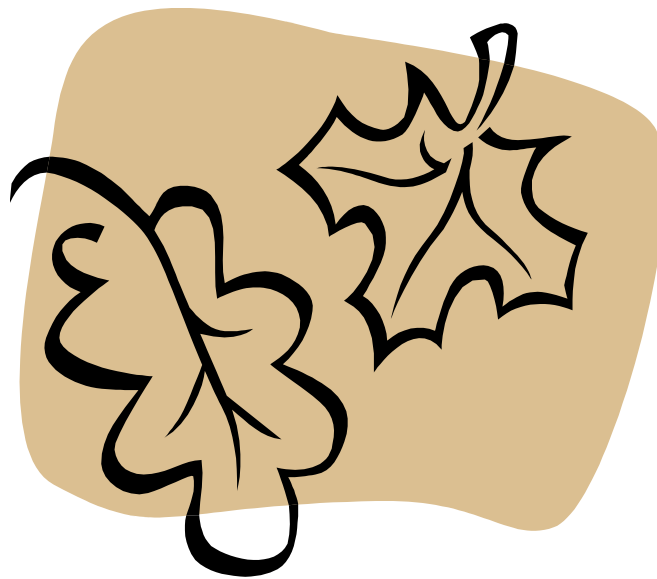


# AUTUMN LEAVES

Volume 6



**Alasdair Gordon**

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<b><i>Contents</i></b>	<b><i>Page</i></b>
<b>Foreword</b>	<b>3</b>
<b>Double and Triple - Aberdeen's Singular Churches</b>	<b>4</b>
<b>Articles from the Dictionary of Evangelical Biography</b>	<b>14</b>
<b><i>Fragmentum Legis (Scots Law Times)</i></b>	<b>22</b>
<b>Teind and Stipend (Scots Law Times)</b>	<b>24</b>
<b>Joint or Common Property (Scots Law Times)</b>	<b>29</b>
<b>Three Roads</b>	<b>33</b>
<b>Parable of the Rich Fool</b>	<b>49</b>
<b>Contents of Autumn Leaves 1 - 5</b>	<b>53</b>

## Foreword

I have much pleasure in presenting the sixth volume of my *Autumn Leaves*, drawn mainly from the 1970s. There is no one particular theme.

This is actually a reissue, as the original volume six contained a number of scanned pages that were not easy to read. Please delete the previous version. The new volume also contains a couple of additional items – two further articles from “The Scots Law Times” that did not appear in the original. In some cases, I have added updating information in footnotes.

As always, I trust that my long-suffering friends will enjoy these contributions and will also forgive their many shortcomings. They do not pretend to be works of originality or of scholarship.

Alasdair Gordon

Hamilton  
South Lanarkshire

April 2015

## Double and Triple - Aberdeen's Singular Churches <sup>1</sup>

In days when the churches in Scotland are working more closely together than ever before, Aberdeen's triple church must seem a strange relic of a bygone age. Nevertheless, this same church was, in its time, a remarkable and useful building and, externally has changed little since it was built.<sup>2</sup> In a very real sense, however, the triple church was the child of a double church at the time of the Disruption in 1843 when the Free Church of Scotland was constituted. Thus a few comments first of all about the history of the double church may help the reader to understand how, at one stage, five congregations worshipped in two buildings within a stone's throw of one another in the heart of Aberdeen.

The double church is the "mither kirk" of "toun kirk" of Aberdeen and, at the time of writing, contains two separate congregations - the West and the East (known as the North and East since 1954 as the result of a union with the former North church)<sup>3</sup> St Nicholas churches. The original St Nicholas kirk was founded around AD 1060 and its building, at the time just prior to the Reformation, was said to be the finest parish church in Scotland. Between the nave on the west side and the choir on the east side rose the lead-covered spire built in 1513.

At the time of the Reformation (1560) the church was divided in two and the area underneath the steeple ("the crossing") became the common ground between the two churches and this arrangement still continues to this day. At the time of the division, parishioners were allocated to one of the two churches

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<sup>1</sup> Reprinted with some minor amendments and added footnotes from the Liturgical Review, May 1974.

<sup>2</sup> This was the situation in 1974. One part is now a pub and other parts are ruinous.

<sup>3</sup> Subsequently, the congregation reverted to the name of East St Nicholas. The two congregations united to become the Kirk of St Nicholas and were subsequently joined by St Nicolas Congregational church. The entire congregation is known as the Kirk of St Nicolas Uniting. The former West church is the place of worship. The East church has been redeveloped for wider church and community involvement.

by ballot. By 1732 it appears that the West church had become more or less a ruin and it fell into disuse as a building. In 1751 James Gibbs of London was ordered to commence renovation of the building and this was completed in 1755 giving the present West church. In 1828 the Court of Teinds divided the city parish of St Nicholas into six distinct new parishes - West, East, North, South, Grefriars and St Clement's. The West and East parishes were formally allocated their respective buildings within the "toun kirk" as would have been envisaged and the successors of these two congregations still worship back to back with the common ground under the steeple dividing them.<sup>4</sup>

In 1835 the East Church (the Pre-Reformation choir) was demolished and a new granite building was erected to the design of Archibald Simpson, of whom more will be said presently. Around the same time, the common ground which contains the pre-Reformation Drum and Collison aisles was opened up on the south side. In 1874, the East church was destroyed by fire and the old steeple was also lost. The church was subsequently rebuilt to its former design (also renovated in 1936) and a new granite steeple was erected to the design of William Smith. A carillon of thirty-seven bells was installed but was virtually inaudible from the outside and so remained unused until it was removed in 1953 and replaced by the present carillon of forty-eight bells. The tower also contains a chiming clock.

One very fine pre-Reformation fragment does still remain under the North and East church. It is the small granite-built chapel of St Mary (formerly Our Lady of Pity). It was built before 1438 as a mortuary chapel for the Gordon family. It fell into disuse and was "rediscovered" at the end of the last century and subsequently restored to the design of Dr William Kelly and others. The chapel is entered from Correction Wynd.

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<sup>4</sup> This was the position when the article was written in 1974. Only the West church is used now as a place of worship. There is a memorial to workers in the off shore oil and gas industry in the crossing.

All of this should make it clear that, historically, Aberdeen was quite accustomed to the idea of more than one congregation worshipping in the same building. Of course, Aberdeen is not exceptional in this respect; other cities had similar examples and indeed the High Kirk of Edinburgh (St Giles) at one time had four churches under its roof. There are many points of interest in the St Nicholas churches on which one could dwell. Such information is, however, easily accessible to visitors and so the main part of this article will now deal with the history of the triple church which is less well known generally.

The story of the inception of the triple church is straightforward enough. It was built to accommodate three Disruption congregations, the Free East, West (both from the St Nicholas double church) and South (coming from the South parish church in Belmont Street which had originally housed a Relief congregation).

The triple church is roughly T-shaped, with the right hand of the horizontal forming the East building, the left hand forming the West and the vertical the South. The steeple, which is common to the three buildings is sited at the right angle between the West and South churches and originally the West church entered underneath the tower. The East and West churches were of similar size and design with approximately 1,100 sittings each while the South church contained 1,300. The East church originally entered from Belmont Street and the South church from Schoolhill (the present entrance to East and Belmont). Apart from the steeple, the three churches had no common ground internally as was the case in the St Nicholas church and they functioned as three entirely independent congregations. Latterly, the former East church, more recently East and Belmont church and now united with a neighbouring (South) congregation to form St Mark's, has been the only church of the original three to be used as a place of worship. Now, as a result of arbitration following

the recent union with the South church, it too will cease to be a place of worship and thus a remarkable chapter in the ecclesiastical history of Aberdeen will be brought to a close.

At the time of the Disruption there was a tremendous boom in church building as there was throughout Scotland. No doubt the thought of a triple church would have endeared itself to the traditionally thrifty citizens of Aberdeen since it was obviously much cheaper to build three churches in one than three separate buildings on different sites. Also, the concept of more than one church in one building was, as we have seen, not new in Aberdeen.

An excellent site for the triple churches was purchased in 1843 at the corner of Belmont Street and Schoolhill at a net cost of £540. Three trustees for each of the congregations were appointed to see to the erection of the new building. The trustees were very fortunate in that they obtained the services of Archibald Simpson as the architect of the project. Simpson was without doubt a man of genius and artistic sensibility who has left his mark on Aberdeen.<sup>5</sup> His work includes Bon Accord Square and Crescent, East St Nicholas church, the Music Hall, the New Market (demolished 1971), the Scottish Episcopal Cathedral, the old Infirmary (Woolmanhill) and the east part of Marischal College quadrangle. His brief on this occasion was to build a triple church with a common spire as soon as possible within a limited budget. This was no easy task but Simpson was equal to it. He not only produced a design very quickly but also used some building material that was unusual for a church, particularly in Aberdeen, namely brick. Aberdeen, being a "granite city", had few buildings constructed of brick except in some of the poorer areas where use was sometimes made of hand-made bricks of Ferryhill clay.

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<sup>5</sup> See *Archibald Simpson Architect: His Life and Times* (David G Miller [2006])

The actual churches were built mainly of granite and sandstone with some brick facing whereas the common spire was built almost entirely of bricks which apparently were mainly salvaged from the demolition of some poorer houses. Whilst this does not sound very attractive, in fact Simpson's spire is generally agreed to be the finest in Aberdeen and is a local landmark. Simpson built this unusual spire after the design of the twin spires of St Elizabeth's church in Marburg. If it is viewed for the first time from close up, the result may be slightly disappointing as the eye is taken immediately to the "naked" brick which is not generally pleasing to Scottish tastes. If, however, the spire is viewed from, say, Union Bridge or from Rosemount Viaduct, it will be obvious why it is rightly claimed not only to be the finest spire in Aberdeen but the finest brick spire in Europe. Its proportions must be almost perfect giving a wonderful "soaring" impression. In fact, the spire is a "dummy" and the tower contains neither a bell nor an inside stair.

Of the interiors of the three churches, only one can now be seen in anything like its original form - namely the former East building, more recently East and Belmont church (following a union with the former Secession church in Belmont Street). The interior here has been substantially altered but essentially it is still a Simpson church. It is built in a style favoured in Aberdeen namely long and narrow with a fairly shallow gallery running the full three sides of the building and supported by iron pillars. Towards the end of the last century, major renovations took place to the design of Dr William Kelly. This involved closing the door on Belmont Street and building an apse on the same wall to accommodate an organ. Also, the church itself was now entered from the former South building which had been converted into a suite of halls and other offices. An interesting feature of this conversion is the very large and spacious entrance vestibule that was created at the north end of the former South church. It



occupies about half of the original area of the latter and from it one can enter the area of the church, the lower hall, session room etc. A central cantilevered staircase leads up to a four-sided gallery from which one can enter the church gallery, the upper hall and other offices. This arrangement is quite a contrast to the cramped and badly lit vestibules found in many churches.

Nothing of the original interior of the South church now remains. Externally, some of the windows were covered over but most of them can still be traced. In the East and Belmont church the pipe organ which, of course, is a later addition, is skilfully concealed behind a magnificent fretted oak screen in perpendicular Gothic style <sup>6</sup> by Alexander Marshall Mackenzie who designed the world famous granite west frontage of Marischal College. The church also has a very fine timber roof and is bright and pleasing as a place of worship. The war memorial in the vestibule is by Huxley Jones and is both discreet and handsome.

The former West church (now semi derelict) which was to become the High church was taken over by a Congregational church in 1947. Major alterations took place at this time including the removal of the gallery and so this building was changed internally beyond recognition. It ceased to be a place of worship some years ago and has been decaying ever since. It was bought by a speculator in 1972 and the intention is to convert it into flats.<sup>7</sup>

It seems remarkable that the total building cost for the three churches was less than £7,000 and that the whole structure, with the exception of the steeple, was completed within seven months. This remarkable building was, however, to undergo further interesting changes of circumstances. In 1865, the Great North of Scotland Railway Company began the construction of a

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<sup>6</sup> Sadly, the screen and the organ were subsequently wrecked by vandals.

<sup>7</sup> Many suggestions as to use have been made and the building has changed hands more than once. The building itself is now beyond repair and the latest plan is to build student flats on the site. The brick spire will remain.

line along the Denburn valley just below the West church and there were serious fears that this work might undermine the whole structure. In fact, these fears proved groundless and over a hundred years later both railway and church still exist. However, the three congregations entered into negotiations with the railway company and eventually it was decided to sell them the entire triple church at a price of £12,000 and to abandon it as a place of worship.

Very soon it was realised that this action had been rather precipitate and that the likelihood of the building - or any part of it - being undermined and collapsing was actually very remote. Accordingly, the East and South congregations soon repurchased their respective churches at a cost of £3,000 each. This meant a profit of £1,000 to each congregation as a result of this bizarre transaction. Now that the East and South congregations were again in occupation of the churches they had so recently left, it seemed that the way would be open for the West to do likewise.

A majority of this congregation decided, however, that a new church should be built and the eventual outcome of this was the construction of what is now the Langstane Kirk <sup>8</sup> in Union Street. A sizable minority of the West congregation wished to return to their old building and this caused considerable discussion and negotiations in the Free Presbytery. The railway company wished a price of £3,800 for the West building and the East and South congregations each contributed the £1,000 surplus they had made on the sale and repurchase of their respective properties towards the repurchase of the old church, leaving the minority to subscribe only the sum of £1,800.

Eventually, the building was reopened on 20 January 1867 as a preaching station under the name of the Free High church. In the

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<sup>8</sup> Known for many years as the West Church of St Andrew, latterly the Langstane Kirk after a union with St Nicholas (Union Grove). The Langstane congregation was subsequently dissolved and the building is now a public house.

same year this (ostensibly) new charge was raised to full status and so, once again, there were three separate congregations worshipping under the shadow of the brick spire. This was not to last for very long.

The South congregation vacated their church towards the end of the nineteenth century (1892) in favour of a new and larger building in nearby Rosemount Viaduct to the design of Alexander Marshall Mackenzie and it is this building that will house the new united congregation of St Mark's. The East congregation then purchased the former South building and converted it as described above.

The High church continued in operation for a good many years and united with the congregation of St Columba's (Dee Street) when the latter were disposed of their building in 1907 in favour of the continuing Free Church. With the progress of time and the shift in population, the High congregation was transported to Hilton just before the last War. Their building was actually bought by East and Belmont church at this time which meant that this congregation now owned the whole complex. As an act of Christian kindness, this congregation sold the former High church to a homeless Congregational church in 1947 for the same price as they had bought it.

This act of kindness has cost dear in the long term as the subsequent decay of this building has not helped the fabric of East and Belmont. Various ideas were put forward for its use by bodies and individuals who were anxious to see the old High church preserved. At one stage it was hoped that it might be taken over by the local authority and converted into a museum but this scheme fell through.<sup>9</sup>

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<sup>9</sup> The empty building was allowed to fall into serious decay.

It seems rather sad that the wider church could not have made use of it as a conference or youth centre. The building is in the heart of Aberdeen (it enters from Schoolhill) and can function as a unit quite separately from East and Belmont. It certainly seems regrettable that a speculator was eventually allowed to buy it at a very low sum. It is not, however, the purpose of this article to try to be wise in retrospect which would be less than helpful. It must be said that the wider church is not a society for the preservation of old buildings no matter how interesting or historical they may be.<sup>10</sup>

With the continuance of union and readjustment, the next twenty years will certainly see the demise of many excellent churches, some perhaps of considerable architectural merit. This is a hard fact that must be faced. Yet however quaint it may seem to us now to build three churches in one, Simpson's triple church has served a useful purpose and has been a worthy landmark in Aberdeen not only in a physical but also in a spiritual sense. In the course of some one hundred and thirty years, the brick spire has seen many changes in the churches beneath it. During that time the prayers of the faithful have ascended, the Good News of the Gospel has been proclaimed and it is on such criteria alone that the whole matter must be finally judged. Those who, like the writer, mourn the final passing of the triple church from the Christian life of Aberdeen can take considerable consolation from the fact that the real landmark of any place of worship is not physical but spiritual; and so, in a real sense, they can remember the Scriptural injunction "Remove not the ancient landmark which your fathers have set." (Proverbs 22: 28)

*The writer wishes to record his thanks to Rev Walter J Gordon and to Mr J Duncan Morrison for their patience and help in collating much of the material in this article.*

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<sup>10</sup> East and Belmont church eventually became a public house known as "The Triple Kirks" with a dance studio upstairs.  
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View up the Denburn Valley from Union Bridge before the building of the railway in 1865, showing the triple kirks and the gardens at the back of Belmont Street.  
Copyright: Aberdeen City Council.

## Contributions to the Dictionary of Evangelical Biography <sup>11</sup>

**ALEXANDER, WILLIAM LINDSAY** (b. Leith, Edinburgh, Scotland. 24 Aug. 1808; d. Musselburgh. Midlothian, Scotland 20 Dec. 1884). Congregational divine. He was educated at the universities of Edinburgh and St Andrews and, although of Baptist extraction, he became a Congregationalist in 1826. In 1827 he studied at Glasgow Theological Academy under Ralph Wardlaw and Greville Ewing. After a period of classical tutoring at Blackburn Theological Academy, he commenced medical studies on 1831. In 1832 he became minister of Newington Independent Church, Liverpool moving to Edinburgh in 1834 to take up the charge of North College Street Congregational Church (which eventually became Augustine Congregational Church) where he remained until 1877. An eminent scholar, he served both as professor of theology and principal at the Edinburgh Congregational College; he was also a member of the Old Testament Revision Committee. In 1884, the year of his death, he was awarded the degree of LLD, having previously received the degree of DD from St Andrews University in 1846.

**BANNERMAN, JAMES** (b. Manse of Cargill, Perthshire, Scotland, 9 April 1807; d. Edinburgh, 27 March 1868). He was educated at Perth Academy and Edinburgh University, licensed by the Presbytery of Perth in 1830 and ordained and inducted to the charge of Ormiston in 1833; he adhered to the Free Church in 1843. In 1849 Bannerman was appointed professor of apologetics and pastoral theology at New College, Edinburgh. A very able and distinguished scholar in the Reformed tradition, his work "Inspiration. The Infallible Truth and Divine Authority of the Holy Scriptures" published in 1865, was written (in his own words) at a "time of transition in religious opinion". The volume helped to clarify some of the main issues and contemporary attitudes in the

<sup>11</sup> Copyright Baker Books, Grand Rapids, Michigan, USA. The bibliographies and select writings are omitted, other wise the articles are reproduced as printed, although I have expanded some of the abbreviations.

debate over the inspiration of the Bible. While he remained an exponent of orthodox teaching until his dying day, Bannerman's support for plenary rather than verbal inspiration was undoubtedly of considerable significance in the longer term. He was awarded the degree of DD by Princeton College in 1850.

**BROWN, JOHN [of Broughton Place]** <sup>12</sup> (b. Whitburn, Lothian, Scotland, 12 June 1784; d. Edinburgh, 13 Oct. 1858). Scottish Secession Divine. he was the grandson of the more famous John Brown of Haddington and a son of John Brown of Whitburn: although a less distinguished scholar than his famous grandfather, he was of a warmer nature and maintained connections with other Christian traditions. He studied at Edinburgh University 1797-1800 and received further theological education 1800-4 under the saintly George Lawson of Selkirk who had succeeded to John Brown of Haddington's <sup>13</sup> position as sole professor of the Associate Synod.

He was inducted to his first pastoral charge of Biggar Associate Church in 1806 and remained there for some 16 years. During his time at Biggar he built up a justifiable reputation as an expositor of scripture. At the time when much expository preaching was either very formal or purely devotional, Brown returned to true expository preaching, opening up the Bible in a consecutive, doctrinal and practical manner.

In 1822, he was called to minister to the United Presbyterian congregation worshipping in Rose Street, Edinburgh and in 1829 he moved to the pastorate of Broughton Place Church in the New Town of the same city. The handsome classical building which housed Brown and his congregation (and which still stands) <sup>14</sup> was popularly known in Edinburgh as "Dr John Brown's Chapel". It was at Broughton Place that Brown's ministry was most influential. A

<sup>12</sup> John Cairns (1860) *Memoir of John Brown*. See also my own article in *Whose Faith Follows* (2013)p. 26.

<sup>13</sup> See *Whose Faith Follows* (2013) p. 20.

<sup>14</sup> Broughton Place Church was designed by Archibald Elliot. The congregation is now united with St Mary's Bellevue and the latter's church building is used. The former Broughton Place Church (where the writer was a Student Assistant 1968-9) was used for a time as a theatre and now serves as an auction room.

contemporary (Professor Masson) wrote of him: *At that time there was no more venerable man in Edinburgh. People turned in the street to observe his dignified figure as he passed and strangers who went to hear him were struck no less with the beauty of his appearance, the graceful fall of the silver locks around his fine head and sensitive face than by his Pauline earnestness.*<sup>15</sup>

In 1830 he was awarded the degree of DD by Jefferson College, Pennsylvania. In 1834 he was appointed as Scotland's first professor of exegetical theology in the United Associate Synod; by this time, the training for Secession ministry had altered and there were four professors, of whom Brown was one, who also held full time pastoral charges. Students came to study in the Synod Hall in Queen Street, Edinburgh<sup>16</sup> over the summer months, working of the remainder of the year under the supervision of their home Presbyteries. Brown was able to use his expository gifts for the benefit of his students and, in later life, he was able to publish much of this material in commentary format; even today, some of his works are available in print.

Among his more influential works are *Discourses and Sayings of our Lord Jesus Christ* and *Expository Discourses on I Peter*; among his commentaries are works on *Romans, Galatians, Hebrews* and *I Peter*. C H Spurgeon wrote of him:<sup>17</sup> *We always think of Brown as a Puritan born out of due time. Everything he has left us is pure gold. He is both rich and clear, profound and perspicuous.* Equally, expounding scripture seems to have been Brown's greatest delight; writing of his work on Hebrews<sup>18</sup> he said: *Happier hours than those which I have spent in composing these expository discourses I can scarcely expect to spend on this side of the grave.*

<sup>15</sup> A R MacEwen, *Life and Letters of John Cairns* [London, 1895] p. 111. See also my own *Whose Faith Follow* (supra cit)

<sup>16</sup> The Synod Hall later moved to a larger building in Castle Terrace. Older readers may remember it being used latterly as a cinema, specialising in horror movies!

<sup>17</sup> *Commenting and Commentaries* [London, 1890]

<sup>18</sup> Published in 1862 and reissued by the Banner of Truth Trust (1961) in their Geneva Commentary series.



In 1841, Brown became involved in a controversy of which he was never to be entirely free. The Reverend James Morison of Clerk's Lane, Kilmarnock and a former student of Brown's was indicted for heresy in that he held and preached a universal view of the Atonement. This was not denied by Morison but Brown, while not agreeing with everything that Morison said, spoke on his behalf and suggested that *...there ought to be room in the United Secession Church for men who held similar views to Mr Morison...* although he also stated that Morison was certainly in error *in certain respects*. As it happened, Morison effectively deposed himself and went on to form the Evangelical Union in 1843. As Morison attributed at least some of his views to Brown's teaching and since Brown was perceived as having taken Morison's side at the trial, he had laid himself open to the suspicion of the Hyper-Calvinists, led by Dr Andrew Marshall of Kirkintilloch. To them, Brown's views at least tended in the direction of Amyraldianism (sometimes known as Universal Calvinism) and they charged him before the synod of twelve counts of teaching unsound doctrine. In 1845 he was finally cleared of all such charges.

Interestingly, Brown and Marshall were allies in another matter - the movement which sought to disestablish the Church of Scotland and move towards what later came to be known as the "voluntary principle". Brown was so strongly against any church/state connection that he refused to pay the annuity tax levied on citizens of Edinburgh to pay the stipends of the ministers of the Burgh Churches. Rather than pay this tax, he allowed his goods to be poinded and sold by the civil authorities. He had a son, also named John, a medical doctor and the author of *Rab and his Friends*<sup>19</sup> and other works.

BUCHANAN, ROBERT (b. St Ninian's, Stirling, Scotland 15 Aug. 1802; d. Rome 31 March 1875). Disruption worthy. After studies

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<sup>19</sup> 1859

at the Universities of Glasgow and Edinburgh he was licensed to preach by the Presbytery of Dunblane in 1825. He was ordained and inducted to Gargunnock in 1827, translated to Saltoun in 1830 and to the Tron Church, Glasgow in 1833. Though opposed to a "voluntary" church, he moved the Independence Resolutions in the 1838 General Assembly of the Church of Scotland, declaring its spiritual jurisdiction independent of all state control. In 1840 he was awarded the degree of DD by Glasgow University. In 1843, he signed the Deed of Demission and adhered to the Free Church of Scotland. The first minister of the Free Tron Church, Glasgow and the historian of the Disruption<sup>20</sup>, he was also a social reformer, champion of the poor, an educationalist, scholar and a respected evangelical leader. He was convener of the Free Church Sustentation Fund, 1847-75, became minister of Glasgow: Free College Church in 1857 and moderator of the Free General Assembly in 1860.

**CLASON, PATRICK** (b. Dalziel, Lanarkshire, Scotland, 13 Oct. 1789; d. Edinburgh, 30 July 1867. Presbyterian minister.

The third son of Rev Robert Clason, minister of Dalziel, he was educated privately and at the universities of Glasgow and Edinburgh. He was licensed to preach by the presbytery of Hamilton in 1813; in 1815 he was ordained and inducted to the charge of Carmunnock and was translated in 1824 to St Cuthbert's Chapel of Ease (afterwards Buccleuch Church) Edinburgh. An unsuccessful candidate for the chair of Divinity at St Andrews University in 1830, he was awarded the degree of DD by Glasgow University in 1836. He signed the Deed of Demission in 1843, adhering to the Free Church of Scotland and, in the same year, became first minister of Free Buccleuch Church and also joint Clerk to the Free General Assembly. He held both offices until his death.

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<sup>20</sup> Robert Buchanan *The Ten Years Conflict* (1849)  
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**DAVIDSON, ALEXANDER DYCE** (b. Aberdeen, Scotland, 8 May 1807; d. 27 April 1872). Presbyterian minister.

Davidson was educated at Marischal College, licensed by the presbytery of Aberdeen on 31 March 1830 and inducted to the South Parish Church of Aberdeen in 1832. He was translated in 1836 to the West Parish Church of the same city. A greatly esteemed, popular and earnest evangelical preacher <sup>21</sup> he, in company with all the established church ministers in Aberdeen he adhered to the Free Church; he thus became the first minister of the West Free Church of Aberdeen.

**KIDD, JAMES** (b. Loughbrickland, Co. Down, Northern Ireland, 6 Nov. 1761; d. Aberdeen, Scotland, 24 Dec. 1834). Scottish Presbyterian minister and professor. <sup>22</sup>

He had little formal education and, after emigrating to America in 1784, he studied at Pennsylvania College in 1787 and 1789. After coming to Scotland to complete his theological education at Edinburgh University, he was presented in 1795 to the chair of oriental languages in Marischal College, Aberdeen, a position which he held until his death. He was licensed to preach by the Presbytery of Aberdeen in 1796 and appointed as evening lecturer at Trinity Chapel of Ease, Aberdeen. In 1801 he became minister of Gilcomston Chapel of Ease in a crowded working class area of the same city. Though somewhat of an eccentric, he was held in great affection as an evangelist, champion of the poor, social reformer and founder of the first Sunday School in Aberdeen. He was awarded the degree of DD by Princeton College in 1819.

**MAKELLAR, ANGUS** (b. Kilmichael-Glassary, Argyll, Scotland, 22 June 1780; d. Edinburgh, Midlothian, Scotland 10 May 1859). Presbyterian minister.

<sup>21</sup> e.g. *Lectures on Esther* (1859) and *Sermons and Lectures* (posthumous 1872)

<sup>22</sup> See my article in *Whose Faith Follow* (2013)

He was educated at Glasgow University and licensed to preach by the Presbytery of Glasgow in 1810. He was ordained and inducted to the charge of Carmunnock in 1812 and translated to Pencaitland in 1814. He was awarded the degree of DD by Glasgow University in 1835 and in 1849 was moderator of the General Assembly of the Church of Scotland. He signed the Deed of Demission in 1843 but never took a pastoral charge in the Free Church of Scotland. He was Moderator of General Assembly of the Free Church in 1852 and served as chairman of the Boards of Mission and Education in that church. Though he was an able expositor and evangelical preacher, his manuscript works were never published.

**THOMSON, ALEXANDER** (b. Banchory House <sup>23</sup>, near Aberdeen, Scotland, 21 June 1798; d. Banchory House, 20 May 1868). Benefactor of the Free Church of Scotland.

Educated at Marischal College, Aberdeen and the University of Edinburgh, he was admitted in 1820 to the Society of Advocates in Aberdeen.<sup>24</sup> At the time of the Disruption, he adhered to the Free Church of Scotland and, throughout the rest of his life, was a munificent benefactor of its causes. In 1844, he promoted a lay committee to undertake a scheme of Free Church manse-building throughout Scotland. Deeply interested in social questions and spiritual work, his dearest cause was the Free Church College,<sup>25</sup> Aberdeen which he supported generously.

**WILSON, WILLIAM** (b. Westruther, Berwickshire, Scotland, 15 June 1808; d. Edinburgh, 15 Jan 1888). Disruption worthy.

He was educated at Edinburgh University and licensed to preach by the Presbytery of Earlston in 1833. From 1835 to 1837 he was editor of the *Scottish Guardian*. He was inducted as

<sup>23</sup> Situated at Banchory-Devenick on the south of the River Dee and not be confused with the town of Banchory-Ternan (more popularly known simply as "Banchory") a few miles further up the Dee on its north bank.

<sup>24</sup> This is an old established association of solicitors who practice in Aberdeen and to be distinguished from the Faculty of Advocates, the Scottish equivalent of English Barristers.

<sup>25</sup> Later know as Christ's College.

minister at Carmylie in 1837 and adhered to the Free Church of Scotland in 1843. In 1848 he was translated to the charge of Dundee: Free Mariners (later Free St Pauls) A prolific writer,<sup>26</sup> he took a very active part in the affairs of the Free Church of Scotland including terms of office as convener of the Sustentation Fund and Home Mission Committees. He was appointed joint clerk to the Free General Assembly in 1868 and senior clerk in 1884, also serving as moderator in 1866. He was awarded the degree of DD by the University of Edinburgh in 1870.

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<sup>26</sup> E.g. *The Kingdom of our Lord Jesus Christ* (Edinburgh, 1859), *Memoir of R S Candlish DD* (Edinburgh, 1880), *Free Church Principles* [Chalmers Lectures](Edinburgh, 1887)

## *Fragmentum Legis* <sup>27</sup>

Anyone who is in any way engaged in the practice of law does not require to be reminded of its complexity or of the need at all times to be practical; this is especially so in our day and age when each succeeding year sees the relentless outpouring of complex and technical legislation. This being so, it is particularly refreshing on occasions to look back to more leisurely days and glimpse some long-forgotten aspect of the law which, although it may now seem irrelevant, was of considerable importance in its own time.

One such example must surely be that of church bells! In strict theory congregations of Christians outwith the established church of Scotland are not, it would seem, entitled to the use of a bell to summon their members to worship. This was clearly stated in the case of *Macnaughton v. Magistrates of Paisely* (1835) 13 S. 432. The judgments in that case are of particular interest. Lord Meadowbank remarked that, with the one exception of the bell of the King's Chapel Royal which had been transferred by Royal Charter to the Episcopal Chapel in Edinburgh, it was clear that no body of dissenters <sup>28</sup> was entitled to a bell. He also referred to a previous attempt of a dissenting meeting-house in Fife to erect a bell but pointed out that the judgment of Lord President Blair in that case was quite clear and that no dissenting body was so entitled. In the *Paisley* case (*supra*) one very interesting factor was that Lord Medwyn, one of the presiding judges, was himself a dissenter – the only one, as it happened, on the bench in this case. Nevertheless he strongly supported the judgment of Lord Meadowbank because (as he put it) he felt it to be his duty as a judge to protect the established church in her rights and to check every encroachment upon them.

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<sup>27</sup> 1969 SLT (News) 57. Copyright The Scots Law Times

<sup>28</sup> The term "dissenter" here means any member of a Christian body other than the Church of Scotland.

It is not surprising that this case has not, in fact, been frequently invoked and that bells have continued to ring from dissenting places of worship. The question did arise in *Kirk Session of Peebles v. Magistrates of Peebles* (1874) 1 R. 1139. Here, Lord Deas stated that in his opinion, the sooner the law on this matter was altered or modified the better and that one could safely assume that every dissenting meeting house was legally entitled to a bell if it so wished. In the same case, Lord Ardmillan remarked that any exclusive right which the established church might have had anent the use of a bell was "...opposed to the constitutional toleration which law recognises and justice demands".

The *Peebles* case (*supra*) was taken to the House of Lords but the question of the legality or otherwise of bells for dissenters was not dealt with since the case was decided on grounds that did not call for consideration of it.

Nevertheless, it is virtually certain that the *obiter dicta* of Lords Deas and Ardmillan in the *Peebles* case "...toll the knell of a parting day" and that no Scots court today would even consider enforcing the law as stated in 1835 in the *Paisley* case. Accordingly one can say fairly confidently that no dissenting congregation in Scotland need rush to dismantle its bell for fear of imminent legal action!

## Teind and Stipend <sup>29</sup>

In every old ecclesiastical parish in Scotland, a teind, the Scottish equivalent of a tithe or tenth part of produce of land, was payable to the church. Originally teinds were payable by ancient custom but, as written titles to heritage became more common, it became clear that, with few exceptions, a teind constituted a separate estate from the land from which it was exigible.

Teinds were of two kinds, parsonage and vicarage. The former were due to the parson <sup>30</sup> and consisted of the produce of the land. The latter were payable to his vicar and consisted of less valuable commodities such as the produce of animals and certain vegetables. Unlike parsonage teinds, vicarage teinds could prescribe and, for practical purposes, the latter have mainly disappeared or been redeemed.

When the Reformation came (1560), broad and sweeping changes were made in the law of church property. By the Acts of 1567 c. 10, 1581 c. 100 and 1592 c. 123 it was provided that out of the ecclesiastical benefices, one third should be devoted to the support of the clergy. By an Act of 1617 c. 3, power was given to Commissioners appointed under the Act to appoint and assign out of the teinds of every parish, a perpetual local stipend where the minister of the parish was without a stipend or else received one of less than 500 merks or equivalent annually.

In 1627, another Commission was set up to value teinds but it did not function as apparently it had no yardstick with which to measure. It would, of course, have been much simpler if, instead of ordering stipend to be paid out of the teinds, provision could have been made to restore the whole of the teind to the parish minister.<sup>31</sup> Be that as it may, however, in 1629 teinds were fixed

<sup>29</sup> 1965 SLT (News) 86. Copyright The Scots Law Times. The law in this lightly revised article is now out of date and is reproduced for historical interest only. See also the book *What are Teinds?* by William G Black (Edinburgh 1893)

<sup>30</sup> Although the titles parson and vicar may seem English, they were in common use in Scotland before the Reformation.

<sup>31</sup> At the time of the Reformation, the rich and powerful seized much of the church's ancient patrimony.



at one fifth of the rental of the land, assuming the amount of rent to be one half of the annual produce of it. This valuation was to be made in money, or victuals or both.

An important Act was that of 1633 c. 19 which appointed a new Commission to regulate the sale and valuation of the teind. The heritor (proprietor) of the land was now given the right to purchase the teinds, excluding those which had been assigned for stipend from the "titular" at a nine year's purchase. (The "titular" was the person who had acquired right<sup>32</sup> to the teinds after the Reformation.) The great majority of heritors chose to purchase the teinds as it saved them from having to leave their lands unharvested. The teind was extracted after the grain was cut but before it was gathered in. So, if a titular was late in exacting the teind, the rest of the crop (known as "stock") would be ruined. This intolerable state of affairs was somewhat altered by statute but, nevertheless, inconvenience was often caused. Even so, not every heritor chose to purchase the teinds as was shown the case of *Galloway v. The Earl of Minto*, 1920 1 SLT 96. But if a heritor did exercise his option, it was a condition that he, and not the titular, should provide the allotted share of the parish minister's stipend from his teinds.

It is obvious that since the value of a crop varies from year to year, so would the amount of the stipend. In fact, the value of the grain, known as the "fiars' price", was "struck" annually in February, by the sheriff of the county, sitting with a jury of 15. In the few cases where this procedure is still applicable,<sup>33</sup> the sheriff is empowered to sit alone by virtue of an Act of Sederunt of 29 January 1918.

Before the passing of the Church of Scotland (Property and Endowments) Act, 1925, the only way of by-passing this cumbersome procedure was for the heritor or titular to surrender the teind in favour of the parish minister. In practice, this was

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<sup>32</sup> By fair means or foul!

<sup>33</sup> The striking of a fiars' price only applied where the parish minister was inducted into the charge before 1925. At the time of writing (1965), only a tiny handful of such cases remained, one of which was Dunblane.

done when the amount of stipend payable was higher than the teind from which it was exigible. If the money value of a stipend exceeded a fifth part of the annual rental of the land, it would obviously be more advantageous for the heritor or titular to surrender the teind. If a teind was surrendered, a permanent value was placed on it by the Teind Court.<sup>34</sup> That value remained in all time coming and put the parish minister in the position of a teind holder.

1925 saw major and sweeping changes in this rather outdated section of the law when the Church of Scotland (Property and Endowments) Act was passed. Very broadly, the terms of the Act as affecting teind and stipend is as follows: when a parish becomes vacant, the stipend payable by from the teinds has to become standardised at the term of Martinmas<sup>35</sup> occurring not less than six months after the charge has fallen vacant. The Clerk of Teinds is obliged to prepare a Teind Roll for every parish, showing the amount of teind and stipend as affecting that parish. The basis of the standardisation of the stipend is the average of the fiars' prices for the county in which the parish is situated during the period 1873 to 1922 together with an automatic augmentation of 5 per cent. Once the standardisation has taken place, as in fact it has done in the great majority of parishes<sup>36</sup> there can be no fluctuations in the amount payable. The standardised stipend is thenceforth payable to the Church of Scotland General Trustees and not to the parish minister and is known as a standard charge. As well as occurring when a parish becomes vacant, standardisation is also competent either at the instance of the General Trustees or the parish minister.<sup>37</sup>

When a Teind Roll is finalised, the standard charge becomes a burden on the lands and will rank in preference to all other debts that are not incidents of feudal tenure.<sup>38</sup> Also, it is

<sup>34</sup> The Teind Court deals with matters relating to church teinds and stipends. There have been no actions before this court in recent years.

<sup>35</sup> Traditionally the 11 November and now the 28 November as a result of the Term and Quarter Days (Scotland) Act 1990.

<sup>36</sup> It eventually took place in all the parishes of Scotland.

<sup>37</sup> This is no longer of any relevance.

<sup>38</sup> This refers to feuduty, which is no longer payable.

important to notice that a standard charge is payable irrespective of the teinds, from which it was formerly exigible.<sup>39</sup>

In former days, difficult and complicated questions of vesting often arose in connection with victual stipend. Although the question is not free from doubt, it seems that the stipend year ran from Martinmas to Martinmas, although in fact the stipend vested twice yearly at Whitsunday<sup>40</sup> and Michaelmas.<sup>41</sup> Stipend was regarded as relating to the whole year's crop which at Whitsunday is presumed to be wholly sown and at Michaelmas wholly reaped. It is interesting to note that the maxim *dies inceptus pro completo habetur* (a day begun is held to be completed) applied and, accordingly, as long as a minister survived even for a few minutes after midnight into either of the two vesting days, the half year's stipend vested in those entitled to it after midnight of the vesting day. But if the minister died (say) on the day before the vesting day, then he would not be vested in that half-year's stipend, nor to any portion of it as the Apportionments Act, 1870 does not apply to a victual stipend. (See *Latta [Frazer's Trustee] v. Edinburgh Ecclesiastical Commissioners*, (1877) 5 R. 266.)

Possible hardship was to a certain extent cured by the provision of an Ann or Annat, being the half year's stipend payable to a minister's family or next-of-kin for the vacant half year after his death. However, if a minister survived until a vesting day his representatives were entitled to the half (if he survived Whitsunday) or the whole (if he survived Michaelmas) year's stipend and, in addition, the following half year's stipend as an Ann. The detailed law on this matter is set out in the very old case of *The Earl Marishcal v. The Relict and Bairns of the Minister of Peterhead*, 19 July 1626, 1 Br. Dup. 36. It should also be noted in the passing that an Ann was not included in the inventory of a deceased minister's estate for the purposes of

<sup>39</sup> Standardised stipend payments have now all been commuted and are no longer payable.

<sup>40</sup> Traditionally 15 May, now 28 May.

<sup>41</sup> 29 September

confirmation as it was never *in bonis* of him and merely went to enhance the value of his estate:- see the judgment of Lord President Inglis in *Latta supra*.

Most of this is now only of historical interest, as the 1925 Act provided that a standardised stipend was to vest *de die in diem*<sup>42</sup> and accordingly would be subject to the Apportionments Act. The same, of course applies to a standard charge. Also, it is no longer competent to provide an Ann unless in a parish still operating the old system of victual stipend.<sup>43</sup>

To briefly sum up the position after the 1925 Act, it may be said that where teinds have not become exhausted they may still be payable to non-ecclesiastical sources; that victual stipend has virtually disappeared. Also, most parishes have a finalised Teind Roll which has converted the standardised stipends into standard charges which are payable half-yearly like feu-duty<sup>44</sup> direct to the Church of Scotland General Trustees.

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<sup>42</sup> ...from day to day

<sup>43</sup> As rare as hens' teeth!

<sup>44</sup> Feu-duty was finally abolished under the Abolition of Feudal Tenure (Scotland) Act 2000.

## Joint or Common Property? <sup>45</sup>

*Mr Gordon challenges the assumption apparent in recently published texts that taking title in joint names means the same thing as joint property.*

Within a period of a few months, two new books have been published on the subject of property law, namely *Property Law* by Robson and Miller (W Green) and *Scottish Property Law* by McAllister and Guthrie (Butterworth). Both are excellent books in their own right; the former deals with heritable and moveable property while the latter covers heritable property exclusively.

Both books, in different ways, make an interesting assertion about the distinction between joint and common heritable property, namely that when such property is taken in "joint names with a survivorship clause" (Robson and Miller, p 5) this is an example of joint property rather than common property.

McAllister and Guthrie (p 64) appear to suggest something similar although the third paragraph on that page is confusing; one suspects that words have dropped out of the text. As it stands, it could be read to mean that simply taking heritable property in *pro indiviso* shares implies a special destination, which is not the case in Scots law and cannot be what the writers intended.

There is no argument but that property taken in the name of "AB and CD" is an example of common property. Like joint property, common property is owned *pro indiviso*; unlike joint property, there is no automatic accretion and, on the death of AB, his share does not pass automatically to CD. It would have to be confirmed to by AB's executor and disposed of according to intestate or testate succession, depending on the circumstances. Any common owner may make a request to the other owners for a physical division of the property; if agreement cannot be reached,

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<sup>45</sup> 1965 SLT (News) 61. Copyright The Scots Law Times. This article, which has not been revised in any way, is cited in a footnote to the section on Property Law in the Stair Memorial Encyclopaedia of the Laws of Scotland (Edinburgh 1987 onwards). Fame indeed!

he can proceed to an action of division. Such division would not, of course, apply to common property within a tenement house which is really an ancillary right to the absolute ownership of a particular flat.

A common owner may also burden his share by a standard security or dispose of it *inter vivos* or *mortis causa*. In *Steele v Caldwell*, 1979 SLT 228, a husband, having put his wife out of the house, sold his share to third parties who duly took occupation. Whilst the matrimonial homes legislation would nowadays give the wife important occupancy rights, she would still not be able to prevent him from exercising his common law rights over his own property, such as selling it.

A joint owner, on the other hand, is in an entirely different position. He may not alienate his interest, leave it by will nor grant individual security over it; in particular, on an individual owner's death (or resignation) his interest passes by automatic accretion to the surviving joint owners. No joint owner has any valid claim for division of the property. The most usual types of joint property ownership are by trustees, partners and office bearers of unincorporated bodies.

The learned authors referred to above seem to be suggesting that if common property held by AB and CD is taken subject to a special destination ("AB and CD and the survivor"), it becomes joint property. Presumably, the *rationale* behind this remarkable sleight of hand is the fact that on the death of AB, his share automatically passes to CD and also that CD is statutorily infeft at that moment in the entire subjects, even though the record shows otherwise (*Conveyancing (Scotland) Act*, s 10 (3)).

It is surely open to question whether accretion, as in the case of joint property, is actually the same as acquiring rights by virtue of a special destination. Not all special destinations operate automatically;<sup>46</sup> if they are more complex, i.e. not merely survivorship, the executor will require to confirm thereto for the

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<sup>46</sup> Fortunately most do!

limited purposes of granting a title. However, even if accretion and acquiring rights under a special destination are the same, the fact that common property rights have been modified by agreement does not *ipso facto* convert them into joint property rights.

If the title is in name of AB and CD and the survivor, AB can still dispose of his own share *inter vivos*, thus evacuating the special destination *quoad* his own share, or he can request a division or grant security over it (subject always to the matrimonial homes legislation) which he could not do if he were a joint owner. The only restriction on his common property rights is his general inability to deal with his share by will, as, generally speaking, he will not be able to evacuate the special destination *mortis causa*.

Part of the confusion in this area may arise from the use of the expression "taking the title in joint names" while actually referring to common property.

The present writer's conclusion is that where property is taken in name of AB and CD and survivor, it is more appropriate to refer to it as common property that is subject to a special destination than to metamorphose it into joint property.

Those who disagree with that conclusion may be tempted to point to the case of *Munro v Munro*, 1972 (Sh Ct) 6, in which, by agreement between the parties, a father conveyed heritable property in favour of himself in liferent and to his three children equally between them and to the survivors and the last survivor of them and the heirs of the last survivor in fee. The effect of the agreement was the creation of a kind of trust to provide an opportunity to each of the children to return to and live in the family home.

The sheriff concluded that the effect of this unusual agreement was to deny the children any common property in the fee of the subjects. As they could, as individuals, neither dispose of it *inter vivos* nor *mortis causa*, the sheriff concluded that it

was joint property. This case, however, would seem to be a “one off” and has been criticised. It does not seem to undermine the basic proposition of this short article that property taken in the name of two (or more) individuals and survivor is common property subject to a special destination and not joint property.



## Three Roads <sup>47</sup>

Life for all of us is a journey. That is far from being a new concept. The oldest known story in the world is the ancient Babylonian Epic of Gilgamesh, where a young king sets out on a journey to find eternal life. He does not find it, of course, and finally has to come to terms with his own mortality. He was not the first, nor will he be the last.

The concept of the hero's journey is common in the great stories of the ancient world. In the Old Testament, Abraham set out on a journey of faith, as did Moses when he led the people out of Egypt and towards the Promised Land. In our culture, Pilgrim's Progress is a famous mystical account of the journey of Christian towards the Celestial City. One of the great novels of the twentieth century is "The Grapes of Wrath" by John Steinbeck. If you haven't read the book, you may have seen the old black and white movie which is now a classic. It's a story (that includes many Biblical allusions) of the Joad family, making their way from the dust bowl of Oklahoma to "the promised land" of California during the time of the depression in the 1930s in the face of poverty, hardship, prejudice and injustice. These are only a few examples of journeys.

In the Christian life, we are never static. In fact, like Christian in John Bunyan's "Pilgrim's Progress" it is a highly personal journey. In many places, Scripture sees the life of faith as a road, or a way or a journey. You could say that we all make our own individual hero's journey.

We can find this vividly in the book of the prophet Isaiah: *And there shall be a highway for the remnant of his people which shall*

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<sup>47</sup> This is a lightly edited version of a talk that I used on a number of occasions. The style is intended to be conversational.  
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*be left, from Assyria like as it was to Israel in the day that he came out of the land of Egypt* <sup>48</sup>

*...and a highway shall be there and it shall be called the way of holiness; the unclean shall not pass over it; the wayfaring men, though fools, shall not err therein. No lion shall be found there, nor any ravenous beast shall go up thereon; it shall not be found there. But the redeemed shall walk there and the ransomed of the Lord shall return and come to Zion with songs and everlasting joy upon their heads; they shall obtain gladness and sorrow and sighing shall flee away* <sup>49</sup>

Supremely, the Old Testament speaks of the one who is to come and who calls all his people to make straight in the desert a highway for our God.

And we also see traces of this in the New Testament. Saint Paul speaks of the Christian life as a race that must be run and at the end of which we receive a crown, but not a crown of laurel leaves, which victorious athletes would have received, but a crown of victory which never fades or perishes.

The Letter to the Hebrews sees the Christian Life as a march of the onward going pilgrim people of God who follow Jesus, the pioneer and perfecter of our salvation, the one (whom we are told elsewhere) is the way, the truth and the life. Today, following on this theme, I would like to look at three Biblical roads, roads that could be real in a geographical sense but which I would like to look at with you now much more in a spiritual sense and which illustrate some very basic themes of Christian commitment.

These roads are (1) the road to Damascus, (2) the road to Calvary and (3) the road to Emmaus.

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<sup>48</sup> Isaiah 11:6

<sup>49</sup> Isaiah 35: 8

## Road 1 - The Road to Damascus

This is a road that we all know, even if we are not entirely sure that we do! Let me try to explain. When we think of Damascus we inevitably link that in our minds with the dramatic conversion of Paul. In the Book of Acts <sup>50</sup> we read that Saul (as he was known then), still breathing threats and murder against the disciples of the Lord went to the high priest and asked him for letters to the synagogue at Damascus so that if he found any people who belonged to "the way", he might bring them to Jerusalem. Paul was out for blood, showing a zeal which would have been considered fanatical even in his contemporary Judaism. Paul recollects in his Letter to the Galatians <sup>51</sup> in no uncertain terms how he persecuted and wasted the church tearing and ravaging it like some wild beast with its prey. He was very much on the warpath.

The Jews believed - and still believe - in the essential oneness of God. Yet here was this Jesus of Nazareth who dared to accept public acclaim as the Son of God, this same Jesus who had been executed as a criminal and blasphemer being held up as a messianic figure. His disciples were spreading abroad an extraordinary and dangerous rumour that this same Jesus was still alive, not as a ghost but actually risen from the tomb. His followers were claiming that this Jesus was indeed the Messiah and Saviour, promised in the Old Testament and that in him men and women could find life: and this would be quite apart from the rituals of priest and temple and indeed all the traditions of Judaism.

This rumour, thought Paul, must be stamped out and ruthlessly eradicated. The basic and fundamental truths and traditions of

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<sup>50</sup> Acts 9: 1

<sup>51</sup> Galatians 1: 13

Judaism had to be preserved at all costs. Many years after his conversion, he could say about himself that not only had he laid waste the Christian church but also had advanced and profited in power above all his contemporaries and those of equal ability because he was so zealous for the traditions of his fathers. Fortunately that was all past and gone. Although he had set out from Jerusalem to go to Damascus in triumphalist mood, it was a very different man who, temporarily blinded, groped his way into Damascus having seen and met the risen Christ on that famous road.

I think we can take the account of Paul's conversion as read - the brilliant light, the voice, the dramatic change in his whole outlook and way of life whereby he became the slave of Jesus Christ. More than that, the conversion on the Damascus road brought into the fledgling Christian community one of the most brilliant intellects in the ancient world who would become one of the greatest ever of Christian apologists, a man who by the grace of God was given both the power and the incredible opportunity to change the history of the world.

The road to Damascus is a road which, figuratively, every Christian must travel. After all, all Christian men and women are changed people who have been, if you like, "converted", born again by the Holy Spirit. Now this comes to different people in different ways. Some people can point to an exact time or the circumstances when they "saw the light" and realised what it was all about. There are others (and I put myself into this category) who cannot point to any specific place or time but are aware that they have passed through a process, sometimes taking months or even years. I have little patience with people who engage in conversion "one-upmanship" whereby they speak endlessly about their subjective experience with the clear implication that theirs

was better than yours and perhaps even implying that they are "better" Christians as a result.

What matters is not so much the experience as the result. Are you aware how radically your life has been changed? Have you actually accepted Jesus Christ into your life? That is between you and God but whether you have or not matters much more than the when or the how.

Now many people do genuinely like the example of Jesus and think of him as a great man with an inspired message. Such people do not in any way reject Jesus but have never fully accepted him. They may have even read their Bibles regularly and been constant in prayer and yet something is still missing. But the question I put to myself as much as to others is "Have you actually accepted him?"

Accepting is rather different from admiring. It is good, in some senses, to be "not far from the kingdom" but it becomes counterproductive to remain in that state forever. Our very nearness may lull us into a sense of false security, perhaps relying on our churchy upbringing, the comfort of a church fellowship, a life that has been free from wild excesses, even a life that seeks after truth. Yet that is not quite enough, is it? There is all the difference between being inside and outside. Next time there is heavy rain, try standing inside your back door and then outside. You will see a big difference! And the difference will be just the same whether you are standing just outside the door or half way down the street. You will get equally wet.

Most of us, let us be honest, would like a foot in both camps. It has become increasingly common recently to see cyclists riding along the pavement when they are held up by traffic on the road. They

want it both ways; to be road users and pedestrians at the same time. There is a parable here for us. Do we like to be Christians on Sunday and worldly and materialistic during the week? As always, I say this more to myself than to other people.

There were many men and women in Judaism at the time of Jesus who were not far from the Kingdom and yet some of them could be stumbling blocks. Nicodemus, a man of culture, intellect and integrity, when he came and spoke to Jesus under the cover of darkness was not far from the kingdom, yet he had to be shown that a man first had to be born again.

Judas Iscariot was so near to the kingdom that he carried the purse for the needs of Jesus and the other disciples. He was as close to Jesus as many of the twelve, perhaps closer than some. There is an interesting tradition in the Eastern Church that Jesus liked Judas third best among the twelve, yet this is the man that was to betray him for thirty pieces of silver.

So near, and yet so far! If you or I sit an exam and the pass mark is 50% it actually makes little difference if we score 49% or 2% because at 49% we have still failed. So near, and yet so far! This is the very state we surely want to avoid. It is almost certain that no one present here is going out into the world today to some hotbed of vice or to totally reject the gospel or the values of upbringing. That is not actually the greatest danger. Our greatest danger is that we should be lulled into a sense of contentment with ourselves as we are, that we should be like Saul of Tarsus when he was in Judaism, very zealous for the faith and traditions of his fathers, very sincere and utterly dedicated - but dedicated to what?

My own home town of origin is Peterhead, on the coast of Aberdeenshire in an area of Scotland known as Buchan. Like most

small fishing towns it has, from time to time, been visited by a lifeboat disaster with the resultant loss of life. One such disaster happened many years ago. The lifeboat had been out on all night on a distress call and it made its way home to Peterhead in the early morning. There was still a high wind blowing but it plodded on slowly and doggedly. All seemed well until it came close to the harbour when it was caught up and overturned in a freak wave.

This was in the days before the self-righting boats and there was a tragic loss of life. It was a dreadful event: the boat in sight of home, she had weathered the worst of the stormy night and yet at the last moment she capsized. So near and yet so far! How many people are like this? Let me ask you - and I want to do this graciously and not in a finger wagging way - have you personally accepted (or are aware that you have accepted) the invitation of Jesus Christ and given him the lordship of your lives?

It is one thing to believe propositionally in the power of Christ to set us free and for us to agree on the soundness of such a principle. It is another thing to claim this power as our own, to walk the road to Damascus. You don't need to look for drama just for the sake of it. Just look for changes in your life and expect and believe that Christ will continue to change your life by the power of the Holy Spirit.

## Road 2 - The Way of the Cross

The second road I would like us to consider is the way of the Cross, the *Via Dolorosa*. This is the winding road from the place of judgement to the hill called Calvary. That is the same road on which Jesus stumbled and fell under the weight of his heavy Cross and where they compelled Simon of Cyrene to carry it for him. So often, indeed so very often, during his ministry, our Lord had warned both his disciples and his would-be disciples what they

might have to be prepared to undergo. They might have to forsake everything - houses, possessions, friends, parents and family. All these might have to take second place. They were to take up their Cross daily, to drink of the same cup as Jesus and be baptised into his suffering and death.

This can sound a daunting prospect and fortunately it is only one side of the coin. Some people hover on the brink of Christian commitment. They worry that too much will be demanded of them. At the other end of the spectrum there are those who think that if they become Christians, this will ensure that they are protected from all the unpleasant aspects of life - loss of money, failure of business, loss of status or job, illness, bereavement and even the human reality of death itself.

Our faith does not work like either of these unhelpful extremes. Being a Christian does certainly demand much of us and yet at the same time it gives us strength to become more than conquerors. Jesus said that his yolk was easy and his burden light. We need to remember, however, that although the grace of God is free, it is not cheap. We do not generally put much value on things that we get too easily or even for nothing. You may remember how, at one stage, the Lord commanded King David to go and build him an altar on the threshing floor of Araunah, the Jebusite and how, when King David went to see Araunah he could have obtained the area of ground from him for nothing. But David declined that kind offer saying that he preferred to pay the proper price. He would not offer to God something that cost him nothing. So he duly bought it for the market price of 50 pieces of silver.

In the USA, where there is a complete constitutional separation of church and state, there are certain institutions that can legally offer "religious" degrees. Some, indeed many, of them are



absolutely reputable. Others are less so. It is certainly possible to send off a relatively small sum of money and immediately receive an honorary degree of Doctor of Divinity, without any questions being asked. These degrees are perfectly legal even though they are not officially recognised in the United Kingdom. Some people might even be impressed if their minister suddenly became a Doctor of Divinity. But to those in the know, this degree would be of no value. And equally, would the holder of such a degree, even if it is legal, actually feel comfortable about having an apparent honour that he had not earned?

And yet, in contemporary society many people seem to think that everything should be free and easy in the wrong sense. Look through adverts in magazines and newspapers. "Learn to play the piano in a week - no previous knowledge required." "Wonderful free offer - no obligation." "Speak French without Tears."

We are living in a society where we demand instant gratification for the least possible effort. It does not strike many people that it is only by the grace of God that they are allowed to live at all and that they are constantly surrounded with countless evidences of God's love and providence. Jesus calls us to radical obedience, to take up our Cross daily and follow him - and (here is the rub) only we as individuals know what that actually means for us.

If we lived in certain communist <sup>52</sup> countries, we might have to withstand a degree of persecution, some kind of "fiery trial" as Peter calls it in his first Letter. Maybe for us it will be loss of a job when refusing to submit to doubtful practices, loss of a close and dear friend and misunderstanding by family. Is it worth it? Only you know the answer to that.

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<sup>52</sup> This is now somewhat out of date. Persecution now comes from different sources.

Many of us can look back to some church service that has been especially meaningful for us or has had the greatest influence. If I may speak personally, my pride of place would go to an Edinburgh University service<sup>53</sup> that was held in St Giles Cathedral when the guest preacher was a redoubtable and controversial figure, Malcolm Muggeridge. I can remember him from the days of Panorama with Richard Dimbleby. His public *persona* had previously been that of a rather hard and cynical person on the atheistic side of agnostic and with a mind like a steel trap.

St Giles was packed to the doors mainly with students and many had to be turned away. Most had come not to hear the Christian gospel but to learn if Mr Muggeridge was about to resign as Lord Rector of Edinburgh University.<sup>54</sup> Many who came got more than they bargained for. They certainly heard his resignation but they also heard something else. In fact he gave a personal testimony in the one of the most public pulpits in Scotland. They heard him say "It is Christ or nothing!"

Many of them went away laughing at this former sceptic who had often poured scorn on Christian ideals and beliefs. I, for one, was deeply moved by this man's very public testimony, as it was a very costly thing to do. There are perhaps few more costly things than to hold oneself up to public ridicule and misunderstanding. This is an example of what "costly" can mean. Being followers of Jesus Christ can lead to ridicule and misunderstanding and I believe that this perception will grow as our nation seems to distance itself more and more from the rock from which it was hewn. If we think that the United Kingdom has recently become less Christian, I suggest that we "ain't seen nothing yet."<sup>55</sup>

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<sup>53</sup> January 1968

<sup>54</sup> Over the SRC's policy regarding "pots and pills".

<sup>55</sup> In 2015 these words seem strangely prophetic!

We may consider ourselves entirely reasonable and compassionate people but there are others who will see things in quite a different light and will see our Christian commitment as an offence and stumbling block. This is only one part of the picture, of course. But the invitation and command of Jesus is that we take up our Cross daily and follow him as part of the onward-going pilgrim people of God. The road may be hard, it may be steep, it may be narrow, it may seem impossible and yet, as the hymn says: only he who bears the Cross can hope to wear the victor's crown.

Is this daunting? Well, it would be if we had to do all this in our own strength. But God gives us more than a template to follow, he gives us every day the gift of his Spirit to strengthen and up-build us. Remember again that Jesus said that his yolk is easy and his burden is light. Our Calvary road will not give God our leftovers; it will demand our whole lives, our whole being and whole personality. As the hymn says

O not for Thee my weak desires  
 My poorer baser part  
 O not for Thee my fading fires  
 The ashes of my heart.

### Road 3 - The Road to Emmaus

Every year the Christian church celebrates Easter. It is perhaps the greatest of all the Christian festivals and rightly so because it is in and through the resurrection, the mighty act of God in human history whereby he raised his Son from the dead, that all of the Christians story actually makes sense. We live in the time of the resurrection and of the Holy Spirit. Of course, the resurrection appearance of Jesus was more than a one-off event. I think I am right in saying that there are some sixteen recorded

appearances in the New Testament, including an appearance on one occasion to 500 people.

The event that I personally find most particularly moving is the appearance at table to two disciples at Emmaus on the evening of the resurrection. This event only appears in Luke's Gospel.<sup>56</sup> He shows us two people on their way from Jerusalem to Emmaus. We do not know exactly who they were. We do know that one was called Cleopas. Some scholars have given suggestions as to their full identity. They may be right, they may be wrong. It is only conjecture. Luke does not identify them beyond that one name and maybe we need to leave it at that. It could have been two men, or it could have been a man and woman, possibly husband and wife. The original language does not make it clear. All we know is that one of them was a man named Cleopas.

Whoever they were, they were not among the inner circle of Jesus' disciples and certainly not numbered among the Twelve: this much we can reasonably surmise from the way that they spoke of Jesus and the events of the past few days. Basically they were two devout seekers that had seen and heard - and at least to some degree followed - Jesus of Nazareth, that soul stirring prophet from Galilee. They had hoped that indeed he was the chosen servant and messiah of God, the one who would come and save his people from their sins, the one who would come with mighty hand and outstretched arm as the anointed one of God to preach good news, to bind up the broken hearted and to proclaim liberty to the captives. All this had been foretold by the prophets.

But now, all their hopes seemed past and gone. They felt that they had been mistaken. Perhaps it would be at some future time that God's promises to Israel would be fulfilled.

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<sup>56</sup> Luke 24: 13 - 35

And as they were thinking and talking on the way, they overtook a stranger walking in the same direction. Darkness was already falling and they did not recognise who it was. They went on their way, talking further about the recent events, including the crucifixion. And now, they remarked, there were some wild and extravagant rumours that some women had gone to the tomb and found it empty. The stranger mildly rebuked them for being so slow to understand and believe what the prophets had foretold, that it was necessary for the Christ to suffer and then to enter his glory. And as they progressed along the road, the stranger expounded and opened the Old Testament Scriptures to them.

The two disciples still did not recognise the stranger but they were enthralled by what he was saying to them and when they came to the village of Emmaus they persuaded and constrained him to come in for a bite to eat and perhaps even to stay the night. It was when they were at supper together that something happened and their eyes were opened. This event is beautifully portrayed in many wonderful paintings by Caravaggio, Rembrandt, Titian and others. They saw now who the stranger was. It was none other than this same Jesus of Nazareth about whom they had been talking: yet he was actually alive and eating supper with them. But then he disappeared out of their sight. And then they remembered only too late how their hearts had burned within them on the road when he had expounded the Scriptures to them.

And it is so easy for us, living many years later and comfortably wrapped up in our church lives, to suggest that these two disciples were slow and perhaps even dull of spirit. How could they possibly not recognise who the stranger was? Why did no one seem to believe what Jesus had said more than once during his earthly ministry that it was necessary that he should die and that he would rise again on the third day? And it is so easy to pass

judgment in this way. It is always easy to have 20/20 vision after the event. Hindsight, as they say, is a wonderful thing!

But the crucifixion and the scattering of the flock would have terrified most people. Indeed, even the closest disciples went into hiding. These two disciples had believed with their heads but - and this is the hard part - their hearts would not entirely follow. It is one thing to believe things about Jesus, even to be zealous in reading the Bible and in prayer and yet not to have fully experienced and received him. Perhaps for the first time, their hearts had burned within them.

I don't want to give the impression that commitment is all about subjective personal experience but it is vital for our Christian life that we have at some stage understood that Jesus Christ is our Saviour, not just the Saviour of everybody else. This brings us back again to the first road. The three roads that we are considering [tonight] are not separate from one another. All the time they interlace and intertwine.

Jesus Christ is the central theme of both Old Testament and New Testament, as he showed these two disciples as they walked along the road to Emmaus on the first Easter evening. He demonstrated that he was and is the true and promised Messiah, that he was a prophet even greater than Moses, that he was the true seed of the woman who was to bruise the serpent's head and would finally beat down Satan under his feet, that he was the Lamb of God who takes away the sin of the world, that he had been lifted up on a Cross as Moses had lifted up the serpent in the wilderness, that he was the great high priest greater than the family of Aaron and whose blood spoke more eloquently than the blood of Abel.

This was quite a lot to take in. It still is! But we will not go far wrong if we remember the words of Bishop J C Ryle when he said that "...Christ is the central sun of the whole Bible."

May I also draw your attention to something else? These disciples were willing to enter into a high tone of conversation. They talked of things that were not merely religious and "churchy" but also highly spiritual. These two people were true and genuine seekers. I am sure that many people go to church, study their Bibles, pray regularly and read edifying books - and this is all very good and important. But maybe it is not quite enough. What a lot of time we can waste in superficial and idle talk.

Much of it is harmless and I do not want to sound too heavy. Christians can sometimes get just too intense and serious and we want to avoid extremes. I certainly know of some Christians who could easily "lighten up" just a little! Jesus himself certainly did not speak about religion all the time. But it is easy to miss opportunities to have deep and important conversations, especially when an opportunity is given.

I remember an event when I was a teenager. The family were all gathered for the New Year in my grandparents' home in Peterhead. My grandmother was coming towards the end of a long illness and, at the time, had only a couple of months to live, although naturally we did not know that. She remarked about how lovely it had been to have all the family together as she might not see another new year. There was an awkward silence until some flatfoot of a cousin said "Oh, are you going on a world cruise!" The room was filled with gales of false laughter. It was a real missed opportunity to be open and honest. As a teenager, I formed the disappointing opinion that many adults are shallow and

superficial. I have had little reason since to change that perception.<sup>57</sup>

Alexander Whyte, a famous minister of Free St George's in Edinburgh wrote of his Saturday afternoon walks with his friend Marcus Dods, a Professor at New College: "Wherever we started off in our conversations, we soon made across country somehow to Jesus of Nazareth, to his death and resurrection and his indwelling." Again, without sounding too heavy, I suggest that we can easily miss opportunities. There are some Christians who ram their beliefs down other peoples' throats without any kind of invitation and I am not suggesting that that this is a good or helpful approach. But many people are spiritually hungry and it is easy to miss opportunities to talk about the great issues of life. Even in the church, it is easy to speak superficially and never rise above the mundane. If we were more open and able to share more, I suggest that we too would find that our hearts will burn within us.

This [evening] we have looked briefly at three roads. These are not, of course, the only three roads in the Bible; but these are all roads on which we have to travel as an ongoing pilgrim people of God - the road of conversion and commitment, the way of the Cross, the way of the risen Christ.

Perhaps not everyone here [tonight] has been along all three roads. Maybe you have tried one, or two of them but not all three. In any event may we all be given strength from God in his infinite love and mercy as we walk the road to Damascus, the road to Calvary and the road to Emmaus.

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<sup>57</sup> Much of the information that is exchanged on modern media is both inane and profane.  
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## Parable of the Rich Fool <sup>58</sup>

The Parable of the Rich Fool can be found in Luke 12:13-21. The key to understanding this parable is in verse 15 (and later summarized in verse 21). Luke 12:15 says, *"Watch out and guard yourselves from every kind of greed; because a person's true life is not made up of the things he owns, no matter how rich he may be."*

Jesus says this to the man who asked him to arbitrate between him and his brother. In ancient times, inheritance favoured the firstborn and male who was guaranteed a double portion of the family property. More than likely, the brother who was addressing Jesus was not the firstborn and was asking for an equal share of the inheritance. Jesus refuses to arbitrate in their dispute and gets to the heart of the matter: covetousness - what my granny would have called "the greed of gold." Jesus warns this person, and all within earshot, that our lives are not to be about gathering wealth. Life is so much more than the things we own.

Jesus proceeds to tell the man the Parable of the Rich Fool. This person was materially blessed by God; his land *"bore good crops"* (verse 16). As God continued to bless the man, instead of using his increase to further the will of God, all he was interested in was managing his increase and accumulating his growing wealth. So the man builds larger barns in place of the existing ones and starts planning an early retirement. Unbeknown to him, this was his last night on earth. Jesus then closes the story by saying, *"This is how it is with those who pile up riches for themselves but are not rich in God's sight."*

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<sup>58</sup> Basic address used in various formats over the years. This is the most recent version from November 2014.  
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Now let us not get this out of proportion. It is not for us to turn up our noses at God's material provision. There is nothing wrong with building up a business. Nor is it unspiritual to make wise provision for the future. I paid into various pension schemes throughout my working life so that I would not be a burden on others as I got older. The early Scottish chartists who gathered on Glasgow Green in the earlier part of the nineteenth century were not looking for government handouts or benefit payments, nor were they looking to be rich. They just wanted to take responsibility for themselves and their families and not to have their lives governed and dictated to by other people.

Actually, if you comb through the teachings of Jesus, you find that he speaks about money rather a lot. It is, of course, an important subject. We all need money and there is no point in trying to spiritualise it away. The Bible, and especially the Old Testament, actually commends people who work hard and build up their businesses. There is absolutely nothing wrong with that.

There is nothing intrinsically evil about money. It can be used to great good and it is not automatically spiritual to be poor. There is no real problem either in people being ambitious, provided (and always provided) this does not rule the person. John Wesley's advice about money was simple - "*Earn all you can, save all you can and give all you can.*" It's hard to fault these values.

Unfortunately, in more recent times some people have become so obsessed with becoming rich beyond the dreams of avarice that they almost brought this country to its knees. When I was a student in Edinburgh, institutions like the Bank of Scotland and the Royal Bank of Scotland were considered bastions of propriety that followed the highest moral standards in their dealings. Now, we are all still paying the price of their bankruptcy and our famous Scottish Banks are a laughing stock.

Unfortunately, society does tend to assess people and measure their success by what they've got. It does seem to matter what kind of house people live in or what kind of car they drive. But what matters much more - and certainly matters to God - than these outward signs and possessions is what we are in ourselves. That is something that money can never buy.

So the point of the Parable of the Rich Fool is twofold. First, we are not to devote our lives to the gathering and accumulation of wealth. You see it all the time in people who are singularly devoted to the piling up more and more. What happens to all that wealth when they die? It gets left behind to others who didn't earn it and frequently don't even appreciate it. Furthermore, if money is your master, it means that God is not.

The second point of the Parable of the Rich Fool is the fact that we are not blessed by God in order to hoard our wealth to ourselves. And there is far more to wealth than money. Our wealth includes our whole person, who we are, what we can do, the wisdom, knowledge and insights that we have gathered along life's way. Do we share these with others and use them helpfully and widely. Simple question: whether you are a member of a family, a workplace, a circle of friends, a club or a church - does your presence make things better?

Are you a contributor as well as a taker? You all know the film "It's a wonderful life." It usually makes an appearance every Christmas! In that film, the hero despairs of life and feels that it's all been in vain, until he meets his guardian angel who shows him how very different (and how much poorer in every way) his own family and community would have been if he had never been born.

There was once a very rich man in USA who owned what is now called Standard Oil. He was extremely unpopular with his workforce who literally hated him because of his harshness and meanness. In one of the southern states he was actually burned in effigy; he was that unpopular. He spent practically nothing, living in cheap hotel rooms while the money kept rolling in. His health was very poor and although he was only in his early fifties, the New York Times had his obituary already written and ready. Then one day, this man came to himself and he remembered what he had been taught at Sunday School about the parable of the rich fool. He decided he was going to change. He upped the wages and conditions of his work force and started giving large sums of money to good causes. Not only did people's perceptions of him change but he himself grew much happier and his health almost miraculously improved. He actually lived into his nineties. His name was John D Rockefeller. His family have given away millions of dollars and yet the money keeps rolling in.

Well, we are not all multimillionaires and the widow's mite is as important in God's eyes as the large contributions of the rich. Giving of oneself is not only a gift, it is a privilege and everyone has something to contribute. And we may never live to see the results. Christmas seems to be coming on us even earlier this year and already the shops are booming out Christmas carols. One of my favourites is "In the bleak mid winter" It was written by Christina Rossetti and rediscovered by a young, as yet unknown, musician called Gustav Holst who set it to music. So Rossetti's carol became established even though she had been lying at rest for many years in Highgate Cemetery with the great and good of Victorian London.

What can I give him, poor as I am? If I were a shepherd, I would bring a lamb. If I were a wise man, I would play my part. Yet what I can, I give him - give my heart.

## Contents of Autumn Leaves 1 - 5

### Autumn Leaves 1

*Beneath the Cross of Jesus*  
*Consider your Verdict*  
*The Fate of Judas According to Acts 1: 18*  
*The Hope of Israel*

### Autumn Leaves 2

*Saint Mungo - his Life and Legend*  
*Lochore and Ballingry: A Parish History*  
*A Brief History of Erskine Church, Dunfermline*

### Autumn Leaves 3

*Historical Notes on Fintray Parish Church*  
*Dedication of Infants*  
*The Empty Pew (incomplete)*

### Autumn Leaves 4

*Naboth's Vineyard*  
*Reforming of Borders*  
*The Old Testament as Interpreted by the New*  
*The Old Testament and Christian Ethics*  
*Redeployment of Ministry*

### Autumn Leaves 5

*The Church Today*  
*Get your Harp in Tune*  
*Celebrating 130 Years*  
*Stewardship*  
*Martha and Mary*  
*Feeding the Five Thousand*  
*Who was John the Baptist?*  
*Growing Seed*