

# Transactions

OF THE

## BANFFSHIRE FIELD CLUB.



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The stone which lies before you was dug up in the graveyard of Banff, twenty-one years ago, by Mr John Kynoch, then sexton of the church.

The stone represents the dead Christ in the arms of his mother. The body rests on the lap of Mary, whose left hand supports the left arm of her son. Unfortunately, the heads of both the figures are gone. It is believed they were broken at the time when the sculpture was found. Mr Kynoch informs me that he and an assistant were in 1862 digging the grave in which are interred the remains of a daughter of the late Mr Marshall of H.M.'s Customs, when they came on a heap of stones, and were compelled to use the pick in place of the spade. The pick struck this stone, and destroyed the heads. I asked Mr K. what became of the fragments of the heads, when he replied that the whole was so broken as to render restoration impossible. Observing, however, that there were some carvings on the stone, it was carefully raised and cleaned. The Rev. Dr Bremner, then minister, had the sculpture taken to his house, and the sexton thinks that the doctor had some notice taken of it in some publications. It was subsequently replaced in the churchyard. Mr Kynoch kept it for a time in

the aisle which forms the chief remnant of the old church, but latterly he had it placed on a low pedestal by the side of a tombstone. Its existence was known to many, but I must confess that my attention was first called to it by Dr Grigor of Nairn, when here at the meeting of the Scientific Societies in July last. Dr Grigor believed it was not the least remarkable of the sights the visitors had seen on that day.

Dr Grigor's opinion is that the sculpture is a *Pietà*. It is, as we can see, undoubtedly a representation of Mary and the dead body of her Son. If it is a *Pietà*, it is believed that it is probably unique in Great Britain. Having occasion to go to Edinburgh the other day, I took up the stone and submitted it to Dr Anderson, the secretary of the Society of Antiquaries, who remarked that he had no knowledge of any similar sculpture in Scotland.

Our friend the Rev. Mr Chisholm is, I believe, rather of opinion that the sculpture is not properly a *Pietà*, but one of the series of 'Stations of the Cross.' These stations represent various stages in the Passion of our Lord, beginning with his condemnation by Pilate, and passing on to his reception of the cross, his meeting his mother, to the cross being laid on Simon of Cyrene, the mourning of the women, the falling of Christ under the cross, the death on the cross, the laying of the dead Christ in the arms of his mother, and the deposition in the sepulchre. Paintings representing these scenes are hung up in all Catholic Churches, and in some instances there are sculptures in bas-relief. The worshipper passes before these in succession, the priest explaining the scenes, and the worshipper repeating suitable prayers. If the hypothesis be correct that the figure lying before us is not a *Pietà*, but one of the representations on the *Via Crucis*, then it would represent the thirteenth station. The prayer which is appropriated to that station is addressed to the Virgin, and is thus rendered:—

Let me mingle tears with thee,  
Mourning Him who mourned for me,  
All the days that I may live.

If we are to regard the sculpture as belonging to the series of representations of the stations of the Cross, the question naturally arises, What has become of the other thirteen sculptures? Further, the representations of the thirteenth station have, I believe, not only the figures of the dead Christ and the Virgin, but representations of the other two Marys present at the descent from the Cross; and the absence of these ac-

cessories is an argument against the hypothesis that the sculpture represents a station.

On the other hand, it is objected that the figures are unusually small for a Pietà. A Pietà is, I understand, commonly placed, not over an altar, but in a corner of a chapel or church, and is of fair proportions. In the famous Pietà, by Michael Angelo, in St Peter's at Rome, the figures are of life size, and the sculpture has a chapel to itself—the Capella de Pietà.

In either case, whether we hold the figures as representing a station in the *Via Crucis* or a Pietà, our present information induces the belief that the sculpture may be regarded as an example unique in its age in Scotland.

It is a natural question to ask whether the sculpture is the product of native art? The stone, I am assured by Mr Lawrence, mason, is the same as the Clashach or Covesea sandstone. That being the case, one may assume that the figures have at least been carved in the district—whether by the hands of natives, it might perhaps be rash to pronounce.

When shown the sculpture, Dr Anderson was of opinion that it agreed with the work of the fifteenth century. It may therefore be accepted as about the same age as the old church, one aisle of which yet stands in the churchyard. That church, we learn, was begun to be erected in 1471. The burgh records of that date are not available. The Old Statistical Account of the Parish, which was prepared in 1798, and was written by the Rev. Abercromby Gordon, who was minister from 1793 to 1821, says expressly that 'From the public records, it appears that the Kirk of Banff was rebuilt by the Town Council in the year 1471, when Sir James Ogilvie of Deskford was provost.' Mr Gordon further quotes, as he says, from the public records, a statement that in 1470 the burgesses let out on lease to individual burgesses for nineteen years 'the whole of their salmon fishings, consisting of twelve nets, for the infetting and fundanation makkin of a perpetual chaplenary to sing in the Peel-heife of the burgh for our Sovereign Lord the King and Queen, their predecessors and successors, for all Christiane soules, for the theicking of the kirk with sclate, and the bigging of the tolboothe, and for quhat the burgh has not substance.' It would seem that, prior to that date, the fishing and lands belonging to the burgh had been held and enjoyed in common.

The Peel-heife, Mr Gordon informs us in a note, means 'the Peel haven, where formerly boats and small craft were generally moored,' and, he adds, 'it is now

the burying-ground, and was the site of the old church.'

'The Sovereign Lord the King,' for the good of whose soul the singing in the Peel-heife was established, was the accomplished but somewhat weak James the Third, then in the eighteenth year of his age, and the eleventh of his reign; and his Queen was the youthful Margaret of Denmark, in mortgage of whose dowry her royal father pledged to his son-in-law the Orkney Islands, which, the mortgage never having been redeemed, have since been an appanage of the Scottish Crown.

The Provost in whose time the old church of Banff was erected in the Peel-heife, Mr Gordon tells us, was Sir James Ogilvy of Deskford. This gentleman was the founder of the family of the Ogilvies of Findlater, represented by the Earl of Seafield. His father, the elder son of Sir Walter Ogilvy of Auchleven, had married the daughter and heiress of Sir John Sinclair of Deskford and Findlater, on whose death, on the field of Harlaw, he succeeded to his valuable lands in the Boyne and Findlater. Sir James Ogilvie, the Provost, died in 1509, and his remains were buried in the old church of Fordyce, where were also laid those of his eldest son, who predeceased him in 1505. Sir James Ogilvy was uncle of Sir Walter Ogilvy, ancestor of the Lords Banff. He, too, was a Provost of the burgh, and his remains, and those of his wife, Alison Hume, are interred in our churchyard—which facts, as well as that he died 29th November 1558, and his wife 25th July 1557, are all duly attested in the admirably preserved inscriptions in the aisle of the old church, on tablets erected by their son, Sir George Ogilvy, in honour of his parents.

There is a prevailing belief, which seems to have been shared by the Rev. Abercromby Gordon, that, prior to 1471, there was no other place of worship in Banff save in connexion with the Priory of the Carmelites. The members of the monastic order of our Lady of Mount Carmel do not appear in Europe till the 13th century, when they were driven out of Palestine by the Saracens. William the Lion, who founded in 1178 the Abbey of Arbroath, bestowed on the monks the patronage and tithes of nearly thirty churches, and amongst the list are the churches of Aberchirder, Inverbondin, and Banf. The fact that the tithes and patronage of Banff were the subject of gift in the time of William the Lion must be regarded as proof of the existence of a church. As the first known patron of the Church of Banff, it may be of interest to note that the Abbot of

Arbroath in 1471 was Richard Guthrie or Guthrie, who had been Professor of Sacred Theology. His appointment as abbot is confirmed by the Pope on 11th April 1471, and in May of the same year Abbot Richard grants a lease of the teinds of the Church of Inverness. Richard Guthrie had previously held the office of Prior of the Abbey, and had even been temporarily abbot about 1450, but had then resigned in favour of Malcolm Brydy, who had been Prior of the subordinate House of Fyvie. Abbot Malcolm got involved in a quarrel with Patrick Graham, Bishop of St Andrews, whom he accused of visiting the monastery not in a pastoral manner and with an ordinary retinue, but with one to two hundred horsemen in company, and charged him with extortion. The result of the dispute, which occurred about 1470—just before the building of our old church—was that Abbot Malcolm fell into the power of the Bishop, was thrown into the dungeon in the Castle of St Andrews, and was ultimately deprived of office. On the deprivation of Malcolm, Richard Guthrie was re-elected abbot, but did not live long to exercise his rule.

The two volumes of Charters and other documents connected with the Abbey of Arbroath, issued by the Bannatyne Club, contains instances in 1485, 1495, 1525, and 1526 of leases granted by the monastery of the tithes of Banff, the leases being chiefly to the Ogilvies. The Abbey records also contain instances of the exercise of the right of presentation by the Abbots to the vicarage or church of Banff. Some of these occur not distant from the date of the foundation of the old church. Thus, on the 22nd September 1493, Abbot David, third in succession to Richard Guthrie in the Abbacy, presents to the Bishop of Aberdeen for induction into the vicarage of the Parish Church of Banff Sir Arthur Elphinstone—the benefice being about to be vacated of consent by the holder, Mr Duncan Scherar. This Mr Duncan Scherar, we may note, was in 1485 vicar of Nigg. Again, on the last day of March 1497, the same Abbot David (who, previous to his election, had been Sir David Lichtone, clerk to the King's Treasury), presents to the Bishop of Aberdeen for induction into the vicarage of the Parish Church of Banff Sir Thomas Prat, the office being about to become vacant by the resignation of Mr Bernard Gargill.

May we not assume that Duncan Scherar, Arthur Elphinstone, Bernard Gargill, and Thomas Prat severally conducted service in our old church, a portion of which stands in the erstwhile Peel-heife?

At the date of which we have been speaking—the

foundation of the old church—the picture one is led to form of the town is quite mediæval. On the hill above is the Castle, then in the possession of James Stewart, Earl of Buchan, uncle of the King, and known as Harty James. Stewart had married Margaret Ogilvie, the only child of Sir Alexander Ogilvie of Auchterhouse, who, like his relatives, the Ogilvies of Findlater and Dunlugas, had obtained lands in Banffshire and Aberdeenshire. In 1466, Stewart receives from his nephew the King, a charter to himself and his wife of the baronies of Strathalva and Doune, with the Castle of Banff and other possessions. Probably the Earl and Countess of Buchan did not live much in Banff Castle. The Earl was twice Lord High Chamberlain of Scotland, and necessarily lived a good deal at Court. He continued, however, to retain his hold of this district, for so late as 1493, he obtained a charter of the lands of Sandlaugh. We may assume, therefore, that the Earl and his Countess resided from time to time in the Castle. On the lower ground, stretching up to the Castle lands, you had next the property attached to the Parish Church. The garden of the old vicarage yet meets with the Castle Park. The site of the vicarage itself, we may believe, was not far from what is now known as the old manse. It was close to the church—only a few feet distant.

To the south of the church and its burying-ground lay the monastery of the Carmelite brothers. We do not know much of the history of this religious house. The first grant respecting it on record, is a royal charter, dated at Scone, the 1st day of August 1324, whereby King Robert I. 'confirms to the brethren of the Order of Mount Carmel the Chapel of the Blessed Mary, hard by the village of Banff, together with the ground pertaining to the same chapel, for building there a church and other houses for their Order, and for occupying said place with brethren of the same Order.'

In the charter chest of Forglan, there is a feu charter of date 1520, granted by Friar William Smytht, prior of the Carmelites of Banff, with the concurrence of the venerable John Malcolmson, Provincial of the Carmelite Order in Scotland, in favour of Patrick Duncanson, burgess of Banff, and Margaret Hay, his spouse, of a new edifice, with garden and pertinents, lying within the burgh of Banff. The feu-duty is 6s. 8d. In the charter chest of Forglan, there is also a feu charter granted by the same William Smytht, prior of the Convent of Carmelites in Banff, with the consent of William Stos or Stois, head of the Order in Scotland, in favour of Sir Walter Ogilvie of Dunlugas, knight,

and of his wife, Alison Hume (the pair whose monument is to be seen in the old church) of the lands of Dalhough and lands called Sandiehill. The deed is dated at the Convent, October 6, 1544. Besides the signature of the prior, the charter has also the signatures of two of the brethren, Brother Thomas Mathe and Brother John Davison. It is with a certain degree of interest one calls up even the names of these departed persons, who once owned the lands and trode the ground we now occupy.

To the east of the old church and churchyard, and one may say almost contiguous, was probably the grammar school of the burgh. We have no proof that in 1471 there was actually a grammar school in the burgh; but we think it extremely likely. At least, among the witnesses who attest the completion of the feu charter last cited (October 1544), there occurs the name of Sir William Clerke, teacher of the Grammar School of Banff. In 1547, the salary of Sir William Clerke is fixed by the Provost and Magistrates at five merks, payable half-yearly. The salary is for life, and is granted 'Pro erigendis et docendis per eum scolis grammaticalibus continue in dicta urbe de Banff.' The deed is witnessed by, amongst others, Patrick Grantully, rector of Glass, and Andrew Anderson, curate of Banff. Its due execution is certified by Thomas Walters, 'Presbyter Aberdoniensis diocesis, publicus papalis, imperialis, et regius notarius.' Mr Maidment, of Edinburgh, who quotes this deed in *Notes and Queries*, suggests that Sir William Clerke was son or grandson of John Clerk, a burgess of the royal burgh, who appears in another deed as selling a tenement to Patrick Duncan, a fellow-burgess. This deed is without date, but, judging from the caligraphy, it was written before 1500. It is mentioned in the deed that Clerke, having no 'proper' seal of his own, Archibald Lyddale and James Baird, baillies of Banff, appended their seals for him. Baird was a vassal on the lands of Ordenhuffis, then held by the Gordons of Strathbogie.

These glimpses show us that four hundred years ago or thereby there were residing here men of learning, of piety, and of wealth. The trade of the place could not, however, have been great. The chief industry was probably fishing. We have seen that the fishings belonging to the town were even then valuable. It has been noted that the town's fishings were let to individual burgesses just at the time of the building of the old church. The burgesses, in parting with their fishings, looked not only to money, but to protection.

Hence they gave their property to those who could help them to protect the remainder. Sir James Ogilvie of Deskford, our old friend the Provost, for three nets of the water, was to pay £6; but he was also taken 'bound to defend the burgh in their guid and honest quarrelles, and freedom of the water, and, if masterly vaxit, to bring the fish back fra the vaxars.' If the burgesses made any exports, they probably consisted mainly of lasts of pickled salmon and grilse. Wool, hides, and skins would probably also find their way from the harbour in an occasional vessel to Holland.

Up to the time of which we have been speaking, the burgesses met for worship under one roof. We have no record of any disturbance affecting the comfort of the worshippers in the Parish Church in connection with the changes that accompanied the introduction of Protestantism. Probably the congregation worshipping in the Parish Church went cordially with the new ideas. The church, so far as we know, suffered no injury at the time. It was otherwise with the neighbouring buildings belonging to the Carmelites. Mr Maidment, whom I have already quoted, gives excerpts from a deed by the Head of the house in Banff, of date 1559, which sets forth in a preamble that on the night of the 20th July in that year, there was a 'raising of fire in our said place and kyrk under sylens of nicht,' by some persons of name unknown. Next morning it was discovered that 'there had been manifest spulzie of the insyght of the kirk and place.' It is also noted that 'information had been privately given that "syndrie and divers" of our "wodin places" in the Southland had been put to "wraik" in the same manner.' It was plainly time that the Banff friars should be making friends of the mammon of unrighteousness. It was clear that it would be wise to part with their property before it was destroyed. The brethren did not absolutely sell. They resolved to grant a lease or tack to a man of substance who could protect the property. They found a person for their purpose in George Ogilvy of Castleton, son of Sir Walter of Dunlugas, already mentioned. Sir George is the erector of the monument in the Banff aisle. Accordingly, John Fulford, Prior of the Order in Banff, with consent of Friar John Christison, Provincial of the Carmelites in Scotland at that date, grants a tack or lease to George Ogilvie and to his heirs male 'allendarlie,' 'but to na substitute nor sub-tenand, all and haill our place besyde Banff, with yaird (garden), orchard, and other tounis, contenit within the stain wallis,' the lease to endure for eleven years, 'at the

rent of sax pundis usuall money of the realm,' at Whitsunday and Martinmas by equal portions, to be paid 'to the prior or his successors in quhat stait yet ewer yae be for the time, be ressoun of this present contrawersie.' The 'tak' was, with the consent of Friar John Davidson, sealed by the Prior on 15th August 1559, and was ratified by the Provincial of the Order on March 4, 1559; the year then ending on the 25th of that month. In Scotland, the old style was only abolished in 1660, before which date the year commenced on March 26, in place of January 1. The 'tak,' it will be observed, was for eleven years. It is not believed that it needed renewal. The giving up of 'our haille place besyde Banff,' made in 1559, on the part of the brethren, proved to be really absolute and final. The Carmelite property remained in the hands of the Ogilvies; and the greater part, if not the whole, passed from them, says Mr Alex. Smith (in *New Statistical Account*), to Lord Airlie in 1630, and in 1690 to the representatives of Lord Fife.

While the Carmelite brethren were dispersed, the worshippers in the Parish Church continued to meet under no unfavourable conditions. Dr Hew Scott's *Fasti Ecclesiae Scoticanæ* shows the various incumbents from about 1560. For a time the number of Protestant clergymen was insufficient for the duties devolving on them. In 1567 Banff was served by a reader named William Martin. At that time William Lawtie served the churches of Cullen, Fordyce, Inverboynie, and Banff. Before 1574 Lawtie removed from Cullen to Banff, and had in his charge Inverboynie and Alveth, his stipend being £8 6s. 8d. This arrangement continued till 1589. In 1590 John Guthrie was promoted from being Regent in the University of King's College, Aberdeen, to be minister of Banff. He was presented to the vicarage by James VI., on 28th May 1597, and to the modified stipend on 14th Oct. 1615. Alexander Seton, A.M., son of Alexander Seton, laird of Pitmedden, who obtained his degree at Aberdeen in 1615, was the next minister. The date of his admission is not known, but he was installed before 1629. It is known that he was minister so late as 1660. He was followed by another Alex. Seton, who had been minister in succession at Cullen and Mortlach, and who was inducted as minister of Banff on 15th May 1661. He was elected to Aberdeen, but being unwilling to go to that city, the proposed translation was refused by the bishop and synod on 30th Sept. 1665. Subsequently, after preaching a farewell sermon in 1676, with a view to his leaving for Tranent, Seton decided to remain in Banff, having been pressed to do so by the parishioners.

He died June 1679, aged about 56 years. His funeral sermon was preached by Mr Wm. Blair, minister of Fordyce. His character yet lives in the well known lines:—

Soul-saving Setone,  
Preacher in this town;  
The key of knowledge,  
The glory of the gown.

Seton was succeeded by Patrick Innes, who was translated from Deskford. Not having freedom to take the test oath in 1681, he forfeited his benefice, but getting his difficulties removed, he took the oath and was restored in 1682. At his death, in 1699, Innes was succeeded by William Hunter, who was translated from Tyrie. Mr Hunter was a man of great energy, and strongly attached to his views. He corresponded with Principal Carstairs regarding the conversion of George, Lord Banff, from Popery to the Protestant faith. He was, however, himself suspended in 1712, for refusing to take the oath of adjuration. He returned, but was deposed 4th April 1716, for witnessing the proclamation of the Pretender at Banff. Hunter was succeeded by James Innes, licentiate of the Presbytery of Strathbogie, who had been chaplain in the Marquis of Tullibardine's regiment. He was followed in 1753 by Robert Traill, translated from Kettins, who was presented to the living by the Earl of Findlater, and admitted in December 1753. In 1760, he had the degree of D.D. from the University of St Andrews, and was translated to the Professorship of Divinity in the University of Glasgow in 1761.

The next minister, Andrew Skene, was the last of the clergymen who officiated in the old church. Mr Skene was translated from Keith, and was presented to Banff parish by the Earl of Findlater and Seafield. He was admitted to the charge on 27th April 1761. Mr Skene possessed great medical knowledge, and was thereby enabled to prescribe for the physical as well as the spiritual maladies of his parishioners.

In the new parish church there have only been, besides Mr Skene and the present incumbent, three ministers—Abercromby Gordon, already mentioned; Francis William Grant, and Robert Bremner, LL.D.

I have said that the last minister who officiated in the old church was the Rev. Andrew Skene. The session minutes of that date are not available. An extract from the Presbytery records, with which I have been favoured, shows that on 1st April 1778 Mr Skene appeared at the Presbytery and submitted extracts of

minutes of the heritors concurring in the necessity of a new church being provided for Banff parish. Plans were also submitted and approved, and it was stated that the new church was proposed to be erected on a new site. The site chosen was the northwest end of a piece of ground belonging to Lord Fife, called Fill-the-cap. There are minutes showing that the Earl of Fife gave this piece of ground to the burgh, receiving in exchange therefor the ground on the east side of Deveron below the bridge, called the Gaws; the burgh thereafter transferring the Fill-the-cap portion of ground to the heritors and inhabitants of the town and parish of Banff for the purpose of building a church according to the plan approved, the remainder of the ground to be kept as an area round the church, and never any houses to be built thereon.

Though the presbytery sanctioned and ordered the erection of the new church in 1778, the building was not completed till eleven years later. The burgh accounts show that in the year 1789-90 the Council paid out in that year on account of the new church a sum of £507 12s. The Council also received for seat rents in the new Church at Whitsunday 1790 £48, and at Martinmas the same year a sum of £31. It is known that the Council built a larger portion of the church than fell to them as heritors to provide. They sold a number of the pews, and there is an entry in 1790 that there had been received for seats in the new church sold off £108, leaving, it is noted, £371 yet due. A memorandum shows that the cost of the new church was borne in the following proportions:—£1456 by the Town; £364 by Lord Fife; £308 by Lord Seafield; and £172 by Sir George Abercromby—total, £2300.

When it was resolved to build the new church, it was urged as a plea for change of site that the space occupied by the old church was wanted to be added to the burying-ground. It was accordingly resolved that, when the new church was erected, the old church should be removed, in order to provide space for interments. Mr Abercromby Gordon, writing in 1798, says 'the old church was taken down only last year, excepting an ancient vaulted aisle on the south side, now a burying-place of Lord Banff's family.' One could have wished, perhaps, that the resolution to take down the old church had not been carried out, and that fresh ground for interments had been sought elsewhere in 1797, as had to be done at a later date.

One last word. When the stone which has been our text was carved and erected, men's minds were nearly at one on the greatest of all questions. The world is

now vastly different. Is there any hope of the old unity of belief ever being realised? Perhaps not. One can, however, even now thankfully recognise that, if we differ, we have ceased to quarrel, over religious questions. We can hold varying views and yet be friends. This Club, embracing in its membership men differing widely on questions of the highest moment, is a proof that, if the world of 1883 has less of external unity than the world of 1471, it has none the less of the best of all the graces—the crowning grace of Charity.