers from 1574 and 1589. The subscriptions of long-deceased scribes connected the Covenanters with a broader institutional knowledge of the Church of Scotland since the Reformation.

The assessment of the transcripts’ authenticity offered another opportunity for Covenanter leaders to attack how the Scottish episcopate had handled the Kirk’s records. The use, rather than the content, of ostensibly private documents was deployed for polemical purposes. One of the volumes Wariston presented to the assembly had several leaves missing which Robert Baillie, minister at Kilwinning, concluded had been ‘riven out’ by the former archbishop of St Andrews, Patrick Adamson. Adamson had admitted as much in 1591 and the revelations were reported in at least one manuscript history circulating at the time of the assembly.²² In the act approving the registers, the committee argued that ‘if these were not principall registers, the enemies of the puritie of Gods worship, would never have laboured to destroy the same’, pointing to ‘the affixing and battering of a piece of paper upon the margine’ and blotting out of details that were critical of episcopacy. Another observer present in the assembly wrote to a kinsman that the damage to the registers ‘could not have bein done in ther judgme[n]tes bot by Bisshopes’.²³ The desecrated record books were

²⁰ *History of Scots affairs*, 172.

²¹ For one prominent example see Alexander D. Campbell, *The life and works of Robert Baillie (1602–1662): politics, religion and record-keeping in the British Civil Wars*, Woodbridge, 2017, 206–7.

²² *Acts and proceedings of the General Assemblies of the Kirk of Scotland, 1560–1618*, ed. Thomas Thomson, Edinburgh 1839, preface.

²³ NRS, GD112/39/67/19, fo. 1v.

a paper synecdoche of the innovations the Covenanters accused the bishops of making to the practices of the Kirk. One pamphlet made the polemical point clear by expressing how the desecration of parts of the registers of the Kirk was just one ‘subtile and cunning’ method in which the bishops hid evidence ‘wherein their government was condemned’.²⁴ Moreover, as well as providing a litany of historical precedents for the assembly’s deliberations, the act of bringing together the records of the Kirk was symbolic of the Covenanters’ broader vision to reunite the Church of Scotland and to remind people of the dangers of episcopal mismanagement.²⁵

The approval of the assembly’s historical registers signalled an obsession with reconstructing the archival holdings of the Kirk’s past. Among members of the assembly, there was a widespread desire to piece together the Church’s historical records by drawing on the documents possessed by ministers across the country, thereby centralising the institutional memory of the Kirk within the assembly. Ministers reported that William Scott, the elderly minister of Cupar (Fife) who had not been present at the 1638 general assembly, had in his possession ‘a great Booke fund to be authentick, containing many Acts of Assemblies’ that ‘he had preserved’.²⁶ Scott had gathered the materials in publishing his *Apologeticall narration*, a history of the Protestant Church in Scotland, in 1622 and had been a member of at least two general assemblies earlier in the century. The moderator of the 1638 assembly asked the clerk to write a letter to Scott ‘to rander the same to the Assembly’ and to ‘send the book heir’ to build the assembly’s repository of records.²⁷ It is likely that Scott dispatched the documents as requested, as he would tell colleagues in Cupar Presbytery the following year that ‘we must acquaint ourselves with the actes and records of the kirk’ in order to bring about another Reformation of manners: members of the general assembly would have agreed.²⁸ The committee that continued to sit after the conclusion of the assembly received another ‘famous, Authentick, and good Register, which ought to be so reputed ... a valid and true Record in all things’ that took place at the 1573 general assembly.²⁹ A separate book of the assembly obtained from a minister present in Edinburgh in 1639 was verified by cross-referencing the scribe’s

²⁴ Anon., *An answer to the profession and declaration made by James marques of Hammilton*, Edinburgh 1638, 4.

²⁵ A similar set of critiques was made of Star Chamber in England. See Kate Peters, ‘“Friction in the archives”: access and the politics of record-keeping in revolutionary England’, in Kate Peters, Alexandra Walsham and Liesbeth Corens (eds), *Archives and information in the early modern world*, London 2018, 152.

²⁶ NLS, Wodrow Octavo X, fo. 72.

²⁷ *Records of the Kirk of Scotland*, 185.

²⁸ NRS, CH2/154/2/2, 14–15.

²⁹ *Records of the Kirk of Scotland*, 205, 249.

handwriting with other documents in private hands.³⁰ The Covenanters' obsession with historical records – gathering, studying and approving their authenticity – was integral to the legitimisation of their protest and to reinstating the general assembly at the apex of the Kirk's hierarchy.³¹ It also intimately connected those active in the protest movement to the Church's past and to the reconstruction of its future.

Reconstructing the archive of the Church presented Covenanter leaders with a justification for reforming the institution. In so doing, they framed the contents of the historical registers as containing information of great public concern, rather than the private property of bishops or scribes. Members of the 1638 assembly were told that a lack of understanding of the Kirk's past 'through the almost invincible ignorance of the proceedings of this Kirk' had moved the Church in 'dangerous and deplorable' directions. John Row, minister at Carnock, lamented how 'pitifull experience could show how [Kirk] Registers had been marred in former tymes' and urged the assembly to preserve the remnants of the Kirk's past in order to avoid error in the future.³² Published summaries of the 1638 assembly's activities would go on to emphasise 'that all mens mindes, who delight not to cavill, might rest satisfied' of the legality of the assembly's actions as they were based on 'diligent search of the Ecclesiastick Registers'.³³ The veracity of the registers was intended to silence critics. For example, to Wariston, the man charged with piecing the records together, having access to historical registers that were recognised as legitimate was a 'sure fondation' that would 'dasch so our enemies stoutest champions'.³⁴ The assembly's act declaring episcopacy unlawful on 8 December 1638 claimed that 'the greatest part' of the ministers in the assembly had never seen the acts of the general assembly before and that it was only by bringing such documents into the open that they could amend their previous ignorance. Moreover, the general assemblies of 1638 and 1639 made a concerted effort to publish extracts from these historical records, combining the private documentation of the Church with the printed output for which the Covenanters would gain such notoriety. At the penultimate session of the 1639 general assembly, commissioners were appointed from Edinburgh Presbytery to 'peruse the whole Acts of Generall Assemblies'

³⁰ Ibid. 249.

³¹ The large volume that was reputed an authentic register at the 1638 general assembly continued to be viewed as a canonical record of the Kirk's history into the 1650s. The record book was stored separately from the rest of the Kirk's registers when the English army invaded the country in 1650.

³² NLS, Advocates MS 49/7/4, fo. 5.

³³ *The principall acts of the solemne Generall Assembly of the Kirk of Scotland*, Edinburgh 1639, preface.

³⁴ Archibald Johnston of Wariston, *The diary of Archibald Johnston of Wariston, 1632–1639*, ed. George Morison Paul, Edinburgh 1911, i. 402.

and to 'extract' any that were 'for the use of the Kirk in general' ready for publication.³⁵

Meanwhile, some Covenanting ministers were eager to develop systems to ensure records of contemporary general assemblies were not lost in future. Ministers in Glasgow Presbytery were unsatisfied with the flow of information when they asked the 1640 general assembly 'How the presbyteries sal be firnished with the acts of the generall assemblie whether the clerk sall send thame to the presbyteries and quhat sal be the pryce for the samen.'³⁶ The publication of such acts was the first step in distributing top-down messages from the Covenanter-controlled assemblies, while their entry into local record books would represent the Covenanters' first official contribution to local cultures of paper record-keeping.

The general assembly's interest in obtaining historical ecclesiastical records and distributing news of their decisions was mirrored further down the Kirk's structure. In the months following the closure of the 1638 general assembly, church courts across Scotland moved to secure their historic records. Provincial synods were particular eager to follow suit but faced challenges in securing access to historical records because their meetings prior to mid-1638 were often chaired by a bishop. Nevertheless, a small number of provincial synods successfully obtained possession of their record books. The processes by which provincial synods obtained these records are frustratingly opaque, but reveal how interpersonal connections between clergy were critical in recovering old record books. At its meeting in April 1639, the Synod of Moray seems to have acquired the old episcopal register, with the new clerk hastily noting under the minutes of the last meeting 'heir ends the provinciall meetings under episcopacie'.³⁷ Such matters were still a cause for concern in the area as late as 1641 when the newly installed minister of Elgin, Gilbert Ross, found another 'old assemblie book' which colleagues in the Synod agreed to 'put the samen in the custodie of any whome they sall think most fitting'.³⁸ Further south, the Synod of Lothian and Tweeddale ordered an audit of its historic registers at one of its meetings in 1639 (probably in May), but did not note how older records came into its possession.³⁹ Such challenges indicate the variation in how different regions stored their record books, but also how they experienced the reconstruction of the Church after the abolition of episcopacy in practice.

If the cases of Moray and Lothian and Tweeddale shine little light on how synod registers came into the possession of Covenanting ministers,

³⁵ *Records of the Kirk of Scotland*, 206.

³⁶ NRS, CH2/171/3/1, 96; NLS, Wodrow Quarto XXVI, 102.

³⁷ NRS, CH2/271/1, fo. 104.

³⁸ *Ibid.* fo. 203.

³⁹ *The minutes of the Synod of Lothian and Tweeddale, 1648–1659*, ed. Chris R. Langley (Scottish History Society, 2016), 104.

the case of Perth and Stirling is rather more revealing. After an initial search for registers in 1639, the ministers of the Synod investigated the whereabouts of the records of the Synod of Dunkeld in 1642 ‘considering that it wer expedient if that and other registers of the bishops and abbots ... could be kept in the possession of the kirk’.⁴⁰ The Synod’s efforts were made easier by the fact that the deposed bishop of Dunkeld, Alexander Lindsay, had continued his role as minister of St Madoes, Perth Presbytery, rather than face excommunication. Unfortunately for the Synod, Lindsay died in October 1639, leaving neighbouring ministers to liaise with Lindsay’s executors regarding the whereabouts of the episcopal registers. Considering the earliest extant minute book from the synod dates from 1639, it seems unlikely that ministers in Perth and Stirling recovered the episcopal registers from Lindsay’s estate. The lack of such registers deprived provincial synods of a litany of precedents relating to discipline, property ownership and ecclesiastical finance. They were also a symbolic failure to connect local Covenanting with the Kirk’s longer institutional history.

Provincial synods also sought historical documents relating to complex financial transactions between ministers and their local patrons that had more administrative value. The legal basis of the Covenanted Kirk’s claims to these finances after the abolition of episcopacy was at stake. Prior to the general assembly in 1638, documents relating to stipendiary arrangements were usually entered into separate registers held by the local bishop, with copies being given to interested parties.⁴¹ The original versions of these documents were rarely recovered, so provincial synods resorted to asking ministers for copies of them and then creating new authoritative registers. In February 1640, the Synod of Moray ordered that local clergy should give up documentation relating to parish manse and glebe land and have it inserted into the Synod record books for future reference.⁴² In a rare case in 1641, the Synod of Perth and Stirling requested the ‘old register’ of the bishop of Dunkeld that contained ‘the rents and priviledges of the kirkes within the diocis, that it may be preserved to the use of these kirkes’.⁴³ These very deliberate acts of archive reconstruction were intended to mitigate for the disruption caused by the abjuration of episcopacy, the lack of any formal handover and the consequent loss of documents. They were essential in ensuring the legal functioning of the Church.

One tier below provincial synods, presbyteries likewise sought to gain control of their historical records. Unfortunately for presbyteries that

⁴⁰ NRS, CH2/449/2, fo. 17.

⁴¹ Documents pertaining to financial matters in Kirkcaldy Presbytery in early 1634, for example, were copied into books held by the archbishop of St Andrews. See NRS, CH2/224/1, 123.

⁴² NRS, CH2/271/1, 22.

⁴³ NRS, CH2/449/2, 14.

were closely monitored by their diocesan bishop, it was often difficult to recover record books following the abolition of episcopacy in 1638. While we are aware that some presbyteries maintained 'a rather surprising freedom and independence' from their bishops, there is evidence that more parochially-active bishops had established the precedent of archiving presbytery books once they had been filled up.⁴⁴ A decision in October 1626 which ordered that the records of presbyteries in Moray should be 'laid up besyd the bishopeis many registers' once they had been filled is probably fairly typical. Predictably, the records of the presbyteries in the region were not recovered in early 1639.⁴⁵ The survival patterns of presbytery and synod records suggest that many other regions did not regain their historical records after episcopacy was abjured in 1638/9, as they probably continued to be in the possession of the bishops, someone in their service or were lost in the confusion of the bishops' departure. In 1662, the Synod of Fife recorded that the earliest surviving records for presbyteries in the region and those of the Synod of Angus and Mearns all dated from 1639, with no records surviving from the period before the Glasgow assembly.⁴⁶ It is possible that the library recorded in the will and inventory of David Lindsay, bishop of Edinburgh, included local ecclesiastical records that were not recovered by the provincial synod.⁴⁷ These presbyteries were not able to reconstruct their historical records and were forced to start new registers from scratch.

Presbyteries that were more distant from episcopal seats of power had a very different experience following the abjuration of episcopacy and were more likely to keep possession of their old record books. Ordinarily, such presbytery records remained in the possession of ministers who served in parishes nearest to the seat of the presbytery, meaning securing access to the most recent record books after episcopacy was abolished was relatively straightforward. The presbytery book of Meikle, starting in 1635, for example, was kept in the house of John Symmers, minister of Meikle.⁴⁸ Ministers who served as clerks to the presbytery often held the most recent historical documents pertaining to the local presbytery, such as William Dickson, minister at Glenholm, who produced the 'old register' of the Presbytery of Peebles in February 1639 having previously served as clerk.⁴⁹ Despite their access to these records, some presbyteries' lack of knowledge over the extent of their archival holdings is striking. The records of Dunbar Presbytery were held by Andrew Stevenson, minister of Dunbar, although members of the presbytery had little idea of what,

⁴⁴ Walter Roland Foster, *The Church before the Covenants: the Church of Scotland, 1596–1638*, Edinburgh 1975, 55.

⁴⁵ NRS, CH2/271/1, fo. 24.
⁴⁶ *Selections from the minutes of the Synod of Fife*, ed. George Kinloch, Edinburgh 1837, 181.

⁴⁷ NRS, CC8/8/60, fos 169–70.

⁴⁸ NRS, CH2/263/1, fo. 470.

⁴⁹ NRS, CH2/295/2, fo. 74v.

precisely, Stevenson had in his possession. Similarly, members of Jedburgh Presbytery received records from 1605 to 1621 that had been in the custody of a minister's widow.⁵⁰

In those presbyteries where records had been recovered, ministers were eager to audit the registers that were in their possession. Occasionally, a note relating to this process was recorded in the presbytery book for posterity. In March 1639, William Laurie, the elderly minister of Pettinain, presented 'two old volumes' of records to Lanark Presbytery, although the extant manuscript does not record how these books had come into his possession or the dates covered by them.⁵¹ The records of Dunbar Presbytery stretched back as far as 1606, but other presbyteries were far less fortunate in the extent of their surviving documentation.⁵² Such findings suggest tentatively that the records in presbyteries' possession were often limited to the most recent records of presbytery business at best and were fragmented and full of significant gaps in coverage at worst.

Perhaps unsurprising given these efforts, ministers were anxious about the safety of presbytery record books in the years that followed the abjuration of episcopacy. In 1639, local ministers complained that the octavo presbytery book of Haddington was so small that it would likely be misplaced, a criticism that moved the Presbytery to purchase a larger folio volume in response.⁵³ Eager to avoid a repeat of the disappearance of some provincial synod registers in 1638, ministers began to record extracts of synod business in local presbytery books. In a thinly-veiled reference to the bishops' possession of important synod records the previous year, in 1639 the ministers of Haddington Presbytery ordered that the principal acts of the Synod of Lothian and Tweeddale should be inserted into their own presbytery book 'because experience of times past may teache us that the registers of the kirk may be lost, or come into the hands of evill willers of the discipline of the kirk'.⁵⁴ Such prickliness attests to the importance of possessing historical records of the Church's business, but also underlines the desire for an orderly and stable transition following the abjuration of episcopacy.

The lack of any central repository for record books below the level of the general assembly meant that access to historic registers remained challenging. In 1646, representatives from the presbyteries at Auchterarher and Stirling informed the Synod of Perth and Stirling that their presbytery books were lost in the houses of their clerks, who had both died in a recent plague outbreak.⁵⁵ The records of Dunfermline Presbytery remained inaccessible to ministers in the region for a year because the

⁵⁰ NRS, CH2/198/2, 91.

⁵¹ NRS, CH2/234/1, fo. 142.

⁵² Unfortunately, surviving records of Dunbar Presbytery date only from 1652. The records from 1606 have been lost in the intervening years. See NRS, CH2/99/1.

⁵³ NRS, CH2/185/5, 7.

⁵⁴ *Ibid.* 5.

⁵⁵ NRS, CH2/449/2, 51.

widow of scribe Walter Dalgleish refused ‘to delyver upe the books and papers till she be payit the bygone fies restand to hir deceist husband’.⁵⁶ Similarly, the register of Garioch Presbytery could not be delivered to the Synod of Aberdeen in October 1654 ‘because of the clerk his sickness’. The importance of the physical object of a presbytery record book – as well as its contents – meant that it could be used as a powerful bargaining chip.

Parish-based kirk session registers were even more at risk, as they were often entwined with the life circumstances of the clerk that could derail efforts to keep up-to-date records. The fact that the minister often performed the role of clerk himself tended to exacerbate the situation. The minister of Logie Montrose told a presbytery visitation in September 1652 that the session clerk ‘was a long space this sommer in Edinburgh and [was] presentle in Aberdein befor Judicatories as a witnes in matters referred to his oath’, leaving the kirk session register ‘not filled up’ and up-to-date. Similarly, in March 1660, the minister of Alyth requested a delay to the visitation of his parish because the parish schoolmaster, who also served as session clerk, ‘throu his absence and other distractions, was not able to get his session book filled up’.⁵⁷

As a time saving measure, ministers and session clerks often kept notes of meetings or important decisions in draft form before enrolling them into the kirk session register. This seems to have been a common practice elsewhere in the British Isles, especially in rural parishes, but it led to some important omissions and gaps in local record books.⁵⁸ The case of John Reid, minister and clerk of Muirkirk, Ayr Presbytery, who left blanks in his session book in 1642, fully intending to fill up the book when he had time, was not unusual.⁵⁹ Using small scraps of paper meant that parish business could continue without having to wait for the clerk to formally enrol everything into the parish registers. This was certainly the case when Lawrence Skinner, minister of the parish of Fearn, Brechin Presbytery, attended a visitation of his parish in June 1649 armed with ‘scrolls besyd him’, rather than a bound session book.⁶⁰ The burden of parish ministry meant that sometimes these scraps of paper were not enrolled properly into the formal kirk session register. Such practicalities were of little interest to Covenanted authorities who would equate such divergences in record keeping with a broader lack of diligence or commitment to the national Church. A visitation of the parish of Morham, Haddington Presbytery, in October 1652 revealed how the minister, Thomas Trumble, had no register book but only minutes ‘in bitts of louse

⁵⁶ NRS, CH2/1132/1/1, 333, 342, 344.

⁵⁷ NRS, CH2/263/1, 14.

⁵⁸ Andrew Foster, ‘What happened in English and Welsh parishes c.1642–62?: a research agenda’, in Fiona McCall (ed.), *Church and people in Interregnum Britain*, London 2021, 22.

⁵⁹ NRS, CH2/532/1, 32.

⁶⁰ NRS, CH2/40/1, 109.

paper'.⁶¹ Trumble's ill health and negligence led to his being deposed in 1656, with the presbytery complaining in its judgement of him that 'the minuts are in small pieces of paper, verie quonfused, defective & disorderlie'.⁶² Trumble's lack of diligence in his minute book was taken, among other things, as evidence of a lack of care in his work as minister. These practicalities reflect the new challenges facing parish bureaucracies of creating a standardised, national Church in paper.

Such measures may have served to standardise record-keeping practices to some extent, but could not prevent ecclesiastical registers from continuing to sit at the heart of local and national disputes. Indeed, there is some evidence to suggest that the Covenanters' rigorous documentary culture served to encourage further contests over the treatment of these documents, as well as their contents. These objects were vulnerable. Presbytery and session records were frequently targets for anti-covenanter armies, particularly in the north of Scotland. The presbytery book of Brechin was plundered by royalist rebels in 1645, along with scrolls that contained the most recent presbytery proceedings that were due to be entered into the register.⁶³ The book was recovered eventually, intact, but the scrolls had 'whollie perished'. In 1646, the royalist George Gordon of Newton was found guilty of stealing the registers of the Presbytery of Garioch which had been in the possession of his minister, Arthur Orr, the preacher in Culsamond.⁶⁴ Kirk session records, replete with details of local misdemeanours, were also targeted by royalist rebels. In August 1647, the session at Forgue, Turriff Presbytery, was told to obtain new books in which to record marriages and baptisms 'in place of those which wer brunt' by royalist troops.⁶⁵ The session book at Cleish was 'taken away' by the royalist earl of Lanark's troops in 1649.⁶⁶ The practical use, as well as their symbolism, ensured that religious authorities attempted to recover their paper records in such circumstances. The register of Sutherland Presbytery had been missing for several years when in 1648 members reported that it would be 'shortly redeamed from a souldier' who had it in his possession.⁶⁷ The currency given to record books by church leaders made them valuable targets for those who opposed them.

In a small number of cases, ministers who had faced deposition for opposing the Covenanting movement kept possession of ecclesiastical registers and used them as bargaining chips when trying to obtain outstanding stipendiary payments or other associated debts. Such practices are unsurprising considering that these ministers, although deposed, were part of the same culture that placed so much emphasis on the importance of ecclesiastical records. Robert Fleming, deposed from his charge as minister of

⁶¹ NRS, CH2/185/6, 159.

⁶⁴ NRS, CH2/166/1, 14.

⁶⁶ NRS, CH2/105/1/1, 103.

⁶² Ibid. 263–4.

⁶³ NRS, CH2/40/1, fo. 63.

⁶⁵ NRS, CH2/539/1, fo. 16.

⁶⁷ NRS, GD220/1/H/4/9/2, fo. 15.

Drumelzier in 1648, was asked by Peebles Presbytery to deliver the session book, poor box and other papers of ‘publique concernment’ to his successor Richard Brown in 1649.⁶⁸ Kirk records were symbolic weapons in these disputes: possession of the records allowed the deposed minister to maintain a vestige of his authority by preventing local business proceeding without him. The delivery of the kirk session record book was a key part of the peaceful transition from one minister to the next, but sometimes proved to be as challenging as recovering the records of the national Church in 1638 with the abolition of episcopacy. Such matters had become so problematic in Turriff Presbytery that ministers in the area agreed that deposed ministers would receive no financial recompense until they ‘deliver kirk registrars and other things’ in their possession to the authorities.⁶⁹

In addition to the symbolic value, deposed ministers possessing ecclesiastical record books disrupted the day-to-day business of the Church. William Smith, former minister at Dunnet, presented the ‘old’ session book of the parish to Caithness Presbytery in February 1655, almost five years after being removed from his post. The installation of Alexander Munro as Smith’s replacement in 1654, meant that Smith had the parish registers in his possession during the vacancy of the parish. The presbytery told Smith that he would be ‘called to accompt for such other things as he hade in his custodie belonging to the said kirk’.⁷⁰ The records were framed as a possession of the parish, a bound representation of the parish’s membership of the national Church and a critical part of the functioning of the parish.

The symbolism of the record book itself and its possession was even more pronounced when the Church split between those who resolved to support Charles II (Resolutioners) and those who distrusted him (Protesters). The Protesting ministers of Linlithgow marked their quasi-separation from their Resolutioner brethren by meeting separately and establishing a new record book at their first convention in Ecclesmachan in August 1651.⁷¹ An ecclesiastical judiciary was only formally recognised with the appointment of a moderator and a scribe, something that the Protesting Presbytery of Linlithgow addressed at its first meeting. The creation of a new presbytery book underscored the Linlithgow Protesters’ claims to be a legitimate part of the established Church, rather than a schism, but caused consternation at a meeting of the Synod of Lothian and Tweeddale in November 1652, with ministers ordering a subcommittee to consider ‘what shalbe done’ in the event of a presbytery producing

⁶⁸ NRS, CH2/295/3, fo. 107v; Michelle D. Brock and Chris R. Langley, *Mapping the Scottish Reformation*, at <<https://maps.mappingthescottishreformation.org/events>>.

⁶⁹ NRS, CH2/1120/1, 200

⁷⁰ NRS, CH2/47/1, fo. 2.

⁷¹ NRS, CH2/242/4, fo. 1.

two rival record books for audit.⁷² The existence of competing record books represented in paper the schism that had riven the Covenanting movement in two. Practically, they created two competing notions of the Church.

For leaders of the Covenanting movement, ecclesiastical record books offered a touchstone to the past. Possession of historical records reflected the Covenanters' view that they were part of a lineage of Protestant reformers going all the way back to John Knox and that their protest was intimately connected to Scotland's Protestant past.⁷³ This heightened interest in ecclesiastical registers continued into the religious settlement of the Restoration. In a parallel to the events of 1638 and 1639, members of the restored Scottish episcopate and other prominent royalists were quick to audit the extent of ecclesiastical records and to repossess them. In May 1661, James Livingston, first earl of Callendar and representative of the Crown, commanded the clerk of the Synod of Lothian and Tweeddale to 'make the register of the Synod furth comeand upon demand'. The moderator of the Synod, understanding both the symbolism of the record book and the folly of rejecting the request, 'protested that the clerk might have speciall care of the synod registers and papers and that he should preserve them for their use as he would be anserable to the synod'.⁷⁴ Elsewhere, entries were added to minute books to mark the return of episcopacy, creating a deliberate *caesura* in the record to denote the change of administration. By contrast, ministers who dissented from the Restoration settlement used their proximity to ecclesiastical records to slow the progress of their adversaries and to signal their belief that episcopacy was unlawful. The Synod of Galloway complained in October 1664 that 'the Registers of the Church viz. Synod bookes, Presbytry bookes, & many of their session bookes' remained in the possession of deposed ministers and could not be retrieved from them.⁷⁵ Such documentation provided the cornerstone for a litany of financial agreements, with the Synod concerned that the missing books contained 'severall mortifications for the use of the poor, with other publick appurtenances belonging to the Church'. While the Covenanting movement may have fallen from power, their obsession with record books as a symbol of ecclesiastical power remained.

Attitudes towards the registers after the Restoration underscored the importance of historic ecclesiastical record books. Their practical value

⁷² Langley, *Lothian and Tweeddale*, 45.

⁷³ Idem, 'Reading John Knox in the Scottish Revolution, 1638–42', in Chris R. Langley (ed.), *The National Covenant in Scotland, 1638–1689*, London 2020, 89–104; R. Scott Spurlock, 'Boundaries of Scottish Reformed Orthodoxy, 1560–1700', in David Fergusson and Mark W. Elliott (eds), *The history of Scottish theology*, 1, Oxford 2019, 359–76. ⁷⁴ NRS, CH2/252/4, fo. 132. ⁷⁵ NRS, CH2/165/1, fo. 6.

should not overshadow their undoubted symbolic importance. Just as new ministers were given the keys to the parish church and the Bible at their installation, possession of historic ecclesiastical registers positioned the Covenanting movement as the legitimate Church of Scotland, at a moment when the legality of its protest was being questioned. The ways that ministers conceptualised this arrangement was through the bureaucracy of the Church: a uniformity of record keeping that allowed each tier of the Kirk's structure to operate with the next. The general assembly possessed the papers that outlined the Kirk's history, while synods and presbyteries were encouraged to consider their own records as part of this larger structure. These documents underscored membership in one Covenanted movement and one shared Protestant past. On a practical level, possession of such documentation protected the Covenanting Church from legal challenge.

Such findings are significant as they reveal how the prominence and symbolism of official record books themselves – and not just their contents – could confer massive polemical advantage. To Covenanters, the treatment of ecclesiastical record books before 1638 was a microcosm of the chaotic and illegitimate nature of episcopal government. The piecemeal recovery of record books allowed Covenanter leaders to attack the reasons behind the missing records and the treatment of those that had come into their possession. The Covenanters made great use of this polemical opportunity in their printed output, pointing repeatedly to records that had been stolen or damaged. The Covenanters' defensiveness about historic record books and the parallel desire of restored bishops after the Restoration to regain the same books underscores something important about the relationship between the books themselves and the Church. Records that were not intended for public consumption held a symbolic value that could confer legitimacy and situate new developments in a larger, shared, Protestant past.