# Scottish Kirk Session and Poor Relief Records

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## Introduction

This session will examine the organization and operation of the Kirk Session, plus how Poor Relief was addressed and changed over time within Scotland.

## Kirk Session

Developed as a result of the Reformation in Scotland which created a series of courts with the kirk session being the lowest. The first kirk sessions were created in St Andrews and Dundee in 1559. Kirk sessions spread to most of the lowland parishes and many highland parishes between 1560 and 1600.

The kirk session consisted of the minister, elders and deacons. The minister moderated the weekly meetings, largely involving the moral life of parishioners. The elders participated in this work and in overseeing of education. The deacons, along with the rest of the session, were responsible for poor relief. Elders and deacons were originally elected annually, but by the 17th century, the posts were generally held for life. Congregational consent, rather than an election, was required for new office bearers chosen by the session.

## Kirk Session as Court

The kirk session operated as the lowest rung within the church court ladder of kirk, presbytery, synod, General Assembly. It was particularly noted, with enforcement of its duties to maintain godly discipline, for this was one of the signs of the true church, though enforcement varied greatly with time and location. There was thus a strong emphasis on disciplinary action, sometimes punishment of: adultery, sexual irregularity, disorder, any undesirable behavior, Sabbath breaking and alleged witchcraft (offence until 1736). The most common charge in the kirk session was fornication, producing the most fines which passed to the parochial fund for the poor.

Prior to the 1740s secular justice in Scotland was poorly organized in the hands of the barons and sheriffs. These law enforcers relied on the kirk sessions to investigate and judge both criminal and religious offences. Prior to 1712 the kirk session had the authority to compel submission to its proceedings.

After the 1747 Heritable Jurisdictions Act the role of sheriff changed focusing on the crown courts, with the Justices of the Peace focusing on the administration of highways, prisons, wages, vagrancy, customs and excise. The church remained an important source of judicial authority in rural areas. In some areas the minister was also the Justice of the Peace, for example at Barra on the Isle of Lewis.

In cases where the kirk session had a choice of believing a man or a woman, they invariably believed the man, even in the cases of assault or rape. Women were also often fined more and punished more severely. When the social elite were caught the sessions often administered private rebuke, while the lower social groups had to usually before the 1820s submit to public rebuke or ‘rant’. The minister ranted at the guilty for three Sundays or more from the pulpit with victims wearing traditional sackcloth over their heads and standing on the repentance stool before the congregation, although local practice could vary greatly.

By the middle of the 19th century offences such as: drunkenness; imprudent ‘dealing out of intoxicating drinks’ and ‘walking disorderly’ became more common, especially in the rural United Presbyterian Church and the Free Church.

Punishments changed with time. In urban areas public rebuke was being replaced by private rebuke by 1800. In rural areas the public rebuke was declining by the 1850s. However, during the period 1840 to 1870 suspension or ejection from the congregation became more common.

By the 1870s kirk session justice of traditional issues had stopped.

## Education

Scotland has a highly educated population because of the emphasis placed on the post Reformation protestant church on the education, especially the ability to read. It is estimated that in the towns one in three males were literate by 1550. During the 17th century, arithmetic and other practical schools were set up alongside the standard vernacular or ‘Inglis’ school, which taught...
boys up to the age of 8. The grammar school, with its Latin curriculum, catered to the sons of the elite up to the age of 12. Universal literacy, even in the largest towns, was still an aspiration, not a reality in 1700.

The 1560 Book of Discipline provided a widely agreed upon point of reference for both the church and the state regarding education until well into the 19th century. It provided for: publicly funded 'community' schooling, especially in reading, for both boys and girls; ensured free or assisted schooling for the poor; and support for able poor boys in gaining instruction in the higher subjects and then in university courses; commitment from all that their sons would not be withdrawn from training for public and professional service.

By the 1690's this was a success with 90% of parishes in the Lowlands, the southern and eastern Highlands providing a public education. By the time of the 1696 Education Act there was a growing desire in the schools to expand the curriculum to include more subjects appropriate for a growing commercial nation. By the time of the First Statistical Account in the 1790s there was an expectation that the local population, certainly all but the oldest inhabitants, should be able to read with ease, and that many (but fewer girls) would be able to write.

**Defining the Poor**

In Scotland there are two classes of the poor

First - the aged, infirm, handicapped or orphans, to whom a right of maintenance and needful shelter and support is freely given. Added to this would be people who are in distress as a result of a disaster, such as a crop failure or the burning of a house or boat, and these people could be from any level of society. There are also the people who lived on the edge of destitution all the time - the laboring poor - who needed occasional assistance to survive.

Second - the idle vagrant and mendicant poor for whom relief is coupled with employment and in certain cases with punishment. They are not permitted to be idle or to beg, but are compelled to work.

**History of the Poor Law in Scotland**

1424 earliest act regarding the poor, creating the important distinction between those able to earn a living and those who had to resort to charity to survive. However, it also prohibited anyone from begging between the ages of 14 and 70 who did not have a pass or badge to do so from the appropriate authorities. All poor were required to work under penalty of branding on the cheek and banishment. Additional acts, against vagabonds (not the legal poor) were passed in 1425, 1449, 1455, 1457, and 1477.

1503 Act reinforced the idea of approved begging by defining who could beg to those who were crippled, blind, impotent, or weak.

1535 Act limited begging to the parish or ones birth, thus establishing that each parish was responsible for its own poor.

16th Century - numbers of destitute increase rapidly due to inflation, confusion resulting from the subversion of the Catholic Establishment, its religious houses and hospitals, plus lower enforcement generally of the rules against the poor.

1579 Act forming the basis of the Scottish Poor Laws, liberally copied from the English laws passed in 1572. It defines for the first time the principles of compulsory assessment, but limits legal relief to the poor, aged and impotent. Contrasting this with ‘idle and lazy vagabonds’, including common laborers living idle or fleeing work, shall be punished as vagrants and vagabonds, and those sheltering them or giving them alms should be punished with a fine up to five pounds Scotch. Nothing in the law is said about providing work for the unemployed person, which is a big part of the English law. This law also covers runaway servants, movement of soldiers or sailors to their respective parishes, regulation of hospitals, method of taxation (stenting), appointment of overseers and collectors, etc. Relief was to be administered by the provosts and bailies in the burghs and the justices in the landward parishes. The parish was responsible for making a list of their own poor. The Act also addressed the issue of transportation where the paupers current parish would provide a certificate allowing the pauper to travel to the parish of birth, with each parish along the way providing aid. There is nothing in the law about compulsory removal, but he could be put in the stocks.
for not finding work or refusing to return.

1592 Act for the Punishment of Masterful Beggars and Relief of the Poor - intended to facilitate and enforce the 1579 Act specifically as it related to the suppression of vagrancy, for which the number of prisons, stocks and irons were increased. Staffing was increased with the appointment of deputy or assistant sheriffs. Penalties were introduced for those officials lax in enforcement.

1593 Act - Right of residency in a parish gained after 7 years (3 years in English Act) or by birth.

1597 Act to ratify the punishment of strong beggars, vagabonds and Egyptians adding “that strong beggars and their bairns be employed in common work during their life time”, execution and authority granted to the kirk session. This may not have affected the strong poor much but all poor now controlled and supervised by the kirk, not the kirk. Beggars given testimonials allowing them to beg on their way back to the parish of settlement (enforced removal of beggars begins in 1692)

1600 reinforcement of 1597 Act with additional powers granted to the presbyteries to supervise the kirk sessions. System works well for aged infirm and impotent poor but not the strong rogues and idle beggars.

1617 Act - Justices for keeping the King’s Peace and their constables. Required to hold Quarter Sessions, with constables being appointed by commissioners and justices in parishes, and by magistrates in the burghs. Anyone appointed a constable who refuses can be imprisoned and fined. Act was designed to preserve the peace, suppress disorder, punish crime with powers extending to all parishes and counties.

1625 Act required each parish to place a stent upon the rent paid in the parish with each farmer and householder being required to pay based upon his means.

1661 Act - establishes manufacturing plants for the production of linen cloth, stuffs, or coal mines, salt pans, etc, for putting the idle to work. It also clarified who the deserving poor were - i.e. those unable to earn their own livelihood. Lists to be made of all poor, aged, sick, lame, impotent, orphans and children left destitute.

1663 Act - allowed for the seizing of vagabonds for working in the manufacturing facilities. The raising of funds to support the poor was to be jointly coordinated with half being paid by the heritors (local landowners) and the other half by tenants and householders. Voluntary contributions and fees were expected to add to the funds gathered for the poor.

1661 and 1663 statutes - Episcopalians give the justices and the heritors the right to look after the poor. The Presbyterians later gave control to the kirk sessions.

1672 Act - magistrates ordered to build Houses of Correction or workhouses so that beggars could be made to work. Houses of Correction were not built in all designated locations.

1692-99 because of the general failure of the crops is known as the “seven ill” or the “seven barren” years causing extreme distress and depopulation of whole parishes.

1692 Proclamation concerning beggars - heritors, ministers and elders of every the parish required to make list of all the poor within their parish, to create a quota for their needs, one half to be paid by heritors and the other half by the householders, two overseers appointed to collect and distribute, plus appointment of an officer for expelling and transporting stranger vagabonds from the parish to their parish of settlement.

1693 Proclamation concerning beggars - requiring all beggars and vagabonds to move to their place of birth, or place where they last resided for seven years, to then be recorded among the list of the poor of that parish.

1694 Proclamation regarding beggars - seeking to enforce the laws and proclamations regarding the poor and vagrants.

1698 Act regarding the poor - making the earlier proclamations law, plus giving sheriffs responsibility for enforcing laws and moving vagabonds to houses of correction within shire.

1824 Kirk session and heritors subject to the control of Court of Session in the administration of the poor law.
1843 Commission set up to decide to reform Scotland’s Poor Law system.

1845 Poor Law Amendment (Scotland) Act established parochial boards, independent of the church in each parish. The transition took a number years so it is still worth looking in the kirk session and heritor records for up to 40 years after the transition for information about the poor. Look for the Registers of the Poor which will often provide: name, age, county and place of birth, marital status, details of spouse and children. The records may also include information on those who applied for but did not receive assistance.

Appeals made to the Sheriff Courts will be found in the ordinary business of the court, although a few courts kept separate registers: Ayr 1846-1933; Banff 1890-1910; Elgin 1846-1851; Hamilton 1848-1865.

The Act established a central Board of Supervision in Edinburgh, which had the ability to raise local taxes to cover the costs of poor relief.

Outdoor relief was common, but there was mismanagement in the system.

1868 the system becomes more restrictive, reducing outdoor relief and becoming more reliant on the workhouse.

1894 responsibility transferred to parish councils. Look in the board minute books and accounts for varying levels of details about applicants and the relief given.

1921 Poor Law Emergency Powers (Scotland) Act, which because of the depression in the trades following WWI, led to the abandonment of the rule that the unemployed were not entitled to poor relief. Following this the parishes often kept separate lists of records the distinguished between ‘ordinary’ applications for relief and those made by ‘able-bodied’.

1929 Local Government (Scotland) Act abolished parish councils in 1930. Poor law was now administered through county councils, large burghs and the four cities, acting through the Departments of Public Assistance (or Public Welfare)

1948 National Insurance Act abolished entirely the existing poor law system to be replaced by a national system, the forerunner of the modern ‘social security’ system. Some welfare functions remained with local authorities such as: providing for the homeless; homes for care of the elderly; care of the mentally and physically handicapped; adoption and fostering of children.

1968 Social Work (Scotland) Act grouped many traditional poor law functions into Social Work Departments.

**Place of Settlement**

Settlement obtainable by
- Residence
- Marriage
- Parentage
- Birth

Period of residence required to acquire settlement changed over time from 7 years (1579 Act), to 3 years (1661 and 1672 Act), back to 7 years (1692 and 1693 Proclamations), changing to 5 years (1845 Act).

A woman marrying immediately acquires the settlement of her husband, her own place of settlement is suspended even if abandoned by her husband.

The settlement of children, not emancipated, is determined by their parents, whether acquired prior to or after the birth of the children. If the father dies, and the mother acquires a new place of settlement for herself then that also becomes their place or settlement. Illegitimate children follow the mothers settlement, even when the father is known.

When a pauper has no other settlement he is entitled to be supported by the parish of his birth, but they do not have recourse to the parish of their birth while receiving benefits of a settlement by residence, marriage or parentage.

It is important to understand that if a person did not beg or solicit alms they were not liable for removable, unlike in English parishes.

**Funds for Relief of the Poor**

Two classes of funds
- Arising from voluntary contributions, mortifications, mortcloth dues, fines, etc.
- Levied by assessment

Principal fund for the support of the poor is voluntary contributions collected in the parish. Collections received at dissenting meeting-houses are not appropriated to support the poor. Mortcloth dues are added to the poor fund. Dues for the ringing of bells, proclamation of banns and burying in churches do not belong to the poor. The 1621 Act also declared that any winnings over 100 merks won within 24 hours from cards, dice, or horse racing wagers shall belong to the poor. Fines belonging to the poor include: giving alms to beggars not in their own parish; resetting vagabonds; inhabitants refusing to pay their quota for the poor; profaning on the Sabbath; irregular or clandestine marriages; acting in plays without a license.

Mortifications involve the donation of land, property or money in perpetuity to a corporation or public body for a specific purpose, e.g. donation of funds to build a linen manufacturing facility for the training of apprentices or to put vagabonds to work.

The 1579 gave power to magistrates in burghs and justices in landward parishes to assess the inhabitants to tax (stent) to pay for the poor within their parish according to their means. In royal burghs the power to tax continued until 1845, while in the burghs of barony and landward parishes the procedure changed in 1692 so that the heritors and kirk sessions had the power to set the taxes. The taxes were to be equally split between the heritors and inhabitants. In reality the heritors tried at all costs to avoid implementing a tax. The tax could be an: assessment fixed at a certain rate on the valuation; a rate on the actual rental or value of real property possessed by the ratepayers; or a rate on the estimated amount of their means, substance or general wealth. The numbers of parishes implementing the tax increased slowly.

<table>
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<th>Year</th>
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<tbody>
<tr>
<td>1700</td>
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<tr>
<td>1800</td>
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<td>1818</td>
<td>152</td>
</tr>
<tr>
<td>1839</td>
<td>236</td>
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</tbody>
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**Poor Relief Post 1845 examples**

After 1845, the parishes in Scotland could choose whether to establish workhouses, or to provide out-relief. Parishes could form Combinations (Unions) of parishes that could build and operate a poorhouse (poor’s house or workhouse). Some parishes chose to operate a variety of small local establishments known as almhouses, parish lodging houses, or parish homes.

The location of these Combinations, organized by county are online at [www.workhouses.org.uk/index.html?Scotland/UnionsScotland.shtml](http://www.workhouses.org.uk/index.html?Scotland/UnionsScotland.shtml). There is an additional link from the page to the Almhouses. Many of the homes identified on both pages have additional links to further information, often with maps or photographs, on the individual homes.

**Charities and Institutions**

Charity has always been an important part of poor relief in Scotland, especially since the heritors wanted to avoid paying an assessment.

In some localities the parish system for providing for poor relief was inadequate and public charities and institutions filled in gaps. Examples:

- Edinburgh - The Dean Orphanage - opened in 1733. (NAS ref GD417)
- Edinburgh - Dr. Guthrie’s School - opened in 1847 as part of the ‘ragged and industrial’ movement. (NAS ref. GD425)
- Edinburgh - George Heriot’s School - opened in 1659 as a charity school for orphans and poor children of the burgesses and freemen. (NAS ref. GD421)
- Leith - Trinity House - founded for the relief of the poor, aged and infirm seafarers, includes a list of those receiving pensions from the mid-17th century. (NAS ref. GD226)
- Perth - King James VI Hospital, an old religious institutions but papers naming paupers survive from the 18th and 19th centuries (NAS ref. GD79)

**Destitution Boards**

Operating between 1847 and 1852 to handle the widespread poverty in the Highlands due to the failure of the potato crop. Meals were distributed in return for work, men were road building and women were knitting. The Highland Destitution registers and papers (NAS ref. HD) record names and sometimes ages of family members receiving help.

Scottish Kirk Session and Poor Relief Records
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Online Sources

The Kirk Session Records have all been digitized and in the process of being indexed. It is anticipated that these records will be publicly available soon, site unknown.

At www.dgcommunity.net/historicalindexes/ you will find online indexes to the Kirk Session Minutes for Dumfries, 1689-1838; Troqueer 1689-1771; Mousewald 1640-1659 and the Dumfries Poor Board Minutes for 1871-1885(being extended to 1855-1895)

Bibliography

• Rules, Instructions, and Recommendations to Parochial Authorities issued by The Board of Supervision for the Relief of the Poor in Scotland. Poor Law and Vaccination. Edinburgh: Neill and Company for Her Majesty’s Stationary Office. 1890. (Similar Rule books issued for 1854, 1863, 1874, 1897.


• Burns, Rev. Robert. Historical Dissertations on the Law and Practice of Great Britain, and Particularly of Scotland. With Regard to the Poor; on the Modes of Charity; and on the means of Promoting the Improvement of the People; together with a Selection of Facts and Documents Illustrative of the Management of the Poor in Scotland. Paisley: Peter Hill & Co. 1819. Available free online at Internet Archive www.archive.org


• Dunlop, Alexander Murray. The Law of Scotland Regarding the Poor. Edinburgh: William Blackwood and Sons. 1854. Presents well the history and rules for operation of the poor law. Appendices provide copies of, or extractions of a number of acts. Available free online at Internet Archive www.archive.org


• Miller, H. 1841 Police Return showing the name, occupation, sex, country, residence, weekly earnings, nature of the dwellings, and other particulars, of one thousand & thirty-eight destitute persons within The City of Glasgow. 1841. Edited by Stewart A. Reid. Glasgow: Glasgow & West of Scotland Family History Society. 1998.

