

“I am friends wt you & do Entertain no malice”: discord, disputes and defamation in Ulster Presbyterian church courts, c. 1700-1838.

1. Introduction

On 11 June 1706, the Kirk-Session of Aghadowey, county Londonderry, met to discuss a scandalous report that was causing friction within the community. One of its members, Elizabeth Marchland, had raised a report about the over-familiar conduct between her husband, James Walker, and a woman named Mary Wilson. The pair had been seen frequently in each other’s company and were allegedly spotted holding hands in sermon.¹ During the course of the Session’s investigation, Elizabeth withdrew her complaint, adding that she had made it “out of mistake”.² The Session, however, believed that James was “not free of offence” and agreed “yt he should be rebuked for giving grounds of jealousy” to his wife.³ This was not the end of the matter. The following February, the parties were again called to the Session and in an effort to bring the affair to a close and restore communal harmony, three further directives were issued. Firstly, James was instructed by the elders “to love and be tender towards his wife and [to] perform ye duties of a loving and faithful husband”. Elizabeth was likewise urged to be “tender of her husband’s reputation”.⁴ Secondly, Mary Wilson was admonished to “behave inoffensively and not admit of any

¹ Aghadowey Kirk-Session minutes, 11 June 1706, Presbyterian Historical Society of Ireland, (PHSI) Archives, Belfast.

² Aghadowey Kirk-Session minutes, 11 June 1706.

³ Aghadowey Kirk-Session minutes, 9 July 1706.

⁴ Aghadowey Kirk-Session minutes, 4 February 1707.

conversation” that would give Elizabeth “any ground of jealousy or suspicion”.⁵ Finally, the Session required all three parties to “evidence their perfect friendship and reconciliation” and to promise to live as friends in the future.⁶

Cases such as this offer a tantalising glimpse into the role that Presbyterian church courts played in the lives of its members. To the modern observer, the involvement of Aghadowey Session in the relationships of its members may appear intrusive. However, to women and men living in Presbyterian communities in eighteenth- and nineteenth-century Ulster, such interference was relatively normal. Kirk-Sessions scrutinised all aspects of their church members’ lives, including family relationships, marriage, sexuality, leisure activities and neighbourhood disputes.⁷ As Todd has shown for early modern Scotland, church courts took on multiple roles in the community. They acted as modern social welfare agencies, marriage counselling services and as peacemakers in community disputes.⁸ The minutes of these cases are therefore incredibly rich sources for historians of the family and those interested in social history more broadly. But how useful are they to historians of law and order? What can Presbyterian church court minutes add to our understanding of law and

⁵ Aghadowey Kirk-Session minutes, 4 February 1707.

⁶ Aghadowey Kirk-Session minutes, 4 February 1707.

⁷ A point also made by McCafferty in his analysis of the Irish ecclesiastical courts. See John McCafferty, “Defamation and the Church Courts in Early Sixteenth-Century Armagh”, *Archivium Hibernicum*, 48 (1994): 89.

⁸ Margo Todd, *The Culture of Protestantism in Early Modern Scotland* (New Haven: Yale University Press, 2002), 266; Leah Leneman, “Defamation in Scotland, 1750-1800” *Continuity & Change* 15, no. 2 (2000): 210; Leah Leneman and Rosalind Mitchison, *Sin the City: Sexuality and Social Control in Urban Scotland, 1660-1780* (Edinburgh: Scottish Cultural Press, 1998), 40.

religion in Ireland? To answer this, we need to first understand the legal position of Presbyterianism in eighteenth- and nineteenth-century Ireland.

In common with other religious traditions operating in Ireland at this time, members of the Presbyterian Church were also expected to follow certain rules that regulated their everyday lives.⁹ The main conventions and traditions of Presbyterianism were enshrined in a set of documents known as the Westminster Standards. These included the *Westminster Confession of Faith*, the *Larger and Shorter Catechisms*, the *Directories for Public and Family Worship*, and the *Form of Presbyterial Church Government*. In addition to outlining the doctrinal standards of the church, these documents provided guidance on how church members should behave. Marriage, sexual conduct, baptism, the education of children, the keeping of the Sabbath, and family worship were among the topics addressed.¹⁰

The **Presbyterian** Church was concerned to regulate these areas of everyday life for two main reasons. As was the case with other religious traditions, Presbyterianism regarded the family and household as “little commonwealths”, wherein the moral values of the church

⁹ For other religious communities, see J. Corish, “Catholic Marriage Under the Penal Code” in *Marriage in Ireland*, ed. Art Cosgrove (Dublin: Glendale Press, 1985), 67-77; S. J. Connolly, *Priests and People in Pre-Famine Ireland, 1780-1845* (Dublin: **Four Courts Press**, 1982); R. L. Greaves, *God’s Other Children: Protestant Non-Conformists and the Emergence of Denominational Churches in Ireland, 1660-1700* (Stanford: **Stanford University Press**, 1997). For Presbyterianism in Ulster, see A. R. Holmes, *The Shaping of Ulster Presbyterian Belief and Practice, 1770-1840* (Oxford: Oxford University Press, 2006) and Roisin Browne, “Kirk and Community: Ulster Presbyterian Society, 1640-1740” (M.Phil. thesis, Queen’s University, Belfast, 1999).

¹⁰ Church of Scotland, *The Confession of Faith, the Larger and Shorter Catechisms With the Sum of Saving Knowledge (Contain’d in the Holy Scriptures, and Held Forth in the Said Confession and Catechisms) and Practical Use Thereof ...* (Glasgow, 1762), hereafter *Confession*.

community were established.¹¹ Whereas a well-ordered family was believed to produce a well-ordered society, sin and error were caused by bad family government.¹² Sexual offences, like fornication or adultery, were not just contrary to scriptural teaching, they had far-reaching consequences for the harmony of the community as a whole. John MacBride, in his 1702 pamphlet *A Vindication of Marriage*, noted how acts of illicit sexuality “shake ... the foundations of Common-wealths” and cause “whole Houses [to be] ... filled with Reproaches and Feuds”, resulting in “publick Miseries & Destruction”.¹³ The affairs of the family were therefore matters of interest to the community at large -communal harmony was closely intertwined with the family.

Secondly, the actions of individual church members reflected on the public reputation of the church more broadly. The need to protect the integrity of the church was a pressing concern for Presbyterianism in Ireland for much of the eighteenth- and nineteenth-centuries. This was because Presbyterianism in this period held the position of a dissenting minority - the Established Church being Anglican. Brought over to Ireland in the seventeenth-century, and bolstered by successive waves of Scottish migrants, Presbyterianism established a strong

¹¹ Elizabeth Ewan and Janay Nugent, “Introduction. Where is the Family in Medieval and Early Modern Scotland?” in *Finding the Family in Medieval and Early Modern Scotland*, ed. Elizabeth Ewan and Janay Nugent, (Aldershot: Routledge, 2008), 8; Alexandra Walsham, “Holy Families: The Spiritualization of the Early Modern Household Revisited”, *Studies in Church History* 50, no.1 (2014): 122; Patrick Collinson, *The Birthpangs of Protestant England: Religious and Cultural Change in the Sixteenth- and Seventeenth-Centuries* (Basingstoke: Macmillan, 1988), ch. 3.

¹² Todd, *Culture of Protestantism*, 265.

¹³ John MacBride, *A Vindication of Marriage, as Solemnised by Presbyterians, in the North of Ireland* (Belfast, 1702), 13.

foothold in the north-east counties of the island.¹⁴ Indeed, their share of the population in Ulster rose from 100,000 in 1691 to approximately 642,356 by 1835.¹⁵ The numerical superiority of Presbyterianism in Ulster, together with its extensive system of church courts, fuelled the fears of the Anglican Establishment that Presbyterianism constituted a ‘state within a state’, and was thus a threat to its supremacy in Ireland.¹⁶ Consequently, Presbyterians in Ireland were subjected to a number of legal disqualifications that were aimed at “break[ing] the organisational and social structures that were seen as giving Presbyterianism its power – namely, its system of church courts.”¹⁷

While the Presbyterian Church in Ireland claimed the right to exercise authority over the lives of its members (following the example of its parent church in Scotland), its ability to do so was contested by the Established Church throughout this period. As a dissenting minority in a confessional state, Presbyterian standards were therefore not *legally* enforceable and the attempts of the church courts to exercise control over the behaviour of its members

¹⁴ Holmes, *The Shaping of Ulster*; R. F. G. Holmes, *Our Irish Presbyterian Heritage* (Belfast: W.g. Baird, 1985), 3-7; Ian McBride, “Presbyterians in the Penal Era”, *Bullan*, 1 (1994): 74; D. M. MacRaild and Malcolm Smith, “Migration and Emigration, 1600-1945” in *Ulster Since 1600: Politics, Economy and Society*, ed. Liam Kennedy and Philip Ollerenshaw (Oxford: Oxford University Press, 2013), 141-44.

¹⁵ K. P. Conway, “The Presbyterian Ministry of Ulster in the Eighteenth and Nineteenth Centuries: A Prosopographical Study” (Ph.D Thesis, Queen’s University Belfast, 1997), 26; Connolly, *Religion and Society*, 3.

¹⁶ D. W. Hayton, “Presbyterians and the Confessional State: The Sacramental Test as an Issue in Irish Politics, 1704-1780” *Bulletin of the Presbyterian Historical Society*, 26 (1997): 16; McBride, “Presbyterians”, 74.

¹⁷ Connolly, *Religion, Law and Power*, 176.

often brought it into dispute with the Established Church.¹⁸ Considerable conflict erupted over the performance of religious rituals, such as the celebration of marriage, funeral services and baptism.¹⁹ Indeed, Beckett has argued that of all the forms of discrimination that Presbyterians endured, it was the action taken against them in church courts concerning marriage which grieved them most.²⁰ Presbyterian ministers who performed marriages were charged with having done so clandestinely, while lay persons so married were charged as fornicators.²¹ The main reason why clergymen of the Established Church rejected the claims of Presbyterian ministers to perform marriages was that if they accepted such marriages as legal they would also in turn validate the existence of the Presbyterian faith as a separate,

¹⁸ For a discussion of the state law and the social regulation of the various churches in Ireland see Michael Brown and Séan Patrick Donlan, “The Laws in Ireland, 1689-1850: A Brief Introduction” in *The Laws and other Legalities of Ireland, 1689-1850*, ed. Michael Brown and Séan Patrick Donlan (Farnham: Routledge, 2011), 1-32; Patrick Griffin, *The People With No Name: Ireland’s Ulster Scots, America’s Scots Irish and the Creation of a British Atlantic World, 1689-1764* (New Jersey: Princeton University Press, 2001), 45.

¹⁹ It was not until 1845 that marriages performed by Presbyterian ministers were regarded as legally unassailable. See J. M. Barkley, “Marriage and the Presbyterian Tradition”, *Ulster Folklife*, 39 (1993): 30; Maebh Harding, “The Comeback of the Medieval Marriage *Per Verba de Praesenti* in Nineteenth-Century Bigamy Cases” in *Law and the Family in Ireland, 1800-1950*, ed. Niamh Howlin and Kevin Costello (London: Palgrave Macmillan 2017), 34-36, 42-43; Hayton, “Presbyterians and the Confessional State”, 11; Patrick Griffin, “The People With No Name: Ulster’s Migrants and Identity Formation in Eighteenth-Century Pennsylvania”, *The William and Mary Quarterly* 58, no. 3 (2002): 591.

²⁰ J. C. Beckett, *Protestant Dissent in Ireland, 1687-1780* (London: Faber and Faber, 1948), 116.

²¹ Beckett, *Protestant Dissent*.

independent religious body.²² As the chapters by Emma Lyons, Philip Walsh, and Charles Ivar McGrath show, Roman Catholics were also subject to penalties – in fact, marriages performed by Roman Catholic priests between a Catholic and a Protestant were regarded as null and void until 1870. Yet, it should be noted that the marriages of two Roman Catholics, performed by a Roman Catholic priest were never subject to regulation by statute law.²³ Unlike their Roman Catholic counterparts, Presbyterian ministers were not episcopally ordained, something which led sections of the Anglican establishment to refuse to accept the validity of their marriages. Given this hostile climate, it is perhaps unsurprising that the Presbyterian church courts were concerned to ensure that its members did not behave in ways that would attract the (unwanted) attention of its rival.

Even though Presbyterianism lacked the backing of legal frameworks in Ireland, this did not hinder the ability of church courts to carry out discipline. Andrew Holmes has noted that the non-established status of Presbyterianism in Ireland may have actually increased the efficiency of its church discipline.²⁴ Moreover, in order for church discipline to work effectively, it had to have the support of the local community. The church courts not only relied on the laity to enforce its standards of discipline at community level, they also depended on church members to report on their erring neighbours. That the overwhelming majority did so is clear from church court records. It is well established among historians of Ulster Presbyterianism that only a small proportion of church members defied discipline.²⁵

²² Phil Kilroy, *Protestant Dissent and Controversy in Ireland, 1660-1714* (Cork: Cork University Press, 1994), 197.

²³ See Corish, “Catholic Marriage”, 67-77.

²⁴ Holmes, “Community and Discipline”, 267.

²⁵ Andrew Blaikie and Paul Gray, “Archives of Abuse and Discontent? Presbyterianism and Sexual Behaviour During the Eighteenth and Nineteenth Centuries” in *Ireland and Scotland: Order and*

Indeed, in contrast to its Scottish counterpart, which began to lose its grip on discipline from around 1780, the church courts in Ulster continued to exercise discipline until the early twentieth-century.²⁶

Why is this important? In her study of Baptist and Presbyterian communities in nineteenth-century Ontario, Marks suggested that the key difference between secular legal courts and church courts is that those being disciplined in the latter did so *voluntarily*, in a much more direct way than was true for citizens of nation states.²⁷ By *choosing* to submit themselves to discipline, church members actively participated in, and consciously upheld, the standards of behaviour expected by their church.²⁸ Consequently, the boundaries between private (family) affairs and public affairs became blurred, enabling the churches in Ontario to proactively regulate and discipline members who broke its regulations in ways that went beyond the capability of the state.²⁹ According to Marks, an analysis of church court minutes

Disorder, 1600-2000, ed. R. J. Morris and Liam Kennedy (Edinburgh: John Donald, 2005), 65; Holmes, *Shaping of Ulster*, 166-72.

²⁶ Blaikie and Gray, “Archives of Abuse”, 69-70; Rosalind Mitchison and Leah Leneman, *Sexuality and Social Control, 1660-1780* (Oxford: Blackwell, 1989).

²⁷ Lynne Marks, “Christian Harmony: Family, Neighbours and Community in Upper Canadian Church Discipline Records” in *On the Case: Explorations in Social History*, ed. Franca Iacovetta and Wendy Mitchinson (Toronto: University of Toronto Press, 1998), 113.

²⁸ See Charles Parker, “The Moral Agency and Moral Autonomy of Church Folk in the Dutch Reformed Church of Delft, 1580-1620”, *Journal of Ecclesiastical History* 48, no. 11 (1997): 47.

²⁹ Marks, “Christian Harmony”, 111-15; Nancy Christie, “Carnal Connection and Other Misdemeanours: Continuity and Change in Presbyterian Church Courts, 1830-90” in *The Churches and Social Order in Nineteenth and Twentieth-Century Canada*, ed. Michael Gauvreau and Olliver Hubert (Montréal: McGill-Queen’s University Press, 2006), 61-108; Janay Nugent, “None Must

potentially offers a new perspective on the nature of the relationship between law and religion.

It is this point which provides the rationale for **this** chapter. Similar to the situation in Ontario, Presbyterian standards of behaviour were not legally enforceable in eighteenth- and nineteenth-century Ireland. Yet, the church courts not only claimed authority to interfere in the private lives of its members, they did so in ways that beyond the normal purview of the state. Motivated by a desire to preserve communal harmony and uphold the public reputation of the church, Kirk-Sessions intervened in their members' family lives, their friendships and in their interactions with neighbours. Moreover, the laity was complicit in this process. As shown in the case of Elizabeth Marchland and James Walker, the church courts were called upon to act as arbitrators in cases of marital jealousy and neighbourhood unrest. Cases such as these therefore offer us the opportunity to investigate the informal ways in which the lives of ordinary women and men were regulated in Ireland. How common was it for church members to bring their grievances to the Session? In what types of disputes did church courts become involved? Did church courts offer a more effective means of remedying disputes than civil courts? Drawing on a sample of Presbyterian Kirk-Session records, this chapter aims to forward some exploratory answers to these questions. In doing so, it aims to bring into sharper focus the intersections between religion, law and the family in eighteenth- and nineteenth-century Ireland.

2. The Process of Church Discipline

Meddle Betueene Husband and Wife': Assessing Family and the Fluidity of Public and Private in Early Modern Scotland", *Journal of Family History* 35, no. 3 (2010): 220-21.

How did Presbyterian church discipline work? It is helpful to begin with a brief introduction to the Presbyterian church courts and their minute books. The Presbyterian Church was supervised by a hierarchy of three church courts. At the bottom was the Kirk-Session. This court operated on a local level and was made up of the minister and local representatives from the community, known as Elders. The Kirk-Session oversaw the spiritual and moral welfare of the community and its duties ranged from the distribution of poor relief to the exercise of church discipline.³⁰ Above this was the Presbytery, which was made up of representatives from the Kirk-Sessions within its bounds. It oversaw complaints made against ministers and students under its care, dealt with calls received from vacant congregations, and mediated in more complex cases of discipline (such as adultery or incest) that were referred by Kirk-Sessions.³¹ At the top was the Synod, which was made up of representatives from all the congregations under its care. It was responsible for the oversight of the whole work of the church and dealt with the financial aspects of church business, serious cases of discipline and issued church-wide directives. At the meetings of each of these courts, a clerk was appointed to record the proceedings. It is these minutes on which the following chapter is based.

While each of these courts were responsible for a particular area of church business, all were involved in the exercise of discipline. The discipline cases that were heard by the courts generally fell into one of three broad categories: sexual offences, such as adultery, pre-marital fornication, and fornication; marital offences, such as bigamy and irregular unions; and breaches of social and religious norms, such as slander, breaking the Sabbath and drunkenness. While some members of the community made voluntary admissions of guilt, the misconduct of many appears to have come to the notice of Kirk-Sessions through a

³⁰ J. M. Barkley, *A Short History of the Presbyterian Church in Ireland* (Belfast: Publications Board, Presbyterian Church in Ireland, 1959), 84.

³¹ Barkley, *History of the Presbyterian Church*, 83.

network of community gossip and informers. Offences that were deemed particularly scandalous, such as adultery, sparked the condemnation of the laity and were the subject of much gossip. Between 1755 and 1757 a case of alleged adultery was repeatedly heard before the Session of Cahans, county Monaghan, on account of the “violence” and “flagrancy” with which the “fama clamosa” had circulated.³²

In other cases, Kirk-Sessions directly called on the laity to report the suspicious behaviour of their neighbours. In November 1803, Loughaghery Session, county Down, sought the assistance of church members in a case of disputed paternity. Before allowing the reputed father to take an oath clearing him of guilt, the Session ordered that an “intimation” be read to the congregation, “That if any person had any light less or more on the matter” they should “communicate the same to some member of Ses[s]ion”.³³ That the laity were more than willing to act as agents of discipline is clear from church court records. In June 1838, for example, John McLaughlin, a member of Molesworth congregation, county Tyrone, broke down a bedroom door in a house in Orritor Street because he suspected that the occupants of the room were engaged in “criminal acts”.³⁴ Like other Reformed churches,

³² The phrase “fama clamosa” meaning a “big noise”. See, Cahans Kirk-Session minutes, 16 November 1755; 23 November 1755; 15 March 1756; 15 April 1756; 16 October 1757, CR3/25/B/1, Public Record Office of Northern Ireland, Belfast.

³³ Loughaghery Kirk-Session minutes, 25 November 1803, CR3/8/1, [Public Record Office of Northern Ireland, Belfast](#).

³⁴ Molesworth Kirk-Session minutes, 12 June 1838, T2750/1, Public Record Office of Northern Ireland, Belfast.

discipline depended on the social networks inherent in neighbourhood life to identify offenders and monitor the behaviour of the community.³⁵

If an alleged offender was found at fault, the Kirk-Session would impose punishment. The sentence that was afforded to offenders varied depending on the type of offence committed, the notoriety of the indiscretion, how recently it had occurred and the nature of the evidence offered.³⁶ In cases where the offence was less serious or not well-known, the offending party might be rebuked privately, before the Session. In most cases, however, offenders were denied access to the church privileges of communion and baptism, and were required to undergo a public rebuke before the congregation on at least two successive Sabbaths.³⁷ The emphasis on public censure further highlights the communal nature of Presbyterian discipline – such measures were designed to reinforce community norms and were not purely punitive. It should also be noted that the intensity and focus of church discipline varied across different communities. While not the focus here, it is sufficient to say that church discipline was dependent on not only the co-operation of the lay community, but also the theological position of the minister and the enthusiasm of the Kirk-Session to prosecute cases.³⁸

³⁵ Parker, “Moral Agency”, 47-49.

³⁶ Holmes, “Community and Discipline”, 272.

³⁷ For the procedures in Presbyteries, see Blaikie and Grey, “Archives of Abuse”, 64-65, and for the Scottish context see, Rosalind Mitchison and Leah Leneman, *Sin in the City: Sexuality and Social Control in Urban Scotland, 1660-1780* (Edinburgh: Scottish Cultural Press, 1998), 19-25; Mitchison and Leneman *Sexuality and Social Control*”, 16-43.

³⁸ For a discussion of discipline within the different theological strands of Presbyterianism see Holmes, “Community and Discipline”, 266-77; Blaikie and Grey, “Archives of Abuse”, 61-84.

What types of cases came before the notice of Presbyterian church courts? As noted, Kirk-Sessions and Presbyteries dealt with a wide variety of offenses and behaviours that were regarded as having transgressed the moral codes of the community. The popular image of Presbyterianism is one in which the church courts relentlessly pursued and punished persons guilty of sexual misdemeanours. In some respects, this image is borne out in church court records. That sexual offences comprised a relatively large proportion of church business is well recognised by historians of Presbyterianism in both Ireland and Scotland.³⁹ However, Sessions were also concerned with non-sexual matters. Disputes, acts of violence and defamation cases appear frequently in church court minutes. Indeed, at certain times and in certain congregations, these cases actually outnumbered instances of sexual misconduct.⁴⁰ An analysis of a representative sample of fifteen Ulster Presbyterian Kirk-Session minute books demonstrates that non-sexual offences comprised a significant minority of church business, accounting for approximately 10% of all cases.⁴¹ It is these offences with which this chapter is concerned.

³⁹ See Leanne Calvert, “‘He Came to Her Bed Pretending Courtship’: Sex, Courtship and the Making of Marriage in Ulster, 1750-1844”, *Irish Historical Studies* 42, no. 162 (2018): 258.

⁴⁰ Leneman and Mitchison, *Sin in the City*, 40.

⁴¹ This figure is based on an analysis of the following fifteen minute books: First Dromara, 1780-1805, T1447/1, Public Record Office of Northern Ireland, Belfast; Ballykelly, 1803-19, PHSI Archive, Belfast; Ballymoney, 1827-42, CR3/1/B/4, Public Record Office of Northern Ireland, Belfast; Boardmills, 1784-1816; 1824-42, MIC1P/72/2, Public Record Office of Northern Ireland, Belfast; Cahans, 1751-57; 1767-1832, CR3/25/B/1-2, Public Record Office of Northern Ireland, Belfast; Carland, 1780-1802, PHSI Archive, Belfast; Carnmoney, 1786-1821, MIC1P/37/4/9, Public Record Office of Northern Ireland, Belfast; Coronary, 1780-87, MIC1P/179/1A-1B, Public Record Office of Northern Ireland, Belfast; Glascar, 1780-1818 PHSI Archive, Belfast; Larne and

3. Discord & Disputes

In what types of disputes did the church courts become involved? The Kirk-Session acted as a mediator in disputes and quarrels that arose between church members, both inside and outside of the meeting house. A common source of dispute was the allocation of pews and seats in the meeting house itself. Under the pew-rent system, families and individuals could let specific seats in the meeting-house. The amount to be paid depended on where the seat was situated, with pricier seats located towards the front and the cheaper ones towards the back and in the balconies. While this system ensured that anyone could rent a pew, it also meant that social differences between the laity were played out in the seating plans of the meeting house.⁴² Certain pews were therefore more desirable than others, as church members looked to establish themselves as respectable members of the congregation. In February 1721, William Hamilton complained to the Presbytery of Strabane that Daniel Eliote ‘sits before him, “tho his seat pays less” -indicating that as he paid more for his seat, he should have the privilege of sitting closer to the front.⁴³ When seats became vacant, tensions could rise as members jostled to claim the space as their own. Such an incident came before the Session of Ballykelly in October 1803, when they were forced to intervene in a row between John McClarnon and other members of the congregation over the rights to seat number

Kilwaughter, 1720-69, MIC1B/6/1, Public Record Office of Northern Ireland, Belfast; Loughaghery; Magherahamlet, 1832-43, D2487/1, Public Record Office of Northern Ireland, Belfast; Rathfriland, 1805-37, T1539/2, Public Record Office of Northern Ireland, Belfast.

⁴² This information is based on Holmes, *Shaping of Ulster*, 61-63.

⁴³ Minutes of the Presbytery of Strabane, February 1721; March 1721, CR3/26/2/1, Public Record Office of Northern Ireland, Belfast.

twenty-three. The seat had apparently been transferred at least six times, either through the deaths of the previous seat-holders or by mutual arrangement. Unable to reach an agreement, the Session was called upon to intervene. Considering the complicated line of succession, the Session decided that McClarnon had “no right whatsoever to seat No. 23” but resolved to “accommodate [him] in some other seat as soon as possible”.⁴⁴

The attempts of the Session to mediate in such cases were not always successful. A similar incident came before the Session of Aghadowey in March 1702, when Robert Fulton was summoned for holding a seat “forceably in contemp[t] of the congregation”.⁴⁵ According to the minute, Fulton had “promised to several members of the session” to give the seat up on the “condition he could get the halfe of Andrew Huntors seat”.⁴⁶ Although the Session carried through on this promise and procured him the other seat, Fulton refused to give up his own. In response, the Session judged him “disorderly & scandalous” and refused him church privileges.⁴⁷

Kirk-Sessions were also called upon to mediate in disputes that arose between the laity over church membership. Such a case came before Aghadowey Session in May 1703, when a woman known only as Mrs Boyd was disciplined for forfeiting her seat and joining the Established Church.⁴⁸ Boyd’s defection and then subsequent return to the meeting house appears to have sparked a row with David Blair, another church member. On the same day

⁴⁴ Ballykelly Kirk-Session minutes, 18 October 1803.

⁴⁵ Aghadowey Kirk-Session minutes, 27 March 1702.

⁴⁶ Aghadowey Kirk-Session minutes, 27 March 1702.

⁴⁷ Fulton remained obstinate and was still debarred from privileges the following year. Aghadowey Kirk-Session minutes, 6 May 1703.

⁴⁸ Aghadowey Kirk-Session minutes, 11 May 1703.

that Boyd was rebuked for her offence, Blair was also called to appear “concerning a difference between him & Mrs Boyd” for which he “Refuse[d] to forgive her until she confesse[d] a wrong done him”.⁴⁹ Concerned that Blair held a grudge, the Session decided that he was “not fit” to partake in communion until he offered forgiveness in the following words: “Namely that he say to Mrs Boyd I am friends wt you & do Entertain no malice”.⁵⁰ In spite of the Session’s assurance that he could partake in communion if he said these words, Blair refused. Indeed, it is notable that the Session kept to their word – Blair remained debarred until June of the following year when he finally admitted that he “entertained no malice” towards Mrs Boyd.⁵¹

More commonly, disputes between church members occurred outside of the meeting house and for a wide variety of reasons. Personal dislike, jealousy, difference in opinion and outright malice were at the root of most disputes. A common denominator in many rows with neighbours was alcohol consumption: in 1768 John Greason and James Graham of Cahans were publicly rebuked after it was reported they had “drank all night & likewise fought with one another”; in 1815 John Irwin was reported to the Session of Boardmills for drunkenness, quarrelling and gross swearing; and in September 1822, Samuel Steenson was admonished by Rathfriland Session for intoxication and quarrelling with his neighbours.⁵² Family members, too, were admonished for cursing and swearing at one and another. In Cahans, Alexander Swyton was rebuked in July 1754 for ‘swearing By the name of God’ during a quarrel with

⁴⁹ Aghadowey Kirk-Session minutes, 11 May 1703.

⁵⁰ Aghadowey Kirk-Session minutes, 11 May 1703.

⁵¹ Aghadowey Kirk-Session minutes, 13 June 1704.

⁵² Cahans Kirk-Session minutes, 20 March 1768; Boardmills Kirk-Session minutes, 10 May 1815; Rathfriland Kirk-Session minutes, 6 September 1822.

his wife, as likewise was Katherine Ballagh in July 1755 for “bid[ding] God’s curse & her curse” on her sister during an argument.⁵³

It was not uncommon for such disputes to come to blows, prompting Kirk-Sessions to deal with church members who committed acts of physical violence. A particularly nasty case of assault came before Aghadowey Session in March 1702, when it was reported that John Hutchon and his son, James Hutchon, entered the house of Archbald Lamont and grabbed his wife by the hair and threatened to throw her in the fire.⁵⁴ A number of witnesses attested to the truth of the report and Archbald further complained that John Hutchon had “Endeavoured these several years to sow divissions & to stir up strife” between him and his wife.⁵⁵ Weighing up the seriousness of the offence, the Session decided to rebuke John Hutchon for “abuseing” Archbald’s wife as also for ‘stirring up strife’ and exorted all the parties concerned “to peace & to live peaceably”.⁵⁶

Other Kirk-Sessions showed similar concerns to ensure that brawling church members recognised the harm that their actions had done to the harmony of the community as a whole. In June 1767, Elinor Yeats complained to the Session of Cahans that Alexander English had “dragged & beat” her “for no other cause but for demanding her child which he had that day taken from her”.⁵⁷ It should be noted that the Session was not wholly sympathetic to Yeats’

⁵³ Cahans Kirk-Session minutes, 28 July 1754, 31 July 1755.

⁵⁴ Aghadowey Kirk-Session minutes, 27 March 1702 .

⁵⁵ Aghadowey Kirk-Session minutes, 27 March 1702.

⁵⁶ Aghadowey Kirk-Session minutes, 27 March 1702. James Hutchon did not appear before the Session, but was spoken to by an elder in order to “convince” him of the abuse he had given Archbald’s wife.

⁵⁷ Cahans Kirk-Session minutes, 28 June 1767.

plight, describing her as “either wife or harlot” of John English, Alexander’s brother. Considering the circumstances of the offence, English was admonished for “having offended the Godly & giving matter of reproach to the ungodly” – the offense being both his abusive actions and for “entertain[ing] ... Yeats in his house not being certain whether or not she was his brother’s lawful wife”.⁵⁸ Both actions had the potential to breed further discord.

It should be noted that while men appeared most frequently for fighting and quarrelling, women were also cited for such behaviours. In February 1708, the Kirk-Session of Aghadowey met to consider the case of Nance Wallace, who was under the ‘scandal of quarrelling w[i]th and beating margt Anderson’, as also for profaning the name of God and cursing.⁵⁹ Margaret, the alleged victim in the case, appeared and told the Session that Nance had ‘struck her with a stone, as likewise with her hand, and with a water can and frequently profaned the name of God.’⁶⁰ Nance did not appear to give her side of the story, and the following month the Session noted that the case was deferred because she “absolutely refuse[d] to come” before them.⁶¹

What the Session was most concerned with in these cases was the maintenance of community harmony. In their role as mediators, Kirk-Sessions were not only concerned to punish offenders, they also took pains to ensure that church members forgave one and another. That the Session was concerned to promote good relations among its members is not surprising, considering the small, close-knit nature of Presbyterian communities. Left to fester, such disputes could quickly escalate into feuds, causing further disruption and

⁵⁸ Cahans Kirk-Session minutes, 28 June 1767.

⁵⁹ Aghadowey Kirk-Session minutes, 4 February 1702.

⁶⁰ Aghadowey Kirk-Session minutes, 4 February 1708.

⁶¹ Aghadowey Kirk-Session minutes, 6 April 1708.

division. Indeed, given the wider political context and the hostile reception of the Established Church, maintaining community harmony was essential.

In spite of their best efforts, however, feuds did occasionally break out. Between 1784 and 1787, the Session of Boardmills mediated in a dispute that broke out between members of the Edgar family over poultry. Sometime in 1784, Robert Edgar was accused of spreading a report that either John Edgar, his wife or members of his family had “killed or caused to be killed or stole” his poultry.⁶² Witnesses were called for both sides, each offering a different take on the story. Unable to come to a decision, the Session referred the case onto the Presbytery. The outcome of the case is not recorded, but three years later, in May 1787, Robert Edgar was again brought before the Session and admonished for “saying it was Isabel Edgar who wrote a scandalous paper not his wife”.⁶³ Whatever the bad blood was between the Edgars is not clear, but by the end of 1787 relations reached breaking point. In December of that year, the Session met to discuss a fight that had broken out between Robert Edgar and Samuel Edgar in Castlereagh, county Down. Witnesses to the incident reported that Samuel had threatened to “cut” Robert, before striking him.⁶⁴ Proved to be the instigator, Samuel Edgar was admonished before the Session.⁶⁵

A similar case occurred in Carnmoney in March 1707, when the Session was called to intervene in an ongoing row between the families of Thomas Gray and James Granger. Gray complained to the Session that Granger had called his daughter a “devil” and had also said

⁶² Boardmills Kirk-Session minutes, c. 1784.

⁶³ Boardmills Kirk-Session minutes, 3 May 1797.

⁶⁴ Boardmills Kirk-Session minutes, 26 December 1797.

⁶⁵ Boardmills Kirk-Session minutes, 26 December 1797.

that both Gray and his wife were “devils”.⁶⁶ William Wilson, who acted as landlord to both families, was called to give evidence. Wilson told the Session that the Gray family were not innocent, remarking that “Grays family was not so for peace as Grangers family”.⁶⁷ This was backed up by Mary Wilson, who told the Session that she often heard them “scolding” one another and they refused to heed her command “to be at peace” with one another.⁶⁸ Another witness named Elizabeth Granger told the Session that the families had often exchanged insults, including “hypocrite” and “witch”.⁶⁹ Weighing up the case, the Session decided that both families were censurable for “reviling each other” and exhorted them “to a more christian deportment”, making them promise “to study and profest mutual forgiveness and future friendship”.⁷⁰

Presbyterian church courts not only acted as arbitrators in family and neighbourhood disputes; they also oversaw matters that fell within the jurisdiction of Ireland’s formal legal institutions.⁷¹ A number of Sessions considered cases that could have been easily handled by the petty sessions or manor courts, such as rows over land, property and livestock.⁷² The theft

⁶⁶ Carnmoney Kirk-Session minutes, 20 March 1707.

⁶⁷ Carnmoney Kirk-Session minutes, 20 March 1707.

⁶⁸ Carnmoney Kirk-Session minutes, 20 March 1707.

⁶⁹ Carnmoney Kirk-Session minutes, 20 March 1707.

⁷⁰ Carnmoney Kirk-Session minutes, 20 March 1707.

⁷¹ Brown and Donlan, *Laws and Other Legalities*, 18.

⁷² For discussions of the crimes tried in these courts see, among others, Neal Garnham, *The courts, crime and policing in Ireland, 1692-1760* (Dublin: Irish Academic Press, 2006); Toby Barnard, “The Local Courts in Later Seventeenth and Eighteenth-Century Ireland” in Brown and Donlan, *Laws and Other Legalities* 33-46; Raymond Gillespie, “A Manor Court in Seventeenth-Century Ireland” *Irish Economic and Social History*, 25 (1998): 81; Ian Montgomery, “The Manorial Courthouses of North

of sticks and the cutting down of trees was one such type of dispute. Wood-gathering without the permission of landowners or farmers was regarded as a criminal act.⁷³ As Shakesheff has shown for nineteenth-century England, wood-theft primarily emanated from a need for domestic fuel and tended to peak in the cold winter months, between November and February. A number of pieces of legislation were passed in this period that empowered farmers and landowners to prosecute wood-thieves in the local courts. Under the Malicious Trespass Act (1820), which extended to Ireland and England, persons caught causing ‘malicious injury’ to buildings, hedges, fences and woods were liable to be convicted before a Justice of the Peace. Punishments ranged from a fine not exceeding £5 or a gaol term of no more than three months if the offender could not pay.⁷⁴ The Protection of Property in Orchards Act (1825 and revised in 1826) targeted crop thieves, and slapped offenders with a

Antrim” in *The Glynnys: Journal of the Glens of Antrim Historical Society*, 28 (2000): 25; Ian Montgomery, “The Manorial Courts of the Earls of Antrim” in *Familia* (2000): 1.

⁷³ For a discussion of wood-theft in the context of rural crime, see Tim Shakesheff, “Wood and Crop Theft in Rural Herefordshire, 1800-60”, *Rural History* 13, no. 1 (2002):1; Tim Shakesheff, *Rural Conflict: Crime and Protest. Herefordshire, 1800-1860* (New York: Boydell and Brewer, 2003), 113-115; Joseph Mooser, “Property and Wood Theft: Agrarian Capitalism and Social Conflict in Rural Society, 1800-1850” in *Peasants and Lords in Modern Germany: Recent Studies in Agricultural History*, ed. Robert G. Moeller (London: Allen and Unwin, 1986), 52-80; Bob Bushaway, “From Custom to Crime: Wood Gathering in Eighteenth- and Nineteenth-Century England: A Focus For Conflict in Hampshire, Wiltshire and the South” in *Outside the Law: Studies in Crime and Order*, ed. J. G. Rule (Exeter: University of Exeter, 1982), 65-101.

⁷⁴ See Shakesheff, *Rural conflict*, p. 117; Malicious Trespass Act. Geo. 4, c. 56 (1820).

hefty fine on a first offence, and either transportation or two years in gaol with a whipping on a second.⁷⁵

While the petty sessions courts and the magistrate were empowered to deal with property crimes, including trespass, damage to property and crops, these cases also appeared before Presbyterian church courts.⁷⁶ In November 1707, for example, Aghadowey Session called a special meeting to discuss the case of William Cochran, who was “under ye scandal of cutting down and stealing away some timbr and young trees”.⁷⁷ Despite the fact that the stolen ‘sticks’ had been found in Cochran’s barn, he continued to deny involvement. The problem for the Session was that Cochran wanted to present his child for baptism – a privilege he was denied on account of the scandal. Instead, the Session proposed that

⁷⁵ For an extended discussion see Shakesheff, *Rural conflict*, pp 117-18; Protection Of Property in Orchards, etc. Act. 6 Geo. 4, c. 127 (1825). These Acts were not extended to Scotland.

⁷⁶ In eighteenth-century Ireland, cases of petty crime, debt, trespass and gossip would have been heard by the manor courts or overseen by the local magistrate. The courts of petty sessions were set up in 1823 and largely dealt with petty crime and minor disputes. For a discussion of the different courts in operation see, Neal Garnham, *The Courts, Crime and the Criminal Law in Ireland, 1692-1760* (Dublin: Irish Academic Press, pp 71-86; Richard McMahon, “Manor courts in the west of Ireland before the Famine” in *Mysteries and Solutions in Irish Legal History. Irish Legal History Society Discourses and Other Papers, 1996-1999*, ed. D.S. Greer and N.M. Dawson (Dublin: Four Courts Press, 2001), 116. Richard McMahon has argued that the ‘primary function’ of the petty courts was to protect property, noting that cases of trespass dominated the civil business of the courts. See also, Richard McMahon, “The court of petty sessions and society in pre-Famine Galway” in *The Remaking of Modern Ireland, 1750-1950. Beckett Prize Essays in Irish History*, ed. Raymond Gillespie (Dublin: Four Courts Press, 2004), 104.

⁷⁷ Aghadowey Kirk-Session minutes, 14 November 1707.

Cochran's "wife or some friend might hold up the child" for baptism so that the scandal could be investigated.⁷⁸ While Cochran initially agreed with this compromise, the following month the Session noted that he had failed to appear and had "gotten his child baptised wt a curate of the Church of England".⁷⁹ Subsequent appeals by the Session for Cochran to appear before them were also ignored. Whether or not Cochran was actually guilty of the theft is open to debate. We can only speculate, but it is likely that fearing that the Session would uncover his guilt, Cochran chose not to appear.

Disputes involving sticks, hedges and ditches also appear in the minute book of Loughaghery Session, county Down. In February 1805, W. Garnett appeared before the Session and acknowledged taking "a small stick" that belonged to A. Marshall, which was "lying on the merin between" their two properties.⁸⁰ Taking into consideration both the "small value" of the stick and the "small evil" of Garnett's actions, the Session decided to rebuke him privately for the offence.⁸¹ Similarly, in September 1816, Samuel Brown was admonished for spreading a "calumnious report" that William Martin had stolen from him a "certain Stick".⁸² Indeed, accusing someone of wood-theft could provoke further hostility. Such a fate befell John Turtle, who complained to the Session in April 1809 that David Barber had hired men to beat him up after he alleged Barber had taken a stick without the permission of the landlord.⁸³

⁷⁸ Aghadowey Kirk-Session minutes, 14 November 1707.

⁷⁹ Aghadowey Kirk-Session minutes, 2 December 1707.

⁸⁰ Loughaghery Kirk-Session minutes, 3 February 1805.

⁸¹ Loughaghery Kirk-Session minutes, 3 February 1805.

⁸² Loughaghery Kirk-Session minutes, 15 September 1816.

⁸³ Loughaghery Kirk-Session minutes, 26 April 1809; 31 July 1812; 19 August 1813.

In addition to sticks and wood, Presbyterian church courts also heard cases involving the deliberate destruction of hedges and ditches. A particularly peculiar case of what initially appears to be grave-desecration came before the Session of Loughaghery in 1808. In May of that year, James Johnston and Christopher Johnston reported to the Session that they saw David Pollock “pulling down that part of the ditch of the Graveyard” where “the Corps[e] of John Pollocks wife had been interred” with “two or more strokes of a Pick”.⁸⁴ They also reported John Stuart and James Stuart for walking over the same ditch and kicking down stones with their feet, as also John Garrett for pulling off “some of the Top-hedging” and passing “over the same.”⁸⁵ The motives for this incident are unclear and of the four men reported only John Garrett appeared before the Session. Under questioning, Garrett admitted “lifting off a Bush & going over the part of the ditch of [the] Graveyard alluded to” but declared to the Session that “he thought it was not for the good of the place to stop up the Style that had been made in s[ai]d part of the Ditch”.⁸⁶ Rather than destroying the newly-laid grave, it appears that Garrett was protesting the removal of a much-used passageway. Indeed, after promising that “He would not go over s[ai]d ditch any more”, the Session decided to rebuke him privately for the offence caused.⁸⁷

4. Defamation

Cases of slander and defamation were also brought before Ulster Presbyterian Kirk-Sessions. As was the case elsewhere, slander or scandalous speech were regarded as breaches of

⁸⁴ Loughaghery Kirk-Session minutes, 25 May 1808.

⁸⁵ Loughaghery Kirk-Session minutes, 25 May 1808.

⁸⁶ Loughaghery Kirk-Session minutes, 1 June 1808.

⁸⁷ Loughaghery Kirk-Session minutes, 1 June 1808.

Christian charity and good neighbourly ethics, bringing such cases under the jurisdiction of the Church courts.⁸⁸ For something to be considered defamatory, it had to be spoken publicly and it had to be injurious to the person's character.⁸⁹ While the Kirk-Sessions were reliant on the laity to inform on one and another, there was a thin line between reporting misconduct and spreading scandalous speech. In May 1802, Mary Johnstone was called to appear before Loughaghery Session on charges of defamation after Jane Chambers complained that she had accused her of fornication. In her defence, Mary denied making any "assertion of Fornication against" Jane but said she "suspects she seen & heard her w[i]t[h] the person & on the unseasonable occasion alluded to".⁹⁰ In the absence of evidence, the Session admonished Jane "to be more cautious about raising or taking up an ill Report".⁹¹

⁸⁸ The historiography of slander and defamation is well covered in England, Scotland and North America. See, among others, J. A. Sharpe, *Defamation and Sexual Slander in Early Modern England* (York: St Anthony's Hall, 1980); Laura Gowing, *Domestic Dangers – Women, Words and Sex in Early Modern London* (Oxford: Clarendon Press, 1996); Martin Ingram, *Church Courts, Sex and Marriage in England, 1570-1640* (Cambridge: Cambridge University Press, 1987); Leah Leneman, "Defamation in Scotland, 1750-1800", *Continuity & Change* 15, no. 2 (2000): 209; Mary Beth Norton, "Gender and Defamation in Seventeenth Century Maryland", *The William and Mary Quarterly* 44, no. 1 (January 1987): 4; Roger Thompson, "'Holy Watchfulness': and Communal Conformism: the Functions of Defamation in Early New England Communities", *The New England Quarterly* 56, no. 4 (December 1983): 504. Correspondingly little has been written on Ireland. See John McCafferty, "Defamation"; Browne, "Kirk and Community."

⁸⁹ Leneman, "Defamation in Scotland", 211; McCafferty, "Defamation", 90-91.

⁹⁰ Loughaghery Kirk-Session minutes, 28 May 1802.

⁹¹ Loughaghery Kirk-Session minutes, 28 May 1802.

Likewise, when a report of misbehaviour was made, informants were expected to provide sufficient evidence. When William Gamble and John Curry reported John Williamson and Martha Wallace for “scandalous behaviour”, but then failed to appear and prove the charge, Aghadowey Session gave “publick notice” that unless evidence was provided “they must [be] accounted free of the scandal & ye reporters of it look”d on as slanderers”.⁹² Indeed, Kirk-Sessions were keenly aware that accusations of misconduct were sometimes made with bad intent. Such a case came before the Session of Cahans in March 1768, when Elizabeth Cortney complained that John Stuart had slandered her by saying she had “in her mother’s house in July 1764, on a Sabbath day, been guilty of fornication ... with a papist”.⁹³ When Stuart appeared to prove his charge, the Session noted that they “thought it best not to accuse & condemn [Elizabeth] on his evidence, considering he reported it when a dispute arose between the said Eliz. & his mother”.⁹⁴

What types of **defamation** actions were brought before the church courts? The insults that Presbyterian women and men levied against one another were just as colourful as those reported in church courts elsewhere in Britain and North America. Church members complained that their characters had been injured by slanders of both a sexual and non-sexual nature. These included rumours of bastard-bearing, adultery, theft and dishonesty, as well as common epithets such as “whore”, “hussy”, “son of a bitch” and “knave”.⁹⁵ While there were

⁹² Aghadowey Kirk-Session minutes, 17 February 1732.

⁹³ Cahans Kirk-Session minutes, 27 March 1768.

⁹⁴ Cahans Kirk-Session minutes, 27 March 1768.

⁹⁵ Jane Spark complained to Carnmoney Session in March 1712 that Agnes Gordon had called her a “naughty hussy” and a “durty Bitch”; in April 1708 at Dawson’s Bridge Session, John Black complained that John Torner had called him a ‘son of a bitch’; and in Templepatrick, David Gilmur complained that Samuel Lamb had called him a “knave”. See, Carnmoney Kirk-Session minutes, 5

differences in both the number and types of disputes raised in individual communities, the general impression from the Session minutes broadly confirm that insults were gendered.⁹⁶ In a representative sample of eight Kirk-Session minute books, whereas over 70% of men complained of non-sexual slanders, 60% of women brought cases that impinged on their sexual reputation.⁹⁷

That sexual slanders were brought to the church courts is not that surprising, given that Kirk-Sessions acted as the moral guardians of the community. What is perhaps more noteworthy, is that church members turned to the Kirk-Session to exculpate them from criminal charges. Murder, robbery, theft and fraud were common complaints brought to the Session. For example, in October 1830, John Johnston appeared before Ballymoney Session to lodge a complaint against Elizabeth Sherrard “of having falsely and maliciously calumniated his character” by reporting that he had “fourteen years ago, carried to, and sold in Ballycastle, soft goods” that had belonged to “pedlars said to have been murdered” in his mother’s house.⁹⁸ The insinuation in this case being that Johnston had profited from a murder

March 1712; Dawson’s Bridge Kirk-Session minutes, 30 April 1708, MIC1P/450/C/1, Public Record Office of Northern Ireland, Belfast; Templepatrick Kirk-Session minutes, 31 January 1710, CR3/12/B/1, Public Record Office of Northern Ireland, Belfast.

⁹⁶ Norton, “Gender and Defamation”, 9; McCafferty, “Defamation”, 91; Browne, “Kirk and Community”, 171; Leneman, “Defamation in Scotland”, 219. **I removed text from this footnote -the forthcoming article is still under review.**

⁹⁷ Larne and Kilwaughter Kirk-Session minutes, 1720-69; Coronary Kirk-Session minutes, 1780-87; Ballykelly Kirk-Session minutes, 1803-19; Boardmills, 1784-1816; Cahans, 1751-57; 1767-1832; Loughaghery Kirk-Session minutes, Ballymoney Kirk-Session minutes, 1827-42; Loughaghery Kirk-Session minutes, 1801-44,.

⁹⁸ Ballymoney Kirk-Session minutes, 30 October 1830.

in which he had also likely colluded. Similarly, in October 1805 the Session of Loughaghery undertook an investigation into the character of James Lyons after rumours were circulated that he had been “privy” to the clandestine burial of a murdered child that had occurred upwards of twenty years previous.⁹⁹

Considering the tenuous legal position of the Presbyterian church courts in Ireland, why did the laity bring their problems to the Kirk-Session in the first place? Why did men and women seek recourse in the church courts when other legally-binding options were available? It is important to point out that some members of the Presbyterian community did in fact take their cases to the secular courts. When Margaret Gilbert appeared before the Session of Larne and Kilwaughter in July 1725 and confessed her sin of fornication with John Houston, the Session “dare[d] not allow her to own the same in publick” because Houston had previously “cleared himself” of the charge in the ecclesiastical court.¹⁰⁰ It was also not uncommon for church members to apply to the Established Church for services that were denied to them by the Kirk-Session. An extreme example can be found in the case of David Clements of the community of Sixmilecross, county Tyrone. In 1782, Clements’ application for marriage was turned down by his minister on account that he had been married previously by a Roman Catholic priest. Unhappy with this decision, he went and had the marriage confirmed by the Established Church.¹⁰¹

⁹⁹ Loughaghery Kirk-Session minutes, 4 October 1805.

¹⁰⁰ Larne and Kilwaughter Kirk-Session minutes, 25 July 1725.

¹⁰¹ Minutes of the Secession Burgher Synod, June 1782, CR3/46/1/1, Public Record Office of Northern Ireland, Belfast. This case is covered in more detail in, Leanne Calvert, “Bigamy and Betrayal: The Making of Marriage in Eighteenth-Century Ireland” in *Marriage and the Irish: A Miscellany*, ed. Salvador Ryan (Dublin: Wordwell Books, 2019), 81-84.

Indeed, Griffin has argued that Presbyterians sometimes sought recourse in official courts because they wanted to avoid the “stern discipline” of the Kirk-Session.¹⁰² Men and women could clear themselves by oath of wrongdoing in the civil court without having to undergo the public spectacle of church discipline -they would not have to face the Session’s witnesses, nor would they have to declare guilt before the entire congregation.¹⁰³ Moreover, it should also be noted that the Session sometimes worked with the establishment to get justice for wronged church members. Such a case occurred in county Antrim in September 1711, when Mr Crawford, the minister of Carnmoney Presbyterian congregation worked with Mr Finley, a minister of the “Establisht Church” of Donagheady, near Strabane, to bring an adulterous and wayward husband to justice.¹⁰⁴ Finley had written a letter to Crawford to enquire about a man living in his bounds named James Darroh, who was cohabiting with a woman named Agnes Logan. Finley had heard that Darroh was married to a woman named Jenat Frizel, who lived in Carnmoney parish. According to the Session minutes, Darroh had “wickedly” left Frizel and their “small children” fourteen years previously, and had disappeared having “fled from justice and church censure”.¹⁰⁵ The Session “unanimously agree[d] to ... take all due measures” to ensure that Darroh was separated from Logan.¹⁰⁶ To this end, Crawford entered into a correspondence with Finley, supported Jenat Frizell throughout their investigation, helped her to collect evidence and witness statements, and

¹⁰² Griffin, *People with No Name*, 41-42.

¹⁰³ Griffin, *People with No Name*, 42.

¹⁰⁴ Carnmoney Kirk-Session minutes, 19 September 1711.

¹⁰⁵ Carnmoney Kirk-Session minutes, 19 September 1711.

¹⁰⁶ Carnmoney Kirk-Session minutes, 19 September 1711.

even sent affidavits to the magistrate in Belfast to successfully secure Darroh's prosecution.¹⁰⁷

But what about those who did not seek recourse with civil authorities? There are a number of reasons why Presbyterian women and men took their cases to the Session. Considering the hostile religious and political environment in eighteenth- and nineteenth-century Ireland, some Presbyterians may have preferred not to take their grievances to either the ecclesiastical or secular courts. In an era when the ecclesiastical courts refused to acknowledge the validity of Presbyterian marriage, some church members may have turned to the Kirk-Session because they trusted they would receive a fair hearing. This is what appears to have been the motive of Alexander Dorrian, when he asked that Ballymoney Session would "fairly investigate" his complaint against two men: William Taylor, a surgeon, and Samuel Taylor, in November 1832. Dorrian alleged that the men had circulated a "false scandalous and malicious report" that his wife was "ill of [an] ulcerated sore throat [and] confined by a disgraceful unclean disease " which he had "communicated to her".¹⁰⁸ Given the sensitive nature of the complaint, involving accusations of infidelity, suggestions of sexual acts, and possible associations with prostitution, it is not difficult to understand why Dorrian chose to proceed through the church court. Indeed, this was recognised by the Session who noted that "the necessity of avoiding a public investigation [was] ... obvious to all" involved.¹⁰⁹ The case was eventually settled privately by the Session, with both sides

¹⁰⁷ Carnmoney Kirk-Session minutes, 30 September 1711; 17 October 1711; 11 December 1711; 24 December 1711; 14 January 1712; 28 January 1712, .

¹⁰⁸ Ballymoney Kirk-Session minutes, 25 November 1832.

¹⁰⁹ Ballymoney Kirk-Session minutes, 17 December 1832.

agreeing to “forget the past, & to endeavour to cultivate for the future, christian kindness, charity & affection”.¹¹⁰

For other Presbyterian women and men, it is possible that the Kirk-Session offered the most effective means of remedying community disputes and gaining redress. As Parker has noted for early modern Holland, members of small, tightly-knit communities placed an extraordinary degree of importance on their honour and reputation.¹¹¹ As the focal point of church life, the Kirk-Session would have had considerable influence over the community and its endorsement would carry much weight. Such a motive may explain why Jonathan Smyth applied to the Session of Ballymoney to investigate “false and malicious” charges that he had sold bad butter to three of its members.¹¹² If found untrue, the details would be published to the wider community, who also made up Smyth’s customer base.

Indeed, Sharpe has argued that church members in early modern England actually preferred the remedies offered by the ecclesiastical courts –a public apology and formal penance, to those available at common law, such as monetary fines.¹¹³ A similar attitude can be detected in cases that appeared before Presbyterian Sessions. In July 1741, George Martin appeared before Templepatrick Session and complained of the “great abuse” he had received from John Douglass, when he was drinking with his friends on Shrove Tuesday. According to Martin, Douglass approached his party and “dash[e]d a mug of beer in his face”, called him a

¹¹⁰ Ballymoney Kirk-Session minutes, 17 December 1832.

¹¹¹ Parker, “Moral Agency”, 53.

¹¹² Ballymoney Kirk-Session minutes, September 1833.

¹¹³ J. A. Sharpe, ““Such Disagreement Betwyx Neighbours”: Litigation and Human Relations in Early Modern England” in *Disputes and Settlements: Human Relations in the West*, ed. John Bossy (Cambridge: Cambridge University Press, 1983), 180.

“rogue & a villain” and swore “with many blasphemous oaths ... that if it were not for his old gray hairs he would beat him”.¹¹⁴ Martin desired that his assaulter be called before the Session, where he hoped the matter could be resolved:

he declared that it was not his intention to give this session any trouble in judging of any thing relating to the abuse of his person, or reproaching him in his reputation, these being matters ... which he had the *benefit of law for redress* and would seek his remedy that way for a proper trial, providing John Douglas did not do him justice by confessing the injury he had done him so as to *remove the reproach & scandal in such a christian way & [mend] as the session should direct.*¹¹⁵

Martin was clearly aware of what legal options were available to him, but outlined his preference for the case to be handled by the Session. It was in the Session where he could have the matter settled informally and gain the kind of redress he craved: a public apology.

The power of the Kirk-Sessions to mediate in disputes was also recognised by persons outside of the Presbyterian community. In November 1755, Cahans Session considered the complaint of Joseph Lister, who was “no member” of their congregation, that James Morrison had “slandered him by charging him with robbery & murder”.¹¹⁶ Likewise in July 1767, Alice Maguire, a Roman Catholic, appeared and complained that John Makee, a member of Cahans, had “debauched” her daughter.¹¹⁷ Fearing that Makee intended to “carry on a criminal correspondence ... and carry her off”, Maguire pleaded with the Session to intervene and ensure that “he would quit such wicked practices for the future.”¹¹⁸ The fact that Maguire had crossed confessional lines was not lost on Cahans Session, who remarked

¹¹⁴ Templepatrick Kirk-Session minutes, 1 July 1741; 12 October 1741.

¹¹⁵ Templepatrick Kirk-Session minutes, 1 July 1741. *Emphasis* is author’s own.

¹¹⁶ Cahans Kirk-Session minutes, 23 November 1755.

¹¹⁷ Cahans Kirk-Session minutes, July 1767.

¹¹⁸ Cahans Kirk-Session minutes, July 1767.

that a “papist ... would never come in so affecting a manner as an informer against her own child”.¹¹⁹

5. Conclusion

Pulling together the findings of this chapter, what can Ulster Presbyterian church courts tell us about the relationship between law and religion in Ireland? Set against the backdrop of religious and political conflict, the Presbyterian church courts exercised considerable control over the everyday lives of their community members. Motivated by a desire to preserve community harmony and uphold the public reputation of the church, Kirk-Sessions intervened in the lives of their members in ways that went beyond the normal reach of the state. Family relationships, friendships and neighbourhood interactions were all subject to the scrutiny of the Kirk-Session. Importantly, the moral policing of the Session was not enforced top-down. The laity were actively involved in the discipline process: they informed on their neighbours, they brought their complaints to the Session, and some even preferred the redress available to them in the church courts than that through civil means. Given that the Presbyterian church in Ireland had no *legal* authority over its members, the fact that it was able to do so affords an unrivalled insight into the informal ways that the everyday lives of women and men in Ireland were regulated.

¹¹⁹ Cahans Kirk-Session minutes, July 1767. This case is also discussed by Mary O’Dowd, “Women in Ulster, 1600-1800”, in *Ulster Since 1600: Politics, Economy and Society*, ed. Liam Kennedy and Philip Ollerenshaw (Oxford: Oxford University Press, 2013), 52.