Statutes of the Scottish Church 1225-1559 (Scottish History Society, Edinburgh, 1907)

Translated by David Patrick.

[General or Provincial Statutes of the 13th Century]

How the Conservator should be chosen

And we ordain firstly that every year the duty of preaching be laid on one of the bishops one after the other, to be performed at the next council by himself or by another to be proposed by him, beginning with the bishop of St Andrews; and that by choice of the others one of the bishops be appointed conservator of the statutes of the council; who shall hold his office from council to council and shall punish open and notorious offenders against the council or the transgressors of any decree passed at it, and shall effectually compel them to make due satisfaction by ecclesiastical censure as law demands.

[Constitutions of David, Bishop of St Andrews, 1242]

To the office of pastor it pertains, as concerns the state of the churches entrusted to him and the instruction of those under his charge, to take vigilant care that when called to given an account of the flock committed to him he may be able to give the Lord interest on his talent. Therefore it is that of the rules that have been made by the ancient fathers we recall some to mind at present, adding other anew, lest (which God forbid!) we should appear to treat our office lightly.

That churchyard be enclosed

As to the state of the churches, we decree that in the first place it be seen to that churchyards be suitably enclosed all the way round, so that no access be open to brutish and unclean beasts; for sacred places should be kept clean, and such as have been duly consecrated to God by bishops.

Of the enclosing of churchyards and the repairing and adorning of churches

We decree further that round about, as far as the chancels extend, churchyards be enclosed by the rectors, the remaining portion by the parishioners, unless the custom prevails that the whole of the churchyard be enclosed by the parishioners. Item that the churches be roofed, that the walls be unbroken and not ruinous, the windows of glass and unbroken – those round the chancel to be kept in repair by the rector, but let those round the church be put in order by the parishioners. Item that the clergy be compelled thereto by the suspension of their stipend until the necessary repairs have been made; the laity, by suspension of their church privileges. We direct further that every church or chapel able to support a priest have its own priest, and have a silver chalice; and to the purchase of the same,, and as well as for the other things necessary for the altar, whether in vestments or books or lights, let the rectors be compelled each by suspension of this benefice until out of their benefices the thing lacking have been purchased; and, once acquired, they are to remain the property of the churches. The flagons or cruets for keeping the wine and the water for the eucharist of the Lord should be of silver or of pewter; the sacrarium neat and undilapidated; let the font also be not of wood but of stone and of becoming appearance, and let it not be put to other uses.

That chrism, eucharist and fonts be secured with a lock

We decree also that in all churches the chrism, the eucharist and the fonts be kept under safe keeping, locks and keys being provided, lest some overbold hand may reach forth to them to the commission of abominable and unspeakable acts. But if he who has the charge of them has carelessly left them unguarded, let him be suspended from his office for three months; and if any sacrilege have thence arisen, let him underlie a more severe penalty.

Of the visitations of archdeacons

Further, we will that every church in our diocese be visited by our archdeacons or their deans every year, and all deficiencies in churches and churchyards, books and ornaments, be brought under our notice in writing; that whatever is to be put right may be put right in accordance with our instructions.

Of the life and good repute of the clergy

We decree furthermore that all the clergy, in whatever rank they be, and particularly those in holy orders who have the cure of souls, have their hair clipped all round, so that their ears be covered, and have large and seemly crowns [of hair]. That priests do not have capes with sleeves, or plaited capes, but round ones without sleeves; nor shoes nor sleeves decorated with laced-work. To this we add that all clerics, and particularly priests, unless when on a journey or under pressure of necessity, must not eat or drink in taverns or mix with open tipplers. Let them not play at dice or other games. And if on transgressors of this statute injury of the nature of the violent laying on of hands be in any way inflicted by laymen, let no hearing be given by the ordinary, but let the priests be suspended for three months. And especially we will and ordain that priests, who daily handle the flesh and blood of Jesus Christ, and where they are by their duty bound to administer whenever the occasion calls, shall not have wenches in their own or other people’s houses; but let their dwellings be clean and respectable. Nor let them even have kinswomen in their houses, unless they be such as no suspicion can arise about; but if they be disposed to make provision for such, let them do so in places far removed from themselves and beyond suspicion. Let no-one, moreover, receive in his house, entertain or keep a priest’s wench or concubine. But is any one transgress this statute, let him be held bound by the church to give condign satisfaction, and be otherwise punished at the discretion of the judge, so that temporal punishment may at least deter from sin those whom the fear of God does not restrain from evil.

Of the wenches or concubines of clergymen

We decree that after this whatever priest be found to keep a wench or a common prostitute and, after having been once fined in proportion to his means, be convicted of returning to her or to another such-like woman, or be unable to clear himself when common report charges him therewith, we will that such one be thenceforth suspended by our authority without hope of pardon. Let priests beware of having carnal knowledge of their woman-penitents, and offence for which the canon inflicts a penance of fifteen years and thereafter seclusion in a monastery; for they sin no less heinously than if they were carnally to know those to whom they acted as godfathers. And because it behoves us sometimes to devise new remedies, we enjoin further that priests’ concubines be not admitted by any church to the kiss of peace or the holy water. And if they remain in the priests’ house till their death, let them be refused Christian burial; and if the priests die first let the concubines receive nothing from their wills. Further, let a priest’s concubine obtain nothing in consequence of his promise made to her for the dishonour done to her body. Item let no priest admit a priest’s concubine to penance unless she resolve to forsake her sin – for sin should never be forgiven unless it is first forsaken; and this rule is to hold good in the case of any one openly living in a state of mortal sin.

Of the celebrations of masses

Item the utmost care must be taken that in the consecration of the body and the blood of our Lord water be added in so moderate a quantity that the wine be not absorbed by the water but the water by the wine. But let the wine be not absorbed by the water, but rather the water by the wine. But let the wine used be red rather than white; in white wine, however, there is valid consecration. Let priests beware that the wine be not turned to vinegar or mouldy; and be particularly careful not to celebrate with vinegar, since vinegar has lost all the substantial properties. Let the host be made of pure wheat, round and entire and spotless, because the Lamb of God is without spot and not a bone of him was broken. Once a day in every church before the *Pax Domini* is said in any mass, whether it is for the dead or any mass, led there be said, with prostration and the ringing of the bell, the prayers for the remission of sins: *Paternoster, Deus venerunt, Levavi*, and the collects for the king and the bishop, and for the troubles and perils of the church; and when these have been finished let there be said *Kirieleyson* thrice, *Paternoster…et de nos*; afterwards these prayers, *Exurgat Deus, Dominie salvum me fac, Fiat pax*; the collect *Deus in cujus*, and in that collect let there be added ‘for our king and queen and their children’; the collect *Deus qui caritatis dona*; the collect *Ecclesie tue quesumus Domine preces* etc. Now when the celebrant has come to the participation of the body and the blood of our Lord, if he must celebrate a second time on the same day – which it is not lawful for any priest to do unless there is an urgent necessity – let him not take the wine, or the water which after the consecration is poured out to rinse the chalice; for by every kind of meat or drink is his fast broken, so that on that account he could not celebrate. Let him pour that rinsing of the chalice into some clean and seemly vessel set apart expressly for this use and no other, and let him take it after his second celebration. But if some boy or other be present of whose piety the celebrant has no doubt, he may safely give the aforesaid ablutions to him.

Of the same

Item let no celebrant elevate the host, but let him keep it in front of his breast, until those words are finished: ‘This is my body’. Item we forbid any priest to serve two churches. Item let the parish priest not celebrate masses for the dead on receipt of or in hope of payment. Item, if it has been entrusted to anyone, as executor, to have masses said for the living or for the dead in any particular manner, or to select one priest rather than another for celebrating in the said masses, let him not receive any kind of remuneration.

Of the reservation of the eucharist and the visitation of the sick

We further decree that when in cities, burghs, and castles the eucharist is brought to the sick it be placed in a clean and befitting pyx and that the pyx itself be placed in a chalice of pewter if such is possessed, and that it be wrapped in a clean linen cloth: and proceeded by a lantern, cross and holy water let the priest, clad in surplice, if the weather permit, holding the pyx aloft in a solemn and reverent manner, go in the procession to the sick person, unless he is at a great distance: but otherwise let the eucharist be carried in a clean and seemly pyx enclosed in a box which may serve to protect the pyx from the inclemency of the weather. Let the host which is to be given to the sick be renewed every Lord’s day and put in a seemly and secure place. On other days, however, it may be renewed at need.

Of baptism and the form of baptising

Deacons cannot baptise and administer the sacrament of penance and let them not presume to minister the eucharist. In peril of death a deacon and even a layman will have power to baptise. Parishioners should be taught these things in church, and how baptism is to be administered under these words: ‘I baptise thee in the name of the Father and of the Son and of the Holy Ghost. Amen.’ For which reason the child who has in accordance with this canon been baptised in a critical emergency should not be exorcised. By no means let the priest supplement the last rites which in baptism precede the immersion but only those which follow. And we further enjoin that if there is doubt of any one’s baptism, he should by all means be baptised (for it cannot be said that the sacrament has been conferred once) with these words: ‘If thou hast been baptised I do not baptise thee, but if thou hast not been baptised I baptise thee in the name of the Father and of the Son and of the Holy Ghost. Amen.’

Of penance

To eradicate simoniacal corruption from the priesthood we further enact that on no layman in sickness or in health shall they enjoin masses for a penance. We order also that no priest receive another’s parishioner to penance unless by permission of his own priest. But if that parishioner ask to go to a more discreet priest, then let his own priest in kindness grant him permission. The parishioner must however in that case be careful not to divide his confession; but without his own priest’s permission let him go to no other. Moreover, let the priest explain that extreme unction makes nothing unlawful to the sick man after he receivers which had been lawful to him before he took ill. He should also explain that the said extreme unction can be repeated as often as may be required.

Of burial

Moreover, we will that if any one has been overtaken by sudden death he shall not lack Christian burial, unless he has died an excommunicated person or been killed in some deed in which he commits mortal sin. For with whom in life we are in communion, with him also in death we ought to be in communion.

Of matrimony

Marriage must absolutely not be contracted between persons who are unknown nor even between persons who are known, unless it has been preceded by a threefold solemn proclamation, as well of the man as of the woman, publicly made in the church on three Sundays.

Proclamation of excommunication to be made in churches four times in the year

Item we decree that solemn sentence of excommunication be pronounced in all churches on Sunday four times every year. Let a general excommunication be pronounced against all soothsayers, fire-raisers, forgers, professional usurers, robbers on the king’s highway; all who wittingly obstruct wills lawfully made; all laymen who withhold or seize, diminish or carry off unjustly teinds or lands or other privileges or possessions of the church; all witnesses who deliberately forswear themselves, so that through them some person loses any inheritance or ecclesiastical or secular benefice. Item that no priest without the advice of his bishop absolve such perjurers unless in peril of death. Item that the priest publicly warn his parishioners that no one under colour of a reprehensible custom which has long been prevalent, swear in concert with his neighbours against his conscience either through affection for another or through another’s bidding. Item that perjurers of this sort be not absolved without the advice of the bishop unless in imminent peril of death. Item that priests first and foremost admonish such of their parishioners as are open fornicators and persuade them to put away their strumpets. And if afterwards they return to them, that in the presence of at least three trustworthy witnesses summoned for the express purpose, an oath be exacted from the fornicators that if they thereafter have knowledge of their strumpets, they shall henceforth treat them as their wives.

Of residence

Item, that a parson or vicar do not leave his own parish and take up residence in burgh or town save on urgent occasion, or when a dispensation has been granted to him. That he who has been once admonished and does not return, be deprived of the revenues of his church for the space of four years.

That marriages or proposals not be contracted without witnesses

Item that no one contract marriage or betrothal unless in the presence of lawful witnesses, by whom the marriage can be proved should any doubt arise about it.

Of monks and canons-regular who are fugitives

Furthermore, for as much as we know of a certainty that many warnings have gone forth from our predecessors and from ourselves to the effect that if there are any monks or canons-regular who are fugitives in this archdeaconry, they return to the observance of their rules to which they are bound by their profession or in any other way: All these, therefore, we admonish anew that they abandon their apostasy and return to their monasteries, or at least seek from us warrants which will issue up till three months from the day of the promulgation of this statute in this archdeaconry: otherwise, let them know that they are thenceforth by our authority excommunicated. And that none may pleas ignorance, let this statute be published in every parish church in the next following Sundays.

That religious be not admitted for a stipulated sum

Item we decree that no monk or nun or other religious person be received into religion for a stipulated sum.

That clerics do not hold secular offices or carry on trades

Item we decree that clerics must not hold secular offices or engage in trade.

That churchmen do not write or dictate sentences involving bloodshed

Item we decree that no churchman dictate or write a sentence involving the shedding of blood

That rectors be resident or appoint vicars

Item we decree that all rectors either reside in their parishes or present vicars to a decent maintenance therein.

Of chaplains and deacons ordained in another diocese

Item we decree that no rector of a church in this archdeaconry keep any chaplain or deacon in the service of his church, even though he himself is sure about him, unless there be lawful evidence of his ordination and good behaviour, and even in that case let him present him to the lord bishop or to his officials; but if a chaplain or deacon be unknown, he shall in no wise be admitted to the exercise of his office in this diocese unless he have letters patent of recommendation from his bishop or his archdeacon, by means of which legitimate assurance may be had as to his ordination and good behaviour.

Of the changing of priests

Furthermore, whereas from the frequent changing of priests much expense and many disadvantages are occasioned to churches, we decree that when any one proceeds to arrange about a priest for his church he should procure for himself one whom he may be able to retain for a year at least; since if he must for any reason be removed at the end of the year or before that, he is to be dismissed and another put in his place only by the advice of our archdeacon or dean or officials; and this we design to be applicable to parish priests.

That churches or benefices be not let on lease

We further also enact that no one receive on any lease any church or living without our own or our officials’ assent; and that particularly that no one have two churches on lease without our authority or permission; and in especial that no layman receive a church on lease. Let a contract to this effect entered into between parties contrary to the tenor of this statute be held as of no effect: and let no hearing be given to those who make complaint of the non-observance of contracts of this kind.

That chaplains do not celebrate until they make their canonical obedience

Also, we forbid, on pain of anathema, any chaplain of a parish church who says mass for the dead, or resides with knights or any others, to celebrate in our diocese, until he makes his canonical obedience; and particularly let not those whose duty it is to say mass for the dead every day in the year bind themselves to perform a trental of masses instead of another.

Of residence and the ordination of vicars

Moreover, we reiterate what our venerable father Otho, by the grace of God legate of Scotland, lately decreed as to the residence and ordination of vicars, and decree that all vicars shall without excuse or exception reside in their parishes and receive holy orders in due succession, under the penalty inflicted in the same statute, which must be observed in both of its articles.

Of rectors

Wishing in our pastoral solicitude to provide for the visitation of churches, we ordain by statute that all rectors of churches shall within five years after they have been appointed to churches, take up residence in their cures as is the duty of pastors; public intimation being given in any parish in which they do not reside that their place of abode is in such and such a parish.

That rectors either have suitable priests in their parishes or be themselves ordained as such

Let the rector of every parish see to it that he has in his parish a priest who is capable, efficient and well-educated, or else declare that he is himself being ordained priest to minister in the same order in the parish.

That rectors be ordained

We decree that all rectors of parishes be at least in minor orders, the next in rank to holy orders without waiting for another admonition after the present one; as to those who do otherwise, let all to whose knowledge this statute shall come know that they are suspended from the revenue of the church, and are over and above liable to be deprived of their benefice.

Where confessions ought to be heard

Furthermore, we forbid confessions of women to be heard between the veil and the altar: they should be heard in another part of the church beyond earshot, but not out of sight of men.

Of the promulgation and observance of the foregoing statutes

We also enact in virtue of holy obedience that the foregoing statutes be published in every parish church without exception, and be carried out in their eternity by all. But let transgressors of these laws know that they will be compelled by ecclesiastical censure to render condign satisfaction: and if these foresaid statutes be not found in any parish of the archdeaconry within eight month from the day of the holding of this synod at Musselburgh, the Monday following the feast of the Invention of the Holy Cross in the year of grace 1242; we have decreed that the rectors of the same parishes, if present, or, if absent, their procurators, are thenceforward by our authority suspended from the revenue of their church.

[Synodal Statues of St Andrews, 14th Century]

We enact the synodal decrees which are hereinafter written:

That rectors possess the synodal decrees

We enact that there be no rector or vicar who does not possess all the synodal decrees and cannot read and understand them (since a consequence is that through their ignorance of them our officials and archdeacons are often put to trouble) and that they be brought every year to the synod and this we decree under a penalty of forty shillings.

That rectors and vicars be resident in their parishes

Item, we have statute that every rector or vicar or other holder of a benefice make personal and continuous residence in the place of his benefice, as the terms on which he holds it require: a rector to be fined in a sum of ten marks, a vicar and other beneficed persons in a sum of one hundred shillings.

Of the manses of the beneficed clergy

Item whereas by reason of the meanness of the houses we cannot be entertained in the benefices within our diocese, and in consequence cannot in our own person perform our official visitation or discharge the duties incumbent upon us in virtue of that office, we have decreed that every holder of a benefice shall against the next visitation make arrangements for building a manse according to the revenue of his benefice, so that we may, if need be, be accommodated therein, and his under a fine of a hundred shillings on every defaulter.

That churchmen put away their wenches or concubines

Item we will and ordain by statute that all and sundry rectors, vicars, and other beneficed persons lead a chaste life and out utterly away from them their wenches or concubines within three months from this date, and that so entirely that no sinister suspicion of incontinence may be cherished against them, under the pain of deprivation on offenders who have been thrice admonished; on those twice admonished, of ten merks, on those once admonished, of forty shillings and suspension from celebrating divine services.

That churchmen ordained without the diocese be not admitted without dimissory letters

We enact that no one from another diocese, especially a foreigner, be allowed to celebrate divine service unless he have letters giving sufficient proof as well of his orders as of his permission to leave the diocese, which shall have been approved by us or our official in synod or consistory. But any contravener we order to be fined in the sum of five merks, to be uplifted by our official and our deans and collectors of escheats

That no religious be engaged for a fee to celebrate without special license

We also decree that no religious be engaged for a fee to serve a cure or minister the sacraments of the church within our own diocese unless he has our special license, which ought to remain in writing in the possession of the said religious.

That no priest celebrate several masses a day

Also, inasmuch as certain priests looking more to gain than to piety, appropriate to themselves the salaries of many, though they can scarcely discharge the sacred obligations of one priest, by celebrating several masses a day – this we forbid to be done when there is no necessity of it. We have ordained that whoso transgresses be punished with a fine of one hundred shillings, to be applied to pious uses.

Item of the same

Item like a penalty must be inflicted on those who have persuaded their temporal lords, whether one or more, male or female, to sue for a permission to the contrary.

Of the hearing of the confessions of clerics

Item because by usage conform to the decisions of canon law no one can be judge in his own cause so far as to be allowed to choose a confessor without the permission of his superior; lest by reason of our neglect those under our authority should incur danger to their souls, we appoint the following, whose names are written below, to hear the confessions of cleric and to enjoin penances to the end of the year, for each of the deaneries, a, b, c, d, e, f, g.

That churches should have their full complement of clergy

We decree also that every church, oratory, or chapel in our see have its full complement of priests and clerics, so that divine worship may not be stinted in our times. Let him, moreover, who is negligent in the matter of this statute be canonically punished.

That priest must not celebrate in short tunics

We have furthermore decreed that no priest celebrate in a tunic so short that it does not reach beyond the knee, under a fine of ten merks, one half of which shall be given to the informer, and the other half applied to pious uses.

That rectors and vicars and parish-priests shall have seals

We furthermore enact that every rector or vicar and parish priest have a seal with his name inscribed on its circumference, so that the bishop and the archdeacons and their officers may be informed and certified as to citations and the execution of their other mandates, and this under a fine of half a merk on every defaulter.

That priests do not wear long knives which are called hangaris

Item we enact that no priest shall wear the long knife which is called a hangar, save when he is equipped for a journey, under the fine of half a merk.

That church-livings be not directly or indirectly leased to laymen

We enact that no rector or vicar or other cleric whatsoever, regular or secular, the possessor of a church living, shall presume to set or let his living on lease to laymen directly, or indirectly, with the help of a clerical person interposed so as to lend colourable and fraudulent appearance to the transaction. But if any one without our license first sought and obtained shall contravene each rule, let him be held liable to be deprived and actually be deprived of the fruits of his benefice for a whole year, and they shall be applied to building the fabric of the church of St Andrews.

That beneficed churchmen do not undertake the management of secular affairs

Item whereas some beneficed churchmen in our diocese, enslaved by the vice of avarice, address themselves to the employments of laymen, in consequence of which clerical credit is often injured; by statute we insist that no rector or vicar or any other churchman whatsoever who holds a benefice shall in any way be understood to manage any layman’s affairs, or shall hereafter presume to make intromissions as to which he will be held bound to render account; seeing that such administrations are utterly prohibited by the sacred canons. But let him who presumes to attempt the contrary underlie the penalty of deprivation, unless perchance the said business has been undertaken in virtue of our special license; the affairs of our lord the King, the Queen and their children alone being excepted.

Nuptials shall not be blessed unless preceded by banns

Still further, whereas the nuptials od some persons marrying contrary to the statutes of the canons have in times past been blessed by priests ignorant of the law, from whose action it is known that great scandal has arisen in the church of God; wherefore we statute and ordain that no priest shall dare to bless or take part in blessing within our diocese the nuptials of any persons of whatsoever rank or dignity they be, unless the banns have been first published and proclaimed according to the custom of the church; notwithstanding any assertion made by the parties in person or by proxy that they are ready to find a canonical pledge for indemnity, which canonical pledge we by the present statute repudiate and decree that it be in nowise accepted. But if any priest, unmindful of his own honour, shall dare to transgress this statute, not only shall he be ipso facto suspended from office without hope of favour, but he shall also lose all hope of preferment unless of our charity a dispensation be granted to him by us. And parties marrying contrary to this our statute shall underlie canonical punishment.

That espousals be not contracted without the presence of priests and witnesses

Furthermore, we decree that parties wishing to contract espousals, whether according to the formula for a union ‘at present’ or ‘in the future’, contract the said espousals in the presence of a priest and of trustworthy witnesses: and we further enjoin that on the next following Sundays and festivals they publish the banns according to the custom of the church, and that thereafter there follow, as quickly and conveniently as possible, the nuptial blessing , given not in private chapels and at night, but solemnly and publicly in their own parish churches; that those, moreover, who contract these espousals have meanwhile no carnal intercourse; but that, if any do so, they underlie canonical punishment as if they were fornicators.

That churchmen under accusation do not resort to laymen for succour

Item whereas some beneficed churchmen in our diocese, as we have learned by experience, careless of their own good name and enemies of their own good character; when about to be, by us and our officials, put under correction for their offences, following the examples of Judas, the despairing traitor, who, after he betrayed our Lord, turned not to the Apostles but to the Jews for counsel; resort to laymen and chiefly to those who are powerful, and return from them, as we have good reason to suspect, not without bestowing gifts to induce them to present supplications, on behalf of themselves and their possessions, to us and our officials, so that they may escape the punishment of their misdemeanours – yet surely not without disgrace to themselves; wherefore we prohibit this to be done in the future, and enact that if anyone be found culpable on this head he not only lose the benefit of such petitions as may have been made on his behalf, but also be held convicted of the offence with which he was charged, even although it has not been otherwise proven.

That excommunicates be not admitted to burial in a churchyard

Item we decree and by statute we forbid any one holding a cure in our diocese, by whatever title he may be rated, who has charge of Christian burial conducted by himself or another, to admit within his churchyard anyone who may have elected to be buried there whom he knows to have in life been excommunicated by canon law or specifically, in general or particular; unless he shall have sufficient evidence of his having been absolved by him who has the power to absolve. But let the contravener know that he will be ipso facto suspended from priestly functions for a year.

Of holding a consistory court once a year

We have also decreed, and by virtue of our episcopal authority ordained by statute, that all rectors, vicars, parish priests and other chaplains of churches officiating for the dead as well as in place of chaplains assemble once in the year, and in this case at our next consistory to be holden after Easter: to wit; those in the archdeaconry of St Andrews in the parish church of the same city, and those in the archdeaconry of Lothian in the church of St Giles in Edinburgh: to hear and receive from us or our official, or other person whom we have judged specially fit to represent us in this matter, our instructions how they should acquit themselves in the celebration of mass and the ministration of the sacraments of the church according to the statutes of the canons, and how they should likewise instruct their parishioners in those matters which concern the salvation of their souls.

Names of persons in every parish who stand in need of discipline are to be reported every year to the bishop in consistory

We statute and ordain that at the above-named days and places they bring in writing with them every year the names of all person in their parishes who need discipline, who are notorious, or about whom there is any public scandal; so that at our next visitation we may suitably reward them as good stewards for their faithful service, in faithfully reporting to us and vigilantly watching over the flock committed to them under us, or contrariwise if they have been negligent.

The names of all who die in every parish should every year be reported to the bishop in his consistory

Furthermore, also, we will and ordain that they [the clergy] bring with them in writing every year, as above, the number and names of all who die in their parishes, of whatever condition, or rank, or age they be, and who have dies testate or intestate, that thereby we may learn how the last wills of deceased persons, and especially in respect of their bequests to religious purposes, are having due effect given to them by the executors of the said deceased persons, or perchance by our officials as executors, if in any respect they have fallen short of their duty. Moreover, let whosoever has been a transgressor of this our statute in whole or in part, be fined, if a rector, forty shilling; if merely a vicar, twenty shillings,; if a parish priest, ten shillings; if merely a chaplain, six shillings and eight pence; unless there is legal proof of his labouring under a canonical impediment. Mow this our statute comes into force on the feast of our Lord’s Resurrection in the year of our Lord one thousand three hundred…

Of the obedience of clergymen

Item whereas obedience is better than sacrifice, and contumacy and disobedience are compared to the sins of witchcraft and idolatry, we enact that all clergymen who are contumacious to their bishops in their lawful and canonical commands, and who, having no clear and reasonable cause, refuse to obey, be suspended from office, and if their contumacy become aggravated, be punished with severer penalty.

A general excommunication

We excommunicate all those who dare maliciously to despoil churches of their rights or through ill-will strive to violate their immunities: also all ill-disposed invaders of church property: Item all who burn churches or houses in time of peace: Item all who deliberately withhold teinds: Item all who obstruct testament or matrimony lawfully made: Item all who counterfeit our lord the Pope’s briefs or our lord the King’s seal: Item all false coiners and clippers of money: Item all who give or procure poison to be given to anyone: Item all who wittingly bear false witness or procure it to be borne: Item all who substitute false heirs: Item all who put scandal maliciously on any man when he has not been chargeable: Item all common usurers: Item all sorcerers and all confidently believing in them: Item all who cast down their offspring at church doors or in other places: Item all who put hand on father or mother with evil intent: Item all who put violent hands on priest, deacon, or clerk in holy orders: Item all who take thieves from church or church sanctuary deliberately: Item all guilty of infanticide: Item all who falsely impute a child to another: Item all who hold intercourse with an excommunicated person or wittingly help him: All who, knowing they are suspended, celebrate mass: All guilty of simony as principals or proxies: All who desecrate church or cemetery in consequence of which it requires to be reconciled: All who succour the Saracens in arms or otherwise against Christians: All who favour heretics and who receive schismatics wittingly: All who go about at night for the purpose of stealing: Item all who trouble the peace of the king and most of all the peace of the church with evil intent: Item all who fix false boundaries wittingly: Item, all who withdraw from the unity of holy mother church.

Of the reconciliation of a church

Furthermore, we decree that when a church or churchyard shall have been profaned by the shedding of blood or of sexual seed, if this church or churchyard have been profaned by the rector or the vicar or a parishioner of the said church, or by any other person whatsoever, he who profaned it, provided he be solvent, shall pay the dues in respect of reconciliation of this church or churchyard, But if either have been profaned by someone who has no wise compeared, or has perchance compeared but has been found to be non-solvent, the rector of this parish or his vicar, if there be both in the said parish, shall provide the dues in respect of the reconciliation in this connection, at their own and the parishioners’ expense in equal proportions, since it is their common interest, with reservation also to them of the right of raising an action against the desecrator. Now when there are a rector and a vicar in the same parish, the one half of the dues shall be paid by them in proportion to their respective incomes, and the other half shall be paid by the parishioners themselves, and if need be, they shall be compelled by ecclesiastical censure. Also we interdict, under pain of excommunication in force from this time forth, anyone from daring in the future to have dances, or to hold wrestling matches, or to hold or engage in any other kind of unseemly sports in churches or in churchyards at any festivals or seasons whatsoever, since the occasion of profaning churches or churchyards has been wont to arise from such causes.

[GENERAL STATUTES OF 1549]

The order to be followed in the lectures on grammar and logic

The synod wills and decrees that the rector of every university, not forgetting or overlooking the reasons moving thereto, have a care to admit no students to the classes of logic or of the arts save such as speak Latin, and that grammatically, and that those who wish to acquire the art of dialectic be examined before they are admitted to that study, and that none be admitted to the degree of bachelor or master until after strict examination they have been found qualified to receive it: otherwise let them be put back to the next lower class; and if this is not done, it shall be imputed as a fault to the rector. Item the archdeacon of St Andrews shall take care concerning the master of the grammar school in the city of St Andrews that he be versed in grammatical subjects, of good moral training, and amply competent in other respects to teach boys and such as do not know the simplest elements of grammar.

For the maintenance and the permanent establishment of preachers of the word of God wherein the Christian people are to be nurtured

For the permanent establishment of preachers throughout the province and their maintenance, that the said preachers may not want for food and other necessaries, the archbishop primate, the bishops ordinary, and the inferior clergy, representing in the present provincial council the general convention of bishops and clergy of the realm of Scotland, have, on behalf of themselves and others, respectively assigned to the preachers who shall undertake the preaching, in respect of each of the prelates within the district and among the people subject to his jurisdiction, the following benefices: and provision shall be made that the present possessors do not resign them to others to the detriment of the preachers, as is contained in the instruments drawn up thereanent.

Names of benefices allotted to preachers [St Andrews only]:

For the Archbishop of St Andrews, the rectory or church of Muckhart.

For the priory of St Andrews, the vicarage of Trinity Church at St Andrews

[MANDATE OF THE BISHOPS OF THE KINGDOM OF SCOTLAND – mid 13TH CENTURY]

To all the sons of the holy mother church who shall see or hear these presents, David and Albinus, by the grace of God bishops of St Andrews and Brechin, and Master Abel, chaplain of our lord the pope and Archdeacon of St Andrews, wish eternal wellbeing in the Lord. We have inspected a mandate of the bishops of the realm of Scotland to the following effect: To their most excellent Lord A[lexander III]., by the grace of God the illustrious king of Scotland: David, William, Peter, Clement, Albinus, Robert, William, ministers of the churches of St Andrews, Glasgow, Aberdeen, Dunblane, Brechin, Ross, and Caithness, respectively send greeting and their ever faithful and devoted service. Although the rules ordained in the last council of the kingdom holden at Edinburgh in the presence of you and your magnates have not at all been reduced to writing, yet we cannot believe that these have escaped the memory of your councillors: Namely, that the churches and their prelates should enjoy the peaceful possession of all those rights and liberties which they have received in the time of King Alexander, your father, of happy memory, your royal right and possession being in all cases reserved. Yet now something new and from of old unheard of in the realm of Scotland has been brought in by your councillors: to wit, that ecclesiastical persons should, without the intervention of ay judicial cognition on the part of the prelates, be despoiled by laymen of the possessions bestowed on their churches in alms, as we understand has lately occurred in the case of the Prior of St Andrews. Now since these and the like of these attempts against God and the freedom of the church should not be allowed to take place without attention being called to them, we humbly and devotedly petition your excellency to revoke under the decision already come to whatever has irreverently and inconsiderately been done in the case of the goods of the Prior of St Andrews, and, if it please you, not to permit such things to be done in the future. Otherwise, we shall, at whatever risk to ourselves, rather denounce than be willing to endure what may hereafter turn out to be such an incalculable injury to the church. May your excellency ever prosper in the Lord! In witness whereof we have caused our seals to be affixed to the present document.

Letter of general caption of excommunicate persons

Robert [II], by grace of God king of Scots, to the justiciars, sheriffs, provosts and their bailies to whom the present letters shall come, greeting. We command and enjoin on you that ye compel, by the apprehension and incarceration of their bodies, to give satisfaction to God and the church, all these in your bailiaries or burghs who shall by the reverend father in Christ, William [Landels], bishop of St Andrews, or his officials, be certified to you to have contumaciously remained for forty days and more, in contempt of the keys of holy mother church, under sentence of major excommunication, and that with such expedition that we shall hear no further just complaint on that head as to your failing so to do. The presents to have no validity a year after date, etc.

Letter of caption of excommunicates when the bishop has by letters patent denounced them to the king.

Robert [II or III], by grace of God king of Scots, to the sheriff and his bailies, greeting. The venerable father in Christ, Walter [Trail], by grace of God Bishop of St Andrews, has by his letters patent invoking the secular arm of our royal dignity to the support of the holy mother church, certified us that A. has remained for forty days or more under sentence of excommunication, and so miserably contemning the keys of the church. Wherefore we command and enjoin on you that wherever in your bailiary the said A. shall be found, ye shall by the apprehension and incarceration of his person compel him to give satisfaction to God and the church; and that with such celerity that we may on that head hear no further just complaint of your failing to do so. The presents to have no validity a year after that date, etc.

Letter of procuration by the Abbot of Aberbrothock giving powers to appear for him in a cause concerning him in the Synod of the Archbishop of St Andrews.

Let it by the presents be patent to all men that we, David, by divine permission abbot of the monastery of St Thomas the Martyr of Aberbrothock, of the order of St Benedict and the convent of that place, by unanimous consent and assent of our chapter have made, constituted and appointed, and by the tenor of these presents do make, constitute and appoint these venerable men and brethren in religion: Alexander Masoun prior of Fyvie, Thomas Tullo sub-prior, Thomas Betgranger, John Dryburch cellarer, Robert Cuby, Richard Scot, James Lawsoun and Robert Gray and any one of them, as a body, jointly or singly, to be our true, lawful and undoubted procurators, agents, factors and managers of our affairs, and envoys, special and general: so that the specialty shall not derogate from the generality not contrariwise; and that there be no privileged character of priority amongst them, but what one has begun another of them shall be empowered to carry on, continue and complete, granting and conceding to these our procurators, and any one of them, our plenary powers and special and general mandate to appear for us and in our name, in all and several the causes and suits concerning us in the synod to be held on the twenty-third day of April in the metropolitan church of St Andrews, before the most reverend father in Christ and lord William, by grace of God and the Apostolic See Archbishop of St Andrews, and his vicars-general as his commissaries, one or more; as also all and several the other judges, ecclesiastical or secular within the realm of Scotland, wherever their own jurisdiction may lie: about and concerning all and several the affairs, rights, possessions, and the ecclesiastical actions and disputes which is moving or intending to move against and in opposition to us; and to take action and make defence on our behalf and in our name; to give and receive a libel or libels; to dispute; to dispute or cause to be disputed a plea or pleas; to make, depone and utter oath of calumny or fidelity; to produce and cause to be produced witnesses, letters, endorsements and all the other things proper to procurations; to oppose, reply to, accept or refute for a first, second, third or if need be fourth time the things produced against and contrary to us; to petition that sentences of whatsoever kind be issued, interlocutory or definitive; to appeal, give intimation, insist and prosecute the cause as against these sentences or against any injustice; to make composition, agreement, compromise; to conclude a compromise on faith and penalty, to substitute one or more procurators who should have the same or similar powers with themselves; and generally to do, perform and exercise all and several the other things which in the premises or as regards them may be necessary or even opportune; we holding and to hold as ratified and acceptable all and sundry that these our said procurators, or any one of them, or the substitute or substitutes appointed by them, or any one of them has or have duly and legally thought proper to do; such as we should ourselves do were we personally present and unanimous. Given under the common seal of our said monastery in our chapter house on the nineteenth day of the month of April Anno Domini 1487.