

The 'Douce Burghers' of Sixteenth and Seventeenth Century Scotland¹

On 25 August 1587 William Cunninghame and his son Umphra each armed with a quhingear and a pistolet attacked the minister David Wemyss in the public street in Glasgow, the minister (a man who must have been nearing sixty), drew his quhingear in defence and the parson of Renfrew, Andrew Hay, coming down Rattenrow at the time and having a quhittel in his hand helped repulse the assailants.

This is hardly the classical myth of the pacific burgher, nor of the respect accorded to the kirk in the Reformation, nor indeed of the ministers' reliance on spiritual rather than physical defences. Violence of this sort within burghs, however, as we shall see, was not uncommon and it not uncommonly involved the clergy. In 1504 James IV held an *justice ayre*, or criminal court, in Dumfries whose cases included the cruel slaughter of Sir John McBriar, chaplain in the town of Dumfries. From the very beginning of the Reformation religious issues, and the clergy who supported them, provoked riots. In 1543 a Franciscan preacher caused a riot in Ayr. From Edinburgh came letters authorising the reading of the Scripture in English. When the new law had been proclaimed at the market cross, Friar John Routh preached publically against this innovation and incited a street riot. He was clapped in the tolbooth and further fighting ensued when the young master of Montgomery from Eglinton made a sortie to rescue him and the 'town's friends' held him off and were rewarded with 24 shillings worth of wine. The friar was escorted by two bailies and two sergeants before the Governor at Glasgow which cost the Burgh £5. Its attitude to his cause, however, was ambivalent. They fed him, they got him a horse for 14 shillings, they bought him hose and a doublet for 22s/6d and at his departure they tipped him 44 shillings. The Burgh Treasurer went on sending a hogshead of wine to the Grey Friars for twenty years.²

Wemyss and Hay were not alone in their willingness to use and approve of weapons. John Perterfield, minister of Ayr from 1580, after Sunday afternoon service used to join his parishioners at the bow butts in the Burrowfield. John Welch, John Knox's son-in-law, who would rush weaponless into the thick of a fray between county families and separate the combatants bringing them together at a common meal to enforce reconciliation, was untypical.³ The ability and willingness to fight was taken

¹ An earlier version of this paper was presented to the Sydney Society for Scottish History on the occasion of the annual Geoffrey Ferrow Memorial Lecture in February, 1993. For further treatment of some aspects see, S.M. Jack, *Towns in Tudor and Stuart Britain* (New York, 1996).

² Annie I Dunlop, ed., *The Royal Burgh of Ayr...*, Ayrshire Archaeological and Natural History Society (London, 1953), p. 102.

³ *Ibid.*, pp. 106-07.

for granted. Burghs were part of the government of the realm and that implied participating in the defence of the realm, and becoming involved in civil war when it arose. Defence was an essential part of the rationale for a city and fortifications were desirable for such an institution in the Middle Ages. A Burgh was a protected place, its walls one of the critical identifying features.⁴ The Burgh inhabitants were expected to undertake their own defence, which implied some military organisation and the learning of skills such as archery. They were also required to send contingents in arms to parliaments if requested to help keep the peace.⁵ As centres of population they were inevitably centres of disagreement, conflict, crime and violence, and they were also inhabited by people equipped to engage in brawls. Towns could even mete out violence to lords — as Perth did in 1594 to Robert Bruce of Clakmannan⁶ — but it was more usual for mutually beneficial arrangements to be arrived at.

In theory, cities were distinct and privileged places specifically created to serve the interests of those that established them. A charter or grant did not have to be written. The absence of a written record is neither here nor there.⁷ Since the monarch was the most powerful individual in Scotland, Royal Burghs, erected on the monarch's domain, were the most privileged. Each Royal Burgh⁸ was occupied by persons who held the land within its boundaries subject to payment of an annual fixed rent collected by royal officers known as bailies. Bailies were usually elected by burgesses, and had a magisterial function as the Burghs were self governing. When the sheriff of Ayr (hereditary in the Campbells of Loudon) tried to hear Ayr Burgh cases in 1547-48 the Queen⁹ ordered him not to try cases between burgesses since 'they should not answer before any judge under the lords of our counsaile but before the ... provost and ballies allane'.¹⁰ In April 1557, sweetened by a gift of £2,000 from the burgesses, Sir Hew Campbell frankly admitted in a band and obligation 'that they had full jurisdiction within their freedom over ... slauchteris mutilationis bluidis thiftis spulzeis and uthairis crymes.'

Royal burghers had freedom of trade throughout the realm and a monopoly of trade in their own hinterland. They alone could sell retail. They successfully extended these privileges in other ways. Understandably, existing places with these rights were anxious to maintain a degree of exclusivity, and

⁴ William Mackay MacKenzie, *The Scottish Burghs* (Edinburgh, 1949), pp. 9 and 32 *et seq.*

⁵ Sir James D Marwick, *Early Glasgow, A History of the City of Glasgow from the Earliest Times to the year 1611* (Glasgow, 1911), p 171.

⁶ Michael Lynch, ed., *The Early Modern Town in Scotland* (London, 1987), p. 21.

⁷ MacKenzie, *Scottish Burghs*, p. 17.

⁸ For a list of Scottish Royal Burghs from Alexander I (1107-1124) to William II, 1688-1702, (William III of England) see the Appendix at the end of this article.

⁹ Mary of Guise, Queen Dowager and mother of Mary Queen of Scots, although she does not officially and legally become Regent for her daughter until April 1554.

¹⁰ Dunlop, *Burgh of Ayr*, p. 26.

even to pay for it — for the *quid pro quo* that the monarchs expected was a substantial contribution in the way of taxes. The significance for the royal coffers, particularly of the original four great towns of Scotland — Edinburgh, Aberdeen, Perth and Dundee — cannot be underestimated. Between 1460 and 1600 those four towns alone paid 80% of the customs. In 1535 they paid 51.5% of the national tax, and in 1583, 54.5%. Therefore, there were many fights with neighbouring towns, or lesser non-Royal Burghs who attempted to encroach on their privileges. The monarch's help could be extracted for an encroachment on a privilege; because it had been granted by a king it was an encroachment on royal prerogative.

The established Royal Burghs also gave one another help and support. They did this through a remarkable institution, the Convention of Royal Burghs. This started as the court of the four Burghs of Edinburgh, Roxburgh, Berwick and Stirling. It originally possessed judicial functions and early acquired legislative powers¹¹ and it claimed the sole power to adjudicate between its members. The summons to members required commissioners to be 'sufficiently instructed' and men who can 'Tyn and wyn (be responsible) in all their causes' and demanded they be ready with actions to be taken against unfree traders, against disobeyers of guild laws such as regrators and forestallers and 'saillers without tickettis' (cargoes not docketted by a port authority), dealings in electing magistrates and in the disbursing of their 'Common Good' as well as requests for help for repairs of harbours, bridges and so on.¹²

As its members also sat in parliament they were able to influence legislation in their own monopoly interests. By an Act of Parliament in 1466 only burghs of Royal Burghs were allowed to go out of the realm to trade, adding or reinforcing a monopoly over foreign trade to their existing domestic monopolies. This suited the monarch, as a single staple was a convenient way of controlling and manipulating the merchant in the interest of foreign policy. The Burghs had their own agendas with regard to a regulated trade and it was also legislated that no burgher was to go without a set minimum of his own goods in his vessel. These were not empty acts. The Burghs, particularly Edinburgh, had searchers to enforce it and the merchant had to have formal evidence of his origins. Edinburgh required that all those who were to sail in a ship appear at the tolbooth and be registered, and that the skipper should not carry anyone not certified to him from the tolbooth. After the Staple Agreement of 1578 there were new strict regulations to prevent anyone from trading in Staple goods outside the Staple town and insisting that traders must have paid to be a member of the Staple.¹³ For the same reasons

¹¹ J. Davidson and A. Gray, *The Scottish Staple at Veere: a Study in the Economic History of Scotland* (London, 1909), p. 17.

¹² *Aberdeen Council Letters*, ed., Louise B Taylor, Vol 1 (1552-1633) (London, 1942), p. xxxi.

¹³ Davidson and Gray, *Scottish Staple*, pp. 185-87.

of control, in 1488 an Act of Parliament said that ships must enter only at a Royal Burgh. This was renewed with special reference to the west coast in 1555 and in 1567. The rule was enforced by Aberdeen in 1573 against a Flemish ship which was being laden at Faithlie.¹⁴

The convention was a mini-government. It effectively controlled the Scottish Staple in the Netherlands.¹⁵ The Staple was not a private company but the whole Scottish nation organised for the purpose of foreign trade.¹⁶ It left decisions on where the Staple should be to the monarch or regent.¹⁷ When in 1541 Campvere, Middleburg and Antwerp were actively competing for the Scottish Staple, and offering real concessions and privileges (and bribes to Albany and others), James V settled on Campvere — a very convenient port for Scottish ships and an easy entry even in bad weather. Although the merchants would have preferred Middleburg, and the Antwerp offer seems to have been the most attractive, they acquiesced and Campvere remained the Staple almost without interruption for over two centuries, despite problems when Philip II became overlord.¹⁸ The volume of trade was not large — the Conservator in complaining of Philip quartering soldiers on his house spoke of a fleet containing seventeen ships and 300 to 400 persons, merchants and strangers — but it was significant enough to be important to both monarch and Burgh.¹⁹

Meeting at Glasgow in 1579 the Convention reaffirmed its right to adjudicate between its members, forbidding recourse to the Lords of the Sessions until they themselves had heard the case, and this meant disputes internal to towns as well as between towns.²⁰ In 1584 the Convention ordained that in the event of a new burgh being erected within the liberty of another all the burghs were to use their power in opposition. In the last resort admission to the Convention would be refused.²¹ In maintaining this stance, the Convention usually depended on a tacit understanding with the crown which recognised that this was mutually advantageous and which reassured the crown that it had nothing to fear from disaffection in the Burghs.²² Occasionally there were tensions. James VI, in 1589, rejected the Convention's choice as Conservator and appointed Robert Denniston who was

¹⁴ *Ibid.*, p. 26.

¹⁵ *Ibid.*; also see, M. P. Rooseboom, *The Scottish Staple in the Netherlands: An Account of the Trade Relations between Scotland and the Low Countries from 1292 till 1676 with a Calendar of Illustrative Documents* (The Hague, 1910), which gives a chronological account with more detail in the documents. These are, however, institutional and do not cast light on individual towns.

¹⁶ Davidson and Gray, *Scottish Staple*, pp. 343-44.

¹⁷ Rooseboom, *Scottish Staple in the Netherlands*, ch 2 makes this quite clear.

¹⁸ Davidson and Gray, *Scottish Staple*, p. 142-43.

¹⁹ *Ibid.*, pp. 172-73.

²⁰ *Ibid.*, pp. 20-21.

²¹ MacKenzie, *Scottish Burghs*, p. 85.

²² Michael Lynch, 'The Crown and the Burghs', in Lynch, ed., *Early Modern Town*, p. 62.

not acceptable to the merchants. He took steps to ensure that the merchants could not by-pass him, and the additional taxes which he had ordered them to pay to him. But after a suitable show of strength the position was eventually compromised for in the end James could not do without the towns.²³ In the early seventeenth century the Convention met eighty-seven times in the first quarter of the century — more often than Parliament or the General Assembly of the Kirk. They had a clear political agenda based on their own perceived interests. In particular, they resisted the use of monopolies to bring in new or improved manufacturing. In 1616 they assented to the King's proposal to restrain the export of wool in order to benefit the new cloth manufactures but with restrictions.²⁴ In 1623 they once more protested against monopolies.²⁵

Royal Burghs were not the only possible Burghs however. Any conglomeration with an appropriate street lay-out, facilities for marketing and professional traders, was a potential urban unit and ready for self-government.²⁶ The power to establish a Burgh was not confined to the monarch. The great baronial families or ecclesiastics could establish Burghs in a similar fashion to the monarch. They had fewer privileges to confer on these 'burghs of barony' but they evidently met a need for centres with a weekly market, annual fair and crafts designed to meet strict local demands for goods and services²⁷ They were being established with increased frequency by the end of the fifteenth century as well as in great numbers. In Ayrshire, the dominance of Ayr was challenged by the establishment within twenty years of Newmilns in Loudon parish, holding from Sir George Campbell sheriff of Ayr (9 Jan 1490-1), Cumnock (James Dunbar of Cumnock 27 Sept 1509), Mauchline (depending on the abbot of Melrose), Maybole (earl of Cassilis), and Kilmaurs (Cuthbert earl of Glencairn). Later Kilmarnock was erected in favour of Lord Boyd 1592; Saltcoats (earl of Eglington) in 1576; Dallmellington (lord Cathcart) in 1607. Ayr, therefore, throughout the century carried on a sniping warfare with those who threatened its position. Its relations with Irvine were usually amicable enough but Newton, directly north of the river, could not be encouraged. Ayr decreed 'no goods be lossit nor dischargit on the Newtown syde'. The tensions in Ayr's relations with Mauchline and Maybole were caused by the need to balance a good understanding with the powerful Kennedy family and its charter privileges. In 1599 the Convention was sufficiently disturbed by Ayr's tergiversation to issue an instruction that they were to oppose at law the inhabitants of Maybole (the Kennedy Burgh and the capital of Carrick) for usurping the liberties of a free Burgh. Although the plea succeeded, and a

²³ Davidson and Gray, *Scottish Staple*, p. 187

²⁴ MacKenzie, *Scottish Burghs*, p. 88.

²⁵ *Ibid*, p. 87.

²⁶ *Ibid*, p. 3.

²⁷ Dunlop, *Burgh of Ayr*, p. 21.

court of sessions decree against Maybole was produced in the following year, it cost Ayr a great deal of money.²⁸ Ironically, Ayr could do nothing about the rise of Glasgow which was the ultimate threat to its standing and which outstripped it in importance by 1583.

Aberdeen similarly sought to use its wealth and power to crush rivals. Its neighbouring Burghs of barony were Turriff, by 1620 a serious rival; Fraserburgh in 1588 which had forty-six feuars under Sir Alexander Fraser of Philorth and Peterhead in 1587 erected under the earl Marischal. Another threat to the Burgh came from the exactions levied by barons at country fairs — St Laurence fair, St Serffs fair and Bartoll fair in the case of Aberdeen.²⁹ Another form of urban centre were the Burgh of regality, also established by lesser lords who having obtained the grant of their barony in regality were able to give their Burghs the same right. Such Burghs did attend the Convention of Royal Burghs because, or when, they became liable to taxes there, but there was bitter fighting over encroachments. Business monopolies constituted one side of the burghal system. The other was their mode of self-government.³⁰

Here, however, one must distinguish reality from rhetoric. Burghs might be royal but they were deeply enmeshed in the politics, society and economy of their own locality and were often controlled by the local lords— or were in a close symbiotic relationship with them. It is true that in 1457 Parliament had forbidden under the highest penalties the making of bands and leagues between burghers and lords and enacted that ‘na man duellande within burghe be fundyn in manrent, nor ride nor rowt in feir of weir with na man bot with the king or his officiaris or with the lorde of the burghe that thai duell in,’ and had renewed the prohibition in 1491. Moreover, an Act early in the sixteenth century, 1503 c 25, had also prohibited all persons from having jurisdiction in burghs ‘save such as used merchandise within it’ and a later Act, 1535 c 35, also forbade all persons under pain of loss of their freedom from being chosen provost, bailie or alderman save such as were honest and substantial burgesses, merchants and indwellers of the Burgh. These acts do not seem to have been enforced. Bonds of Manrent between the officials of the Burghs and the lords continued and the provost, particularly of the bigger Burghs, was commonly a member of a local aristocratic family. There were frequent disputes between rival lords for control over towns. In Perth in the 1540s the provost’s position was sought both by Lord Gray who controlled the Tay River northwards and Lord Ruthven whose family were the heritable sheriffs of Perthshire. The Master of Ruthven had been made provost in 1528 by royal command. In 1534 rival provosts were elected, and it was a decade later before the matter was settled in favour of the Ruthvens who then held it

²⁸ *Ibid.*, p. 40.

²⁹ *Aberdeen Council Letters*, p. xxxiii.

³⁰ MacKenzie, *Scottish Burghs*, p. 49 ff.

for three generations. There was a similar struggle in Stirling from 1550 to 1569 between the Erskines and Livingstones. It need not be concluded that this aristocratic dominance was unacceptable to merchants who were fully occupied in making a comfortable living and who possibly did not wish to take time from that for administrative and judicial functions. The voice and indeed strong right arm of an aristocratic representative at court had a distinct value for the Burgh. Protection and intercession were valuable considerations. On the other hand their landed patrons expected the Burgh to provide useful services: a centre where their children might attend schools, where they might find a tailor and other tradesmen, a suitably impressive church in which they might be buried. There were definite mutual benefits to be expected, and if there was a risk of nobles' feuds spilling over into the Burghs, the Burghs themselves had feuds in which they might involve their patrons such as the dispute between Perth and Dundee at the Parliament in Edinburgh in 1568. Most prominent nobles had Burghs who looked to them — the earls of Huntly in Aberdeen, where however the earls of Buchan and Erroll also had interests, and the earls of Argyll in Renfrew.

Nor was there necessarily a great gulf between the patron and client. Early writers like Davidson speak of the aristocratic character of the Scottish merchant class,³¹ and family links can be clearly established in some cases. Merchant lairds existed and the ruling patriciate in some towns had strong connections with the rural hinterland through investments in estates and intermarriage with gentry. Merchant money was often put into wadsetting (loans to lairds secured on their estates), and this gave merchants an interest in country matters. Issues in Burgh politics can often be linked to the relationship between urban and rural interests, especially after 1560 when the religious affiliation of the local lord could be significant.

The communal spirit of the burghs themselves must not be overstressed. There were plenty of internal tensions which could flare up into internal conflict particularly if the Burgh's overall economy was under pressure. Disputes between merchants and craftsmen were common. Mary Vershuur has charted the internal history of Perth where the metal workers were declining after 1530. She does not think that the disputes between merchants and craftsmen became the dividing line between Catholics and Protestants but she does see religious issues being exploited for non-religious purposes. At Michaelmas in 1543 Perth craftsmen had paraded through the town with banners flying ending in council chamber of tollbooth where they constrained the council to choose Gilbert Rattray a goldsmith as one of the bailies. In 1544 five people were executed for heresy. Verschuur thinks it was a reprisal for the craftsmen's action — certainly all were craftspeople.

³¹ Davidson and Gray, *Scottish Staple*, p. 34.

Craftsmen in other towns like Cupar in Fife were asserting themselves,³² and the problem was sufficiently widespread for legislation to be attempted. In 1555 an Act of the Parliament, 'against Craftsmen in Burghs', abolished the office of craft deacon, forbade craft meetings and placed all craftsmen in burghs under the provost, bailies and council. Resistance in Perth and elsewhere led to its repeal in 1556 with the Regent, Mary of Guise, drawn into the attempt at settlement.³³

The history of Glasgow illustrates very well various aspects of the general picture. Glasgow was peculiar in that it was effectively a Royal Burgh not directly under the monarch. William I, the Lion (1165-1214) had granted the bishop of Glasgow the right to have a Burgh in Glasgow with a market on Thursdays and all the freedom and customs which any Royal Burgh in Scotland possessed and later also a fair.³⁴ In the mid-fifteenth century its position was improved by the establishment of a university and a grammar school, and on 20 April 1450 the city, the barony of Glasgow and the land known as Bishope Forest, were erected into a regality.³⁵ By 1450, the city was governed by a provost and bailies and in 1473, the Bishop was granted the right to have a sergeant who should carry a silver mace, with royal arms on the upper end and the Bishop's arms on the lower, for making arrestments and executing episcopal mandates. Although it was a religious Burgh, the regality jurisdiction seems to have been delegated to a layman, and effectively power in Glasgow was exercised for some time by the Lennoxes from their house in Stable Green, first occupied in 1509.³⁶ The Stewarts of Minto also had claims on authority in the Burgh.

Because Glasgow was not a Royal Burgh, it was involved in frequent fights with Dumbarton which was, and who therefore tried to tax the Glasgow men. Royal relationships with the church however, gave the Glasgow inhabitants protection. In January 1489-90 the king empowered the bishop to have a free tron³⁷ in the city and to appoint a troner of the customs and clerk

³² Mary Vershuur 'Merchants and Craftsmen in 16th century Perth', in Lynch, ed., *Early Modern Town*, p. 44.

³³ On 16 April 1556 the Queen Regent, Mary of Guise, wrote a letter under great seal at Stirling to the crafts of Scotland which narrates the privileges and liberties conferred by her predecessors on craftsmen of burghs and cities in Scotland in abatement of which the Act of Parliament 1555 c 26 had been enacted, ... that no deacons should thenceforth be elected in burghs but that the magistrates and councillors should appoint the best and most skilful in their crafts who should be called visitors and be elected annually at Michaelmas and that no craftsmen should bear office in burghs save two to be annually chosen into the town council; that the effect had been for things to be done carelessly among craftsmen, ... so she restored their former privileges, *Ibid*, p. 46.

³⁴ Marwick, *History of the City of Glasgow*, ch. 1.

³⁵ *Ibid*, p. 36.

³⁶ *Ibid*, pp. 38 and 61.

³⁷ *Tron*: A public weighing machine set up near the market for weighing merchandise.

of the cocket³⁸, that all merchandise and goods that belonged to the citizens might be troned, weighed and customed, and the Bishop to receive and enjoy the customs. In January 1492 a Papal Bull was promulgated at James IV's request to erect the Bishopric of Glasgow into an Archbishopric over Bishoprics of Dunkeld, Dunblane, Galloway and Argyll. The Archbishop was determined to maintain control over his Burgh and in particular to prevent the burghers from bypassing the jurisdiction of the ecclesiastical courts. Two notarial instruments dated 7 December 1510 and 16 January 1511 show proceedings at the instance of the commissaries against John Shaw, Alexander Stewart and Thomas Law, bailies of the Burgh, and other citizens for having incurred the greater excommunication by making and recording in their books certain statutes against the jurisdiction of Holy Mother Church, to the effect that no citizen ought to summon another citizen before a spiritual judge respecting a matter which could be completely decided before the bailies in the court house of Glasgow, and by fining one Allan Leithame for complaining to the official against Archibald Watson a fellow citizen.³⁹

Because of its key position, the city of Glasgow found itself involved in a number of pitched battles. During James V's minority in February 1516, the castle was besieged and taken by the earls of Arran Lennox and Glencairn and John Mure of Caldwell. When the Regent recovered the town the Archbishop had his revenge by suing Mure for wrongsome ejection. The Burgh's growing fortunes were not seriously set back and its population continued to rise — in 1562 it was *circa* 4,500. In the first part of the sixteenth century various crafts were incorporated starting with the skimmers and furriers in 1516, and followed by the weavers, hammermen including blacksmiths, goldsmiths, lorimers (bit makers), saddlers, bucklemakers, armourers and others within the Burgh; the masons, coopers slaters and joiners, bakers, cordiners and bakers (tanners). New religious institutions such as the collegiate church of St Mary and St Anne were founded.⁴⁰ The Burgh's involvement in the political struggles of the kingdom, however, continued. On 18 October 1527 Robert Stewart of Minto provost of the burgh, despite the statutory prohibition (which was renewed in 1555), became bound by Bond of Manrent to become man and servitour to James Hamilton, 1st earl of Arran. Later a Hamilton became provost, which put him in the Lennox family's firing line. Fourteen years later, on 8 October 1541, the laird of Bishopton and others were accused of 'the lieges and invasion of Andrew Hamilton provost of Glasgow, for his slaughter and other crimes'.⁴¹

³⁸ *Cocket*: The customs document which identified merchandise and its destiny.

³⁹ Marwick, *History of the City of Glasgow*, p. 62; this comes from the Diocesan Registers, Protocols, No. 498, No. 503 and No. 504.

⁴⁰ *Ibid*, pp. 71-72.

⁴¹ Robert Pitcairn, *Ancient Criminal Trials in Scotland...*, 3 Vols, Maitland Club (Edinburgh, 1883), see Bishopton, Vol. I, Part I (1488-1542).

In 1543 there was a struggle between Matthew Stewart, 4th earl of Lennox, and James Hamilton, 2nd earl of Arran, over the office of governor — Lennox having taken the 5,000 ‘crowns of the sun’ in gold sent by French king for defence of Scotland. Lennox and his men went to Glasgow where, with Robert, 5th Lord Boyd, Alexander Cunningham, 5th earl of Glencairn and others including the ‘Haill burgess communitie and abill kirkmen of the city’, they took up a position on the wall. Arran, however, defeated them and the provost, the laird of Minto, who was badly wounded; he then entered the town and besieged the castle and steeple.⁴² The city was pillaged and only Lord Boyd’s intercession saved it from burning. Arran then became bailie, which meant that he was responsible for justice of the lands of the Barony for nineteen years, with power to hold courts but not to appoint officers without the Archbishop’s consent. Control over so strategic a city as Glasgow was important in national politics and Arran maintained his influence there, even after he had had to surrender the governorship to Mary of Guise in April 1554. Several years later Arran, now duke of Châtellerauld (he had been previously granted the French duchy Henri II), issued a Bond of Maintenance on 16 February 1558 to the Archbishop and chapter ‘having consideration of this perillous and dangerous time whaere detestable heresies rises and increases in the diocese, ... being of mind to repress them, ... undertook to support the Archbishop, his successors and Chapter in all their good honest and lawful matters and to defend them, the privileges of their Kirk their lands servants and tenants against all persons in the realm save the queen [Mary Queen of Scots] and her royal successors’.⁴³

His interpretation of his obligation under this was idiosyncratic for he soon after joined the Lords of the Congregation and seized the church in Glasgow and caused the images and altars to be pulled down. The Archbishop, who was with the Queen Regent, Mary of Guise, came with Seaton, Semple and Ross and recovered it; but the duke of Châtellerauld (Arran) returned, issued proclamations in the names of Mary Queen of Scots and Francis II (king and Queen of both Scotland and France), and signed a treaty with Queen Elizabeth of England. After Mary of Guise’s death in June 1560, the Archbishop (James Beaton II) left for France but for ten years he collected rents and transacted the secular business of town. In 1561 in his absence there were difficulties over the election of bailies. In 1564 Matthew Stewart, 4th earl of Lennox, was restored to his rights in Glasgow giving his son, Henry Stewart, Lord Darnley, a useful base for his ambitions with the recently widowed Queen of Scots who had returned to Scotland in 1561. After Mary’s fall in 1568 the Regent, James Stewart, earl of Moray, granted the keeping of Glasgow castle once again to a Stewart of Minto (Sir John). The Burgh was still formally dependent on the Archbishop and he naturally advanced his kin to positions of authority. When James Boyd of Trochrig

⁴² Marwick, *History of the City of Glasgow*, p. 79.

⁴³ *Ibid.*, p. 93.

became Archbishop and was given the temporalities in 1574, Lord Boyd was given the hereditary office of bailie and justiciar of the regality and barony. Subsequently, James Crawford held the post, but the king (James VI) had his eyes on it and claimed it as an heir to the Lennoxes and granted it to Robert Stewart, the new and 6th earl of Lennox.⁴⁴

Amongst the conflicts which disturbed the Burgh were aristocratic disputes over religious estates held by lay commendators. These could bring the country to the brink of war. When Lord Semple, who was in possession, refused to return Paisley Abbey to Lord Claud Hamilton its Commendator, the privy council ordered, on the 10 June 1573, the lieges in the sherriffdoms of Lanarck and Dumbarton, Renfrew, Ayr and other districts in the West, to attend Archibald Campbell, 5th earl of Argyll, chancellor and justice-general of Scotland and HM lieutenant, 'weill bodin in feir of weir', at Glasgow on 27th, 'to besiege the place and abbey of Paisley and reduce to obedience the rebellious persons there'.⁴⁵ During 1578-79 the Burgh was looking to its defences should civil war come about.

In other ways, the Burgh was unwilling to accept archiepiscopal authority even when it was reinforced by royal fiat. In May 1582 disputes arose between archbishop Robert Montgomery and the Glasgow presbytery as to who should preach in the cathedral which eventually led to a brawl. Montgomery, armed with letters from the King, arrived there intending to preach the following Sunday. The presbytery met to consider their response and were interrupted by the Laird of Minto, provost, with the bailies and some citizens who prohibited them from proceeding and cited them to appear before the Privy Council. The presbytery refused and the magistrates took hold of the Moderator, John Howeson, and committed him to ward in the tolbooth where he remained for three or four days. According to one account in doing so they seized him violently, smote him on the face, rent his beard and 'beated' out one of his teeth. The resistance then spread to the students in the college. They entered the church on Saturday night to support the presbytery and keep the Archbishop out. The principal, Thomas Smeaton, preaching on the text 'He that enters not by the door but by the window is a thief and a robber' accused the archbishop of entering as a result of simony⁴⁶ and denounced the levity he had shown in all his proceedings. Some fighting took place and a serious tumult was apprehended. The magistrates by tuck of drum and peal of bells called in the citizens to support them. Lennox came to the magistrates support, blaming the ministers and authorising the council 'to

⁴⁴ Robert (c. 1520-1586) was the brother of Matthew Stewart, 4th earl of Lennox, whose second son, Charles, was 5th earl until his death in 1578. However, in 1579 Robert resigned the earldom to his grand-nephew, Esmé Stewart/Stuart, 6th Seigneur d'Aubigny, and in 1581 James VI created Esmé 1st duke of Lennox.

⁴⁵ Marwick, *History of the City of Glasgow*, p. 131.

⁴⁶ *Simony*: the buying or selling of ecclesiastical preferment. From *Simon* Magnus, who wished to buy the gift of the Holy Ghost with money, *Acts*, viii, 18.

resist the violence ... of the college in case they incur any skaith by the town through their own occasion'. The council thereupon ordained those burgesses who contrary to their oaths had used weapons against the bailies and town to appear on June 19 and hear their accusation preferred by the common procurator. Montgomery had been excommunicated but the royal decree was that the excommunication was nul and void. Nevertheless, he seems to have been treated like an excommunicated man, refused admission to courts to which he desired to appeal, stoned and obliged to flee. The Ruthven raid deprived him of court support and eventually he had to try and get the excommunication reversed.⁴⁷ The Archbishop's position was clearly becoming untenable and in 1587 the Act giving the king possession of abbeys, bishoprics and so on finally put Glasgow directly under the jurisdiction of the king.

This was not the only source of tension in the Burgh. In 1583 there was a riot on 6 July on the eve of the all-important fair of Glasgow. A *wappinschaw*⁴⁸ was held at which disputes arose as to the ranking and placing of the merchants and craftsmen in their several companies. When the deacons of the hammermen, the tailors, the cordiners, the fleshers, the baxters, the skimmers and the weavers, were required to stand surety for their crafts they said they would not undertake it and so the council had to order that any one causing a disturbance to be fined £100 Scots and banished from the town. Crafts were very important to the prosperity of the Burgh at this time and were represented in a greater percentage of the population. There were 361 craftsmen in Glasgow in 1604, but there is little evidence of manufactories in Glasgow before 1655, and then only for half a dozen before 1680. Glasgow by 1604 was recovering from various setbacks including a fire in 1601, and enjoying some growth, but the courts held for the perambulation shows that rural and town life were still inextricably intermingled. They are concerned with those who dig up the turf, and damage the corn with the use of the commons for fuel, for grazing on the green by herds of cows and calves, and that no horse be allowed on the green unlangalir (unless they were hobbled). To check the bounds they were annually perambulated. On 22 June 1573, accounts show that 42 shillings were paid for breakfasts for those engaged in this activity. The accounts also show that employees included a common herd⁴⁹ and a *poynder*⁵⁰ as well as a master of works, a common minstrel and a waterbaillie. The Burgh was confident enough in 1606 to engage in a fight with the deputie bailie Matthew Stewart of Minto over its 'freedom'. Stewart sought to advance his position by fostering dissension in the town between different interests which led to a riot and a lawsuit against him.

⁴⁷ Marwick, *History of the City of Glasgow*, pp. 194-95.

⁴⁸ *Wappinschaw*: literally, a show of weapons. Periodic days of muster, when men had to turn out with their weapons and perform military exercises.

⁴⁹ *Herd*: a person who tends or watches over sheep or cattle, especially in order to confine them to a particular pasture in unfenced areas; specifically, a shepherd.

⁵⁰ *Poynder*: an estate officer authorized to impound straying or trespassing animals.

Another Burgh which well illustrates the relationships of the 'Douce Burghers' to their neighbours is Aberdeen, whose Town Council Register is the oldest of any of the Scottish Burgh,⁵¹ and which can be supplemented from well-preserved treasurers' accounts and letters.⁵² The Burgh had a strong well articulated system of self-government and it dominated the region. Its extensive trading privileges throughout Aberdeenshire made the development of village life there virtually impossible. Aberdeen's relationship with the monarch was less easy than that of many Burghs because there was potential conflict with the royal Admiral over jurisdiction within the harbour and port and the rights to hold courts.⁵³ Its authority to fix its own dues on ships and goods was always open to challenge. Self-government in this respect however was a necessary part of the infra-structure for a town whose prosperity depended on seaborne trade. The port was lit by a beacon and protected by a blockhouse, begun in 1513 and finished in 1542, when the mouth of the Dee River was locked with chains of iron and masts of ships crossing the river, not to be opened but at the citizens' pleasure. The merchant guild monopolised the trading contacts with Danzig, Dieppe and Veere, and between the King's College at the University of Aberdeen, and the Universities of Cologne, Louvain and Paris.⁵⁴ They exported grain, hides, skins, wool, coarse cloth, plaiding, knitted hose and fish and imported timber, iron, flax, hemp, pitch, tar, wine, fine cloths and spices under the control of the Convention of Royal Burghs.⁵⁵

Aberdeen's strong internal self-government, dominated by about eighteen prominent burghal families, was linked to its hinterland by a network of kinship and clientage and family and business associations. It could and sometimes did assert its independence.⁵⁶ Nevertheless, it might also defer to the local aristocratic families and they from time to time disturbed the Burgh's peace by invasions. These were the families who viewed Aberdeen as their town. The church of St Nicholas with its thirty altars and sixteen chaplains was the burial place for the families of lairds such as the Leslies and the Irvines. When, therefore, in 1525 Leslie of Balquhain (and other Garrioch gentry) invaded the town, or five years later the Forbes invaded, it can be seen as a domestic disturbance. The earls of Huntly led the local rural community but the principal power in Aberdeen at the beginning of the century was that of the Menzies; and for many years no opposition to them was strong enough

⁵¹ *Extracts from the Council Register of the Burgh of Aberdeen*, ed., J. Stuart, Spalding Club, 2 vols (1398-1625) (Aberdeen, 1844); and *Burgh Record Society of Aberdeen*, 2 vols, (1625-1747).

⁵² See, *Aberdeen Council Letters*.

⁵³ *Ibid*, p. lv.

⁵⁴ Allan White 'The Impact of the Reformation on a Burgh Community: the case of Aberdeen', in Lynch, ed., *Early Modern Town*, p. 81 *et seq*.

⁵⁵ E. Bain, *History of the Aberdeen Incorporated Trades* (Aberdeen, 1887).

⁵⁶ White, 'Reformation in Aberdeen', in Lynch, ed., *Early Modern Town*, pp. 84-85.

to be effective. The family held the provostship and often also provided the Common Clerks of the Town. until the ambitious, George Gordon, 4th earl of Huntly, the dominant local noble, decided to replace them by exploiting events in the aftermath of James V's death in December 1542 to replace them.⁵⁷ In March 1543 Thomas Menzies was appointed comptroller to James Hamilton, 2nd earl of Arran, who as governor needed support (especially financial) and because Huntly was a common enemy.⁵⁸ Arran, however, subsequently sacrificed Menzies to his need to come to an accommodation with Huntly who, in 1544, became provost of Aberdeen with Menzies as his deputy; but Menzies lost even the deputies job in September 1545. Menzies recovered after the battle of Pinkie (10 September 1547) when Huntly was captured, but he was not secure again until 1556 when the posts became hereditary. Even so, Huntly invaded again in 1567-73.⁵⁹

These quarrels did not fade as the century progressed. In 1587 a disagreement over the right to claim the teind⁶⁰ fish of the Midchingle, (a profitable salmon reach on the Dee), and over the superiority of the lands of Ardlair spread out in ever increasing circles to involve the whole of the neighbourhood. Mr Thomas Leslie claimed the teind fish and his kin assembled to enforce his rights against the town by force of arms. The two townsmen principally under threat did not dare leave the town to seek judgment in Edinburgh because it was surrounded by thirty Leslie supporters. James VI sent Huntly (who was a supporter of Leslies) to 'quench' the contention but the town was not willing to give up without a hearing. Meanwhile, one George Strachan, claiming that Patrick Leslie had committed adultery with his wife Janet Hunter, attempted to get proof by searching Leslie's house for his wife and her bastard child which precipitated a further attack on the town. The Leslies put their case before the Privy Council first, but two days later on 19 March 1588 the town reported the attack on their merchants going to Trinity Fair. The subsequent death of Andrew Kellie followed by the murder of David Carle was a blow to the Leslies as well. The case dragged on perhaps to 1589 when it seems a compromise was found.

The Burgh's interpenetration with its hinterland can be clearly seen in its religious history. Bishop Elphinstone had founded King's College at Aberdeen University in 1495 in the hope of internal church reform, but by the mid-sixteenth century a subsequent program of preaching appears to have been incipiently Protestant. Nevertheless, in 1559 the burghers sought neutrality between the Lords of the Congregation and the Queen Mother and Regent, Mary of Guise. An attempt at a coup was organised on 4 Jan 1559 by David Mar, the dean of guild. While the provost was away, Mar instigated an

⁵⁷ *Ibid.*, p. 83.

⁵⁸ *Ibid.*, p. 85.

⁵⁹ *Ibid.*, pp. 84 and 86-87.

⁶⁰ *Teind*: a tenth of the produce of a parish for the support of religion, after the Reformation (1560) expropriated by the Crown and granted to landowners.

assault on the religious houses of the Burgh by a reformer from outside, but he failed.⁶¹ Co-operation with the Lords of the Congregation in the following year was dictated by a prudent unwillingness to go against local magnates rather than enthusiasm, and Aberdeen's delegates to the Parliament in August 1560 had a brief to help reform the Church as little as possible and at all costs to retain control over events in the town. Reform was an unwelcome shock to the various communities which composed the Burgh of Aberdeen and was only enforced in 1562 as part of Lord James Stewart's (later the earl of Moray) programme of protestantising the North. The Burgh evidently fought what White calls 'a discreet rearguard action' for a decade. Popular Catholic belief and practice in Catholic household and guild was maintained. Catholic services were still available and King's College remained a Catholic institution until 1569. Non-conforming clergy were not ousted and former religious were paid pensions by council.⁶² The Corpus Christi processions, beloved of the craft guilds, and Mayday went on as before the Reformation. In 1565 the Pageant of Robin Hood and Little John was attempted. Christmas day and other Catholic holidays were observed. In this the Burgh observed its links with the earls of Huntly and Errol who actively sought the restoration of the Catholic faith. When Huntly and Errol were allowed back into the country in 1595 there was much rejoicing in Aberdeen. Abundant supplies of wine, a public banquet at the Market Cross, spices and sugar almonds were amongst the Burghs audited expenditure. As late as 1608 Aberdeen sent two papists to the General Assembly at Linlithgow.⁶³

The Burgh was also afflicted with disputes between the merchant and craft guilds, a preoccupation of burghal life for thirty years, before an Agreement was reached in 1587.⁶⁴ The merchants trading overseas accounted for much of the prosperity of the Burgh which may explain both the disputes and the relatively few craftsmen in the Burgh in the seventeenth century.⁶⁵ Burghs varied very considerably. In some there were a few significant trades, in others the merchants dominated. In some, like Perth, wealth was widely spread, in others it was concentrated in a few hands. Their individual fortunes fluctuated according to particular circumstances. The collapse of Scottish trade with the Dutch in the mid-seventeenth century for example led to a crisis for the east coast towns.⁶⁶ Despite the variations in their circumstances, the Burghs worked together to advance a common cause.

In general then, the burghers were a hardy and formidable third party in the running of the country, willing to co-operate with but able to resist if necessary both the nobleman and the monarch. The symbiotic nature of the

⁶¹ White, 'Reformation in Aberdeen', in Lynch, ed., *Early Modern Town*, pp. 90-91.

⁶² *Ibid*, pp. 87 and 94-95.

⁶³ *Aberdeen Council Letters*, p. xlii.

⁶⁴ *Ibid*, p. xiv.

⁶⁵ M. Lynch, 'Introduction', in Lynch, ed., *Early Modern Town*, p. 7.

⁶⁶ *Ibid*, p. 9.

relationship was such that royal minorities and the minorities of their noble patrons were dangerous for the towns particularly if they coincided.⁶⁷ The balance in the relationship was, however, shifting in the monarch's favour. Lynch points out that royal law was coming to be treated as dominating Burgh law in the sixteenth century. The Burghs were making collections of their records of privileges in order to try and defend them, but the Crown was successfully asserting its right to dismiss a Burgh provost even if he had done no wrong. The king was increasingly prepared to interfere with the common good[s] of the towns. From the 1580s on James VI was increasing his demands on the Burghs for support and finance.⁶⁸

Sybil M. Jack
Department of History
University of Sydney

⁶⁷ Lynch, 'The Crown and the Burghs', in Lynch, ed., *Early Modern Town*, p. 60.

⁶⁸ *Ibid.*, pp. 72-73.

APPENDIX

Scottish Royal Burghs as they received their Charters

<p>Alexander I (b. c 1077) (1107-1124)</p>	<p>Edinburgh Berwick Roxburgh Stirling</p>
<p>David I (b. c.1084) (1124-1153)</p>	<p>Jedburgh Haddington Linlithgow Rutherglen Renfrew St Andrews Dunfermline Crail Elgin Forres Inverness Inverkeithing</p>
<p>William I (the Lion) (b. 1143) (1165-1214)</p>	<p>Perth Aberdeen Dumfries Lanark Glasgow Irvine Ayr Forfar Dundee Arbroath Montrose Inverury Kintore Banff Cullen Nairn</p>
<p>Alexander II (b.1198) (1214-1249)</p>	<p>Annan Dumbarton Rosemarkie</p>

Alexander III (b.1241) (1249-1286)	Kinghorn Peebles Selkirk
Robert I (b.1274) (1306-1329)	Kirkcaldy Queensferry Lochmabern
David II (b.1324) (1329-1371)	Cupar Inverbervie Dunbar Brechin Lauder Wigton
Robert III (b. c.1337) 1390-1406)	North Berwick
James II (b.1430) (1437-1460)	Rothsay
James III (b.1452) (1460-1488)	Kirkcudbright
James V (b. 1512) (1513-1542)	Kirkwall
James VI (b.1566) (1567 Scot.1603 Eng.-1625)	Pittenween Burntisland Dysart Anstruther Easter Anstruther Wester Culross Wick Sanquhar Stranraer
Charles I (b. 1600) (1625-1649)	Dornoch Inverary New Galloway
Charles II (b. 1630) (1651 Scot. 1660 Eng.-1985)	Newburgh Tain Cromarty Kilrenny
William II & Mary II of Scotland William III & Mary II of England (b.1650) (1688-1702)	Campbelltown