

**St. Andrews Presbyterian Church, Perth, Upper Canada; Kirk Session
Minutes - the Margaret Paton Case.** [Source: Presbyterian Church of Canada Archives]

30 June 1839

Certain reports injurious to the character of Mrs. Paton a member of the church were considered by the Session and it appearing necessary that the same should be investigated Messr Ward and Clark were appointed to make enquiry on the subject and report to the next meeting of the Session.

closed with prayer

Tho. C. Wilson Moderator

14 July 1839

The Session met and was constituted - present the Moderator, Messr [William]Rutherford, [Malcolm]Macpherson, [James]Ward, [Alexander]Miller, [John]Clark, [John]Robson, Robertson and [William]Allan....Mr. Ward reported that he had made enquiry regarding the reports in circulation against Mrs. Paton and amongst a variety of reports of light behaviour on her part he had been told in particular by Alexander Ferguson on whose property and near whose house Mrs. Paton lived, that his daughter a girl of about fourteen years of age, had seen Mr. Parton and James Hicks his servant man, lying together in his stable straw.

The Session being desirous to proceed with all caution and tenderness resolved before any other steps to interrogate Alexander Ferguson and his daughter more particularly regarding what they knew or had seen of Mrs. Paton's behaviour.

24 August 1839

Alexander Ferguson with his wife and daughter appeared for the purpose of giving information regarding certain reports against Mrs. Paton ; and the Session upon considering the information laid before them, were of opinion that there is grounds for three different charges against Mrs. Paton viz of First, light behaviour on various occasions, particularly in lying among straw in a stable on one occasion, and in other occasions acting in a light improper manner with James Hicks, such as sitting on the bed with him in a private room & generally whenever in his company acting in a light & foolish manner. Secondly, Slander on different occasions and against different individuals, particularly in accusing Alexander Ferguson & his family of being thieves, charging him of stealing money from his man servants chest, of stealing potash also, and other slanderous imputations against others.

Thirdly, Profane language, particularly on one occasion in the house of Mrs. McDonald cursing & swearing, and offering to fight.

The Session resolved accordingly to bring these charges against Mrs. Paton and that she should be cited to appear before them on the first Sabbath of October after public worship to answer to the same and that the Kirk Session of Ramsay where she now resides be requested to Summon her to attend at Perth that day.

3 November 1839

Mrs. Paton appeared and the different charges against her being one by one preferred and explained she declared that she was not guilty of any of the things laid to her charge giving vent at the same time to language of the most violent, slanderous and disrespectful kind towards the Session, various members of the church and particularly the persons who are to be witnesses against her; among other things declaring that John Clark, one of the Elders, was a great liar; that Mr. John Campbell, a member of the Church, was a great liar as he, and that she would take the black coat off his back & put it on Mr. Campbell [witnessed by the Moderator].

The Session resolved to proceed to the investigation of the case on Saturday the seventh day of December next after public worship, and that the following witnesses should be cited to attend *viz*: on behalf of the Session Alexander Ferguson, Mrs. Ferguson, Betsey Ferguson, James Hicks, Duncan McNee, Peter Campbell, Mrs. John Campbell. on behalf of Mrs. Paton, Mrs. McDonald, Mary McDonald and Robert McDonald.

Mrs. Paton was personally cited by the Moderator in the name of the Session to appear that day.

7 December 1839

Mrs. Paton appeared and having heard read the charges brought against her of light behaviour, slander and profane language, declared that she was innocent in regard to everything laid to her charge.

Wherefore the Session proceeded to examine witnesses on the different charges in their order.

In the first charge: Betsy Ferguson being solemnly admonished by the Moderator to speak the truth, gave her evidence as follows.

She had often seen Mrs Paton capering with James Hicks her father's man servant. Last Spring saw her and Hicks sitting together up stairs in Mrs. Paton's own house on an old chair; she was sitting on his knee with her arms around his neck and his bonnet off. Hicks asked her (witness) what she wanted, she said nothing, and came down stairs; Mrs. Paton came down with her and accompanied her as far as the side line, promising to give her a basket if sho would not tell any body what she had seen.

Sometime after when she was at home one day alone, her father and mother having gone to Perth, Mrs. Paton came in when she was scrubbing the house and said that if she had known she was scrubbing she would not have come over, she then went down to the barn where Hicks was thrashing, and stayed most of the day till Mr. Paton came home from the school; after she was done scrubbing she went down to the barn and saw Mrs. Paton tossing Hicks in the straw; she then came away and left them.

Mrs. Paton was in the habit of taking off Hicks bonnet and slapping him every time that

she came to the house.

At another time, the week before the fair, she saw Mrs. Paton and Hicks together in the stable rolling among the straw. She had gone to the barn to seek the pitchfork and not finding it there she went to the stable and seeing a white cap through the logs she looked in and saw Mrs. Paton and Hicks. Hicks met her in the door. She asked him who he had there with him, he told her to come and see. She just put her head in at the door when Mrs. Paton got hold of her cap and tore it. She then went away.

Another time Mrs Paton was in her father's house, Mr. Paton came over to take her home, about 10 o'clock he went home Mrs. Paton refused to go with him, saying that she would stop till James Hicks came home that she might see what he was like. Hicks came home ate and after taking his supper went to bed. After he was in bed, his clothes being off, Mrs. Paton put him out of his bed twice, by throwing in boots and chairs on the bed, when he got out of the bed she ran squealing into the room. She stayed in the house all night and till dark next day. Next morning at breakfast she followed Hicks up stairs for a silk handkerchief that she wanted from him; she and the children went up after them, and saw Hicks tossing her on the bed, when she took fifteen pence from him.

Another time she saw them in Mrs Paton's own house sitting together on the bed in the room there being none in the house but themselves.

Being cross examined by Mrs. Paton says, she could not say what kind of straw was in the stable, but that it was straw which came from the barn next to the stable. The straw was put there for bedding to the horses.

It was in Mrs Paton's own house that she saw her and Hicks sitting on an old chair. Being asked if she was out of bed or any bed when Mr. Paton came over that night for Mrs. Paton, says, she was out of bed and sitting by the fireside.

She is sure that Mrs. Paton followed Hicks up stairs in the morning to take the handkerchief from him.

Mrs. Ferguson being next examined, says, that Betsey has stated correctly what took place about the handkerchief, as well as what took place the night before.

When Mr. Paton came to take Mrs. Paton home, she gave him a stocking which she had just finished knitting telling him to go home, and saying to him, you have not the woman you have the stocking.

Says, that she saw nothing of Mrs. Paton's conduct out of her own (witness') house.

Corroborates what Betsey has said about her light behaviour generally with Hicks in her own house.

Thinks it was about twelve o'clock Mrs. Paton went to bed that night in her house: Mrs. Paton slept in the same bed with herself, and came to bed a little after her.

The day that Betsey saw them in the stable, Mrs. Paton came over to her house, and told her what a start Betsy had given her, saying that she had gone to the stable to play a trick on Hicks by putting dough upon his face as she had been baking.

She did not ask Mrs. Paton to stay all night in her house that evening that Mr. Paton came for her.

Being cross examined by Mrs. Paton says, she does not recollect whether Betsey was in bed or not that night when Mr. Paton came.

Alexander Ferguson being examined says that he has not seen any thing in Mrs. Paton's conduct connected with this charge, but that Mrs. Paton acknowledged to him the night before they went away from his house, when about to leave the place, that she had been in the stable with Hicks, and was very sorry that she had ever said any thing about it.

There was loose straw in the stable at the time referred to.

Duncan McNee being next called as a witness, Mrs. Paton objected to his evidence being taken, on the ground of his being a lair, in proof of which, she laid before the Session the following written declaration *viz.* "I Duncan McNee of the Township of Drummond Yeoman do hereby most solemnly declare that when I publically and openly accused Mrs. Paton, wife of Adam Paton Teacher, of the crime of adultery which I acknowledge I did on the Sixth line of Bathurst on the twenty sixth of this present month of June I did so rashly and inconsiderately without any reason or foundation in truth. Witness my hand at Perth this 28th day of June 1839 (signed) Duncan McNee.

Wherefore the Session agreed to sustain this objection, and proceeded to take the evidence of James Hicks, who being examined, says,

that he considers Mrs. Paton to be fairly foolish, and giddy in her way, but has seen nothing out of the way in her behaviour.

Her behaviour did not look well for a married woman.

The foolishist thing ever he saw on her part was that time she came over to the stable. He was in the stable when she came in, She had her hands covered with dough, and rubbed it, he thinks with one hand on the side of his face when she came in.

Thinks she had been about four or five minutes in the stable when Betsey came there was loose straw in the stable as far as he can recollect.

Neither Mrs. Paton or he were lying among the straw.

Recollects that night she was in Mr. Ferguson's house all night. After he was in bed she threw some thing in on top of him. He threw off the bed clothes and jumped out when she ran into the room. This happened only once. Does not recollect whether Mrs Paton returned or not.

Says he was never up stairs in Mrs Paton's house till they left it.

Does not recollect sitting on the bed with her at any time.

One morning he and she had a bother about a handkerchief. He had it on a nail and ran up stairs to lay it fast, and she followed him up stairs; They had also been bothering about a fifteen pence which after some time he gave to her.

One day she came to him a little piece off the road where he was chopping, she stood talking about five or ten minutes and then went away.

When in the stable there was nothing between them but talking.

One evening to the barn when he was thrashing and stood three or four minutes.

Does not recollect Mrs. Paton staying any length of time in the barn with him.

Mrs. Paton's witnesses were now called for. Mrs. McDonald being examined, Says, she never saw anything in Mrs. Paton's conduct but what was decent and pleasant.

She heard Betsey Ferguson say one day in her house that she caught Mrs Paton and Hicks in the barn, and that she had called him a shameful fellow. She asked her if she had caught them in the act, she said she had; she then praised the child for reproving Hicks as she did.

The word adultery was not used in this conversation with Betsey, she merely asked her if she had caught them in the act; but thinks that Betsey understood her to mean the act of adultery. She never heard Betsey say that she had seen them in the act of adultery.

No other person ever spoke to her about it to her knowledge but only Betsey at that time.

One day in her own house after some dispute between Mrs. Paton and Alexander Ferguson she heard Mr. Ferguson say that he would say it himself and make his girl say it. Upon which Mrs Paton said that if he would make his girl perjure herself she would pray to the Almighty to strike her down dead.

She did not notice what was the subject of dispute between them.

She had no connection with their talk, but supposed they were speaking about Mrs. Paton's conduct with Hicks.

Mary McDonald being examined, says, that at a quilting bee at Mrs. John Campbell's, Betsey Ferguson told her that she had caught Mrs. Paton and Hicks in the barn together, and told her not to tell any body about it.

Betsey only said that she had caught them together but from the way she said it, she understood her to mean that they were doing nothing good.

Says, that nobody ever threatened her, or used any means to prevent her from telling the truth.

Here the evidence closed on the first charge.

On the Second charge

Mrs. John Campbell being examined, says, that Mrs. Paton stated to her that Alexander Ferguson's family had been going in at the window, and taking things out of her house. She also

accused Mr. Ferguson of charging her with more milk than she actually got. She heard nothing from Mrs. Paton herself about stealing potash.

James Hicks being examined, says,

that Mrs. Paton said to him in her own house that he had no spirit to stay with Mr. Ferguson, adding "if you had any spirit you would not stay." Saying also to him that she supposed Ferguson's people thought that they did not know about the potash barrel which they had taken from a man's cart. He had no idea what she was meaning at the time: the only way that he could understand her was that she meant something which ought to make him leave Mr. Ferguson if he had any spirit.

It appeared to him that Mrs. Paton wished to make Mr. Ferguson appear little in his mind. As far as he can recollect he heard Mrs. Paton say that Ferguson's family had come in to her house on a Sabbath day when they were out and taken some sugar.

It was Kitty and Anne she accused ;-both young children.

She did not say that they had been encouraged by their parents to do this.

Here closed the evidence on this part.

On the third charge.

Alexander Ferguson being examined, says, that one morning he and Mrs. Ferguson went to Mr McDonald's house where Mrs. Paton and her husband were [sic] at the same time, also James Hicks. On this occasion Mrs. Paton used violent and profane language to Hicks and himself.

After some dispute amongst them Mrs. Paton came up to him, shaking her fist in his face, and said if she was a man she would have knocked him down calling him a liar, a black hearted liar & a damned liar, stepping forward all the time and stamping till her fist was in his face.

When Mrs. Ferguson was about to ask her some questions, she said to her "shut your mouth you black liar, you are as black a liar as your brother."

His object in going to Mr. McDonald's was to seek a reconciliation with her and her family, who seemed to be offended with him for what he was innocent of.

She also called Hicks a liar, a villain, a perjured villain & so on.

Mrs. Ferguson being examined, says,

that Mrs. Paton called her a black hearted woman, and a black liar.

Heard her speaking to Mr. Ferguson in the way he describes:- but does not recollect whether she used the expression damned liar or not as she was knocked stupid by Mrs. Paton's conduct.

James Hicks being examined, says, that he heard Mrs. Paton talk very rough to Mr. Ferguson. She repeated liar so often that he does not exactly recollect whether she used the word “damned” or not.

She went up to Mr. Ferguson and said that if she was a man she would beat him, or something to that effect.

He heard her tell Mrs. Ferguson to keep silence, for she was a liar, a black liar, & so on. She also abused himself calling him a liar, a blackgaurd &c.

On Mrs. Paton’s part

Mrs. McDonald being examined, says, she does not recollect hearing Mrs. Paton use the word damned.

She heard Mrs. Paton say to Mr. Ferguson that if she was a man she would knock him down or something to that effect.

Mrs. Paton seemed to be vexed at the time and in a passion.

Mary McDonald being examined, says, she heard Mrs. Paton call Mr. Ferguson a liar, a black liar and other names but does not recollect hearing her call him a damned liar.

Robert McDonald being examined, says, that he heard Mrs. Paton call Mr. Ferguson a liar, a bully, but did not hear her use the expression damned liar.

The examination of witnesses being closed, the whole evidence taken was read over. After which the Session unanimously found First, that Mrs. Paton has been guilty of Light behaviour. Secondly, Find, Mrs. Paton guilty of using most unchristian, and unbecoming language.

The Moderator then talked with Mrs. Paton on the subject, with the view of leading her to freely[?] acknowledge her misconduct, upon which she declared that she had nothing to confess or acknowledge. Whereupon the Session resolved to suspend her from church privileges. She was suspended accordingly against which decision Mrs. Paton protested, appealed to the Presbytery, and craved extracts, which were inclined to be granted.

Closed with a prayer

Tho. C. Wilson, Moderator

Extract from Kirk Session minutes of St. Andrews Presbyterian Church, Perth in
"Auld Kirk," Kirk Session Minutes, Ramsay Township [Source: United Church
Archives]

Testimony of Mrs. Paton

12 March 1842

"I participated in the foolish joke of the attempt to take a handkerchief from a man: and also, that being at the back of my own house picking up a few chips or sticks to bake a loaf, I happened to come near the stable attached to the barn the stable attached to the barn situated there at the time Mr. Ferguson's man was attending to his oxen feeding in it, I just stood in the door + looked in (so it may either be called in the stable or out of it, it was just at the door) + my hands being over with flour at the time I rubbed them on his face: and also that I used language unbecoming the profession of a Christian; and for these things I express my regret."