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THE ADMINISTRATION OF THE BURGH OF GLASGOW, 1574-1586

BY

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IN TWO VOLUMES

VOLUME I

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**TO MY PARENTS,  
FOR ALL THEIR HELP AND ENCOURAGEMENT**



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# THE ADMINISTRATION OF THE BURGH OF GLASGOW, 1574-1586

## SUMMARY

This thesis is concerned primarily with the activities of the local civil administration in the burgh of Glasgow between 1574 and 1586. The choice of these years is determined by the nature of the surviving records of the burgh as it is not until the extant minutes of the court and council begin in January 1574 that a detailed study of that administration becomes possible. For twelve years these records maintain an unbroken run and there is the added bonus that they include ten sets of common good accounts. After 1586 there are several gaps in the minutes, while the next set of accounts to survive are those of 1605-1606.

All this is not to say that this work adheres rigidly to the topic of administration or to the period 1574-86. Political, social and economic questions are addressed and information is drawn from both the earlier and later periods of Glasgow's development. Equally, while the emphasis is upon the work of the magistrates and council of the burgh, the rôle of the crown as ultimate superior, of the archbishops of Glasgow as immediate superiors, of the regality officials, the university and the kirk session are discussed so as to present as clear a picture as possible of the administration of late sixteenth century Glasgow in all its aspects.

In order to place the main period in context the opening chapter discusses the general development of the burgh from its foundation in the late twelfth century up until the 1570s, special attention being paid to the early evolution of the administration and to the impact of the Reformation. The remaining chapters deal in detail with the civil administration of the burgh of Glasgow during the late sixteenth century, with particular reference to the period 1574-86, in an attempt to assess how that administration was organised, the scope of its activities and its effectiveness in the face of a variety of political, social and economic pressures.

The civil local authority functioned on three interrelated levels: the judicial, the legislative and the executive. The burgh court

represented the first of these and was central to the administration, having probably been in existence since the inception of the burgh. Through it the national law of the land was dispensed as also those bye-laws or statutes promulgated by the burgh's legislature, the council. Both court and council were served by a variety of executive officials the most senior of whom were the provost, the bailies, the clerk, the treasurer and the master of work. Councillors and officials alike were drawn from the burgh class which possibly represented at most about a quarter of the town's population and, as influence was dependent on wealth, these men tended to be merchants. The administration of Glasgow (in common with that of other burghs) was thus a merchant-dominated oligarchy and close analysis of the elections and appointments effected during the 1570s and 1580s shows that this privileged and influential circle was itself dominated by an inner group of men who were seldom out of office.

Yet the range of activities undertaken by the civil administration shows that however oligarchic it was in composition it was not neglectful of its duty to manage the burgh efficiently for the common good not just of the burghesses but of the community as a whole. Such evidence as there is with respect to conditions in the burgh suggests that during the years which followed the cessation of the civil war, Glasgow's markets flourished, its population grew and the built-up area of the town expanded. Inevitably this placed several strains on the magistracy and council, as evidenced by the plethora of minor officials who were authorised to act under delegated powers in a variety of fields of government. Examination of the council's legislation shows a preoccupation with protecting the burgh's economic resources (its markets and its lands) but also a considerable interest in public health. Elsewhere the minutes and other documentation reveal that the civil authorities were concerned that adequate provision should be made for education, while the common good accounts record an earnest desire to improve the overall amenity of the burgh through an extensive programme of public works. If an awareness of the need for social welfare was lacking this was only in keeping with the views which were then prevalent, though it must be conceded that the magistracy and council did not go as far in this sphere as they could

have done, choosing instead to leave poor relief administration to the kirk session and preferring to avoid the introduction of a compulsory poor rate for fear of alienating the burgh community.

Just as the oligarchic nature of the civil local authority did not result in an abdication of responsibilities, neither did it lead to a high-handed or autocratic approach to governance. The magistrates and council fully appreciated the need to maintain the co-operation of the burgh community, particularly since it was sometimes necessary to tax that group so as to augment the limited funds available from the common good, the administration's financial base. Friction could arise from time to time between the authorities and the burgh community over such matters as the level of burgh admission fines or a restriction to the town's mills, but almost invariably the administration responded to the burghesses' criticism. Indeed one of the most notable features of the late sixteenth century period, the accretion of power to the ruling elite at the expense of the burgh community (effected through the phasing out of such burgh assemblies as the head courts and the courts of perambulation), was achieved without upsetting the essential understanding between the oligarchy and the burgh class, the authorities ensuring that the craft deacons and the community were still consulted when necessary. By involving the craft deacons in the decision-making process the merchant-dominated oligarchy also succeeded in lessening the possibility of hostility breaking out within the burgh community between the craftsmen and the less numerous but more wealthy and hence more influential merchants. Such tension undoubtedly existed but generally these two groups lived and worked together in harmony. It was only towards the close of the century that the craftsmen, exasperated by the authorities' pricing policies, began seriously to prosecute their ambitions for a greater say in the running of the burgh.

Local political issues of this sort then were of little account during the 1570s and 1580s. Instead the dominating features of burgh politics in these two decades were the steady erosion of the archbishops' authority as immediate superiors of the burgh and the equally steady increase in the interest shown in the burgh's affairs by central government. After archbishop Beaton's precipitant flight at the

Reformation the crown had exercised its rights as ultimate superior and notwithstanding the consolidation of episcopacy and the appointment of James Boyd to the see of Glasgow in 1573, the government (no doubt aware of Glasgow's strategic importance made manifest during the civil war) determined to maintain a close watch on the town's affairs. Consequently it was the regent Morton who chose Robert Lord Boyd to be provost in 1573 and until 1578 Glasgow was ruled by provost Boyd and his protégé Thomas Crawford of Jordanhill. Both men ostensibly served the archbishop but he had no real say in their appointment; instead Boyd and Crawford acted as the regent's agents in the burgh. Boyd indeed was prepared to cultivate the burgesses' aspirations for a greater say in the election of the town's bailies as a means of keeping the authority of the archbishop, his nephew, in check. The palace revolution of 1578 which brought about a temporary diminution of the regent's powers precipitated Lord Boyd's removal from influence in the burgh and the resurgence of the Lennox family which had enjoyed a pre-eminent position in burgh affairs during the 1560s. Again, archbishop Boyd had no choice but to accept the crown's nomination of Robert earl of Lennox to the provostship in 1578 and 1579 and the appointment of the king's favourite, Esmé earl of Lennox, to that post in 1580. Relations between the government and the kirk were already strained when, in August 1581, the crown appointed Mr Robert Montgomery to the see of Glasgow in succession to James Boyd, without reference to the General Assembly. This choice was particularly obnoxious to the kirk and provoked a confrontation between church and state. Montgomery's failure to obtain consecration to the see and his eventual excommunication ensured the eclipse of the archbishops' powers of superiority and these were not restored until the first decade of the seventeenth century. However the community was unable to take advantage of this situation to press home its own ambitions with respect to the election of the burgh's bailies, as the power vacuum thus created was immediately filled by the crown, if anything even more anxious than before to keep the burgh, which during the Montgomery affair had become the focus of a national crisis, under close scrutiny.

From the point of view of the burgh's administration, earl Esmé's policies were divisive. Determined to obtain a magistracy and council



compliant to his wishes he conducted a purge of the administration in 1580, thereby (with the same finesse as was to be seen in his conduct of national affairs) creating the nucleus of an opposition group. These men came to associate with the presbyterians hostile to archbishop Montgomery and for three years the administration was split by rival factions vying for control of the burgh, an even more comprehensive purge of the magistracy and council being carried out by the presbyterians when they gained power in 1582 under provost Sir Matthew Stewart of Minto following the Ruthven revolution. Although the administration of the burgh did not break down, the factionalism of this period inevitably affected the quality of governance and this is borne out by an examination of the records. Stability in the kingdom was restored under Arran's government and in the burgh by the provosts who served that regime, John earl of Montrose and Sir William Livingstone of Kilsyth. Under these men a balanced administration representing a cross section of moderate opinion was re-established with the result that, notwithstanding the coup of 1585 which saw the fall of Arran, Glasgow politics would not again be subjected to divisive factionalism until the opening years of the seventeenth century.

The administration's recovery in the mid-1580s was well-timed for it coincided with the beginning of a succession of harvest failures with their attendant economic and social problems, most notably escalating food prices and a sharp increase in the number of people seeking assistance in the burgh. Setting aside the fact that the civil authorities could have done more with respect to relieving the plight of the poor, it is fair to say that the magistrates and council, through their policy of holding down price increases irrespective of the opposition this would engender among the craftsmen, adopted an approach to this crisis which probably provided more constructive help to the needy than even that which would have been derived from a compulsory poor rate. Whatever the case, they succeeded (so far as can be gathered from the records) in defusing a potentially explosive situation, the repercussions of which could have been far greater than the actual resultant tension between the merchant-dominated oligarchy and the craftsmen. That merely resulted, albeit after some difficulties, in the redistribution of influence within the burgh

community which was effected under the Letter of Guildry of 1605 whereby the leading craftsmen achieved a more equal status with their merchant brethren. The alternative could have been mass starvation, food riots and widespread social upheaval.

The economic vicissitudes of the late 1580s and 1590s also placed strains on the burgh's common good, the largest part of which was derived from the customs of the ladle and the mill which were both dependent on the maintenance of good supplies of grain. Accounts only survive for the period 1573-85 but these indicate that the authorities were fairly astute in their financial management; for, notwithstanding the inherent inflexibility of this financial base, overall income from the common good was increased during these years. Thereafter it is less easy to determine how the common good performed but such evidence as there is suggests that the magistrates and council by fore-mailing the ladle and mill customs were able to protect if not slightly augment the value of their financial base in the face of inflation.

To conclude, the available records indicate that the civil administration of late sixteenth century Glasgow, though oligarchic in its composition, was wide-ranging in its activities and genuinely attempted to serve the best interests of the community as a whole. In its routine management it was by and large efficient and effective, notwithstanding a variety of political pressures, in particular the factionalism of the early 1580s, and the severe economic and social problems with which it was faced from the mid-1580s onwards.

## ACKNOWLEDGEMENTS

This work was six years in the making and throughout that period I received help, direct and indirect, from many friends, colleagues and associates too numerous to mention here. If I have failed to name each one individually in the acknowledgements which follow my gratitude to those who remain anonymous remains no less great.

I first became interested in the late sixteenth century period of Glasgow's development during my time as an archivist with Strathclyde Regional Archives and I owe a considerable debt to the staff of that office. In particular Mr Richard Dell (Principal Archivist) gave me special access rights after normal office hours which greatly eased the problems of part-time study, while Mr Andrew Jackson (Deputy Principal Archivist) allowed me sight of his unpublished work on the pre-Reformation provosts of Glasgow and during many conversations suggested several approaches to the topic of study which I had undertaken. The staff at Glasgow University Archives, Glasgow University Library, the Mitchell Library in Glasgow and the Scottish Record Office in Edinburgh were also unfailingly courteous and helpful.

Overall guidance and encouragement was provided by my two supervisors at the Department of Scottish History of the University of Glasgow, namely Professor Ian B Cowan and Dr James Kirk. With their help I trust I have produced a work of some merit; certainly without their specialised knowledge of late sixteenth century Scotland (and in particular of the ramifications of post-Reformation church affairs) I would surely have perpetrated several errors of fact and interpretation. These I hope I have avoided and accordingly my sincere thanks goes to my supervisors for their patient instruction.

A special thanks must also go to Emeritus Professor S G E Lythe of the University of Strathclyde who gave me good advice and provided me with the details of Scottish commodity prices of the second half of the sixteenth century which appear in Appendix 4.4 of this work. I trust that the conclusions which I have drawn from these data with respect to price movements in Glasgow do justice to his generosity.

Lastly I should like to acknowledge my gratitude to the team of indomitable typists who had the enormous task of deciphering my extensive manuscript and producing the excellently laid out typescript which appears in these two volumes. If half of the success in submitting a thesis lies in the presentation of that work then I am doubly grateful to Mrs Sheila Macmillan, Miss Rowan Mackenzie, Mrs Alice Macpherson, Mrs Cathy Smith and Mrs Gillian Tooth, all of the University of Strathclyde.

James S McGrath

Archivist, University of Strathclyde

30 June 1986

## FOREWORD

In a recent article for Scottish Economic and Social History,\* Michael Lynch commented that '1660 has for some time been the virtual frontier of Scottish economic and social history' and that studies of the early modern town have 'scarcely reached the currency of Scottish historiography'. The same author's Edinburgh and the Reformation is a significant move towards redressing this situation. There are of course several other important works which examine medieval and early modern Scottish burghs, among them W.C. Dickinson's Early Records of the Burgh of Aberdeen, 1317 and 1398-1407 and G.S. Pryde's Ayr Burgh Accounts, 1534-1624, while two more general works are W.M. Mackenzie's The Scottish Burghs and D. Murray's Early Burgh Organisation in Scotland as illustrated in the History of Glasgow and some neighbouring Burghs.

Yet much remains to be done, not least with respect to the burgh of Glasgow. David Murray's important book is sometimes misleading while of the first two volumes of the History of Glasgow by Robert Renwick et. al., the earlier contribution by Renwick and Sir John Lindsay covering the period up until the Reformation is much to be preferred to that by George Eyre-Todd which continues the story of the city's development to the accession of William II. Renwick, either singly or in collaboration with Sir James Marwick, produced a large number of volumes containing extracts from the burgh's records, the most important being Abstracts of Protocols of the Town Clerks of Glasgow, Charters and Other Documents relating to the City of Glasgow, and Extracts from the Records of the Burgh of Glasgow, but none of these provide the reader with an analytical introduction. Marwick's mammoth 602 page preface to the first volume of Charters and Other Documents relating to the City of Glasgow is an informative but largely blow-by-blow chronological survey, while the important series of Extracts from the Records of the Burgh of Glasgow gives practically no background information whatsoever as to the nature of the administration whose activities are recorded therein. The best books about Glasgow

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\*For the full titles of this and other works cited in the Foreword see the Bibliography which is to be found in Volume II.

tend to be concerned with the history of certain institutions within the city, the two most notable and most recent additions to this corpus of work being The University of Glasgow, 1451-1577 by J. Durkan and J. Kirk and A.M. Jackson's Glasgow Dean of Guild Court - a History. The city still lacks a good general history. Of the earliest attempts at such a project, John M'Ure's A View of the City of Glasgow (1736) has to be used with some caution, whereas John Gibson's A History of Glasgow (1777) is more reliable and has the added advantage that the author evidently had access to some burgh minutes of the mid-sixteenth century which are now lost. During the nineteenth and early twentieth centuries several histories appeared such as James Cleland's Annals of Glasgow (1816), Glasgow, Past and Present by 'Senex' et. al. (1851-1856), Glasghu Facies by J.F.S. Gordon (1873), Old Glasgow, the Place and the People by Andrew Macgeorge (1880), the publications of the Regality Club (1886-1906) and Medieval Glasgow by Rev. James Primrose (1913). These are works of variable quality, the more reliable secondary sources tending to be those by Marwick and Renwick which were based on their record collections above noted, namely the former's A History of the City of Glasgow from the Earliest Times to the year 1611 (1911), Renwick's Glasgow Memorials (1908) and his posthumous first volume of the History of Glasgow, mentioned above, produced by Sir James Lindsay in 1921. Generally, however, none of these histories provide adequate analysis or address major social, economic, political or administrative questions of the sources. More recently Andrew Gibb's Glasgow, the Making of a City (1983) has appeared and has supplied, albeit from the standpoint of an historical geographer, some of the much needed analyses which have previously been wanting. Nonetheless it remains for the urban historians to produce a full history of Scotland's largest city. Significantly a project currently being undertaken through the Department of History at the University of Strathclyde has this end in view, though as its starting date will be 1660 this scheme serves to support the view of Michael Lynch, quoted at the outset, that the early modern burgh continues to be neglected.

The present work, as its title indicates, does not purport to answer the need for a general history of the city of Glasgow. Instead, like William Shepherd's unpublished thesis, The Politics and Society of Glasgow, 1648-1674 (Glasgow University Ph.D., 1978) it attempts to

examine a short period of Glasgow's development in some detail, in this case the period at which the earliest extant minutes of the burgh court and town council are to be found, the 1570s and 1580s. For the twelve years from 1574 to 1586 the minutes are complete and also contain ten sets of common good accounts; thereafter there are several gaps in these records, while the next set of accounts which survive are those of 1605-1606. Although the main theme of this work is the nature, scope and effectiveness of the governance dispensed by the magistrates and council of Glasgow with particular reference to the period 1574-1586, discussion is not confined to the specific subject of local civil administration nor to those years in isolation. Political, social and economic factors are considered and material is drawn from earlier and later periods so as to provide as full a picture as possible of the burgh's administration in the late sixteenth century as a whole. To this end the data obtained from the court and council records (which, it must be said, are not so complete as the equivalent record material available for other burghs such as Edinburgh, there being, for example, no surviving tax rolls whatsoever) are supplemented by other local sources, most notably the records of the kirk session which survive for 1583-1593 and the few minute books and registers of the Glasgow crafts which date from this period. Such information as these sources contain helps to flesh-out the picture of late sixteenth century burghal society derived from the records of the civil local authority.

The opening chapter traces the burgh's development from its foundation in the late twelfth century up until the 1570s. The second chapter considers the burgh constitution, the composition of the ruling elite and the main political issues of the 1570s and 1580s. The next three chapters deal with the administration in detail, the workings of the burgh court, the council's statutes and the common good accounts being examined in turn. The sixth and last chapter summarises the information obtained from the preceding sections and provides overall conclusions with respect to the nature, scope and effectiveness of the civil local authority in late sixteenth century Glasgow.

## ABBREVIATIONS AND CONVENTIONS

Unless otherwise stated all references are to £ Scots rather than £ Sterling. Names have generally been modernised. With respect to the identification of individuals and their occupations, special use has been made of round and square brackets which is explained in the introduction to Volume II, p. v. All dates falling between 1 January and 25 March have been given in their modern form. The following abbreviations and shortened titles have been used.

<u>Ancient Burgh Laws</u>	<u>Ancient Laws and Customs of the Burghs of Scotland, 1124-1424</u> , ed. C. Innes, (Edinburgh, 1868).
<u>APS</u>	<u>The Acts of the Parliaments of Scotland, 1124-1707</u> , edd. T. Thomson and C. Innes, 12 vols., (Edinburgh, 1814-1875).
<u>BUK</u>	<u>The Booke of the Universall Kirk of Scotland: Acts and Proceedings of the General Assemblies of the Kirk of Scotland</u> , ed. T. Thomson, 3 vols. and appendix vol., (Bannatyne and Maitland Clubs, 1839-1845).
Calderwood, <u>History</u>	CALDERWOOD, David, <u>The History of the Kirk of Scotland</u> , ed. T. Thomson, 8 vols., (Wodrow Society, 1842-1849).
Cowan and Easson, <u>Religious Houses</u>	<u>Medieval Religious Houses: Scotland</u> , edd. I.B. Cowan and D.E. Easson, 2nd. edn., (London, 1976).
Dickinson, <u>Aberdeen</u>	<u>Early Records of the Burgh of Aberdeen, 1317 and 1398-1407</u> , ed. W.C. Dickinson, (SHS, 1957).
Dickinson and Duncan, <u>Scotland</u>	DICKINSON, W.C. and DUNCAN, A.A.M., <u>Scotland from the Earliest Times to 1603</u> , rev. edn., (Oxford, 1977).
<u>Dictionary of the Older Scottish Tongue</u>	<u>A Dictionary of the Older Scottish Tongue</u> , edd. W.A. Craigie et al., 5 vols. to date, (London/Aberdeen, 1931- ).
<u>Diurnal of Occurrents</u>	<u>A Diurnal of Remarkable Occurrents that have passed within the country of Scotland, since the death of King James the Fourth till the year 1575</u> , ed. T. Thomson, (Bannatyne Club, 1833).



Donaldson, <u>Scotland, James V-VII</u>	DONALDSON, G., <u>Scotland: James V to James VII</u> , (Edinburgh, 1971).
Donaldson, <u>Scottish Reformation</u>	DONALDSON, G., <u>The Scottish Reformation</u> , (Cambridge, 1960).
Duncan, <u>Scotland</u>	DUNCAN, A.A.M., <u>Scotland - The Making of a Kingdom</u> , (Edinburgh, 1975).
Durkan and Kirk, <u>Glasgow University</u>	DURKAN, J. and KIRK, J., <u>The University of Glasgow, 1451-1577</u> , (Glasgow, 1977).
Eyre-Todd, <u>Glasgow</u>	EYRE-TODD, G., <u>History of Glasgow - Volume II: From the Reformation to the Revolution</u> , (Glasgow, 1931).
<u>Glas. Chrs.</u>	<u>Charters and Other Documents relating to the City of Glasgow</u> , vol. i, 1175-1649, pts. i and ii, ed. J.D. Marwick, (Glasgow, 1894-1897); vol. ii, 1649-1707, with appendix 1434-1648, edd. J.D. Marwick and R. Renwick, (Glasgow, 1906).
<u>Glas. Mun.</u>	<u>Munimenta Alme Universitatis Glasguensis</u> , ed. C. Innes, 3 vols. and appendix vol., (Maitland Club, 1854).
<u>Glas. Recs.</u>	<u>Extracts from the Records of the Burgh of Glasgow</u> , vols. i-iv, 1573-1717, edd. J.D. Marwick and R. Renwick, (Glasgow, 1876, reprinted 1914; 1881; 1905; 1908 respectively).
GUA	Glasgow University Archives.
GUL	Glasgow University Library.
HMSO	Her Majesty's Stationery Office.
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MS	Manuscript source.
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<u>Ollivant, Court of the Official</u>	OLLIVANT, S., <u>The Court of the Official in Pre Reformation Scotland</u> , (Stair Society, 1982).
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<u>Prot. Bk. Simon/ Glas. Rent.</u>	<u>Liber Protocolorum M. Cuthberti Simonis Notarii Publici et Scribae Capituli Glasguensis, 1499-1513, and Rental Book of the Diocese of Glasgow, 1509-1570, edd. J. Bain and C. Rogers, 2 vols., (Grampian Club, 1875).</u>
<u>Pryde, Ayr Burgh Accounts</u>	<u>Ayr Burgh Accounts, 1534-1624, ed. G.S. Pryde, (SHS, 1937).</u>
<u>RCRB</u>	<u>Records of the Convention of the Royal Burghs of Scotland, 1295-1738, ed. J.D. Marwick, 5 vols., (Edinburgh, 1866-1885).</u>

<u>Reg. de Passelet</u>	<u>Registrum Monasterii de Passelet, AD 1163-1529, (Maitland Club, 1832).</u>
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<u>RMS</u>	<u>Registrum Magni Sigilli Regum Scotorum: Register of the Great Seal of Scotland, 1306-1668, edd. T. Thomson et al., 12 vols., (Edinburgh, 1814-1914).</u>
<u>RPC</u>	<u>Register of the Privy Council of Scotland, 1545-1625, edd. J. Hill Burton and D. Masson, 14 vols., (Edinburgh, 1877-1898).</u>
<u>RSS</u>	<u>Registrum Secreti Sigilli Regum Scotorum: Register of the Privy Seal of Scotland, 1488-1584, edd. M. Livingstone et al., 8 vols., (Edinburgh, 1908-1982).</u>
<u>St. Andrews Kirk Session Records</u>	<u>St. Andrews Kirk Session Records: Register of the Ministers, Elders and Deacons of the Christian Congregation of St. Andrews, ed. D. Hay Fleming, 2 vols., (SHS, 1889-1890).</u>
<u>SBRS</u>	Scottish Burgh Records Society.
<u>Scots Peerage</u>	<u>The Scots Peerage, ed. J. Balfour Paul, 9 vols., (Edinburgh, 1904-1914).</u>
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<u>SESH</u>	<u>Scottish Economic and Social History.</u>
<u>SHR</u>	<u>Scottish Historical Review.</u>
SHS	Scottish History Society
Spottiswoode, <u>History</u>	<u>SPOTTISWOODE, JOHN, History of the Church of Scotland, ed. M. Russell, 3 vols., (Spottiswoode Society, 1851-1865).</u>
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SRO	Scottish Record Office.
SRS	Scottish Record Society.
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## CHAPTER I

### THE ADMINISTRATIVE BACKGROUND AND THE DEVELOPMENT OF THE BURGH OF GLASGOW FROM ITS FOUNDATION TO THE 1570s

#### 1. Foundation and early administrative development

Burghs were introduced to Scotland during the twelfth century as one of several measures adopted by the crown to achieve greater central control over the still fragile Scottish kingdom. At first most burghs were royal foundations and several were closely associated with royal castles, the crown's intention being that burgh and castle would combine to exert administrative influence over each adjoining neighbourhood. However the desire to stimulate commerce was an equally important factor behind these foundations. It was hoped that they would enable Scotland to emulate the commercial vitality of the English boroughs which David I had seen at first hand. Thus the Scottish burghs were given privileges similar to those enjoyed by their English counterparts: the right to hold markets and fairs, exclusive trading rights in certain areas attached to each burgh, and a monopoly in foreign commerce. Inducements were offered to settlers, and the burgesses were to be subject to special laws which would be different from the feudal law of the land, enabling them to have freedom in their persons, possessions and transactions. As a corollary to all this these burghs on the royal demesne would be of direct financial benefit to the crown. Empowered to exact tolls from unfree traders and providing rents from the burgage plots held by the burgesses, the burghs were a means of providing a cash income such as was not produced by the other royal estates.<sup>1</sup>

The first foundations were burghs of the crown but the ecclesiastical and lay baronage, anxious to share in the successful trading infrastructure thus created, soon began to petition the crown for the right to establish burghs on their demesnes. By the close of David I's reign about eighteen king's burghs had been established and about five burghs not directly dependent on the crown.<sup>2</sup> One of this latter group was St. Andrews, dependent on the bishop of St. Andrews and founded some time between 1124 and 1144. Possibly anxious to emulate this example, bishop Jocelin of Glasgow petitioned

the crown and received a charter from William I which authorised the bishop and his successors to have a burgh at Glasgow with a market on Thursdays and guaranteed the king's protection to the burgesses of the new foundation. The document can not be precisely dated but was issued at some point between 1175 and 1178.<sup>3</sup>

Two features of this charter deserve comment. Firstly, the grant was made by the crown to the bishops of Glasgow and the burgh was to remain dependent on the bishops, and subsequently the archbishops, until it was erected into a royal burgh in 1611.<sup>4</sup> Secondly, although not a burgh of the crown, Glasgow's charter of foundation was drafted in such a way as to ensure that it possessed rights commensurate with the king's burghs (cum omnibus libertatibus et consuetudinibus quas aliquis burgorum meorum in tota terra mea ... habet). The early medieval period was one which recognised 'the universal validity of burgess-right, regardless of whether the superior was king, bishop, abbot or earl'.<sup>5</sup> The strict demarcation between royal burghs and other burghs did not come about until the fifteenth century by which time Glasgow had secured its position as a dependent burgh worthy of being ranked alongside the foundations of the crown. This position it owed as much to the nature of its charter of foundation as to the power of its superior or any commercial success it had enjoyed and was demonstrated as early as 1226 in a dispute with Rutherglen<sup>6</sup> and in 1243 after an apparent disagreement with Dumbarton<sup>7</sup>, both king's burghs and the former a burgh of greater antiquity than Glasgow. In each case the crown upheld Glasgow's rights.

The burgh's basic privileges, embodied in the charter of 1175 x 1178, were amplified by further grants in the late twelfth and early thirteenth centuries. Between 1189 and 1198 the bishops of Glasgow were authorised to hold an annual fair of one week's duration in their new burgh.<sup>8</sup> Whereas the right to trade at a burgh's market was restricted to the burgesses of the burgh, at fair time traders could be attracted from throughout the land, these men being permitted to buy and sell directly without having to use the burgesses as middlemen.<sup>9</sup> Thus the grant of a fair was of considerable

importance in attracting custom. In a charter dated sometime before 1211, the king's protection (firman pacem) was promised to all attending the fair at Glasgow.<sup>10</sup> Further grants designed to facilitate trading followed and these together with the several crown charters of confirmation issued during the thirteenth and early fourteenth centuries were the means whereby the bishops of Glasgow, through the agency of the crown, hoped to build up a flourishing trading community which, as an adjunct to their other temporal possessions, would provide (through burgage rents and market tolls) a constant and sizeable source of income. The burgh's subsequent growth was to amply repay their efforts.<sup>11</sup>

How was the burgh administered? As in the case of other burghs, Glasgow's charter of foundation made no reference whatsoever to this matter, yet the establishment of some form of administration must have been implicit in the act of foundation. The collection of rents, whether for the bishops as superiors or for the burgh for its upkeep, required some form of fiscal administration while the control of land transfers, the protection of economic privileges and the necessity of settling disputes required legal administration. The little that is known about Glasgow's early governance corresponds to the known developments in king's burghs during the thirteenth century. In the king's burghs officials known as prepositi or ballivi were employed whose functions were both fiscal and judicial and who, from being crown officials, became the representatives of their burgh communities. This move towards greater local autonomy in the king's burghs (occasioned by the crown's increasing need for financial support from these commercial centres) was also reflected in the manner whereby in various burghs the ballivi and communitas burghi began to grant lands to be held of them and their successors, as of a corporation, and significantly this period also saw the appearance of burgh common seals.<sup>12</sup>

The earliest evidence for Glasgow's administration is derived from a charter dated sometime prior to 1268 whereby Robert of Mithynby conveyed certain lands in the burgh to Mr Reginald Irewyn, archdeacon of Glasgow. It is recorded that the proposed conveyance was advertised 'in the court of Glasgow, at three head courts of the

year and at other courts often, according to the law and custom of the burgh' and that sasine was given in the presence of the prepositis et ballivis de Glasgu and twelve burgesses and others of the said city. The recipient bound himself to pay to the bishop as superior the rent due on the property and for attestation the common seal of the burgh (sigillum commune de Glasgu) was attached, together with the seal of the bishop's official. <sup>13</sup>

The sophistication of this transaction demonstrates that the procedures of the burgh court of Glasgow were by this time already well established. The document also shows the prepositi and ballivi acting as legal officials, the recognition of the concept of a burgh community embodied in the common seal, and the payment of burgage rents to the superior which in itself presupposes the existence of a fiscal organisation. Furthermore the idea of a burgh community suggests a council representing the community of burgesses. Indeed it is likely that at some early point in the burgh's development non-legal administrative matters became so time-consuming that it was found convenient to delegate such business to a council.

Town councils seem to have developed in the Scottish burghs either through the gild merchant, an organisation representing the wealthiest and hence the most influential burgesses, or through the burgh court. Whereas gilds merchant can be found at burghs such as Berwick and Edinburgh, there is little to suggest that Glasgow had such an institution<sup>14</sup> and it thus seems likely that the origin of its town council lay in its burgh court. In Peebles the council grew out of the 'doussane', a consultative and advisory body associated with that burgh's court<sup>15</sup>, and it is notable that the Robert of Mithyngby charter of c1268 and another Glasgow charter of 1293 refer to sasine being given in the presence of xii burgensibus et aliis eiusdem civitatis and duodecim civibus respectively.<sup>16</sup> Although essentially assizes of the court these are probably also references to the beginnings of the town council<sup>17</sup> and the close relationship between court and council survived up to the early seventeenth century for until that time the activities of the town council were recorded in the court's act books.<sup>18</sup>



In the mid-fifteenth century there is clear evidence of important changes regarding the prepositi and ballivi, the burgh officials already noted as active in Glasgow in the thirteenth century. In February 1447 Sir Richard Gardenar, presbyter and keeper of the lights at the shrine of St. Kentigern acknowledged that, in confirmation of a previous agreement between bishop John Cameron and the town, two pounds of wax had been received from the burgh for the shrine and that consequently the burgh could construct a mill on the Molendinar burn 'within the commonty of the said burgh belonging to the said burgesses and community'. Apart from demonstrating that the concept of the community as a corporate legal body was clearly recognised, it is notable that this authorisation was directed to the bailies, burgesses and community, (ballivis, burgensibus et communitate) without any reference being made to the office of prepositus. It is probable that ballivi and prepositi had been synonymous terms in the thirteenth century and that by this time the latter title had been dropped and subsumed under the title ballivi. Furthermore the phraseology of the authorisation of 1447 strongly suggests that by this date the bailies were regarded as not only bishop's officers but also as the representatives of the burgh community.<sup>19</sup>

However, soon after this grant there occurs the first indication of a new senior official who was distinct from the bailies. In December 1453 bishop Turnbull made various grants to the newly founded university and, among other things, ordered that transgressors against the assize of bread and ale should be reported to the prepositus or any of the bailies.<sup>20</sup> That document was in Latin, in which language prepositus is used both for the earlier office of the same name and the later office of provost. The fact that this prepositus was a new kind of official, different from that of the thirteenth century, is confirmed by an indenture in the vernacular recording a gift of several lands made by John Stewart to the Friars Preachers in December 1454. The grantor was specifically, indeed emphatically, styled, 'the first prouest that was in the cite of Glasgw'.<sup>21</sup>

By the 1550s it is clear that there was an important distinction (not just of seniority) between the provost and the bailies. Together they were the burgh magistrates and the chief executive

officials, but whereas the community had some say in the appointment of the bailies, the provost was chosen by the superior.<sup>22</sup> However it is conceivable that for a short period (between c1450 and 1476) the burgh may have had some say in the choice of its leading magistrate, the provost. The evidence for this suggestion hinges not just on the emphatic statement in John Stewart's gift of 1454 but on two important charters obtained by the bishops of Glasgow, in April 1450 and July 1476.

The bishop's temporal possessions comprised several baronies, the most important of which was the barony of Glasgow.<sup>23</sup> The burgh was its caput but it embraced a wide area to the north, east and west of the city comprising Cadder parish, Govan parish, much of Old Monkland parish and what would later become the Barony parish.<sup>24</sup> Over this barony and their other temporal possessions the bishops extracted revenues and exercised a power in civil and criminal matters defined as a barony jurisdiction.<sup>25</sup> This jurisdiction as it applied to the barony of Glasgow (including the burgh) and the lands of Bishopforest<sup>26</sup> was elevated to that of a regality by a crown charter granted on 20 April 1450<sup>27</sup> which was subsequently confirmed in 1476.<sup>28</sup> By these charters the bishops obtained very extensive rights over their lands, equivalent to a palatinate within the kingdom.

It has sometimes been supposed that by these grants, the burgh of Glasgow rose in status (from being a burgh of barony) to become a burgh of regality.<sup>29</sup> Neither term is accurate and although the burgh was mentioned in both documents it must be stressed that the beneficiaries were the bishops, not the burgesses, and (as before) it remained at the discretion of the bishops to grant or withhold burgh privileges as superiors.<sup>30</sup>

One such privilege might be an element of latitude in the appointment of officials. It is possible that bishop Turnbull, in the flush of success following the 1450 regality grant and the 1451 bull founding the university,<sup>31</sup> permitted the burgh to choose a leading magistrate such as was to be found in several of the king's burghs; hence 'the first prouest that was in the cite of Glasgow'.<sup>32</sup> However, while the regality grant of 1450 made no mention of the burgh's

internal constitution or 'sett', the confirmation of 1476 to bishop John Laing stated that the bishops were to appoint 'a provost, bailies, sergeants and other officers as often as it shall seem to [them] expedient for the rule and government of the same city'. Why was this clause omitted from the 1450 charter and then specified in the later document, together with a passage emphasising the bishop's power to remove 'any person to and from the said offices as often as [they] shall please'?<sup>33</sup> There are two possibilities. The charter of 1476 may represent the end of an experimental period during which burghal autonomy in the election of provosts had been permitted. The second alternative, which does not preclude this possibility, is that the 1476 charter of confirmation was sought in response to an act of Parliament of 1469 which had stipulated that burgh councils were to elect the burgh officers.<sup>34</sup> Admittedly this act was aimed primarily at the king's burghs and was in any case imperfectly implemented even in those, but it may have been regarded at the time as a potential threat to the regality power of the Glasgow bishops.

It can thus be argued that, far from enhancing the burgh's position in terms of self government, the regality charters actually diminished the burgh's ability to achieve a measure of autonomy. The 1476 charter ensured that the control of key appointments within the burgh was secured in the hands of the bishops. The subsequent constitutional position of the burgh was established by this charter and although the burgesses would from time to time attempt to gain control of the appointment of the bailies (most notably in the 1550s), the position of the provost as an appointee of the superior seems to have been accepted without demur.

The provost's role as the superior's chief officer in the burgh was demonstrated by another factor. The bishops administered their regality through a bailie and this bailieship was closely associated with the earls of Lennox by the sixteenth century if not before. In 1510-11 Matthew second earl of the Stewart line was provost of the burgh and was also probably bailie of the regality. This type of pluralism, however, was unusual and, so far as is known, did not occur again until the 1570s. The more common practice was that the bailie

of the regality acted through a deputy who was the provost of the burgh. Thus John third earl of Lennox as bailie principal of the regality entrusted the depute bailiership to John Shaw and George Colquhoun, provosts of the burgh, between 1514 and 1524.<sup>35</sup>

Furthermore the distinction between the provosts on the one hand and the other burgh officials was emphasised by the fact that the provosts were not indwellers but 'outlandis' men. During the sixteenth century attempts were made to stop this practice in the king's burghs but in 1609 the stipulation that only merchants and traffickers living in a burgh were capable to being its magistrates had to be repeated. It was not until this act that the first known merchant provost was appointed in Glasgow; prior to then holders of the post had been local lairds or (particularly in the 1570s and 1580s) members of the nobility.<sup>36</sup>

If the regality charters hindered the growth of autonomy in self government, they nonetheless helped Glasgow to maintain its position at a time when the demarcation lines between the king's or royal burghs (as they were now known) and other burghs were being established, particularly in the area of foreign trade. No doubt the terms of Glasgow's original foundation would have stood it in good stead during this period. However, in January 1490 the bishops of Glasgow obtained a charter which not only increased their own revenues but also secured the burgh's right to trade abroad.

This document confirmed the bishops in their spiritual and temporal possessions and, in addition, granted them the right to have a free tron at which 'all merchandise and goods that pertain to the citizens and tenants of the city and barony of Glasgow may be there troned, weighed and customed'. Once the goods had been weighed and the customs paid, cockets (cokketas) were to be issued and the said citizens and tenants were then to be free of all other customs on their goods 'in all other towns, ports and places within our kingdom, on their showing the said cockets'. The bishops of Glasgow were thus empowered to collect for their own uses the great custom on 'wool, skins, hides, cloth, bread, fish and other things as well not named as named' and as a corollary to this the burgesses of

Glasgow were confirmed in their right to export such goods, in common with the burgesses of royal burghs.<sup>37</sup> Glasgow's rights regarding foreign trade were further emphasised ten months later when the crown stipulated that 'all manner of ships, strangers and others, should come to frie burghs such as Dumbarton, Glasgow, Aire, Irvine, Wigtown, Kirkcudbrugh, Renfrew and others sick burrowes and there make merchandize'.<sup>38</sup>

Thus the bishops augmented their income from the burgh. This comprised firstly the customs of the tron (just noted) and probably several other older customs extracted from the market, the exact extent of which can not be determined. These market customs were farmed out during the sixteenth century<sup>39</sup> until in 1581 archbishop Boyd mortified 'all and hail our customis of our troneis of Glasgow, great and small customes, fair or mercat customis, or of mett measure or wecht pertaining to vs' to the university.<sup>40</sup> These customs were distinct from those which the burgh was empowered to collect, most notably the custom of the ladle, income from which was credited to the burgh's common good throughout the 1570s and 1580s.<sup>41</sup>

The bishops also received rents from the burgh. The Robert of Mithyngby charter of c1268 stipulated that the rents due on the property then being conveyed were to be paid to the bishops. The same provision occurs in bishop Muirhead's confirmation of Mr Patrick Leiche's foundation of a chaplainry in 1459, and in Lord Hamilton's gift of property to the university the following year.<sup>42</sup> However when the extant burgh accounts commence, in 1573-74, it is apparent that the burgh's common good also received income from this source.<sup>43</sup> The nature of the relationship between burgh and superior as to burgh rents is not disclosed until November 1605 when it is recorded that the burgh treasurer was to pay the archbishop's chamberlain forty-eight merks 'for the burrow maillis of this burgh' for the years 1603, 1604 and 1605, and this annual payment of sixteen merks for the burgh lands was specifically reserved to the archbishops when Glasgow became a royal burgh in 1611.<sup>44</sup> It would seem then that at some point after 1460 the burgh had been empowered to collect the 'commone annuellis' for its common good in return for a fixed ferme of sixteen merks due to the superior.<sup>45</sup>

## 2. The burgh's development

Returning to the acts of 1490, although Glasgow was thereby assured of its right to trade abroad, its actual ability to do so was limited by a number of factors. For one thing, Scotland's trade was primarily with the Baltic and the Low Countries and Glasgow was obviously at a disadvantage compared to the burghs on the east coast. However Glasgow overcame this difficulty by trading through Linlithgow to gain access to these markets.<sup>46</sup> Even as regards western trade, to Argyll and the Isles, Ireland and France, the burgh's position was far from ideal, situated as it was over twenty miles up-river on the Clyde which in any case was un-navigable beyond Dumbuck ford.<sup>47</sup> Furthermore, Glasgow had to deal with periodic interference from its neighbours Renfrew and Dumbarton, particularly the latter. Friction with Dumbarton, a king's burgh, is implied by the terms of two thirteenth century Glasgow charters,<sup>48</sup> and a specific dispute was recorded in 1469.<sup>49</sup> Significantly, on each occasion Glasgow's rights were protected by the crown (further proof of the strength of its charter of foundation) and this may have encouraged the two burghs to agree in 1499 to 'ane mutuall compliance and correspondance and the defence and maintenance of each of the utheris priviledges'.<sup>50</sup> Nonetheless disputes continued<sup>51</sup> and so Glasgow turned to Irvine as its outlet on the lower Clyde, thereby effectively by-passing Dumbarton.<sup>52</sup> This arrangement however had disadvantages, chief of which were the difficulties of overland transport. Thus the Glasgow merchants also adopted the practice of meeting ships in the Clyde estuary and unloading cargo on to smaller boats capable of navigating the upper reaches of the river. More positive action may have been taken in the sixteenth century for it is believed that in 1556 the inhabitants of Glasgow, Dumbarton and Renfrew attempted to remove the ford at Dumbuck, though without success.<sup>53</sup>

Despite the absence of firm evidence regarding Glasgow's economic performance, there are sufficient indications to suggest that Glasgow was already flourishing by the mid-fifteenth century. When in 1451 Pope Nicholas V founded the university and referred to Glasgow as a city where 'the air is mild, victuals are plentiful and great store

of other things pertaining to the use of man is found', this was not mere rhetoric:<sup>54</sup> around the same time John Hardyng, spying out the country for his English masters, spoke of Glasgow in the same glowing terms.<sup>55</sup> Although, the university was small, it did give the burgh added dignity and the influx of masters and students must have had some effect on the local economy. The kudos of having a university may even have assisted Glasgow in its commercial relations with Europe. However still more important was the dignity bestowed on the see of Glasgow in 1492 when Pope Innocent VIII erected it into an archbishopric, with the bishops of Argyll, Dunblane, Dunkeld and Galloway as the suffragans of the archbishop.<sup>56</sup> The territorial jurisdiction of the consistory court at Glasgow was thus widened and the consequential increase in business must have had a beneficial effect on the burgh's market.

The late fifteenth and early sixteenth centuries also witnessed an increase in the number of religious foundations in the burgh, a phenomenon which was probably related in part to the increased status of the see but which also suggests an expanding local economy capable of supporting these foundations. Furthermore the location of several of these new foundations indicates how far the burgh's 'biggit' lands had spread by this time.

Although a charter of the late twelfth century refers to the prima edificacione burgii<sup>57</sup> it is probable that, before Glasgow became a burgh in the 1170s, a settlement already existed in the vicinity of the cathedral which had been consecrated in 1136.<sup>58</sup> The reference to the first building of the burgh probably relates to activity about a mile south of the cathedral in the area now known as Glasgow Cross. Here High Street (the main axis of the burgh, running southwards from the cathedral towards the Clyde) is intersected by Trongate and Gallowgate and it is believed that this was the site of the market cross from the time of the burgh's inception, a view which is lent credence when the area's proximity to the river is considered.<sup>59</sup> The burgh's terra burgalis or 'biggit land' thus comprised two nuclei linked by the road later known as High Street: the cathedral and its environs, and the area around the Cross. Between and around these areas lay the terra campestris (the

arable land) and the terra communis (the waste land, used for pasturage and fuel), together with various lands held by rentallors of the bishops. So far as can be judged the main impetus of growth came from the southern nucleus around the cross and initially this appears to have taken the form of movements southwards to the river (the bridge, first mentioned in 1285, probably dated from much earlier) and northwards towards the cathedral.<sup>60</sup> As an example of the latter, in 1246 the Dominicans (Black Friars or Friars Preachers) were granted property to the east of High Street<sup>61</sup> but the fact that the lands between the two built-up nuclei remained undeveloped for several centuries is confirmed when it is noted that it was in this same area that the university obtained its first settled accommodation in 1460 and 1467.<sup>62</sup> Likewise the Franciscans (Grey Friars or Friars Minor) were given lands almost immediately to the west, in the 1470s.<sup>63</sup>

Other religious foundations, of varying importance, date from this period and their location indicates an expansion beyond both of the built-up areas of the burgh. Two hospitals for the poor were established near the cathedral: St Nicholas Hospital, founded by bishop Andrew Muirhead around 1464 and Blacader's hospital established by Rolland Blacader, sub-dean, around 1524.<sup>64</sup> Further north still was the chapel of St Roche founded by Thomas Muirhead, rector of Stobo, around 1508.<sup>65</sup> The leper hospital of St Ninian was established on the fringes of the burgh at the south end of the bridge, its location obviously being determined by its function.<sup>66</sup> However other foundations in the southern half of the burgh show signs of development towards the east and west. In 1500 David Cunningham, archdeacon of Argyll, established the chapel of Little St Kentigern on the Gallowmuir, east of the Cross.<sup>67</sup> Twenty-five years later the collegiate church of St Mary and St Anne (later known as the new kirk) was established by Mr James Houston, sub-dean of the cathedral, west of the Cross on the southside of Trongate.<sup>68</sup>

Apart from these foundations, this period of Glasgow's development was also marked by the establishment of several chaplainries and the enrichment of the church's endowments by other gifts from both clerics and lay men.<sup>69</sup> These phenomena were not



unique to the burgh, but considering Glasgow in isolation and setting aside the various personal motives which prompted these donations, the concentration of all these foundations and endowments within a relatively short period reflects confidence based on a flourishing local economy. Furthermore the placing of these hospitals and churches on peripheral sites suggests population pressure on the burgh's existing 'biggit lands'.

Any attempt to gauge the <sup>adult</sup> population of the burgh is severely limited by the complete lack of such evidence as tax rolls or lists of burgesses. Nonetheless, on the basis of the extent of the burgh and the moderately large number of religious establishments within its bounds it has been suggested that an <sup>adult</sup> population of about 1,500 in the late fourteenth century had risen to between 2,500 and 3,000 by 1500.<sup>70</sup> Around this time there is evidence of alienations of small parcels of common land to the south of the king's highway from the Barrasyet to the bridge (the Briggate, near the river), indicating a desire to obtain land for development, a need probably occasioned by a growing population requiring more housing.<sup>71</sup> On the basis of similar evidence to that mentioned above it has been estimated that the <sup>adult</sup> population had reached about 4,500 by 1560.<sup>72</sup>

The level of contribution to national taxations expected of Glasgow gives some indication of its wealth, both in relation to other burghs and, to an extent, in real terms. The domination of the burghs on the east coast (in particular Edinburgh, Aberdeen and Dundee) because of their easier access to European markets is confirmed by the exchequer accounts of the fourteenth and fifteenth centuries and the later burgh tax rolls of the sixteenth century. Nonetheless it is possible to trace Glasgow's progress through these sources. Payments by Glasgow are recorded in the chamberlains' accounts during the period 1366 to 1374.<sup>73</sup> In 1366 it stood in twenty-first place, with a contribution of £5 10s 1d (0.9%) towards a total from thirty-four burghs of around £586.<sup>74</sup> Eight years later it contributed only £2 0s 11d (0.3%) towards the sum of about £730 collected from twenty-six burghs and stood in twenty-fourth place.<sup>75</sup>

Yet by the early sixteenth century Glasgow was clearly regarded as capable of shouldering a greater proportion of the taxes falling on the burghs. In the first complete surviving stent roll of the burghs, compiled in 1535, Glasgow was placed eleventh and contributed 2.01% of their assessment.<sup>76</sup> In 1557 it moved to ninth place, but fell back to tenth position in 1564;<sup>77</sup> however neither of these changes affected the level of its contribution which remained at slightly more than 2%, a figure which would not increase until the 1580s.<sup>78</sup> Of more general significance was the fact that, although not a royal burgh, Glasgow was regarded as such for taxation purposes throughout the sixteenth century if not before. Commensurate with its position as what might be termed a de facto royal burgh, Glasgow was represented in Parliament from 1546 and on the Convention of Royal Burghs from at least 1552.<sup>79</sup> This status it owed not only to the terms of its foundation charter but also to its taxable capacity based on its prosperity.

The expansion in wealth which seems to have marked the period 1450-1550 was obviously of benefit to the indwellers of the burgh. However it was the burgesses who gained the most from these developments as only they were permitted to engage in trade and manufacture. Burghal society was divided between these men and the unfreemen, a class which comprised the bulk of the population, namely the labourers and servants and beneath them the ubiquitous 'lumpenproletariat'. Apart from access to the burgh courts these men had no rights and left no records. Access to burghship was by inheritance, marriage or purchase, or via an apprenticeship in one of the crafts. Nonetheless, the inability of the unfreemen to trade ensured that few could buy their way into the ranks of the burgesses.

The burgesses or freemen of the burghs may be divided into two broad groups, the merchants and the craftsmen with their respective monopolies of trade and manufacture.<sup>80</sup> Although there were gradations of wealth in both groups, the very nature of these two monopolies ensured that the craftsmen were dependent on the merchants for access to a market. This became even more marked as foreign trade developed. Compared with its European neighbours, including England, Scotland was

economically backward, an exporter of raw materials such as hides and wools in exchange for manufactured goods. So long as the native crafts remained undeveloped a high level of imports was maintained and the superiority of the merchants was assured.

The accrual of wealth brought influence and power. In several of the king's burghs the merchants formed gilds, the earliest<sup>known</sup> example being at Perth in 1209. The extent to which these gilds merchant controlled town councils varied, but even in burghs where these institutions were not found, local political power gravitated to the merchants as the wealthiest members of the burgh community. Similarly, the taxable capacity of the burghs resulted in their being represented in Parliament from the early fourteenth century onwards. As the wealth of the burghs was<sup>largely</sup> based on the activities of the merchants, it was their interest which was advanced in Parliament and it was they who acted as the burghs' commissioners.<sup>81</sup>

Although the craftsmen shared with the merchants the ability to hold land by burgage tenure (one of the fundamental rights of a burgher) their attainment of the same real quality of burgher-ship as that enjoyed by their neighbours was to be a prolonged and difficult struggle. Like the merchants, the craftsmen originally drew together in religious fraternities which looked after the spiritual and material welfare of their members. However this latter function provided a source of conflict both with the ruling burghal oligarchies and Parliament, particularly regarding such matters as price control and the quality of workmanship. During the fifteenth century a solution was adopted whereby some burghs began to grant seals of cause incorporating these combinations of craftsmen.<sup>82</sup> On the one hand these grants showed some willingness on the part of the merchants to allow the crafts a greater degree of independence but more importantly they also allowed the burgh authorities to delegate to the deacons and other craft leaders responsibility for the good behaviour of their members. Maintenance of the crafts' monopolistic privileges, embodied in these seals of cause, became dependent on a continuation of that good behaviour.<sup>83</sup>

Yet even these modest developments were soon regarded as dangerous by the merchants who, using their position in Parliament, secured several pieces of legislation aimed at controlling these craft organisations. These efforts culminated in an act of 1555 which forbade the election of deacons and craft meetings, instead ordering that the crafts were to be controlled through the magistrates and town councils by means of 'visitoures' who were to inspect the standards of workmanship. No craftsmen were to hold office, though two would be allowed to sit on the councils. In fact this act was ~~hasily repealed~~, the crown (anxious to secure the support of the now numerous craftsmen as a counterbalance against the merchants) confirming the crafts' rights in 1556.<sup>84</sup> Nonetheless these phenomena testify to a prevailing tension within burgh communities, which could not easily be dissipated despite the intervention of the crown.

It is difficult to assess how far these developments were mirrored in Glasgow. The only specific references to the existence of an organised body of merchants are found in an instrument of July 1569 which relates the sale of property to James Fleming 'as president and in name of all the merchants of the burgh' and in a minute of July 1582 which records the election of the president of the merchants. Although it is conceivable that these details relate to a once influential gild merchant, it is evident that by the late sixteenth century this body of merchants, whatever its former history, played no rôle in burgh elections and instead appears to have been little more than an economic confederation. Yet it is equally clear from the surviving council minutes which commence in 1574 that the merchants in Glasgow had, as elsewhere, secured a dominant position in the governance of the burgh, a position which they had no doubt enjoyed for several centuries.<sup>85</sup>

If, as has been suggested<sup>86</sup>, economic activity in Glasgow flourished in the late fifteenth and early sixteenth centuries, a prerequisite of this success was not just an active merchant community but also an expanding and more self-assured craft community. Such conditions would tend to encourage craft combinations and in order to control the activities of these ad hoc groupings, the magistrates and council began to grant seals of cause incorporating the trades,

confirming their monopolies of manufacture in return for their obedience to strict rules regarding their operations.<sup>87</sup>

The first of these was granted in May 1516 to the skimmers and furriers.<sup>88</sup> The clauses of their seal of cause reflect the religious nature of the craft, the strengthening of the monopoly of manufacture, and the obligations incumbent on the crafts' officers to maintain quality control. Thus the fees collected from new members were to be used for the upkeep of divine service at their altar of St Mungo and each master was to pay a penny weekly towards the adornment of that altar; no one was to be allowed to practice as a skimmer or furrier unless they were freemen and capable workmen; and no substandard work was to be sold under the penalty of one pound of wax for each offence. These and other regulations contained in the charter were to be monitored by the kirkmasters of the craft in conjunction with the magistrates and council of the burgh. Similar grants to other trades followed: the tailors in 1527 and again in 1547,<sup>89</sup> the websters in 1528,<sup>90</sup> the hammermen in 1536,<sup>91</sup> the masons in 1551,<sup>92</sup> the baxters by 1556,<sup>93</sup> the cordiners in 1559<sup>94</sup> and the coopers in 1569.<sup>95</sup> During the 1570s and 1580s only the fleshers were added to the body of incorporated crafts.<sup>96</sup> The bonnetmakers followed in 1597 and the wrights (formerly associated with the masons) in 1600.<sup>97</sup>

There thus existed within the burgh a merchant-dominated magistracy and council on the one hand and, on the other, groups of increasingly self-assured incorporated craftsmen. Friction must have arisen periodically between the council and the crafts over such sensitive issues as price control, particularly in times of scarcity such as the late 1540s when the wholesale prices of meal and barley in Glasgow rose from £1 and 24/- to £2 and 48/- respectively.<sup>98</sup> Later evidence shows that although incorporation made a craft eligible for representation on the council through its deacon, such representation was haphazard and by no means guaranteed each year.<sup>99</sup> It is likely that the frustration of the incorporated crafts (and still more of those still to be incorporated) at the council's policy of holding down retail prices during periods of scarcity and inflation became channelled into a desire for a greater say in burgh affairs. Elsewhere at least, it appears to have been tension of this sort which provoked

the short-lived act of 1555 prohibiting craft associations.<sup>100</sup>

Such may have formed a backdrop to a disagreement which arose in the 1550s between the burgh and archbishop Beaton, its superior, as to the method of appointing the bailies, although it must be conceded that there is no evidence of a craft input to this dispute. Instead the root cause lay in the unsettled nature of burgh politics in the late 1540s and early 1550s. After the 'battle of the Butts' in 1544 the Lennox interest in the burgh had been ousted and the Hamiltons had risen to prominence. Indeed the Hamiltons had attempted to have one of their family chosen archbishop in succession to archbishop Dunbar who had died in April 1547, and their failure to do so may have prompted local hostility to Beaton who was not consecrated until August 1552.<sup>101</sup> Whatever the case for five years there had been a power vacuum, the authority of the superior had been undermined, and the burgh oligarchy now attempted to challenge the archbishop's authority.

The point at issue was not the appointment of the provost. It was accepted that he was chosen by the archbishop (though how far this was actually the case is open to doubt since the provostship was held throughout the 1550s by a Hamilton).<sup>102</sup> Instead, the leading burgesses disputed the archbishop's right to nominate the bailies. The case is particularly well documented and, after the regality charter of 1476, provides the earliest detailed information regarding the sett or constitution of the burgh.

In October 1553, on the Tuesday following Michaelmas 'on which day every year the new ... bailies are wont to be elected' Andrew Hamilton of Cochno, provost, and 'a full meeting of the magistrates' met with the archbishop in his palace and after

'much discussion on both sides regarding the election ... they presented to him a schedule of paper wherein were written down the names of some [eight] of the most worthy and eminent men of the city, asking of him which two of them he ... willed to admit as counsellors or bailies for the next year ... he nominated two of them, to wit, Master

[John] Hall and John Mure ... pointing out with his finger their names written in the said schedule to the said provost and magistrates [who] ... faithfully promised to elect them so nominated ... as the custom is using these words, "We shall do your lordship's will".'

After the departure of the provost and the delegation Beaton decided that the outcome of the meeting should be recorded 'for the removal of all further contention respecting the nomination and election of councillors [ie. bailies] of our city of Glasgow that shall happen to arise in time to come'. <sup>103</sup>

The tenor of this document, indeed its very existence, indicates that there had already been a dispute over this question,<sup>104</sup> but matters came to a head when, in the following October, John Muir and Andrew Dunlop usurped these offices without the consent of the archbishop, but apparently with the full support of the old council of 1553-54. On 12 February 1555 a royal commission was issued, with the consent of the duke of Chatelherault as bailie of the regality, empowering Robert Heriot and others to hold regality courts in Edinburgh to examine the complaint brought before the Privy Council by archbishop Beaton regarding these events. The fact that it was thought expedient not to hold this inquiry in Glasgow indicates how far the archbishop had lost control of his burgh. <sup>105</sup> The affair dragged on, the council continuing to elect its bailies in October 1555 and 1556, but by this time the dispute had reached the Lords of Council and Session. Between December 1556 and May 1557 they interrogated thirty-four witnesses and their depositions and other material submitted on behalf of the archbishop have survived. <sup>106</sup>

The archbishop's case rested on the clause in the regality charter of 1476 which had empowered him to appoint the magistrates of the burgh, and the procedure which was described in the instrument of October 1553, just noted.<sup>107</sup> This view was borne out by the majority of the witnesses, including John Stewart of Minto (named in the commission of February 1555 as heading the council of 1553-54 which had initiated the dispute). He stated that he remembered

'in his fetheris tyme and in his awin that the auld baillies and counsale usit yerlie to cum up to the bischop and presentit certene litis to him, quhilkities wes in noumber 8 or 10, and the bischop ressavit the litis and quhen he considerit thame he wuld sey I commend these twa to be ballies for this yeir'.

A more difficult point was whether the presentation of leets was done out of 'favour or benevolence' or 'use and wont' or because the old bailies and council were 'oblidged and subiect to make this presentatioun'. Even those witnesses sympathetic to the archbishop's case tended to the second but not the third interpretation. All were agreed that although previous disputes had been known the archbishops had always 'got their will', and that the dispute in question was a more serious affair than earlier disagreements.

The only testimony against the archbishop's view came from Henry Burrell and Mr David Wilson (though the evidence of William Hegate, another member of the 1553-54 council, can best be described as ambivalent). Burrell denied all knowledge of the bishops' rights, admitting that leets were presented to the palace but claiming that he did not know for what purpose. Alone of all the witnesses he also stated that he did not realise that Muir and Dunlop had taken office in 1554 without the consent of Beaton. Mr David Wilson went so far as to assert that he had been unaware that leets were presented to the archbishop or that the archbishops had ever nominated any of the town's bailies. He then went on to contradict this statement, though in a declaration which helps to explain why Beaton had so alienated the burgess leaders: 'syn this [Beaton] came to the archbischoptic, that the old baillies and counsale presented leets to him and than the bischop refused to gife or name ony of them that the toun desired and said plainly that he would have them of his own inputting and na otherwise'.<sup>108</sup>

Judgement in favour of the archbishop was given by the Lords of Council and Session in late May 1557. The council was ordered to 'gif up fra choising of the baillies ... for thame and thair successouris



cetenoris of Glasgw at thair awin handis without the chesing and neming of thame be the said [archbishop and his successors] in tyme cuming'. The bailies then in office were to stand down.<sup>109</sup> Accordingly David Lyon and John Muir ceased to be bailies in early June 1557, being replaced by George Herbertson and Mr John Hall, nominees of the archbishop.<sup>110</sup>

### 3. The post Reformation period

The evident friction between the burgh and its superior may in part explain the bond of maintenance concluded between Beaton and Chatelherault in February 1558 though its primary concern was the 'perillous and dangerous tyme quhair detestabil heresies ryses and increasis in the diocy of Glasgow'.<sup>111</sup> The part played by the burgh in the religious and political revolution of 1559-60 is unknown, though its acquiescence was assured when Chatelherault, who was bailie of the regality, defected to the Lords of the Congregation in the autumn of 1559. By July 1560 the archbishop's castle was in the hands of the Lords, archbishop Beaton had fled the country and the Reformation had been allowed to succeed in Glasgow, almost by default.

Apart from the dispute of 1554-57, further detailed information about the governance of the burgh does not appear until the 1570s and thus it is difficult to determine the exact impact of these events on the local administration. The available material for the 1560s consists of charter documentation and the instruments (almost exclusively titles to land) which were recorded in the town clerks' protocol books. Using this limited material it is however possible to examine some of the more salient features in the burgh's development during this period.

It has been suggested that the 1560s saw important developments in the burgh's quest for greater autonomy in its affairs.<sup>112</sup> In 1557 the burgesses of Glasgow were ordered to desist from choosing their bailies without the consent of the superior. Did the burgesses take advantage of archbishop Beaton's flight to press home their claims to a say in the election of the bailies? The available evidence suggests that they were reluctant to do so. On 30 September 1561 Robert

Lindsay of Dunrod, provost, 'with ane grit part of the counsale and communitie' went to the castle with their leet, being 'willing to obtemper and obey the decreit of the lordis of counsale and letteris of four formes rasit thereupon at the instance of ane reverend fader James archbishop of [Glasgow]'. Only after they had thus 'done their exact diligence' and determined that neither the archbishop nor anyone having his authority was there did they feel able to proceed to elect their bailies and even then they felt obliged to record their attempt to gain consent in a notarial instrument.<sup>113</sup> The details of other elections in this period are unknown. Perhaps in the early 1560s the burgh was allowed some latitude. However the return of Matthew earl of Lennox from exile, his appointment as bailie of the regality in place of Chatelherault in July 1565, the immediate appointment by earl Matthew of Sir John Stewart of Minto as depute bailie of the regality and the simultaneous appearance of Minto as provost of the burgh suggests if anything a tightening of control over the burgh.<sup>114</sup> Although Beaton was absent he continued to enjoy the fruits of the see until 1570 when he was forfeited. The burgh was part of his temporal possessions but neither he nor his agents who remained in Glasgow could have had any influence in its governance which now fell under the sway of the Lennox family and their associates. William Walker, one of Beaton's servants, graphically summed up his difficulties in a letter of April 1569 addressed to his master:

'I haif bene in great trublis as is knawin utuarlie  
be the changeing of the colouris of my hair quhilk  
was blak and now is quhyte ... For I duell  
instantlie under the seit of thame that I dar nocht  
saye quhais servand I am ... bot alwayis passis  
oure the tyme the quietest maner I may'.<sup>115</sup>

Probably the most telling indication of how burgh government was controlled during these years is obtained from an examination of the size of the burgh council in 1553-54 with its next known successor, that of 1574-75. The former numbered thirty-five while that of 1574-75 numbered only fourteen; only in the 1580s did numbers again exceed thirty.<sup>116</sup> This reduction in council membership was probably caused by the succession of political emergencies, culminating in civil war,

which punctuated the 1560s and early 1570s and it would be encouraged by the authorities (Lennox as bailie of the regality and later as regent) because the retention of power in the hands of a few whose loyalty could be depended upon was preferable to widening the power base which might produce less predictable policies. This is not to say that wider consultation would not take place: later evidence discloses that in 1568 decisions regarding alienations of the burgh's common lands were taken with 'the consent of the haill toune at the Symmerhill conwenand'.<sup>117</sup> The Summerhill meetings were probably of some antiquity and it was politic to have such matters endorsed by the community; but, in general, it was more convenient to restrict the power base.

The Reformation must have caused divisions among the ruling burgesses and produced factions either sympathetic or hostile to the changes in politics, religion and society then occurring. The absence of burgh minutes and contemporary commentaries on events in Glasgow precludes any detailed examination of parties and their interests at the Reformation (such as has been accomplished for Edinburgh).<sup>118</sup> Friction undoubtedly existed: in December 1564 William Hegate (then town clerk and probably a Catholic) was accused of slandering James Law, bailie of the burgh by 'speaking of diverse despitfull and injurious words ... contempnand and vilipendand him';<sup>119</sup> and, although the burgh appears to have been loyal to the king's cause, among those later pardoned for their part at Langside was John Boyd, burgess of Glasgow, probably the same man who appeared on the list of councillors in office in 1553-1554.<sup>120</sup>

Although the councillors appointed during the 1560s are unknown the bailies can be identified.<sup>121</sup> Examination of these magistrates shows that in 1559-60, no doubt in response to the tensions of the period, three bailies held office instead of the usual two. This practice was adopted again in the civil war period, and later in the 1580s and thereafter because of pressure of business. These three men, James Fleming, John Muir and Mr Adam Wallace were not re-appointed in 1560. Such lack of continuity was not without precedent but in this instance was probably occasioned by the Reformation. Muir was not to

be re-appointed under the new régime, perhaps through age or his unsuitability for office. Fleming was not re-appointed until 1570, an unusual but not exceptionally long period out of office, and (although he was treasurer in 1567 and president of the merchants in 1569) there is a suggestion in this that he was slow to conform to the new régime.<sup>122</sup> Wallace was re-appointed in 1563 (embarking thereafter on a public career which lasted until the 1590s) and thus seems to have quickly shaken off any associations with the old régime.<sup>123</sup> Returning to 1560, Muir, Fleming and Wallace were replaced by James Law and David Lyon. Law's antecedents are unknown but Lyon was one of the bailies removed from office by Beaton in June 1557. Lyon was not reappointed, though Law served once more, in 1564-65.<sup>124</sup> Their successors in 1561-63 were Archibald Lyon and John Wilson (a craft bailie) and significantly, like Law, neither had been bailies before. It is also notable that, like David Lyon, both were involved in the opposition to Beaton during 1554-57 (having been on the 1553-54 council) but while it might be conjectured that there was some link between that earlier opposition and an embryonic Protestant party, the more likely explanation is that, given the existence of a small ruling group, some of these men were likely to become bailies, whatever happened: the evidence of the 1570s and 1580s shows that the bailies were recruited exclusively from the membership of the council.

More significantly, of the nine men who served as bailies in the 1550s six were reappointed after 1560 though most were out of office for several years, perhaps until they conformed (David Lindsay, for eleven years, 1553-64; George Herbertson, for eight years, 1558-66; Mr John Hall, for ten years, 1559-69; and James Fleming, for ten years, 1560-70). Only Andrew Dunlop, John Muir and Michael Lindsay were not reappointed. Likewise, of the twelve men who served as bailies during the 1560s six had served before while six were 'new' men, led by a seventh, Sir John Stewart of Minto who became provost by 1565.<sup>125</sup> Thus on the limited information which is available it appears that although the Reformation witnessed the rise of a new group, many of the leaders of the pre-Reformation burghal oligarchy conformed to, and were accommodated by, the new régime, while the 'new' men (to whom may be added Mr Adam Wallace, who quickly became a prominent bailie

in 1563 after only three years out of office) formed the core of what might loosely be termed a Protestant party.<sup>126</sup>

Although the effects of the Reformation on burgh politics can only be inferred from indirect evidence, the process whereby church lands in the burgh were alienated is better documented and deserves examination since it materially affected not just certain well placed individuals but also the finances of the burgh itself as well as, of course, the resources of the old church and the new ministry.

The dilapidation of the church's wealth was well under way before the Reformation. Crown and nobility had come to regard the major benefices as part of their patrimonies, while the clergy, faced with heavy taxation, had turned to long tacks and feu charters as a means of raising cash. Originally such feu charters had been forbidden by canon law, since the grant of lands in perpetuity for a fixed duty was obviously not to the church's advantage, but as the papacy had authorised the taxations which had brought about this phenomenon the Scottish church could only enjoin the clergy in 1549 not to thus alienate property 'unless for good reasons ... found to tend to the benefit of these same churches and not only to the private advantage of the individual possessors'. However little could be done to stem the tide of alienations, despite further injunctions in 1552 and 1559, although it was obvious that many of these transactions were motivated by purely private gain as clerics, sensing the approaching revolution, attempted to ensure for themselves a comfortable future.<sup>127</sup>

It is difficult to assess how far the process of alienation and secularisation had proceeded in Glasgow prior to the Reformation. The available evidence suggests that, although some dilapidation took place before 1560, the church's property in the burgh remained relatively intact until the Reformation perhaps because of the presence of Beaton;<sup>128</sup> on the basis of the instruments recorded in the town clerks' protocol books, there is evidence of at least sixteen feu charters affecting church lands in the burgh during the 1550s, but these and other sources record about seventy such conveyances, or re-conveyances of these 'first generation' alienations, in the following decade. It is notable that the beneficiaries of many of

these transactions were people like provost Minto and his associates, or other men who would later become prominent in burgh affairs. <sup>129</sup>

Nationally these private transactions threatened to diminish the already depleted endowments of the church so seriously that the ministry, the crown and other lay interests (including the burghs) stood to gain very little. Eventually in 1563 an act of Parliament asserted that all such alienations had to be validated by crown confirmation, though how far this succeeded in stopping dilapidations is to be questioned. <sup>130</sup>

Meanwhile, in February 1562, agreement had been reached at national level regarding the endowment of the new church. Too many vested interests were involved to permit the sanctioning of the proposals urged by the reformers, whereby almost all of the old church's wealth would have passed to the new ministry. <sup>131</sup> Instead two-thirds of the old church's revenues were to be retained by the existing holders of benefices during their lifetimes. The remaining third was to be collected by the crown for its own uses and those of the reformed church. On this basis the Privy Council also stipulated that all annuals and duties pertaining to chaplainries and friaries within burghs were to be administered by 'such as the Queen should depute thereto' for the support of hospitals and schools and that those burghs (among them Glasgow) where the friaries remained intact were to maintain those properties for these 'godly uses'.<sup>132</sup>

Although the friary of the Franciscans in Glasgow appears to have been destroyed around 1560 the larger property of the Dominicans fared better and the manse and 'kirkroom' were still intact when they were conveyed to the college by the crown in July 1563, together with other lands of the Dominicans around the burgh and elsewhere. Never well endowed, the college was then in such a serious condition that it was described as 'the decay of ane Vniversitie nor ony wyse to be reknit ane establisset fundatioun'. <sup>133</sup> Although the university was thus granted respite from its financial difficulties it soon became clear that further action was required to provide the local ministry with an adequate endowment. <sup>134</sup> The problem was not confined to Glasgow and in February 1567 the crown

began to issue a series of charters gifting ecclesiastical properties within their bounds to the burghs.<sup>135</sup>

By a charter issued on 16 March 1567 the crown granted to the magistrates and council of Glasgow the lands, houses, churches, rents and duties pertaining to all chantries, altarages and prebends of any church, chapel or friary within the burgh. The revenues thus obtained were to be used to meet the stipend of the minister and the salaries of readers and other ecclesiastical officers. They were also to be employed in furnishing the burgh with a hospital for the impotent poor and orphans. Acknowledging the fact that since the 'change of religion' many clerics had alienated much of this property 'into the hands of certain particular (or private) persons ... which has happened partly through the negligence of the officers or our said city and partly through the collusion of the said prebendaries, chaplains and friars', the crown now rescinded all such dispositions. Sasine of these properties, known as Queen Mary's foundation of the ministry and hospitality of Glasgow, was effected on 13 May 1567.<sup>136</sup>

The good intentions of this charter were undermined by a number of factors. It granted to the burgh, for 'godly purposes', the 'two-thirds' of church property within the burgh, to which the new ministry had previously had no access but also stipulated that the existing incumbents were still to enjoy these properties during their lifetime, a situation which continued until the test act of 1573 deprived non-conforming holders of benefices. Secondly the evidence of the town clerks' protocols shows that the charter was not all embracing. After 1567 feu charters of certain church lands granted by churchmen without reference to the magistrates and council continue to be found. Although the charter covered 'any chaplainries, altarages and prebends founded in any church, chapel or college', there was an important exception, the prebendal properties of the cathedral canons. Lastly the reference to 'the negligence of the officers of our said city' could well have read 'wilful negligence', for the magistrates and (probably) the council figured prominently among those 'particular (or private) persons' referred to in the text of the 1567 foundation and, not surprisingly, these previous alienations do not appear to have been rescinded.<sup>137</sup>

Thus the funds available were insufficient to meet the 'godly purposes' for which they had been intended. No hospital was built and Mr David Wemyss, the minister, remained without an adequate stipend. In July of the same year (1567) the Privy Council ordered the burgh to pay part of this out of its common good and the remainder (plus the fees of the other kirk officers) out of Queen Mary's foundation.<sup>138</sup> This was still not enough and on 5 June 1568 the crown confirmed the grant of March 1567 and extended it by appointing the magistrates and council intromitters of the thirds of these benefices for the benefit of the new ministry. For greater assurance it was stipulated that the incumbents were not to have access to the 'twa pairt' of the revenues until the thirds had been collected.<sup>139</sup> Nonetheless the minister, Mr David Wemyss, continued to have difficulties regarding the inadequacy of his stipend which were not resolved until the parson of Glasgow, Mr Archibald Douglas, consented in January 1572 to the payment of a stipend of £200 out of the parsonage teinds.<sup>140</sup>

The burgh was thus released of its obligations in this respect and could devote the revenues over which it had obtained superiority in 1567 to the needs of the still ailing college. Despite Queen Mary's foundation of July 1563 and two minor dispositions by Mr Andrew Hay (parson of Renfrew and rector of the college), the financial position of the university remained very fragile.<sup>141</sup> Accordingly in January 1573 the magistrates and council granted to the college the revenues which had been assigned to the burgh in 1567 to support a principal (who would be a professor of theology) two regents (who would teach philosophy) and twelve poor students. Conditions of service for staff and a code of discipline were laid down and the bailies of the burgh were to be closely involved in their enforcement. The man behind this rescue and re-constitution of the university was Mr Andrew Hay whose 'exhortation, persuasion and advice' was acknowledged in the charter.<sup>142</sup> Mr Adam Wallace, a graduate<sup>143</sup> and a sitting bailie at the time, was no doubt sympathetic to this grant which appears to have been motivated by genuine concern, a sense of civic pride and a recollection of the instructions of the Privy Council which in 1562 had identified education as one of the 'godly purposes' to which the old church revenues might be dedicated. The



burgh's gift helped to ensure the university's future. This was followed by the Nova Erectio of 1577 (probably masterminded by Andrew Melville, who was appointed principal in 1574) which established an adequately endowed collegiate institution and thereby laid the foundations for future academic development.<sup>144</sup>

However, not only was the university to experience difficulties extracting income from the properties it received from the burgh in 1573<sup>145</sup> but in any case the extent of these resources had already been undermined by a number of factors. Despite the provisions of Queen Mary's foundation of 1567 on which the burgh's gift of 1573 to the university was based, the earlier alienations of church property to individuals do not appear to have been rescinded. Indeed the process had continued especially since after 1567 the magistrates and (presumably) councillors, who had as individuals already benefited from several of these transactions, found themselves as superiors of these properties in the position of being able to convey several parcels of church lands to themselves as individuals.<sup>146</sup> Furthermore the burgh's grant to the university specifically excluded those chaplainries and prebends over which the magistrates and council had exercised rights of patronage prior to Queen Mary's gift, revenues from which were to be used to provide bursaries for the sons of poor burgesses attending the burgh's schools.<sup>147</sup>

As has been noted, archbishop Beaton continued to derive income from his lands in the archdiocese until his forfeiture in 1570.<sup>148</sup> These properties were not affected by the transfers previously discussed and they seem to have remained relatively intact until the episcopate of James Boyd in the 1570s. However there was some dissipation of these resources. Most obvious was the extraction of the thirds for the benefit of the crown and the ministry, but there is also evidence to substantiate the tradition that, following the battle of Langside, the regent Moray rewarded the Glasgow baxters by allowing them to build a mill on the archbishop's land at the Kelvin.<sup>149</sup> At the same time (May 1568) the regent Moray placed the archbishop's castle in the hands of Sir John Stewart of Minto who obtained for its support (and no doubt his own) several revenues extracted from the bishopric.<sup>150</sup> It was not surprising that Minto

(in whose hands all local power was now concentrated and who had already profited from the disposal of other church lands) should now turn his attention to the archbishop's burgh of which he was provost. The alienations of burgh common land during 1568 and 1569 (though carried through with the consent of the 'haill toune at the Symmerhill conwenand')<sup>151</sup> were effected without the permission of the archbishop, a fact which upset Beaton's agent, William Walker. On 6 April 1569 he wrote to his master, then in France, that

'all the borrow muir of Glasgow on the Southe syde  
of the towne and als Garngad hill on the north part  
... ar distribuit be provost, baillies and  
communitie of the towne to the inhabitaries thair of,  
every ane his awin portioun conforme to his degrie  
..., bot I walde have na parte thair of ..., be  
ressoun I knewe thai had na power to deill your  
lordschips lands withoute sum consent of youre  
lordschip or sum utheris in youre lordschips name'.<sup>152</sup>

The process of alienating the burgh's common lands continued through the 1570s until, in 1576 the 'haill deaconis and communitie' successfully petitioned the magistrates and council to stop the practice.<sup>153</sup> A few of these alienations were recorded in the protocol books of the town clerks and these leave no doubt that among the main beneficiaries Sir John Stewart of Minto and his associates loomed large.<sup>154</sup>

Returning to the politics of the 1560s, the compromise reached over the endowment of the new church, whereby holders of benefices were protected in their possessions during their lifetimes even if their support for the new faith was suspect, effectively produced a situation which promoted the survival of Catholicism. It persisted in rural areas such as Ayrshire where Protestantism was strong and although recusancy might be more easily controlled in the burghs, there is evidence of Catholic activity in the towns. Thus in Edinburgh the survival of the old faith was nurtured by the presence of a Catholic queen and the activities of the craft gilds.<sup>155</sup>

However in Glasgow the influence of the royal court was less

immediate and archbishop Beaton's self-imposed exile deprived local Catholics of any leadership. Beaton was also chancellor of the university and although that institution's records for this critical period are missing there can be little doubt that the vacuum created by the chancellor's departure facilitated the changeover to the new régime.<sup>156</sup> All this may go some way towards explaining why the Glasgow craft incorporations did not respond in the same way as their counterparts in the capital. It has already been noted that the baxters appear to have actively assisted the regent's forces in the preparations which culminated in the queen's defeat at Langside.<sup>157</sup> Furthermore at least three of the incorporations obtained revised seals of cause in 1569-70 allowing them to divert funds from their altars to their common charges.<sup>158</sup>

On the other hand, although the mass had been banned in 1560,<sup>159</sup> much of the infrastructure of the old church remained intact and was indeed replenished. Thus some presentations and collations are recorded in the early 1560s.<sup>160</sup> More significantly, as late as 1564 John Smith, chaplain of the chaplaincy of St Mungo, erected a new chaplainry at the altar of St Nicholas.<sup>161</sup> By way of contrast, in 1567 sir Mark Jamesoun made alternative arrangements regarding certain masses and services contained in his foundation of 1539, the endowments now being directed towards the alms houses and the leper hospital. Jamesoun's charter provides the key to the activity of the Catholic clergy in the immediate post-Reformation period as it stipulated that if 'the Scottish church shall come to its former state and the solemnization of masses and suffrages in manner used of old shall be celebrated therein' then the former terms of the foundation were to be implemented.<sup>162</sup>

The success of the Reformation was by no means a foregone conclusion in the 1560s and many must have believed that the old faith would return. Only after the flight of the queen and the subsequent defeat of the Marians (and therefore of the political wing of the Catholic interest) in the civil war of 1571-73 did the new régime feel sufficiently confident to introduce a religious test for existing benefice holders: they could either accept the reformed faith or suffer deprivation.<sup>163</sup>

There is nothing to suggest that Glasgow was anything but loyal to the king's party during the war. Indeed, in view of the burgh's strong associations with the Lennox family, it provided a useful base for operations against Dumbarton castle and was itself subject to attacks from that quarter.<sup>164</sup> Thus, although the regent Matthew earl of Lennox was assassinated in September 1571, Stewart of Minto remained in control of Glasgow as keeper of its castle, depute bailie of the regality and provost of the burgh until the end of the civil war. However by that time his usefulness to the then regent, Morton, had ceased for during the war Robert Lord Boyd had been seduced from the Marian cause, and Morton now wished to secure that magnate's loyalty.<sup>165</sup> The transfer of power from Minto to Boyd was bound up with the succession to the archbishopric of Glasgow.

Following archbishop Beaton's forfeiture in September 1570 preparations were put in hand to fill the vacancy and a style for presentation to the see was drawn up in January 1571.<sup>166</sup> By the autumn of that year the temporalities were in the possession of John Porterfield. He attended Parliament in September, and in October consented to the alienation of the parson of Glasgow's manse.<sup>167</sup> How far his appointment contributed to the controversy over John Douglas' presentation to St Andrews in August is not clear. That dispute, occasioned by the crown's unilateral action and the church's objection that it had not been consulted, led to the compromise reached at the Convention of Leith in January 1572 whereby the church, in return for assurances that it would have access to the major benefices, consented to the maintenance of episcopacy. This agreement was subsequently accepted by the full General Assembly in August 1572 until a more acceptable solution could be found.<sup>168</sup>

In accordance with the Leith agreement, the composition of the Glasgow chapter was altered so that it comprised only ministers of the reformed faith, and in February 1572 a licence, declaring the see vacant on the basis of Beaton's forfeiture, was issued to this new chapter to elect an archbishop.<sup>169</sup> The licence omitted the name of the crown's nominee, but it would seem that an endorsement of Porterfield's appointment was sought. However, although Douglas' appointment to St Andrews was ratified that same month, Porterfield

was not elected to Glasgow and no more is heard of this archbishop. <sup>170</sup>

The next incumbent at Glasgow was James Boyd of Trochrague who was nominated, elected and consecrated archbishop between September and November 1573. On 9 November he received the temporalities of the see from the crown and Sir John Stewart of Minto handed over the castle to him.<sup>171</sup> The Lennox-Minto alliance of interests was now replaced by the nepotism of the Boyds, for the archbishop was the nephew of Robert Lord Boyd whom the regent Morton had appointed provost of the burgh one month earlier, again displacing Minto.<sup>172</sup> The situation was later summed up by James Melville.

'This Mr James Boid was a gentle man of the Lord Boids kin, a guid man and lover of lerning and lernd men inducit be his cheiff to tak the bishopric, the gift wharof the said Lord Boid being a grait counsallour to the Regent haid purchassit for his commoditie'. <sup>173</sup>

The process was completed when Lord Boyd removed Minto from the depute bailieship of the regality and had himself appointed full bailie. This was done in November 1573 and ratified by the archbishop in January 1574.<sup>174</sup> On the occasion of his reappointment to the provostship in the following October it was stated in Lord Boyd's commission from the archbishop that 'the office of prouestrie of the burcht and cietie of Glasgw has newir or seyndill been separatit in sindry persounes handis fra the baillierie of oure baronie fairsaid', a statement which bent the truth to fit the prevailing situation. <sup>175</sup>

With the close of the civil war, the temporary eclipse of the Minto and Lennox interest in the burgh and the rise to power of the Boyds, Glasgow entered a new period in its development. The Reformation was secure as the outcome of the war had ended the hopes of the Catholics that the changes brought about by the revolution of 1560 had been no more than a temporary aberration. Glasgow, like the rest of the country, could now attempt to recover from the divisive political, economic and social effects of the preceding

troubles. The surviving burgh court and council records commence in January 1574 and maintain an unbroken run until April 1586. Through these minutes it becomes possible for the first time to examine closely the machinery of local government, the composition of the burgh's administration and the manner whereby the apparent consensus in burgh politics during the Boyd régime came to be upset by the advent of new issues of contention in the late 1570s.

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## NOTES

1. W.M. Mackenzie, The Scottish Burghs, (Edinburgh, 1949), 1-14, 66-68, [hereafter cited as Mackenzie, Scottish Burghs]; W.C. Dickinson, Early Records of the Burgh of Aberdeen, 1317 and 1398-1407, (SHS, 1957), xxxiv-xxxvi, [hereafter cited as Dickinson, Aberdeen]; A.A.M. Duncan, Scotland - The Making of the Kingdom, (Edinburgh, 1975), 475, [hereafter cited as Duncan, Scotland].
2. G.S. Pryde, The Burghs of Scotland - A Critical List, (London, 1965), 3-10, 37-38.
3. Charters and Other Documents relating to the City of Glasgow, vol.i, 1175-1649, pts.1 and ii, ed. J.D. Marwick (Glasgow, 1894-1897); vol.ii, 1649-1707 with appendix 1434-1648, edd. J.D. Marwick and R. Renwick, (Glasgow, 1906) : i, pt.ii, 3-4. [Hereafter cited as Glas. Chrs.]. As to Glasgow's 'imitation' of St. Andrews, it is notable that St. Andrews university, founded in 1411, was followed by Glasgow in 1451 and that Glasgow became an archbishopric in 1492, twenty years after St. Andrews attained the same dignity.
4. Glas. Chrs., i, pt.ii, 278-283
5. G.S. Pryde, The Court Book of the Burgh of Kirkintilloch 1658-1694, (SHS 1953), xxix.
6. Glas. Chrs., i, pt.ii, 12-13. By this charter of Alexander II the magistrates of Rutherglen were forbidden to levy tolls in Glasgow.
7. Ibid., 14-15. By this charter of Alexander II the burgesses of Glasgow were to be free to trade in Argyll without hindrance from the bailies of Dumbarton.
8. Ibid., 6-7.
9. Duncan, Scotland, 510-512.
10. Glas. Chrs., i, pt.ii, 7.
11. Ibid., 11-17, 23-24.
12. Dickinson, Aberdeen, xxxix, xlix, cxv; Duncan, Scotland, 481-483, 486; Mackenzie, Scottish Burghs, 21-31 (passim), 97.

13. Glas. Chrs., i, pt.ii, 17-19. Also discussed in Chapter III: see P139.  
Other charters with similar details survive from this period: see Glas. Chrs. i, pt.i, 6 and pt.ii, 20-21; Registrum Monasterii de Passelet, AD1163-1529, (Maitland Club, 1832), 399-401, [hereafter cited as Reg. de Passelet];  
R. Renwick and J. Lindsay, History of Glasgow - Volume I: Pre-Reformation Period, (Glasgow, 1921), 127, [hereafter cited as Renwick and Lindsay, Glasgow].
14. See P16.
15. Mackenzie, Scottish Burghs, 108
16. Glas. Chrs., i, pt.ii, 18, 21. Significantly the Leges Quattuor Burgorum c112 provided that magistrates should choosetwelve 'of the lelest burges and of the wysast' to administer the laws in the burghs: Ancient Laws and Customs of the Burghs of Scotland, 1124-1424, ed. C. Innes, (Edinburgh, 1868), [hereafter cited as Ancient Burgh Laws], 54. On the Leges see P138.
17. The earliest reference to the council is found in an instrument of 1501 recording a donation to St Nicholas hospital: Glas. Chrs., i, pt.ii, 95.
18. See P136-137, 219 n.9.
19. Glas. Chrs., i, pt.ii, 25-27.
20. Ibid., 39-42.
21. Ibid., 43-44.
22. SRO MS RH11/32/1/1. See P18-21.
23. At the Reformation these lands comprised the baronies of Glasgow, Carstairs, Ancrum, Lilliesleaf, Eskirk, Stobo, Ediston and Bishopsforest, plus other properties in Carrick, Lothian and elsewhere: Liber Protocollorum M. Cuthberti Simonis Notarii Publici et Scribae Capituli Glasguensis, 1499-1513, and Rental Book of the Diocese of Glasgow, 1509-1570, 2 vols., edd. J. Bain and C. Rogers, (Grampian Club, 1875) [hereafter cited as Prot. Bk. Simon/Glas. Rent.], i, 23.
24. Ibid., i, 25. See also map in Glas. Chrs., i, pt.ii.
25. See P143-145.
26. Possibly in the Stewartry of Kirkcudbright: see D. Murraray, Early Burgh Organisation in Scotland as illustrated in the History of Glasgow and some neighbouring Burghs, 2 vols., (Glasgow, 1924), [herafter cited as Murray, Burgh Organisation], i, 552.
27. Glas. Chrs., i, pt.ii, 28-31. See also P143-144.
28. Ibid., 60-65.
29. For examples of authors who have taken this view see G.S. Pryde, 'The City and Burgh of Glasgow, 1100-1750', in The Glasgow Region, edd. R. Miller and J. Tivy (Glasgow, 1958), 138.
30. Thus the terms 'burgh in barony' and 'burgh in regality' are to be preferred.

31. Glas. Chrs., i, pt.ii, 31-35.
32. Ibid., 44 (the 1454 grant by John Stewart). On provosts in other burghs see R. Nicholson, Scotland - The Later Middle Ages, (Edinburgh, 1978), [hereafter cited as Nicholson, Scotland], 447-448.
33. Glas. Chrs., i, pt.ii, 63.
34. The Acts of the Parliaments of Scotland, 1124-1707, edd. T. Thomson and C. Innes, 12 vols., (Edinburgh, 1814-1875), [hereafter cited APS], ii, 95; W.C. Dickinson and A.A.M. Duncan, Scotland from the Earliest Times to 1603, rev. edn., (Oxford, 1977), [hereafter cited as Dickinson and Duncan, Scotland], 285; Nicholson, Scotland, 448.
35. Renwick and Lindsay, Glasgow, 319n.3, 347. The bailiership of the regality is discussed in Appendix 1.1 in Vol.II, P2-7.
36. Mackenzie, Scottish Burghs, 132; APS, iv, 435 (1609c 15, an act regarding 'the apparels of judges, magistrattis and kirkmen '); Glas. Chrs., i, pt.i, pp. dcxxxiii-dcxxxv (the first merchant provost of Glasgow was James Inglis, 1609-1613).
37. Glas. Chrs., i, pt.ii, 79-87. See also Renwick and Lindsay, Glasgow, 178-179, 266-267.
38. Glas. Chrs., i, pt.ii, 87-88.
39. Glas. Chrs., ii, 511-512 (1547) and i, pt.ii, 447 (1577).
40. Glas. Chrs., i, pt.ii, 189-191. Subsequently purchased by the burgh in 1614: ibid., 291-299.
41. Extracts from the Records of the Burgh of Glasgow, vols. i-iv, 1573-1717, edd. J.D. Marwick and R. Renwick, (Glasgow 1876, reprinted 1914; 1881; 1905; 1908 respectively), [hereafter cited as Glas. Recs.], vol.i, 447.
42. Glas. Chrs. i, pt.ii, 18-19 and ii, 452-453; Munimenta Alme Universitatis Glasguensis, ed. C. Innes, 3 vols and appendix vol., (Maitland Club, 1854), [hereafter cited as Glas. Mun.], i, 10.
43. Glas. Recs., i, 447.
44. Ibid., 241; Glas. Chrs., i, pt.ii, 282; Renwick and Lindsay, Glasgow, 64.
45. See also P338-339.
46. Renwick and Lindsay, Glasgow, 178-180.
47. Ibid., 245 n.
48. Glas. Chrs., i, pt.ii, 14, 17.
49. Ibid., 54-55.
50. Referred to in a decreet of 1666: Glas. Chrs., ii, 62.
51. Renwick and Lindsay, Glasgow, 307.
52. Ibid., 179-180.
53. James Clelland, Annals of Glasgow, 2 vols., (Glasgow, 1816), i, 289, which however gives no source for this information.



54. Glas. Chrs., i, pt.ii, 32.
55. In P. Hume Brown, Early Travellers in Scotland, (Edinburgh, 1891), 23.
56. Glas. Chrs., i, pt.i, 9.
57. Glas. Chrs., i, pt.ii, 5. This document records a grant by bishop Jocelin to the abbey of Melrose of a burghal toft and can be dated 1179 x 1199. The burgh's early physical development is described in A. Gibb, Glasgow - The Making of a City, (London, 1983), 11-16 and J.R. Kellett, 'Glasgow', 4-5, in Historic Towns : Maps and Plans of Towns and Cities in the British Isles with Historical Commentaries from Earliest Times to 1800, ed. M.D. Lobel, (London, 1969), [hereafter cited as Kellet, Historic Towns: Glasgow].
58. I.B. Cowan and D.E. Easson, Medieval Religious Houses: Scotland, 2nd edn., (London, 1976), 207. [hereafter cited as Cowan and Easson, Religious Houses].
59. Abstracts of Protocols of the Town Clerks of Glasgow, 1547-1600, ed. R. Renwick, 11 vols., (Glasgow, 1894-1900), [hereafter cited as Prot. Bk. Glasgow], ix, p.77 n.1.
60. Murray, Burgh Organisation, i, 95, 102, 128; Reg. de Passelet, 399.
61. Cowan and Easson, Religious Houses, 118.
62. Glas. Mun., i, 9-14, 18-19.
63. Cowan and Easson, Religious Houses, 131-132.
64. Ibid., 179-180. On Blacader's hospital see also Prot. Bk. Glasgow, ii, no.618.
65. Glas. Chrs., i, pt.ii, 97-99 and ii, 479-481.
66. Cowan and Easson, Religious Houses, 180, where it is suggested that this was founded in the fifteenth century and not earlier as once supposed (see, for example, Renwick and Lindsay, Glasgow, 128).
67. Registrum Episcopatus Glasguensis, ed. C. Innes, 2 vols., (Bannatyne and Maitland Clubs, 1843), ii, 501-502.
68. Cowan and Easson, Religious Houses, 221-222; Glas. Chrs., ii, 494-497. On 1 May 1529 Houston appointed the magistrates and council as patrons and they, on 4 May, endowed eight prebends in the New Kirk with sixteen acres of land in Gallowmuir: Glas. Chrs., i, pt.ii, 107-112. See also Prot. Bk. Glasgow, iii, p.37 n.
69. For example provost John Stewart's grant to the Blackfriars for masses in 1453, Walter Stewart of Arthurlie's foundation of a chaplainry in the cathedral in 1460, the establishment by William Stewart (canon and prebendary of Killern) of a chaplainry at the high altar of the Friars Preachers church in 1487 and the establishment of a chaplainry at St. Christopher's altar in the cathedral by John Shaw (provost of the burgh) in 1514: Glas. Chrs., i, pt.ii, 43-44, 45-52, 72-78, 101-105.

70. Renwick and Lindsay, Glasgow, 181, 292; The Third Statistical Account of Scotland, Glasgow, edd. J. Cunnison and J.B.S. Gilfillan, (Glasgow, 1958), [hereafter cited as Third Statistical Account, Glasgow], 58.
71. Glas. Chrs., i, pt.i, 9-10, being five instruments all dated 21 April 1503 involving ten roods of land.
72. Renwick and Lindsay, Glasgow, 292; Third Statistical Account, Glasgow, 58.
73. Rotuli Scaccarii Regum Scotorum: The Exchequer Rolls of Scotland, edd. J. Stuart et. al., 23 vols., (Edinburgh, 1878-1908), ii, 257, 342, 354, 418, 432.
74. Ibid., 257. By way of comparison Edinburgh paid £123 or 21%.
75. Ibid., 431-432. By way of comparison Edinburgh paid £157 or 21.5%.
76. Records of the Convention of the Royal Burghs of Scotland, 1295-1738, 5 vols., ed. J.D. Marwick, (Edinburgh, 1866-1885), [hereafter cited as RCRB], i, 514-515. By way of comparison Edinburgh paid 27.7% of the national total, and its contribution would remain at around 30% during the sixteenth century.
77. Ibid., 526, 530-531.
78. Ibid., 173-174, 253-254. (3.5% in 1583; 3.25% in November 1587).
79. APS ii, 471; RCRB, i, 2. Glasgow was not alone in being treated as a royal burgh for taxation purposes. The 1535 stent roll (RCRB, i, 514-515) also included Arbroath, Brechin, Dunfermline, Dysart, Kirkcaldy and St. Andrews, none of which was then a de iure royal burgh: see G.S. Pryde, The Burghs of Scotland - A Critical List, (London, 1965), 3-4, 31-33 (passim) and the same author's 'The City and Burgh of Glasgow, 1100-1750' in The Glasgow Region, edd. R. Miller and J. Tivy, (Glasgow, 1958), 140.
80. There were of course other burgesses apart from the merchants and craftsmen. Notaries and servants of the nobility, for instance, might purchase burghship or receive it gratis.
81. Duncan, Scotland, 469; Nicholson, Scotland, 115-116, 283, 445-446.
82. Duncan, Scotland, 488-489; Mackenzie, Scottish Burghs, 104, 114-117; Nicholson, Scotland, 308-309, 446-452 (passim), 563-564.
83. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 53-62 (passim). The magistrates of Glasgow demonstrated their authority in November 1582 when they ordered John Wise, skinner, to deliver to the skinner's deacon 'ane box with charter conforme to the lettir of deckinhead ... under pane of ane new upsett to the crofte' : SRA MS C1/1/2 f55r.
84. Mackenzie, Scottish Burghs, 119-120; Dickinson and Duncan, Scotland, 288; APS ii, 497-498; Registrum Magni Sigilli Regum Scotorum: Register of the Great Seal of Scotland, 1306-1668, edd. T. Thomson et. al., 12 vols., (Edinburgh, 1814-1914), [hereafter cited as RMS], iv, no. 1054.

85. Prot. Bk. Glasgow, vi, no. 1662 and Glas. Recs., i, 95-96. Also discussed P76, 83. On supremacy of the merchants see P73-76. On one other possible reference to the president of the merchants see P127 n.161.
86. See P8-14.
87. The existence of craft organisation prior to incorporation is verified by a reference in 1577 to an officer to the fleshers, three years before this craft received its seal of cause: SRA MS C1/1/1 f134r; Glas. Chrs., i, pt.i, 28 and Glas. Recs., i, 80.
88. Glas. Chrs., i, pt.i, 12. The skinners were a composite craft as were many of the early crafts. The best example of such a craft was that of the hammermen which included blacksmiths, goldsmiths, lorimers, saddlers, armourers, pewterers and others: see H. Lumsden and P.H. Aitken, History of the Hammermen of Glasgow, (Paisley, 1912), [hereafter cited as Lumsden and Aitken, Glasgow Hammermen], 5.
89. Renwick and Lindsay, Glasgow, 349-350 and Glas. Chrs., i, pt.i, 16-17.
90. Glas. Chrs., i, pt.i, 14.
91. Lumsden and Aitken, Glasgow Hammermen, 251-252.
92. Glas. Chrs., i, pt.i, 17.
93. Ibid., 1xxviii.
94. Ibid., 18-19.
95. Ibid., 23.
96. In October 1580: SRA MS C1/1/1 f265r (and Glas. Recs., i, 80).
97. Glas. Chrs., i, pt.i, 40, 43-44.
98. SRO MS RH 11/32/1/1 no.3.
99. See P78-79.
100. See P16.
101. Renwick and Lindsay, Glasgow, 367-373, 379-381; D.E.R. Watt, Fasti Ecclesiae Scoticanæ Medii Aevi ad annum 1638, (SRS, 1969), [hereafter cited as Watt, Fasti], 149-150. Apart from the attempt to have James Hamilton, brother of Chatelherault, appointed archbishop, also nominated was Alexander Gordon, brother of the earl of Huntly, who was installed as archbishop elect in March 1550 but who had resigned the see by September 1551. On this period see also P91-92.
102. Andrew Hamilton of Cochno. See Appendix 1.1 in Vol.II, P1.
103. Glas. Chrs., i, pt.ii, 119-121. Mr John Colquhoun in his evidence on 20 January 1557 referred to this election, stating that Hall tried to avoid appointment. The astute Beaton 'said to him becaus ye refuis I think you maist liable': SRO MS RH 11/32/1/1 no.9.

104. Among the case papers is included a copy of a letter of archbishop Dunbar which indicates that there had been friction in 1544: SRO MS RH11/32/1/1 no.2.  
Several of the depositions refer to previous, but less serious, disputes: ibid., nos. 7-9.
105. Glas. Chrs., i, pt.i, p.dxli.
106. SRO MS RH 11/32/1/1. See Appendix 1.2 in Vol.II, P8-9 for the bailies and councillors involved.
107. See P7.
108. SRO MS RH11/32/1/1 nos. 7-9 passim.
109. SRO MS CS7/15 ff6r-10r.
110. Compare Prot. Bk. Glasgow, ii, nos. 316-363 with nos. 364-395, which record the bailies giving sasines during 1556-1557.
111. Glas. Chrs., i, pt.ii, 125-126.
112. A.M. Jackson, Glasgow Dean of Guild Court - A History (Glasgow, 1983), 2-3;  
G. Eyre-Todd, History of Glasgow - Volume II: From the Reformation to the Revolution (Glasgow, 1931) [hereafter cited as Eyre-Todd, Glasgow], 1.
113. Glas. Chrs., i, pt.ii, 126-129.
114. See Appendix 1.1 in Vol.II, P1.
115. The decree of forfeiture was pronounced on 18 September 1570: A Diurnal of Remarkable Occurrents that have passed within the country of Scotland, since the death of King James the Fourth till the year 1575, ed. T. Thomson, (Bannatyne Club, 1833), 188, [hereafter cited as Diurnal of Occurrents]. The fact that Beaton continued to enjoy the temporalities until 1570 is confirmed by the rental book of the see, 1509-1570: Prot. Bk. Simon/Glas. Rent., i, 29. For William Walker's letter see Miscellaneous Papers principally illustrative of events in the Reigns of Queen Mary and King James VI, ed. W.J. Duncan (Maitland Club, 1834) [hereafter cited as Miscellaneous Papers, Queen Mary and King James VI], 23.
116. Appendix 1.2 in Vol.II, P8-9 and Glas. Recs., i, 24, 81, 117.
117. Glas. Recs., i, 51.
118. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), especially 171-199.
119. Register of the Privy Council of Scotland, 1545-1625, edd. J. Hall Burton and D. Manson, 14 vols., (Edinburgh, 1877-1898), [hereafter cited as RPC], i, 302. William Hegate was born c1521, (Prot. Bk. Glasgow, i, p.x). In his testimony during the election dispute of 1554-1557 he stated that he had been town clerk since the battle of Pinkie, 1547 (SRO MS RH11/32/1/1 no. 8) and he appears to have remained in office until 1568, (Prot. Bk. Glasgow, iv, p.vii). As to his Catholicism, later evidence shows that certain church silver was put into his safe keeping at the Reformation (SRA MS C1/1/1 f123v) while in 1586 he was accused before the Glasgow ~~kirk~~ session for having commented that 'the ministrie

was wrakeris and demoleteris of the kirk', (SRA MS CH2/550/1 f50v). His son Archibald was a prominent recusant and in an anonymous letter of 1588 written to the exiled Beaton, the writer commented that 'I heav gottin William Hegait and his sounne (quha baith laikis na affectioun to do you service)'. (Miscellaneous Papers, Queen Mary and King James VI, 48). See also P61, 103.

120. RMS, iv, no.1969.

121. From the town clerk's protocols: see Appendix 1.1 in Vol.II, P1.

122. SRA MS C1/1/2 f123v and Prot. Bk. Glasgow, vi, no. 1662.

James Fleming was prominent in burgh politics during the 1570s and 1580s although after 1573-74 he did not become a bailie again until 1588 despite being leeted several times in the interim (see Appendix 1.1 in Vol. II, P1-2). As in the 1560s, there is the impression that although his status qualified him for office he may not have been acceptable to his colleagues and the superiors. The reasons remain a mystery. Married to Lord Boyd's daughter (Prot. Bk. Glasgow, vii, no. 2006), he was one of the councillors removed by Esmé earl of Lennox in 1580 (see P100-101; also Appendix 2.12 table 7 in Vol.II, P111-114), but although this would place him within the 'presbyterian' group, he is conspicuously absent from the kirk session during 1583-86 (on this point see below P105), his first recorded appearance as an elder being in 1587 (SRA MS CH2/550/1 f80r). He died in February 1593 (SRO MS CC8/8/25 f89r).

123. Mr. Adam Wallace was probably the same Wallace who matriculated in 1539 (Glas, Mun., ii, 291), though graduation details are missing between 1555 and 1578. In the 1570s and 1580s he was rarely out of high burghal office. In January 1579 his son, John Wallace, was presented to the vicarage of Galston as a reader: Registrum Secreti Sigilli Regum Scotorum: Register of the Privy Seal of Scotland, 1488-1584, edd. M. Livingstone et.al., 8 vols., (Edinburgh, 1908-1982) [hereafter cited as RSS], vii, no.1761. He was prominent on the Glasgow kirk session during the 1580s (SRA MS CH2/550/1 passim). He had died by May 1599 (Prot. Bk. Glasgow, xi, no. 3555).

124. David Lyon appears to have continued in burgh government in a minor capacity. He was leeted master of work in 1574 and was appointed to the council in October of that year, but had died by February 1575: SRA MS C1/1/1 ff15r, 29v.

125. Minto had been provost in the 1540s but following the battle of the Butts, 1544, and the demise of the Lennox interest, he lost his position. See SRA A&GN 1541, (notes on the pre-Reformation provosts of Glasgow by A.M. Jackson), p.53.

126. This assumes that David Lindsay and D.L. of Kittochside were the same person (otherwise only five of the pre-Reformation bailies were re-appointed after 1560). In the 1570s a prominent burgh politician was D.L. 'elder', who in October 1578

while acting as bailie was referred to as 'of Kittochside', so the assumption seems reasonable (SRA MS C/1/1 f209v).

It may also be noted that although Andrew Dunlop was not re-appointed, he was leeted for a bailiership in 1561 (Glas. Chrs., i, pt.ii, 127).

Apart from this broad outline of politics during the 1560s it is not possible to explain other phenomena, e.g., the long period out of office of two of the 'new' men, Archibald Lyon and John Wilson. (See Appendix 1.1 in Vol.II, P1).

127. G. Donaldson, The Scottish Reformation, (Cambridge, 1960), [hereafter cited as Donaldson, Scottish Reformation], 37-44; Statutes of the Scottish Church, ed. D. Patrick, (SHS, 1907), 97, 141-142, 179-181. Note for example a Glasgow alienation of 1551 justified as being 'for augmentation of the rental': Prot. Bk. Glasgow, i, no.141.
128. The crown could not treat the bishoprics in quite the same way as the abbeys, otherwise the ecclesiastical administration would have collapsed: Donaldson, Scottish Reformation, 38. Thus Beaton and not Hamilton was preferred to the see of Glasgow (see above P18 and note 101) and if his determination to control the pretensions of the burgh is any guide (see above P18-21 ) then he probably exercised quite a strong restraining influence on matters closer to the church.
129. See Appendix 1.3 in Vol.II, P10-25.
130. APS, ii, 540. The act was to run for three years and appears to have lapsed thereafter. This may explain why there are relatively few crown confirmations under the privy or great seals for the alienations which took place in Glasgow (see RMS vols. iv-v and RSS vols. v-viii passim), while in March 1580 the university complained to the Privy Council about fraudulent alienations continuing (RPC, iii, 274). See also Donaldson, Scottish Reformation, 194-195.
131. It was tacitly accepted that the temporalities of the monasteries could not be recovered: The First Book of Discipline, ed. J.K. Cameron, (Edinburgh, 1972), 27-32, 156-164 (esp. 160-162); G. Donaldson, Scotland: James V to James VII, (Edinburgh, 1971), [hereafter cited as Donaldson, Scotland, James V-VII], 143-144.
132. RPC, i, 201-203.
133. Glas. Chrs., i, pt.ii, 129-131; J. Durkan and J. Kirk, The University of Glasgow, 1451-1577, (Glasgow, 1977), [hereafter cited as Durkan and Kirk, Glasgow University], 229-230. However within six weeks the baillies had to force certain citizens to pay the rents formerly paid to the Dominicans to the College: Glas. Chrs., i, pt.i, 20. On the dispersal of the Franciscans and the destruction of their friary see Prot. Bk. Glasgow, v, nos. 1370 and 1374; on the dispersal of the Dominicans see ibid., iii, no. 924 and v, no. 1425 and also RMS, iv, no 1790.

134. David Wemyss became minister in c1562-1563: RPC, ii, 114. Prior to then services were probably conducted by John Willock, who became superintendent in the west in September 1561, and Mr James Hamilton, a prebendary of the collegiate church who embraced the new faith and was a reader in the kirk of Glasgow by 1561: Calendar of State Papers relating to Scotland and Mary Queen of Scots, 1547-1603, edd. J. Bain et. al., 14 vols., (Edinburgh 1898-1969), i, 555; RPC, i, 498-499; Durkan and Kirk, Glasgow University, 231-232.
135. RPC, i, 497-498; RSS, v, pt.ii, nos. 3273 (Dunbar, 20/2/1567), 3334 (Edinburgh, 13/3/1567), 3342 (Glasgow, 16/3/1567) etc., Donaldson, Scottish Reformation, 152.
136. Glas. Chrs., i, pt.ii, 131-137, 444.
137. On the 1573 test act see APS, iii, 72.
- For examples of post 1567 alienations without reference to the magistrates and council, many by cathedral canons, see Prot. Bk. Glasgow, iii, nos. 957-959, 970; ibid., iv, no. 983; ibid., v, nos. 1570 and 1571; ibid., vi, nos. 1649, 1676, 1734; Glas. Chrs., ii, p.606; RMS, iv, no. 2068; RSS, vi, nos. 868, 1662.
- Similar conveyances continue to be found after 1573 when the burgh transferred to the university the properties it had obtained in 1567: see Prot. Bk. Glasgow, vii, nos. 1980 and 1981; ibid., viii, nos. 2324 and 2390; RMS, iv nos. 2664 and 2954; ibid., v, no. 545; RSS, viii, nos. 1565 and 2616. See also Appendix 1.3 in Vol.II, P10-25.
138. RPC, i, 508-509. To defray the costs to the burgh, this act also authorised the magistrates and council to levy a tax on the inhabitants.
139. Glas. Chrs., i, pt.ii, 137-140.
140. RPC, ii, 114-115; R. Renwick, Glasgow Memorials, (Glasgow, 1908), 270, 273-274.
141. RSS, vi, no. 868 and Prot. Bk. Glasgow, vi, no. 1794; Durkan and Kirk, Glasgow University, 244-247. On Queen Mary's foundation of 1563 see P26.
142. Glas. Chrs., i, pt.ii, 149-162. Although only Queen Mary's foundation was specifically mentioned in the charter, ie. the two-thirds obtained by the burgh in March 1567, the thirds obtained in June 1568 must also have been included as the subsequent accounts of the burgh record that the university was uplifting these between 1574 and 1579 from those churches properties retained by the burgh: see Glas. Recs., i, 452; see also Glas. Mun., i, 159-177 passim.
143. See n.123 above.
144. Durkan and Kirk, Glasgow University, 249-254, 283-292 passim. On the 1562 act of the Privy Council see P26.

145. On these difficulties see J.D. Mackie, The University of Glasgow, 1451-1951, (Glasgow, 1954), 61-62 and also n. 130 above. On the properties received by the university see Glas. Mun., i, 159-177. Also discussed in Chapter V, P350-353.
146. See Appendix 1.3 in Vol.II, P10-25.
147. Glas. Chrs., i, pt.ii, 161 and see P310-311. Most of these properties pertained to the new kirk but among properties not transferred in 1573 was the hospital and chaplainry founded by Roland Blacader. This seems to have remained with the incumbent, Sir William Crawford, until his death in 1589, when it passed to the burgh: see Prot. Bk. Glasgow, ii, p.115; Glas. Recs, i, 147.
148. See P22.
149. Eyre-Todd, Glasgow, 26-27 and Glas. Chrs., i, pt.i, 24.
150. Eyre-Todd, Glasgow, 27 and RPC, ii, 302. The castle had been seized by Chatelherault at the Reformation and had subsequently passed to Lennox and Minto as bailie and depute bailie of the regality. This act merely confirmed an existing state of affairs.
151. Glas. Recs., i, 51; see P23.
152. Miscellaneous Papers, Queen Mary and King James VI, 24. An instrument of March 1566 records what was probably the proper mode of alienation. William Hegate obtained common lands in Cowcaddens from the magistrates and council 'with consent of ... James by divine mercy archbishop of Glasgow or of a venerable man Mr James Balfour dean of Glasgow and vicar general thereof during the absence of the said most reverend father in parts beyond the sea' : Prot. Bk. Glasgow, v, no. 1527. Of the post 1568 alienations of common lands recorded by the town clerk, only one records a similar authorisation : ibid., vi, no. 1606.
153. Glas. Recs., i, 50-52.
154. See Appendix 1.4 in Vol.II, P26-29.
155. I.B. Cowan, Regional Aspects of the Scottish Reformation, (Historical Association, 1978), 30-33; M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 56-59. In Edinburgh Catholicism appears to have been particularly resilient among the hammermen but was also found among the baxters, goldsmiths and skimmers.
156. Durkan and Kirk, Glasgow University, 237-238.
157. See P29.
158. The coopers in 1569 (Glas. Chrs. i, pt.i, 24); the tailors in 1569 (Renwick and Lindsay, Glasgow, 350); the hammermen in 1570 (Lumsden and Aitken, Glasgow Hammermen, 8).
159. APS, ii, 535.



160. Prot. Bk. Glasgow, v, nos. 1382, 1384, 1398, 1399. Also GUA MS 16471-16473 (Blackhouse Inventory nos. 273-275). See also Durkan and Kirk, Glasgow University, 238.
161. GUA Blackhouse Inventory no. 272. The original is missing but the catalogue entry is very detailed.
162. Prot. Bk. Glasgow, iv, p. 121n.
163. APS, iii, 72.
164. RPC, ii, 140, 146, 150; Mitchell Library MS SR 143 586930, letter from John, earl of Mar, April 1570. (See P294).
165. The Scots Peerage, ed. J. Balfour Paul, 9 vols., (Edinburgh, 1904-1914), [hereafter cited as Scots Peerage], v, 159.
166. RSS, vi, no. 1107.
167. APS, iii, 69-70; RMS, iv, no. 2068; Watt, Fasti, 150.
168. The Booke of the Universall Kirk of Scotland : Acts and Proceedings of the General Assemblies of the Kirk of Scotland, ed. T. Thomson, 3 vols. and appendix vol., (Bannatyne and Maitland Clubs, 1839-1845), [hereafter cited as BUK], i, 207-236, 246; Donaldson, Scottish Reformation, 160-171; The Second Book of Discipline, ed. J. Kirk, (Edinburgh, 1980), 23-26. Access to the lesser benefices had been assured in 1566: APS, iii, 23; Donaldson, Scottish Reformation, 152-153.
169. On the Glasgow chapter see BUK, i, 224-226 : of the then chapter only six were ministers and fifteen ministers were added to form the new electoral chapter. On the licence, see RSS, vi, no. 1472 and Watt, Fasti, 150.
170. Donaldson, Scottish Reformation, 163; Watt, Fasti, 150. The see being vacant again, the crown made further encroachments on its temporalities. There is evidence of crown grants of pensions from this source in 1572 (RSS, vi, nos. 1769, 1791) while in March 1573 Lord Boyd's nephew, Robert Boyd of Baddinheath, was put in possession of the archbishop's mansion at Lochwood (ibid., no. 1874).
171. Watt, Fasti, 150; RSS, vi, nos. 2142, 2175, 2192. Also RSS, vi, no. 2229, a discharge by the archbishop of his uncle's intromissions as chamberlain of the archbishopric during the vacancy, a post which Lord Boyd had presumably received from the regent Morton.
172. See Mitchell Library MS SR 143 586930, letter of 11 October 1573 by which Morton appointed the bailies of the burgh, proving that prior to November 1573 the crown was acting for the superior and confirming that Lord Boyd must have received the provostship through the same source, ie., the regent.
173. The Autobiography and Diary of Mr. James Melvill, ed. R. Pitcairn, (Wodrow Society, 1842), 47-48.

174. RPC, ii, 697-698 and RMS, iv, no. 2407.

175. Glas. Recs., i, 22. It will be recalled that the more usual practice was for the provost, or some other person, to be depute bailie, distinct from the bailie : see P7-8 and Appendix 1.1 in Vol. II, P2-7.

## CHAPTER II

### THE BURGH CONSTITUTION, THE RULING ELITE AND BURGH POLITICS, 1574-86

#### 1. The Burgh Constitution

When archbishop Beaton and the leading burgesses of Glasgow disputed the method of choosing the burgh's bailies in the 1550s neither party to the contest could produce a written sett or constitution of the burgh to substantiate their claims. This was particularly a problem for the burgesses, for the archbishop was able to cite the regality charter of 1476 which supported his view that the final choice in the election of the bailies rested with the superior. Yet this document in itself was not sufficient, for recourse had to be had to the testimony of thirty-four leaders of the community before judgement could be given by the Lords of Council and Session in favour of the archbishop in May 1557.<sup>1</sup>

This decret was to be for many years the sole written element in the burgh's constitution. In the first decade of the seventeenth century matters were put on a more formal basis by the Letter of Guildry of February 1605 (which established and regulated the dean of guild and his court, the deacon convener and other officials) and by a royal letter of November 1606 which decreed that the burgh council was to be made up of an equal number of merchants and craftsmen.<sup>2</sup> However a comprehensive sett, detailing the mechanism employed in the election of all major officials and councillors, would not be recorded in the town council's minute books until 1711.<sup>3</sup>

The absence of such a document and the consequential reliance on custom and 'the memory of man' help to explain why, despite the settlement of 1557, constitutional difficulties continued throughout the late sixteenth century. These are recorded in the burgh court and council minutes which are extant from 19 January 1574 but apart from affording evidence of discord these records make it possible for the first time to reconstruct the burgh sett as it operated prior to the reforms of the early seventeenth century.

Broadly speaking there were each year three sets of elections or, to be more precise, meetings at which burgh officials were appointed. Taking these chronologically and in increasing order of importance, the first to be noted occurred before Easter, at a time which varied between five weeks to only four days before that feast. At these meetings (usually routine sittings of the burgh court) the poinder and the herdsmen were chosen.<sup>4</sup> These were minor officials and there is nothing in the minutes to suggest that they were elected. Instead they were probably appointed by the magistrates, perhaps in consultation with certain members of the council. On first sight it might appear odd that these officials were chosen at the same time but in fact their functions were related. The herdsmen's task was to ensure that the town's herds did not stray onto arable land when they moved to the common pasturage in early spring. Owners of livestock which was not placed in their care and which damaged crops risked having the offending animals escheated by the poinder on behalf of the community. It might also appear odd that when the office of calf herd was instituted in 1576 appointees were not chosen at the same time as the herdsmen. However the very nature of the job was determined by the time at which the calves could be separated from their mothers and consequently the calf herds were appointed later, in May.<sup>5</sup>

The second group of appointments was effected at the court of the perambulation of the marches held at the Milndam on the first Tuesday after Whitsun, a meeting also referred to as the 'Witsondaye' court.<sup>6</sup> Unlike the routine sittings of the burgh court it would seem that a larger body of the burgesses was expected to attend this meeting, if not in fact all the burgesses. Thus, when in June 1578 a statute was passed which attempted to counteract non-attendance, those who were supposed to attend were defined as 'all honest men of counsell and counsell peris, dekyn and dekyn peris' plus all men 'abill and sufficient to be unlawit ilk persoun for viii s'.<sup>7</sup>

The inspection of the burgh's boundaries was carried out by the magistrates assisted by a group of individuals called the outlandmen

whose function was to report damage to the marches and encroachments on the burgh's stock of common land. The names of the appointees are recorded in the minutes but how they were chosen or by whom is not disclosed, although it is conceivable that some form of election took place.<sup>8</sup>

Also appointed at the Whitsunday court were the town's minstrels, two in number. However in 1575 it was decided to defer their appointment until the later Summerhill court, 'quhen the haill communitie salbe present to give thair votis thairanent'.<sup>9</sup> This comment, taken in conjunction with the above mentioned statute of June 1578, might suggest that the definition contained in that statute did not encompass all the burgesses; it is highly unlikely, however, that it meant that the unfreemen would be involved at the Summerhill court, for the concept of the burgh community embraced only the burgesses, the freemen. The action adopted in 1575 may simply have been occasioned by the perennial problem of low attendances by the burgesses at the Whitsun perambulations, a problem which the 1578 statute was designed to remedy. However that may be, the minute of 1575 proves that the minstrels were elected by the 'communitie'.

The attendance of some of the wealthier members of the community at the Whitsun court could probably be guaranteed for at these meetings the farms of the three tolls (the bridge toll, the ladle and the mill) were roused and farmed to the highest bidders. Although neither appointed by the magistrates nor elected by the community these men were in effect acting as officials on an agency basis, paying a lump sum to the burgh's common purse and recouping this outlay from the dues which they personally collected. On the one hand this arrangement speeded the burgh's cash flow and eased the difficulties of the treasurer while, on the other, it gave the individual farmers ample scope in a good year to cream off a sizeable profit into their own purses.<sup>10</sup>

Besides the appointments already noted as being effected at the Whitsunday courts, three officials were invariably chosen, the treasurer,<sup>11</sup> the master of work<sup>12</sup> and the common clerk.<sup>13</sup> These were men of considerably higher rank than those thus far noticed and they

received a salary from the common good commensurate with the fee enjoyed by the bailies.<sup>14</sup> They were definitely elected, for the minutes almost always record not just the appointees but also those men who were leeted unsuccessfully for these posts. It seem highly probable that at this time the electorate comprised those men who were ordered to attend these meetings, as defined in the 1578 statute.<sup>15</sup>

The third set of appointments was conducted shortly after Michaelmas in the first week of October and commenced usually (but not always) on the Tuesday immediately following that feast. This was not the Michaelmas head court which tended to be held either a week or a fortnight later. In 1469 Parliament had transferred the election of burgh magistrates to the old councils, thus depriving the Michaelmas head court of one of its prime functions, and reducing the influence of the 'haill communitie'. Although this act was directed at royal burghs (and imperfectly observed even in them) it had probably influenced the practice adopted in Glasgow.<sup>16</sup>

The first official to be appointed was the provost who, as senior magistrate and leader of the administration, was chosen by the superior, a right which was not openly challenged by the burgesses during this period. Prior to 1609 the provost was not a burgess but a member of the local gentry or even, for a short period, a member of the nobility. He was also associated with the bailieship of the regality. These factors, together with the method of his appointment, set him apart from the burgesses and all other burgh officials. He was primarily an officer of the archbishop. However, as shall be demonstrated, during the 1570s and 1580s the control of the burgh, and with it the loyalty of the provosts, was to move from the archbishops to the crown.<sup>17</sup>

The election of the bailies was usually effected on the same day that the provost was appointed. Whereas the burgesses had no say in the appointment of that magistrate, the method of choosing the bailies involved both the community and the superior, an arrangement which reflected the fact that these magistrates were both leaders of the community and officers of the archbishops. Thus the new provost, the old bailies and the old council drew up a leet which was then

presented to the superior who chose from it those who would be bailies in the ensuing year. The new bailies (and the new provost) would then be formally sworn in by the old bailies and council, receiving their commissions and giving their oaths 'for leill and trew administratiōne in thair offices during the tyme thair of'.<sup>18</sup>

It is not known how the leets for the bailies were drawn up. In 1601 the candidates were exclusively of the merchant rank and numbered seventeen, but this seems to have been an exceptional procedure.<sup>19</sup> During the 1570s and 1580s there is clear evidence that craftsmen were leeted and that on one occasion a craftsman bailie was appointed (John Wilson, pewterer, in 1576-77).<sup>20</sup> Similarly, between 1574 and 1586 the number leeted varied from six (1576, 1577) and seven (1582) to eleven (1581) but the usual figure was eight (all other years). The number of appointees also varied, from two (1575, 1576, 1577 and 1579) to three (all other years). Nor was there a regular practice regarding whether or not the old bailies were included on the leet. These grey areas, caused by the absence of a written sett, led to several difficulties between the superior and the leaders of the burgh community as to the precise interpretation which was to be placed on the 1557 decret of the Lords of Council of Session.<sup>21</sup>

The election of the burgh council normally took place two days after the appointment of the provost and bailies and was conducted by the provost, the new bailies and the old bailies.<sup>22</sup> But was there an election as such or were the councillors merely appointed? It would seem that they were elected, although the term appears only twice, in 1575 ('electit and chesit') and on 20 October 1580 ('chosin and electit').<sup>23</sup> The minutes do not however disclose how the election was conducted. The sett of 1711 describes how the merchant and craft councillors of the preceding year were to be leeted, together with others of the same rank who had not been councillors, to produce a council of thirteen merchants and twelve craftsmen. It is conceivable that a practice akin to this was used in the late sixteenth century, although the particular division of the council as described in 1711 did not come into operation until 1606.<sup>24</sup>

Once the council had been elected the remaining appointments were made, presumably by the new magistrates and councillors, although this was never specified. The officials concerned were the keepers of the keys (almost invariably leading councillors who acted as custodians of the town's muniments), the liners (who dealt with boundary disputes), the common procurator (who prosecuted actions on behalf of the burgh), the water bailie (who controlled fishing), the collectors of seal silver and burgess heir fines, and the officers.<sup>25</sup> There is no evidence that elections were conducted for these posts during this period save in the case of the officers for whom leets were recorded in 1574, 1578 and 1583.

Because of the absence of a written sett, the foregoing general analysis of the burgh's constitution and method of appointing officials in the late sixteenth century is, of necessity, a reconstruction based on the surviving minutes. It should be noted that it excludes a variety of minor or ad hoc officials, evidence for whom is found elsewhere in the minutes or from passing references in the accounts. These officials can be divided into several categories according to their duties.

Firstly there were officials associated with the burgh court and its legal functions. In the case of the dempster (who 'confermit' the court, called the suits and pronounced doom or sentence as directed by the magistrates or the clerk) no appointments were recorded but the office holders can be identified through the minutes of the burgh court. Evidence as to the post of hangman or executioner is confined to the burgh's accounts which include references to the scourging of felons by Malcolm Hamilton who, though never referred to as the hangman or executioner, obviously held this position. The burgh gaol was in the tolbooth. The burgh employed sir Archibald Dickie to look after the tolbooth clock, but it is evident that the kirk session also used him as their gaoler. In all likelihood he worked in this capacity for the burgh court as well. Lastly the officer to the university had a specific remit regarding the prosecution of the university's interests in the burgh and was sworn into office usually, but not always, after the main set



of Michaelmas appointments. The surviving minutes show that he was appointed by the magistrates and council at the request of the university and had the same powers as the burgh's own officers, within his special area of interest.<sup>26</sup>

The second group comprises those minor officials whose duties related to the burgh's markets. The common 'mettar' or weigher appears to have been primarily concerned with the measurement of malt bought or sold within the burgh, but his exact remit is uncertain and he is referred to only twice in the minutes during this period. The keeper of the grass market is also mentioned only twice, this time in the burgh accounts and again his remit is uncertain although it was probably similar to that of the other market inspectors. Supervision and inspection of the markets was usually delegated to the bailies and the burgh officers but on occasions visitors to the meal market and the corn market were appointed. Similarly groups of ale tasters were sometimes employed to examine the quality and price of ale being retailed in the burgh and to ensure that unfreemen were not usurping the privilege of brewing which was confined to burgesses. These occasional appointments of market visitors and ale tasters (which occur in 1574, 1577 and 1581) were effected through the annual set of statutes passed at Michaelmas after the October elections.<sup>27</sup>

Finance is the common bond linking the third group. Ordinary income was derived from a variety of sources, including land rents. In the mid-1570s part of the burgh's stock of common muir land in Garngadhill and Gallowmuir was feued out and the accounts disclose that at first 'males of the new rewin furtht muris' were taken up by a special collector who assisted the treasurer with this element of the common good. Extraordinary income, on the other hand, was raised through special taxations or stents. Twice, in 1574 and 1577, the magistrates and council authorised the levying of stents to assist with public works then in hand, on each occasion appointing groups of stenters whose names were recorded in the minutes. Related entries in the accounts show that the treasurer was not involved on these occasions: instead the monies taken up by the stenters appear

to have been the responsibility of an overseer or collector.<sup>28</sup>

Minor public health officials were also employed, the keeper of the Gallowgate well, the keeper of the kirk yards of the High Kirk and the keeper of the burial bell. More important were the ad hoc groups of officials appointed during the plague emergencies of 1574 and 1584, but the most notable 'public health' official was the surgeon retained by the burgh. Two are noted in the minutes, Alexander Hay, who was in receipt of a fee in 1577-78 of £6 13s 4d, and Thomas Mylne who succeeded him and was retained for £20, a remarkably high sum since it was equalled only by the fee paid to the provost.<sup>29</sup>

The last official to be noted was the keeper of the tolbooth 'knok' or clock who, as already mentioned, may also have acted as gaoler. In his capacity as keeper of the knok, however, he was in receipt of an annual fee from the common good and, although it was never stated, may have been responsible to the master of work while acting in this capacity.<sup>30</sup>

Clearly the administration of the burgh was, even at this early date, quite sophisticated and its complexities had grown as the town had prospered. It has been estimated that the population of Glasgow was about 3,000 in 1500 and had risen to 4,500 by 1560. In the following forty years it may have risen to around 7,000.<sup>31</sup> The sasines engrossed in the town clerks' protocol books indicate considerable development in the Stockwell and Mutland croft areas of the burgh from about 1575 onwards and the arrangements made in 1574 and 1584 to cope with the threat of plague appear to substantiate the population estimates. In the former year thirty-eight officials had been deemed sufficient but ten years later the number had risen to fifty-five. Furthermore, as these officials were arranged by districts, some indication of relative population density may be obtained by comparing the number of appointees chosen in each of these years. Examination of these figures indicates that, as might be expected, the population was at its densest in the areas adjoining the Cross and that these districts may have experienced a dramatic population increase during this decade.<sup>32</sup> This general

impression, that the burgh's population was expanding in the decade after the civil war, is corroborated further by the sinking of a new well in the Gallowgate in 1575.<sup>33</sup> An increase in population implies an increase in prosperity and the sharp rise during these years in the income which accrued from the petty custom of the ladle (levied on all victual coming to the market) confirms this phenomenon.<sup>34</sup> Glasgow's market, 'the maist renoumed market in all the west, honorable and celebrate', was flourishing.<sup>35</sup>

A rising population and a busy market place put considerable pressure on the administrators of the burgh. The traditional officials, formally chosen at Whitsun and Michaelmas, had found it necessary to delegate certain duties to a plethora of minor officials as business became more involved and time consuming. The appointments of some of these men (such as the herdsman and poinder at Easter) had become integrated with the sett and were recorded reasonably regularly. Many of the other minor appointments were simply not recorded at all and this survey, being dependent on chance references in the minutes and accounts, may not embrace all the officials who were in operation during this period.

Common to several of the minor appointments was the practice of employing cautioners who stood surety for the good behaviour of the officials concerned. This was of obvious importance in the case of the farmers of the town's petty customs where a guarantee had to be provided to ensure that income accrued to the common good. The use of this device in other cases reflected the need to provide security when duties were being delegated without adequate control and it is found being employed with the poinders, herdsman, calf herds and (most notably) the officers, the system being introduced in their case after a case of maladministration in the mid 1570s.<sup>36</sup> In some respects the cautioners can be regarded as quasi-officials since they acted as sureties on behalf of the burgh administration, although they were not of course office holders per se. Significantly, however, many of the men who stood surety for burgh officials were themselves either prominent office holders or councillors and their importance was demonstrated in 1580 when, with the advent of Esmé

earl of Lennox as provost, many officials and councillors were removed from office: although the officers were not purged in October 1580 a new set of cautioners was appointed to them.<sup>37</sup>

## 2. The ruling elite

Having outlined the burgh sett and the range of official duties which existed in Glasgow in the late sixteenth century, a number of factors require consideration before the politics of the period can be examined. In particular, how representative of burgh society were the men who served in its administration and how did they attain office (particularly high office)?

Burgh society was strictly demarcated between the burgesses or freemen and the unfreemen. The former had the right to deal in commerce and to manufacture goods and to hold property by burgage tenure but their unfree neighbours had no such rights. The unfreemen were the unskilled labourers, journeymen, servants, seamen and the like, while beneath them were the urban lumpenproletariat, the vagabonds, thieves and prostitutes. Together they may well have comprised about 75% of the population (if not more) but because they had no rights they have left little evidence of their activities save when their misdemeanours caused them to be summoned before the burgh court or the kirk session. All wealth, status and local influence accrued to the burgesses and it was they and they alone who could serve in the administration of the burgh. At a very rough estimate, if the <sup>adult</sup> population of Glasgow during the 1570s and 1580s is set at around 5,000, 75% of whom were unfree, then there may have been about 1,250 burgesses. The number may have been even greater for during the period 1574 to 1586 524 new burgesses were created, yet when those involved in some way in local government are considered (all of whom, save perhaps the town executioner, were almost certainly freemen) only about 240 men are found. Clearly many burgesses were not involved in the administration but although the above calculations must be treated with the greatest caution it is already obvious that sixteenth century burgh government was oligarchic.

The nature of this oligarchy can be more clearly defined when it

is noted that of these 240 men only 92 held senior positions (either as councillors or as senior officials). Setting aside the seven provosts who were members of the gentry and nobility, the governance of the burgh rested with a small group of men at the core of which were the bailies and councillors. All the bailies, all bar one of the common procurators and most of the key keepers and liners were drawn from the body of councillors, while most of the treasurers and masters of work became councillors after their appointment. The remaining senior official, the common clerk, did not sit on the council although during this period two former clerks became councillors.

An analysis of the general trend in council appointments during these years suggests that there was an annual turnover of about one third of the membership, with two thirds being retained. These figures are however deceptive. Being an average they exclude years when as many as 88% were retained the following year (as in the case of the 1576-77 council) or as few as 37% were continued in office (as in the case of the 1581-82 council). The figures also exclude men who, though not reappointed immediately, nonetheless returned to the council at some subsequent election. If account is taken of this factor the average continuity figure of 66% rises to 85%. Similarly the average influx of 'new blood' was only 23%.<sup>38</sup>

The full extent of the self-perpetuating nature of the council becomes apparent when the pattern of appointments is examined more closely. Between 1574-75 and 1585-86 the size of the council rose from fourteen to thirty-three. In all there were 295 council seats in this period, held by seventy-nine men. Thus on average these men were councillors four times. However if the men who served only once are discounted, forty-five councillors remain, or a ratio of one man to five seats. This can be refined further. If all those who served five times or less are removed, eighteen men remain holding 145 of these council positions. On average these men were councillors eight times. Put another way, 23% of the total number of councillors held 49% of the available council seats. Obviously there was within the group of senior officials and councillors an inner group which dominated the oligarchy. To identify these men it is necessary to turn to the bailies.

Promotion from the council to the bailieships was open to a select few. During these twelve years a total of twenty-eight men (all councillors) were nominated to these prestigious posts but only twelve were successful, sharing between them the thirty-five bailieships which were authorised by the superior. Frequency of leeting did not guarantee success. James Fleming was leeted seven times unsuccessfully, although he had been and would again be a bailie outwith this period. George Herbertson was nominated six times without success but his failure to be elected may have been due to his reputation as a troublemaker. His attacks on two bailies (George Elphinstone in 1580 and Robert Stewart in 1581) can hardly have impressed the superior who would have sought reliable and compatible magistrates. If the appointees are examined it can be seen that the bailieships were dominated by John Graham (chosen three times), Robert Rowat and Mr Adam Wallace (four times), Robert Stewart (five times), George Elphinstone (six times) and William Cunninghame (seven times).<sup>39</sup>

There was a clear system of rotation between the bailieships and the council. Thus Mr Adam Wallace was a bailie in 1574-75, a councillor from 1575 to 1577, a bailie in 1577-78, a councillor from 1578 to 1582, bailie from 1582 to 1584 and a councillor from 1584 to 1586. If the appointees to the bailieships and the council are considered in conjunction it becomes possible to identify the inner group within the senior officials and councillors which dominated burgh government during the period 1574-1586. In this twelve year period there were thirteen sets of appointments to the bailieships and the council (because of the double set of elections in October 1580 occasioned by Earl Esmé's quest for a compliant magistracy and council). The following inner group emerges: Andrew Baillie and Mr Adam Wallace (never out of office as bailies or councillors); William Cunninghame and Archibald Lyon (twelve terms of office as bailies or councillors); Robert Stewart and George Herbertson (eleven terms; the latter as a councillor only, his wealth and status no doubt over-riding any unpopularity caused by his quarrelsome disposition); Robert Adam and James Fleming (ten terms, as councillors only); George Elphinstone and Robert Rowat (nine terms

as bailies or councillors); John Graham, younger, David Lindsay, elder, John Lindsay and John Clerk (eight terms, the last two as councillors only); George Burrell, Gavin Graham, James Lyon, Robert Muir and Matthew Wilson (seven terms, all as councillors); and Hector Stewart and John Wilson (both of whom served six terms, once each as bailies) and John Anderson, John Fleming and David Hall (who each served six terms, all as councillors).<sup>40</sup>

Almost all of the bailies were drawn from the inner group, the only exception being Colin Campbell (bailie in 1581-82, and a councillor on two other occasions). Likewise all bar one of the common procurators who can be identified during these years were derived from this group. Here the only exception was Robert Lord Boyd who, in 1575-76, combined this post with the provostship.<sup>41</sup> The domination of councillors, and in particular these leading burgesses, can be detected in other senior appointments especially those effected at Michaelmas, namely the key keepers and the liners.

The position of key keeper seems to have been a sinecure reserved for senior councillors, including those who had not become bailies. Twelve sets of appointments survive which record that twenty-one men were appointed to a total of seventy-seven places. All bar one were councillors or holders of senior posts on their appointment and fifteen belonged to the inner group, some of whom (for example Andrew Baillie and Archibald Lyon, keepers ten times each) monopolised these posts.<sup>42</sup>

The appointments of liners reflect the same features, albeit to a slightly lesser degree. Over thirteen sets of appointments there were a total of eighty-eight places held by only twenty-one men. Sixteen were councillors or senior officers at the time of their appointment, while another (James Braidwood, liner in 1576-77) had been and would again be a councillor. Eleven of these men belonged to the inner group and once again several of these men dominated the office, in particular James Fleming, Robert Muir and Matthew Wilson who were each appointed liners on ten occasions. However councillors did not monopolise this post to quite the same extent as they did the posts of key keepers principally because, unlike those

posts, the liners had a quite specific and active role to fulfil which called for some degree of expertise. Thus, with one possible exception (in 1574-75), the liners always included a mason. Neither Walter Johnstone nor James Wilson, both masons who served seven and six times respectively as liners, were councillors.<sup>43</sup>

Nonetheless the liners were mostly councillors. An obvious result of the council's very real control over these and the other senior posts noted thus far was pluralism. Except when acting as bailies men could hold several posts simultaneously. For example James Fleming was a councillor, common procurator and key keeper in 1574-75. In the following three years (1575-78) he was successively leeted (unsuccessfully) for a bailieship but was appointed a councillor, key keeper and liner,<sup>44</sup> while on each occasion he had already been appointed master of work at Whitsun.

Of the three senior offices filled at Whitsun (the others being the posts of the treasurer and clerk), that of the master of work most displayed the features common to the later Michaelmas appointments, namely councillor domination and pluralism.<sup>45</sup> During this twelve year period seventeen men were leeted for this post. All were established office holders, nine from the inner group. Frequency of leeting did not guarantee an appointment, the more so since only five men succeeded in becoming masters of work. Of these five appointees, four were members of the inner group, one of whom in particular dominated this position (James Fleming, master of work five times). As to pluralism, the master of work appears to have been ex officio a liner; every year bar three he became a key keeper and with only four exceptions a councillor. It should be noted however that, although on one occasion (in 1584) the treasurer was leeted master of work, there appears to have been an accepted rule that the posts of master of work, treasurer and clerk should not be combined. Similarly, they could not be combined with a bailieship: in October 1580 Gavin Graham was specifically barred from the election of the bailies because he was already master of work.<sup>46</sup>

The treasureship was more unusual.<sup>47</sup> A unique feature of this post among the senior positions (caused, no doubt, by the financial



responsibility placed on the incumbent) was the fact that no man was elected treasurer more than once. Only slightly less remarkable was the pattern of leeting. Between 1574 and 1585 there were thirty-eight candidates but only twelve were already established office holders, six being members of the councillor inner group. Of these twelve men three became treasurers but only one (Robert Adam) belonged to that inner group. The other nine successful candidates were drawn from the remaining twenty-six 'new' men. Thus the post was relatively free from the influence of established officers and councillors. Similarly it did not provide much opportunity for pluralism. Only once (and that in exceptional circumstances - the death of an incumbent)<sup>48</sup> did a treasurer become a key holder and they were never involved in the lining function. In part the pressures of their job (and in the case of key keepership perhaps questions of financial security) explain these phenomena. However it may also be noted that nine of the twelve treasurers in this period were, subsequent to their appointment, elected to the council.

The clerkship was unique in that this senior official was never a councillor. Furthermore because the clerk had to be an expert in the law there was no input to the leets from the senior officials and councillors thus far mentioned.<sup>49</sup> This in itself helps to explain why only eight men, seemingly all notaries, appeared on the leets for the clerkship. Yet just as all the posts discussed (with the exception of the treasurership) were dominated by a small group of influential men, so too was the clerkship. Indeed two men monopolised this office during these years: Mr Henry Gibson (clerk from about 1568 until 1581)<sup>50</sup> and Archibald Hegate (clerk from 1581 until 1588).<sup>51</sup> However it is noteworthy that Hegate's father, William Hegate (who had been clerk in the 1560s prior to Gibson),<sup>52</sup> was leeted continually and without success between 1574 and 1580. As soon as Archibald Hegate became clerk in 1581 it would appear that family ambition had been satisfied for in the subsequent elections William did not compete with his son. Instead he joined the council in October 1581 as did Mr Henry Gibson whom the younger Hegate had displaced five months previously. Thus there was a 'conciliar' link even with this post, albeit of a retrospective nature: both men were prominent councillors up until

the mid 1580s at least, and Gibson was elected to the 1589-90 council.<sup>53</sup>

In conclusion the senior officials and councillors (eighty-five men, excluding the provosts, two of whom nonetheless were also councillors) may be viewed as two groups. An inner cabal of twenty-four men dominated the council and the most senior posts in the administration while the remaining outer group consisted of men who served on the council less than six times and who were less prominent in these other positions. Yet together they formed a fairly close knit and self-perpetuating body which comprised about 35% of the total number of men (240) found involved in the burgh's affairs during these years. They were an oligarchy within a wider group of men which itself may have represented only about 5% of the <sup>adult</sup> population.<sup>54</sup>

The distinction between these senior officials and the other men employed in the administration was quite pronounced. Minor officials such as the dempsters, poinders, herdsman, water bailies and burgh officers never enjoyed higher office and, as a corollary to this, senior officials and councillors did not serve in these positions. However senior men were to be found, in varying numbers, acting alongside their junior colleagues in such administrative groupings as the outlandmen, but they were never in the majority.

Between 1574 and 1584, fifty-three outlandmen can be identified of whom twenty-three were also at some time senior officials or councillors, eighteen were holders of other minor posts and the remaining twelve appeared in this capacity only.<sup>55</sup> Similarly, of the thirty-eight plague officials appointed in 1574 eleven were then senior officials or councillors; nine were then holders of other minor posts; eighteen held no other post at the time of their appointment and of these men ten held no other posts at all during this period. This division was even more marked ten years later. Forty-nine plague officials appointed in 1584 can be identified. Only six then held office (five at a senior level), forty-three held no other post at the time of their appointment and of these twenty-nine held no other post at all during these years.<sup>56</sup> The same phenomenon is observable to varying degrees among the market visitors and stenters and indeed the same men reappear in these minor

positions to an extent which strongly suggests that outwith the group of leading officials there was another group of lesser burgesses who were called upon to fulfil minor administrative duties. Thus, for example, of the thirteen ale tasters appointed on 6 October 1574, eight were also employed as plague officials three weeks later; these plague officials in turn included six of the stenters appointed earlier on 21 August. Similarly, four of the twelve ale tasters appointed in October 1577 were chosen as stenters one month later. And, as already noted, in times of emergency, such as the plague crises of 1574 and 1584, an even wider group of burgesses would be called upon to assist the administration.<sup>57</sup>

Examination of the careers of the men who served the burgh administration emphasises the distinction between these two groups. Few minor office holders went on to become senior officials. There are some examples of men rising through the ranks (for example John Hamilton, outlandman and stenter in 1577, later councillor in 1585-86 or Mungo Wilson, outlandman in 1576, leeted for the treasurership unsuccessfully in 1581, a plague official in September 1584 and appointed to the council the following month) but these men were very much the exceptions. The two groups were largely independent of each other.

Minor officials, so far as can be judged, were nominated to serve the administration by their senior colleagues, the magistrates and council. Their positions were not salaried and could be onerous if not (as in the case of the plague searchers) dangerous. Burgh service at this level must have been unpopular although no examples of men refusing their appointments are recorded. Membership of the senior group on the other hand brought status, a degree of influence and (in the case of the bailies, common procurator, clerk, master of work and treasurer) sizeable salaries from the common good.<sup>58</sup> Returning to these senior officials and councillors, how and on what basis were these men recruited?

Wealth was undoubtedly a key factor and some indications of the financial circumstances of these men can be obtained from testamentary evidence.<sup>59</sup> It will be recalled that there was an inner group of about twenty-four men which dominated the council and senior positions

in the administration.<sup>60</sup> Ten of these men died before 1601 (a useful cut-off date which helps to minimise distortions caused by inflation). Their legacies, which range from £276 (Robert Stewart) to £3426 (George Elphinstone) but which tend towards the latter figure, average out at £1588. Testamentary evidence for thirteen other senior officials and councillors, not members of the inner group, survives and produces figures ranging from £163 (Robert Fleming) to £2795 (Patrick Glen). On average these legacies amounted to £810. Patrick Glen's wealth in this outer group was exceptional; most of the inner group were much wealthier than these men (by 86% on average, based on the above figures) and it would seem incontrovertible that membership of the influential inner group was governed to a large extent by wealth.

If the above figures are combined the average legacy left by men who had been senior officials or councillors is found to be £1148. By way of comparison the average legacy of minor officials whose testaments can be traced was £670. In order to put these figures into some context a random sample of non-office holders whose testaments were registered in the same period was taken and produced an average of £517. Expressed in percentage terms the senior officials as a whole were on average 72% wealthier than the minor office holders and they in turn were about 23% wealthier than the group of non-office holders. It must be stressed that, because of the incompleteness of the material and the random nature of the last sample, these figures must be treated with great caution. Nonetheless they do suggest that the burgh oligarchy was based on a steep gradation of wealth.

In this respect it is rewarding to re-examine the post of burgh treasurer, both in terms of the appointees and those who were leeted unsuccessfully for this position. As this office carried an inherent financial risk it can be argued that the men who were leeted for this post wished to show themselves willing and capable of taking this risk.<sup>61</sup> Even if they were not elected they might thus be brought to the attention of the ruling oligarchy. During this twelve year period, as already noted,<sup>62</sup> a total of thirty-eight men were leeted for this post and twelve became treasurers. These thirty-eight men can be divided into two main groups. Firstly there were those who had

probably already held high office or were in office when they were leeted,<sup>63</sup> a total of twelve men, three of whom became treasurers. The second group of twenty-six men were, at the time of their leeting, new to burgh politics. From this group the remaining nine treasurers were recruited plus another five men who, though not appointed treasurers, nonetheless later became councillors. The most striking example of advancement by this route was Robert Rowat who was leeted unsuccessfully in 1575, successfully in 1576, became a councillor in October 1576 and by the following year was a bailie. He remained an important figure in burgh politics until at least 1601.<sup>64</sup> Testamentary evidence survives for some of these men. Unsuccessful candidates (albeit men who were already established in the administration) were Andrew Baillie, £2181, David Hall, £1520, and John Lindsay, £2473. A successful candidate, who had already been a councillor, was Robert Adam who left £866 while of the new men who became treasurers Robert Boyd left £1294, David Donald £959, Patrick Glen £2795 and John Temple, £1212. Despite some variations it can be seen that several aspiring treasurers were on a similar financial footing to those men already established in the burgh's government and their wealth may have made them suitable for candidature to the oligarchy.<sup>65</sup>

Since wealth was important it is appropriate at this juncture to examine in more detail the financial activities of some of these leaders of burgh society. Testamentary evidence is the main source for the details which follow but this type of information has two major drawbacks. Obviously it represents a person's wealth only at the time of his death, the extent of the legacy being governed by the life style adopted by each individual. Secondly it covers moveables but excludes landed wealth. Both these difficulties can be circumvented to some extent by supplementing the testamentary details with information extracted from the act books of the burgh court and the protocol books of the town clerks about the activities of these men while they were still alive.

There are clear indications that several senior officials and councillors (both of the inner and outer groups) were engaged in foreign commerce, in particular with France and Flanders, although

occasional references to Danzig iron point also to a Baltic connection.<sup>66</sup> An action of slander regarding the activities of his wife while he was abroad proves that John Temple (treasurer and councillor) was in France in 1582, while his will discloses that at the time of his death he was trading in Flanders.<sup>67</sup> Other references, chiefly to disputes over the disposal of cargoes, disclose that John Lindsay (councillor, liner and twice leeted bailie), Hector Stewart (bailie and councillor), David Wilson (councillor), Convell Struthers (councillor and treasurer) George Elphinstone (bailie and councillor) and Robert Boyd (treasurer) were trading to France between 1579 and 1585, exporting herring and hides and importing iron and wine, chiefly from Bordeaux.<sup>68</sup> These men were merchants but a reference in 1583 shows that George Burrell, saddler, (councillor, leeted treasurer), who presumably could not have traded directly abroad, was nonetheless owed 351 merks (c£234) by Colin Campbell for nine tuns of wine which Campbell (bailie and councillor) had bought from Burrell.<sup>69</sup>

More significantly there is considerable evidence of commercial partnerships between these men and other councillors. Foreign trade carried a very high risk and few of the Glasgow merchants were capable of raising the requisite capital alone. However, in 1581 the court minutes do record that Hector Stewart (bailie and councillor), who had been in partnership with Robert Stewart (bailie and councillor), Colin Campbell (bailie and councillor) and Barbara Hegate spouse to John Farquhar (councillor), bought out their shares in the Salamon for £280.<sup>70</sup> Hector Stewart died in 1597 leaving £2753 and may have been in a position to finance voyages alone but it is more likely that he was here rearranging his affairs prior to attracting other shareholders for a more ambitious project than his erstwhile partners were capable of financing.

Frequent references occur to 'the gudeschip callit the george of glasgw'. In May 1583 George Elphinstone (bailie and councillor) bought an eighth share of the George from Catherine Burrell, widow of Alexander Symonton burgess of Irvine and a kinswoman of George Burrell, saddler, whose interest in foreign trade has already been noted. The cost was £200.<sup>71</sup> By the time of his death in 1585 he had

increased his share to 'ane quarter and the third of half ane quarter', valued at £603. His testament records that the ship was factored by William Simpson (leeted treasurer) who had assisted Elphinstone in his negotiations with Symonton and the Burrells.<sup>72</sup> Four years later Colin Campbell (bailie and councillor) died vested in an eighth of the George valued at £266 and in 1592 Patrick Glen (treasurer and councillor) left as part of his legacy an eighth share in the ship, valued at the same level.<sup>73</sup> Obviously these trading connections were not confined to Glasgow burgesses. The case noted above is but one of several examples of links with Irvine which, until the development of Port Glasgow in the 1660s, was Glasgow's chief outlet for foreign commerce. The George appears to have been quite a large ship and was presumably harboured there. Commercial links did however exist with other burghs, at least between individual merchants. On his death in 1588 John Lindsay (councillor, liner and twice leeted bailie) owned a quarter of the Robert of Dumbarton.<sup>74</sup>

Apart from involvement in European trade, the Glasgow merchants' main spheres of commercial interest (besides retailing locally) lay in Argyll and the **I**slles, and Ireland. Of the men already noted as having been engaged in foreign trade, Robert Adam, Colin Campbell, John Lindsay, Archibald Lyon and Hector Stewart were obtaining hides and whisky from these areas in exchange for finished articles of clothing, fine cloths, foodstuffs, wine and iron which they had brought from abroad. Also involved were other councillors including Robert Boyd and Mungo Wilson and, once again, a craftsman, John Wise (sometime deacon of the skimmers) who, in 1583, was obtaining Irish hides through the services of Wilson and others. George Herbertson, to judge by his testament, specialised in trading with Argyll.<sup>75</sup>

The testaments provide an unequalled source for an examination of the commercial links which existed between individuals, not only with respect to foreign commerce but also more locally. The wealthier merchants would distribute their imports through other dealers or exchange commodities with each other prior to sale on the general market. Thus, on his death, John Lindsay was owed various small sums

for goods supplied to Hector Stewart, Robert Boyd, James Lyon, Colin Campbell and Robert Fleming, all of these men having been, at one time or another, councillors.<sup>76</sup> Similarly George Herbertson on his death owed John Angus, Ninian Darrocht, Gavin Graham and Andrew Baillie payments for wine; again, all these men were councillors.<sup>77</sup>

Many of these leading burgesses extended their financial activities by providing loans to fellow citizens or local lairds. George Elphinstone lent to George Herbertson and Mungo Wilson,<sup>78</sup> while the latter also borrowed from David Donald.<sup>79</sup> All were colleagues in the administration. Elphinstone also lent to archbishop Boyd<sup>80</sup> and several local lairds including John Colquhoun of Kilmerdinny.<sup>81</sup> James Fleming, Robert Fleming and Gavin Graham lent to James Hamilton of Bardowie, James Forret of Barrowfield, the laird of Houston and Walter commendator of Blantyre,<sup>82</sup> while Andrew Baillie lent to the lairds of Stevenston and Robertland.<sup>83</sup> The testamentary evidence for debts on loans is frequently unclear as they are not easily distinguished from payments due on merchandise (the above are all specific instances involving 'borrowit money') but it is not unlikely that several lairds in Argyll also became indebted to the Glasgow merchants in this way, as money lending would tend to become part of the commercial network.

Diversification of this nature had an added incentive, for loans would be secured on the debtor's property with failure to meet the loan repayments resulting in the creditor obtaining a heritable right to the land concerned. The loans referred to above were not for large sums and there is nothing to suggest that the Glasgow burgesses obtained estates through these means during this period. Yet it is clear that many lairds were becoming increasingly dependent on the merchants of Glasgow not just for merchandise but also for ready cash.

However there is considerable evidence to show that these leading Glasgow merchants did invest their profits in property. Many of the testaments of the individuals already mentioned record that these men were owed substantial quantities of house maills from several



burghesses including men of their own rank. For example George Herbertson was owed several rents by James Braidwood, cordiner, and Archibald Lyon (both fellow councillors) as well as by John Watson, elder, and John Steven: in turn he owed rent to Robert Adam (another fellow councillor) and William Fleming, merchant.<sup>84</sup> James Fleming was also owed a large number of house maills on his death,<sup>85</sup> while another councillor, Gavin Graham, appears to have used his property as a boarding house for students. On his death he was owed £100 by John Graham of Kirkdoliane for the board of Robert Graham of Auchinhowie; £45 by Lord Graham 'for William Graham and his pedagoge their burde'; and £52 by Lady Maxwell of Nether Pollok for her son's board.<sup>86</sup>

More significantly many of the leading burghesses active in burgh politics during this period had been among those who had benefited from the post-Reformation dispersal of church lands in the burgh, men such as Andrew Baillie, James Braidwood, William Cunninghame, George Elphinstone, James and John Fleming, Mr Henry Gibson, Gavin Graham, George Herbertson, Archibald Lyon, Robert Muir, John Stewart of Bowhouse, Malcolm Stewart and Mr Adam Wallace. All were councillors and leading burgh officials during the 1570s and 1580s and several had probably acted in the same capacity during the 1560s. There can be little doubt that some of these men used their public position for private gain, particularly after Queen Mary's foundation of 1567 vested the magistrates and councillors in most of the church's property in the burgh and before 1573 when that superiority was transferred to the university. Thus, for example, attention may be drawn to the feu charters issued by the provost, bailies, council and community in favour of Mr Adam Wallace, James Fleming and Archibald Lyon (all of whom are known to have been leading bailies and councillors during the 1560s, 1570s and 1580s) whereby they obtained the chapel of St Roche, the ruinous 'new kirk' (the former collegiate church of St Mary and St Anne), St Tenew's kirk and the chapel of St Kentigern, properties ripe for development.<sup>87</sup>

While the 1560s and early 1570s saw the disposal of prebendal properties, chaplainries and the like, the temporalities of the see

remained relatively intact. However certain encroachments were made<sup>88</sup> and among these may be counted the alienations by the magistrates and council of certain burgh common lands, (the burgh being part of the archbishops' temporalities). The beneficiaries again included leading burgh politicians, among them George Elphinstone and James Fleming.<sup>89</sup>

The archiepiscopate of James Boyd, 1573 to 1581, witnessed further diminutions of the resources of the see,<sup>90</sup> one example of which was the process whereby many rentallers converted their rental rights into feu holdings. About fifty such transactions were effected between 1577 and 1581.<sup>91</sup> Thus in November 1579 George Elphinstone obtained from archbishop Boyd a feu of the lands of Gorbals and Bridgend and half of the lands of Woodside of which he had been previously a rentaller.<sup>92</sup> Mr Henry Gibson, common clerk and a colleague of Elphinstone's on the council, obtained a similar feu of part of the lands of Linningshaw, Possil and Meikle Govan in 1581.<sup>93</sup>

George Elphinstone, bailie and councillor, was the archetypal example of a man whose wealth was based on commercial success and sound investment in land. In 1563 he had obtained from the rector of Erskine, David Stewart, the £3 lands of Blythswood (estimated at around 150 acres), Stewart having been compelled to the sale because of debts which he had incurred during the preceding turbulent years.<sup>94</sup> Although generally referred to simply by his name, Elphinstone was described as 'of Blythswood' at a meeting of the burgh court over which he presided in 1579 and in his testament where he was styled 'ane rycht honorabill man George Elphinstone of Blythswood baillie of the burcht of Glasgw the time of his deceis'.<sup>95</sup> His commercial activities as recorded in his testament have already been noted, as also his purchase of further church lands, his purchase of common lands and his transforming of his rental of Gorbals, Bridgend and part of Woodside into a feu holding.<sup>96</sup> As a further example of his financial activities he obtained in 1577, while bailie, the farm of the lucrative ladle custom for a down payment of £120, thereafter sub-letting the farm, no doubt at considerable profit to

himself.<sup>97</sup> His status as a leading merchant was confirmed when, in July 1582, he was elected president of the merchants.<sup>98</sup> Above all his will of 1585 confirms the ethos which he (and no doubt many of his colleagues) followed, for he ordained that his son's inheritance, £1142, was to be 'set to the avayll and the money obtenit for the samyn to be laid upon land to his weill and utilitie... as it sall happin to arryse'.<sup>99</sup> His son, also named George, was knighted in 1594 at the baptism of prince Henry and in 1595 obtained a crown charter of the combined lands of Blythwood, Woodside and Gorbals, subsequently becoming provost on at least four occasions in the first decade of the seventeenth century.<sup>100</sup>

Returning to the question as to how office, particularly high office, was obtained it has been demonstrated that wealth, derived from commercial enterprise, was of critical importance. It was not however the sole factor and its possession did not guarantee placement. Examination of the testaments of men who died prior to 1601 reveals seven individuals whose legacies exceeded £2000: five were members of the 'inner group' (members of which, it will be recalled, dominated the senior posts in the administration); Patrick Glen who died in 1592 was the second wealthiest yet held office only in 1577-78, as treasurer and councillor; and John Finlay, the fourth wealthiest, held no office whatsoever during the period under consideration.<sup>101</sup> Finlay is particularly interesting since it seems likely that there were other wealthy merchants who either eschewed or were excluded from office. A fuller examination of all available testaments would be required to substantiate this argument but this one exception is enough to show that wealth did not automatically ensure a place on the council. It is equally obvious from the testamentary evidence that, although holders of high office tended to be wealthier than their colleagues in minor posts, there were men in the latter group who were, on their deaths at least, apparently better off than certain councillors. Thus Gilbert Hall (market visitor, stenter) James Taylor (plague official), John Young (a co-farmer of the ladle) were appreciably richer on their decease in terms of moveables than four very prominent councillors and members of the inner group, namely James Fleming, Gavin Graham, Robert Muir

and Robert Stewart.<sup>102</sup> The first three (especially Fleming) had property interests<sup>103</sup> but Robert Stewart does not appear to have been particularly active in that sphere. A bailie and councillor, Stewart was one of the leading burgh politicians. Like George Herbertson (who did not become a bailie), Stewart was out of office only twice during this period:<sup>104</sup> yet, while Herbertson left £2065, Stewart left only £276.<sup>105</sup>

Apart from wealth another consideration appears to have been kin relationships. Confining examination of this question to the councillors, among seventy-nine men there are thirty-eight examples of shared family names: Fleming (three), Graham (three), Herbertson (two), Lindsay (two), Lyon (three), Muir (four), Ritchie (two), Rowat (two), Stewart (eight), Wilson (seven), and Young (two). Of these men it is known that John Fleming was the father of James and Robert Fleming;<sup>106</sup> John Lindsay was the son of Michael Lindsay, probably the same Michael Lindsay who was a bailie in the 1550s;<sup>107</sup> Robert and Thomas Muir were father and son;<sup>108</sup> and Robert Rowat was the eldest son of William Rowat.<sup>109</sup> Malcolm Stewart was the uncle of Matthew Stewart of Minto,<sup>110</sup> while Robert<sup>111</sup> and James Stewart<sup>112</sup> were Matthew's brothers. Relationships through marriage can also be traced: William Cunninghame was the step-father of George Elphinstone;<sup>113</sup> bailie James Fleming married Agnes Livingstone, the daughter of provost Robert Lord Boyd, in 1574;<sup>114</sup> Gavin Graham was married to Janet Stewart who, though not one of the Minto branch, may possibly have been related to one of the other Stewarts who appear on the council;<sup>115</sup> similarly Robert Stewart was married to Agnes Hegate, probably a relation of William and Archibald Hegate.<sup>116</sup>

The Hegates, William and Archibald, present perhaps the best example of kin interests in operation. William, it will be recalled,<sup>117</sup> had been common clerk in the 1560s but was replaced by Mr Henry Gibson in 1568. Hegate tried throughout the 1570s to regain this position and only gave up when his son Archibald was nominated to the clerkship in May 1581 by the provost, Esmé earl of Lennox. Earl Esmé and his predecessor Robert earl of Lennox

clearly favoured kinsmen, which explains the influx of Stewarts and Grahams, particularly noticeable in earl Robert's first council elected in October 1578.<sup>118</sup>

Thus kinship could play an important role in the attainment of influence within the administration of the burgh, especially if the families concerned were considered useful to the political régime then in power. Such was the case with the Hegates whose Catholicism made them attractive to Esmé earl of Lennox. Ultimately a person's suitability for office rested not just on their family connections or their affluence but also on their acceptability to the provost and the superior. Their influence was paramount and all pervasive: the council was elected by the provost and bailies and those magistrates were, in turn, appointed by the superior. The crucial relationship was that which existed between the provost and the superior, which determined not just the composition of the burgh's administration but also the political developments of the period.

However, before proceeding to an examination of the politics of the 1570s and 1580s one further element in the composition of the burgh's ruling elite requires consideration, namely the respective roles played by merchants and craftsmen who together comprised the majority of burgesses.<sup>119</sup>

Because of the nature of their respective monopolies of commerce and manufacture, the merchants in Scottish burghs had accrued wealth and power at the expense of their craftsmen neighbours. The subsequent willingness of the merchant controlled authorities to grant seals of cause incorporating craft fraternities (a process which began in Edinburgh in the <sup>1470s</sup> ~~mid-fifteenth century~~ and can be traced in Glasgow from 1516 onwards, when the skinners were incorporated) did not represent a positive desire to widen the power base within the burghs (though such might be the result) but rather a wish to achieve greater control over the crafts. By delegating authority to the craft leaders, the merchant controlled councils hoped to draw these men, the deacons and masters, within the orbit of the ruling oligarchy.<sup>120</sup> Simultaneously, although the

merchants as a whole remained more affluent, the gradations of wealth between merchants and craftsmen became more complex, between merchants trading abroad and small retailers in local markets, between master craftsmen who employed several apprentices and journeymen and the single craftsman with no such assistance, between craftsmen who belonged to incorporations and those who did not. By the sixteenth century, if not before, the wealth of some leading craftsmen might easily surpass that of some of the merchants and their interests would be drawn towards those of the leading merchants rather than those of their lesser craft brethren. This phenomenon, the growing mutuality of interest between wealthy merchants and craftsmen, was recognised in Edinburgh by the Decreet Arbitral of 1583 and in Glasgow by the Letter of Guildry of 1605, both of which effectively strengthened the oligarchic and plutocratic nature of burghal government by distinguishing between the wealthy gild brethren (irrespective of occupation) on the one hand and, on the other hand, the less wealthy merchants and craftsmen.

Three questions may thus be posed. How far was the administration in Glasgow during the 1570s and 1580s dominated by merchants? To what extent were craftsmen involved in that administration? How far is it possible to detect wealthy craftsmen who were on an equal footing with the leading merchants?

The ratio of merchant and craftsman involvement in the burgh's affairs can not be determined exactly because the clerks did not always record occupations. This in itself may be indicative of a blurring of the two socio-economic groups or, simply, of the fact that when individuals were well known to the clerks they did not need to identify them further than by their names. However, using other sources to supply some of these deficiencies and allowing for the number of 'unknowns', it appears that the merchants predominated. Of the seventy-nine councillors during this period, thirty-six (or 46%) were merchants and twenty-three (or 29%) were craftsmen; the occupations of eleven (or <sup>15</sup>25%) can not be identified while the remainder comprised lairds, notaries and the like.<sup>121</sup> Analysed annually the details are even less easy to calculate because of

the spread of the 'unknowns', but throughout the merchants were in the majority. In the case of one council, that of 1582-83, it is possible to suggest the occupations of all the members: assuming these to be correct, this council comprised fourteen merchants and six craftsmen together with one notary and two college or presbytery representatives. It is possible that this ratio, roughly two merchants to one craftsmen, was employed each year but, as already noted, because of the proportion of 'unknowns' this cannot be verified.<sup>122</sup>

Turning to the senior posts, although the same difficulties arise, a similar interpretation seems to apply. Twenty-eight men were leetted for the bailiesships of whom thirteen were merchants and six were craftsmen; twelve men were successful, of whom seven were merchants but only one can be identified as having been a craftsman.<sup>123</sup> Thirty-eight men applied to be treasurers, of whom twenty-four were merchants and six were craftsmen; twelve men were successful, ten of whom were merchants, none of whom can be identified as having been a craftsman.<sup>124</sup> Since wealth still depended much on commerce and this post did involve financial risk, these figures are not surprising.<sup>125</sup> Seventeen men attempted to become masters of work, nine merchants and five craftsmen; five were successful, three of whom were merchants, none of whom can be identified as having been a craftsman.<sup>126</sup> Fourteen of the twenty-one key keepers were merchants and of the remaining seven only one can be identified as having been a craftsman.<sup>127</sup> The liners however present a somewhat different picture. Of the twenty-one men who held this position the occupations of only four can not be traced; of the remainder ten were merchants and seven were craftsmen. It is conceivable that on this group representation may have been equal in the 1570s but in the 1580s began to mirror the proportions found on the council (roughly 2:1 in 1582-83). Although the liners were heavily weighted in favour of the merchants in 1575, merchants and craftsmen were equal in 1576 and 1577 and craftsmen in the majority in 1578; however in 1582, 1583 and 1585 the craftsmen were heavily outnumbered.<sup>128</sup> Masons were almost always employed as liners as befitted a post which required some expertise in building matters

but this and all the other senior positions show an overall preponderance of merchants.

Were the merchants organised? There was some form of merchants' body in existence in the mid-sixteenth century. In July 1569 property was purchased by James Fleming 'as president and in name of all the merchants of the burgh', <sup>129</sup> while in July 1582 the act book of the burgh court and council records an election to this presidency.<sup>130</sup> Whether or not these references relate to a once influential gild merchant it is clear that by this time this body was little more than a confederation bound together for commercial rather than political purposes. The 1569 transaction concerned an annual rent sold by John Campbell and his wife to Fleming and his colleagues for relief of a debt owing on wine supplied by the merchants to Campbell; there is no evidence to suggest that this body exerted any collective influence on elections.

Nonetheless as individuals the men associated with this organisation were among the leaders of burgh government: James Fleming, president in 1569; George Elphinstone, president in 1582; and Hector Stewart, John Lindsay and Robert Adam, unsuccessful candidates in 1582. All five were members of the inner group of senior officials and councillors which controlled the administration during the period 1574 to 1586, a group which it will be recalled consisted of twenty-four men.<sup>131</sup> The occupations of six of these men are unknown but fourteen were merchants and only four were craftsmen. It is not surprising to find that the overall preponderance of merchants in the administration was mirrored in this inner group.

Turning to the second question, to what extent were craftsmen involved in the administration, four such men have just been identified in the inner group. John Clerk, tailor, was a councillor eight times during these years, George Burrell, hammerman-saddler, seven times and John Anderson, cordiner, six times. All are also known to have been deacons at some time between 1574 and 1586, but in the absence of craft minute books for these incorporations it is impossible to be more specific, especially since such evidence as does survive (for the skimmers, websters and coopers) shows



that deaconships changed hands regularly. The fourth man was John Wilson, pewterer. He was almost certainly a deacon of the hammermen craft,<sup>132</sup> although this can not be verified. Allowing for the 'unknowns' he is the only example of a craft bailie: he acted in this capacity in 1561-63, 1571-72 and once within the main period under discussion, 1576-77. He was also during this period a councillor on five occasions.

Other leading craftsmen can be identified. In all seventeen deacons have been traced during these years, thirteen of whom held high office at some point (all as councillors, some as liners, one as a key keeper).<sup>133</sup> Four held no office in the burgh's administration and thus it is clear that deacons did not automatically become councillors or officials. Three of these men belonged to the skinners, whose minute book is the only craft record which survives for this period. It seems likely therefore that many more deacons than these seventeen men remain undetected among the other incorporated crafts. Turning to the burgh council,<sup>134</sup> a total of twenty-three men representing the crafts are found on the council lists between 1574 and 1585: the thirteen deacon councillors and ten others, who, if not deacons, must have been craft masters or auditors (as they were termed in the cooper trade), men of deacon rank. These twenty-three men were the leading craftsmen, and at their head were bailie John Wilson and his three colleagues of the 'inner group', John Anderson, John Clerk and George Burrell. Anderson and Clerk also tried to become bailies as did James Braidwood, sometime deacon of the cordiners, John Wise, sometime deacon of the skinners and John Muir, flesher, who was, like Wilson, probably (although not definitely) a deacon. Braidwood, Wise and Muir may thus also be considered leaders of the craft aristocracy.<sup>135</sup>

If there was an aristocracy among the craftsmen there was also, it would appear, a hierarchy among the incorporations. By the 1570s eight crafts had been incorporated: the skinners, the tailors, the websters, the hammermen, the masons, the baxters, the cordiners and the coopers. These were joined by the fleshers in October 1580.<sup>136</sup>

The fleshers immediately appeared on the council and were continually represented thereafter on each of the remaining councils of this period. However it seems clear that incorporation, while it brought eligibility for a place on the council, did not automatically ensure representation. Such in any case would have been impossible (or at least highly unlikely) during the 1570s when there were eight incorporations but only small councils of between fourteen and nineteen seats. In no one year were all the incorporations represented and during the whole period neither websters nor masons appear to have sat on the council. Indeed, whereas masons do appear among the liners, websters are conspicuously absent from all the senior positions. In terms of regularity of representation, the tailors and the hammermen appear on all but two of the councils, the cordiners on all but three, and the fleshers on all the councils which followed their incorporation. In terms of numbers of seats on the thirteen councils elected in this period, the hammermen had sixteen, the cordiners and tailors eleven each, the baxters ten, the coopers and fleshers six each and the skinners five. Taking these figures in conjunction with the leets for bailieships, the craft incorporations with the most political influence (and probably therefore the most wealth) appear to have been (in descending order) the hammermen, the cordiners and tailors (about equal), the baxters and (allowing for the late date of their incorporation) the fleshers; however all of these calculations must be treated with caution because of the presence on the council of men whose occupations remain unknown.<sup>137</sup>

As a corollary to the above, it is obvious from an examination of the council lists that representation of the crafts was haphazard: three were represented on the councils elected in 1576, 1578, 1579 and the first council of 1580; four on the councils of 1574, 1575 and 1577; five on the second council of 1580 and the councils of 1582, 1584 and 1585; and six on the councils of 1581 and 1583.<sup>138</sup> As in the case of individual representation (where wealth and kin were important but not the sole considerations) political expediency and the policies of the superior and the provost may have been the ultimate governing factors. For the moment, the general increase

in representation during the 1580s may be noted. This will be returned to later. <sup>139</sup>

Having demonstrated that the merchants dominated the governance of the burgh but that certain craftsmen were also closely involved in the administration, the third question which was posed remains to be answered. How far is it possible to detect wealthy craftsmen whose affluence might draw their interests away from their lesser brethren towards the leading merchants? In short, can the political craft aristocracy be distinguished financially from their colleagues?

In order to answer this question it is first necessary to define the affluence of the merchants. In part this has been done already when the wealth of the senior officials was discussed. <sup>140</sup> However that analysis included several men whose occupations are unknown or whose status as merchants can only be determined from sources other than the appointment lists (men such as George Elphinstone, James Fleming and Hector Stewart). Confining the study to men who died prior to 1601 and who were definitely merchants, the average wealth of thirty-two merchants whose testaments have been examined was about £837. <sup>141</sup> At the upper end of the scale were men such as David Hall (£1520) John Lindsay (£2473) and Patrick Glen (£2795).

Unfortunately there is very little testamentary evidence for the craftsmen. Restricting examples again to men who died prior to 1601, only ten testaments have been traced. One man, Andrew Mackay, tailor, left only £71 while another, John Young, webster, left £1528, a sum commensurate with the wealth of the leading merchants, such as David Hall. Only one of these testaments belongs to a craftsman councillor, James Braidwood (deacon of the cordiners), who left £675, a sum not too far removed from the suggested average wealth of the merchants. <sup>142</sup> Such evidence need not however be confined to testaments. As already noted Braidwood was, like many of the merchants, investing in land, <sup>143</sup> while George Burrell (deacon of the hammermen) <sup>144</sup> and John Wise (deacon of the skimmers) <sup>145</sup> were closely (albeit not directly) involved in

commercial enterprises. John Wilson, pewterer and craftsman bailie, loaned a substantial sum to the burgh in the mid 1570s.<sup>146</sup> These examples suggest that there was a close affinity, a mutuality of interests, between the leading craftsmen and the wealthy merchants. However the interests and loyalties of the deacons and other leading craftsmen were split. On the one hand, as individuals they sought personal advancement in the burgh hierarchy, but as deacons they also sought a greater say for their crafts within the government of the burgh. These two desires would not have been difficult to achieve had not the merchant-dominated oligarchy wished to maintain its entrenched position.

### 3. Burgh Politics

It has recently been suggested that the friction between merchants and craftsmen in Scottish burghs during the sixteenth century has been over-emphasised by historians.<sup>147</sup> While there are some grounds for accepting this re-appraisal of the period, the experience of Glasgow in the last quarter of the sixteenth century suggests that in the case of this burgh friction between these two groups was a recurring problem which became increasingly serious.

It has been shown that the burgh's administration in the 1570s and 1580s was dominated by the merchants. Earlier in the century they had adopted the policy (in common with other burghal oligarchies) of granting seals of cause to combinations of craftsmen so as to draw the leaders of these crafts within the sphere of the administration and thereby control the crafts through these men, the deacons. As a result some of these deacons had become councillors and senior officials and had come to identify both with the burgh administration and their crafts. Yet their taste of burgh politics was spasmodic and seemingly governed by the desires of the superior, the provost and the (predominantly) merchant bailies.<sup>148</sup> The members of their crafts must have been even more irritated at this lack of representation, which failed to reflect either the apparent predominance of the incorporated craftsmen over the merchants in numerical terms<sup>149</sup> or the fact that the financial differential

between the two groups had been closing. This sense of frustration must have been still more exacerbated when, for instance, the ruling merchant oligarchy strove to control prices artificially in times of scarcity or regulate the craftsmen's trading hours and other business practices.<sup>150</sup> The craftsmen must have regarded such recurrent economic pressures as problems which might be remedied if they could attain an established place within the ruling oligarchy.

Evidence for friction between the merchants and craftsmen can be detected at various intervals during this period. The 1573-74 accounts record that George Elphinstone, then bailie, was sent to Edinburgh 'at the baillies command and counsale ... about the craftis menis complaynt to the regent'.<sup>151</sup> The nature of their complaint is unknown though it is tempting to suggest that it had something to do with the question of representation for at Michaelmas 1574 provost Boyd requested the bailies and council 'to suffer certane dekynnis of craftis to be admittit to cum in the counsalhous to stand and heir the lytis of the baillies chosin and nominat this yeir'. The request was couched in terms designed to allay any fears on the part of the ruling merchants. If granted it was not to be to the prejudice 'of the priuilegis, liberteis or vse in votyng owther of craftis or merchandis in ony yeir thereftir'. The provost's supplication was granted and three deacons were allowed to be present, but for 'this yeir onelie sua that induce no practick in tymes thereftir'.<sup>152</sup> There can be little doubt that Boyd could have, had he desired, rode roughshod over these 'priuilegis' and 'liberteis' but instead he avoided antagonising the bailies and council. Perhaps he was courting the craftsmen so as to counter some residual support for Sir John Stewart of Minto, whom he had ousted from the provostship and bailiership of the regality in late 1573.<sup>153</sup> However almost twelve months had elapsed since those events and it seems more likely that Boyd, appointed to the provostship by the regent Morton, was, at the regent's request (following the craftsmen's complaint) attempting to pacify the aggrieved crafts. After the recent civil war confrontations were to be avoided.

The absence of an alliance between Boyd and the deacons was confirmed in June 1576 when a petition was presented to Boyd (who was

still provost), the bailies and the council by 'the haill deaconis and communitie of this gud toun' requesting an immediate stop to the alienation of parcels of common lands and claiming that the transactions had been 'set furth to sum particularis be your lordschip prouest and baillies and certane of counsale'. In response the magistrates and council (with all the deacons and those members of the community there present) agreed that no further alienations should be permitted, either by themselves or their successors. <sup>154</sup>

The deacons were clearly among the leaders of this opposition. They claimed that they had not been consulted properly as a group regarding the alienations. Instead their consent had been obtained 'seuerallie in private houssis, quhair the haill suld be callit to geve our consentis togidder'.<sup>155</sup> This is significant, for it not only shows the influence of the deacons in the administration of the burgh, but suggests that (in their opinion at least) they could meet as a group to discuss how the burgh was being managed. The magistrates and council took a contrary view: the deacons were assuming a position beyond their status. Four months later the act book records that all the deacons had consented that 'thair be na nouationes, bandis nor wtheris contractis maid among thame bot safer as is contenit in thair letteres of dekynheidis gevin to thame be the toun'.<sup>156</sup> The minute records that they had sworn to abide by this agreement. The formality of this arrangement underlines the seriousness with which the magistrates and council had viewed recent developments.

Difficulties between the deacons and the administration subsided, yet there are indications of continuing tension. The council's attempts to regulate the trading practices of the craftsmen met with individual and collective opposition.<sup>157</sup> The most striking example concerns the fleshers who, throughout the 1570s, were enjoined by the council to cease the practice of 'breeding' or bleeding livestock prior to sale. Individual prosecutions are recorded in 1574 but in 1575 all of the fleshers were amerced. The dispute dragged on and in 1578 they were all fined again. The magistrates and council's

final solution to this problem was, it appears, to grant a seal of cause to the fleshers for, in October 1580, they became the ninth incorporation within the burgh.<sup>158</sup> Perhaps the fleshers had been agitating for this status all along but whatever the case this example is a clear instance of the means whereby the oligarchy could undermine craft opposition by attracting to its membership the leaders of a craft and making them responsible for the behaviour of their lesser brethren. Thereafter (for the remainder of the period under consideration at least) the fleshers were continually represented on the council. However another mass fine was levied on the fleshers in November 1588 and again the offence was 'bowbreeding of flesche'.<sup>159</sup> These disputes between the fleshers and the council demonstrate the underlying economic tension between merchants and particular craftsmen which might encourage the latter to seek, as a remedy for their difficulties, greater representation and status within the burgh.

On 3 July 1582 'the haill bodye and number of mechandis of this toun' appeared before the magistrates and council and petitioned that they be allowed to elect one of their number 'in the office of ane presedent, according to the aulde obserwit custome'. George Elphinstone was accordingly elected president with the 'favorable and willing consent' of the magistrates and council and was promised their assistance and support 'in all and sindrie thingis pertaining to the office of presedent'.<sup>160</sup> As has already been noted, only one other reference to this office has been traced, in 1569.<sup>161</sup> Its resurrection at this point may have been linked to an (apparent) increase in craftsman representation on the council around this time which, though slight, could have been regarded as a potential threat to the hegemony of the merchants.<sup>162</sup> Certainly, the formality of the procedure adopted, election before the magistracy and council, is striking and underlines the affinity between those men and the merchants. Not surprisingly the crafts were apprehensive and a fortnight later James Ritchie appeared before the council and on behalf of the deacons protested that until the return of the provost nothing should be done regarding the office of president of the merchants (probably a direct reference to Elphinstone's request

for an 'autentek evident and write' describing the remit and powers pertaining to his position).<sup>163</sup>

Tension erupted exactly one year later, in July 1583. Was it coincidence that the same year marked the issue of Edinburgh's Decreet Arbitral whereby the craftsmen in the capital (or at least their leaders) increased their representation on that burgh's council? The Glasgow incorporations cannot have been unaware of the events in Edinburgh and just as the craftsmen there increased their status, it is significant that the respective status of the merchants and craftsmen lay behind the contemporaneous events in Glasgow. On 6 July a riot had occurred at a wapinschaw (held on the eve of the fair). The deacons of the hammermen, tailors, cordiners, fleshers, baxters, skimmers and websters (that is, of seven of the incorporations: the masons and coopers were not specifically referred to in the relevant minutes) were called before the bailies on 7 July to answer for the 'trubalance and tumult' caused by the craftsmen. They were asked to become sureties for the good behaviour of their respective members 'in particular' until a court could be held on 16 July, once the time of fair was over. But the deacons answered 'that it was nocht in thair power to ansuerfor ewirie membir in particular of thair craftis'. The deacons, and thus the magistrates, had momentarily lost control and there is more than a hint of desperation in the remedy which the bailies and the deacons then adopted: anyone, merchant or craftsman, who disturbed the peace was to be fined £100 and banished from the burgh. Furthermore the statute of 1574 ordering all able bodied men to be in readiness with arms at fair time was suspended: all arms were to be put aside ('ordanis...euirie man put fra him in the meanetyme his armouris and that nane be fund with armour by accustomit manir').<sup>164</sup>

For 'pacifeing of thee trublis betwixt the merchandis and craftismentis'<sup>165</sup> the provost returned to the burgh and the dispute was heard at a court held on 16 July by provost Minto and bailies Cunninghame and Wallace. The accusation was presented by the common procurator against 'the haill estaites of merchandis, deacones and craftismentis of the towne ... so far as may concerne the ... commoun



iniurie done to the magistratis'. It was agreed to refer settlement of this action and the complaints brought by the merchants and the craftsmen against each other to the judgement of the provost and bailies who were also briefed to devise some means of preventing similar dissensions occurring in the future, 'betuixt the said bayth estatis conernyng thair ranking and placeing thame selfis in tyme of mustouris'.<sup>166</sup>

The magistrates were to give judgement on 23 July but no more is heard of this dispute in the minutes. In the act book at that date several blank pages were left, presumably for insertion of their decision. The 1583-84 accounts record that William Cunninghame, bailie, was paid £4 10s 0d 'for the copie of the appointment brocht furtht of Edinburcht be him betwixt thee merchandis and craftsmen'.<sup>167</sup> This may refer to an agreement between the Glasgow merchants and craftsmen but it may equally mean that the Glasgow magistrates and council obtained a copy of the Edinburgh Decreet Arbitral in the hope that it might help solve their problem. How the perpetrators of the 'tumult' were punished or how the questions of status which led to the riot were remedied is unknown, though on this latter point it is perhaps significant that the arrangements for a wapinschaw in 1601 stipulated that the deacons were to accompany the provost, bailies and council 'on horsbak'.<sup>168</sup>

Yet the deacons were in an ambivalent position. On the one hand they were the leaders of their crafts; but they were also included from time to time on the merchant controlled council and collectively were involved in some items of burgh legislation. Their spasmodic involvement with the council in the issuing of statutes (on a variety of subjects ranging from taxation to the control of weights and measures) reflected their role as craft leaders, as representatives of an important section of the community. For, it must be stressed, no matter how oligarchic the composition of the administration was, government rested to a great degree on consent and on occasions the community and the deacons could be called upon to give their assent to items of legislation.<sup>169</sup> However a feature of the main period under discussion is the manner whereby the

administration appears to have been dispensing with the assent of the community as a whole. The Summerhill meetings (which it seems all the burgesses had attended) were falling into desuetude and instead the community of burgesses had to make do with representation on the council.<sup>170</sup> Yet the craftsmen were treated as a special case in so far as their deacons were from time to time consulted separately. It can thus be argued that the merchant oligarchy was attempting to defuse opposition from the craftsmen while simultaneously hoping to bring the deacons to identify more with the administration than with their crafts.

Probably the clearest example of the council's attempts to bring the deacons within the orbit of the oligarchy is to be seen in the progress of the policy of alienating parts of the burgh common lands. In 1568 alienations were approved at the Summerhill meeting by 'the haill communitie of the towne', but eight years later a petition was presented by the deacons and the community complaining that the provost, bailies and council had gone too far.<sup>171</sup> Their petition was for the time successful in its purpose and the practice of alienation was formally prohibited. However further alienations became necessary to raise funds to allow the town to purchase Archibald Lyon's Kelvin mill, and these transactions were authorised between October 1588 and January 1589 by several statutes which effectively ignored the prohibition of 1576.<sup>172</sup> The assent of the community was referred to in only one of these,<sup>173</sup> but the deacons were involved in each enactment alongside the magistrates and council. The role of the 'haill communitie' was being diminished but the deacons' assent was evidently regarded as essential.

In 1600 it was proposed to alienate more parcels of common land. As before the magistrates approached the deacons for their consent to these proposals. However on this occasion they refused and cited the prohibition of 1576: 'they disasentit that ony commone land suld be delt ... conforme to ane act sett done in my lorde Boydes tyme'.<sup>174</sup> The council's policy of trying to draw the deacons towards the interests of the administration and away from those of their fellow craftsmen had failed. It was still the case

that not all the deacons were on the council simultaneously,<sup>175</sup> yet their appetites for power and influence must have been whetted by their irregular involvement in council affairs. Pressured on the one hand by their merchant councillor colleagues to behave responsibly and on the other both by the desire of their craft brethren for greater representation and their own personal ambitions, they were increasingly succumbing to these other influences.

During the 1590s there are several gaps in the act books but a few indications of the deteriorating relationship between merchants and craftsmen can be detected or inferred from these and other sources. Following the riot of July 1583 the next serious upset appears to have occurred in 1595 when cautioners were appointed to each of the deacons to ensure their appearance before the burgh court to answer the 'accusationes laid to thair charge for contraventione of thair craftis'.<sup>176</sup> The same minute refers to craftsmen 'insolent and trubleris of the quyetnes of the towne' whose names the deacons were to give up on pain of a fine of £500, a very large sum which shows that there had been serious trouble. This unrest may have arisen in response to the severe economic problems of this period. A succession of bad harvests had led to sharp increases in wholesale prices which the craftsmen were unable to pass on to the townspeople because of the council's determination to maintain low retail prices.<sup>177</sup> However a more immediate cause was probably the increasing pressure being placed on Glasgow by the Convention of Royal Burghs to establish a burgh sett similar to Edinburgh's which, with the inclusion of gild brethren, would ensure the leading craftsmen the place in the burgh's administration which they sought. On 1 June 1595 the Convention had issued an act criticising the magistrates and council of Glasgow for having failed to introduce either a dean of gild or elected gild brethren, just nine days before the above noted summons was issued by the burgh court against the deacons.<sup>178</sup>

Further endeavours by the Convention followed but the negotiations (which had involved both merchants and craft leaders in Glasgow as well as representatives of the Convention) broke down in July 1598.<sup>179</sup> The merchant oligarchy continued to stand firm and it is

notable that the council still sought to appease craft opposition by granting further seals of cause: the bonnetmakers were incorporated in 1597 and the wrights in 1600 (the latter being an interesting example as their incorporation effectively undermined the masons with whom the wrights had previously been associated).<sup>180</sup> But craft opposition continued and it is against this background that the deacons' refusal to agree to further alienations of the commons in May 1600 may be viewed.

Eventually the hostility between merchants and craftsmen became so serious that, in November 1604, commissioners from both groups were appointed with a view to settling their respective differences.<sup>181</sup> The result was the Letter of Guildry of 1605 whereby, inter alia, the concept of a gild brethren was adopted, a solution which satisfied some of the aspirations of the leading craftsmen.<sup>182</sup> Significantly the magistrates and council shortly afterwards issued an act designed to end squabbles at wapinschaws between merchants and craftsmen.<sup>183</sup> These were by no means immediately effective as an incident in July 1605 demonstrated<sup>184</sup> and the burgh continued to be embroiled in strife as political groupings sought to capitalise on the remaining sources of discontent.<sup>185</sup> The crown was obliged to intervene and in November 1606 it ordained that the council was to be comprised of an equal number of craftsmen and merchants.<sup>186</sup> The leading craftsmen had finally attained a measure of political equality with the most prominent merchants and even if this was of little direct benefit to the lesser craftsmen they at least could claim that they were no longer second class citizens.

Although the final culmination and resolution of the difficulties between the Glasgow merchants and craftsmen fall outwith the main period under consideration it is clear that their differences existed during the 1570s and 1580s and could occasionally, as in the disturbances of July 1583, emerge into the open. The furtherance of the aspirations of the craftsmen was but one of several local issues which were a feature of burgh politics at this time.

As has already been stated, burgh government was oligarchic in its composition but its effectiveness rested on consent.<sup>187</sup> Thus

the deacons and the community were sometimes involved alongside the magistrates and council in the enactment of legislation. Nonetheless there is evidence of open criticism and opposition to certain policies which the administration adopted. This may be detected on the issues of the alienation of commons (already discussed),<sup>188</sup> the level of burgess entry fines and astringency to the town's mills.

In June 1574 burgess entry fines were set at £10 irrespective of the applicants' status. This prompted, in September 1575, a protest from 'burges sonnys' (that is, younger sons and sons-in-law, but not burgess heirs who were always dealt with preferentially) that they were being unfairly treated. The magistrates and council decided to defer decision until it had been possible to determine the practice of other burghs but their deliberations were forestalled at the Summerhill court of June 1576. Although the bailies and council were present with the 'commountie', three statutes were adopted by the community alone, advocating the introduction of a three tier system of fines. These proposals were to be 'resonit befor the prouest, and gif he consentis thairto to be concludit and endit, wtherwayis nocht'. In fact the provost did not give his assent (the accounts show that the old system remained in operation), but in May 1577 a more sophisticated scheme was adopted by the provost, bailies and council which seems to have met the objections raised by the 'burges sonnys' three years earlier.<sup>189</sup> Thus, as regards this issue (which was obviously close to the interests of all burgesses), the administration showed itself willing, albeit slowly, to respond to criticism.

More controversial was the decision taken in November 1576 to astringency the inhabitants to the town mills. Unusually the councillors who promulgated this act with the provost and bailies were individually named. This in itself shows that the policy of astringency or thirlage, which was designed to augment the income of the common good, was expected to be unpopular, and it is not surprising that the authorities attempted to secure this legislation by stipulating that all new burgesses were to swear that they would 'promeis and be bund to cum to the commowne towne mylnes... witht all thair cornes'.<sup>190</sup>

The thirlage legislation resulted in the sole example during this period of the formal abrogation of a burgh statute. In June 1581 the provost, Esmé earl of Lennox, notified the bailies and council that he wished this 'hurtful and pretendit statute maid in thee tyme of Robert lord Boyd sum tyme provest, bee thee aduice of the baillies and certane vtheris particularis vpoune counsale' to be annulled.<sup>191</sup> Accordingly the bailies, council and deacons convened on 1 July to receive 'the complaynt maid be the inhabitantis of this toun and haill communitie thairof', which had presumably prompted Lennox's letter. Their petition argued that freemen and burgesses ought not to be astricted to any mill and that the town mills had been incapable of coping with the demands made on them. The authorities in response abrogated the offending statute, as being 'to the hurt of the commone weill'.<sup>192</sup>

The formality of the procedure adopted on this occasion shows that thirlage was a major local issue during the late 1570s, a grievance which transcended other sources of contention such as the spasmodic disagreements between merchants and craftsmen. Yet the ruling oligarchy was not in itself threatened by any of the issues thus far discussed. Recognising the wisdom of achieving a measure of consensus, the bailies and council were prepared to respond constructively to these internal pressures. A more serious threat to the oligarchy arose from its dealings with, and the inter-relationships between, the provosts, the superiors (ostensibly the archbishops) and the crown.

A salient feature of the 1570s and 1580s was the manner whereby the position of archbishops Boyd and Montgomery as superiors of the burgh was undermined by the assumption of the superior's role in the nomination of the burgh's provosts and bailies by a succession of ruling court factions anxious to control this and other burghs. Concurrent with this phenomenon was the continuation quite independently of the burgesses' desire for a greater influence in the appointment of the town bailies, an ambition which dated back to the 1550s at least. Although the policy of the crown and the pretensions of the burgesses were in fact incompatible both had

an interest in circumventing the authority of the archbishops. During the provostship of Robert Lord Boyd in the early 1570s, as shall be demonstrated, there is some indication of, if not an alliance, a tacit understanding between the leading burgesses and the provost who was by that time, in effect, a crown nominee rather than simply an appointee of the archbishop.<sup>193</sup>

Although the erosion of the authority of the archbishops as superiors of the burgh was a dominating feature of the 1570s and 1580s, the beginnings of this process can be traced back to the opening decade of the sixteenth century. The regality charter of 1476 emphasised that the provost was to be nominated by the archbishop.<sup>194</sup> But in a letter of c1510 archbishop Beaton I informed the town council that 'my lord of Levenax and I are condescendit that he be chosen provost'.<sup>195</sup> Given the respective powers of the archbishop and a local magnate such as Lennox, it is clear that the legal superior would have little influence should a man such as the earl wish to become provost. Archbishop Beaton II found himself in a similar position. The Lennox interest had been eclipsed in the mid 1540s after the battle of the Butts and earl Matthew's exile. In 1545 the regent Arran, later duke of Chatelherault, became bailie of the regality and for almost twenty years the Hamilton family dominated Glasgow's affairs. Following the death of archbishop Dunbar in 1547, Arran's brother had been considered for appointment to the see and although this manoeuvre proved unsuccessful, several Hamiltons did obtain preferment to other ecclesiastical positions in Glasgow. Beaton became archbishop in 1552 by which time the Hamilton family was entrenched not just in the church but also in civic office. After 1544 the provostship was held by a succession of Hamiltons, and Beaton can have had little choice in retaining the services of Andrew Hamilton of Cochno (provost since 1550 or 1551) throughout the remainder of the decade, a man who was almost certainly nominated by Chatelherault.<sup>196</sup> Thus the superior's real influence was constrained by the powerful influence of the duke. Yet Beaton's success in the dispute with the burgh regarding the election of the town bailies suggests that Chatelherault, if initially sympathetic to the claims of the burgh,

was not prepared to see the superior's authority completely undermined. Consequently if provost Cochno was indeed nominated by the duke it is probable that the annual re-appointments were effected in such a way as to ensure that the archbishop suffered no loss of dignity.

However Beaton, by his flight in July 1560, effectively destroyed the remaining power and status of the archbishops as superiors of the burgh of Glasgow. It would appear that the right to appoint the provost was assumed by the crown, possibly in conjunction with the bailie of the regality. Thus the appearance of John Stewart of Minto as provost seems to have coincided with the return to the country and to crown favour of Matthew, earl of Lennox, and the appointment of the latter to the bailiership of the regality in July 1565. However, in the absence of relevant documentation, it is impossible to tell exactly how the crown coped with the extraordinary situation which obtained after Beaton's flight, for he definitely continued to enjoy some of his temporal rights until he was formally forfeited in 1570.<sup>197</sup>

After the forfeiture matters were more straightforward: the archbishop's temporal powers, which included the appointment of the magistrates of Glasgow, were then firmly vested with the crown. The first protestant archbishop of Glasgow was John Porterfield who was appointed by the crown sometime in 1571 but was never elected or consecrated. As late as October 1573 the see was still regarded as vacant when the regent Morton wrote to the burgh nominating the baillies. The same month also saw the removal of Stewart of Minto and the appointment by Morton of Robert Lord Boyd as provost, and in November Lord Boyd's nephew, James Boyd of Trochrague was consecrated archbishop and vested in the temporalities of the see.<sup>198</sup> So far as the burgh constitution was concerned the advent of archbishop Boyd marked a return to the situation which had existed prior to Beaton's hasty departure in 1560 and for the duration of the period under discussion the minutes show that, with two or possibly three exceptions (all during the episcopate of archbishop Montgomery in the early 1580s),<sup>199</sup> the provosts were appointed by the archbishops as superiors of the burgh. Nonetheless



the reassertion of the archbishops' role was more apparent than real, for their ability to make independent appointments was severely limited by questions of kin and national politics.

Thus it is doubtful whether archbishop Boyd had much choice in appointing his uncle Robert Lord Boyd to the provostship for three more successive terms of office (1574-77) when the regent Morton had determined to reward Boyd for his services to the king's cause during the civil war. Indeed his own appointment to the see had arisen from Morton's policy toward the Boyd family.<sup>200</sup> At Lord Boyd's reappointment in October 1574 the minute records that the archbishop nominated his uncle 'prouest ... for this instant yeir to cum and siclyk yeirlye in all tymes cumyng heireftir following incaise it plese him to accept the samyn on him during all the dayis of oure lyftyme'. In 1575 and 1576 Lord Boyd was again made provost by his nephew. On both occasions reference was made to this nepotistic arrangement which had also averred, in a blatant attempt to justify the removal of Minto from the office of bailie of the regality by Lord Boyd in November 1573, that 'the office of prouestre ... has newir or seyndill been separatit in sindry persounes handis fra the baillierie of oure baronie foifsaid'.<sup>201</sup> More remarkable still was the archbishop's letter of 6 September 1577, presented to the bailies and council on 1 October, intimating that Lord Boyd had decided to stand down from the provostship. It narrated that Lord Boyd

'hes dimittit ... office in our hand for this yeir, quhairby we may nominat sic ane persoun as we think best ... provyding alwayis that we sall nominat na prouest this yeir nor in ony tyme cuming by the said lordis avyse and consent during all the dayis of his lyftyme nor yit sall retene ony prouest ... langer nor ane yeir bot sall change the prouest at the yeris end at the desyre and plesour of the said lorde, and if we wald do the contrar (as God forbid we suld) we be the tenor heirof ordanis ... the baillies and counsall ... that thai pas nor gif na commissioun to na persoun nor personis to the

office of prouestrie ... by the consent and aduise  
of the said lorde ... and als we be the tenour heirof  
grantis and consentis that it salbe lesum to the  
said lorde to enter to the said office of prouestrie  
of Glasgw agane quhenewir it pleses him'.<sup>202</sup>

Archbishop Boyd clearly had little say in the affairs of his burgh so long as his uncle remained influential. The new provost, Thomas Crawford of Jordanhill, although ostensibly nominated by the archbishop, was clearly chosen by Lord Boyd. However events were now to take a turn unforeseen by Lord Boyd and if the archbishop had found it difficult to resist family pressure still less easy to ignore was the determination of a court faction to restore the Lennox family to its former prominence.

On the death of the regent Matthew earl of Lennox in September 1571 the succession had passed firstly to his second son Charles and then, on his death in 1576, to the regent's younger brother Robert who was created earl of Lennox in June 1578. Even before this date proceedings had been begun on behalf of the king (as heir to his grandfather, the regent Lennox) to wrest the bailieship of the Glasgow regality from Lord Boyd. Boyd was obliged to relinquish that office in July and the crown forthwith appointed Robert earl of Lennox in his place.<sup>203</sup> Significantly all this had coincided with a temporary eclipse in the power of Boyd's patron, the regent Morton, in March and although Morton regained his place at the head of the government in the autumn of 1578 several of his opponents were retained on the Privy Council. The coup of March 1578 had an immediate effect on the burgh administration in Edinburgh, namely the removal of the provost and five of his councillors.<sup>204</sup> In Glasgow the effect was delayed until September when Boyd's protégé, Thomas Crawford of Jordanhill, was replaced by Lennox.

In view of the preceding year's contract with Lord Boyd it is not surprising to find that the burgh viewed these proceedings with some disquiet. The minutes of 30 September record that Lennox (who had been made a burgess immediately beforehand) appeared before provost Crawford, bailie Wallace, the council and (unusually)

the 'communitie of the said cietie'. Equally unusual was the presence of archbishop Boyd whose letter nominating Lennox was read 'in oppin audiens'. The council then heard Boyd's 'nominatioun of him be his awin moutht'. Only then was assent given. Nonetheless Crawford entered an objection that the liberties of the town should be protected. Yet neither he, Lord Boyd nor the archbishop was in a position to oppose crown policy which aimed to reinstate the Lennox interest.<sup>205</sup>

The bailies were then nominated by the archbishop and two days later the council was chosen. This prompted another objection from Crawford, alleging that he had been 'put of the counsale but ony falt and vncallit thairfore' and that the new council had been elected without either his or the old <sup>bailies'</sup> ~~bailies~~ consent. A protest by Mr Adam Wallace, one of Crawford's bailies, indicates that the new council had indeed been chosen by Lennox and the new bailies, 'furtht of the counsalhous'.<sup>206</sup>

Examination of the appointments shows that Crawford and Wallace had reason to be concerned. Apart from Crawford (who never again held burgh office) both of his bailies were displaced, although they did become councillors. Of the council of 1577-78 (nineteen strong) ten men were not re-elected in October 1578. In their stead nine new men were appointed, including several Grahams and Stewarts, as might be expected under a Lennox regime.<sup>207</sup>

With the 1578 election it becomes possible to detect for the first time definite divisions within the ruling oligarchy of the burgh. The issues which lay behind the election, the tension between the Morton-Boyd interest and that of Lennox was complicated further by religious matters. Morton had achieved a modus vivendi of sorts between church and state at the Convention of Leith in January 1572 but the advent of Andrew Melville and his doctrine of 'two kingdoms' had initiated a period of conflict between the increasingly presbyterian outlook of the church and the equally determined view of the crown which stood by the new episcopacy established in 1572 as a necessary pillar of government. In 1578 the General Assembly had adopted the presbyterian programme but if

Morton was hostile to the church's aspirations so too was Lennox and the crown declined to implement legislation which would transfer the control of the church from crown nominated bishops to presbyteries.<sup>208</sup>

The men placed or retained by Lennox were probably sympathetic to the crown's policy, suspicious of the presbyterians' radicalism and perhaps relieved to see an end to the Boyd-Crawford regime which had seen an involvement in burgh affairs by these two provosts which would not be matched by any of their successors during this period.<sup>209</sup> Some of the Lennox men may well have been former supporters of Sir John Stewart of Minto who, under the regent earl Matthew of Lennox, had ruled the burgh until his removal by Lord Boyd in 1573. The men displaced by earl Robert in October 1578 may have been more sympathetic to the General Assembly, but even if they were not (since the issue of church governance had yet to come to a head) they were almost certainly supporters of Boyd. The divisions apparent in 1578 would be magnified two years later and it is notable that when earl Robert's successor, Esmé earl of Lennox, purged the administration in 1580, many of the men he retained were men whom earl Robert had placed or retained, while six of the ten councillors he removed had also been displaced by earl Robert. Nonetheless the pressure groups which can be identified within the ruling oligarchy in 1578 had yet to become fully formed. Although earl Robert displaced many of his predecessors' councillors it is notable that the bailies whom he appointed were men who had served under Boyd either as bailies (George Elphinstone and William Cunninghame) or as leading councillors (David Lindsay). Furthermore, no doubt motivated by a desire to ensure stability, seven of the ten councillors removed in October 1578 returned to the council in 1579 to serve alongside the 'new' men during earl Robert's second term as provost. Earl Robert appears to have appreciated, unlike earl Esmé after him, that it would be dangerous to alienate men who constituted an important section of the ruling oligarchy. One side effect of earl Robert's desire for a balanced administration was that the council increased in size: from fourteen seats in 1574-75 it had grown to twenty-four by 1579.<sup>210</sup>

Archbishop Boyd, though powerless to oppose the government and Lennox in 1578, may well in fact have welcomed the fall of his uncle Lord Boyd who, as has been noted, had forced the archbishop in 1574 and again in 1577 to recognise and acknowledge publicly that he, and not the archbishop, determined who should be provost.<sup>211</sup> After his uncle's fall in 1578 archbishop Boyd was not able to exercise any more effective a control over the appointment of the provost than he had been able to do previously, but at least the Lennox regime was more discreet in its treatment of the man who was, after all, still the nominal superior. Lord Boyd had, furthermore, been less than helpful to the archbishop on at least one occasion in his efforts to maintain his control over the appointment of the burgh bailies in the face of opposition from the council.

It will be recalled that in the 1550s the burgesses attempted to take over the election of the bailies but that eventually the Lords of Council and Session (in May 1557) pronounced in favour of archbishop Beaton's interpretation of the sett, namely that the archbishop should receive from the burgh a leet of nominees from which he would make the appointments to the bailieships for the year.<sup>212</sup> How matters were managed after Beaton's flight is unclear, although it is known that in 1561 the provost and council, after going to great lengths to obey the spirit of the 1557 decret, elected the bailies themselves.<sup>213</sup> It seems likely that, thereafter, once the early traumas of the Reformation had passed, control must have reverted to the crown, with or without the bailies of the regality, so that appointments to the bailieships would follow the same pattern as the provostship. Thus it is known that in 1573 the leet for the bailies was sent to the regent Morton and he chose who should serve.<sup>214</sup> When James Boyd became archbishop the usual mode of election, as specified in the decret of 1557, was resumed. However, although the burgesses accepted this state of affairs, enough grey areas remained to allow for differences of opinion as to the precise interpretation to be placed on the 1557 judgement, resulting in disputes which indicate that the burgh still aspired to a greater say in these elections. At the same time it is possible to read into archbishop Boyd's responses to these incidents an

endeavour by the superior to maintain his authority over the appointment of the bailies in the face of the erosion of his influence over the appointment of the chief magistrate, the provost.

The chief incident occurred in 1576. On 2 October the leet for the bailies, comprising six names, was presented to archbishop Boyd, who was found 'sittand in his cheptour ... with the copie of the decrete gevin by the lordis of counsale at the last beschopis instance aganis the toun for chesing of the baillies'. The archbishop refused to accept the leet 'be resson that thair wes nocht viij lytis given him and the auld baillies of thair nummer'. The next day a deputation from the town, headed by George Herbertson, communed with Boyd but he remained firm in his resolve and stated that, if he did not receive a proper leet with eight nominees, the old bailies would be reappointed. Herbertson argued that 'thai ar nocht compellit to name ony certane nummer of aucht nor yit the auld baillies bot onlie ane certane lytis of the auld counsale'. An impasse having been reached, the deputation returned to their colleagues and 'protestit that the prouest, baillies and auld counsale mycht name twa of the said sax lytis thamselvis'. This was accordingly done, by the provost (Robert Lord Boyd), Andrew Baillie (one of the old bailies) and twelve named persons 'with wtheris diuers than present'. Only William Cunninghame, the other old bailie, expressed qualms but he agreed 'gif it may stand be law and aggre with the decret'.<sup>215</sup>

A number of points may be noted. The absence of the old bailies from the leet concerned the archbishop but not the men involved, Andrew Baillie and William Cunninghame, both of whom participated in the burgh's unilateral action. Thus the question of power groups within the burgh can be discounted at this time. Secondly there was obviously a difference of opinion between the archbishop and his uncle Lord Boyd, the provost, whom it will be recalled was in effect a nominee of Morton, controlling the burgh on behalf of the regent. Boyd supported the burgh against the archbishop, an example of the suggested alliance of interests between the crown (anxious to control the burgh, at the expense of the superior if

need be) and the leading burgesses (who still desired a say in the election of their bailies) which seems to have existed at this time. Lastly, as has also been suggested, the archbishop seems to have been all too aware that his position as superior was being eroded, certainly as regards his right to chose the provost. Consequently he was here trying, almost desperately, to assert his authority over the election of the bailies for examination of the decreet shows that the archbishop's demands were unfounded.<sup>216</sup> By the time of the next election the burgh must have been aware of this fact, for the archbishop was presented with another leet of only six names 'for obedience of the decreit obtenit be the last bischop aganis the towne'.<sup>217</sup> On this occasion the archbishop did not demur.

The removal of Robert Lord Boyd's influence from the burgh and the advent of Lennox appears to have allowed the archbishop to assert his independence as superior, at least in relation to the election of the bailies.<sup>218</sup> This phenomenon may well have been caused in part by the government's anxiety regarding the rise of presbyterianism. Unlike Lord Boyd, earl Robert would wish to support the archbishop rather than diminish his power and status. In the three elections, 1578-80, the leet was increased to eight and the old bailies were included. No dissent was recorded until 4 October 1580 when Mr Adam Wallace (leeted but not appointed bailie) protested 'in name of the baillies counsale and townschip' that the inclusion of the old bailies on the leets 'be nocht preiudiciall to thame to induce ony vse or practik of necessite thairof in tyme cyming'.<sup>219</sup>

All in all, archbishop Boyd was quite successful in resisting these attacks. He was also able to emphasise his authority over the burgh administration when, in October 1578, he insisted on the appointment of Richard Todd as one of the burgh officers. Todd had earlier been an officer but in 1577 he was dismissed for gross maladministration. Clearly the burgh administration did not want him and on his reappointment Mr Adam Wallace formally protested that 'the chesing of Richert Tode, or ony wther officiare at the request

of my lorde archbischof of Glasgw, preiuge nocht the libertie of the toun'. Despite this objection Todd, who clearly had friends in high places, continued as a burgh officer, embarking on a career in that post which spanned the remainder of this period.<sup>220</sup>

However the powerlessness of both the archbishop and the burgh administration in the face of crown influence, seen in 1578, was emphasised in 1580. Robert, earl of Lennox served two terms as provost, from 1578 to 1580. By 1580 the king had a new favourite, Esmé seigneur d'Aubigny, nephew of earl Robert. On 5 March 1580 Robert resigned his title and received in exchange the earldom of March. On the same day Esmé became earl of Lennox (and in August 1581 was created duke of Lennox).<sup>221</sup> On 4 October 1580 the bailies and council of Glasgow received the archbishop's 'nomination' (in which he clearly had little choice) of Esmé as the burgh's new provost 'glaidlie witht reuerance'.<sup>222</sup> Compared to the changes in the membership of the burgh administration effected in 1578 when earl Robert became provost (which really affected the council only), the changes that were to be made by earl Esmé were to be far more dramatic in their scope and effect.

Lennox became provost on 4 October and on the same day three bailies (George Elphinstone, William Cunninghame and Robert Rowat) were appointed in the usual way, that is to say by the archbishop. On 7 October the council was elected and on the following day the water bailie, the officers, the common procurator, the liners and the keepers of the keys were chosen in the normal fashion. However on 19 October Matthew Stewart of Minto (probably in his capacity as depute bailie of the regality)<sup>223</sup> produced an act of the Privy Council narrating that Elphinstone, Cunninghame and Rowat, the bailies appointed on 4 October, had demitted office 'at the Kyngis grace requeist but preiudice of election of the magistratis in tymes cuming' and had been replaced by Robert Stewart, Hector Stewart and John Graham (younger), with the approval of archbishop Boyd. This was announced in the presence of 'the auld counsale of the yeir preceding', that is the council of 1579-80, not the council elected on 7 October. On the following day (20 October) a new



council was chosen and several men were displaced. Unlike 1578, the three displaced bailies did not obtain council seats. The other officials who had been appointed on 8 October were also changed. Of the original appointees only the water bailie, the officers (though not their cautioners) and the common procurator remained in office. Furthermore the key position of common clerk was also affected. No election was conducted at the next Whitsun court, held on 16 May 1581, but one week later the then clerk (Mr Henry Gibson) was displaced and Archibald Hegate entered in his place, not by due process of election but through the direct nomination of the earl of Lennox, backed by the authority of the king.<sup>225</sup>

Before commenting on the reasons for these changes, and their consequences, it is useful to put these events into perspective. Very little is known about the immediate aftermath of the Reformation and its effects on the administrative personnel of the burgh; however it would appear that at no point were two sets of bailies appointed.<sup>226</sup> Similarly although the extant minutes do not cover the period in late 1573 when Robert Lord Boyd ousted John Stewart of Minto from the bailiership of the regality and the provostship of the burgh such evidence as there is suggests a strong degree of continuity. Mr Henry Gibson was retained in the key position of common clerk while almost all of the bailies who had served with Minto since 1565 continued as either bailies or councillors under Boyd.<sup>227</sup> The next major change in regime occurred in October 1578 when Thomas Crawford of Jordanhill, Lord Boyd's nominee, was replaced by Robert earl of Lennox but, as has been seen, the changes then made were limited to the council and largely reversed the following year.<sup>228</sup>

However the double election of 1580 was, in its comprehensiveness, unique in this period of Glasgow's development. It marked the fulfilment of crown policy which had now confidently exerted its will on the burgh at the expense of those leaders of the community who were inimical to earl Esmé's regime. All they could do was enter protests in the minutes. On 20 October Elphinstone objected that

'quhatsumevir thing beis done in chesyng of counsale or officiaris or any wtheris by thame ellis chosin and maid of befoir preiuge nocht the libertie of the toun and als ... for himself and in name of the rest of the auld baillies protestit alsua that their new chesing preiuge nocht thame becaus thair wer nocht requyrit not sutit thairto'.<sup>229</sup> Elphinstone and his colleagues had obviously been unimpressed by the crown's assurance that they (the ousted bailies) had in the past 'behavit thameselffis honestlie and done gude and thankfull service to his Maiestie ... and the wele of the said citie'.<sup>230</sup>

What lay behind the purge of October 1580? Broadly speaking the issues were the same as those which had been behind the events of 1578 (a fact confirmed by the correlation between the men favoured by both Lennoxes and those whom the Lennoxes displaced).<sup>231</sup> Just as earl Robert had been suspicious of Boyd's men so too was earl Esmé because of Boyd's connection with Morton. At court Esmé provided a focal point for those nobles who had already tried to oust Morton in 1578. In June 1580 Esmé was admitted to the Privy Council where he soon assumed a dominant position at the expense of Morton whose regime the young king, now in his mid-teen's, had been finding increasingly irksome. Esmé on the other hand had the trust and affection of the king and was able to have Morton arrested in December for his part in the murder of Darnley; Morton was executed in June 1581.<sup>232</sup> It was natural therefore that when Esmé became provost of Glasgow he should seek to pre-empt any local difficulties which might arise through his prosecution of Morton by removing officials who might prove troublesome through their association with the Morton-Boyd regime. Significantly none of the men removed had first obtained office under earl Robert: all had been inherited from either Boyd or from his protégé, Crawford.

Since 1578 the crown and the church had been viewing each other with growing distrust. The arrival of Esmé from France did nothing to reassure the presbyterians who regarded him, despite his apparent conversion to Protestantism, as a Catholic.<sup>233</sup> How devout Esmé

actually was is open to conjecture but he appears to have been almost forced into a Catholic position by the accusations of the presbyterians. Certainly he had no sympathies with their aspirations and instead followed the episcopalian policy adopted by Morton. Thus the purge of the bailies and councillors undertaken in Glasgow on his arrival may also be regarded as an attempt on his part to secure the support of moderate Protestants, who might be amenable to episcopacy, and crypto-Catholics against those leading burgesses likely to espouse the presbyterian cause.

Certainly some of the men whom he favoured were sympathetic to the old faith. John Graham, elder, one of Esmé's appointees, was probably the same John Graham whose assistance to the Friars Preachers of Glasgow in the post Reformation period was formally acknowledged by those men when they conveyed several parcels of their former property to him in November 1560. Whether or not he retained his allegiance to Catholicism, he had reasons to dislike Andrew Melville and by implication all he and his supporters stood for because he had been forced by Melville (while he was principal of the university) to give up these lands to the college.<sup>234</sup> However if there is some doubt about John Graham the same does not apply to Archibald Hegate, the new clerk, and Gavin Graham both of whom were convicted of harbouring Jesuits in 1588.<sup>235</sup> Hegate was again excommunicated by the presbytery in 1592 as an 'intercommuner with Papists',<sup>236</sup> and his feelings towards the new regime were clearly expressed when he wrote in his protocol book of 'monstruous Luther and Calvin with all thair discipillis' as being 'worthee of deth as furious wolfis and baris cled in lambis skinnis'.<sup>237</sup> His father, Willaim Hegate, was of a similar persuasion and was threatened with excommunication by the kirk session in 1586 for slanderous comments made about the ministers.<sup>238</sup> Lastly, Convell Struthers, another Lennox man, was convicted by the presbytery in 1593 for having commented, 'God give ws grace to leif na wtherwise nor the waye King James the fyft deit in'.<sup>239</sup>

The effects of earl Esmé's purge of the bailies and council were manifold. The events of October 1580 saw the eclipse of the

archbishop's authority as superior. He had neither appointed the provost nor the new bailies. Similarly any hopes which the burgesses had had that they might obtain a greater say in the election of the burgh's bailies were, for the time being, thwarted. More importantly, the double set of 'elections' marked the end of the apparent reconciliation which earl Robert had effected in 1579. Esmé opened the wounds anew and split the established burgh oligarchy into two factions.<sup>240</sup>

For convenience the magistracy and council of 1580-81 may be termed the Lennox faction, men who were expected to be amenable to earl Esmé's policies. Several had served under his predecessor earl Robert and a few had political careers which stretched back to the time of Robert Lord Boyd. Significantly almost 50% of these men were new to burgh politics, a fact which underlines how Esmé, in his desire to obtain a sympathetic council, was prepared to break the power of the existing burgh oligarchy. The need to obtain support may explain the slight increase in craft representation on the council which is notable from 1580-81 onwards, although it must be conceded that this increase may be more apparent than real because the occupations of several councillors remain unidentified.<sup>241</sup> Certainly the size of the council increased marginally,<sup>242</sup> but the clearest instance of the Lennox regime courting support occurred in July 1581 when the unpopular thirlage legislation introduced under Lord Boyd (whose role in the thirlage acts was specifically mentioned) was formally rescinded.<sup>243</sup> Furthermore, in an effort perhaps to retain an air of legitimacy, several men of what might be termed a middle party were kept in office. These individuals were among the established leaders of the administration and included several who were prominent in the 'inner group' which dominated high office in the burgh during the 1570s and 1580s.<sup>244</sup> They were acceptable to every regime of this period including Esmé's administration and the presbyterian administration which replaced it in 1582. Thus Robert Stewart, one of the middle party, served both regimes as a bailie. The middle party probably comprised moderate Protestants who viewed the episcopalian policies of Lennox

and the presbyterian opposition to him with a degree of indifference. So long as neither faction drove its policies home to excess, so long as their livelihood and status remained secure, they were satisfied.

The men whom earl Esmé displaced, the three bailies (William Cunninghame, George Elphinstone and Robert Rowat) and ten councillors, were removed for their strong associations with the Morton-Boyd régime and their suspected presbyterian sympathies. In fact it is probable that their presbyterian sympathies were created by Esmé's clumsy action and that initially their views were akin to those of the middle party. After all, Morton had supported the bishops while Boyd out of a similar self interest (the profits liable to accrue from nepotistic and simoniacal pacts with sympathetic bishops)<sup>245</sup> followed the lead of his patron. It was only after Morton's death that Boyd embraced presbyterianism by supporting the Ruthven raid.<sup>246</sup> It is likely that the politicisation of the men displaced by Lennox followed a similar course. At first they had little in common save a sense of grievance arising from their treatment in October 1580. However, Esmé effectively created the nucleus of an opposition group which, even if it did not fully support the presbyterians' policies, came to identify with their opposition to Lennox and to his nominee to the archbishopric Mr Robert Montgomery who, in 1581, succeeded James Boyd. For convenience these men will be styled the presbyterian faction. Some were probably committed to the doctrine of 'two kingdoms', but for the majority presbyterianism was a cause to be supported as a means to an end, namely their return to office. Nonetheless it is noteworthy that many are found as kirk session members after November 1583 (the session records before then do not survive) whereas comparatively few of their opposite numbers of the Lennox faction appeared on that body.<sup>247</sup>

It is possible to detect the first signs of resistance to the Lennox regime at the Whitsun elections of 16 May 1581. As the treasurership always changed hands, the political outlook of William Symmer, the new treasurer, can not be determined. However it is significant that Gavin Graham, who had been master of work since 1579 and can be identified as a prominent member of the Lennox faction,

failed to be re-elected to this post in May 1581. Instead it went to Matthew Wilson, one of the councillors removed by Lennox in October 1580. Whereas the Michaelmas appointments were easily subjected to the provost's will because of the nature of the sett, the Whitsun elections appear to have involved the community of burgesses and were thus less open to manipulation. Wilson's election may therefore reflect the beginnings of resistance to the Lennox regime. This may also explain why Lennox did not risk an election for the key post of clerk and instead, as already noted, appointed Archibald Hegate by direct nomination to that office one week later.<sup>248</sup>

However, so far as can be judged, there was no further opposition to Lennox during this year. This fact and the apparent reliability of Matthew Stewart of Minto who had (with his father, Sir John Stewart of Minto) been acting as depute bailie of the regality for the Lennox family since 1578, seem to have encouraged earl Esmé to hand over the provostship to the younger Minto in October 1581.<sup>249</sup> The Michaelmas elections were conducted in the normal fashion. Leets were presented to archbishop Montgomery who chose the new bailies who then, with the old bailies, chose the council. There was a considerable degree of continuity in the appointments reflecting the maintenance of the Lennox faction's strong grip on the administration. However there were already indications of a problem which was to become a dominant issue in both national and local politics.<sup>250</sup>

Archbishop Boyd had died in June 1581<sup>251</sup> and the king had gifted the see to Mr Robert Montgomery, minister of Stirling, in August while in Glasgow.<sup>252</sup> It was widely believed that Montgomery, a former supporter of the anti-episcopal party, had entered into a simoniacal pact with Esmé, now duke of Lennox, whereby as soon as he was elected and consecrated 'he should dispone the lands, lordships and whatsoever belonged to that prelacy to the duke and his heirs for the yearly payment of one thousand pounds Scots ... a vile bargain it was'.<sup>253</sup> He thus personified to the presbyterians everything that was wrong with crown interference in church affairs. The crown, in anticipation of trouble, formally wrote to the Glasgow

magistrates and council at the October elections requiring them to

'acknowledge and recognosce and vse his Hienes trusty  
and weilbelouit Robert now bischop of Glasgow nocht  
onlie in presenting of the lytis [of the bailies]  
to him for his electioun and admissioun ... bot  
alswa in all other thingis <sup>c</sup>oncerning thair dewitie  
to the bischop as thai wald answer to his hienes  
vpon thair obedience ... as to him to quhome our  
soueraine lord had conferrit and gifin the said  
archbisshoprik'.

They responded 'that with thair hart thai wald accept and obey the  
said lettir in all poyntis'. <sup>254</sup>

One similarity with the 1570s was already apparent: even assuming that Lennox and Montgomery had not come to a financial understanding, the choice of Matthew Stewart of Minto as provost lay not with the new archbishop but with the crown and Lennox. Minto, as subsequent events were to show was not, however, an ideal choice from Lennox's point of view. Indeed Lennox may well have been suspicious of his true leanings for although Minto was depute bailie of the regality, he was one of the councillors whom Lennox had displaced in October 1580. When Lennox had a change of heart and appointed him provost in 1581 he can not have foreseen that, one year later, Minto would lead the presbyterian faction in the burgh to power. Yet examination of the council appointed in October 1581 shows that, although the Lennox faction was still very much in control, certain prominent men who had been displaced by Esmé obtained seats, most notably William Cunninghame (one of the deposed bailies) and Mr Henry Gibson (the former common clerk). For the moment, however, Minto, an astute politician, remained loyal to his powerful patron.

The controversy regarding Montgomery's appointment to the see became manifest at the General Assembly of 17 October 1581 which

ordered him to remain at Stirling and not to attempt to enter the bishopric on pain of excommunication.<sup>255</sup>

However Montgomery, supported by the crown and Lennox, forced the issue. In March 1582 he attempted to enter the high kirk and remove the minister, Mr David Wemyss, who was then preaching. On this occasion a disturbance was prevented by provost Minto who restrained the archbishop.<sup>256</sup> The following month he tried again but was opposed by the students led by Mr Thomas Smeaton, their principal, and Mr Andrew Hay, their rector, together with a group of sympathetic gentry and burgesses, among them William Cunninghame, 'all bodin in feir of weir with jakkis, steilbonettis, hagbuttis, pistolettis'. Nonetheless he obtained entry, removed Wemyss and gave his sermon.<sup>257</sup> The local presbytery and the General Assembly, after some attempts at negotiations with Montgomery, found him intractable and came to the conclusion that excommunication of the pretended archbishop was the only course left open to them.<sup>258</sup> The crown, on the other hand, was still anxious to obtain his election and consecration, but the cathedral chapter (which had been reconstituted in 1572 and was now comprised of men of the reformed faith including leading opponents of Montgomery such as Smeaton and Hay) refused and was summoned before the Privy Council for its recalcitrance.<sup>259</sup>

Matters came to a head locally on 8 June when the magistrates and council, acting on the instructions of the crown, broke up a meeting of the Glasgow presbytery which had been convened for the purpose of excommunicating archbishop Montgomery. Mr John Howeson, moderator, was assaulted and warded in the tolbooth. This provoked the students who rioted.<sup>260</sup>

The burgh act book refers to this incident eight days later when it records that a letter had been received from Lennox 'as ane sufficiente warrande to the baillies and towne to resiste the violence and bosting of the college incace thai incure ony skaithe be the toun throw thair awin occatioun'. A considerable space was



left in the act book for the engrossing of the letter but this was never done. However the 'tenour' of the duke's letter was recorded: the king, with regard to the recent disturbances 'be the colleigis mouit be the ministeris', had ordered the college 'nocht to do the lyke of it agane' under pain of disobedience and had enjoined the magistrates and council to keep the peace. They for their part, with the advice of the craft deacons, agreed that the burgesses who had taken up arms against their authority were to be summoned to attend the burgh court on 19 June, an injunction which shows that the presbyterian opposition had not been confined to the students. Typically the minutes are silent as to what transpired on that date or thereafter. They also make no mention of the fact that the magistrates and several councillors were summoned before the General Assembly to answer for their attacks on the presbytery and the students.<sup>261</sup>

By the time that the General Assembly dealt with their case there was a third charge to answer. Shortly after the violent events in June, archbishop Montgomery had been excommunicated<sup>262</sup> but despite this several of the Glasgow men had continued to consort with him. The men accused on all these points were the leaders of the Lennox faction: provost Minto, bailies Campbell and Graham (but significantly not Robert Stewart who belonged to the middle party), Archibald Hegate (the common clerk) and councillors Gavin Graham, John Graham elder, William Hegate, John Muir, Hector Stewart and Malcolm Stewart. Proceedings began on 27 June and it was agreed that they should be excommunicated. However pronouncement of sentence was delayed because the Assembly hoped that the crown would drop the proceedings raised against the Glasgow 'brethren' and others for their part in Montgomery's excommunication.<sup>263</sup> Then in August 1582 there occurred the revolution known as the Ruthven raid. The earls of Mar and Gowrie seized the king and compelled Lennox to flee to the west and, finally, France (where he died in May 1583).<sup>264</sup> The Ruthven lords were sympathetic to the presbyterians and they for their part endorsed the lords' action at a General Assembly held in October.<sup>265</sup> Archbishop Montgomery's position was now impossible and the Glasgow Lennox party could no longer count on the Privy Council to protect

them from the wrath of the presbyterians.

The astute Minto was however able to disassociate himself from his Lennox colleagues. He appears to have been loyal to Lennox so long as that noble had been able to support him. The event which almost certainly decided him in his resolve to quit his allegiance (over and above the difficulties his loyalty to Lennox and Montgomery had brought him to with regard to the General Assembly) occurred in July 1582 when he and others (including George Elphinstone, one of the bailies whom Lennox had deposed in 1580) were ordered to pay their rents owing to archbishop Montgomery on pain of being warded at Inverness castle.<sup>266</sup> By the time of the revolution of August 1582 he must have been eager to embrace the presbyterian cause. His change of allegiance was facilitated by the fact that his half-brother, Walter Stewart, commendator of Blantyre, was favoured by the Ruthven lords and later became a privy councillor during their regime.<sup>267</sup>

Thus he was able to retain the provostship, and the magistracy and council which was appointed in October 1582 shows the lengths to which he was prepared to go in order to court favour with the presbyterians and hence the Ruthven government.

On 2 October the old council, still dominated by men of the Lennox faction, prepared the leets for the bailiesships. As the archbishop was not at the castle it proceeded to elect John Graham elder, Hector Stewart and Mr Adam Wallace as bailies. Nonetheless on the next day Graham and Stewart appeared before the Lennox council and asked to be relieved of office. What had happened was made clear when Graham protested that 'the quhilk he haide at the requeist of Sir Mathow Stewarde of Mynto'. Minto then, with the advice of his brother Walter Stewart 'direct from the Kingis Maiestie' (that is, the Ruthven lords) presented a commission for the election of William Cunninghame, Robert Stewart and Mr Adam Wallace. Thus Wallace, who had not been involved in the troubles of the preceding summer, survived but John Graham and Hector Stewart, whose cases before the General Assembly were still pending, were dismissed. Just as earl

Esmé had purged the senior officials, the presbyterian faction which was now in the ascendant adopted the same approach. The two displaced bailies entered a formal protest on 4 October that 'na thing done heir sould preiuge thame in nominatioun of baillies becaus thee maiste parte of the pluralite was wyth theme in woting'. Even their replacements were concerned for it was clear to all that, questions of 'party' apart, the liberties of the burgh were being steadily eroded by the interference of successive court factions. Thus Cunninghame and Wallace also protested 'in name and behalfe of the haill toun' that these actions should not be prejudicial to the burgh's 'auld ancient libertie'.<sup>268</sup> Evidently, whatever feelings the burgesses had previously had regarding the archbishop's control over the appointment of the bailies, there was a growing awareness that the burgh was impotent in the face of crown involvement. Archbishop Montgomery, now an excommunicant, politically and socially isolated, played no part whatsoever in these events.

Minto did not stop with the bailies. The new council was elected on 4 October and the turnover in membership in this election surpassed all other elections in this period, including the purge effected by Esmé in October 1580. Whereas Lennox displaced three bailies and ten councillors, Minto removed two bailies and seventeen councillors. In fact the double elections of 1580 make Lennox's action appear more extreme than it actually was for he retained 63% of the first council in senior posts. Only 37% of the 1581-82 council survived the 1582 election.<sup>269</sup> The Lennox faction was now deposed and had been replaced by the presbyterian faction which was comprised of two groups of men: those whom Lennox had removed in 1580 and new appointees. The former included several very prominent burgesses who, like the middle party, dominated the magistracy and council during the 1570s and 1580s. Thus in one respect the coup of 1582 saw a return to the status quo, a reconstruction of the ruling oligarchy of the Boyd period. These men seem to have used the aspirations of the presbyterians to regain their position, although some were probably genuinely committed to the presbyterian cause. The new appointees show how far Minto was determined to establish his credibility with the

General Assembly for they included in their number Mr Andrew Hay and Mr Thomas Smeaton, the rector and principal of the college, who had led the opposition to archbishop Montgomery earlier in the year and who were also prominent on the General Assembly. <sup>270</sup>

It only remained for Minto to make his peace with the Assembly and this he did by shifting the blame for the attacks on the presbytery and the students onto his former colleagues, the Lennox faction men, all of whom had been removed from the council on 4 October. On 9 October the Assembly met at Edinburgh and the guilt for the events of June was largely borne by Gavin Graham who, despite his denials, was held responsible 'for the counsel given to the laird of Minto in the violence used against Mr John Howesone'. Minto appeared personally and agreed to submit to the kirk. Both his case and the case against John Graham elder were referred to the local presbytery for punishment and in the case of Minto at least it seems that he was not excommunicated, as he continued to act as provost. All the others who had been involved in the events of June were sentenced to be excommunicated in the high kirk of Glasgow by Mr David Wemyss and were 'to satisfie the iniunctions usit against murtherers, incestuous persons ... before they be absoluit'. <sup>271</sup> Archibald Hegate, the common clerk, appears to have been absolved (assuming he was ever in fact excommunicated) because there is no indication that he lost his office. Hegate's retention is in itself significant for he undoubtedly was a leading Lennox supporter and a crypto-Catholic. His survival may be accounted for by the fact that the clerk was not chosen by the bailies and councillors at Michaelmas but by the whole community of burgesses at the Whitsun perambulation. Only earl Esmé, in 1581, had ignored this process. Minto and his colleagues did not and at Whitsun 1583 Hegate was re-elected from a leet of three by the burgesses, which would suggest that there was still support for the Lennox cause, or at least some opposition to the presbyterians, from the wider community.

The presbyterian hegemony was short-lived, both at the national level and in local affairs. In June 1583 the king escaped from the Ruthven lords and a new government was formed headed by James Stewart,

earl of Arran. At first the new regime moved slowly, avoiding a full confrontation with the church over the Montgomery issue. Indeed it settled a long standing grievance of the General Assembly by forcing the archbishop to settle the stipend of Stirling parish not on his son but on his successor in the parish.<sup>272</sup> The archbishop remained in the political wilderness and for the second successive year the provost of Glasgow was appointed by the group then uppermost at court without reference to Montgomery. Minto was removed from office and replaced by John Graham earl of Montrose.<sup>273</sup>

As to continuity, the three bailies (Cunninghame, Wallace and Robert Stewart) remained as bailies and twelve councillors were retained representing 58% of the administration which had served Minto. More significantly a small number of Lennox men returned while among those removed were the more extreme presbyterians, Mr Andrew Hay and Mr Thomas Smeaton. In terms of the 'parties', the administration of 1583-84 represented a balance between middle party men (the moderate Protestants who had not become embroiled in the excesses of the preceding period) and the moderates of the Lennox and presbyterian pressure groups. The extreme members of the two factions had now been displaced.<sup>274</sup>

The crown's policy now envisaged the return to power of the Lennox interest in the person of the nine year old Ludovick, son of Esmé, who became duke in July 1583.<sup>275</sup> In December 1583 Montrose resigned the bailiership into the hands of duke Ludovick and his guardian and grand-uncle Robert earl of March (the former earl of Lennox).<sup>276</sup>

Although archbishop Montgomery's excommunication had almost immediately been declared null by the Privy Council (in July 1582)<sup>277</sup> he had remained in the eyes of all a social outcast, particularly during the rule of the Ruthven lords. When Ludovick became duke of Lennox in July 1583 he had obtained control of the fruits of the temporalities of the see,<sup>278</sup> thus effecting the aims of the supposed simoniacal pact which Montgomery and Ludovick's father had concluded in 1580. The archbishop was now even more of a political embarrassment, having outlasted his usefulness. Nonetheless the crown could hardly

remove him since the Arran regime, like that of Lennox, remained committed to the maintenance of episcopacy. Thus the Black Acts of May 1584 which banned unauthorised kirk assemblies and confirmed the crown's control of the church through its bishops, also included a formal annulment of Montgomery's excommunication.<sup>279</sup> In July the king wrote to the magistrates and council of Glasgow announcing that Montgomery had been 'reponit to his former estait' and ordering them to assist him in the execution of his duties.<sup>280</sup> Thus Montgomery was able to function as superior of the burgh and in both 1584 and 1585 his role in the nomination of the provost was recorded and he did choose the bailies from leets presented to him.<sup>281</sup> In the case of the former's appointment Montgomery was of course merely a mouthpiece for the government but at least his position was acknowledged.<sup>282</sup>

The new provost in 1584 was Sir William Livingstone of Kilsyth who, like Montrose, was associated with the Lennox interest which Arran and the king were intent on promoting.<sup>283</sup> Montrose, no doubt because of pressures of state business, had stood down and the changeover was marked by a considerable degree of continuity, 88% of Montrose's magistrates and councillors being continued in office.<sup>284</sup> As before there was a fairly even balance of middle, Lennox and presbyterian men (including Minto who now returned as a councillor). However at the next election, that of 1585, the continuity element was somewhat less, 73%, and comprised only 61% of the new administration which was swollen by an influx of Lennox men.<sup>285</sup> Livingstone, who appears to have been (like Minto before him) something of a trimmer, viewed this development with disquiet, attempted to examine the leets for the bailies<sup>286</sup> and protested that the increased size of the council should not be prejudicial to 'chesing ane resonabill number in tym cuming according to the number afoir obseruit'.<sup>287</sup> Perhaps, despite his initial sympathy with the Lennox interest, he had become disenchanted with the Arran government and felt that the local Lennox element was becoming too strong. He may even have been thinking to the future, if he was aware of the plans of the Protestant lords who had been exiled after

an abortive coup in 1584. In November 1585 these lords (Mar, Glamis, Angus and others) returned and deposed Arran.

The effect of this revolution in Glasgow cannot be exactly determined because the minutes break off in April 1586 and do not resume until October 1588. It is not known who became provost in October 1586 although the bailies can be identified (through the protocol books). Among the bailies there was no direct continuity although the appointees were established members of the oligarchy.<sup>288</sup> There are no details as to the membership of the council. Sir Matthew Stewart of Minto returned as provost in 1587<sup>289</sup> and the bailies, like those of 1586, comprised a mixture of middle-of-the-road men and presbyterian supporters. Full details are available for the administrations of 1588-89 and 1589-90 and although analysis on the basis of the divisions of the early 1580s is progressively unreliable as that period becomes more remote the issues remained broadly similar. It would appear from such an examination that the council of 1585-86, which had seen a momentary resurgence of Lennox men, was replaced in the late 1580s by more balanced regimes<sup>290</sup> which reflected the accommodation in national and ecclesiastical affairs (particularly with regard to the coexistence of bishops and presbyteries) which had been reached between the king (who attained his majority in 1586) and the returning lords, and between the crown and the church.<sup>291</sup>

However, as a direct result of the coup of November 1585, archbishop Montgomery, exasperated by his former difficulties and foreseeing no good coming from the return of the banished lords, resigned the see and on 21 December the archbishopric was conferred on William Erskine, a layman and a protégé of the earl of Mar (one of the returning lords). Significantly the charter effecting this transfer made no reference to Montgomery, the see being declared vacant through the decease of archbishop Boyd and the forfeiture of archbishop Beaton.<sup>292</sup> The presbytery agreed that he could administer the see's temporalities (though not the spiritual jurisdiction) and he may have nominated the provost, but in 1587 his appointment was condemned by the General Assembly and he appears to have relinquished the see which then remained vacant until the

restoration of Beaton in June 1598.<sup>293</sup>

In the meantime the king, on his coming of age, had annexed the temporalities of benefices to the crown in July 1587.<sup>294</sup> Thus the superiority of Glasgow passed into his hands. In November 1587 he conveyed the temporalities of the see, including that superiority, to Walter Stewart, prior of Blantyre.<sup>295</sup> Although the minute of 1588 which recorded Minto's appointment as provost makes no reference to how the nomination was made, his reappointment the following year was through Walter Stewart, his half brother, 'haifand power to nominat the provost conforme to his infeftment'. Walter Stewart also received the leets for the bailies and chose those who were to hold office.<sup>296</sup>

Minto appears to have retained the provostship until 1600.<sup>297</sup> Until 1596 Walter Stewart, who was by then Lord of Glasgow,<sup>298</sup> continued to choose the provost and bailies, after 1593 this being done on behalf of Ludovick, duke of Lennox, who had obtained the superiority of all the temporal possessions of the archbishopric by virtue of an act of Parliament of that year.<sup>299</sup> After 1596 nominations were made by the duke and this situation continued despite the restoration of archbishop Beaton in 1598.<sup>300</sup> In any case Beaton remained in France. After his death in 1603 and before the appointment of John Spottiswoode in 1605 the burgh was torn by internal divisions (in part occasioned by friction between the merchants and craftsmen)<sup>301</sup> as conflicting groups attempted to take advantage of the confusion surrounding the superiority of the burgh and the right to nominate the magistrates. In 1605 the burgh went so far as to appoint the provost and bailies itself<sup>302</sup> and it was not without difficulty that Spottiswoode (admittedly with the assistance of the crown and the consent of Lennox) succeeded in confirming 'his priviledges in presenting of the provist and nominatioune of the balleis as vtheris his predicessouris vsit of befoir' in October 1607.<sup>303</sup> So far as can be judged from the surviving evidence this was the first occasion since 1585 that the archbishop had chosen the magistrates of his burgh and this right was reserved to Spottiswoode and his successors even when Glasgow became a royal burgh in 1611.<sup>304</sup>



To conclude, the erosion of the authority of the archbishops of Glasgow as superiors of their burgh, a process which had begun before the Reformation but which was accelerated by archbishop Beaton's precipitate departure in 1560, continued throughout the 1570s and 1580s. If anything the process became more extreme for, although archbishops Boyd and Montgomery (like their predecessors) had little if any influence regarding the appointment of the provosts, it is evident that their role in the appointment of the bailies was also increasingly circumvented. This last phenomenon was most evident during the troubled episcopate of Montgomery but it had its beginnings during the last years of Boyd's life. From the late 1570s onwards there was an escalation of crown interference in the burgh's affairs. Shifts of power at court combined with questions of church polity began to have marked repercussions in Glasgow, and the terse minute entries in the burgh's act books can only be interpreted with reference to these pressures.

Glasgow was not alone in being subjected to pressure by the succession of court factions which vied for power throughout the second half of the sixteenth century. Edinburgh's administration, because of the court's proximity and the problems which that burgh could pose for the court, was particularly prone to purges, double elections and the placement of crown nominees. Indeed in 1584 Arran not only headed the government but also acted as provost of the capital. Likewise, in the late 1580s a succession of provosts in Perth were royal nominees, appointed to lessen the influence of the powerful earls of Gowrie, the family which was responsible for the Ruthven raid in 1582 and the later Gowrie conspiracy of 1600. One of these 'crown' provosts in Perth was the earl of Montrose who had also been appointed to oversee the post-Ruthven peace in Glasgow in 1583.<sup>305</sup>

Nonetheless the level of court interference in Glasgow's affairs appears to have been particularly marked during the period in question, and the unusual nature of these years is further emphasised

when it is noted that not just members of the gentry but earls (the two Lennoxes and Montrose) were appointed as provosts, a phenomenon in Glasgow's history which appears to have occurred only in these years, 1578-1584, and in 1510-11 when Matthew earl of Lennox held this position.<sup>306</sup> Even before the Montgomery crisis catapulted Glasgow into the national limelight, the burgh was being treated as a city which a court group would do well to control: the regents Lennox and Morton had anticipated the acts of earl Robert and earl Esmé by securing the burgh in the hands of Sir John Stewart of Minto and then Robert Lord Boyd. The attention being paid to Glasgow reflected its growing importance as the political and economic centre of the west. The increasing incidence of court involvement in burghs was in response not just to the increasing incidence of national taxation and interest in the burghs' taxable capacities (including Glasgow's: by 1583 the burgh had moved from ninth to sixth place in the burgh tax 'league table' with its level of contribution being increased from 2% to 3.5%);<sup>307</sup> such interference also reflected the burghs' increasing influence on the course of national affairs.

However, in the early 1580s, the court's attempt to regulate this burgh backfired. Robert earl of Lennox had had the sense not to alienate the leaders of the established oligarchy, and those men whom he displaced in 1578 he reinstated in 1579. Esmé on the other hand did not reinstate the ousted officials in 1581 and he can be held responsible for creating a climate of discord which the presbyterian opposition to archbishop Montgomery was able to use to further its own ends. The displaced officials for their part embraced the presbyterian cause as a means of regaining office. Discontent spread beyond the confines of the oligarchy and it is clear from the events of June 1582 that not only the presbytery and the college but also part of the burgess community was in opposition to the council. The problem might have remained unresolved had not the Ruthven lords seized power, thereby indirectly enabling the Glasgow officials removed in 1580 to gain control of the council with the presbyterians. Among those elected to the new council were prominent leaders of the opposition to Montgomery, Mr Andrew Hay and Mr Thomas Smeaton,

unique examples of non-laymen serving on the administration. However the return of the displaced office holders was more important in the long run since the ruling oligarchy which had maintained government throughout the 1570s was reconstituted. Thus began a period of relative stability which appears to have lasted until the first decade of the seventeenth century for, although the burgh still tended to be affected by the succession of court revolutions, none of these appear to have provoked the type of disturbances which the burgh witnessed during the Montgomery crisis.

There were of course other issues in burgh politics throughout this period, most notably the prevailing tension between the merchants, anxious to retain their hegemony in the burgh, and the craftsmen, equally anxious to obtain a larger say in burgh politics. This was a chronic problem which would not become acute until the early 1600s, although there was a serious riot in July 1583. The timing of this is interesting, for although it occurred one month after the fall of the Ruthven regime and hence after an undermining of Minto's Glasgow administration, it did not occur a year earlier when the burgh government had appeared nearer to collapse during the height of the Montgomery crisis. This emphasizes how the politics of the burgh were dominated by religious and national issues rather than local difficulties, issues which cut across other divisions.

Yet the government of the burgh did not collapse, either in 1582 or in the face of the craft riot of 1583. The only serious threat to the plutocratic oligarchy came not from within the burgh but from the interference of successive court factions in the capital. Apart from the interlude when the Lennox faction was in control, the established rulers of the burgh continued to conduct the routine administration of the burgh. It is now time to examine that administration, how it coped with these and other emergencies but, more importantly, how it actually functioned.

## NOTES

1. Glas. Chrs., i, pt.ii, 63; SRO MS RH 11/32/1/1 nos. 7-9; SRO MS CS7/15 ff 6r-10r.  
The fact that eighteen of the thirty-four witnesses examined between December 1556 and May 1557 were aged 50 or over and only three were aged less than forty (including William Hegate, 36, and Sir John Stewart of Minto, 37) emphasises the importance placed on 'the memory of man'. On this dispute see P18-21.
2. Glas. Chrs., i, pt.i, p. dcv and pt.ii, 462-3. The fact that the decret of 1557 was regarded as an integral part of the sett was demonstrated in 1561 (see P21-22) and 1576 (see P98-99).
3. Glas. Recs., iv, 462-466 (22 October 1711).
4. For appointees see, respectively, Appendix 2.1 and Appendix 2.2 in Vol. II, P30-36. On the poinder see below, P187-188, 384; on the herdsmen see below, P280, 384-385.
5. For appointees see Appendix 2.3 in Vol. II, P37-38 and see also below, P280-281.
6. For the different types of courts, including head courts, routine sittings etc. see P163-171.
7. Glas. Recs., i, 69.
8. For appointees see Appendix 2.4 in Vol. II, P39-45. For further details see below P175-176.
9. Glas. Recs., i, 37. For appointees see Appendix 2.5 in Vol. II, P46-47. For further details see below, P388, 409.
10. For appointees see Appendix 2.6 in Vol. II, P48-63. See also below, P369-377.
11. For appointees see Appendix 2.7 in Vol. II, P64-70. See also below, P339-348.
12. For appointees see Appendix 2.8 in Vol. II, P71-75. See also below, P282, 395.
13. For appointees see Appendix 2.9 in Vol. II, P76-79. See also below, P181-182.
14. See P384.
15. See P48.                However on an apparent restriction of this franchise and the subsequent erosion of this court's role in the election of these important officials see P165-166 and Appendix 3.1 in Vol. II, P259-264.
16. APS, ii, 95; Mackenzie, Scottish Burghs, 121; Murray, Burgh Organisation, i, 202. Although it is true that the Michaelmas elections were not effected at the Michaelmas head court, one exception to this rule has been traced. In 1588 the council was elected at the head court which was held on 22 October. However the usual pattern was restored in 1589, the magistrates and council being appointed on 30 September and 2 October while the head court after Michaelmas convened on 7 October. (SRA MS C1/1/3 ff 1r, 100r, 104v). Examination of subsequent volumes shows that this was indeed the normal practice.

17. For appointees see Appendix 1.1 and Appendix 2.10 in Vol. II, P1-7, 80-82. On their political role see especially P90-119 passim; on their role as magistrates see P177-180 passim. See also P3-8.
18. Glas. Recs., i, 23-24. For appointees see Appendix 1.1 and Appendix 2.11 in Vol. II, P1-7, 83-97. On their role as magistrates see P178-180.
19. Glas. Recs., i, 226. The next election of which details survive, that of 1605, had a leet of a more normal size, nine, although the occupations of the nominees are not known: ibid., 235.
20. He had already been a bailie in 1561-63 and 1571-72: see Appendix 1.1 in Vol. II, P1. See also P24.
21. See P97-99.
22. Glas. Recs., i, 24. For names of councillors see Appendix 2.12 in Vol. II, P98-148. On early development of the council see above, P4; on its relationship with the court see below, P168-170; on its legislative role see below, P239-240; on burgh statutes governing its organisation see below, P242-244. Occasionally councillors acted as executive officers: see P276-277.
23. Glas. Recs., i, 40, 81.
24. Glas. Recs., iv, 464 and Glas. Chrs., i, pt.ii, 462-63.
25. For the key keepers see P59 and Appendix 2.13 in Vol. II, P149-156. For the liners see P59-60, 183-184 and Appendix 2.14 in Vol. II, P157-164. For the common procurator see P182-183 and Appendix 2.15 in Vol. II, P165-167. For the water bailie see P185-187 and Appendix 2.16 in Vol. II, P168-169. For the collectors of seal silver and burgess heir fines see P358 and Appendix 2.17 in Vol. II, P170-172. For the officers see P188-192 and Appendix 2.18 in Vol. II, P173-180.
26. On the dempster see P176-177. On the executioner and the gaoler see P192. On the officer to the university see P192-193. For full details of these officials see Appendix 2.19 in Vol. II, P181-186.
27. For appointees see Appendix 2.20 in Vol. II, P187-192. On market visitors and ale tasters see also below, P262, 276-277.
28. See Appendix 2.21 in Vol. II, P193-198.
29. See Appendix 2.22 in Vol. II, P199-212. On the plague searchers see also below, P285-293 passim. On the surgeon see also below, P284, 385.
30. Referred to P52. See P387 and Appendix 2.23 in Vol. II, P213.
31. Third Statistical Account, Glasgow, 58.
32. See Appendix 2.22, pt.iv, table 3 in Vol. II, P209-210. The number of appointees in these areas (Blackfriars/Cross; Trongate/Gallowgate; Cross/Barrasyet) rose by 75% - 100% between 1574 and 1584. It would be rash to suggest a similar rise in population but conversely it seems certain that a considerable increase had occurred. On the development of the Stockwell and Mutland croft areas see Prot. Bk. Glasgow, vii-ix, passim.

33. Glas. Recs., i, 39; also SRA MS C1/1/1 f 113v (1575-76 accounts).
34. See P376-377.
35. Bishop John Leslie of Ross writing in 1578: see P. Hume Brown, Scotland before 1700 from Contemporary Documents, (Edinburgh, 1893), 120.
36. Glas. Recs., i, 47; SRA MS C1/1/1 ff 92r-93v. See Appendix 2.18 in Vol. II, P173-175.
37. See P101 and Appendix 2.18 in Vol. II, P174. This was an extreme example but attention should also be drawn to the situation regarding the herdsmen. During the 1570s and 1580s Thomas Tempilton was herdsman on nine occasions. For eight of these years his cautioner was James Fleming. Significantly the exception occurred in March 1581 when the name of Tempilton's cautioner was left blank in the minutes (SRA C1/1/1 f 277r). It can be no coincidence that James Fleming had, five months previously, been removed from the council by Lennox. The events of 1580 are discussed P100-105. In Appendices 2.1, 2.2, 2.3, 2.6, 2.18 and 2.22(ii) in Vol. II, P30, 33, 37, 48, 173 and 199 the cautioners appointed for minor officials are noted as also the other positions then held by these cautioners. The majority were senior officials and/or councillors. The role of craft deacons is also noted although this was probably coincidental.
38. See Appendix 2.12 tables 16 and 17 in Vol. II, P139-145.
39. See Appendix 2.11 in Vol. II, P83-97 for this and fuller details regarding the features discussed here. On George Herbertson see also P195-197.
40. See Appendix 2.12 table 15 and Appendix 2.26 in Vol. II, P136-138, 254-255.
41. See Appendix 2.15 in Vol. II, P165-167.
42. See Appendix 2.13 in Vol. II, P149-156.
43. See Appendix 2.14 in Vol. II, P157-164.
44. Regarding pluralism it may be noted that the combination of key keeper and liner occurred twenty-six times between 1574 and 1586; of key keeper and councillor, seventy times; and of liner and councillor fifty-four times. See Appendix 2.13 and 2.14 in Vol. II, P149-164.
45. See Appendix 2.8 in Vol. II, P71-75.
46. Glas. Recs., i, 80.
47. See Appendix 2.7 in Vol. II, P64-70.
48. See Vol. II, P149.
49. See Appendix 2.9 in Vol. II, P76-79.
50. Prot. Bk. Glasgow, v, p.vii.
51. Ibid., x, p.x.
52. Certainly from February 1563 until 1568: ibid., i, p.x.
53. SRA MS C1/1/3 f 100v. Gibson became clerk again in the late 1590s: Glas. Recs., i, 188.

54. The factors which these senior men had in common (i.e. commerce etc.) are discussed P65-73. . The fact that these men associated together is further demonstrated by the evidence of certain heirship inquests: see below P171 and Appendix 3.2 in Vol.II, P266-267.
55. See Appendix 2.4 in Vol. II, P39-45.
56. See Appendix 2.22, pt.iv in Vol. II, P200-208.
57. See Appendices 2.20 pt.iv, 2.21 pt.ii and 2.22 pt.iv in Vol. II, P188, 193, 200. See also Appendix 3.2 in Vol. II, P270-271 for a special inquest which demonstrates the same phenomenon.
58. On salaries see P384.
59. For the following testamentary details see Appendix 2.24 in Vol. II, P214-228.
60. See P57-59.
61. Robert Boyd, treasurer in 1585-86, died in 1592 still being owed by the burgh 200 merks plus interest for the extra expenses he incurred on its behalf during his term of office: SRO MS CC8/8/25 f 242r.
62. See P61.
63. Andrew Ritchie, treasurer in 1574-75, has been included in this group as he was probably already a prominent official; it is equally possible however that he was a 'new' man.
64. Glas. Recs., i, 213.
65. On all the above see Appendix 2.7 in Vol. II, P64-70.
66. One of the wealthiest men of this period, John Finlay (died 1597, leaving £2646) was trading to Danzig and Spain with cargoes worth £266 and £1803 respectively at the time of his death: SRO MS CC 8/8/33 (not foliated). He held no burgh office so far as is known: see P71 and 125n.101.
67. SRA MS C1/1/2 f51r; SRO MS CC 8/8/35 (not foliated); see P214.
68. SRA MS C1/1/1 ff233v, 239r and C1/1/2 ff51r, 108v, 172r; SRO MS CC8/8/17 f158v.
69. SRA MS C1/1/2 f94v.
70. SRA MS C1/1/1 f280v.
71. SRA MS C1/1/2 f73r. On Burrell see P66.
72. SRO MS CC8/8/17 f158v. At his death Elphinstone also owned half of the William of Glasgow, a barque, valued at £284. Simpson's wife on her death in 1592 owned <sup>3</sup>/<sub>4</sub> of this boat: SRO MS CC8/8/24 f188r.
73. SRO MS CC8/8/22 f353v and CC8/8/25 f231r.
74. SRO MS CC8/8/20 f91r. In fact Glasgow and Dumbarton, although commercial rivals, did have an arrangement for imports. See for example an incident in 1579 when three Glasgow burgesses (Andrew Baillie, Robert Boyd and Colin Campbell) were

- accused of breaking 'the statutis maid betwixt the tounes': SRA MS C1/1/1 f247v.
75. On Adam, Campbell, Lindsay and Lyon see SRO MS CC9/7/7 f155v, CC8/8/22 f353v, CC8/8/20 f91r and CC8/8/18 f133v respectively. Campbell, for example, had at his death hides valued at £120 in Ireland. On Hector Stewart see SRA MS C1/1/2 f203r; on Boyd and Wilson, ibid., ff60r, 106v; on Wise, ibid., ff60r and 112v. On Herbertson see SRO MS CC8/8/17 f149v. His legacy of £2065 included fifty-one debts, total £1912, owed by (among others), Angus McConnel, lord of Kintyre (250 merks) and the bishop of the Isles (170 merks) for wine, salt and other merchandise supplied by Herbertson.
  76. SRO MS CC8/8/20 f91r.
  77. SRO MS CC8/8/17 f149v.
  78. SRO MS CC8/8/17 f158v.
  79. SRO MS CC8/8/28 f88v.
  80. SRO MS CC8/8/10 f214v.
  81. SRO MS CC8/8/17 f158v.
  82. SRO MS CC8/8/25 ff89r, 178v and CC8/8/26 f260v respectively.
  83. SRA MS C1/1/2 f68r.
  84. SRO MS CC8/8/17 f149v.
  85. SRO MS CC8/8/25 f89r.
  86. SRO MS CC8/8/26 f260v.
  87. Also featured in these transactions were the three provosts Sir John Stewart of Minto, Robert Lord Boyd and Thomas Crawford of Jordanhill. See P25-30 passim and Appendix 1.3 in Vol. II, P10-25.
  88. See P29-30.
  89. See Appendix 1.4 in Vol. II, P26-29.
  90. In the form of lands or pensions, granted by the archbishop and the crown. See, for example, Prot. Bk. Glasgow, vii, nos. 2015, 2066; RSS, vi, no. 2404; ibid., vii, nos. 180, 1059, 1237, 1239, 1739, 2131, 2670 and 2671.
  91. RMS, v, nos. 90-1131 passim include most of these transactions.
  92. Ibid., iv, no. 2938.
  93. Glas. Chrs., ii, 611.
  94. RMS, iv, no. 1785; Prot. Bk. Glasgow, v, no. 1513 and n.1; R. Renwick, Glasgow Memorials, (Glasgow, 1908), 58, 216, 217.
  95. SRA MS C1/1/1 f233r and SRO MS CC8/8/17 f158v. He was also referred to as 'of Blythswood' while acting as security for the farmers of the ladle and the mill in 1583-84: see Appendix 2.6 in Vol. II, P55, 60.
  96. See P66-70 passim.



97. SRA MS C1/1/1 f140r. Elphinstone also acted as cautioner for the farm of the ladle in 1582-84 and the farm of the mill in 1577-78 and 1583-84. Other men who were senior officers or councillors and simultaneously farmed the ladle custom were David Donald and John Wilson. For full details see Appendix 2.6 in Vol.II, P48-63.
98. Glas. Recs., i, 95.
99. SRO MS CC8/8/17 f162r.
100. Eyre-Todd, Glasgow, 123; Prot. Bk. Glasgow, x, no. 3176; Glas. Chrs, i, pt.i, p.dcxv.
101. See Appendix 2.24 in Vol. II, P225 . The officials in post during 1588-90 have also been checked; neither Glen nor Finlay appear among them.
102. See Appendix 2.24 in Vol. II, P225-226.
103. See P69.
104. See P58.
105. See Appendix 2.24 in Vol. II, P217-218.
106. Prot. Bk. Glasgow, iii, no.718; ibid., viii, no. 2586.
107. See Appendices 1.1 and 2.12 table 2 in Vol. II, P1, 102.
108. See Appendix 2.12 table 10 in Vol. II, P120.
109. SRA MS C/1/1 f188v.
110. Prot. Bk. Glasgow, ii, no. 270; ibid., iii, no. 920; ibid., v, no. 1350; Scots Peerage, ii, 79.
111. Prot. Bk. Glasgow, iii, no. 787; ibid., vi, nos. 1655, 1790; Scots Peerage, ii, 81.
112. SRA MS C1/1/2 f91r. He is not included in Scots Peerage.
113. Prot. Bk. Glasgow, v, p.58n and SRA MS C1/1/1 f124v.
114. Prot. Bk. Glasgow, vii, no. 2006.
115. SRA MS C1/1/2 f148v.
116. Ibid., f146r.
117. See P61.
118. See Appendix 2.12, table 5 in Vol. II, P107-108.
119. See P38n.80 and P126n.146.
120. On the influence of Edinburgh see Mackenzie, Scottish Burghs, 117-118; for discussion of the earlier development of craftsmen and merchants, see P14-18.
121. See Appendix 2.12 table 15 in Vol. II, P133-138. On the problems of identifying individuals see introduction to Vol. II, Piv-x.
122. See Appendix 2.12 table 13 in Vol. II, P130-131.
123. See Appendix 2.11 in Vol. II, P95.
124. See Appendix 2.7 in Vol. II, P64-70.

125. See P64-65 and P123n.61.
126. See Appendix 2.8 in Vol. II, P71-75.
127. See Appendix 2.13 in Vol. II, P149-156.
128. The years quoted are those in which the number of 'unknowns' was nil. See Appendix 2.14 in Vol. II, P157-164.
129. Prot. Bk. Glasgow, vi, no. 1662.
130. Glas. Recs., i, 95-96. See P83-84.
131. See P58-59.
132. The hammermen included all metal workers, including pewterers: see P39n.88.
133. See Appendix 2.25 in Vol. II, P229-236.
134. See Appendix 2.12 table 15 in Vol. II, P133-138.
135. See Appendix 2.11 in Vol. II, P95.
136. Glas. Recs., i, 80. On the other incorporated crafts see P17.
137. See Appendices 2.11 and 2.12 tables 14 and 15 in Vol. II, P87-95, 132-138.
138. See Appendix 2.12 table 14 in Vol. II, P132.
139. See P83,104.
140. See P63-64.
141. It may have been less because of the preponderance of legacies of less than £500 (sixteen in all). This was also less than the apparent average wealth of merchants and craftsmen in Edinburgh. On all this see Appendix 2.24 in Vol. II, P226-227.
142. See Appendix 2.24 in Vol. II, P227.
143. See P69.
144. See P66.
145. See P67.
146. SRA MS C1/1/1 f121r; see P403.
147. M. Lynch, 'Whatever happened to the medieval burgh? Some guidelines for sixteenth and seventeenth century historians', Scottish Economic and Social History, iv (1984), 12. [Hereafter cited as Lynch in SESH, iv (1984)].
148. See P78.
149. All evidence indicates that the craftsmen outnumbered the merchants. Burgess entries between 1574 and 1586 record the admission of 66 merchants, 145 incorporated craftsmen and 138 others (notaries, lairds, other craftsmen, usually gratis) and 185 unknowns: see The Burgesses and Guild Brethren of Glasgow, 1573-1750, ed. J.R. Anderson, (SRS, 1925) which is however slightly incomplete and, for this period, needs to be used in conjunction with the two act books, SRA MS C1/1/1 and

- C1/1/2. In February 1605 there were 213 merchant and 363 craft gild brethren, these figures therefore excluding the other merchants and craftsmen: see J.D. Marwick, A History of the City of Glasgow from the Earliest Times to the year 1611, (Glasgow, 1911), 285-286 and SRA MS B4/1/1 ff1v-4v.
150. See P253-277 passim.
151. SRA MS C1/1/1 f85v.
152. Glas. Recs., i, 23.
153. See P33.
154. Glas. Recs., i, 50-52. An earlier protest on the same subject had been made by both the merchants and the craftsmen in May 1574, without any apparent result: ibid., 9-10 and see Appendix 1.4 in Vol. II, P26-29.
155. Ibid., 51.
156. Ibid., 54.
157. See P301-304.
158. Glas. Recs., i, 80. For details of the prosecutions against the fleshers see P303-304.
159. Ibid., 122.
160. Ibid., 95.
161. See P76.                Apart from these sole references to the president of the merchants in 1569 and 1582 attention may also be drawn to the petition presented in May 1574 by, inter alios, 'William Maxuell, merchand, in name of the merchandis' regarding the alienation of common lands. It is possible that Maxwell was then president of the merchants, but this cannot be verified. See Glas. Recs., i, 9.
162. See P78-79, 104 and also Appendix 2.12 table 13 in Vol. II, P130-131.
163. Glas. Recs., i, 95-96.
164. Ibid., 101; for 1574 statute see ibid., 18.
165. SRA MS C1/1/2 f150v (1583-84 accounts).
166. Glas. Recs., i, 102.
167. SRA MS C1/1/2 f150v.
168. Glas. Recs., i, 223.
169. See Appendix 4.3 in Vol. II, P279-281. On the question of government by consensus see also P298-299.
170. On the Summerhill meetings and this wider issue of the overall diminution of the community's role, see P164-168.
171. Glas. Recs., i, 50-52.
172. Ibid., 120-128 passim.
173. Ibid., 126

174. Ibid., 205-206.
175. Ibid., 205.
176. Ibid., 165-166.
177. See P264-272.
178. RCRB, i, 469. Adoption of dean of guild courts, on the model of Edinburgh, had been advocated by Parliament in 1593: APS, iv, 30. On Glasgow's membership of the Convention see P14.
179. RCRB, i, 479, 495; ibid., ii, 27, 28, 96.
180. Glas. Chrs., i, pt.i, 40, 43.
181. M'Ure, writing in 1736, stated that the tension was such that 'terrible heats, strifes and animosities betwixt them [the merchants and craftsmen] ... was like to end with shedding of blood': J. M'Ure, A View of the City of Glasgow, (Glasgow, 1736), 157. On the appointment of commissioners see ibid., 161-166. These documents are also transcribed in Glas. Chrs., i, pt.i, p.dcv-dcvii, where however on p.dcv the date is wrongly given as 8 February: it should be 8 November.
182. Glas. Chrs., i, pt.i, pp.ccxi, dcx-dcxx.
183. Ibid., pp.dcx-dcxxi.
184. Glas. Recs., i, 228-229.
185. Glas. Chrs., i, pt.i, pp.ccxxiii-ccxxix passim; see P116.
186. Glas. Chrs., i, pt.ii, 462-463.
187. See P85.
188. See P81-82.
189. Glas. Recs., i, 17, 39, 52, 59; see below, P357-359, for fuller details.
190. Glas. Recs., i, 56. See Appendix 2.12 table 3, Vol.II, P104-105 for names of councillors associated with this legislation. On thirlage and its effects, see P371-376.
191. Glas. Recs., i, 85.
192. Ibid., 86-88.
193. See P98-99.
194. Glas. Chrs., i, pt.ii, 63.
195. SRO MS RH 11/32/1/1 no. 1.
196. See Glas. Chrs., i, pt.i, p16 and Renwick and Lindsay, Glasgow, 367- 373, 379-381; also Appendix 1.1 in Vol. II, P1. See also above, P18.  
During the five year vacancy after Dunbar's death the see was administered by, inter alios, Gavin Hamilton (dean and vicar general, 1549-51) and Archibald Hamilton (chamberlain, 1547-51): Prot. Bk. Glasgow, v, p.12n. Other Hamiltons

- in church office were James Hamilton (sub dean, 1550-80), John Hamilton (sub chanter, 1551-70) and William Hamilton (official, 1548-52): Watt, Fasti, 168, 170, 189.
197. See P22.
198. See P32-33.
199. In 1582 and 1583 and possibly also 1581, although the minute appointing the provost in that year is not extant. Nonetheless the appointment of the bailies was recorded and this was done in the usual fashion, by the archbishop: Glas. Recs., i, 90.
200. See P32-33.
201. Glas. Recs., i, 23, 40, 53. See above, P33; see also Appendix 1.1 in Vol.II, P2-6. on the more common arrangement, namely that the provost was usually depute bailie rather than bailie of the regality.
202. Glas. Recs., i, 61-62.
203. Scots Peerage, v, 355; RPC, ii, 697-698; ibid., iii, 8. See Appendix 1.1 in Vol. II, P4.
204. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 156, 250-253; Donaldson, Scotland, James V-VII, 171.
205. Glas. Recs., i, 70-71 and SRA MS C/1/1 f207v. The appointment of Lennox effectively ended the Boyd regime. Lord Boyd had been a councillor in 1577-78 but after 1578 he did not hold burgh office again. He continued to receive generous gifts of wine from the council (eg. SRA MS C1/1/2 f149r-v, the 1582-83 accounts) but because of his involvement in the Ruthven raid he had to leave the country in 1583. He returned to Scotland in June 1586 (Scots Peerage, v, 160) and so far as Glasgow was concerned involved himself on the kirk session on which he sat as an elder from 1587 until his death in January 1590 (SRA MS CH2/ 550/1 ff80r, 100v, 119r and SRO MS CC8/8/21 f238r). He also was one of the commissioners appointed in 1587 to examine the position of markets in the burgh: see P258.
206. Glas. Recs., i, 71-72.
207. See Appendix 2.12 tables 4, 5 in Vol. II, P106-109.
208. Donaldson, Scotland, James V-VII, 147-150, 172, 197, 198; BUK, ii, 408, 409, 413.
209. See Appendix 2.10 in Vol. II, P80-82.
210. See Appendix 2.12 tables 6, 13 in Vol.II, P109-111, 130-131. For parties and pressure groups see Appendix 2.26 in Vol.II, P237-258. In 1578 Lord Boyd was not associated with the presbyterians but in 1582 he was involved in the Ruthven raid and had to go into exile in 1583: Scots Peerage, v, 160.

211. See P93-94.
212. See P18-21.
213. See P21-22.
214. SRA MS C1/1/1 f85v (1573-74 accounts, which record that the leet was sent to Morton) and Mitchell Library MS SR143 586930 (Morton's letter to the town appointing the bailies, 11 October 1573).
215. Glas. Recs., i, 53-54. See also Appendix 2.12 table 2 in Vol. II, P103.
216. SRO MS CS7/15 ff 6r-10r.
217. Glas. Recs., i, 62.
218. Indeed there is strong evidence to suggest that archbishop Boyd and the other Boyds had become estranged. In March 1573 the crown vested Lochwood manse in the hands of Robert Boyd of Badinheath, Lord Boyd's son, with the proviso that, as a property of the archbishopric, it was to be relinquished when the vacant see was filled (RSS, vi, no. 1874). This may not have happened. Instead it seems likely that the archbishop tried to assert his right to the property once he was free of Lord Boyd's influence, but Boyd of Badinheath retaliated by destroying it in February 1579 (RPC, iii, 98-100). The relationship between Lord Boyd and the archbishop was viewed with suspicion by contemporaries who believed that the archbishop would alienate the see's temporalities to his uncle. James Melville later commented that Lord Boyd 'fand nocht his Bischope plyable to his purpose' and 'causit his sone ... tak the Castell and intromeat with all thairin keip it and gather upe the rents of the bishoprik to intertein the saming ... becaus the Tulchain causit nocht the kow giff milk aneuche to my Lord': The Autobiography and Diary of Mr James Melvill, ed. R. Pitcairn, (Wodrow Society, 1842), 47-48. See also P131n.245 and P353.
219. Glas. Recs., i, 80. It may be noted that in October 1581, four months after archbishop Boyd's death, the leet unusually comprised eleven names, i.e. the three old bailies and eight new candidates. Wallace and others may have been advocating the adoption of a scheme such as this but, if so, their hopes were not fulfilled: see Appendix 2.11 in Vol. II, P91-94.
220. Ibid., 72. See also Appendix 2.18 in Vol. II, P174.
221. Scots Peerage, v, 355-356.
222. Glas. Recs., i, 79.
223. See Appendix 1.1 in Vol. II, P4-5.
224. Glas. Recs., i, 79-82. See also n.37 above regarding one of the cautioners to the herdsmen. On John Graham (younger) and the convention regarding brackets which has been adopted see Vol. II, P v, vii-viii.

225. Glas. Recs., i, 84-85. This minute of 23 May 1581 which recorded Hegate's appointment was formally deleted in 1589: ibid., 146 and Appendix 2.9 in Vol. II, P76.
226. See Appendix 1.1 in Vol. II, P1.
227. Gibson probably became clerk in 1568: Prot. Bk. Glasgow, v, p.vii. See also Appendices 1.1, 2.9, 2.11 and 2.12 in Vol. II, P1-2, 76-79, 83-97, 98-148 passim. Only three of Minto's bailies did not serve with Boyd: Richard Ross, Matthew Heriot and Mr John Hall. Hall however is known to have died in November 1571: SRO MS CC8/8/2 f234v.
228. See P95-96. The only other positions seriously affected in 1578 were the key keepers whose membership always reflected that of the council: see Appendix 2.13 in Vol. II, P149-156.
229. Glas. Recs., i. 81-82.
230. RPC, iii, 325. See also P402.
231. See Appendix 2.26 in Vol. II, P237-258.
232. Donaldson, Scotland, James V-VII, 171-173.
233. RPC, iii, 295n.
234. Prot. Bk. Glasgow, iii, no. 924.
235. David Calderwood, The History of the Kirk of Scotland, ed. T. Thomson, 8 vols., (Wodrow Society, 1842-1849), [hereafter cited as Calderwood, History], iv, 663.
236. Miscellany of the Maitland Club, (Maitland Club, 1833-1847), [hereafter cited as Maitland Misc.], i, pt.i, 53-54.
237. Prot. Bk. Glasgow, viii, pp.xiii-xiv. (Written sometime between 1581 and 1600).
238. SRA CH2/550/1 f50v. See also P23.
239. Maitland Misc., i, pt.i, 54.
240. For full details regarding these factions see Appendix 2.26 in Vol. II, P237-258.
241. See P78,83.
242. See Appendix 2.12 table 13 in Vol. II, P130-131.
243. See P90.
244. On this inner group, see P58-59.
245. Boyd and his kin (and his protégé Thomas Crawford) obtained properties from archbishop Boyd (e.g. see RMS, iv, nos. 2199, 2937; RSS, viii, nos. 1089, 1095 and 1376) but presumably not enough, as the attack on Lochwood manse suggests: see P130n.218.
246. Scots Peerage, v, 160.
247. See Appendix 2.26 in Vol. II, P237-258.
248. SRA C1/1/2 ff2v, 3r. On the Whitsun elections see P48-50. On Hegate see P101. On Graham and Wilson see Appendix 2.26 in Vol. II, P237-258.

249. On the bailiership of the regality see Appendix 1.1 in Vol.II, P2-5. The exact date of Minto's appointment is not known because of a gap between f19 and f20 of the 1581-86 act book (SRA MS C1/1/2). He is first mentioned acting as provost at a court held on 17 November 1581 (ibid., f24v).
250. See Appendix 2.11 and 2.12 (tables 7 and 8) in Vol. II, P90-91, 111-116.
251. On 21 June 1581: SRO MS CC8/8/10 f210v.
252. RPC, iii, 419.
253. John Spottiswoode, History of the Church of Scotland, ed. M. Russell, 3 vols., (Spottiswoode Society, 1851-1865), [hereafter cited as Spottiswoode, History], ii, 281-282.
254. Glas. Recs., i, 89.
255. Calderwood, History, iii, 577-579.
256. Ibid., iii, 595.
257. Spottiswoode, History, ii, 287; RPC, iii, 490. Among the lairds involved in this incident was Edward Cunninghame whose father John Cunninghame of Drumquhassil was one of the Ruthven raiders: RPC, iii, 507n.
258. Calderwood, History, iii, 603, 604, 619; BUK, ii, 565.
259. BUK, ii, 571-573.
260. Spottiswoode, History, ii, 287-288; Calderwood, History, iii, 621. It would be interesting to know how the kirk session responded to these incidents since it would have included, besides ministers and college representatives (among them probably Hay and Smeaton), the bailies ex officio. However, although the extant records of the session do not commence until November 1583, see Appendix 2.26 in Vol. II, P237-258.
261. Glas. Recs., i, 94.
262. On 10 June 1582 by Mr John Davidson at Libberton: Calderwood, History, iii, 621.
263. BUK, ii, 578; Calderwood, History, iii, 626; Spottiswoode, History, ii, 289.
264. Donaldson, Scotland, James V-VII, 178; Scots Peerage, v, 356. On the effects of this coup on the bailiership of the regality see Appendix 1.1 in Vol. II, P4.
265. BUK, ii, 594-595.
266. RPC, iii, 496-497.
267. Ibid., 528 (in November 1582).
268. Glas. Recs., i, 97-98.
269. See Appendix 2.12 tables 7-9 and 16 in Vol. II, P111-119, 139-142. Compare also table 17, Vol. II, P143-145. Similarly, while earl Esmé retained 63% of the council which he purged, his predecessor in 1578 retained only 48% of the 1577-78 council. These percentages are of course misleading because of the different sizes of the



councils concerned, but the comparison holds good for the councils discussed here which were of similar size.

270. Calderwood, History, iii, 598; Appendix 2.12 table 9 in Vol. II, P117-119.
271. Namely Colin Campbell, Gavin Graham, Archibald Hegate, William Hegate, Hector Stewart and Malcolm Stewart. Of the others involved (see P109), bailie John Graham younger and John Muir were only accused of consorting with Montgomery after his excommunication and their fate is unclear. See BUK, ii, 590, 591, 597-600, 604.
272. RPC, iii, 606-607.
273. Glas. Recs., i, 105. Minto returned as a councillor in October 1584 but on his position as depute bailie of the regality see Appendix 1.1 in Vol. II, P4-5. On Montrose see Scots Peerage, vi, 231-234.
274. See Appendices 2.11, 2.12 (tables 9 and 10, and see also tables 16 and 17) and 2.26 in Vol. II, P93, 117-123, 139-145, 237-258.
275. Scots Peerage, v, 357. Esmé had died in France two months previously: ibid., 356.
276. RPC, iii, 614. See Appendix 1.1 in Vol. II, P5.
277. RPC, iii, 489n.
278. RSS, viii, no. 1431.
279. APS, iii, 292-296, 301, 303-304 and 311-312 (the annulment of Montgomery's excommunication). Nonetheless with respect to that annulment it included the proviso that the bishops and commissioners to be appointed by the crown 'for deprivation of any unworthie in the charge sall try the said Mr. Robert in all uther thingis that may be layit to his charge', a comment which shows the crown's indifference to Montgomery's future.
280. Glas. Recs., i, 108-109.
281. Ibid., 112-113, 117.
282. In ecclesiastical matters Montgomery remained a cipher. Thus, while the presentations to benefices during the 1570s refer to archbishop Boyd's role in examining the prospective candidates, practically none of the presentations of the 1580s, either before or after May 1584, name Montgomery. See RSS, viii, where only nos. 548, 554 and 2125 refer to him and only no. 800 names him.
283. Scots Peerage, v, 188-189.
284. Appendix 2.12 table 17 in Vol. II, P143-145.
285. Ibid. and Appendix 2.26 in Vol. II, P237-258.
286. SRA MS C1/1/2 f200r.
287. Glas. Recs., i, 117.
288. See Appendix 2.12 table 12 in Vol. II, P128-129.
289. SRA MS CH2/550/1 f80r.
290. See Appendix 2.26 in Vol. II, P256-257.

291. Donaldson, Scotland, James V-VII, 187, 199.
292. RMS, v, no. 903; Spottiswoode, History, ii, 375.
293. Watt, Fasti, 151.
294. APS, iii, 431-437.
295. Glas. Chrs., i, pt.ii, 451-452.
296. Glas. Recs., i, 144.
297. Glas. Chrs., i, pt.i, p.dcxv.
298. The subjects conveyed to Walter Stewart in 1587 were erected into a lordship in 1591: Glas. Chrs., i, pt.ii, 227-242.
299. APS, iv, 38; Glas. Recs., i, 157, 170 (1594 and 1595).
300. Glas. Recs., i, 181, 197, 213, 225 (1596, 1599, 1600 and 1601).
301. See P88.
302. Glas. Recs., i, 234-235.
303. Ibid., 269-270.
304. Glas. Chrs., i, pt.ii, 283. Until 1638 and the abolition of episcopacy the archbishops retained this right. In 1639 and 1640 the town took it upon itself to elect the provost and bailies (Glas. Recs., i, 404-405, 422) but after an act of Parliament of November 1641 the choice of provost became subject to the duke of Lennox's consent (APS, v, 412), a situation which persisted until the return of episcopacy in 1662 when the method used prior to 1639 was reintroduced (Glas. Recs., ii, 493). Glasgow finally obtained the right to elect its magistrates through a letter issued by William III on 19 September 1689 and a charter granted on 4 January 1690 (Glas. Chrs., ii, 235-239).
305. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 163, 232-258 passim; Lynch in SESH, iv (1984), 9.
306. Glas. Chrs., i, pt.i, pp.dcxviii-vi.
307. RCRB, i, 173-174. Glasgow was ninth in 1557: ibid., 526.

## CHAPTER III

### THE BURGH COURT: 1574-86

#### 1. Introduction

The authority exercised by the magistrates and councils of burghs was both judicial and administrative. In the medieval and early modern period the records reflect the fact that there was no clear demarcation between these functions. Thus 'all manner of burghal proceedings ... might be entered together in the same book so that it is hard to guess in what capacity a magistrate or a group of burgesses acted : this state of affairs is no accidental outcome of clerical slovenliness - it is symptomatic of the times.'<sup>1</sup>

This phenomenon is reflected in the two earliest surviving act books of the burgh of Glasgow, covering the period 1574 to 1586.<sup>2</sup> The activities of the magistrates and council as a court and as an administrative body were recorded by the clerks in a simple chronological order which at first sight appears to make no distinction between these differing functions. Nonetheless close inspection reveals three main categories of meetings.

Firstly there were the sittings of the burgh court which were presided over by the provost and/or one or more of the bailies (each magistrate present being named), with the dempster in attendance. These 'curial' meetings were all prefixed by a heading such as

'The court of the burght and cietie of Glasgw  
haldin in the tolbuytht thairof be honorable men  
George Elphinstoun, Archibald Lione and James  
Flemyng baillies thairof; the sutis callit; the  
court confermit; dempstare, James Speir.'<sup>3</sup>

The burgh courts tended to be held weekly at the tolbooth on Tuesdays and Fridays and the majority (though not all) of the business with which they dealt can be described as judicial. It is also known that these sittings were held between 11 a.m. and 12 noon for when in May 1576 William Hegate appeared before the court to object to the service of George Elphinstone to certain lands he pointed out that it 'wes betwix xi and xii and within the hour of caus' and the magistrates

agreed to hear his complaint 'becaus he comperit befoir xii hours notwithstanding the service past.'<sup>4</sup>

Similar in function were what might be called 'quasi-curial' meetings. These were minuted without a formal heading. Instead the date was given and beneath that the entry began with a phrase such as 'the quhilk daye in presens of ane noble and potent lord Robert lord Boyde provest of Glasgw and William Conynghame ane of the baillies of the samyn.'<sup>5</sup> The main distinction between the 'curial' and 'quasi-curial' sittings was that at the latter the dempster was not present and no court was confirmed. Otherwise these two types of meetings were similar in so far as the type of business transacted at each was the same. It would thus appear that the 'quasi-curial' meetings were extraordinary judicial sittings held by the magistrates under some form of delegated powers.

Thirdly there were the meetings of the council. These were obviously more administrative in character, although it should be stressed that, just as the court could from time to time promulgate administrative measures, the minutes of these meetings sometimes included judicial business. Like the 'quasi-curial' meetings the date was given followed by a phrase such as 'the quhilk daye the baillies and counsale' or 'the quhilk daye the prouest, baillies and counsale.'<sup>6</sup> The later rubric of 'In the counsalhous being convenit'<sup>7</sup> was never used and those present were not individually named. Examination of these entries shows that the council tended to convene not on Tuesdays and Fridays (the court days) but on Wednesdays and especially Saturdays. However its meetings were infrequent and in December 1581 it was found necessary to pass an act stipulating that 'the auld act teuching the convenyng of the counsall ilk Settirday' was to be observed.<sup>8</sup> Yet the minutes suggest that this act had little if any effect. This fact, combined with the less formal manner in which conciliar business was recorded, suggests that the administration regarded its conciliar functions as being less important than its judicial duties. It is also significant that in these act books the majority of entries are 'curial' and 'quasi-curial' rather than conciliar or administrative. In fact these volumes are essentially act books of the burgh court with some town council minutes, and it was not until 1609-1610, in what appears to have been a reorganisation of

the administration that the curial and conciliar aspects of the burgh's governance began to be recorded separately.<sup>9</sup>

Thus the format of the late sixteenth century records reflects the fact that the burgh court was the prime organ in the administration. The reasons were historical. Although very few medieval burgh records survive for Glasgow, it is almost certain that the council grew out of the burgh court's 'doussane' or assize which is known to have been operative in the thirteenth century. Developments such as this can be traced in other burghs (for example Peebles) and, as will be demonstrated later, there is some evidence in the Glasgow records of the 1570s and 1580s that the council occasionally adopted a judicial role, akin to its antecedents in an earlier assize.<sup>10</sup>

Before examining the role of the court in the late sixteenth century it is useful to examine its earlier history with a view to determining its place in the judicial hierarchy of Scotland and the type of law which it dispensed.

## **2. The early development of the burgh court of Glasgow**

Glasgow was a burgh whose superior was the bishop of Glasgow. Thus the court of the burgh was a bishop's court. Yet it was also a king's court, administering on behalf of the crown the law of the land to the inhabitants of the burgh, this indirectly reflecting the fact that the bishops' position as superiors was itself dependent on the crown. This duality in the court's status can be best demonstrated when it is recalled that its magistrates, the provosts and bailies, were appointees of the bishops; yet when in 1581 John Rid, a messenger, was found guilty of an assault on one of the burgh's officers, he was ordered to 'ask the prouiest baillies and counsaies forgifnes ... and confess his offence done to the Kingis Maiestie in thair persoun and as his Jugeis and magistratis.'<sup>11</sup>

Glasgow's burgh court was thus, in theory at least, primarily a king's court. As such its status was similar to that of the courts operating in king's burghs but, whereas they were subject to the supervision of the king's chamberlain who had an appellate jurisdiction

in civil cases emanating from these burghs,<sup>12</sup> the supervision of Glasgow's court was in the hands of the bishops.<sup>13</sup> Otherwise it was subject to the same constraints as the courts of king's burghs. The intrusion of sheriff courts in the affairs of burgesses was the subject of complaints from king's burghs from time to time,<sup>14</sup> although some of these burghs eventually obtained from the crown grants of shrieval jurisdiction (Perth in 1394 and Edinburgh in 1482).<sup>15</sup> Glasgow obtained no such privilege and it is clear that during the 1570s and 1580s cases before its court could be transferred to sheriff courts.<sup>16</sup> Both burgh courts and sheriff courts were inferior to the king's justices in ayre who, although they had some civil jurisdiction, were concerned primarily with the execution of criminal justice, particularly in cases involving pleas reserved to the crown.<sup>17</sup> In civil cases the ultimate court of appeal was the king in Council or in Parliament.<sup>18</sup>

What type of law was administered in the burgh court of Glasgow? The earliest evidence for the type of law applicable to burghs is derived from several sources, the most important of which is the Leges Quattuor Burgorum, a collection of enactments from the time of David I to Alexander III which was compiled probably for use in Berwick but which, despite its title, had no official national standing. Yet it is important since it is evident that this 'jumble of substantive rules and procedural technicalities with a smattering of economic legislation' records the laws then operating in the burghs.<sup>19</sup> These laws developed over the centuries, whether through local innovation, the purchase of more comprehensive charters or the intervention of Parliament. While these laws specific to the burghs were more flexible than the feudal laws operating in the landward areas, being designed to give the burgesses freedom in their persons, possessions and transactions, the burghs also administered the wider 'national' laws as they impinged upon their inhabitants. Broadly speaking, the basis of burgh law was the maintenance of good neighbourhood or vicinitas, the object of which was to enable these commercial communities to function effectively under the protection of the king's peace. This might be achieved in a number of ways, most obviously through the punishment of perpetrators of 'trublans' and 'wrangs', the efficient recovery of debts and the settlement of property disputes, and indirectly (but no less importantly) through the regulation of burgage tenure, the supervision of the entry

of burgesses and the preservation of the monopolistic privileges of the merchants and craftsmen against unfreemen and strangers.

During the medieval period occasional references to the activities of Glasgow's burgh court are to be found. Although it can be assumed that the court was involved in all the types of business enumerated above, the surviving evidence tends to concentrate on matters which fall within the sphere of burgage tenure. Typical is a charter of 1268 whereby Robert of Mithyngby conveyed certain lands to Master Reginald Irewyn. The preamble records how the conveyance was compelled by the grantor's poverty and that he had sought and obtained the permission of his daughter and heiress for the sale, advertising his proposal 'in the court of Glasgow at three head courts of the year and at other courts often, according to law and the custom of the burgh'.<sup>20</sup> A number of points in this document are of interest. Firstly the narration as to Mithyngby's poverty and the advertisement of the conveyance 'according to law' refer to the strict rules applying to the alienation of burgage property (which required proof of financial hardship) and to the regulations regarding burgage tenure generally as described in the Leges Quattuor Burgorum.<sup>21</sup> Thus Glasgow's court was administering laws common to other burghs. Secondly the sophistication of the process, quite apart from the reference to the customs of the burgh, indicates that the burgh court had been in existence for some time. Thus there already existed the distinction between the head courts (presumably those of Yule, Easter and Michaelmas referred to in later documents) and the more regular sittings of the burgh court. Indeed, although no burgh charters of foundation refer to the establishment of local courts, it is obvious that these commercial communities required some form of administration from the time of their establishment and in all probability this was provided by the burgh courts, which were thus as old as the burghs themselves. The last point to be noted in the Mithyngby charter is the reference to sasine having been granted coram prepositis et ballivis de Glasgu et xii burgensibus et aliis eiusdem civitatis, that is, in the presence of the magistrates and an assize or inquest acting on behalf of the court, an early indication of court procedure.<sup>22</sup>

This charter and similar documents of the period record an aspect of the burgh court's work which by the late sixteenth century (if not

much earlier) had ceased to be recorded in its acts. The Leges Quattuor Burgorum noted that sasine given in a burgh before witnesses (in effect the assize observed in the Mithyngby charter) would be sufficient although it was executed outwith the court, which suggests that this was an innovation on an older rule which had previously required such transactions to be effected in the court.<sup>23</sup> Nonetheless, although sasines were effected outwith the court proper they were made under the supervision of one or more of the bailies to emphasise that the land conveyed belonged to the burgh, its superior and ultimately to the crown. Thus in Glasgow the property being conveyed was resigned into the hands of the burgh bailie who then reconveyed it to the disponee in the act of sasine. For example, in 1434 Sir William Wyschard 'caused sasine and corporal possession to be delivered and given to ... master Patrick, by John Wyschard, then bailie of the said burgh and city of Glasgow.'<sup>24</sup> The ceremony of sasine was performed on the lands concerned and was executed in a symbolic manner. Frequently the act of sasine was accompanied by the phrase ut moris est burgorum, the method varying from 'a penny in the hand' to the more usual transfer of earth and stone to signify the act.<sup>25</sup>

These acts were performed before witnesses but for greater security they were also recorded, occasionally in the court act book itself or more frequently in the protocol books maintained by the notaries public. These varied in content, depending on the particular vocation of the notary concerned. The earliest surviving protocol book relating to the Glasgow area is that of Cuthbert Simon, 1499 to 1513, who was chapter clerk of the diocese and whose book consequently covered a wide range of material both in terms of its subject matter and its geographical occurrence.<sup>26</sup> The burgh court however employed notaries public as court clerks and their protocol books survive from 1547 until the commencement of the local register of sasines in 1694.<sup>27</sup> These in theory covered all property transactions within the burgh but in 1567 Parliament, in response to a general complaint regarding fraudulent sasines effected in burghs without either the bailies or the clerks being present, ordered that 'na sesing be gevin within burgh of ony maner of land or tenement within the samyn in ony tyme cuming bot be ane of the baillies of the burgh and the common clerk thair of.'<sup>28</sup> It



can probably be assumed that after this date (if not before) the Glasgow clerks officiated at sasines alongside the burgh bailies and their protocol books recorded most transactions regarding the conveyance of property within the burgh.<sup>29</sup> These books thus form part of the court's functions prior to the commencement of the earliest surviving court act book in January 1574.

Nonetheless not all the records of the functions of the court proper have been lost. A few stray items survive. Of particular note is a series of decrees of 1478-1479 concerning a waste tenement in the Rottenrow out of which the vicars of the choir of Glasgow were due certain annual rents. As with the Robert of Mithyngby charter of 1268 this affords another example of the operation within Glasgow of the type of law common to other burghs. The method of recovering property which had become so unproductive that it could not be distrained for non-payment of rents was to go to the property with witnesses and a burgh officer and there take earth and stone from the land and present this at three successive head courts of the burgh. At the fourth head court if no payment had been received the pursuer regained possession of the land.<sup>30</sup>

This procedure was known as the process of recognition and on 27 January 1478 the vicars of the choir of Glasgow instituted their proceedings at the Yule head court of the burgh by asking that they be given earth and stone of the property in Rottenrow. This was authorised and John of Monforde, sergeant of the court, delivered earth and stone to the vicars' procurator which was sealed before the court 'eftir the consuetude of the cite in sik thingis' : thus ended 'the first court of recognicioun'. On 7 April (Easter head court) and 13 October (Michaelmas head court) the whole process was repeated. At the fourth court, held on 26 January 1479, it was confirmed that proclamation had been 'cryit at the merket cross oppynly warnand the lachful heritaris or ayris of xl dayis to cum and pay the said annuell acht of the said tenement eftir the forme of the lawis of the burgh' but that no payment had been forthcoming. The vicars' procurator then left the court which 'wardit and ryply and weil avisit' considered the matter. The vicars' procurator was recalled and Sir John Michelson, court clerk, at the command of the provost and bailies authorised John

Neilson, the court dempster, to pronounce the 'dome' (the court's decision) that Sir Alexander Heriot as procurator to the vicars 'had lachfully wonnyn and obtenit the forsaide tenement with the pertinentis in default of the payment of the annuel acht of the samyn'. Heriot asked for acts of the court and the resulting decret was witnessed by ten named persons 'with many other witnesses specially called and required to the premises,' probably the assize before which the case had been heard.<sup>31</sup>

The extent of the burgh courts' jurisdiction depended on the authority delegated to them by the senior courts. The regulation of burgage tenure in all its aspects was central to their functions. However in the 1540s burgh courts ceased to be able to deal with cases pertaining to heritage, such as the reduction of infeftments. Previously such actions, depending on their provenance, had proceeded on a brieve of right competent before either a burgh court or a sheriff court. However in the 1540s the Lords of Council and Session took over jurisdiction in such cases from these lesser courts. One of the key cases in the process emanated from Glasgow. Sir John Mason brought an action before the burgh court disputing Sir James Caldwell's heritable right to certain properties in the burgh. Fearing a reduction of his infeftment, Caldwell petitioned the Lords of Council and Session that the provost and bailies 'ar na jugis competent thareto be ressoun that the lordis of counsal usis to tak the decisioun of all actiounis of retretting of infeftmentis evidentis or seisingis to thaim selfis and to remit the same to na uther jugis.' His petition was successful and in March 1546 the provost and bailies were ordered to proceed no further in the case.<sup>32</sup> By 1587 it was accepted that the Lords of Council and Session were the most appropriate judges in cases pertaining to heritage.<sup>33</sup>

Thus far it has been argued that although Glasgow was a burgh of the bishops, its court was essentially a king's court with a jurisdiction similar to that enjoyed by the courts of burghs whose superior was the crown. That is to say, it administered the law of the land and had extensive powers in matters civil and criminal which might nonetheless be the subject of appeal or advocacy to senior crown courts. Yet even though the burgh court of Glasgow was primarily a king's court, it

was also a court of the bishops : its magistrates were appointed by the bishops and the court governed the chief temporal possession of the bishops. These possessions comprised several baronies, among them the barony of Glasgow, surrounding the burgh.<sup>34</sup> What was the burgh court's relationship with the barony court of Glasgow and the other courts of the bishops?

In the judicial hierarchy baronial courts were subject to the supervision of the sheriff who, on behalf of the crown, was instructed to ensure that these courts were properly constituted and did not exceed their powers.<sup>35</sup> How far this applied to the barony of Glasgow is unknown because of the lack of record evidence, but it has been suggested that the rights granted to the bishops were very extensive and that consequently royal supervision through the sheriff was very limited. This belief is based on a charter of 1241 to the bishops of Glasgow which is the first known grant of their baronial jurisdiction (although it is probable that they had enjoyed similar rights since the time of David I). By this act the bishops were granted 'their lands around Glasgow ... and the land of the burgh and other lands belonging to the manor (manerium) of Glasgow ... in free forest forever.' A grant 'in free forest' is believed to have been the most extensive privilege in use in the thirteenth century, enabling the recipient to have almost all the rights of jurisdiction in his own lands as were enforced by the king on the royal demesne.<sup>36</sup> If this was so then the charter of 20 April 1450 which raised the bishops' jurisdiction over their lands into that of a regality may not have meant in real terms such a sizeable gain as is sometimes supposed.

Nonetheless this charter of 1450<sup>37</sup> and its confirmation of 1476<sup>38</sup> disclose the extent of the bishops' new regality jurisdiction and confirm the view that by such grants the crown granted as much as it could ever give.<sup>39</sup> In the first charter the bishops were empowered to hold 'the city of Glasgow, barony of Glasgow and lands commonly called Bischofforest in free pure and unmixed regality' with all the profits belonging to these lands. In addition their legal jurisdiction was defined. They were to have

'homages, courts and their issues, escheats, free ish  
and entry, bludewits, hereyelds and marchets of women,

with free forest and warren with fees, forfeitures  
and ancient rights consuetudes and customs and with  
justice and chamberlain ayres and their issues ...  
with pit and gallows, sok, sak, thol, theme,  
infangthief, outfangthief, hamesoken.' <sup>40</sup>

These extensive powers effectively excluded the local sheriffs as the civil jurisdiction granted to lords of regality was equivalent to that exercised by those royal officers.<sup>41</sup> It would also seem that the bishops' regality jurisdiction also excluded the justices in ayre for it was not until the confirmation charter of 1476 that the four pleas of murder, rape, robbery and arson were specifically reserved to the crown.<sup>42</sup> Presumably during the preceding twenty-six years the Glasgow bishops as lords of their regality had exercised these rights (which was not unknown)<sup>43</sup> but this can not be confirmed because of the absence of records.

Nonetheless the bishops' regality jurisdiction was considerable. Although the burgh of Glasgow was included in the charters of 1241, 1450 and 1476, it is unlikely that these grants to the bishops materially affected the powers of the burgh court for while the bishops could probably have delegated to it the authority now exercised by their regality court it would appear that they did not do so. Thus whereas the regality charters effectively excluded the authority of the sheriffs from the regality court it is known from later evidence that sheriffs continued to have the power to withdraw cases from the burgh to their own court.<sup>44</sup>

The burgh court dealt with cases arising in the burgh and the regality court's jurisdiction covered actions involving the inhabitants of the barony. Inevitably however cases must have arisen which involved both townspeople and barony men. In actions between individuals the court of first instance would be that to which the pursuer brought his complaint while in, for example, a case relating to a disturbance involving both burgh and barony men the action would probably first be heard at the court in whose territorial jurisdiction the affray had occurred. Nevertheless there may have been a tendency for the burgh court to be subordinated to that of the regality if only because the latter's powers were apparently more extensive, and there

is some evidence from the 1570s and 1580s that in certain actions the regality court may have had a superior jurisdiction.<sup>45</sup> Certainly the two courts were often linked by a common magistracy. The bishops were lords of the regality but exercised their powers through a bailie. This bailie of the regality would sometimes act through a depute bailie and either the bailie or, more frequently, his deputy was often also the provost of the burgh and therefore senior magistrate in the burgh court.<sup>46</sup> It is thus not unlikely that the burgh court was open to some interference from the regality court.

However the bailie of the regality was not the only judicial officer of the bishops likely to interfere with the workings of the burgh court. Indeed the most intrusive of these officers may have been the bishops' official who presided over the consistory court of the diocese. This officer's status and powers increased to those of an official general of an archdiocese when the see of Glasgow became an archbishopric in 1492.<sup>47</sup> Although dealing primarily with consistorial matters (relating to executry, matrimonial business, the appointment of guardians etc.) and ecclesiastical business (especially with regard to teinds and other revenues) the official's court also attracted civil business. This was partly because the church courts were, unlike their civil counterparts, staffed with trained lawyers. More importantly the use of sworn pledges in civil contracts, and the moral importance attached to such oaths, gave the church (through the official's court) an interest in every agreement which was supported by oath. Even if a contract based on oath was not subsequently contested, the official's court was a convenient place for transacting such business. Examination of surviving consistory records of the Lothian consistory court for the period 1539 to 1551 has shown that 39% of cases were related to contractual business or the recovery of debts while the comparable figure for the principal official's court of the archdiocese of St Andrews was 25%.<sup>48</sup>

Since Glasgow was a burgh of the bishops it is not surprising to find that the official appears to have been closely involved in the activities of the burgh court. Thus in the thirteenth century several extant charters relating to property in the burgh were authenticated not just with the seal of the burgh community but also with the seal of the

bishop's official.<sup>49</sup> Just as the king's chamberlain supervised the king's burghs, the bishops of Glasgow may have copied this system and given their chamberlains the authority to oversee the court and administration of their burgh, the more so in view of the revenues accruing from the town.<sup>50</sup> Yet the appending of the official's seal to these charters suggests that this function may have fallen to that officer instead. Likewise, just as the king's chamberlain had an appellate jurisdiction over civil cases in king's burghs,<sup>51</sup> the official of Glasgow seems to have had similar authority with respect to the burgh of Glasgow.

Evidence of some such form of appeal system is furnished by an incident which occurred in 1510-11. Allan Leithame had been ordered by the burgh court to pay a debt owed to Archibald Watson. Leithame refused and appealed to the diocesan court of the official. The burgh's magistrates reacted by fining him 8s. and entered a minute in their act book declaring that no citizen should summon another citizen before a spiritual judge in any matter which could be competently heard before the burgh court. How irregular Leithame's appeal was is unknown, but despite the support of Matthew earl of Lennox, the provost, the power of the spiritual court was upheld : on 16 January 1511 Lennox as procurator for the bailies was ordered to appear before the archbishop and his chapter and publicly rescind the burgh court's decision. If nothing else this action shows that friction between the civil and the spiritual authorities was not unknown and suggests that the burgh court was held on a tight rein by the superior.<sup>52</sup>

Although this incident represents the clearest example of the subjugation of the burgh court to another court belonging to the bishop, other indications of the 'junior' status of this court are found in its relations with the university, which had been founded in January 1451 by Pope Nicholas V, at the instigation of bishop William Turnbull. Ten years later bishop Andrew Muirhead as its chancellor gave to the rector all jurisdiction in any disputes, civil or criminal, which might arise between the supposts of the institution, or between them and the burgesses or other subjects of the bishop. The charter added that 'in such causes between the supposts of our university it shall be in the option of the accused before what judge he shall choose to answer,

whether before the rector or our official'.<sup>53</sup> In effect the burgh court was to have no jurisdiction in cases involving the college's students. The most spectacular example of the effect of this occurred in 1670 when a student was accused of having murdered Janet Wright, servant to Patrick Wright, a gardener. Basing his authority on the privileges granted in 1461, the rector undertook to try the case himself. A jury of fifteen found the accused not guilty but not before they had sought from the university immunity from any complaint which might arise thereafter regarding their right to hear the case.<sup>54</sup>

The major effect of the Reformation on the courts operating in Glasgow was the removal of the official's court. The Catholic bishops had exercised their consistorial jurisdiction by virtue of powers vested in them by the pope, but in 1560 Parliament decreed that 'na bischop nor uther prelat of this realme use ony Jurisdiction in tymes to cum by the said bischop of Romeis authority.'<sup>55</sup> In some dioceses the conforming bishops continued to exercise their consistorial jurisdiction but elsewhere these functions were probably fulfilled by the superintendents and the kirk sessions.<sup>56</sup> Matters were resolved in December 1563 when the Privy Council decided that commissaries should be established to exercise consistorial jurisdiction.<sup>57</sup> Between 1564-66 the new system became operative. Local commissariats based on the old dioceses and their subdivisions and inferior to a new Commissary Court of Edinburgh were established, while final appeal was to rest with the Court of Session.<sup>58</sup>

In Glasgow, despite the act of Parliament of 1560 referred to above and the flight of the archbishop, the official general, Archibald Beaton, continued to administer consistorial justice until at least 1562, re-appearing as the local commissary in June 1564.<sup>59</sup> His new jurisdiction was similar to that which he had previously administered, but there were modifications which emphasised his change of status. He could still deal with contractual business and he could prove minor testaments, but major testaments fell within the remit of the Edinburgh commissaries who also had an exclusive jurisdiction regarding matrimonial cases.<sup>60</sup> More importantly, from the point of view of the burgh, he was no longer an officer of the burgh's superior with an excuse for involving himself in burgh business. Previously in charge

of a court which had served the archdiocese he now presided over a court whose territorial jurisdiction (and hence its status) was much smaller, a court which as part of a national network of other commissariats had little excuse to intervene in burgh affairs unless instructed to do so by the Edinburgh commissaries, a situation which was hardly likely to arise.

Just as the Reformation had freed the burgh court from the interference of the bishop's consistory court, it indirectly strengthened the burgh in its relations with the university. As part of the old ecclesiastical system, the university's activities were inevitably disrupted and although the extent of the dislocation can not be exactly determined, owing to the lack of record evidence, it is clear that had a dispute broken out between the university and the burgh court, the university would have been in no position to exert the authority of its rector. At this time the college was, in the words of Queen Mary's gift of 1563, 'rather to be the decay of ane Vniversitie nor ony wyse to be reknit ane establisset fundatioun.'<sup>61</sup> Indeed the university became beholden to the magistrates and council following their gift to the college of various former church properties in 1573, a gift which inter alia set out various instructions as to how the college was to be governed.<sup>62</sup> It was perhaps indicative of the post-Reformation relationship between the burgh and its court on the one hand and the university on the other that the university officer, who protected the college's interests in the burgh, was appointed by the magistrates and council of the burgh.<sup>63</sup>

Thus by the advent of the 1570s the organisational framework within which the burgh court of Glasgow operated had been somewhat simplified. New church courts appeared in the wake of the Reformation, the kirk session and later the presbytery. When the session became active in Glasgow is not known. In all likelihood it was established in the early 1560s and certainly existed by 1574 although its extant records do not commence until 1583.<sup>64</sup> It is clear that, for the execution of its decrees, the session depended on the cooperation of the burgh authorities, particularly the bailies and the officers of the burgh court. In terms of their respective powers the burgh court was evidently the senior partner. Whereas the official's consistory court



and the burgh court had grown up side by side under the control of the pre-Reformation bishops and the status and powers of the former had been greater than those of the burgh court, the kirk session and the later presbytery (records of which do not commence until 1592)<sup>65</sup> were innovations of the post-Reformation period which belonged to a separate national framework of ecclesiastical courts based on the General Assembly and which had to find their place within the existing legal hierarchy.

One last point may be made about the effect of the Reformation on the status of the burgh court. Even before 1560 the archbishops had been involved in disputes with the leaders of the burgh as to their respective roles in the election of the bailies. Similarly, the archbishops' powers regarding the appointment of the senior magistrate, the provost, had been eroded through the influence of major local families and the crown, and this development in particular continued unabated into the post-Reformation period, with the result that during the 1570s and 1580s the archbishops were superiors only in name, their place being taken by the crown.<sup>66</sup> So far as the burgh court was concerned this process, combined with the removal of the official's jurisdiction, had the effect of strengthening the court's position as a court of the crown. These years therefore witnessed the beginnings of the separation of local justice and administration in Glasgow from the influence of the church, and this move towards the secularisation of the burgh's governance was completed in 1690 when the burgh finally obtained the right, on the abolition of episcopacy, to choose its own magistrates.<sup>67</sup>

### **3. The burgh court's relations with other courts in the 1570s and 1580s**

Despite the erosion of the archbishops' influence, the burgh remained subject to the post-Reformation spiritual and lay superiors, who also continued to administer the regality of Glasgow through a bailie. It has already been noted that the provosts of the burgh often acted as deputies to these bailies, or occasionally as full bailies of the regality. During the 1570s and 1580s this practice continued and indeed provost Robert Lord Boyd acted as full bailie between 1573 and

1577. He retained the bailiership until 1578 when it was restored to the Lennox family. Thereafter the more usual practice was resorted to, the bailiership remaining in the hands of the earls of Lennox but the actual administration being carried out by the Stewarts of Minto as depute bailies. The younger Minto (Matthew Stewart) served as provost between 1581 and 1583.<sup>68</sup>

Given the common magistracy presiding over the burgh court and the barony or regality court (the terms were used synonymously), the fact that the regality court almost certainly met in the burgh and if so probably at the tolbooth which also served as the burgh court house, and that there must have been considerable contact between townspeople and barony men which would give rise on occasions to disputes, it is likely that these two courts probably had much business in common. The regality court's records are however lost and any attempt to define its relationship with the burgh court depends entirely on occasional references found in the act books of the burgh court. These references are intriguing for they chiefly take the form of what are in effect minutes of the barony or regality court.

On 23 April 1577 a court was held by provost Lord Boyd, George Elphinstone, burgh bailie, and Mr Adam Wallace, former burgh bailie : however Boyd was referred to in the court heading not as provost but as 'baillie principall' of the barony while Elphinstone and Wallace were termed his deputies. Closer examination indicates that this court was, on the basis of its date, the burgh's Easter head court. Although it was not described as such, the business included a list of deforcements and disobediences submitted by the court's officers, an item usually reported to head courts.<sup>69</sup> A second example occurred on 24 June 1578. This time the minute heading, as was usual, described the sitting as a burgh court and it was presided over by provost Crawford and bailie Wallace. Several matters were dealt with including a case of theft. The accused, James Sylldertoun 'confest the samyn in presens of Mr Adame Walles ane of the baillies deputt of the baronie' and was banished from the burgh and the barony. This is curious since Wallace was quite clearly styled bailie of the burgh in the court heading but as bailie depute of the barony for this particular item.<sup>70</sup> A third example is found recorded on 12 January 1580. This time the minute heading was

different, the sitting being styled a court 'for trublans'. It was presided over by William Cunninghame, bailie of the burgh, 'in presens of Matthew Steward of Mynto baillie of the baronie feirsaid his barrone court.' Two cases of assault were heard. William Rankin was accused of having attacked Christine Kilpatrick, his step-mother, 'on yule day last... within proclamatione.' He confessed his guilt and became 'in the baillie of the regaliteis will therfoir.' More significantly the other case involved a disturbance perpetrated by three men 'yistirday ... in the market tyme of day'. Cautioners were appointed and, uniquely, the unlaws levied on the culprits were ordered to be divided between the regality court and the burgh court : 'the unlaw is appoyntit to the baillie of the regalitie xls. ilk persone and to the baillies of the towne viiis.'<sup>71</sup>

This court 'for trublans' has all the appearance of a joint sitting of the burgh court and the regality court, and such was probably the case with the examples of April 1577 and June 1578 quoted above, in so far as the magistrates present acted in a dual capacity representing one or other court depending on the nature of the case being heard. It is pertinent to note however that in all three instances, including that of 1580 which was specifically referred to as a barony court, the court was fenced by the burgh court's dempster.

What then did the cases minuted at these meetings have in common which required action by regality officials which was then minuted in the burgh court act books? Since the remit of the burgh court covered the inhabitants of the burgh while that of the regality court embraced the men living in the adjoining barony, the obvious solution is that these were actions arising in the burgh which involved both townsfolk and barony men. This certainly seems to be true of the market disturbance dealt with in January 1580.

Yet this explanation is not, by itself, entirely satisfactory. Since townspeople and barony men must have come into frequent contact, why were more joint court meetings not required? Putting it another way, it is highly improbable that disputes between individuals from these respective areas arose so infrequently in a twelve year period. As the clerks tended not to record where people lived it can be assumed

that many such cases are hidden in the records of the routine sittings of the burgh court. The impression therefore persists that the cases heard by these three courts held in 1577, 1578 and 1580 were in some way special. If these cases are compared with those which normally came before the burgh court it appears on first sight that there was nothing out of the ordinary about their content. However it is possible that the criminal items which came before these courts (the sitting of April 1577 dealt with inter alia an assault case; that of June 1578 pronounced banishment on a thief; the January 1580 court considered a disturbance at the market and an assault) concerned actions which not only involved barony men but which were, more importantly, of a grave nature. If this is correct (and it is not unlikely) it is equally possible that the regality court may have had a jurisdiction superior to that of the burgh court in serious cases, irrespective of whether or not the parties included barony men. This theory is supported by another reference to the regality court found in the burgh court records. On 20 March 1576 John Anderson, cordiner, was appointed surety for the appearance of James Anderson, miller, before 'ane justice court of the baronie and regalitie of Glasgu for the allegit mutilatioun of Cuthbert Blaknod.'<sup>72</sup> The dispute between Anderson and Blackwood, which amounted to a running feud, can be traced back in the burgh court minutes.<sup>73</sup> Furthermore it arose from their common involvement in the farm of the town mill and as farmers they must have been burgesses. Even if one or both were out of town burgesses dwelling in the barony, the court of first instance before which they were initially accountable must have been the burgh court, and this is confirmed by the earlier minutes regarding their differences. In short it appears that this case was being transferred to the regality court for consideration not because the culprit or his victim were barony men but because of the serious nature of the assault perpetrated by Anderson on Blackwood.

In the absence of the records of the regality court the precise relationship between it and the burgh court is likely to remain unclear. However it would seem that, although in general their respective remits were based on the provenance of actions and the status of the parties to those actions, the regality court could act in certain criminal cases (and possibly also in civil actions, in view of its quasi-shrieval powers) as a senior court to the burgh court.

The 'justice court of the baronie and regalitie of Glasgu' referred to in the James Anderson case is not to be confused with 'the air of thee regalitie of Glasgw' referred to in a minute of 1585.<sup>74</sup> The former was the superior's regality court in its capacity as a criminal court<sup>75</sup> but the latter was the king's court of the justices in ayre. These justices had an appellate jurisdiction over inferior courts, such as that of the burgh of Glasgow, and also dealt with those pleas reserved to the crown namely murder, rape, robbery and arson. In addition cases of treason were always reserved to the crown, as also actions involving accusations of forgery and coining.<sup>76</sup> Several minutes in the 1570s and 1580s provide examples of cases being tried by the king's judicial officers. The illustrations which follow involved inhabitants of the burgh either as defendants or cautioners. In each instance they show the subjugation of the burgh court to the royal will.

In the first example, recorded in October 1577, William Hill became cautioner for the entry of Robert Hill as procurator for Thomas Hill 'to answer for false cunzie [i.e. coining] viz thre half merk pecis in ane Justice court to be hald in the [blank] the xxiiii daye of october instant undir the pane of £100.'<sup>77</sup> Similarly in May 1579 John Lyndsay was ordered to relieve David Lyndsay, bailie of the burgh, who had become surety for the entry of Thomas Lyndsay, litster, into Edinburgh tolbooth to answer for the 'slauchter' of Archibald McCawlay.<sup>78</sup>

In the above case the accused was to appear at the capital for trial but the next example contains a specific reference to the royal courts held locally during the periodic visitations of the king's justices. This case also clearly demonstrates how an action which commenced in the burgh could be withdrawn for trial before the royal justices. On 11 December 1584 at a burgh court presided over by George Elphinstone, William Cunninghame and Robert Rowat, bailies of the burgh, an action was brought against Mungo Wilson, William Pollok, Robert Pollok (cooper) and Robert Pollok (servant of the laird of Over Pollok) on the one hand, and John Boyd and Robert Maxwell of Aikenhead on the other. Evidently a disturbance had occurred involving these men, during which John Boyd had been shot and severely wounded. In response to the seriousness of the affair, cautioners were appointed to ensure the appearance of the parties at subsequent hearings, under the unusually high penalty of

£500 each person in the event of their non-compearance. The minute then records that on the same day Alexander Cunningham, abbot of Kilwinning, complained that, as John Boyd 'was schote in the [kine] with ane bullat and thairthrow in perrell of his lyfe or at the leist impotent', the culprits should be placed 'in sure firmance'. The bailies repelled this objection on the grounds that 'nane of the foirsaidis personnes ar tryit as yit to be the schutaris of the said John.'<sup>79</sup> One month later new cautioners were appointed<sup>80</sup> but on the 2 February 1585, when all those involved again appeared before the burgh bailies (except Boyd who was still bedridden), John Smollet of Kirkcubright also compeared and produced royal letters commanding the burgh magistrates 'to decis and ceas fra ferdar proceeding in the said trublande and to continew the samyne to the thrid day of the air of thee regalitie of glasgw or sonear vpoun ane xv dayis warning.'<sup>81</sup> Quite possibly the powerful Boyd family interest, represented by the victim but also probably by the abbot of Kilwinning, had become dissatisfied with the manner in which the magistrates were dealing with the case. It is equally possible however that the victim had died of his wounds and that thus the case had become one of murder.

In civil (and criminal) matters the burgh court was subject to crown intervention, usually in the person of the sheriff who would appear before the bailies with letters of advocacion withdrawing a case to either the sheriff court, the justices in ayre or the Lords of Council and Session, though which of these senior courts was involved was never stated in the minutes. For example on 13 October 1579

'comperit Thomas Swyntoun sheriff in that part and  
 producit our soverane lords letters of advocatioun in  
 the actioun persewit be Stene Glasgw against Thomas  
 Lowthian and dischargit the baillies to proceed  
 thairinto quhilk the saids baillies obeyit.'<sup>82</sup>

In this instance the nature of the case was not specified, but an earlier example, of August 1579, related to the non-delivery of an instrument of sasine. As with the example just quoted the court to which the case was to be transferred was not identified. However as this case seems to have related to heritage it is likely that it was being advocated before the Lords of Council and Session.<sup>83</sup>

When criminal and civil cases were transferred to the royal courts all those involved (the parties, their cautioners and witnesses called by the parties)<sup>84</sup> were subjected to the trouble of travelling to the senior court. Not surprisingly this proved unpopular, but it was possible to obtain exemptions from attendance. The common good accounts of the period contain several large payments made to Robert Lord Boyd for his successful endeavours in obtaining these licences. For example on 20 July 1576 a tun of wine was presented to him (at a cost of £73 6s 8d) for 'getting ane exemptioun of the nychtbouris of the toun for abyding fra all assysis passing on, promeist to him thairfoir'.<sup>85</sup> This exemption, dated 1 April 1576 and issued by the regent Morton, ~~proceeded~~ on the narration that several of the inhabitants of Glasgow 'ar sindre tymes chargit and trublit to compeir and pas vpoun assissis and inqueistis large space of the said cietie in divers actiouns and caussis to thair large expenssis and hinder of thair lefull besines'. Consequently the 'baillies, inhabitantis and haille communitie' of Glasgow were to be exempted 'fra ony compeirance or passing vpoun assissis or inqueistis in quhatsumeuir actionis crymes and caussis befor our justice, schereffis, stewartis or vtheris judges within our realme in tyme cuming except in actionis and crymes done and committit within or thre myles outwith the said citie.'<sup>86</sup> However, as the burgh accounts record that the following year Lord Boyd was given another tun of wine (costed at £66 13s 4d) 'which was promist him for his gratitude done to the toun in keeping of thame fra syndry particular raiddis to the court', it would seem that these licences had to be obtained every year.<sup>87</sup>

The crown also controlled, to a degree, when the burgh court was permitted to meet. The three head courts of Yule, Easter and Michaelmas were preceded by recesses, the first based no doubt on the ancient festivities associated with the celebration of the New Year, the others based on the need to allow the inhabitants to proceed with the vital business of sowing and harvesting respectively. Although these recesses were given the generic title 'feriat time',<sup>88</sup> this expression was generally used to describe the harvest recess. The harvest was of course a national affair, and this recess which covered most of the months of August and September was the subject of a royal proclamation. Allusion to this is found in a minute of September 1580

regarding an assault which had occurred during the time of proclamation of 'our sovereigne lordis letteris of paking and peling'.<sup>89</sup> Such a long recess was obviously inconvenient in a large and thriving community : breaches of the peace did not cease at harvest time, nor was the need to recover debts diminished. Consequently dispensations were sought from the crown in order to allow the burgh court to sit and several meetings minuted in the act books confirm this fact. To take August 1574 as an example, on 3 August a court was held per dispensationem dominorum consilii, on 6 August 'be dispensatioun for the feriat tyme', on 10 August 'be dispensatioun', on 13 August 'be dispensatioun of the lordis' and on 17 and 20 August 'be dispensatioun'.<sup>90</sup> As these were extraordinary sittings, it would seem the parties to cases being heard at these courts could decide whether they wished the matter to be deferred until a normal court. Thus on 2 September 1574 John Wylie accepted that he owed James Bowe fifty merks and agreed to pay it, 'renuncand the previlege of the feriat tyme of hervest',<sup>91</sup> but in August 1579 in a case pursued against him by John Colquhoun of Kilmerdinny, John Ross of Hanyng 'allegit na proces suld be led now in respect of the feriat tyme' and the bailies agreed to continue 'the effect, of the diet as it is now to the next law dayis eftir michaelmas.'<sup>92</sup>

A further instance of the burgh court's position vis-à-vis the crown and its courts is furnished by an incident in 1581 when the Admiralty court's jurisdiction intervened in a local matter. Originally the hearing of disputes among shippers rested with the magistrates of the coastal burghs but with the creation of the office of High Admiral of Scotland, probably in the early fifteenth century, and of the High Court of Admiralty in Edinburgh, the Admiral obtained the right to try all maritime cases throughout the country. However it seems to have been the more normal practice to give local magistrates commissions empowering them to deal with these cases.<sup>93</sup> These commissions may have been of a general nature, giving them all powers save in certain complex cases. Certainly this seems to have been the case in Glasgow by the late sixteenth century. Several minutes relate to what might be regarded as maritime matters in such a way as to indicate that the burgh had full powers in such cases. Nonetheless on 26 August 1581 the bailies and council convened 'at the ernist sute and desire of the



rycht honorable William Stewart of Monkton' who, it was recorded, had power of the 'kingis admirall and comptroller ... to serche and seike and apprehend all maner of pilleit waid brocht within the burgh'. William Howie and others were accused of having this wood in their possession and the matter was then tried before the bailies, it being concluded that the wood should be taken up by Stewart of Monkton for redistribution among the original owners.<sup>94</sup> Unusually the minute concluded by noting that the admiral's representative asked for documents, not from the court, but from 'the haill counsale convenit.'<sup>95</sup>

By the late fifteenth century the ability of lesser courts to repledge cases involving their suitors from the royal courts was recognised as an abuse. In 1488 as a first step an attack was made on the comparatively weak repledging powers of the burgh courts.<sup>96</sup> Thus, by the 1570s the subordinate position of Glasgow's burgh court in relation to the senior royal courts was well defined, and no examples are found of cases being withdrawn from these royal courts to the burgh court. However the minutes do record cases of replegiations either to or from the burgh court which demonstrate the relationship between the burgh court of Glasgow and its peers and inferiors.

Examples of replegiations to Glasgow's burgh court are confined to the 1580s and are to be found recorded in the burgh accounts. Those for 1582-83 include a reference to a payment of £1 to Archibald Hegate, the town clerk, for his expenses in travelling to Paisley to repledge James Anderson,<sup>97</sup> while in the following year Mr Adam Wallace, then bailie, was paid £2 'to ryd tuo Hamiltoun for the replegin of certane persounes of this toun.'<sup>98</sup>

Applications from other courts to repledge cases from the burgh are also recorded in the act books. One of the most interesting examples occurred in December 1575 and related to an action brought by Thomas Hutchison against David Moresoun in Stockwell for non-payment of an annual rent. Also present at the hearing was Robert Lindsay of Dunrod 'as baillie to my lord Sanct Johne of the haill tempillandis.' The minute continued:

'and be ressoun the said actioun concernis his

jurisdiction and crave and annuel of tempilland  
 and the said David ane tennent of my lord Sanct  
 Johnis, thairfore desyrit the said David to be  
 replegit to his court and baillierie of tempilland  
 and offerit caution of colraytht to that effect,  
 the baillie [of the burgh] admittit the said David  
 to be replegit to the said baillie of tempillandis  
 court, thair the said and actioun to be decydit;  
 and to that effect the said tempill baillie  
 appoyntit the xx daye of December instant for ane  
 court to be haldin in the said Davidis hous in  
 Stokuell, and David Lindsaye eldare is becomin  
 caution of colraytht for administratioun of  
 justice thairinto.'

This minute shows that the burgh court was subject not just to the intervention of the regality and royal courts but also to the jurisdiction of powerful lay magnates. It is also an interesting indication of the interest of the Knights Hospitallers of St John (albeit now merely represented by the temporal Lord St John) in the properties which they had obtained on the suppression of the Knights Templars in the early fourteenth century.<sup>99</sup>

Glasgow's western trade was carried out chiefly through the port and royal burgh of Irvine until the founding and development of Port Glasgow in the mid-seventeenth century. Inevitably the merchants of the two towns had strong business connections and not surprisingly the minutes of Glasgow's court contain references to several disputes involving the inhabitants of the two communities. Cases were occasionally repledged to Irvine. In such instances, as Glasgow was a dependant burgh and Irvine a royal burgh, it is unlikely that the former could deny the claims of the other : equally, it is highly probable that the two burghs had a close reciprocal arrangement since their economic interests were so closely intertwined at this time. As an example of this cooperation two Kintyre men were tried at Glasgow for a debt owed to John Thomson, burgess of Irvine, in August 1581.<sup>100</sup> Two years earlier a case of repledging had occurred. In December 1579 in an action pursued by Andrew Baillie, burgess of Glasgow, against William Scott, burgess of Irvine, 'for the wrangus intromissioun with ane

barell of salmon furth of the raid of Irvin in ane boit', the defendant produced a request from the provost and bailies of Irvine that he be 'replegit to the fredome of Irvin, ... quhilk replegiatioun the baillie [of Glasgow] admittit and ordanit him to be persewit befor the said prouest and baillies of Irvin.'<sup>101</sup>

As can be seen from this example replegiation could be requested by the defendant to an action. On such occasions the burgh court was not always obliged to accede to the request, particularly if the court concerned was inferior. Such an instance occurred in March 1579 in an action brought by John Clerk tailor in Glasgow against John Brown in [Drassan]. The latter asked to be repledged to the barony court of Lesmahagow. This request was refused : 'the baillies [of Glasgow] repellis the replegiatioun and ordanis the defendar to answar befor thame.'<sup>102</sup>

However the court with which the burgh court had the closest connections was undoubtedly the kirk session. The session, with its enforcement of the church's laws against adulterers and fornicators, banners and swearers, scandal mongers, Sabbath breakers and recusants, probably impinged on the lives of the inhabitants more than did the burgh court since, if nothing else, it was thorough in the prosecution of its duties.

In April 1581 the General Assembly enjoined the civil authorities to assist the kirk in the prosecution of its laws by imposing civil punishments in addition to any which the kirk might inflict on malefactors.<sup>103</sup> This type of cooperation was not new as the records of the St. Andrews kirk session, which begin in 1559, demonstrate. Those unfortunate enough to be prosecuted before kirk sessions were liable to two sets of penalties. If public humiliation on the penitent's stool or through the wearing of sackcloth proved ineffective recourse could be had to excommunication, but in addition a variety of civil punishments could be used. These might include the imposition of fines (which were usually used to assist the poor) but harsher penalties involved the use of such devices as the 'branks,' the 'jugis' and the stocks, ducking in the 'fowlest and deipest watter', incarceration or banishment. The imposition of civil punishments depended entirely on

the cooperation of the civil magistrates and the kirk sessions were aware of this fact even though their minutes might not always be specific on this point.<sup>104</sup>

The extant records of Glasgow's kirk session do not commence until November 1583 but they betray the same general features as those of St. Andrews. The inter-relationship between session and burgh court was emphasized by the fact that, apart from the presence of several burgh councillors on the session, the bailies of the burgh appear to have been elders ex officio.<sup>105</sup> Although supported by its own officials (a clerk, David Wylie;<sup>106</sup> a treasurer, initially David Hall;<sup>107</sup> a beadle, sir Christopher Knox, evidently a former priest;<sup>108</sup> and apparently two officers who in October 1586 were James Anderson and William Stobo, coincidentally burgh officers in 1585-86),<sup>109</sup> the session was dependent on the services of the burgh magistrates and their court officers for the execution of their sentences. Thus in January 1584 the session enacted that anyone who troubled the elders and deacons 'in vord or deid' was to be subject to a series of fines and a period in the pillory 'quairunto the magistratis interponis thair autoritie', an expression which occurs elsewhere in the minutes.<sup>110</sup> Similarly, in May 1585, the session agreed to 'speik the magistratis haifand power to punise adulteraris that executioun may be had'.<sup>111</sup> The session would also ask the burgh's officers to take action. In the same month the session 'requeistis the magistratis to cause thair officers apprehend and ward thir persones underwritten, to vit Issobell Selkraig [and five others] offendaris disobedient to the citation of kirk.'<sup>112</sup>

Culprits found guilty before the burgh court were evidently accountable to the kirk session if it was considered that they had contravened the injunctions of the church. Thus in June 1574 John Pollock and Hector Dunlop were found guilty by the burgh court of having attacked the magistrates, 'aganis thair aithis maid be thame the tyme thai wer maid burgessis.' They were to lose their burgess freedoms but they were also to be imprisoned in the tolbooth until they could 'mak amendis and repentance to the kirk for breking of thair aithis and ... fulfill sick iniunctiones as the kirk will devys for the samyn.'<sup>113</sup>

Similarly the Issobell Selkrig referred to above as bound to appear before the session was probably the same Selkrig found guilty before the burgh court in November 1584 of slander.<sup>114</sup> Cases of slander were dealt with by both burgh court and kirk session and a good example of the cooperation between burgh and kirk is afforded by the case of Janet Fawside.<sup>115</sup> On 24 July 1584 she was found guilty by the burgh court of 'blaspheming' Margaret Fleming by claiming that 'scho [Margaret] haid tane Duncan Leiche to ane chalmer and haid lyne with him and usit hir as he thot guid.' The next day the bailies and council met to consider the case and decreed that on the Monday following, she was 'to be presentit to the govis and to the brankis to be put in her mowth and thair to stand and remane in hir mowth during the said Mergaret Flemyngis will.' On the following Sunday she was then to 'pas vpe to the place of repentance and thair in presens of the minister for the tyme confes the foirsaid sclanderous wordis to be maist fals ... and ask God mercie thairfoir, the congregatioun and the said Mergaret.' Furthermore, if she repeated the offence she was to be banished from the burgh.<sup>116</sup> This harsh treatment is understandable when it is recalled that slander could have very serious repercussions in a small community. As regards this particular case, the severity of the punishment may have been caused by the fact that ten years previously Janet Fawside had been 'dowked' by the officers at the bailies' command, probably for a similar slanderous attack.<sup>117</sup>

Yet despite the evident cooperation between the burgh court and the kirk session the tenor of several session minutes suggests that the bailies and burgh officers were not so assiduous in providing assistance as they might have been. In November 1583 the session complained that 'thair is mony offendaris within this toun aganis quhome decreittis is pronuncit and as yit be the officiaris not put to executioun'.<sup>118</sup> Three months later, on 27 February 1584, they decreed that 'the toun officiaris ... be present this day aucht dayes to schaw quhat diligence thai haif usit in putting the kirkis decreittis ... to execution.'<sup>119</sup> Elaine Wood, found guilty of adultery, was ordered to be banished from the burgh in April 1584 but this decret had still not been executed when in August 1586 the session, obviously impatient, decreed 'yit as of before' that she should be removed.<sup>120</sup> Exasperation seems to have changed to entreaty when in June 1588 the

session urged the magistrates to proceed with the banishment from the burgh of Betty Drippis and four other 'pestiferous persones' so that 'the blissing of the lord may be in the said citie quhilk be the foirsaid persones cohabitation in the same is spotted and accursed in goddis sicht.'<sup>121</sup> Dissatisfaction with the bailies' lack of response to their requests may well have occasioned the session's decision on 26 September of that year to send a deputation to 'pas to the counsalhous on tuysday nixt to cum and requeist thame haveand entres in the electioun of the baillies to cheis men haveand tha properteis swa fer now as is possibill in the electioun of the magistratis.'<sup>122</sup> In the event, the magistrates and council with Walter Stewart, prior of Blantyre (the superior) probably paid little or no heed to the session's tactfully phrased criticism.

To conclude it is clear that the burgh court of Glasgow could resist the pretensions of the lesser courts, such as the baron court of Lesmahagow, and the perhaps over-zealous protestations of the kirk session. Nonetheless in the execution of its jurisdiction it was constrained by two greater legal powers. The first of these was the regality court of the burgh's superior which, despite its preoccupation with matters affecting the barony of Glasgow, seems to have exerted some influence on the level of independent authority enjoyed by the burgh court. The second and more significant power was the crown to which the burgh court was ultimately responsible, a fact which was emphasized by the declaration made in December 1581 by the provost and bailies that they were the king's magistrates,<sup>123</sup> and which was reinforced by the crown's increasing assumption of the archbishops' powers as superiors of the burgh. First and foremost the burgh court was a crown court which, as an integral part of the network of royal justice, was subject to the superior jurisdiction exercised by senior royal courts both in cases of first instance and in appeals.

Having placed the burgh court in its jurisdictional context vis-à-vis other courts it is now possible to examine its modus operandi in closer detail.

#### 4. The burgh courts and their procedures

Thus far reference has been made to the burgh court, but that court took many forms. Firstly there were the three head courts, mentioned in the Leges Quattuor Burgorum and first referred to in Glasgow in the Robert of Mithyngby charter of c.1268.<sup>124</sup> These were held at Yule, Easter and Michaelmas, and no doubt had been so since the foundation of the burgh.<sup>125</sup> Initially it is probable that all the inhabitants owed suit to these courts but as the population grew and commerce developed social discrimination based on wealth and power served to differentiate between the freemen burgesses involved in trade and manufacture, and the unfreemen such as the mass of apprentices, labourers and servants. As the burgesses became more powerful it is likely that they became the suitors of the head courts and actively discouraged the participation of their less privileged brethren. Nonetheless, despite these developments the head courts were among the most representative bodies functioning in the burgh.

Associated with the head courts were other 'special courts', the courts for the perambulation of the marches held either at the Milndam or at Summerhill.<sup>126</sup> From the point of view of the burgh's jurisdiction these special courts were very important. Although the perambulations checked for damage to the burgh's common lands they also, as their name states, symbolically marked out the territory within which the burgh court had jurisdiction. Before passing to a discussion of the other types of courts operating in the burgh, the nature of and the relationships between the head courts and the perambulations require examination.

Perambulations of the burgh marches were probably undertaken by the head courts in the early years of the burgh but were delegated to special sittings as pressures of business increased. Like the head courts it is probable that all the burgesses were supposed to attend and this seems to be confirmed by a statute of 1578 which, aiming to counteract non-attendance at the Whitsun perambulation ordered all councillors, deacons and their peers plus all men 'abill and sufficient to be unlawit ilk persoun for viiis' to accompany the magistrates on

the perambulations.<sup>127</sup>

Although in the earlier period the head courts were meetings of considerable administrative and judicial importance, the evidence of the 1570s and 1580s shows that by then this was no longer the case. In 1469 an act of Parliament transferred the election of the magistrates to the old council, thereby depriving the Michaelmas head court of one of its prime functions.<sup>128</sup> By the late sixteenth century these elections were conducted at meetings, variously described as 'courts' or 'conventions for the naming of the bailies' which fell on the first Tuesday or thereabouts after the feast of Michaelmas and usually about a fortnight before the Michaelmas head court itself.<sup>129</sup> A parallel development can probably be seen in the fact that the elections of other leading officers (the treasurer, the master of work and the clerk) were conducted at the court for the perambulation of the marches held at the Milndam on 'Witsonetysdaye', and not at the Easter head court as might have been expected. This court, which also farmed out the burgh's petty customs, was altogether more important than the Easter head court and was occasionally referred to in the margins of the act books as the 'Witsondaye Court'. This is not to say that the head court at Easter had ceased to exist by this time : it continued to meet although in 1577, 1579, 1582, 1585 and 1586 it was referred to merely as 'the court of the burgh of Glasgow etc' rather than 'the Heid Court eftir Pasche'.<sup>130</sup>

It has been argued elsewhere that the head courts dealt almost exclusively with important business such as the receiving of burgesses and the taking of their oaths, and matters concerning the rights to burgage property.<sup>131</sup> As to the former there is no particular evidence for this in the 1570s and 1580s since burgesses were admitted at other courts as well, while with regard to the latter, with the exception of one act of recognition processed through the head courts in 1577-78,<sup>132</sup> there is no indication that business of this sort was reserved to the head courts. More significant is an action of recognition pursued by the common procurator against certain individuals, the first hearing of which was conducted at an ordinary bailies' court on 25 January 1575 and not at the Yule head court held one week previously.<sup>133</sup>



Examination of the matters dealt with at the head courts of the 1570s and 1580s shows that apart from certain special items noted under 'poyntis of the heid court'<sup>134</sup> (namely the reporting of cases of horses infected with scab, incidences of leprosy, lists of 'bludis, areistements, disobediencies, deforcements'<sup>135</sup> and, occasionally, the noting of absentee councillors who were obviously bound to attend)<sup>136</sup> the business dealt with was routine in so far as cases of assault, actions for the recovery of debts, the service of heirs and the admission of burgesses can all be found being minuted under the ordinary bailies' court. Indeed the minutes of the Yule head courts of 1582, 1583, 1584, 1585 and Easter head courts of 1579, 1582, 1583 and 1586 are entirely devoted to routine business, omitting all mention of the 'poyntis of the heid court'.<sup>137</sup>

All this tends to the conclusion that by this period the head courts were being phased out. It has been observed that the proper nomenclature of the Easter head court was beginning to disappear and the same process can be seen in the Yule head court (in 1577, 1584, 1585) and the Michaelmas head court (in 1577).<sup>138</sup> In fact by the 1620s it would appear that only the head court held at Michaelmas continued to be convened.<sup>139</sup>

The demise of these courts, which were reasonably representative, is indicative of the manner whereby burgh government appears to have become more oligarchic during the late sixteenth and early seventeenth centuries. This process was probably associated with the increasing interest shown in the burgh's affairs by successive court factions and the determination of men such as Esmé earl of Lennox and Sir Matthew Stewart of Minto to keep a firm grip on the activities of the inhabitants.

Indeed the courts of the perambulations were also rendered increasingly impotent. As early as 1581 earl Esmé circumvented the Whitsun court's role in the election of the common clerk by simply appointing Archibald Hegate to the post.<sup>140</sup> In 1590, in what appears to have been a deliberate attempt to restrict the franchise of this court, the magistrates and council decreed that following the perambulation of the marches and the rousing of the petty customs, all

of which were to be conducted as before at an open air court, the magistrates and council would pass to the tolbooth and there elect the treasurer, master of work, common clerk and the minstrels.<sup>141</sup> After 1600 the Whitsun court seems to have lost its role as a court of perambulation. The reorganisation of the administration in 1609-10 which was marked by the commencement of separate records for the court and council saw the transfer to the council of this court's oversight of the annual roup of petty customs. The position regarding elections is less clear because of an eleven year gap in the records, but it is evident that by the 1620s these also were conducted by the council, no longer at Whitsun but at Michaelmas. Indeed by the 1620s the Whitsun court had, like several of the head courts, ceased to exist.<sup>142</sup>

However the other court of perambulation held at the Summerhill was phased out even earlier. At this court (in 1568 at least) burgh business was conducted by 'the haill communitie of the towne.'<sup>143</sup> Yet by the mid-1570s this court had practically fallen into desuetude. Although referred to on several occasions, only two minutes of its meetings were recorded in the burgh court act book, one in 1574 and the other in 1576. The first was described as 'the court of the perambulation of the merche's ... haldin at the Symmerhill ... [on] Sondaye 20 June quhilk suld have bene the xiii of Junii,'<sup>144</sup> a telling indication of either administrative apathy or even of a conscious attempt by the authorities to avoid convening a meeting. Despite the reference to a perambulation of the marches there is nothing in the minutes to suggest that an inspection took place (though three statutes were passed, two relating to the commons and one to burgess fines). The Whitsun perambulation had been held barely three weeks previously<sup>145</sup> and if these factors are taken in conjunction they at least suggest that the Summerhill's ancient functions were at this time being taken over by that court (just as it would appear it had earlier assumed the electoral business of the Easter head court).<sup>146</sup> Internal evidence indicates that the Summerhill court probably met in 1575 but no minutes were recorded.<sup>147</sup> The business of the 1576 meeting was entered in the act book and it was similar to that of the 1574 court being administrative and legislative rather than judicial in character. However instead of the formal heading used in 1574, this

minute was merely prefixed 'Apud Symmerhill die xxiiii mensis June.' On this occasion the office of calf herd was established and further enactments were made regarding the admission of burgesses. Although the passage of statutes was an administrative function distinct from the judicial business of the burgh's courts, it is relevant to this discussion to note in passing that these statutes on burgess entry fines were enacted by the community alone but were not subsequently put into effect, another indication of the impotence of the Summerhill meetings.<sup>148</sup>

A statute of 1578 indicates that a wapinschaw was to be held at the Summerhill that year but no minutes were entered in the act book.<sup>149</sup> With the exception of a passing reference in 1585<sup>150</sup> no more is heard of the Summerhill meetings until 1590 when it was agreed that because of the Sabbath it should be postponed until 23 June 'and to stand swa this yeir onlie or langer as salbe concludit be the provest baillies and counsall.'<sup>151</sup> Eleven years later it was again referred to as the place for the wapinschaw : 'the haill inhabitantis fremen burgessis' were to attend with their armour and 'the provest bailleis and counsale and deikines to be on horsbak the said daye.'<sup>152</sup> Again no minute was recorded, and this is the last reference found to the Summerhill court. From being a court for the inspection of the marches at which the community had also played an active role in legislation, the Summerhill meeting had become no more than a wapinschaw.

A similar process, albeit less pronounced, is to be observed in the minutes recording the meetings of another special court, the Craigmak court.<sup>153</sup> This was more specialised in its function, being convened to proclaim the annual fair in July. Meetings were recorded in 1574, 1576, 1577, 1580, 1581 and 1583,<sup>154</sup> and the minutes refer to the suit roll being called and absentees being amerced. Usually business was confined to proclaiming the fair but occasionally statutes relating to its administration were enacted. In 1574 the legislators were described as 'the baillies, counsale and communitie present'<sup>155</sup> which suggests that, as with the head courts and the perambulations, the burgess community was expected to attend these courts. A statute was also passed at the Craigmak court of 1577 by the bailies and council but this time no allusion was made to the involvement of the

community.<sup>156</sup> Occasional references to the Craigmak court continue to be found after 1583,<sup>157</sup> business being confined to the proclamation of the fair, but by the mid-seventeenth century, if not before, this annual proclamation was no longer styled as 'a court' and the community's role, such as it had been, appears to have been lost.<sup>158</sup>

The demise of the head courts and the special courts during the late sixteenth and early seventeenth centuries suggests that, from the point of view of the burgh authorities, the fewer courts and conventions of the 'haill communitie' which were held the better. The fact that this development encountered little or no opposition is explained when it is recalled that the community's obligation to attend these courts on pain of a fine was thereby removed.

Obviously even in their heyday the head courts and the special courts would have been unable to cope with the quantity of judicial and other business arising in the burgh. More regular sittings of the burgh court of Glasgow would have been essential. In the burgh of Aberdeen it is possible to detect during the medieval period a curia legalis tenta per ballivos, convened by the magistrates about once a fortnight, a court which like the head courts was probably as old as the burgh itself.<sup>159</sup> Because these meetings were held more frequently than the head courts it could not be expected that all the Aberdeen burgesses would have been in a position to attend the sittings. Only the wealthiest men and those seeking influence could find the time to be present at these fortnightly courts. These leading burgesses who acted with the bailies at the curiae legales formed an assize which was, in effect, the beginnings of the council.

The role of such an assize in Glasgow's courts in the mid-thirteenth century has already been observed in the Robert of Mithyngby charter.<sup>160</sup> However it must be conceded that by the 1570s there is little sign of a court equivalent to Aberdeen's curia legalis being used in Glasgow, save for the few instances when there is definite evidence that a court was held in the presence of the council, as well as the magistrates. It will be recalled, for instance, that in 1581 when William Howie was pursued before the burgh court by the king's Admiral for having pirated wood in his possession, the case was

heard in the presence of the bailies and council and at its close the Admiral's representative asked for documents not of the court but 'of the haill counsale convenit.'<sup>161</sup> Admittedly this was an unusual case. However the presence of the council can be detected on other occasions.

The surviving act books, aside from minuting the activities of the town council, record the cases heard by the burgh courts. These minutes fall into two broad categories, namely the acts (the preliminary stages at which the propositions of the pursuers and defendants were noted) and the decreets (the decisions of the court). The decreets were not recorded with any regularity : that is to say, they were not pronounced at special courts which can be identified as having been curiae legales. However the wording of these decreets shows that sometimes (though not always) the council was involved. Several decreets were issued merely by 'the baillies sittand in judgement'<sup>162</sup> but on other occasions it was expressly recorded that decision had been reached after the magistrates had consulted the council.<sup>163</sup> Attention may also be drawn to two cases heard on 24 August 1583 which were minuted as having been 'referrit to the tryall in the Counsall'.<sup>164</sup> However the court meetings were almost invariably recorded in such a way that only the presiding magistrates were named, the presence of the council seldom being mentioned save in the few instances just noted. Nonetheless these references prove that in the 1570s and 1580s the council had a judicial role, and it is conceivable that this derived from its possible origins in the assizes associated with a curia legalis of former times.

Just as pressure of business had necessitated the holding of fortnightly courts in Aberdeen, the curiae legales, the same process produced (probably very rapidly) the curia tenta per ballivos, the burgh's routine court presided over by the bailies alone which met several times each week.<sup>165</sup> Its equivalent in Glasgow in the late sixteenth century was 'the court of the burgh and city of Glasgow held at the tolbooth in the presence of[A, B] bailies of the burgh, the records of which dominate the surviving act books. The charter of c. 1268, by which Robert of Mithyngby conveyed certain lands to Master Reginald Irewyn recorded that the proposed sale had been advertised 'in the court of Glasgow at three head courts of the year and at other

courts often', and demonstrates that both the head courts and the more routine courts, (no doubt the bailies' courts if not also the curiae legales), were in existence by that time.<sup>166</sup>

To summarise, the late sixteenth century Glasgow act books record the activities of the head courts, various special courts and the bailies' courts. The very frequency of the sittings of the bailies' courts militated against the participation of the burgesses and so these courts tended to involve only the magistrates and, of course, those involved in the cases being heard. The council might however sometimes be consulted and it has been argued that this involvement possibly derived from that body's origins in the assizes associated with curiae legales.

How far was the council's judicial role indicative of a system of trial by jury? The earlier assizes were composed specifically of men who had knowledge of the cases being presented for their consideration. Thus in Peebles and Haddington during the fifteenth century assizes were impanelled at the head courts and those burgesses with complaints were invited to put their cases to the knowledge of the assize which if it was not acquainted with the facts would be replaced by an assize which was conversant with the relevant details.<sup>167</sup> The role of Glasgow's council in the late sixteenth century was somewhat different in that the councillors (so far as was possible in a small community) had no personal knowledge of the cases put before them for consideration. The council was thus in theory impartial, like the modern jury, a quality lacking in the older assize. Yet neither the assize nor the council actually pronounced judgement. That was done by the magistrates and the council's role was merely consultative ('the provest and baillies ... beying ryplie with the avyse of the counsale avisit, decernit and ordanit').<sup>168</sup> Thus the modern concept of trial by a disinterested jury was not yet practised. As to these earlier types of juries, the process of consulting the council was used only infrequently and there is nothing in the records to suggest that assizes were sworn in by the burgh court as a matter of course.

However assizes, described in the minutes as inquests, were used for particular cases.<sup>169</sup> An inquest was a group ordered by a court to

investigate the facts of a case; on the basis of its findings the magistrates would produce their judgement. However, many of the examples found in the burgh court act books of Glasgow (forty-six inquests are recorded between 1574 and 1586) suggest that no actual investigation took place and instead the matter was put to the knowledge of the impanelled members : that is to say, these were really assizes although they were called inquests. The irregular use made of these inquests by the burgh court and the considerable lack of continuity in their membership nonetheless demonstrate that these were not standing committees present at each court but ad hoc groups appointed to deal with specific items of business.

The majority of the inquests recorded between 1574 and 1586 dealt with the service of burgess heirs to burgh property or moveables. With only one exception<sup>170</sup> these heirship inquests proceeded on a brieve issued by the archbishop's chancery (a fact which underlines the burgh court's relationship to its ecclesiastical superior) and the narration would often record how the brieve had been 'proclomit at the bois wyndo of the tolbuthe thre sundry tymes as use is.'<sup>171</sup> As the members who comprised each inquest or assize were chosen for their knowledge of the particular case under discussion, the men most likely to have such knowledge in cases of heirship would be neighbours, friends or business associates. For example, in March 1576 Marion Greenhead was returned by inquest nearest heir of blood to the late Matthew Greenhead. The Greenhead family must have been out of town burgesses resident in Inchinnan for, although this was not expressly stated, of the thirteen members of the impanelled inquest nine came from Inchinnan and were presumably neighbours.<sup>172</sup> The membership of another inquest sheds an interesting light on the proposition that burgh government was in the hands of a closely knit peer group connected both by business interests and their social status. An inquest of May 1576 returned George Elphinstone of Blythswood as heir to his father in an area of land near Greyfriars. Elphinstone was a prominent burgh politician who served either as bailie or councillor practically continuously throughout the period under discussion. Of the fifteen men who comprised this inquest, no fewer than ten held some position in the burgh administration between 1574 and 1586.<sup>173</sup>

The inquests usually comprised an odd number of men, (thirteen or fifteen members being the most common number).<sup>174</sup> It is also evident that a chairman or 'chanclar' was appointed and although this was rarely minuted it is probable that it was the normal practice. The general mode of operation used by the inquests can be seen in the minute which recorded the entry of George Lang, cousin of the late John Martyne, burgess of Glasgow, as his heir. On 30 March 1574 Lang appeared and produced a brieve 'of my lord of glasgwis chancleary' requesting that he be declared heir to John Martyne, burgess. However John Martyne in Giffnock objected that the matter should not go before an inquest because he had himself been served heir to John Martyne, burgess, in two annual rents, one in Glasgow and the other in Rutherglen. Lang replied that when John Martyne in Giffnock had been served heir, he (Lang) had been abroad. The brieve and the arguments were then 'applyit to the knowlege of the foirsaid inquest' which 'all in ane voce, accept David Lyndsaye, be the mouthe of David Wilson ther chanclar' found in favour of Lang as 'nerrest and lauchfall air of blude and lyne ... and ordanit him to be returnit thairto'.<sup>175</sup> This, incidentally, is the only example of a decision which was not unanimous.

The minutes show that many people were served heirs to burghal property or to moveables without the use of an inquest. The wording of these entries when they record the resolution of the court was exactly the same as in the case of services by inquests and it must therefore be supposed that the process adopted was at the choice of the prospective heir. Service by inquest was probably preferable as it afforded greater security to the heir, especially if there was a counter claimant as in the example quoted above. It should be added that although several of these inquests record objections the majority were uncontested.

Not all the inquests recorded in this period dealt with matters of heirship. For example, on 7 December 1585 five women were 'ordanit to be enterit thes day to be put to the acknalege of ane inquest far the foirstalling of the mercat.' The inquest unanimously found them 'in the wrang' and this decision was 'pronunceit be the chancellor of this inquest, William Fleming.' Doom, or judgment, was then pronounced by the bailies.<sup>176</sup>



Thus far it has been argued that these inquests were assizes, the members of which had prior knowledge of the facts which they were asked to consider. However there are indications that some inquests were comprised of men who did not have such knowledge and who were therefore required to carry out investigations. Such would appear to have been the case with the members of the only two inquests employed during this period to consider criminal actions. At the Easter head court held on 23 April 1574 an inquest was sworn in to examine a serious disturbance involving several people which had occurred on Holy Thursday. The second example is found in February 1575 when an inquest was impanelled to look into an assault which George Young, baxter, was alleged to have perpetrated on David Landes. On first sight these inquests appear to have been simply groups of men chosen because of their knowledge of the cases, but examination of these individuals discloses the presence of a large number of burgh officials and councillors. This suggests that these inquests were investigative in character; they might even be regarded as working parties of the court.<sup>177</sup>

The following example clearly shows an inquest acting as an investigative body. It also incidentally offers a further instance of royal intervention in the affairs of the burgh court. William Harvie and Katherine Gibson claimed that the onion seed supplied to them by Gilbert Buchanan and David Adam was worthless and that they should be compensated. The case proceeded on the 'declaratioune of foure sworne men',<sup>178</sup> witnesses produced by the pursuers. On 14 December 1581 in the presence of the bailies 'sittand in jugement' an inquest of twelve men (six of whom were councillors) which had previously been appointed 'to pas and visie the ingoun seid sawin in the yardis underwritten viz. Gawin Grhameis yarde [and those of Archibald Lyon, George Herbertson, William Cunninghame and David Wylie],<sup>179</sup> presented its report as follows:

'... being newlingis callit and chargit to pronounce  
thair deliverance [they] enterit in face of court,  
fand and deliverit the estate of the seid sawin in  
the saidis yardis wes in maner following, that is to  
say that thair was no maner of growing cam vp in the  
said yardis worthie ony price bot hapnyng ingounis

and the maist parte of thais being plukit wes  
blak and rottin in the heid and this thai  
declair be thair knowlege and conscience.'<sup>180</sup>

For some reason this report was not acted on. The delay evidently angered the pursuers for on 3 March 1582 a meeting was held by the three bailies, John Graham, Robert Stewart and Colin Campbell, 'chargit be our sovereign lords letteris to pronounce within thre dayis upoun the unzeon seid secundum allegata et probata.' Campbell protested that no pronouncement could be made until the provost was present and Stewart 'for his part in pronunciatioun admittit the defendars last exceptioun to thair preif and quhill thai aither preif or failze thairin will nocht pronunce, and protestit he be nocht putt to the horne quhill than becaus the [proofs] hes nocht tane end.' However these legal technicalities were resolved by Graham who 'for his exoneration offerit to pronunce the nixt court.'<sup>181</sup> The subsequent decret issued on 9 March at a court held by Graham referred back to the findings of the inquest : 'it is fund be the knowlege of ane inqueist that the seid sawin be thame [the pursuers] in the yardis of [Gavin Graham etc] to be insufficient in respect that ... samekill as come above the erd wes rottin and insufficient.' The pursuers had claimed compensation for their original outlay of £40 together with 'the proffeit quhilk mycht have followit thairon' but in the event they were only awarded £17 of damages.<sup>182</sup>

Another inquest which would appear to have been largely investigative in character was established in January 1582. However its antecedents were quite different from any of the inquests thus far discussed. On 9 January 1582 the subdean, minister and 'otheris memberis of the Kirk' met with the bailies in the tolbooth to discuss how to implement a letter which had been received from the Privy Council<sup>183</sup> instructing the provost and bailies to hold courts on 'bannyng and suering and thais quha keipis nocht the Sabboth day.' The bailies decided to reserve the first Thursday of every month as a court day for this purpose (commencing on 1 February) and in the interim they appointed an inquest 'to tak inquisitioun of the banneris and suereris.'

Twenty-five men were to be involved, split into three groups, to

work within specified geographical areas, namely Rottenrow, Drygate 'and to the croce'; Gallowgate and Trongate 'and to the Barrasyet'; and the Briggate.<sup>184</sup> It is noteworthy that the geographical method employed here was similar to that followed in the appointment of the ale tasters (in 1574, 1577 and 1581) and the plague searchers (in 1574 and 1584), groups of men which were in effect standing 'committees'.<sup>185</sup> Similarly it is to be supposed that the inquest on 'banneris and sueris' was not disbanded after the first meeting of the special courts appointed to deal with these offences and that therefore this inquest was also a standing committee of sorts, the remit of which was general (extending over a whole area of the court's business) rather than specific (dealing with one particular case). A further unusual feature of this inquest was that, despite the terms of the minute, it was almost certainly an instrument of the kirk session rather than the burgh court. Examination of the burgh court act book shows that no special court to deal with moral offenders sat on Thursday 1 February 1582 nor on any subsequent Thursdays. That day of the week was however the day on which the session convened its weekly meetings and the surviving minutes of that body record that inquests similar in purpose to the one under discussion (and like it arranged on a geographical basis) were appointed so that 'faltis not knawin may be better disclosit.'<sup>186</sup>

The last inquest to be considered was never in actual fact referred to as such in the minutes. This was the group of individuals known as the outlandmen. They were appointed at the Whitsun court of the perambulations and accompanied the magistrates in their inspection of the marches.<sup>187</sup> The minutes of these courts include the reports made by these men. Thus in 1581 there is found the 'names of thame that hes brokin thee Comoun and faltis in thee Comoun gevin up bee thee outlandmieris.'<sup>188</sup> Usually no action was recorded but in 1584 the full process of prosecution was minuted. The perambulation was conducted on 10 June and the outlandmen produced a list of those who had encroached on the common lands or the lanes leading thereto or who had damaged the marches (the stones which marked the burgh's boundaries were frequently moved or even taken away altogether).<sup>189</sup> One week later at a routine bailies' court the list of culprits and their offences was repeated and each one was 'fund in the wrang' and punished

accordingly.<sup>190</sup> This clearly shows the division of responsibility : the outlandmen inspected the commons and the marches and whether through previous knowledge or actual investigation produced their report in the manner typical of an inquest. Thereafter the bailies took the appropriate action against the malefactors identified by the outlandmen.

Like the inquest 'to tak inquisitioun of the banneris and suereris' the remit of the outlandmen was general rather than specific, but otherwise the procedure which these men followed was similar to that of the other inquests employed by the burgh court. Indeed the outlandmen are the only example of the burgh court regularly using an assize, albeit their duties appear to have been almost totally confined to the activities of one special court, the Whitsun court of the perambulations.<sup>191</sup> With this sole exception assizes were not used in the burgh court as a matter of course but were employed only to deal with specific items of business, in particular the service of heirs. In general terms the dispensation of justice rested with the provost and the bailies and little recourse was had to either the advice of the council or the knowledge of inquests. Whether this had always been the case can not be determined, but it is possible to regard this concentration of authority in the hands of the magistrates as a further sign of the oligarchic and unrepresentative character of the burgh's governance at this time.

## 5. The officials of the burgh court

Having established the importance of the provost and bailies in the routine administration of justice it is important now to examine the role not just of these magistrates but also of the other officials associated with the court.

The dempster was always present at sittings of the court.<sup>192</sup> He it was who fenced the court, bringing it to order and calling the suits. Thus the formula used to head the minutes of court meetings in Glasgow usually concluded with the phrase 'the suitis callit, the court confermit', followed by the name of the dempster.<sup>193</sup> The manner in which a barony court was fenced in the 1560s survives:-

'I defend and forbid in our soverane ladeis name,  
and in name and behalf of my lord[etc], baroune of  
sic ane barony and his baillies heir present that  
na man take upoune hand to truble this court nor  
till speak ane for ane uther without leve askit  
and obtenit under the pane of law.'<sup>194</sup>

However the dempster derived his title from his other main function, the pronouncement of doom or judgment. It is probable that the origin of this office (which was common to burgh, barony and other courts) lay in the earlier period when assizes had played a dominant part in court affairs, pronouncing judgment through their spokesman, the doomsman or dempster. As the assize diminished in importance so too did the dempster and by this period he had come to be the least of the court officials, passively pronouncing doom as directed by the magistrates through the clerk.<sup>195</sup> This process is recorded in the action of recognition pursued by the vicars choral of Glasgow in 1478-79, at the end of which Sir John Michelson, court clerk, at the command of the provost and bailies authorised John Neilson, the dempster, to give 'dome' in favour of the pursuers.<sup>196</sup> The loss of status of this official was perhaps less marked in Glasgow than elsewhere for while James Speir, Glasgow's dempster between 10 January 1574 and 10 May 1575, also acted as poinder, in other courts the dempster could be found doubling up as hangman and the burgh of Dysart went so far as to terminate the office in 1570.<sup>197</sup>

Once the court had been fenced the suits began to be heard, in the presence of one or more of the bailies with or without the provost in attendance. The provost, though the chief magistrate, did not need to be present and if the minutes are examined it can be seen that the various provosts during this period had distinct ideas as to whether or not they need attend. Robert Lord Boyd (provost in 1574-75, 1575-76 and 1576-77) and his protégé Thomas Crawford of Jordanhill (provost in 1576-77) were the most active, attending respectively 25%, 31%, 25% and 49% of all curial meetings held in those years.<sup>198</sup> Boyd and his nephew the archbishop were by no means uninterested in the affairs of the burgh and the temporal possessions of the diocese, while the active role played by Thomas Crawford can be explained by the fact that,

unlike all the other provosts in this period, he was a local landowner.

Their successors, however, played a far less active role in the burgh court. Robert earl of Lennox was provost for two terms, 1578-79 and 1579-80. During his first year as provost he attended only two court sittings out of a possible sixty-nine, while in 1579-80 he appears to have only attended the Whitsun court. Esmé earl of Lennox, having seen to the election of a group of bailies and council who would be acquiescent to his policies, attended no meetings of the court during his year of office in 1580-81. Matthew Stewart of Minto succeeded him as provost and in his two years of office, 1581-83, attended only 9% and 4% of the sittings of the court. Like the Lennoxes, John earl of Montrose was deeply involved in affairs of state and he was only present at one meeting of the burgh court during 1583-84. He was succeeded by Sir William Livingstone of Kilsyth, provost during 1584-85 and 1585-86. Although a local landowner he appears to have been no more active in court affairs than his predecessors. In his first year of office he attended 9% of the meetings of the court but in his second term (for which admittedly the information is incomplete) he was present at only one court sitting.

Not surprisingly the absence of the provosts placed a considerable strain on the bailies who were left to deal with most of the burgh's judicial business. During the 1570s the number of bailies appointed was either two or three. In the election of 1574 the minute specifically records that the short leet presented to the archbishop was 'for nemmyng of twa or thre of thame in baillies for this instant yeir to cum, requeisting allwayis my lord to nominat thre in respect of the multitude of the peple and trubles in office.'<sup>199</sup> Three were appointed in 1574, but not in 1575 when only William Cunninghame and Andrew Baillie were chosen. Cunninghame attended 97% of the sittings, but Baillie did not take his oath until 4 May 1576 and did not preside at a court until 8 May, thereby attending only 40% of all the sittings during that year.<sup>200</sup> Despite the problems of 1575-76 it was not until 1578 that a request was made for three appointees and three were chosen. In 1579 the number was reduced to two (two having been asked for) and it was only in the next year that a successful request for three was again made. Thereafter for the remainder of the period under

consideration three bailies were appointed each year, probably to compensate for the increasing absenteeism of the provosts and the mounting workload.

How far the bailies spread the weight of court business between them is unclear. For example, during 1574-75 and 1583-84 (both years in which three bailies were appointed) a fairly equitable approach appears to have been adopted. In the former year the three bailies George Elphinstone, Archibald Lyon and Mr Adam Wallace attended 85%, 80% and 96% of court sittings respectively while in the latter William Cunninghame, Mr Adam Wallace and Robert Stewart attended 69%, 66% and 77% respectively. However, absenteeism was not confined to the provosts. It has been observed that Andrew Baillie was absent for much of the term of his bailiership during 1575-76 and that his colleague, William Cunninghame, was obliged to do most of the work. During 1580-81, Robert Stewart, bailie, did not attend his first court until 17 January 1581. More striking still was the subsequent year, 1581-82. The attendance figures for the three bailies were 100% (John Graham, younger) 53% (Robert Stewart) and 30% (Colin Campbell). Although appointed in October 1581 Campbell did not attend his first court until 13 January 1582 and Stewart was absent between 3 March and 5 June 1582. Presumably to compensate for these absences (which may have been caused by illness or the pressures of private business), John Graham had shouldered the bulk of the burgh's judicial work.

On at least two occasions judicial business had to be held in the absence of all the magistrates. The examples occur in the minutes for 1575-76 during which year it will be recalled that only two bailies were in office and much of the work had fallen on one of them, William Cunninghame. The device employed was to hold quasi-curial meetings of the type already described,<sup>201</sup> the dempster not being present. On Thursday 17 November 1575 it is recorded that such a meeting was held 'in presens of Mr Adam Walles auld baillie in absens of the baillies now furt of the towne.'<sup>202</sup> The second example occurred on Saturday 4 February 1576 'in presens of George Elphinstoun ane of the commissiouners in absens of the baillies.'<sup>203</sup> Both men had been bailies in the previous year (1574-75) and to judge by the second example, both had been specially commissioned to act on behalf of the

magistrates, although no minute to that effect was recorded.

The provost and bailies were the magistrates of the court. On their appointment they had to give an oath 'for leill and trew administratioun in thair offices',<sup>204</sup> before being given their commissions setting out their duties. The commission issued to the bailies in 1626 survives and apart from the clauses concerning their administrative functions, the document also dealt with the judicial side of their work. This document was probably identical to the commissions of the 1570s and 1580s which are now lost, though one point may be noted in passing. Glasgow had become a royal burgh in 1611 but the use of the collective first person plural throughout the 1626 commission referred to the community in whose name it was issued (nos comburgenses ac totam communitatem burgi et civitatis Glasguensis). Even the courts of the burgh were referred to as belonging to the community (curias nostras) though of course in reality they were royal courts. Whether earlier commissions issued while the archbishops controlled the burgh were phrased in this way is unknown. However that may be, in 1626, the bailies were to 'begin, hold, adjourn, appoint and affirm our [the community's] courts in our said burgh and to pursue, defend and protect our rights'; they were to repledge cases involving burgh inhabitants or their goods 'in so far as the law declares'; and they were to grant sasine, provided that the recipients were burgh inhabitants.<sup>205</sup>

Implicit within this remit was the duty of the bailies (and the provosts when they were present) to consider the suits brought before the court and pronounce judgement on them. As has been noted, this function was effected without the assistance of an assize (save in the few cases, chiefly relating to heirship, when an inquest was employed).<sup>206</sup> Assizes may have played an important role in the past, but with their demise there was less emphasis on local knowledge and more stress was placed on precedent and the ever developing code of law embodied in the acts of Parliament. The magistrates may thus have achieved greater control, but in doing so they also placed upon themselves the full burden of the law. Yet the provosts and bailies were in legal terms amateurs. They were not professional lawyers and had no training in the law.<sup>207</sup>



This vacuum was filled by the office of common or town clerk which can be traced back to 1444.<sup>208</sup>

He was a notary public, a trained lawyer whose expertise was essential to the smooth operation of the court. Furthermore, as keeper of the burgh records, including the town's protocol books,<sup>209</sup> he was in a position to inform the magistrates of the existence of a useful precedent or of the extent of burghal privileges. The accounts demonstrate that the clerk was often employed on the burgh's legal business in Edinburgh. To quote but one example, in 1575 the clerk Mr Henry Gibson was paid £26 15s 6d for expenses incurred in the capital relating to the town's dispute with Rutherglen over the ladle dues.<sup>210</sup> Although at this time there were no legal text books or manuals of law, the clerk probably possessed a formulary containing copies of the burgh laws and other tracts, such as survives for the burgh of Ayr.<sup>211</sup>

The role of the clerk as the resident legal adviser is emphasised when it is observed that although the composition of the magistracy changed every year, and the common clerks were themselves subject to annual re-election, only two men held this office during this period : Mr Henry Gibson (1574-81) and Archibald Hegate (1581-88). Indeed on one occasion Hegate presided over an action in the manner usually reserved to the magistrates. This unusual example occurred on 1 May 1583 and although it was not a formal court sitting, it was a quasi-judicial meeting of the type frequently found in the minutes :

'The quhilk day in the presens of me notar ...  
comperit James Tailzeour merchant and confessit  
that his wyff in his name ressavit fra Robert  
Steward, David Wilson and Ninian Darrocht 10 polkis  
wade and 100 pund of silver of the sowme contenit  
in the said David and Robertis obligatioun.'<sup>212</sup>

There is nothing out of the ordinary here in terms of the type of business involved. Minutes of this type abound, but what is unique is that the matter was recorded before the clerk and not one of the bailies. Presumably the business had been delegated to Hegate by the magistrates although, unlike the instances of delegated powers noted in 1575 and 1576 there is nothing in the minutes to suggest that the bailies were out of town.<sup>213</sup> This incident, whatever its other ramifications,

shows that the office of clerk was powerful and almost on a par with that of bailie, and it is pertinent to note that the clerks received the same fee as the bailies from the burgh's common good.<sup>214</sup>

The common clerk's title was derived from the other duty which he was obliged to carry out. It was his job to ensure that the burgh court's proceedings were recorded. However he may not always have done this personally. When William Hegate protested at the service of George Elphinstone as heir to certain lands in May 1576 he asked for 'ane clerk to be adjonit to James Fleming now sittand in place of clerk conforme to the act of parliament and thay to subscribe mutually ... maist cheiflie becaus the said James is not notare nor thair clerk ordinar.'<sup>215</sup> This request was refused but it shows that Mr. Henry Gibson, the then clerk, was not present and his place had been taken by Fleming. The identity of James Fleming is intriguing : either he was a pupil of Gibson or he was the same James Fleming who at this time was a councillor and master of work.<sup>216</sup> As Elphinstone was also a councillor at this time Hegate may well have had grounds for his complaint on the basis of some conspiracy headed by Elphinstone and James Fleming, but this can be no more than a conjecture.

However it can probably be assumed that the clerk was usually present at the court hearings, if only to give legal advice to the magistrates. Another court official, whose presence was not always required, was the common procurator.<sup>217</sup> His remit was to pursue cases on behalf of the burgh. In 1574 Michael Baird, the common procurator, was found pursuing Margaret Graham 'for non delyuering of the hewcht irne chenyais had in keping of the toun be hir;' John Pollok, cooper, and others for a serious riot, accusing them of resisting the magistrates in the execution of their office and thereby contravening their burgess oaths; and Sir James Fleming for having refused (contrary to a previous agreement between the burgh and Fleming) to vacate St. Mungo's chaplainry on obtaining entry to St. Christopher's chaplainry (both chaplainries being in the gift of the burgh).<sup>218</sup>

It has been argued elsewhere that this official was akin to the modern procurator fiscal and that he was always a lawyer.<sup>219</sup> However, there is nothing to indicate that he decided whether a case should

proceed or not and with the exception of the incumbent during 1573-74, Michael Baird, a notary, all the holders of this office were laymen. Thus Baird's successor was James Fleming who is believed to have been a merchant and was then acting as a councillor. All the other procurators were also prominent councillors, the only exception occurring in 1575-76 when Robert Lord Boyd, the provost, acted as common procurator. Not surprisingly with a membership such as this the procuratorship was a position of status, and the men who held this post received an annual salary equivalent to that enjoyed by the bailies and the clerk.<sup>220</sup>

It is appropriate at this juncture to consider the liners who although they were not salaried were men of some rank. The earliest reference to the activities of liners in the burgh is found in 1464.<sup>221</sup> By the late sixteenth century they were chosen each Michaelmas after the council had been elected and numbered between five and nine men. Prior to the elections of 1579 at least two (and sometimes three) were councillors, but after that date the majority were council members. It is conceivable that in earlier periods the liners had been an assize,<sup>222</sup> the membership being chosen for their knowledge of a particular case, but by the 1570s they were clearly a standing body, and it is noteworthy that the liners always included the master of work. It is also notable that they always included among their number a mason, no doubt for his technical expertise. This fact probably explains the appearance from time to time of men acting as liners who, though not appointed at the Michaelmas elections, appear to have been subsequently co-opted by their colleagues.

Despite the prevalence of councillors in their membership, the liners formed a committee of the court rather than of the council and helped the magistrates to maintain good neighbourhood or vicinitas, an aspect of the court's work which was known as its aedilic jurisdiction.<sup>223</sup> The liners' remit was to ensure that individuals did not encroach on or damage each others' property and encompassed those functions later known as building control and planning. After 1605 this area of the burgh court's jurisdiction was delegated to the new dean of guild court.<sup>224</sup>

During the 1570s and 1580s there are several examples which show the liners' close relationship with the court. Thus in May 1574 the bailies ordered Peter Lymburner and Sir John Mason to repair a dangerous building in Greyfriars Wynd 'conforme to the sichting thair of maid be the lyneris of the toune.'<sup>225</sup> In May 1582 the liners settled a boundary dispute between two burgesses:

'The quilk day [the liners] past at the command of John Graham baillie to the tenements of [ ] Pettigrew tailzeour and Archibald Robesoun merchant liand on the north side of the gait passand fra the kirk to the mercatt croce and thair viseit lynit and marchit the said tenementis as followis ... and stobbit the samyn quhilk with avise of the said baillie thai decerne to be observit in all tyme cumyng betwixt the said parties.'<sup>226</sup>

In the following October they were involved in giving 'planning consent' to a petition from James Anderson requesting that he be allowed to do some work on a gable at the South Port: 'quhilk petition ... the baillies thairfoir wyth the advise of the counsell and lyneris be the tenour 'heirof grantis and permittis.' Anderson was ordered to see that the work was well executed and presumably because it involved some alienation of common land he was to pay 3s 8d yearly to the treasurer.<sup>227</sup>

However it must be noted that elsewhere a case dealing with a dangerous building<sup>228</sup> and a similar request for planning permission to the above<sup>229</sup> were dealt with apparently without reference to the liners. In the latter type of case, as alienation of common lands was involved, the assent of the council was of greater importance. The liners' main function lay in the settlement of boundary disputes and in such cases they clearly acted 'at the command' of the magistrates as agents of the court.<sup>230</sup>

The lesser officials associated with the court included the dempster (already considered),<sup>231</sup> the water bailie, the poinder and the officers. The duties of these men require to be examined in some detail.

The water bailie, as his title suggests, was a court official who acted within a clearly defined remit which was set out in eight regulations issued on 15 October 1605.<sup>232</sup> The first of these was concerned with his somewhat surprising role vis-à-vis the burgh's leper community. Lists of lepers were presented to the head courts. Initially these lists appear without any explanation but at the Easter head court of 1584 and thereafter it was minuted that the lists were presented by the water bailie.<sup>233</sup> His connection with the lepers no doubt arose because they were confined in St. Ninian's hospital which was situated at the south end of the bridge, close to the river.<sup>234</sup> In May 1582 a statute was issued which sought to control the movement of lepers and significantly the water bailie, along with the officers, was ordered to see that the act was observed.<sup>235</sup> The regulation of 1605 also addressed this problem but additionally included other provisions which make it clear that the water bailie was in charge of the leper hospital: he was to ensure that none but those sent by the magistrates and council were to reside at the hospital; he was to provide the lepers with 'thair dewties', emoluments which were funded from fines collected by the water bailie from those who transgressed the burgh's river statutes;<sup>236</sup> he was to 'put thair wictuall to the heichest pryce', a comment which suggests that the produce grown by the leper community at the hospital was presented to the market by the water bailie; and he was to ensure that they visited the burgh only twice per week and that when they did so they kept their distance from the townspeople and refrained from begging.

The remaining seven regulations of 1605 concerned the water bailie's duties with respect to the burgh's river statutes, most of which were concerned with the buying and selling of fish. Forestalling, engrossing and regrating in fish were forbidden.<sup>237</sup> Instead they were to be presented for sale at 'the fische croce' and the water bailie was to ensure that no one sold 'killing to strangeris or outtintownis folkis quhill the towne be staikit.' The water bailie was to report all breaches of these statutes to the magistrates and was given power to arrest the goods of individuals thought to be guilty of transgressing these measures. The sixth regulation is of particular interest since it shows the burgh's concern regarding the poor condition of the river

and the importance of maintaining a navigable channel : the water bailie was to 'suffir na stainis nor ballest to be cassin out of boitis and barkis in the wattir or wattirsyd.'

Although these regulations as to the water bailie's terms of reference post-date the main period under consideration it is evident from the minutes of the 1570s and 1580s that they accurately reflect the duties which he undertook at that time. However a problem remains with respect to the extent of this official's territorial jurisdiction which, on the basis of charter evidence alone, would appear to have been considerable. From the fifteenth century onwards, if not before, Glasgow had sought to enforce what it regarded as its extensive commercial privileges on the Clyde at the expense of the other riparian burghs, most notably Dumbarton.<sup>238</sup> When Glasgow became a royal burgh in 1611 this territory was specifically defined very much in terms similar to those on which Glasgow had insisted in earlier centuries. The burgesses were to have

'the loading and unloading of ships ... home or foreign coming in the Clyde ... from the Clochstane [two miles down river from Gourock] to the bridge of Glasgow, salmon fishing below and above the said bridge ... with free privilege of the water and river of Clyde'.<sup>239</sup>

In 1636 this charter was confirmed and with it the burgh's privilege of 'electing a water bailie to have charge of the water within the said river of Clyde where the sea ebbs and flows and within the whole bounds thereof below the bridge of Glasgow to the Clochstane and of correcting all wrongs and outrages committed on the said river within the bounds thereof.'<sup>240</sup>

It is probable that the water bailie in theory exercised jurisdiction over this wide area during the 1570s and 1580s, as the above extracts were very much a *de iure* recognition of the claims over the Clyde which Glasgow had pursued for several centuries. Nonetheless it is equally obvious that in practice the water bailie was in no position to adequately police this extensive area.

In November 1635 a statute was issued whereby the magistrates and council, having noted that the office of water bailie had fallen into disrepute 'be the admissioun thairto of divers decayed and depauperat persounes', decreed that in future the incumbent was to be 'ane of the best sort and rank of the counsell.'<sup>241</sup> When the trend complained of here began can not be ascertained. During the years 1574 to 1586 this position was dominated by Mr William Logan who held the office until 1585 when he was replaced first by John Clerk and then by Stephen Glasgow. Neither Logan nor Glasgow were councillors, (though Clerk may be the same John Clerk who sat on the council several times during this period).<sup>242</sup> Certainly the water bailie does not seem to have been held in much respect. Offences against this official, whether they were cases of disobedience or actual physical assaults, appear to have been punished lightly. For example in February 1582 Janet Bogle was found guilty 'for streiking Mr William Logan and breking of his stalfe' and one year later Bessie Lowrie was accused of 'straiking mastirfullie of Mr William Logan watter baillie' and with others of having taken fish 'at thair awin hand and distributing the samyn at thair awin pleasour in contempt of the baillies and wattir baillie thair officer'. On each occasion no more was recorded than that doom was given against the accused, a formula which suggests a routine punishment such as a fine; by way of contrast similar offences committed against the officers could result in severe penalties.<sup>243</sup>

Although the water bailie was a court official his presence at the court was probably not deemed necessary unless cases of this sort (or matters involving the leper community) were being considered. Another court official whose presence at court sittings was not always required was the poinder.<sup>244</sup> The exact nature of this official's remit is not clear but it would seem that his task, which was to poind or impound property, was closely associated with the implementation of the burgh's statutes. Contraventions of statutes involved a variety of penalties but could include the escheating of a person's goods. The bye-laws relating to the control of the market frequently included this penalty : for example, all fish and flesh were to be brought to the market for sale 'vnder the pane of eschetyng of samekle as beis fund hid in houssis', while no tallow was to be sold to out of town men 'vnder the pane of eschetyng of the samyn'.<sup>245</sup> However the direct involvement of the poinder in enforcing the statutes,

which can only be inferred from these examples, is demonstrated clearly by two acts of 1577 relating to the burgh's common lands. On 24 May an act was passed concerning damage to arable lands by trespass which ordered James Speir, who was then poinder, 'to pas throw the towne and proclame the samyn.'<sup>246</sup> In the following October an act was passed forbidding the grazing of sheep on the burgh's 'rudis', or arable lands. The penalty for the first fault would be a fine of 8s., for the second fault 24s. and for the third fault the sheep were to be confiscated. This statute concluded by ordering the poinder 'to exerce this statut vndir the pane of deprivation of his office.'<sup>247</sup>

It seems likely that the poinder was also involved in cases of debt, impounding the goods of the debtor and distraining them if the accused was found guilty. Here however the nature of his remit is unclear because the officers were also involved in pointing and distraining (the remit of the latter recorded in 1580 states that the officers were to find cautioners for, inter alia, 'repondyng for the guddis to be poyndit be thame').<sup>248</sup> Probably such pointings and distraintments were effected by the officers accompanied by the poinder, and the impounded property was then 'fencit' or guarded by the officers. However, if the statute of October 1577 quoted above can be taken as indicative of normal practice, the ultimate responsibility rested with the poinder. Whatever the case it seems certain that if the burgh was itself the pursuer, the poinder would be directly involved.

If the remits of the water bailie and poinder were specialised the same could not be said for the officers who had a wide range of functions. There were always four appointees, save in 1585 when it was thought expedient 'becaus of the pest' to appoint two extra officers.<sup>249</sup> These were the 'policemen' of the burgh and their task was 'to keip the statutis maid the yeiris preceding' and to be 'trew and diligent in thair offices be putting of rolmounts [i.e. court orders] to executioun'.<sup>250</sup> The officers were in effect the executive arm of the burgh court, calling suitors to the court and ensuring that the decisions of the court were effected. They were thus involved in every aspect of the court's work.



Not surprisingly the officers were often the victims of abuse and violence. As an example (and there are many others of a similar nature) John Walker, flesher, had his freedom cried down (that is, he ceased to be a burgess) in August 1574 for 'dissobeying the officiares in executioun of thair office and als in manassing and boisting of thame with ane knyfe sayand he suld stryk thame thairwitht.'<sup>251</sup> The minutes also record several instances of deforcement (when they were prevented from executing a court decision, usually a poinding) or disobedience (as when an individual refused to be placed in ward by an officer on the instructions of the court).<sup>252</sup>

However it is equally clear from the minutes that the authorities had difficulties in controlling their officers. A statute passed in October 1575 ordained that if the officers were 'nocht serviable bot committis falt thairinto wordy deprivation' then they were to be instantly removed from office.<sup>253</sup> On 18 February 1576 John Watson was dismissed for maladministration, an event which was marked by the passage of a statute on the same day ordering that in future 'to evadye foirse and eschew misvsing of the officeris in executioun of thair office in tymes cumyng' the officers prior to their admission were to 'fynd sufficient caution actit in this burght for lele and trew administratioun in thair offices ... and to refunde the parteis damage and skaythis sustenit by tham throw default and negligens of thame in vsyng of thair offices.'<sup>254</sup> In October 1576 a further provision forbade the reappointment of any officer who had been dismissed and ordered the 'skellat' to pass through the burgh before each head court to warn anyone having a complaint against the officers to appear at the head court, 'quhilkis thane salbe examinat and gif thai or ony of thame [i.e. the officers] be fund worthy of deprivation to be depyrit as said is, and this nocht to stop ony wther tymes quhen thair faltis maye be complayntit on.'<sup>255</sup>

Nonetheless the officers continued to give trouble. One week after his appointment on 3 October 1577 Richard Todd was dismissed 'for passing at his awin hand but command of prouest or baillies' to put into ward two tailors and poind Margaret Woddrop in Stockwell for non-payment of an unlaw of which she had not been convicted. The provost, bailies

and council 'votand' ordered that his 'vand' was to be taken from him and that he was to be removed from office. At the same time Todd's cautioner (John Clerk, deacon of the tailors) was put in the magistrates' will 'for gewing command and cawsing Richert Tod to do the premisses be ane allegit taikin of the baillies.'<sup>256</sup> On 9 November 1577 James Anderson was appointed in Todd's place 'under provisioun he keip guid service and reule.'<sup>257</sup> Notwithstanding these events and the statute of October 1576 which had forbidden the reappointment of a dismissed officer, Todd was reappointed in October 1578. Patronage was in evidence here for this was done at the request of the archbishop and affords a good example of the measure of influence which the superior could exert over the court and its officials.<sup>258</sup>

The incidents involving John Watson and Richard Todd can have done little to promote respect for the officers and the mistrust which ensued was demonstrated in the statutes passed by the council relating to the inspection of the markets. In 1575 these inspections were to be carried out by the bailies and the officers, but the same act in the versions issued in 1578 and 1579 expressly ordered that 'na officiare enter in the mercattis for viseing thairof bot that thair be ane baillie wicht him.'<sup>259</sup>

What was the status of the officers? Three of these men were involved in farming the burgh's petty customs during the 1570s;<sup>260</sup> this indicates that the officers were in all probability burgesses since unfreemen would have been in no position, socially or financially, to bid for these farms. Indeed it is highly unlikely that burgesses would have countenanced the authority of the officers had they been unfreemen. It seems equally certain, however, that the individuals who acted as officers were minor burgesses and it is notable that none of these men ever became senior officials or councillors. As an indication of their lower status and more limited means it may be noted that several of the officers appear to have had financial difficulties. The accounts for 1574-75 record a payment of alms to James Anderson; those of 1577-78 record a similar payment being made to David Mathie; John Stobo, ex-officer, received David Lyles' burgess entry fine because of his poverty in November 1577; on 28 October 1584 Robert Brown's burgess fine was given to Robert Lettrick, former officer, 'for his

support and help, being alterit and changit in his office'; and the 1584-85 accounts record alms being paid to Andrew Anderson, ex-officer.<sup>261</sup>

These difficulties must have been caused in part by the haphazard manner by which the officers were paid. They appear to have received their fees at Yule, probably at the Yule head court. Although the minutes of the Yule head courts contain no references to this practice, a statute of 8 October 1579 ordained that 'for thair Yule waige this yeir [the officers] wer to cum nocht to seik the samyn bot to take for thair labouris, viz., for ilk warnyng fra ilk freman vid. and fra ilk vnfremman viiid.; and for warnyng of fremennis witnes iiijd. and vnfremennis vid.' Nonetheless, in addition to these ad hoc payments, the statute concluded by allocating to them 'for thair support, of the commoun guddis, twa to be maid burgessis at thair requeistis.'<sup>262</sup> How long this experiment lasted is not known : however there is evidence that the system of 'Yuile waigis' was in operation again by 1628.<sup>263</sup>

The diversion of two burgess fines seemed to admit that the form of remuneration proposed might prove inadequate. In fact several examples of burgess fines being diverted to the officers can be found in the minutes, both before and after the passage of the above statute.<sup>264</sup> When it is recalled that the officers were also in receipt of alms it seems certain that these men did not receive an adequate wage. It is notable that on four of the occasions when the officers received burgess fines, the minutes recorded that they were to use the money specifically to improve their uniforms.<sup>265</sup> It appears that not only were these men poor : the general rough and tumble which their duties forced upon them so damaged their clothing that the magistrates and council considered their appearance to be an embarrassment. Thus the accounts record a disbursement on 21 November 1581 of £20 to Margaret Hunter 'for blue cloth to be the officeris claithis agains the kingis cummen to the toune.'<sup>266</sup>

It has been observed that the officers were the executive arm of the court, carrying out its decisions and sentences. In civil cases this could involve poinding and distraining property, while an entry in the accounts shows that they could be called upon to execute

punishments: 3s 4d was paid to the officers 'for dowking of Janet Fawside' in November 1574.<sup>267</sup> However severer punishments were, during the 1570s and 1580s, effected by Malcolm Hamilton. He was probably the hangman, though his exact position was never disclosed. The only references to him occur in the accounts which record several payments (initially 2s, rising to 3s 4d in 1575-76) for scourging individuals through the burgh.<sup>268</sup> For some reason these entries cease after the 1578-79 accounts. Possibly Hamilton was a 'reformed' criminal, for in 1605 the magistrates and council out of 'clemencie and grit mercie' and being 'desolat of ane executour to execute the hie justice [on] malefactoris' appointed an apprehended thief (who had been previously banished on pain of death) to the post of hangman. John M'Clelland, the appointee, was encouraged to retain this position : 'give evir he eschew heireftir or leif the said office ... he be hangit to the deid, but ane assyse, quhairevir he may be apprehendit.' However the authorities, sensing that M'Clelland's position was likely to be invidious, decreed that anyone abusing the new executioner would be fined £5.<sup>269</sup>

Malefactors were from time to time warded (a type of house arrest at the expense of the accused)<sup>270</sup> or imprisoned. The latter punishment was rarely used since the burgh usually had to pay for the maintenance of the prisoners during their incarceration. Nonetheless there was obviously a need for a gaoler, if only on a part-time basis. References in the accounts indicate that the place of confinement was the tolbooth and in particular the 'heycthous' of that building.<sup>271</sup> That building (which also acted as the court house and council chamber) had a clock or 'knok' which was maintained during the 1570s and 1580s by sir Archibald Dickie, a former priest.<sup>272</sup> Dickie was employed by the kirk session as its gaoler : in December 1583 the session decreed that offenders were to pay Dickie, described as 'javelour', 1s 6d each for their maintenance.<sup>273</sup> Although the burgh records are silent on this subject it is likely that Dickie was also employed by the burgh court in the same capacity, as and when his services were required.

The last court official to be considered was the university officer who, despite his title, was appointed by the magistrates and council of the burgh, albeit at the request of the college.<sup>274</sup> On 25 January 1575 it was minuted that

'at the request of the archbischop and haill universitie ... John Fouler is creat be the prouest baillies and counsel officiare to use all warnyngs executiounes and poyndings upon all decreets pronuncit or to be pronuncit be the saids prouest and baillies against ony inhabitants of this town and to have the lyk power to that effect as ane of the officers of the toun.'<sup>275</sup>

Fouler was reappointed 'officiare to the vniuersitie in all effaris concernyng tham and thair fundatioun for ingaddering of thair levying', in October 1575, on this occasion at the request of the 'maisteris' of the university.<sup>276</sup>

Fouler's remit then was to prosecute the university's interests in the burgh but it related mainly to the 'fundatioun', namely those properties in the burgh, previously belonging to the church, which Queen Mary had gifted to the magistrates and council in March 1567 and which they in turn had granted to the college in January 1573.<sup>277</sup>

Before turning to the types of cases dealt with by the burgh court it is appropriate at this point to consider how the authorities responded when the burgh court's officials were verbally or physically abused. Most of these examples fall within the class of cases minuted as 'wrangs' which covered common assaults. Usually the minute relates that X was found 'in the wrang' and amerced for an assault on Y 'and doom given'. This expression would seem to imply that no more than an unlaw, perhaps of 8s., was levied on the offender.<sup>278</sup>

Assuming that this is true, verbal and physical attacks on the water bailie were, despite their frequency, treated comparatively lightly, as has already been noted.<sup>279</sup> However offences committed against the officers were dealt with in a variety of ways. In cases of deforcement and fence breaking a routine fine appears to have been employed. Disobediences (usually a party's refusal to be placed in ward) merited sterner measures.<sup>280</sup> If the culprit was an unfreeman the penalty was imprisonment<sup>281</sup> : if he was a burgess he could lose his burgess freedom and 'be putt in the hiet hous as unfre'.<sup>282</sup> However

there were more serious offences. On 4 June 1574 John Pollok of that ilk 'being persewit be James Andersoun, officer, for trublans done be him ... in presentyng and offering to have schot him with ane pistolat manassyng and doying that in him laye to have slane and schot him' and Andrew Stewart who had attempted to prevent the 'prouest baillies and communitie, thai exerceing thair office' from apprehending Pollok, were both placed in the will of the magistrates. What their punishment was is unknown, but three of their confederates had their freedoms cried down and were imprisoned one week later.<sup>283</sup> The following August James Anderson, miller, was found guilty of disobeying his namesake James Anderson the officer by not entering himself in ward and 'for blasphemying and iniurious wordis gevin to the baillies' : the magistrates agreed that any repetition would incur the penalty of banishment.<sup>284</sup> On 10 September Margaret Cochrane was ordered 'to abstain fra blasphemying and iniuring of the officiæres and magistrats' under threat of banishment.<sup>285</sup> On other occasions heavy financial penalties were invoked for the same types of offences : £40 in November 1574,<sup>286</sup> £20 in January 1579 (Alexander Young in Kirkintilloch for calling the officers 'lowsy')<sup>287</sup> and £60 in December 1581. The last example (already referred to elsewhere)<sup>288</sup> is valuable since it explains why these cases were treated seriously. John Rid was found guilty for the 'cruell wunding and streking of Andrew Andersoun officiære in executioun of his office', on 1 December. Four days later the provost, bailies and council 'convenit to pronounce thair will ... tueching the satisfactioun to be made to thame and Andro Andersoun ... of the contempte done to thame.' Rid was to pay the treasurer £30 for public works. He was also to pay Anderson £30 'in name of amendis for wounding of him.' Finally, the following Monday 'in mercat tyme of day', he was to appear at the Cross 'bair heidit and bair futtit and thair in presens of the pepill upoun his kneis ask [the magistrates and council's] forgifness for goddis caus and confess his offence done to the kingis maiestie in thair persoun and as his Jugeis and magistratis.' <sup>289</sup>

If an assault on an officer was seen as an affront to the 'kingis maiestie' in the person of the magistrates, still more serious were attacks on the bailies themselves. Yet as with the preceding examples

the treatment meted out to offenders varied. Indeed the first example shows the authorities exercising clemency. On 24 August 1574 Robert Pirry, tailor, was found guilty of the 'dispersonyng and cruell invading' of George Elphinstone, bailie. Pirry had struck him and the officers in the tolbooth 'with ane drawin quhynger'. It was ordained that his freedom was to be cried down and that he was to be banished : he was to 'pasawaye betuix and Sondag at ewin nixt and incace he repair within the towne without thair licience obtenit ... to want his rycht hand.'<sup>290</sup> Despite the seriousness of the assault, the provost, bailies and council rescinded this sentence at the Michaelmas head court : 'of piete respectand the povertie of Robert Pirry his wife and barnis dispensit with him anentis his banishment ... sua that he mycht use his lefull besynes laubour and trafique in the toun.' John Clerk, tailor, (probably his deacon) became surety for his future good behaviour on pain of £40.<sup>291</sup>

The next instance of an attack on a bailie occurred in late 1579 and concerned another assault on George Elphinstone, this time by George Herbertson (who had served on the council continuously from 1574 to 1579). The minute merits quotation not just for its language but also for the light it throws on the business relationships and social frictions within the burgh. Both men were evidently involved in the wine trade and their dispute, which began in the High Street and continued in the tolbooth, seems to have concerned their business interests. Herbertson was not then on the council : perhaps he had been abroad and was disgruntled by some action Elphinstone had taken in his absence. While Elphinstone had served as a bailie in 1574-75, 1576-77 and 1578-80, Herbertson had not, although he had been leeted for the post in 1578. To judge by the minute, Herbertson seems to have felt keenly that he was of inferior status to Elphinstone, who was at this time adopting the style 'of Blythswood.'<sup>292</sup> The case was tried before a special court 'for troublans', within the Yule proclamation on 8 January 1580 and was the only item discussed :

'George Herbertsoun is fund ... in the wrang for the incurring and dispersoning of George Elphinstone, ane of the bailyies of Glasgw, in cuming to him on the hie gate thairof and saying how he durst be sa part to

deill ony vynes without his avys and incontinent  
 thaireftir for drawing of ane quhinger and myntene  
 to strek thairwitht to the said baillie and  
 thaireftir madiatlle for iniuiring of the said  
 George, baillye, within the tolbuytht of Glasgw,  
 geveand to him money iniurius wordis sick as knayf,  
 skaybell, matteyne and lowne, and that he wes  
 gentillar nor hie, hawand his hand on his quhinger  
 raggand it halflines in and out, and that he carit  
 him nocht nor the land that he hed nowther ...'

Herbertson had compounded his offence by subsequently disobeying Richard Todd, officer, by breaking ward.<sup>293</sup> Judgment was deferred, but was finally given by William Cunninghame, bailie, on 9 February. Herbertson's freedom was cried down and he was to be 'wardit as ane unfreman there to remaine in the tolbuytht during the baillies and counsaes will' for his 'contemptioun done to the haill tounschip'.<sup>294</sup> However on 8 October Herbertson's freedom was restored 'gratis'.<sup>295</sup> What followed is perhaps significant. Herbertson immediately appeared on the new council. Four days previously Elphinstone had been reappointed bailie. However the new provost, Esmé earl of Lennox, did not approve of the results of these elections. On 19 October the bailies, including Elphinstone, were obliged to resign and on 20 October a new council was chosen : Herbertson was one of those who retained his place and it is possible that his hostility to Elphinstone may have resulted in his finding favour with the Lennox regime.<sup>296</sup>

Nonetheless the irascible Herbertson was not long out of trouble. On 11 June 1581 he was found guilty of having spoken ill of Robert Stewart, bailie, 'saying hee gaif fals and mischeant sesing besydis uther minassing and bosting wordis'. The bailies with the advice of the council ordered that he was again to lose his burgess freedom and 'nevir to brwik office in this towne nor to have woce upoune counsale in ony tyme cuming and that all thee pains contenit in thee act maid anent thee wrang and disobedience done to George Elphinstone quhen he was baillee sall incur and fal vpoune him.'<sup>297</sup> Presumably he immediately came off the council, yet he was leeted for a



bailieship (albeit unsuccessfully - though Stewart was reappointed) and was re-elected to the council that October. How these events came about is unknown.<sup>298</sup>

There are two further examples in this period which show that the bailies were not always held in fear and dread. On 6 September 1580 William Anderson, cooper, was ordered to have his freedom cried down and to appear at the Cross and on his knees ask the bailies and council's forgiveness for his 'rasche wordis' to William Cunninghame, bailie, 'in jugement yistirday befoir none ... utraging of him iudicalie beand executand of his office.'<sup>299</sup> Cunninghame was also involved in the second incident. On 9 October 1585 the petition of John Hamilton, traveller, to be 'restorit to his libertie the samyn being cryid down for the offence done to William Cunningham bailie' was discussed. Cunninghame was present and with the advice of the council agreed that Hamilton's request be granted. The exact nature of his offence against the bailie is not recorded.<sup>300</sup>

To conclude, the court officials, for all their status and power, were not always held in the highest respect. They could be subjected to abuse, even violence, and despite threats of banishment and the loss of burgess freedom, such cases were relatively frequent. Herbertson's attacks on two of the bailies seem to have done little to hinder his political career : after his reappointment to the council in October 1581 he figured largely in burgh affairs throughout the remainder of this period. Both Robert Pirry and John Hamilton were forgiven their transgressions. Yet such offences could not go unpunished. The bailies and their officials were the representatives of the crown and justice had to be seen to be done, even if there was room for clemency afterwards on certain occasions.<sup>301</sup>

The accusations of 'wrangs' committed against the bailies and their officers form but a small proportion of the wide range of cases heard by the burgh court. The types of actions which fell within the burgh's civil and criminal jurisdiction and which were heard by the magistrates remain to be considered.

## 6. The business of the burgh court

The burgh court possessed both a civil and a criminal jurisdiction. In its civil role, much of the court's time was taken up with the settlement of disputes between individuals and these usually concerned the recovery of debts of rents, money or goods. Besides shedding light on the business activities of the burgesses who found themselves in court, these cases by their sheer number provide useful information as to how actions were processed. The burgh court was essentially a royal court and the methods employed in it often reflected the similar procedures used in the crown's other courts.<sup>302</sup>

After the pursuer brought his complaint or libel to the attention of the court, the judges issued an order instructing the court's officers to summon the defender to compear before the court. The defender did not need to appear until the fourth summons or 'warnyng'. However, on the first occasion (and successively thereafter) both he and the pursuer had to provide pledges who would vouch for their subsequent compearance. In this way the bringing of false accusations was discouraged on the one hand while, on the other, the reasonably speedy execution of justice was facilitated. Only if the defender failed to appear after the fourth warning would judgment or doom be given in his absence.

It was open to both parties in a case to appear either in person or through a procurator. Thus, in actions when the burgh was itself a litigant, its interests were represented by the common procurator.

On his appearance the defender (or his procurator) had a number of options open to him. He might admit the charges against him, in which case judgment appears to have followed immediately. This explains the appearance in the minutes of a large number of judgments which are not preceded by any record of litigation having taken place. Thus on 26 February 1574 Bartholomew Algeo was found 'of his own confession' accountable for a debt owed to John Algeo. Many such examples are to be found.<sup>303</sup> Alternatively the defender could deny the charges. Since there are also a large number of instances of 'dooms' being issued in which a party was absolved or found guilty by oath of either party,

without any previous litigation being recorded, it would seem that, if both parties (or at least the defender) were willing, justice could be dispensed immediately.<sup>304</sup>

However the defendant could contest the case by challenging the summons by way of 'exceptions'. These could be either declinatory (against the competence of the court), dilatory (against the relevancy of the libel) or peremptory (attacking the evidence presented in the libel by the pursuer). The pursuer could reply to the exception, the defender duply against the reply, the pursuer triply against the duply and the defender quadruply against the triply. If the judge allowed the exceptions to go to proof, or alternatively allowed the pursuer's libel to proceed, the 'litiscontestation' followed. A term of probation was assigned and both parties were permitted to produce evidence in support of their case. The form of probation chosen by a party (admission of writs, deposition of witnesses, referral to his own or his opponent's oath) once chosen had to be adhered to. A period of up to a fortnight was allowed to elapse between each stage of the proceedings, although if the pursuer agreed a longer term could be permitted. After the term of probation had elapsed sentence was pronounced which could be either interlocutory (issued at any stage in the proceedings and of an interim nature) or definitive (finally determining the case).

Before citing some examples of contested cases which show some of these general procedures in action in Glasgow's burgh court, the types of probation require some explanation. Probation by writ is self-explanatory, being the production of documents relevant to the case. Witnesses are more problematical since these persons were not necessarily witnesses per se but simply individuals who were prepared to support, on oath, the arguments held by the party producing them. They were not cross-examined and, as long as they were consistent in their depositions, judgment was reached on the basis of which party had produced the greater number of witnesses. Regarding referral to oath, during any part of the proceedings any point of detail or the whole case might be referred by one of the parties to the oath of the other.<sup>305</sup> The power of the oath at this time should not be

underestimated, and men were not prepared to perjure themselves. As a corollary, they were prepared to risk the success of their action on the oath of the other party and it is notable that the evidence shows that probation by oath was more common in this period than the two other procedures.

It is useful at this point to trace the progress of some contested civil actions through the burgh court. On 5 February 1574 David Landes brought forward an action against John Hamilton in [Turnelaw] and Gavin Graham, his cautioner, for non-payment of two years rent of a house occupied by Hamilton. Throughout the case Hamilton was absent and Graham represented him. Graham asserted that the maill had been paid and the bailies assigned this for proof on 12 February. On 12 February Graham appeared and requested an extension to do further diligence. The day assigned for this was 19 February, on which day he produced John Cook as a witness, who was sworn and admitted. However he failed to produce Cook's wife whom he had cited and the magistrates ordered 'the said witnes to be producit under pane of silence' on 26 February. On that day Graham produced 'na witnes nor diligens, thairfore the provest and baillies imput silence and assign to decreit therinto', 5 March. Accordingly, on 5 March the bailies 'herand, seand and understandand the rychtis and allegationes of parties with depositiones of famous witnes producit' decreed that Hamilton and Graham were to pay Landes the outstanding 26 merks of rent, 'deduceand and defalkand xxxs. for six furlots oats and xxxs. in silver as given to him in part payment [already] ... with vis. viiid. for expensis of pley.'<sup>306</sup> From evidence elsewhere it is clear that such expenses were given to the successful party.<sup>307</sup>

The action pursued by Janet Miller against Margaret Towers, Lady Fulbar, for recovery of an annual rent began with the defender citing Adam Hall of Fulbar as her 'warrand' (i.e. witness) on 27 April 1574. On 4 May she failed to produce him and the bailies imputed silence. However she was given leave to produce 'peremptors' by 11 May and on that day brought the 'defenses in writ'. To reply to these Janet Miller was given until 18 May and after her replies had been duly received the bailes assigned 25 May for pronouncement. In fact nothing

regarding this case was recorded on that day. However the decret was issued on 11 June in favour of Janet Miller for four years back rent (amounting to £32) 'of ane towne houss yarde and orchart in Stokuell' because Lady Fulbar had not reappeared.<sup>308</sup>

Although actions for the recovery of debts predominated, another common type of case was the process whereby a proprietor sought to remove his tenants. Because of the set procedures attached to these actions, the majority tend to be found recorded in the months of May and June : notices to quit were served forty days before Whitsun and the court executed the removals during the fortnight after Trinity Sunday. The large number of these actions indicates the existence of a lively land market, no doubt occasioned by the combined effects of population pressure and a high incidence of short term tacks. However, the very existence of these cases also shows that it was not easy to remove individuals once they had obtained possession. Tenants had rights, and an act of 1491 had stipulated that if the ownership of land had changed hands, the tenants were to be allowed to remain in possession until the next Whitsun term, an enactment which explains why many of these cases reached the court about one year after notice to quit had been served.<sup>309</sup>

Nonetheless proprietors tended to be successful in these actions and most cases were disposed of by the court at one sitting. Thus on 4 June 1574 John Wylie, having been warned the previous Whitsun at the instance of David Lyon, was ordered to 'flit and remove from a high merchant booth under David Lyones hous and to leave it woid and red to him.' In an earlier example, recorded on 26 March 1574, Thomas Dickson was ordered to remove at the instance of Janet Brown from her land in Rottenrow, 'salfand his leiks and herbis now on the ground to be disponit be him.'<sup>310</sup>

However several of these cases were contested. In one such example, on 4 June 1574, Mr. Alexander Crawford brought an action of removal against William Crawford and Margaret Glen, his spouse. The defenders asked time to give their reasons for not quitting and these were submitted in writing on 8 June. The pursuer was given until 11 June to reply on which day he instead 'denyit contents of the ressones ...

therefore the baillies admittit the defendares ressones to the preif' and set the 15 June for probation. However on that day the defenders 'resylit fra probatioun and referrit the contents thereof to the said persewars ayth.' Accordingly, on 18 June the defenders' case (that they had brought up the children of the pursuer's brother and that the pursuer, who 'suld be thankful to thame', had in 1571 set the houses in question, in Briggate, to them for nine years) was put to the pursuer's oath. Alexander Crawford denied this and William Crawford and his spouse were ordered to remove.<sup>311</sup>

Actions for the recovery of debts or for removals followed the set procedures which have been described because such cases were governed by the civil law of the kingdom. Thus when an action for removal was contested, as in the example just quoted, cautioners were appointed to the defenders 'for coists, skayth and damage conforme to the act of parliament.'<sup>312</sup> Other types of cases seem to have been settled in a more summary fashion without recourse to the formal probations by oath, writ or witnesses employed in actions of debt recovery or removal. This may simply appear to be the case because of the minuting practice adopted by the clerks; however that may be, in such instances the act books tend to record only the judgment, without reference to any preliminary stages of litigation. Such was the case with boundary disputes settled by the liners, but actions minuted in this fashion covered a wide range of topics, from maladministration by tutors to disputes between masters and servants.

As an example of the former, on 10 May 1583 Elizabeth Pirrie (burgess heir to the late Robert Pirrie) accused her curators 'be quhome scho persavis hir self hevelie and innormalie hurte be thair proceidings'. The bailies therefore dismissed the curators and revoked 'all that thay have done to hir hurte sene thair electioun.' New curators were appointed for the remainder of her minority and they gave their oaths for true administration. The entire matter appears to have been settled at one court sitting.<sup>313</sup>

Disputes between masters and servants seem to have been dealt with in an equally summary fashion. On 22 January 1577 Thomas Gibson, tailor, was ordered to remain with John Clerk 'and serwe him in his

craft quhill Witsondaye nixt to cum' and on 25 January Robert Wricht, tailor in Dumbarton, was found in the 'wrang' for 'the resate of Thomas Gibson serwand to John Clerk tailor he being decernand his serwand.' He was ordered 'to abstene fra haldin of the said Thomas servand ... quhill Witsondaye nixt under pain of £10 and doom given', (a comment that strongly suggests that contracts regarding servants were effected at Whitsun).<sup>314</sup> Similarly on 15 July 1578 John Hannay 'snapmaker' was ordered of his own confession to serve John Barry, lorimer, 'in making of snappis fra Vitsondaye last quhilk Mertymen nixt becaus he confessit him feit witht him.' Usually, though not always, these cases touched on matters relating to the crafts. In this particular action there was a dispute as to whom Hannay should serve, John Barry or Humphrey Galbraith. On 18 June Archibald Muir, deacon of the lorimers, appeared in court and asked the provost and bailies' authority to 'be interponit to ane decreit gewin be the dekyn betwixt John Barry and Umfra Galbraitht.'<sup>315</sup>

The deacons, as leaders of their crafts, had a certain jurisdiction over their members. There is evidence that the crafts had officers who probably assisted the deacons in their 'courts', and that the hammermen or smiths had a clerk.<sup>316</sup> The jurisdiction of the deacons was however limited to settling cases of offences against the crafts' rules and privileges, subject to appeal to the burgh court<sup>317</sup> and, as the last quoted example demonstrates, the deacons themselves sometimes called on the assistance of the magistrates. It is evident that members of crafts could ask that their case be referred to the crafts' court. One such example is found on 16 October 1579 when David Ramsay 'referrit himself to the maisteris of the craft of hemmyrmen tueching the trublans done be him to George Burell dekyn.'<sup>318</sup>

However relations between the burgh court and the craft courts were not always cordial and on a number of occasions the magistrates felt compelled to assert their superior authority. On 3 August 1574 George Burrell, deacon of the smiths, was accused of 'vsurpyng of the prouest and baillies authority and office in cognoscyng of causis betuix parteis, inhabitantis of this toun, geving of his decrete and setting furth of the samyn as ane rolmont of court as he had bene

judge ordinar.' The case was continued to 6 August but in fact no more was recorded regarding this incident.<sup>319</sup> A matter relating to the crafts which frequently exercised the burgh court was the control of unfreemen using freemens' trade. In such instances the offender was peremptorily ordered to desist from the practice, occasionally being ordered to enter himself 'barges with the toune and the croft within fifteen dayis eftir he be persewit for the same.'<sup>320</sup> The suppression of this type of activity was as much in the crafts' interests as in the magistrates', since it strengthened the crafts in their monopolistic control of trade. However, no doubt to encourage an influx of members and thereby an increase in their influence, the hammermen appear to have actually encouraged unfree traders. This led to another dispute between the magistrates and George Burrell their deacon though, typically, the only record is of the final judgment. On 19 December 1578 the bailies 'with awyse of the counsale for certane considerationes [not specified] absolvis George Burrell dekyn of the hammirmen of the action persewit be the towne contrar him and his craft for resaweing vnfre men with thame fre first or thai be admittit burgess ... prowying thai keep gude rwle in tymes cuming and gif up the rest of the vnfre amangis thame.'<sup>321</sup>

The foregoing examples of what appear to be summary judgments, and the formal processes by probation already described, could however be avoided by the use of arbitration. Arbiters were either appointed by the magistrates or nominated by the parties themselves and it is evident that these men were chosen as much for their friendship with the parties to the dispute (and therefore their ability to bring the disputants to some form of agreement) as for their expert knowledge. Thus in a case for the recovery of a debt arising from foreign commerce, the pursuer and the defender consented to abide by the decision of four arbiters 'amicablie as freindis commounlie chosin be baith the saids parteis.'<sup>322</sup> However the most important point about arbitration was that it effectively removed the case from the purview of the court. Thus in February 1577 John Hamilton, deacon, and the 'remanent brether of smythis' accused William Bornis 'for using of him with the hemircroft and not cuming fre witht thame.' Both parties had agreed that the matter be brought before the burgh court but the bailies, presumably with the consent of the parties, referred settlement of the dispute 'be



comunyng' to Mr Adam Wallace, Robert Muir, Peter Lymburner and John Sellar who were instructed 'to conwene and to dwme thairupone within eight dayis.'<sup>323</sup> Similarly in December 1578 arbitration was used to settle a family dispute regarding a marriage contract. The four arbiters were authorised 'to cheis ane ourisman in cais of discorde and to decreit betwixt and the xii day of Januare nixt', and it was added that 'howewir the saids juges or maist parte of thame decernis, the parteis to fulfill the samyn.'<sup>324</sup> In neither case were the arbiters instructed to report back to the court; instead full powers were given to them as 'juges' to pronounce 'dwme'. However it was open to the successful litigant to ask the court to register the result of an arbitration in its act books. James Wilson, merchant, who had successfully pursued an action against William Spang, merchant, for the recovery of a debt asked that the decret of the arbiters who had settled the case be entered in the act books 'to have the strength and effect of thair [the ~~bailies~~ <sup>bailies</sup>'] decret', and this request was duly granted.<sup>325</sup>

Arbitration was employed in a wide range of cases including some criminal actions.<sup>326</sup> More commonly it was used in civil cases ranging from boundary disagreements<sup>327</sup> or a dispute regarding the quality of a horse which the pursuer claimed had been purchased in good faith but had proved to be incapable of ploughing,<sup>328</sup> to actions for the recovery of debts.<sup>329</sup> It is notable that the use of arbitration in debt cases appears to have been confined to disputes arising out of foreign trade. The example just quoted (Wilson v. Spang) was such a case while another involved a complaint brought by two local merchants against Vincent Lebux, variously described as a 'frenschman' and 'britoner'.<sup>330</sup> Arbitration was no doubt favoured in such cases because of the delays inherent in the complicated processes by probation. Being more flexible it ensured a speedy conclusion to what might otherwise be a lengthy litigation, an important factor when foreign commerce was involved and the parties concerned were either foreigners or local men anxious to resume their business abroad.

However the civil side of the court's activities was not confined to settling disputes. Just as the common clerks used their

protocol books to register sasines and other transactions for greater security, documents could, on request, be engrossed in the act books of the burgh court for the same purpose (as the arbitration case of *Wilson v. Spang* already quoted demonstrates).<sup>331</sup> In this way the court functioned as a court of record and this aspect of its work had been emphasized by an act of Parliament of 1567 which had ordered the protocol books of notaries within burghs to be placed in the custody of the magistrates.<sup>332</sup> Bonds and obligations and various types of contracts are found engrossed in the act books : for example, the transfer of a tack of land; an obligation regarding payment of a stipend; a contract concerning the delivery of payment for salmon supplied to a merchant in Edinburgh; a marriage contract; and an alienation of part of the burgh's common lands in September 1585.<sup>333</sup> On such occasions the minute usually adopted the following form:

'the quhilk day in the presens of [X, bailie]  
comperit the parteis vnderwrittin ... and  
producit this contract vnderwrittin maid betuix  
thame ... and desyrit the samyn to be insert in  
the burro court buikis of Glasgw to haif the  
strentht of ane decreit of the provest and  
baillies thair of, thair authoritie to be interponit  
thairinto witht executoriales to pas thairupone in  
form as efferis, quhilk desyre the baillie thocht  
ressonable and resavit the said contract and  
ordanit the samyn to be registrat in the said  
bukis and decernit the samyn to have the strentht  
of ane decreit of the said court.'

The contract would then be appended.<sup>334</sup> In the case of obligations to repay borrowed money, once the debt had been honoured the original minute would be deleted.<sup>335</sup> The practice of recording contracts in the act books of the court reflected not just the importance attached to written agreements but also the recognition of the court's power to enforce the provisions contained in these documents should one of the parties default.

The burgh court also regulated burgess-ship. Examination of the minutes shows that, although some burgesses were admitted at council

meetings, the vast majority were entered at sittings of the court. As the privileges and duties of burgh-ship derived from the laws administered by burgh courts this arrangement was only logical.<sup>336</sup> Nonetheless it was the council, frequently in combination with the deacons and the 'haill communitie', which modified the bye-laws or statutes regarding burgh admission. During the 1570s there appears to have been growing concern that the provost and bailies were admitting too many men burgesses gratis, thereby diminishing the revenue accruing from entry fines. In an attempt to counter this trend a statute was enacted in October 1582 stipulating that burgesses were only to be admitted by the magistrates in the presence of the treasurer and between four and six councillors whose names were to be entered in the act of admission.<sup>337</sup> Subsequent minutes show that this was only done twice.<sup>338</sup> Thus the council's attempt to influence the type of admissions foundered and the court's role in this sphere remained intact. However the magistrates' behaviour continued to give cause for concern and finally in 1609 the admission of burgesses was transferred from the burgh court to the new dean of guild court.<sup>339</sup>

Associated with the admission of burgesses was the return of burgh heirs which was effected by the court, frequently with the help of an inquest. This procedure has already been discussed in detail, while reference has also been made to a case which illustrates the court's interest in the management of curators or tutors appointed during the minority of burgh heirs.<sup>340</sup> That example concerned a case of maladministration, but minutes appointing tutors are also to be found. Thus in February 1575 Adam Snype, aged seventeen, appeared before the bailies and asked for a tutor to be appointed on his behalf 'for doying of his besynes duryng his minorite.' At his request John Stein, merchant, was appointed by the bailies to act in this capacity.<sup>341</sup> The court's acts also record the provisions which were made for the care of younger heirs. In April 1584 Isobel Lindsay, widow of the late David Lindsay, received the 'bairns portiounes' (amounting to one hundred merks) so that she might 'uphold and susten' her children in 'meit beding and claith'. She was to repay this sum within five years and the arrangement was consented to by the children's curators.<sup>342</sup>

Turning to the court's criminal jurisdiction, this was based on the magistrates' obligation to maintain the king's peace. It will be recalled however that there were limits to the competency of the court in criminal actions. The four pleas of murder, rape, robbery and arson, as well as cases involving treason, forgery and coining, were reserved to the crown and there are entries in the burgh court's act books which refer to such crimes being heard before the royal justices. Similarly there is evidence that some criminal actions of gravity, other than the crown's pleas, may have been dealt with by the court of the regality.<sup>343</sup>

However the burgh court's records show that it could deal with serious cases, including thefts and severe assaults. Indeed, although it was not competent to try murder cases, the court could become involved in such actions if the deceased's family was prepared to accept assythement or compensation. The concept of murder as a crime against the community, which must be punished by the community acting through a public prosecutor and which no private agreement can expiate, is of comparatively recent development. Until the eighteenth century the culprit could, through assythement, avoid the full rigours of the law if he was financially in a position to do so and if the victim's kin were amenable to the arrangement.<sup>344</sup>

Such a case was recorded in 1575. On 30 August David Syare, son of Ninian Syare, was fined for an assault on Alister McLitster, fisher. The extent of the family feud involved is disclosed by the lawburrowis entered upon on the same day between Ninian Syare and Ninian and William McLitster. Lawburrowis or lawsuretie was a means of gaining the protection of the court. The person taking out the action swore that he dreaded X 'of bodely harme'. X was then obliged to find a cautioner who would ensure his good behaviour to the complainant, on pain of a financial penalty. Syare took out lawsuretie against the two McLitsters on pain of £100 each.<sup>345</sup> The McLitsters should have taken out a lawsuretie against Ninian Syare because, at some point between 30 August and 29 November, he murdered Ninian McLitster. Nonetheless the two families reached an agreement which, in the form of a contract, was registered in the act book on 29 November 1575 so that it might

have 'the strentht of ane decreit of the prouest and baillies.' Having narrated that the deceased's kin 'forgevis the said Ninian Syare the malice and hatrent of thair hartis for the slauchter of the said vmquhile Niniane McLitster ... with quhatsumevir actioun criminal or wtherwys that thai had, hes or maye have thairfor aganis the said Ninian Syare, or ony wther his kyn', (an important point as assythement was designed to minimise the likelihood of blood feuds), the contract continued by affirming that the two families would instead hold each other 'as freyndis but rancour of myndis'. As an assurance of this goodwill, the deceased's kin would deliver a 'Lettir of Slayanes' by 1 February to David Syare, Ninian's son. David Syare for his part promised to present his father to the high kirk on 11 December 'and thair mak the homage and repentance for the said slauchter witht sick circumstances and cerymonies as salbe ordanit and devysit be Colene Campbell and Robert Steward ... chosin and admittit be baytht the parteis to that effect.' David also promised to pay the McLitsters 300 merks 'in name of kynbute for the said slauchter.'<sup>346</sup>

Thus, by the action of assythement and the payment of 'kynbute' or kinblood, Ninian Syare escaped with his life and the case did not proceed to the royal justices.

A similar case was recorded in November 1583, albeit the circumstances were somewhat different. Lady Agnes O'Neill and others in Strabane became cautioners to pay to Enochean O'Donald and others the sum of £40 sterling for 'the ransom and releis of Mathew Trummebill merchant burgess of Glasgw ... furth of thee handis of Enochean O'Donald be quhom the said Matthew was tane for thee allegit airt and parte of the slauchter of umquhil Donachie O'Donald brother of Enochean O'Donald in Ireland', and the minute records that Trumble's mother and others agreed to relieve Lady O'Neill of the principal sum. Evidently the commercial links between Glasgow and Ireland were reinforced by strong kin ties which could come into play on such occasions.<sup>347</sup>

Assythement and payment of kinblood were also employed in cases of assault and several examples are found in the 1580s.<sup>348</sup> Inevitably this curious system could breed a certain cynicism. In March 1582 John Maxwell in Bogtoun was found guilty of assaulting William Smith in the

tolbooth. During the attack, for which he was fined £20, Maxwell was alleged to have said 'that gif hee had stikit him, £20 had been aneuche for his kynbuit.' <sup>349</sup>

With the exception of instances when the victim's kin accepted assythement, murder cases were tried before the royal justices in ayre. Similarly the crown reserved to itself judgment on those guilty of robbery (that is, theft by using or threatening to use force). Simple theft, as opposed to robbery, was not however a plea of the crown. Although there is an example of a thief being banished in 1578 by one of the burgh's bailies acting in his capacity as a depute bailie of the barony, it has already been argued that this case was dealt with in this manner perhaps because it was particularly serious and almost certainly because it involved a barony man, either as the culprit or the victim. <sup>350</sup> Otherwise it is clear from the records of the burgh court that the prosecution of thieves fell within its remit. In September 1580 Margaret Nasmyth, accused of stealing corn, was banished from the burgh and barony of Glasgow on pain of drowning 'but assise' (i.e. without further trial) if she returned, while in March 1582 John Bell was ordered to be 'scurgit throw the toun and banist baith burght and baronie' for stealing from a Rutherglen burgess. <sup>351</sup> In both cases judgment was pronounced by the burgh's magistrates without any reference to either the royal justices or the barony court.

Examination of the burgh's accounts discloses further information regarding the treatment of thieves. References to whippings are found in the accounts of 1573-74, 1574-75, 1575-76 and 1578-79. <sup>352</sup> In early 1576 a payment was authorised for the repair of a lock in the 'heychthous' (the upper chamber of the tolbooth used as the gaol) which had been broken by a thief, <sup>353</sup> while the 1581-82 accounts include disbursements for the sustenance of two thieves in the tolbooth, and for fetters which were required to restrain another thief. <sup>354</sup> It is notable that the cases found in the accounts were not recorded in the court's acts, a fact which is probably explained by the practice common to all courts of the period whereby malefactors could be punished without the formality of a trial if caught red-handed or with stolen goods in their possession. <sup>355</sup>

Yet the punishments meted out to thieves tried by the court could vary considerably. It would seem that scourging and banishment were usually reserved for unfree men and women, for there are examples in the minutes which strongly suggest that other individuals who were guilty of theft were treated much less severely. In such instances the word theft is replaced by a phrase such as 'wraguslie tane furtht' or 'intrometting with at his awin hand, but ordour'.<sup>356</sup> The distinction in mode of treatment may have arisen out of the wording of the complaint brought by the pursuer but it is just as likely that these were cases in which burgesses were involved. One of the most striking examples occurred in February 1577 in an action brought by Margaret Smith, widow of Michael Baird (the former common procurator), against Janet Baird, claiming that her late husband 'confessit a litil befor his deceis he haid liand in ane hiecht chalmer occupeit be him threiteine pundis' but that Janet Baird had 'intromittit' with the money and would not return it to the complainant. Janet was simply ordered to repay her, because 'na persoun past in the chalmer bot scho.'<sup>357</sup> In fact, one month later the decision was suspended. Janet had sworne that she could not repay the sum and the bailies, in the presence of Margaret Smith, 'super'sedit the executioun of the said decreit vsque ad meliorem fortunam, that is quhill the said Jonet haif sum guddis that payment maye be gottin.'<sup>358</sup>

Assaults comprised the single largest group of criminal or quasi-criminal cases dealt with by the burgh court. Examples in which the court officials were themselves the victims have already been discussed in some detail.<sup>359</sup> All assaults were styled in the margins to the minutes as either 'wrangs' or, for more serious breaches of the peace, 'trublans'. No doubt the magistrates took the oaths of the parties involved in these actions or heard the evidence of witnesses, but almost invariably the minutes merely record the judgments (usually in the simple form that X was found in the wrong and amerced by the court for striking Y). Occasionally more serious assaults can be traced through several minutes<sup>360</sup> but in general it would appear that the bailies tended to deal summarily with actions of this sort at one sitting. Twice in this period inquests were impanelled to examine outbreaks of violence. As already noted these particular inquests included a large number of burgh officials and councillors in their membership and were in

effect working parties of the court.<sup>361</sup> Why this device was used on these occasions is unclear but quite possibly the incidents which these groups were asked to investigate were particularly serious.

The picture of Glasgow which emerges from the court records of this period is not flattering, though the community was probably no more violent than those of other burghs; in any case court evidence alone is an insufficient guide to the lawlessness or otherwise of a society. Nonetheless it must be conceded that the acts of the burgh court abound with assault cases ranging from minor breaches of the peace to serious disturbances. The clerks were graphic in their descriptions : typical are the entries which refer to 'rugging furth of ... hair', 'pulling his berd', 'pulling at hir luggis', 'byting ... of hir ear cruellie to the effusioun of hir blude'.<sup>362</sup> A more unusual example which was probably less than amusing for the victim was the prosecution in May 1576 of John Kar 'for turbelans done be him to Katerane Hart in streking of hir upone the mouthe with ane salmont fische'.<sup>363</sup> Several minutes record in great detail each stage in what can only be described as minor riots : for example, on 26 March 1574 William Glen was found guilty of having thrown a stone at Robert Rank which hit him above the eye; his relations for having struck Robert and thrown him to the ground; Lawrence Hodge for having then pushed John Glen over before 'hitting him on his heid with ane irne fyle'; John Glen for having retaliated by attacking Lawrence with 'ane drawin quhinger eftir the first tumult cesyng'; and finally George Lang for having attacked John Glen with his sword. No one appears to have been seriously hurt and it would seem that these men were merely fined.<sup>364</sup>

Other entries are more sinister, with references to shootings,<sup>365</sup> child molesting<sup>366</sup> and, in July 1584, an attack on a blind man.<sup>367</sup> The most notable example of a premeditated and apparently unprovoked attack was recorded on 11 April 1581, the margin note describing it as an 'action of trublans' brought by John Lockhart against John Herbertson and John Pollok. The minute states that on 5 April Lockhart 'wes doand his lefull besynes vpoun his rentalit lands and stedding of burrofield haveand na evill in mynd nor doand na eviall to na manner of persones; not the less [Herbertson and Pollok] movit



be sum wickit sprite as apperit ... cruellie sett  
on him with rungis & battonis staiffs and dang him  
thairwitht in his arme and face and hands to the  
effusion of his blude ... & wold slane him were not  
[obtenit the] help of nychtbouris.'<sup>368</sup>

This case resulted in two typical actions. Firstly, Lockart took out a lawsuretie against his attackers, on pain of 300 merks. Lawsureties have already been touched upon, as a means of obtaining court protection, and frequently followed after convictions for assaults.<sup>369</sup> Secondly, following their conviction, Herbertson and Pollok asked Lockhart to choose any four friends to 'choose amends'. This device was used quite often as a means of setting compensation by arbitration : in an earlier example Margaret Andrew, who had been fined for assaulting Janet Taylor, was 'decernit to mak the said Jonet ane amendis be the sicht of tua nychtbouris.'<sup>370</sup>

However the bailies sometimes settled the level of compensation, including it as part of the punishment. In October 1578 John Hamilton, convicted of assaulting Janet Baird, was ordered to pay her 8s. 'by [i.e. over and above] the baillies unlaw.'<sup>371</sup> Unlaws or fines were frequently exacted as punishment on those guilty of assaults. As this minute suggests fines were not credited to the burgh's common good but instead were enjoyed by the magistrates as an emolument of their office. This practice persisted until October 1605 when it was decreed that in future 'all manir of vnlawis that may be propir or competent to thame be wertew of thair officis, to wit all bluidis, wrangis, tribulancies' were to be collected by the treasurer and included in the common good accounts.<sup>372</sup>

The level of fine exacted was seldom minuted unless a heavy penalty earmarked for the common good was meted out. Thus when in December 1581 John Rid was found guilty of assaulting one of the officers, he was ordered to pay £30 to the treasurer for public works and the officer concerned a further £30 for compensation. This case has already been referred to, and it will be recalled that Rid was also ordered to appear at the market cross bare-headed and bare-footed and on his knees ask the magistrates and council's forgiveness.<sup>373</sup>

Culprits were often ordered to kneel in court or in public and ask the forgiveness of their victims: on 7 October 1578 Henry Ross, glass smith, was ordered 'for amendis and satisfactioun of party ... to instantlie sit down on his kneis and ask forgewines' of Alison Henderson whom he had attacked;<sup>374</sup> in July 1580 William Wilson, found guilty of an assault on Robert Temple, was 'decernit to sitt down on his kneis at the croce to ask god and him forgifnes';<sup>375</sup> and there are several other examples.<sup>376</sup> The most notable concerned the conviction of William Nesbit in October 1583 for having attacked John Finlayson, 'under cloude of nychte'. A past offender, Nesbit was ordered to kneel in public at the Cross in the presence of the provost, bailies and council 'and to delyvir to the said John Fynlayson thee battoun be the end togidder with his quhinger bair heiddit'; he was to pay £2 to the master of work for the calsay; and if he committed the like again he was to be banished. However, the remarkable feature of this minute is that the clerk wrote in the margin 'statute', no doubt with reference to the closing sentence: 'and this pane and pwnischement to strake upoun all vtheris that abusses thair nychtbouris in the like sorte.'<sup>377</sup> Evidently the authorities were concerned at the level of violence in the burgh though it is doubtful whether this statute had any effect. One feature is worth mentioning regarding all these cases: whatever the causes of these assaults, drunkenness was never cited in the minutes as a contributory factor during this period, despite the obviously high level of alcohol consumption as reflected in the common good accounts.<sup>378</sup>

Akin to physical assaults were cases of defamation and these offences were also styled as 'wrangs' in the court's minutes. Ironically, although the court's aim was obviously to suppress false rumours, the clerks were in the habit of recording in great detail the calumnies perpetrated by the offenders. Thus on 9 October 1582 Janet Morrison was found guilty of the 'trowell, iniureing, blasphemeing and unnaturall sclandering of Agnes [Colnerbie] ... in calling her hure, candie huire, scurgitt hure and theif hure.' Three days later Agnes Stark and her daughters were found guilty of slandering Katherine Scott, spouse of John Temple (a councillor), by having said that she had 'had thriemen sen hir gud man passit to fraunce and the same mane that ley with clerkis wyfe ley with she.'<sup>379</sup>

Those guilty of slander were prosecuted before the kirk session as well as the burgh court so that the offender might make amends to God as well as to the community. Attention has already been drawn to the case of Janet Fawside, found guilty of defaming Margaret Fleming in 1584, an example which shows not just the cooperation which existed between the burgh court and the kirk regarding these cases but also the bailies' readiness to invoke the punishment of banishment if necessary.<sup>380</sup> Slanderers were rigorously prosecuted as befitted individuals whose accusations could prove divisive in a small community and acutely embarrassing, if not actually dangerous, to those who were maligned by them. In the cases cited above Katherine Scott and the other women whose morals were called into question almost certainly had to prove their innocence before the kirk session. Similarly when David Scherar called James Filnalton a 'manswrne theif' and John Pertes accused Mr Archibald Crawford of being 'ane mensuerne preist' they were in effect endangering the lives of their victims, for, although Scherar and Pertes were found guilty of slander, Filnalton and Crawford would have come under the close scrutiny of the civil authorities.<sup>381</sup>

Lastly, contraventions of the burgh's statutes were, like cases of assault and slander, treated as 'wrangs'. The malefactors, whether guilty of forestalling the market, damaging the commons, or ignoring the special enactments in time of plague, were punished in the same way as those guilty of physically or verbally attacking their neighbours. Indeed they could be punished more severely. Those who chose to break the statutes issued during the plague emergency of 1574 risked being scourged, burnt on the cheeks or executed.<sup>382</sup>

Infringements of the statutes, particularly those relating to marketing, were very common. In punishing those guilty of forestalling, engrossing and regrating as criminals, the burgh court was merely reflecting the view then held that such practices were just as anti-social as attacks on individuals : indeed they represented an attack on the community as a whole and the economic framework of rigid price controls and monopolies on which it was seen to depend. Disobedience of the statutes relating to the preservation of the common lands was equally an affront to the community and a potential diminution of its

economic resources. Those guilty of breaking the plague statutes were, more obviously, placing the whole community at risk.<sup>383</sup>

## 7. Conclusion

To summarise, the records of the burgh court provide an insight to the day-to-day tensions and frustrations of life in an urban community in the late sixteenth century. Debts were not honoured and tenants were difficult to remove. It was not unknown for curators of a minor to abuse their position and attempt to profit from the estate of their ward. There was difficulty in maintaining the privileged position of the burgesses against the endeavours of unfreemen to trade in goods preserved to the freemen. Neighbours disputed over the boundaries of their properties. Any one of these disagreements might escalate into slanderous accusations or violent arguments and, as the minutes show, people were not slow to settle their differences by force.

The duty incumbent on the court and its officers was to ensure that in civil matters justice was done (and seen to be done) and that in criminal cases wrongdoers were punished and the king's peace maintained. In a community given over to trade and commerce the just settlement of debts was essential. Thus the creditor, if justified in his assertions, was recompensed for his trouble by being paid not just the outstanding debt but also expenses. If on the other hand his accusation was judged to be unfounded then he might be found in the 'wrang' for bringing 'ane wrangous complaynte', and the same held true in all types of cases.<sup>384</sup> In a burgh in which land was at a premium it was equally important to resolve disputes between landlords and their tenants and between neighbours over boundaries. Actions of removal were frequently found in favour of the proprietors, but the tenant's rights were recognised and in several cases the court upheld the tenant's case or postponed the date of flitting.<sup>385</sup> Boundary disputes were sufficiently important to merit inspection in situ by the liners and the issue of a formal decret engrossed in the act books 'to be observit in all tyme cumyng.'<sup>386</sup> Despite the not infrequent attacks on the court's officers there is ample evidence to show that the court was held in respect. Thus the incorporated crafts, which had their own limited

jurisdiction, sometimes sought the assistance of the magistrates to settle their disputes. More generally, the magistrates' ability to enforce the terms of contracts in the event of default by one or other of the parties or their heirs and assignees encouraged individuals to ask the bailies to insert such contracts in the court's act books for greater security.

Justice also had to be seen to be done in the realm of criminal actions. Those found guilty of assaults, slanderous accusations or infringements of the burgh's statutes were firmly dealt with. Culprits might be fined, warded or imprisoned, or publicly humiliated either by being placed in the stocks or being ordered to kneel and ask the forgiveness of the court and their victims. Those guilty of more serious crimes might be scourged or mutilated. Although no references are to be found during this period to executions it is clear from the terms of the plague statutes of 1574 and the later appointment of a hangman that the burgh court could inflict the death penalty.<sup>387</sup> However recourse was often had to two other punishments which, for all their appearance of humanity, might indirectly have had much the same effect as a capital sentence.

One of the strictest penalties which could be incurred by a burgess was to have his freedom 'cried down'.<sup>388</sup> This punishment had the effect of depriving the offender of his livelihood since commerce and manufacture were the preserve of those who were deemed freemen. Many men and their dependants must have been reduced to extreme poverty and, in times of scarcity, starvation by this punishment since they were unlikely to receive alms, being known within the burgh as past offenders against the community.

Both burgesses and unfreemen might be banished from the burgh and the barony and, so far as can be judged from the surviving records, this was the severest punishment used by the magistrates during this period. In each instance the culprit was warned that if he returned to the area without permission he would 'want his hand', be drowned or hanged without recourse to a further trial. In a society which did not encourage mobility and in which everyone had their allotted source of

livelihood, (whether it was a plot of land or a trade), banishment effectively condemned the victim to life as a vagabond, with all the possibilities of mutilation and execution at the hands of the law which that state entailed. These punishments or starvation must have awaited many who were expelled from the burgh by the magistrates.

So great was the fear of banishment that it was often used as a threat in an endeavour to bring recalcitrant offenders to heel. Thus on 22 July 1578 Margaret Boswell and Margaret Mathie were warned that 'gif thai, thair servvandes or barnes ... be fund amangisuthir mennis stuff [i.e. crops] pulland, steilland ... thai salbe baneist burght and baronie and gif ewir thai be fund thairinto agane to be reputt as wordy of deid.'<sup>389</sup> In fact banishment was threatened on at least twelve occasions during these years, for assaults or persistent slandering.<sup>390</sup> It was actually used eight times : for an attack on a bailie (August 1574); for 'crymes' (January 1576); for thefts (June 1578, September 1580, March 1582); for contravening the plague statutes and trading in Fife, an infected and prohibited area (January 1585); and for reasons not specified (July 1575 and November 1579).<sup>391</sup>

Yet the burgh court could show clemency. Robert Pirry, ordered to be banished for his attack on George Elphinstone, bailie, was reprieved because of the poverty of the accused and his family, in October 1574.<sup>392</sup> Mercy was also in evidence in November 1584 when William Craig and James Kirkwood, tailors, presented a supplication 'desiring to be resavit in the towne being expellit for ressaving and traffiking with [blank] Miller being suspect [i.e. of the plague] being commandit ... not to have ado with him and likewis agains the ordinances of the toun.' The bailies, having taken the advice of the council, accepted their request.<sup>393</sup>

Craig and Kirkwood had obviously been banished for contravening the statutes which had been issued in autumn 1584 as emergency measures designed to combat the threat of plague.<sup>394</sup> It was in its prosecution of individuals who chose to break these and the other enactments promulgated by the council that the court's position as the main instrument in the governance of the burgh can most clearly be seen. The court dispensed royal justice in civil and criminal matters within

the jurisdiction allowed to it by the crown, but it was also, in the context of the burgh's administration, the judicial arm of an interrelated whole. It provided essential support both to the council in its capacity as the burgh's legislature and to the officials whose task it was to put administrative decisions into effect. These aspects of the burgh administration, the legislative and the executive, now require to be examined with a view to determining not only their modus operandi but also the extent to which they provide indications as to the scope and limitations of the administration of Glasgow in the late sixteenth century. Among the best sources for such information are the burgh's statutes and these are the main subject of the next chapter.

## NOTES

1. G. S. Pryde, 'The Burgh Courts and Allied Jurisdictions', in An Introduction to Scottish Legal History, ed. G. Campbell H. Paton, (Stair Society, 1958), [hereafter cited as Scottish Legal History], 387.
2. SRA MS C1/1/1 (1574-81) and C1/1/2 (1581-86).
3. Glas. Recs., i, 2.
4. SRA MS C1/1/1 f102v (29 May 1576). The fact that the court was held in the morning is also confirmed by several entries relating to the appointment of arbiters who were often asked to convene 'eftir none' and report 'in the morne' : for example, SRA MS C1/1/1 ff166v, 201r, 203v.
5. SRA MS C1/1/1 f86v.
6. For example SRA MS C1/1/1 ff25v (14 August 1574) and 26v (21 August 1574).
7. First found being used in 1605 : SRA MS C1/1/6 f3r. See n.9 below.
8. Glas. Recs., i, 92.
9. The earliest burgh minutes, commencing in 1574, are predominantly a record of the acts and decreets of the burgh court with some council items of business included. Thus, between 1574 and 1586 there are 1,257 minutes of meetings recorded, only eighty-three of which were conciliar. These two functions of the administration were not differentiated in the records until a separate series of minute books for the council was begun in 1609. The situation is somewhat complicated by the classification which has been adopted by Strathclyde Regional Archives but may be summarised as follows.

C1/1/1-5                    (1574-1601) : court act books with conciliar entries.

C/1/1/6

(1605-1610) : as above, but the first volume to include minutes which are formally headed 'In the counsalhous convenit' (and which incidentally for the first time record the council's sederunt) alongside the usual 'Court of the burght and cietie of Glasgw.'

C1/1/7 et.seqq. (1609-1975) : council minutes with no curial entries.

Presumably the series of burgh court act books continued after 1610 but the next extant volume is for 1621-24 and is classified as B1/1/1. As the change in minuting practice coincided with the innovations introduced by the Letter of Guildry of 1605 (the establishment of a dean of guild court etc) and the appointment in 1609 of a merchant burghess as provost, it would seem that all these reforms were part of a general reorganisation of the administration during the first decade of the seventeenth century. For fuller details regarding the development of separate series of minute books for the court and the council see also Appendix 3.1 pt.ii in Vol.II, P260-263.

10. On the early development of the council see Chapter I, P4. On the council's involvement in judicial business see P168-170.
11. SRA MS C1/1/2 f27r.
12. The chamberlain's ayres ceased in the early sixteenth century : Nicholson, Scotland, 17; G. S. Pryde, 'The Burgh Courts and Allied Jurisdictions', in Scottish Legal History, 392-393.
13. See P145-146.
14. Nicholson, Scotland, 263-264, 390.
15. Ibid., 263, 452.
16. See P154-155.
17. Nicholson, Scotland, 19; W. C. Dickinson, 'The High Court of Justiciary', in Scottish Legal History, 409.
18. Dickinson and Duncan, Scotland, 99, 210; Nicholson, Scotland, 19.
19. Other sources include the Statuta Gilde (also compiled in Berwick) and various fragments. The Leges Quattuor Burgorum are printed in APS, i, 329-356 and Ancient Burgh Laws, 3-58. The other sources are also to be found in these volumes. The quote in the text is from Duncan, Scotland, 482.
20. Glas. Chrs., i, pt.ii, 17-19. For details of similar charters see P35 n.13.
21. Leges Quattuor Burgorum c.42 in Ancient Burgh Laws, 20-21.
22. On the twelve witnesses as an assize see Dickinson, Aberdeen, lxxxvi and I. D. Willock, The Origins and Development of the Jury in Scotland, (Stair Society, 1966), [hereafter cited as Willock, The Jury in Scotland], 64.



23. Leges Quattuor Burgorum c.111 in Ancient Burgh Laws, 54; Murray, Burgh Organisation, i, 41-42.
24. Glas. Chrs., ii, 438.
25. Ibid., 445, 474, 478, 483, 501.
26. The original is in the Scottish Record Office (NP1/195) and was published together with the rental of the diocese of Glasgow, 1509-70, by the Grampian Club in 1875 : see P35 n.23 for full reference.
27. The originals are in Strathclyde Regional Archives (B10/1 series). Those from 1547 to 1600 were published under the editorship of R. Renwick : see P37 n.59 for full reference.
28. APS, iii, 33.
29. However, putting aside fraudulent sasines, at which neither bailies nor clerks officiated, it is clear that not all conveyances of burgh property were processed in the clerks' protocol books. Robert Blair's protocols, 1566-1611, (GUL MS Gen. 234) contain some Glasgow property transactions, though he was never town clerk : see for example ff41v, 59r. Similarly the printed series of the town clerks' protocols also include those of Archibald Hegate after he ceased to be clerk to the burgh, and those of George Hutchison, who never held that office; these also contained some Glasgow transactions : see, for example Prot. Bk. Glasgow, x, nos. 3149, 3152, 3160 (Hegate) and 3301, 3304, 3308 (Hutchison).
30. This procedure is described in Ancient Burgh Laws, 167-168, in the section styled Fragmenta Collecta which comprises various lawyers' memoranda.
31. Glas. Chrs., i, pt.ii, 66-71.
32. H. L. MacQueen, 'Jurisdiction in Heritage and the Lords of Council and Session after 1532', in Stair Society Miscellany Two, (Stair Society, 1984), 61-85. For Caldwell v. Mason see SRO MS CS6/20 f18r.
33. APS iii, 445-447.
34. On these baronies see P6 and P35 n.23..
35. Renwick and Lindsay, Glasgow, 51; Dickinson and Duncan, Scotland , 95.
36. Registrum Episcopatus Glasguensis, ed. C. Innes, 2 vols., (Bannatyne and Maitland Clubs, 1843), i, 147; Renwick and Lindsay, Glasgow, 108-109; C. Innes, Lectures on Scotch Legal Antiquities, (Edinburgh, 1872), [hereafter cited as Innes, Legal Antiquities], 33, 41.
37. Glas. Chrs., i, pt.ii, 28-31.
38. Ibid., 60-65.
39. Innes, Legal Antiquities, 40. Sir George Mackenzie commented that 'a lord of regality is Regulus, a little king, and takes off the people from an immediate

- dependence upon the king' : Mackenzie, Observations on the Acts of Parliament made by King James the First ... [to] King Charles the Second (Edinburgh, 1686), 47.
40. Glas. Chrs., i, pt.ii, 29-30. The expression 'with pit and gallows ... hamesoken' was a common formula which described a baron's right to hold a court within his own domain (sok, sak) with power to inflict capital sentences (pit and gallows) and to prosecute thieves apprehended within the limits of his domain (infangthief) or outwith it (outfangthief), these expressions also referring respectively to thieves who were or were not his vassals. Hamesoken was an assault perpetrated in a house; thol was immunity from paying custom and theme, meaning a bondsman, probably related to the baron's power over his vassals. For these definitions see J. Jamieson, An Etymological Dictionary of the Scottish Language, ed. J. Longmuir, 5 vols., (Paisley, 1879-1887) and W. A. Craigie et al., A Dictionary of the Older Scottish Tongue, 5 vols. to date, (London/Aberdeen, 1931- ). [Hereafter cited respectively as Jamieson's Dictionary of the Scottish Language and Dictionary of the Older Scottish Tongue].
  41. P. McIntyre, 'The Franchise Courts', in Scottish Legal History, 378..
  42. Glas. Chrs., i, pt.ii, 62.
  43. P. McIntyre, 'The Franchise Courts', in Scottish Legal History, 379-380.
  44. See P154-155.
  45. See P149-152.
  46. See P7-8 and Appendix 1.1 in Vol.II, P2-5.
  47. Glas. Chrs., i, pt.i, 9.
  48. S. Ollivant, The Court of the Official in Pre Reformation Scotland, (Stair Society, 1982), [hereafter cited as Ollivant, Court of the Official], 65-93, 177; G. Donaldson, 'The Church Courts', in Scottish Legal History, 363, 366.
  49. For example Glas. Chrs., i, pt.i, 6; ibid., pt.ii, 17-21; Reg. de Passelet, 399-401.
  - 50.. See P9, 338-339.
  51. Nicholson, Scotland, 17; G. S. Pryde, 'The Burgh Courts and Allied Jurisdictions', in Scottish Legal History, 392-393.
  52. Prot. Bk. Simon/Glas. Rent., i, 495-496, 499 and ii, 385-386, 390-391, discussed in Glas. Chrs., i, pt.i, p.1v-1vi. Similar friction between burgh courts and ecclesiastical courts occurred at Edinburgh and St. Andrews : Ollivant, Court of the Official, 136-137. Nonetheless Ollivant plays down these incidents, citing instead the example of Haddington where burgesses went to the official's court for the recovery of debts while the burgh court was found dealing with chaplainries. He does not however cite this Glasgow example, and it may be further noted that in St. Andrews and Glasgow the proximity of the courts of the official generals of these two archdioceses to the courts of the burgh magistrates probably encouraged greater friction than might have occurred in a burgh such as Haddington.

53. Glas. Chrs., i, pt.ii, 53-54.
54. J. D. Mackie, The University of Glasgow, 1451-1951, (Glasgow, 1954), 131.
55. APS, ii, 534-535.
56. G. Donaldson, 'The Church Courts', in Scottish Legal History, 367; St. Andrews Kirk Session Records : Register of the Ministers, Elders and Deacons of the Christian Congregation of St. Andrews, ed. D. Hay Fleming, 2 vols., (SHS, 1889-1890), i, 268-269, [hereafter cited as St. Andrews Kirk Session Records].
57. RPC, i, 252.
58. G. Donaldson, 'The Church Courts', in Scottish Legal History, 368-369.
59. Watt, Fasti, 191.
60. G. Donaldson, 'The Church Courts', in Scottish Legal History, 368-371. The distinction between major and minor testaments was not however observed : James Stewart, elder, of Flook left over £4000 in a testament which was registered in Glasgow : SRO MS CC9/7/19 f91v (December 1622).
61. Glas. Chrs., i, pt.ii, 129-130; Durkan and Kirk, Glasgow University, 227-239.
62. Glas. Chrs., i, pt.ii, 149-162 : see P28-29, 306-307.
63. See P192-193 and Vol.II, P182-185.
64. R. Renwick, Glasgow Memorials, (Glasgow, 1908), 290; Glas. Recs., i, 16; SRA MS CH2/550/1 (3 November 1583 - 29 March 1593).
65. SRA MS CH2/171/1 (24 October 1592 - 17 February 1608).
66. Discussed fully in Chapter II : see P90-119 passim.
67. Glas. Chrs., ii, 235-239.
68. See P145 and for a full discussion of the bailieship of the regality Appendix 1.1 in Vol.II, P2-5.
69. SRA MS C1/1/1 f133v. On head courts see P163-165.
70. SRA MS C1/1/1 f199r. For a similar example in 1581 see Glas. Recs., i, 91-92.
71. SRA MS C1/1/1 f248r.
72. Ibid., f95r.
73. Ibid., ff89v, 90v, 94r; also ibid., f101v.
74. SRA MS C1/1/2 f174v : see P154.
75. As specified in the regality charter of 1450 : see P143-144.
76. J. Irvine Smith, 'Criminal Law', and P. McIntyre, 'The Franchise Courts', in Scottish Legal History, 296-297 and 379 respectively; APS, i, 598, 633; Duncan, Scotland, 202.
77. SRA MS C1/1/1 f157v (5 October 1577).
78. Ibid., f233r.
79. SRA MS C1/1/2 ff169v-170r.
80. Ibid., f172v (19 January 1585).
81. Ibid., f174v.

82. SRA MS C1/1/1 f242r.
83. Ibid., f238r (4 August 1579), Stewart of Gallowhill y. Gray. On heritage see P142.
84. Also the local witnesses called to act as assizes at these courts : D. Maxwell, 'Civil Procedure', in Scottish Legal History, 415, 419.
85. SRA MS C1/1/1 f206r.
86. Glas. Chrs., i, pt.ii, 167-168.
87. SRA MS C1/1/1 f210v. In 1567 Parliament had passed an act exempting burghs from assize duty in justiciar and sheriff courts 'outwith the fredome of burrowis or within tua myles about the samyn, except the deid be evidentlie knawin to thame' (APS, iii, 44), but it appears from these Glasgow examples that exemptions had to be obtained annually.
88. For example the term 'feriat time' was used to describe the Yule recess of 1573-74 : Glas. Recs., i, 2.
89. SRA MS C1/1/1 f264v (6 September 1580).
90. Ibid., ff23v-26r, passim.
91. Ibid., f27v.
92. Ibid., f239v.
93. Willock, The Jury in Scotland, 100-101.
94. SRA MS C1/1/2 f19r.
95. On the role of the council at trials see P168-170.
96. APS, ii, 208.
97. SRA MS C1/1/2 f149v.
98. Ibid., f151r.
99. Glas. Recs., i, 45-46. Robert Lindsay of Dunrod was a former provost of the burgh : see Appendix 1.1 in Vol.II, P1. 'Colrayht' was the security given by one exercising the right of repledging : Murray, Burgh Organisation, i, 183 n.3.  
 When the Knights Templars were suppressed in c.1309-1312 their possessions passed to the Knights Hospitallers of St. John based at Torphichen. This order was probably secularised long before the Reformation and in 1564 its preceptor, James Sandilands Lord St. John, received from the crown a grant incorporating the properties belonging to the preceptory of Torphichen into one temporal barony : Cowan and Easson, Religious Houses, 157-161; RMS, iv, no.1499; The Preceptory of Torphichen (HMSO, 1967). The property in Stockwell has been tentatively identified with lands obtained by the Knights Templars in the thirteenth century : Renwick and Lindsay, Glasgow, 74-75.
100. SRA MS C1/1/2 f14v.
101. SRA MS C1/1/1 f246v.

102. Ibid., f230v.
103. BUK., ii, 502-504.
104. Much of the above is from St. Andrews Kirk Session Records, i, pp. 1-1vi but the reference to ducking is from the Glasgow kirk session records of 7 April 1586, SRA MS CH2/550/1 f37r.
105. See Appendix 2.12 tables 10-12 and 15 in Vol.II, P123, 126, 129-130, 136-138.
106. SRA MS CH2/550/1 f3v.
107. Ibid., f4r.
108. Ibid., f3r and R. Renwick, Glasgow Memorials, (Glasgow, 1908), 314-315.
109. SRA MS CH2/550/1 f53r and Appendix 2.18 in Vol.II , P179.
110. Ibid., f7v; also ff2v, 15v.
111. Ibid., f22v.
112. Ibid., f23v.
113. Glas. Recs., i, 16.
114. SRA MS C1/1/2 f163v. However the christian name is not legible.
115. In fact it is difficult to trace cases appearing before both the burgh court and the kirk session because of the nature of the surviving records. Those of the kirk session begin in November 1583 but break between July 1584 and April 1585 (SRA MS CH2/550/1 f18r) while the burgh court records break off in April 1586.
116. SRA MS C1/1/2 f144r and Glas. Recs., i, 109.
117. SRA MS C1/1/1 f87v.
118. SRA MS CH2/550/1 f2v.
119. Ibid., f10v.
120. Ibid., ff 13v, 47r.
121. Ibid., f96v.
122. Ibid., f100r.
123. SRA MS C1/1/2 f27r : see P137.
124. Leges Quattuor Burgorum c.40 in Ancient Burgh Laws, 19 and Glas. Chrs., i, pt. ii, 17-19 (see P139).
125. See however n.157 below.
126. Milndam was north of Camlachie burn on the site of the present Glasgow Green while Summerhill was near the south-west angle of the western common where it abutted the extra-burghal lands of Cowcaddens, roughly at the junction of West Graham Street and Cambridge Street : Murray, Burgh Organisation, i, 185, 189.
127. Glas. Recs., i, 69.
128. APS, ii, 95; Murray, Burgh Organisation, i, 202.

129. However in 1588 the elections appear to have been conducted at the Michaelmas head court. This is the only occasion between 1574 and 1622 that this appears to have happened. See P120 n.16.
130. SRA MS C1/1/1 ff 133v, 232v and C1/1/2 ff 35v, 181v, 217v respectively.
131. Murray, Burgh Organisation, i, 184-227 passim.
132. SRA MS C1/1/1 ff 157v, 173r, 184v, 209r. On the process of recognition see P141-142.
133. Ibid., f42v. The case in fact proceeded no further.
134. Ibid., f1r (Yule head court, 19 January 1574, in Glas. Recs., i, 1).
135. Ibid., f123r (Yule head court, 15 January 1577).
136. Lists of absentee councillors were noted at the head courts of Easter in 1575 (ibid., f54v), Michaelmas 1575 (ibid., f75v), Yule in 1576 (ibid., f89r), Yule in 1578 (ibid., f173r) and Yule in 1579 (ibid., f221v). Among the special courts only those of Craigmak record the calling of the suit roll and the amercing of absentees : ibid. ff 107v (1576), 261r (1580) and SRA MS C1/1/2 ff 12r (1581) and 88v (1583). However in these cases the absentees were neither named nor referred to as councillors.
137. SRA MSC1/1/2 ff29v, 59r, 119r, 171v; C1/1/1 f232v and C1/1/2 ff35v, 69r, 217v.
138. That is to say these meetings were merely styled 'the court of the burgh of Glasgow' but because of their dates and/or internal evidence can be identified as head courts : SRA MS C1/1/1 f123r; C1/1/2 ff119r, 117v; C1/1/1 f157v.
139. See Appendix 3.1 in Vol.II, P259-264.
140. See P101, 105-106.
141. Glas. Recs., i, 152.
142. See Appendix 3.1 in Vol.II, P259-264.
143. Glas. Recs., i, 51. See P30.
144. SRA MS C1/1/1 f19r.
145. Ibid., f15r.
146. See P164.
147. Glas. Recs., i, 37.
148. Ibid., 52. On statutes as administrative enactments rather than court edicts see below, P237. On the 1576 statutes regarding the admission of burgesses, see P358.
149. Glas. Recs., i, 67.
150. SRA MS C1/1/2 f187v.
151. Glas. Recs., i, 152.
152. Ibid., 223.

153. Craigmak was on the west side of High Street, in the vicinity of the friary of the Grey Friars : Renwick and Lindsay, Glasgow, 68.
154. SRA MS C1/1/1 ff21v, 107v, 146v, 261r and C1/1/2 ff12r, 88v.
155. Glas. Recs., i, 18.
156. Ibid., 60.
157. Ibid., 154 (1590) and 267 (1607), the latter being unusually described as a head court. Although there were properly only three head courts, namely those of Yule, Easter and Michaelmas, the clerks occasionally used the expression for other courts. Perhaps the oddest example occurred in 1585. On 1 June the clerk minuted the Whitsun court of the perambulations in the normal fashion (SRA MS C1/1/2 f186v). However on 4 June a minute was entered for the curia capitalis ... post festum pentecostis, and at this Whitsun head court a burgess gratis was admitted and a list of faults was given up. The very next entry, apparently for 8 June, is a minute of the 'Heid Court eftir Witsounday' and the business recorded was typical of a head court (see P165). Why an extra head court was held and why it was minuted twice, once with a Latin heading, remain a mystery (ibid., f187v).
158. Glas. Recs., ii, 423 (1659) and 447 (1660).
159. Willock, The Jury in Scotland, 53-54; Dickinson, Aberdeen, cxxi-cxxiv.
160. See P139.
161. SRA MS C1/1/2 f19r; on the Admiralty case see P156-157.
162. SRA C1/1/1 f9r.
163. Ibid., ff4v, 5v, 6v.
164. SRA MS C1/1/2 f100v. The minute is of a meeting presided over by two of the bailies with the dempster in attendance, suggesting a normal sitting of the court. However it was held on a Saturday, the normal council day.
165. Willock, The Jury in Scotland, 54-55; Dickinson, Aberdeen, cxxi-cxxiv.
166. See P139.
167. Murray, Burgh Organisation, i, 192-193.
168. SRA MS C1/1/1 f5v.
169. See Appendix 3.2 in Vol.II, P265-273.
170. On 16 November 1574 (SRA MS C1/1/1 f35v), an inquest raised on the production of a letter of attorney issued under the great seal, which returned Sir John Stewart of Minto as heir to his brother Mr. Adam Stewart, burgess of Glasgow.
171. SRA MS C1/1/1 f102v.
172. Ibid., f94v : see Appendix 3.2 in Vol.II, P265.
173. Ibid., f102v. For the membership of this and three similar inquests, see Appendix 3.2 in Vol.II, P266-267.

174. Of the forty-six inquests recorded between 1574 and 1586 the memberships numbered twenty-five (1), seventeen (1), fifteen (14), thirteen (16), twelve (1), eleven (7), ten (3), nine (1) and six (1); in one example the membership was not given : SRA MS C1/1/1 f37r.
175. SRA MS C1/1/1 f9v.
176. SRA MS C1/1/1 f205v : see Appendix 3.2 in Vol.II, P269-270.
177. SRA MS C1/1/1 ff11r (Glas. Recs., i, 8-9) and 46v : see Appendix 3.2 in Vol.II, P268-269.
178. SRA MS C1/1/2 f33r.
179. Evidently the pursuers had supplied the seed bought from Buchanan and Adam to these men who were all prominent burgh politicians.
180. SRA MS C1/1/2 f28r (Glas. Recs., i, 92-93). On this inquest's membership see Appendix 3.2 in Vol.II, P270.
181. Ibid., f32r.
182. Ibid., f33r.
183. This letter may have been sent after Parliament had passed an act in 1581 setting out the scale of penalties for these offences : APS, iii, 212.
184. SRA MS C1/1/2 f29r (Glas. Recs., i, 93) : see Appendix 3.2 in Vol.II, P270-272.
185. See Appendices 2.20 pt.iv and 2.22 pt.iv respectively in Vol.II, P188-191, 200-208.
186. SRA CH2/550/1 f2v. The modus operandi was however more sophisticated : in November 1583 forty-two men were appointed, divided between nine districts (ibid., f3r) while in April 1585 fifty-six men were spread over ten districts (ibid., f21r).
187. For further details see Appendix 2.4 in Vol.II, P39-45.
188. SRA MS C1/1/2 f2r.
189. Ibid., f136r. For a typical list of faults given up by the outlandmen see Glas. Recs., i, 13-14.
190. Ibid., f139r. In fact the minute does not record the punishments but these probably took the form of fines, unless the culprit was a persistent offender.
191. On occasional references to the outlandmen's activities at other times of the year see Appendix 2.4 in Vol.II, P39.
192. For further details see Appendix 2.19 pt.i in Vol.II, P181.
193. Glas. Recs., i, 2
194. Cited in Murray, Burgh Organisation, i, 232 n.1, from A Compilation of the Forms of Process in the Court of Session, ed. T. Thomson, (Edinburgh, 1809), 265.
195. J. Irvine Smith, 'Criminal Procedure', in Scottish Legal History, 442-443.
196. Glas. Chrs., i, pt.ii, 70 : see P141-142.
197. J. Irvine Smith, 'Criminal Procedure', in Scottish Legal History, 443 and Murray, Burgh Organisation, i, 230 n.2.



198. For these and the following details see Appendix 2.10 in Vol.II, P81.
199. Glas. Recs., i, 23 and also 40 (1575), 79 (1580).
200. For this and the following details see Appendix 2.11 in Vol.II, P85, 87-94.
201. See P136.
202. SRA MS C1/1/1 f80r.
203. Ibid., f90v.
204. Glas. Recs., i, 24.
205. Glas. Chrs., i, pt.i, pp. dcxxii-dcxxiv.
206. See P170-176 passim.
207. Indeed not all the bailies were literate. Andrew Baillie and David Lindsay could not write : SRA MS C1/1/1 f100r and Prot. Bk. Glasgow, vii, no.2248. The only bailie who may have had some training was Mr. Adam Wallace whose title suggests that he was a graduate : see P76, n.123.
208. GUA MS 16305 Bl.106. For further details regarding the clerk see Appendix 2.9 in Vol.II, P76-79.
209. See P140-141.
210. SRA MS C1/1/1 f87v.
211. Murray, Burgh Organisation, i, 229-230.
212. SRA MS C1/1/2 f72v.
213. An alternative explanation is that Hegate had decided to use the burgh court's act book as his own protocol book, hence 'in the presens of me notar' rather than 'in the presence of me common clerk.'
214. See P384.
215. SRA MS C1/1/1 f102v.
216. The clerks evidently had pupils for there survives a series of Latin exercises by men who were probably apprentices to Archibald Hegate : see Prot. Bk. Glasgow, ix, p.148n.
217. For further details see Appendix 2.15 in Vol.II, P165-167.
218. Glas. Recs., i, 5, 16, 30.
219. Murray, Burgh Organisation, i, 230.
220. See P384.
221. GUA MS 12447 Bl.99. For further details regarding the liners see Vol.II, P157-164.
222. Willock, The Jury in Scotland, 64, 68.
223. G. S. Pryde, 'The Burgh Court and Allied Jurisdictions', in Scottish Legal History, 391.
224. Glas. Chrs., i, pt.i, p.dcx (the Letter of Guildry).
225. Glas. Recs., i, 10.

226. SRA MS C1/1/2 f37r.
227. Ibid., f52r.
228. SRA MS C1/1/1 ff264v, 277v; also C1/1/2 f59r.
229. SRA MS C1/1/2 f137v.
230. For example, SRA MS C1/1/1 f186r.
231. See P176-177.
232. Glas. Recs., i, 236-237.
233. SRA MS C1/1/2 ff131r, 158r, 187v.
234. On St. Ninian's hospital see P12, 37n.66, 284-285.
235. Glas. Recs., i, 93; see P285.
236. Ibid., ii, 37 (statute of 12 December 1635). It is noteworthy that the water bailie did not receive a salary from the common good. He presumably took a proportion of the fines which he collected.
237. On these terms see P260.
238. See P10.
239. Glas. Chrs., i, pt.ii, 280.
240. Ibid., 382.
241. Glas. Recs., ii, 35.
242. See Appendix 2.16 in Vol.II, P168-169.
243. SRA MS C1/1/2 ff31v, 63r and 62v respectively. Other examples of attacks etc on the water bailie may be found at ibid., ff125v, 126r, 212r. For the treatment of those who abused the officers see P193-194.
244. For further details see Appendix 2.1 in Vol.II, P30-32. Unlike the water bailies (but like the bailies, clerks and procurators) the poinder did receive an annual salary from the common good, though it was set at a lower level : see Chapter V, P384.
245. Glas. Recs., i, 25.
246. Ibid., 58.
247. Ibid., 63. The poinders' role in this sphere is emphasized by the fact that he was appointed on the same day as the herdsmen : see P48.
248. SRA MS C1/1/1 f265v.
249. On the officers see Appendix 2.18 in Vol.II, P173-180.
250. Remits recorded in 1580 and 1584 : SRA MS C1/1/1 f265v and C1/1/2 f158r respectively.
251. Glas. Recs., i, 21.
252. For the reaction of the authorities to these and similar cases see P193-194.
253. Glas. Recs., i, 41.
254. Ibid., 47. (Watson was reinstated on 3 March 1576 : SRA MS C1/1/1 f93r).

255. Ibid., 55.
256. SRA MS C1/1/1 f160v.
257. Ibid., f163r.
258. See P99-100.
259. SRA MS C1/1/1 f209r : see P276.
260. See Appendix 2.18 in Vol.II, P173.
261. SRA MS C1/1/1 ff87v, 211r, 163v and C1/1/2 ff162r, 197r respectively.
262. Glas. Recs., i, 76. On 5 April and 6 May 1580 (SRA MS C1/1/1 ff253r, 256r) the burgess fines of John Flegear, merchant, and Archibald McGregor, merchant, were given to the officers for their clothes. These must be the entry fines referred to in this statute.
263. Glas. Recs., i, 363.
264. SRA MS C1/1/1 ff43r (28/1/75), 133r (29/3/77), 200v (4/7/78), 253r (5/4/80), 256r (6/5/80) and C1/1/2 ff165r (10/11/84), 186v (28/5/85), 188r (6/6/85), 193r (22/6/85), 194v (30/7/85 - specifically for Richard Todd), 198r (17/8/85).
265. SRA MS C1/1/1 ff200v, 253r, 256r and C1/1/2 f188r.
266. SRA MS C1/1/2 f146v.
267. SRA MS C1/1/1 f87v.
268. SRA MS C1/1/1 ff85v, 86r, 87r, 113v (bis), 206r (bis), 206v, 242v, 243r.
269. Glas. Recs., i, 233-234.
270. For example, SRA MS C1/1/2 f94v.
271. SRA MS C1/1/1 f114r.
272. See Appendix 2.23 in Vol.II, P213.
273. SRA MS CH2/550/1 f4v.
274. For further details regarding the university officer see Appendix 2.19 pt.iv in Vol.II, P182-185.
275. SRA MS C1/1/1 f42v.
276. Glas. Recs., i, 42.
277. Glas. Chrs., i, pt.ii, 131-137, 149-162.
278. This was a common unlaw for a breach of the statutes : see P301.
279. See P187.
280. Though not always, for examples where the minutes simply state that doom was given are to be found : SRA MS C1/1/1 ff14r, 105v, 252v and C1/1/2 f214r.
281. For example SRA MS C1/1/1 ff65v, 231r.
282. Ibid., f264r and similar examples at ff237v, 244v, 245r and C1/1/2 ff160r, 161r, 206v, 211v.
283. Glas. Recs., i, 15-16.

284. Ibid., 20 and SRA MS C1/1/1 ff24v, 26v.
285. SRA MS C1/1/1 f28r.
286. Ibid., f33v.
287. Ibid., f223r.
288. See P137.
289. SRA MS C1/1/2 ff26r, 27r.
290. Glas. Recs., i, 21.
291. SRA MS C1/1/1 f30r. It seems that the tailors' craft had intervened on Pirry's behalf.
292. On George Elphinstone see P70-71 ; on George Herbertson's failure to become a bailie see P58 and Vol.II, P84-85.
293. SRA MS C1/1/1 f247v (Glas. Recs., i, 77).
294. Ibid., f249v.
295. Ibid., f265v.
296. Ibid., ff265v, 266r : see Appendix 2.26 in Vol.II, P244.
297. SRA MS C1/1/2 f8r.
298. Ibid., f19v. However there are gaps between ff 12 and 13, 19 and 20.
299. SRA MS C1/1/1 f264v.
300. SRA MS C1/1/2 f200r.
301. Other officials were subject to abuse or attack : see SRA MS C1/1/2 f100v for abuse directed at the stenters by an ex-treasurer, who was fined £2, and ibid. f155r for an attack on one of the town's minstrels which resulted in a fine of £9 plus £1.10s compensation for 'mending of his pypis.'
302. Most of the following (P198-200) is based on D. Maxwell, 'Civil Procedure', in Scottish Legal History, 416-419 and Willock, The Jury in Scotland, 55.
303. SRA MS C1/1/1 f5r. See also ibid., ff7r (Graham v. Heriot), 10r (Baird v. Maxwell), 11r (Clerk v. Bar) and many others.
304. Again, there are many examples : for example, absolved by oath, SRA MS C1/1/1 f6v (Stein v. Cochrane); guilty by oath, ibid., f13r (Smith v. Sellar); guilty through refusal to give a statement on oath, ibid. f3v (Moir v. Herbertson) and C1/1/2 f119r (Scott v. Dennie). Thus in the last example Dennie was accused of not delivering eight gallons of herring oil to Scott : Dennie 'denyit the selling of the said olie quhilk being referrit to his ayth refussit to geif the samyn.'
305. D. M. Walker, 'Evidence', in Scottish Legal History, 303-306, 311.
306. SRA MS C1/1/1 ff3r, 3v, 4r, 5r, 6v.
307. Ibid., f13v (Watt v. Johnson).
308. Ibid., ff11v, 13r, 13v, 14r, 17r.

309. For the act of 1491 see APS, ii, 225; see also ibid., 494 for a detailed act of 1555 on the subject of removals.
310. SRA MS C1/1/1 ff16r and 8v respectively.
311. Ibid., ff16r, 16v, 17r, 17v, 18v.
312. Ibid., f16r. This probably refers to, specifically, an act of 1555 : see APS, ii, 494.
313. SRA MS C1/1/2 f73v. Similar cases occur at SRA MS C1/1/1 ff275v and C1/1/2 f48r.
314. SRA MS C1/1/1 f124r, v.
315. Ibid., f201r,v. 'Snappis' were firelocks : Jamieson's Dictionary of the Scottish Language.
316. Ibid., f25r (13 August 1574). Archibald Muir, probably the hammermen's deacon, was ordered to pay Michael Baird 40s. promised 'for his fee during the space of ane yeir to be clerk to the smyths.' References to craft officers are found at ibid., ff119v (baxters), 133r (coopers) 134r (fleshers), 134r and 143v (cordiners).
317. G. S. Pryde, 'The Burgh Courts and Allied Jurisdictions', in Scottish Legal History, 392.
318. SRA MS C1/1/1 f242r.
319. Ibid., f24r (Glas. Recs., i, 19).
320. SRA MS C1/1/2 f55r. For other examples see C1/1/1 ff124r, 125v, 133r, 164v, 180v, 221v, 244v, 277v and C1/1/2 ff36v, 62v, 144v, 158v, 173v, 181r.
321. SRA MS C1/1/1 f221v.
322. SRA MS C1/1/2 f172r (16 January 1585).
323. SRA MS C1/1/1 ff125v, 127r.
324. Ibid., f220r.
325. SRA MS C1/1/2 f86r (25 June 1583).
326. See P213.
327. SRA MS C1/1/1 ff1r, 277v.
328. Ibid., f171v (Glas. Recs., i, 65).
329. Ibid., ff24r, 220r, 233v and C1/1/2 ff36v, 86r, 172r, 189r.
330. SRA MS C1/1/2 f189r (15 June 1585). Lebus was found guilty by arbitration for having failed to fulfil the 'heids of ane chartour partie' (a contract used in commerce) whereby he had promised to deliver fifty tons of French salt to the 'fairlie raid within Clyd'. It is not clear whether the pursuers were Glasgow or Irvine merchants but their procurator came from the latter burgh.
331. See P205.

332. APS, iii, 44. This act also ordered the protocol books of notaries in landward areas to be deposited with the sheriff courts.
333. SRA MS C1/1/1 ff5v, 23v, 28r and C1/1/2 ff47r, 199r respectively.
334. For example, Glas. Recs., i, 43-45.
335. For example, SRA MS C1/1/1 f27v.
336. For example, Leges Quattuor Burgorum in Ancient Burgh Laws, 3-58 passim, especially c 2 (the burgess oath), c 23, 24 (burgess succession). See P138-139.
337. Glas. Recs., i, 98.
338. SRA MS C1/1/2 ff58v, 63r.
339. Glas. Recs., i, 304-305. On the admission of burgesses see P246-248, 357-369.
340. See P171-172, 202.
341. SRA MS C1/1/1 f44r.
342. SRA MS C1/1/2 f130r. For a similar example see ibid., f171r.
343. See P149-157 passim.
344. J. Irvine Smith, 'Criminal Procedure', in Scottish Legal History, 432.
345. SRA MS C1/1/1 f73v.
346. Ibid., f81r (Glas. Recs., i, 43-45).
347. SRA MS C1/1/2 ff97r, 110v.
348. Ibid., ff32v, 50v, 62v, 125r, 127r.
349. Ibid., f32v.
350. SRA MS C1/1/1 f199r and see P150-152.
351. Ibid., f264v and C1/1/2 f33v.
352. SRA MS C1/1/1 ff86r, 87r, 113v, 242v.
353. Ibid., f114r.
354. SRA MS C1/1/2 f147r, v.
355. J. Irvine Smith, 'Criminal Law' and 'Criminal Procedure', in Scottish Legal History, 297, 426.
356. For example, Glas. Recs., i, 10; also SRA MS C1/1/1 ff5r (Stewart v. Boyd), 11v (Smith v. Hegate), 242v (Nasmyth v. Harrat).
357. SRA MS C1/1/1 f126r.
358. Ibid., f130v (Glas. Recs., i, 57).
359. See P187, 193-197.
360. For example see P153-154.
361. See P173.
362. Glas. Recs., i, 2, 6 and SRA MS C1/1/1 ff264v, 276v.
363. Glas. Recs., i, 49.
364. Ibid., 6-7.

365. SRA MS C1/1/1 ff81r, 82v and C1/1/2 f169v. On the withdrawal of this last case to the justices see P153-154.
366. SRA MS C1/1/1 f232r.
367. SRA MS C1/1/2 f144v.
368. SRA MS C1/1/1 f278v.
369. See P208.
370. Glas. Recs., i, 2. For other examples see SRA MS C1/1/1 ff74r, 166v (bis), 203v. On arbitration see P204-205.
371. SRA MS C1/1/1 f213v.
372. Glas. Recs., i, 234-235.
373. SRA MS C1/1/2 f227r. For earlier references to this case see P137, 194.
374. SRA MS C1/1/1 f209r.
375. Ibid., f261v.
376. Ibid., ff264v, 267v and C1/1/2 ff27r, 86v, 105r, 162v.
377. SRA MS C1/1/2 f105r.
378. Murray, Burgh Organisation, i, 241-242. The earliest reference to drunkenness occurs in 1600 when the town's drummer was discharged for 'drinking extraordinarie' : Glas. Recs., i, 203. On the common good accounts see P391-393.
379. SRA MS C1/1/2 f51r
380. See P161.
381. SRA MS C1/1/2 ff97r, 209v (9 August 1583 and 20 January 1586).
382. Glas. Recs., i, 27-29. On these measures see P286-288.
383. On infringements of the burgh's statutes see P302-304.
384. For example, SRA MS C1/1/1 ff4v (regarding the recovery of a debt) and 27r (concerning an assault).
385. For example, SRA MS C1/1/1 f27v and C1/1/2 f212r.
386. For example, SRA MS C1/1/2 f37r.
387. Glas. Recs., i, 27-29, 233-234.
388. Glas. Recs., i, 21, 83-84. Loss of burgess freedom was sometimes used to enforce the burgh's statutes : see P301.
389. SRA MS C1/1/1 f202r. See also the Janet Fawside case, P161.
390. SRA MS C1/1/1 ff26v, 28r, 202r, 217r, 255v, 261r and C1/1/2 ff59r, 105r, 135v, 144r, 163v, 179r.
391. SRA MS C1/1/1 ff27r, 88r, 199r, 264v, C1/1/2 ff33v, 172v and C1/1/1 ff68v, 242v respectively.
392. SRA MS C1/1/1 f30r : see P195, and also P197 where John Hamilton had his burgess freedom restored, having previously lost it for a similar offence.

393. SRA MS C1/1/2 f166r. For another example of clemency see Glas. Recs., i, 91-92.

394. Glas. Recs., i, 110-112. On these measures see P288-290.



## CHAPTER IV

### THE LEGISLATIVE PROCESS AND THE BURGH STATUTES, 1574-86

#### 1. The Legislative Process

Although the court was central to the governance of Glasgow it was the town council which oversaw the general administration of the burgh (assisted of course by the executive officials). The most important part of the council's work was the passage of the burgh's statutes or bye-laws. As such these acts might be regarded as judicial in that they were additions to the body of laws enforced by the court, but they were essentially administrative enactments. This distinction, though somewhat clouded by the nature of the surviving records (the sittings of the council were recorded in what were in reality the act books of the burgh court and can only be distinguished from the activities of that body by close scrutiny of the style of minuting), is confirmed by examination of the post-1609 records of the burgh. The statutes were then recorded not in the court act books but in the new series of council minute books which commenced that year.<sup>1</sup> Together with the common good accounts (which are the subject of the next chapter), the statutes provide the clearest indications of the preoccupations of the late sixteenth century urban local authority, but before examining their content it is first necessary to consider their general format and the actual legislative process.

The Glasgow statutes of the 1570s and 1580s can be divided into two groups in terms of the time of their enactment. Each year at Michaelmas following the election of the bailies and council, a block of statutes was entered in the act book prefaced by the phrase Statuta pro presenti anno<sup>2</sup> which on one occasion was rendered in the vernacular as 'The New Statutis maid be the new proveist and counsell with the baillies.'<sup>3</sup> The second group embraced all the other statutes which were passed either singly or in groups at various times of the year.

Those statutes issued at Michaelmas (henceforth described as the annual statutes) were not so much enacted as reiterated year after year,

albeit with some alterations.<sup>4</sup> Two features about these annual statutes are surprising. Firstly, some statutes disappeared during this period for no apparent reason and with no formal abrogation. Secondly, since it might be expected that the annual re-enactments would embrace all the burgh's bye-laws then in force, it is notable that the new statutes passed earlier in the year or in previous years were seldom included. Admittedly there were some exceptions to this,<sup>5</sup> but overall the two groups were mutually exclusive. Why was this so? There is no obvious answer. One explanation might be that the annual statutes belonged to a much older set of local enactments but while this may be true in part it fails to explain the addition of certain statutes and the dropping of others. Again, the occasional inclusion of one of the new statutes among the annual statutes may have been intended as a means of giving it greater emphasis, though if this were so it is all the more surprising that such an important enactment as that of November 1576 which astricted the inhabitants to the town mills failed to gain a place among the annual statutes. Possibly the omission of some statutes previously included in the Michaelmas re-enactments was due to clerical error. Usually<sup>6</sup> the annual statutes appeared in the same order and were presumably copied from year to year : if one was missed in one year it might not reappear and such might explain the dropping of the seemingly uncontentious provision prohibiting the purchase of barley and sending away 'the malt thairof to wther placeis downe the Watter of Clyde' prior to its presentation at Glasgow market.<sup>7</sup> But errors can not explain the removal of the important statutes regarding the behaviour of the officers and council confidentiality from the annual enactments in 1580, only for them to reappear respectively as part of the officers' oath on entry to service and as a new statute on the behaviour of councillors passed in October 1584.<sup>8</sup> Nor is it really likely that errors were made in the statutes. The likeliest explanation is that regular re-codification of the burgh bye-laws was not carried out because it was felt to be largely unnecessary. Recourse to the memory of man in a burgh of around 5,000 souls would suffice.

It must be stressed at this point that although a statute might disappear at the annual re-enactment it almost certainly was not dropped from the burgh's code of law. For abrogation another statute was

required and only one instance of this occurred during this period, the repeal of the act of thirlage of 1576 by a statute of July 1581. The formality of this procedure was evidenced by the minutes. At a meeting of the bailies and council held on 3 June 1581 a letter from Esmé earl of Lennox (the then provost) was read which briefly summarised the difficulties caused by the act of thirlage and advised that it be repealed. The bailies, with the advice of the council, immediately rescinded that part of the offending statute which had stipulated that all new burgesses on entry had to swear to take their corn to the town mills. They also ordained that 'for deleting of thee said statute ... thee haill counsale and deaconis sould be of new convenit to that effect.'<sup>9</sup> As a result the bailies, council and deacons met on 1 July 1581 to consider in detail the complaint made 'be the inhabitantis of this toun and haill communitie thair of' against the thirlage statute. Thereafter the bailies, having noted that 'it is louable that quhatsumevir thing be done be magistratis for the tyme to the preiudice of the libertie of ane toun [and] that all magistratis succeding with cairful diligence suld fortifie and remeid the inconvenience and hurt of thair commone weill,' agreed to repeal the act. Accordingly they, with the consent and 'authoritie' of the provost, and with 'advis and haill counsale and deaconis ... cassiss annullis abrogatis and of na force strenth nor effect makis the fairsaid pretendit statute of thirlage ... for evir for thame thair successouris ... simpliciter dischargis the samyn in all tymes cumyng.'<sup>10</sup>

It will be noted that this abrogation was effected by the magistrates acting with the advice of the council and deacons, but by whom precisely were statutes enacted?

It has already been observed that the annual statutes were issued under the authority of the new magistrates and council entering office each Michaelmas.<sup>11</sup> In fact the majority of statutes were enacted by the bailies and council or the provost, bailies and council. Usually the council was treated as a unit, but the individual councillors present were named in a series of statutes passed between November 1576 and May 1577 relating to thirlage, the repair of the mills and the purchase of Archibald Lyon's mill on the Kelvin.<sup>12</sup> Presumably the councillors who

gave their assent to these acts were identified because it was appreciated that their content was controversial : it is just possible that those not named dissented or at least abstained, but if they did so the fact was not recorded.<sup>13</sup>

However not all of the statutes were enacted simply by the magistrates in combination with the council.<sup>14</sup> Occasionally the magistrates initiated legislation on their own, apparently without involving their councillor colleagues. The explanation for this phenomenon lies in the fact that although the provost and the bailies were the magistrates and chief executive officials of the administration they were also themselves members of the council. This was clearly demonstrated when the clerk recorded the membership of the council in office during 1588-89:

'Heir follovis the names of the counsell : Sir Matthew Steward of Mynto, knyght, prowelist; James Flemyng, Robert Rowat, James Steward, baillies; Andrew Baillie [and twenty others].'<sup>15</sup>

When this dual status of the magistrates is borne in mind it can be seen that there was nothing very remarkable in the fact that statutes were sometimes passed under the sole authority of the bailies. Indeed it is perhaps surprising that it did not happen more often. It may be noted however that if the magistrates could pass legislation on their own, the same did not hold true of the ordinary councillors and thus there are no examples of statutes having been enacted solely by the council. In fact the participation of the magistrates in the legislative processes of the burgh was essential, no doubt because of their position as officials of the burgh's superior and their consequential obligation to ensure, on behalf of the superior, that the administration was conducted effectively in all its aspects.

More intriguing are those statutes which record that the community or the craft deacons were involved in their passage. The only occasion that legislation was initiated by the community alone occurred at the Summerhill court held on 24 June 1576 when three acts relating to burgess entry fines were 'desyrit and condiscendit on be the commowntie.' The fact that these were only proposals was emphasized by the minute

which concluded that their content was 'to be resonit befoir the prouest, and gif he consentis thairto to be concludit and endit, wtherwayis nocht,' a clear example of the need to obtain the magistrates' assent to legislation (which in fact on this occasion was withheld).<sup>16</sup> The community was also to be found acting alongside the magistrates and councillors in authorising statutes but such cases were rare and were largely confined to meetings of the Summerhill and the Craigmak courts.<sup>17</sup> As has already been discussed, these courts and others at which the community played an active role were being phased out during this period;<sup>18</sup> but if the community's legislative role was diminishing in the late sixteenth century the same could not be said of the role of the craft deacons in this sphere.

In this context the relationship of the deacons to the community and indeed the definition of exactly what was meant by 'the community' require examination. Usually it is assumed that the term 'the community' meant the freemen burgesses but there are indications in the minutes that this was not always the case. In May 1574 a petition criticising the administrations's policy of alienating parts of the burgh commons was presented by William Maxwell on behalf of the merchants, and by six deacons 'in name of the haill craftis and haill communitie.'<sup>19</sup> In June 1576 another petition was submitted on the same subject by 'the haill deaconis and communitie' and this contained an interesting phrase regarding the mode of decision making at the Summerhill meetings, referring to 'the communitie and deaconis quha hes thair wottis.'<sup>20</sup> Again, when in 1588 further alienations of the commons were proposed these were authorised by the magistrates and council together with the deacons who were described as acting 'for thameselfes and in name and behalfe of the communitie', although in another associated minute distinction was drawn between the deacons and the 'remanent friemen comburgessis of the burgh'.<sup>21</sup> The implication is that 'community' could mean either all the burgesses or more specifically the craftsmen.

Whatever the case it is evident that for a number of measures the consent obtained at the Summerhill meetings from all the merchants and craftsmen was being replaced during these years by the consent of the

magistrates and council (broadly representing the merchants)<sup>22</sup> and the deacons (representing the craftsmen). Analysis of who was included in the passage of statutes shows that the involvement of the community ceased in the mid 1570s whereas the combination of magistrates, council and deacons continued thereafter for the authorisation of certain statutes relating to matters frequently affecting the common good, such as taxations or the abrogation of the thirlage statute.<sup>23</sup> The deacons were being attracted within the orbit of the ruling merchant oligarchy, not just to compensate the community or the craftsmen burgesses for the demise of the Summerhill meetings but also in an attempt to defuse any craft hostility to the administration by making the deacons identify with the oligarchy, a policy which, however, ultimately failed.<sup>24</sup> In this respect the clerk made an interesting admission when in September 1579 at the passage of a financial statute he referred to 'the baillies, counsale and haill dekynnis convenand in thair counsalhous.'<sup>25</sup>

Having outlined the legislative process it is now possible to examine the statutes themselves. It will already be apparent that they covered a wide range of topics. It is not the intention of this chapter to discuss each statute individually (there were between fourteen and twenty-six annual statutes issued each Michaelmas plus, between 1574 and 1586, almost one hundred new acts) but it is possible to divide them into groups according to their general subject matter.

## **2. The Burgh Statutes**

The first group which may be considered comprises those acts which were passed by the magistrates and council to regulate the conduct of those to whom the administration of the burgh was entrusted.

A number of measures were enacted regarding the council. In October 1575, before the passage of the annual statutes that year, an act was issued which stipulated that 'gif ony persone of the counsale happinis to revele ony thing spokin or tretit in counsale as counsale' then that person was to be removed from the council 'and nevir in tymes cuming to be admittit vpon the counsale agane bot haldin [in] infame and thair fredomes callit doun.'<sup>26</sup> A particular incident may have led

to this statute though what it was is unknown. The act was added verbatim to the annual statutes in 1576 and was repeated each year until 1580 when it was dropped.<sup>27</sup> However it is inconceivable that breaches of council confidentiality might thereafter have been tolerated; as has already been noted,<sup>28</sup> the dropping of an act from the annual statutes was not equivalent to its abrogation and, as shall shortly be demonstrated, the subject of council confidentiality was to appear again.

During the 1580s three further pieces of legislation were enacted regarding the council, enactments which suggest that some at least of the councillors were less than assiduous in their duties. On 10 December 1581 it was ordained that 'the auld act tueching the conveyng of the counsall ilk Settirday' was to be observed and absentees fined; examination of the minutes confirms that the council usually met on a Saturday but by no means weekly, either before or after this act was issued.<sup>29</sup> Unpaid service on behalf of the community was never popular and there must have been some councillors who considered that their local authority work was an intrusion on their business affairs.<sup>30</sup> Others appear to have felt that their position put them in some way above the law, for the next statute regarding the councillors, passed in October 1583, ordained that 'gife ony of the persownes chosen on thee counsell brak and transgres the statutis of thee towne [they] sall incure the dowbill pane thairrof.'<sup>31</sup> The same problem appears to underlie the third act, passed one year later, on 10 October 1584. The bailies with the advice and consent of the incoming council ordained that all councillors 'stent scat lot wake and warde within this toun as burgessis and counsellouris aucht and sould do ... under pane of deprivation of thee counsell and nocht to beir office in counsell thaireftir.' These strictures, with the harsh penalties involved, must have been directed against councillors who were out of town burgesses although at this time only two, Sir Matthew Stewart of Minto and William Stewart of Beltrees, can definitely be identified as falling within this group. The second clause of this statute reiterated the earlier act about the confidentiality of council business. Any member of the council 'quha happinis to oppin and reveill any mater, purpos or caus votit proponit or concludit within the counselhows or yit the votis of the counsell to ony persounes nocht being counsallouris' was to be dismissed and never reappointed. It may be noted in passing

that this clause provides a valuable and all too rare glimpse of the modus operandi of the council, and the same may also be said of the last provision in this statute which, designed to prevent unauthorised entry to the council house while the council was in session and simultaneously punish latecomers, stipulated that

'sik of thee counsell quha cummis hindmest to the  
counsell at tymes requirit ... sall keip thee dure  
quhill the nixt that cummis relief him and the  
hindmest of all to keip the dure quhill thee counsell  
ryse for that tyme.' <sup>32</sup>

Just as the passage of the statute of December 1581 reminding councillors of their duty to convene each week indicates that non-attendance at council meetings was prevalent during this period, an earlier act shows that a similar problem affected the annual perambulations of the burgh's marches. These inspections which were effected each year at Whitsun by the magistrates, councillors and burgess community fulfilled both a practical and an important symbolic role, practical in that damage to the commons and marches was reported, symbolic in that they defined the extent of the burgh's authority in relation to neighbouring jurisdictions. Obviously this latter function in particular would be seriously undermined if people ceased to attend these inspections and by the late 1570s this had become a problem. Accordingly on 3 June 1578, it having been noted that very few men had attended the recent perambulation and if no action was taken 'thair will nane in tyme cuming to do the samyn', the provost, bailies and council ordained that all councillors, deacons and their peers and all men capable of bearing a fine of 8s were to attend the perambulations in future, on pain of incurring the said fine. <sup>33</sup>

The burgh officers were also the subject of various pieces of legislation which were designed to regulate their conduct. These provisions have already been discussed in detail <sup>34</sup> but briefly it will be recalled that in October 1575 an act was passed which provided for the removal of any officer guilty of misconduct, while in February 1576 it was further ordained that the officers were to have cautioners as a guarantee of their 'lele and trew administratioun in thair offices'. <sup>35</sup>



Both these acts were included in the annual statutes issued at Michaelmas 1576 but the latter was expanded to include a prohibition forbidding the reappointment of any officer dismissed for misconduct plus procedures for dealing with complaints against these officials.<sup>36</sup> The same measures were reiterated in 1577 and in 1578<sup>37</sup> but in the annual statutes of 1579 it was simply stated that the enactments regarding the officers were 'to be obseruit with all rigour'; however a new clause was appended which dealt with their wages.<sup>38</sup> After 1579 the annual statutes ceased to include acts regarding the burgh officers, although the tenor of the previous provisions were contained in subsequent minutes recording their appointments.<sup>39</sup>

Yet despite these measures it is clear from the minutes that the officers were not easily controlled. John Watson, officer, was dismissed in February 1576 for maladministration but was reinstated the following month. It was this incident which led to the provision that the officers were to have cautioners but ironically it was at the instigation of his cautioner that another officer, Richard Todd, took unwarranted action against certain individuals for which he was formally dismissed in October 1577. Notwithstanding the fact that the prohibition against the reappointment of dismissed officers was by then in force Todd returned to this position the following year through the influence of the archbishop, an event which prompted a spirited but ineffective protest from one of the councillors, Mr. Adam Wallace. Clearly on this particular occasion the effectiveness of the burgh's statutes was completely undermined by the intervention of the superior.<sup>40</sup>

Before leaving this section it is appropriate to note a statute minuted on 4 October 1576 whereby the craft deacons agreed that there would be 'na nouationes, bandis nor wtheris contractis maid among thame bot safer as is contenit in thair letteres of dekyneheidis gevin to thame be the toun.' Although the craft deacons were not strictly speaking executive officers of the burgh it was through them that the administration sought to maintain control over the incorporations of craftsmen and since the deacons were also sometimes involved in enacting legislation alongside the magistrates and council this statute may be considered as another example of an act designed to regulate the conduct of the burgh's administrators.<sup>41</sup>

The second group comprises those enactments which were related to the financial administration of the burgh and although these are fully discussed in the next chapter<sup>42</sup> it is appropriate at this point to consider their content and some of their features in view of their importance within the corpus of burgh legislation. These acts may be divided into two sub-groups : those which related to the burgh's ordinary revenue or common good, and those which related to its extraordinary income.

The burgh's common good was based not on any system of regular local rates, such as is employed nowadays for the support of local authorities, but on a variety of resources including booth entry money, burgess fines and petty customs. The first of these made up only a small proportion of the burgh's ordinary income and during the 1570s and 1580s only one act was passed regarding this resource when, in April 1574, it was ordained that the entry fine for liferents of the booths or shops under the tolbooth should be set at £20 and that the monies thereby obtained should be spent solely on the upkeep of that building.<sup>43</sup>

Of far greater importance to the burgh was the income obtained from the admission fines levied on new burgesses and several acts were issued during the 1570s regarding the rates which were to be employed. At the Summerhill court held in June 1574 an attempt was made to increase the admission fine (which then stood at £6 13s 4d) to £10 irrespective of the applicant's status but this was subsequently opposed by burgess sons who felt that their fines should be less than those imposed on strangers. It was not until May 1577 that an acceptable solution was found which adopted a more sophisticated scale of rates.<sup>44</sup> It may be noted in passing that the act of June 1574 was authorised by the bailies and council, plus the deacons and 'haill communitie present.' Many of the financial statutes carried this or similar endorsements as befitted legislation with a direct bearing on the burgh's fiscal resources.<sup>45</sup>

On occasions men were admitted to burgess-ship gratis by reason of their poverty or for some service done to the burgh, but frequently the beneficiaries were members of the nobility and their associates.

In this way the burgh hoped to attract the patronage of men of influence but any benefits which might have accrued to the burgh in this way were uncertain and appear to have been increasingly outweighed by the loss of income which these gratis admissions entailed. In May 1577 an attempt was made to control these admissions, it being decreed that no one was to be admitted to burgess-ship gratis unless they could show 'ane ressonabill caus of service or guid deid done to the towne be thame thairfoir.'<sup>46</sup> The effect of this act was short-lived as the bailies and councillors were powerless to prevent provosts such as the Lennoxes and Montrose using burgh patronage to award their friends at the expense of the burgh's common good. Another attempt to reverse this trend proved equally ineffective. In October 1582 a statute was passed whereby no burgesses were to be entered by the magistrates unless the treasurer and 'ane sufficient number of the counsell be present, to witt iiij or vj'; furthermore the names of the councillors present were to be recorded.<sup>47</sup> Although this act was subsequently absorbed into the annual Michaelmas re-enactments<sup>48</sup> it is clear from the minutes that its provisions were ignored. The names of councillors present at burgess admissions were recorded only twice, in December 1582 and February 1583.<sup>49</sup> The former occasion (at which the treasurer was not even present) concerned the admission of a burgess gratis, the latter the entry of an ordinary burgess, reflecting the fact that this statute was intended to control not only gratis admissions but also the practices of admitting burgesses at less than the appropriate rate or of diverting all or some of their fines for special purposes.<sup>50</sup> At best these practices diminished the income accruing to the common good while at worst they left ample scope for abuses.

In 1584-85 gratis admissions accounted for 37% of all burgess entries, while the number of fines diverted from the common good remained as high as before.<sup>51</sup> Further enactments designed to control the method of admitting burgesses followed in the 1590s and the first decade of the seventeenth century,<sup>52</sup> but in the context of this chapter it is appropriate to observe at this juncture that just as the burgh administration was obliged to accept the reinstatement of an officer at the request of the superior, despite the existence of a statute prohibiting such a procedure,<sup>53</sup> so too in the sphere of

burgh admissions the burgh's legislature found it difficult to exert its will in the face of pressure from powerful provosts determined to distribute the burgh's favours. The important question which these examples raise, the general effectiveness of the statutes, will be returned to later.<sup>54</sup>

Statutes were also issued during the 1570s and 1580s with respect to the management of the burgh's three petty customs of the mills, ladle and the bridge. Those which related to the town's mills were the enactments promulgated in November 1576 which, with a view to increasing the burgh's income, astricted the inhabitants to the burgh mills and established the procedure whereby this custom was to be farmed annually; two acts passed the following May which dealt with the upkeep of the old mill on the Molendinar and confirmed the take-over of Archibald Lyon's mill on the Kelvin; and the statutes of 3 June and 1 July 1581 which repealed the unsuccessful and unpopular thirlage legislation of November 1576.<sup>55</sup>

While the mill custom exercised the minds of the burgh's legislators considerably during this period, the other two petty customs of the bridge and ladle were the subject of only one statute each. In 1575 Rutherglen disputed Glasgow's authority to uplift the ladle custom but in June of that year the Lords of Council and Session upheld Glasgow's right. As if to emphasize the burgh's powers to collect this custom, the provost, bailies and council issued a statute in March 1576 ordering all maltmen to pay this duty on their malt and barley 'albeit it be cost furtht of the toun in cais the samyn be ressavit and mesourit within the samyn.'<sup>56</sup> Presumably the maltmen had objected to this imposition, but no references to such a dispute can be found in the surviving records. The bridge custom was the least contentious of these sources of revenue and the only statute relating to this impost was a minor act issued in August 1574, at the request of the archbishop, temporarily exempting the barony men from paying the bridge custom 'quhill thai be ferther avysit'.<sup>57</sup> The minutes do not disclose how long this suspension remained in force.

The intrinsic limitations of the burgh's common good were reflected in the statutes issued during this period. The income

accruing from booth entry fines was minimal; the attempt in 1574 to introduce a flat rate of £10 for burgess admissions foundered on the opposition of the 'burges sonnys' and although this difficulty was eventually overcome the amount of money which the treasurer received from this source was in any case severely depleted by gratis admissions and the diversion of fines; the petty customs were farmed out annually and were thus subject to market forces outwith the legislature's control, and when it attempted to intervene by astringing the inhabitants to the town's mills in 1576 no appreciable increase in income accrued and the measure proved so unpopular that it was formally repealed five years later. Thus the legislature's attempts to augment the burgh's ordinary income were constrained both by the inflexibility inherent in the common good and by the opposition of certain sectors of the community whose vested interests were threatened by these measures.

Another element in the burgh's ordinary income was the revenue obtained from land rents. However these 'commone annuellis' tended to be fixed, so that this resource was even more inflexible than the other components of the common good. Nonetheless the rents and the lands from which they were drawn provided an asset which could be used to cope with financial emergencies. Thus during the plague crisis of 1585 the burgh borrowed 800 merks from Andrew Baillie secured against the rents of the lands of Garngadhill, Gallowmuir and 'Burro Muir' which were valued at ninety-six merks per annum. These revenues were redeemed the following year<sup>58</sup> but when in 1588 the burgh needed to raise money to buy the feu of Kelvin Mill several lands were permanently alienated into private hands.<sup>59</sup>

Obviously the burgh's stock of lands was finite and their alienation, which sometimes provoked opposition from the community,<sup>60</sup> could not go on indefinitely. Some other method had to be used to meet extraordinary expenditure and although there was no regular system of local rating (which would have given the administration a sounder financial base) recourse was sometimes had to special local taxes or stents. Yet once again the magistrates and council were constrained in these endeavours, this time both by the taxable capacity of the burgesses, on whom these stents were levied, and by the burgesses'

reluctance to be taxed more than was absolutely necessary.

This reluctance was understandable for, over and above any local rate demanded by the magistrates and council, the burgesses were subjected to a variety of national taxations which could be authorised by Parliament, the Privy Council or the Convention of Royal Burghs.<sup>61</sup> Confining examples to the 1570s, Parliament authorised only one tax in that decade, a levy of 10,000 merks (£6,666) approved in 1578 for rebuilding the bridge at Perth.<sup>62</sup> However in the same year the Privy Council (in an action which was later deemed unconstitutional in that the estates were not consulted) sanctioned the raising of a tax of £12,000 for the payment of a force to quell disturbances in the Borders.<sup>63</sup> The contribution expected from the burghs in such instances was usually calculated at one sixth<sup>64</sup> and the Convention of Royal Burghs apportioned this share among its members : during this period Glasgow's portion was set at around ~~2.25~~ 2.5% of the burghs' contribution.<sup>65</sup> In addition the Convention also taxed its members : in 1574 3,000 merks (£2,000) was to be raised for the suppression of piracy; in 1575 £11,000 was levied to meet obligations previously promised to the regent Morton, and the expenses of a commission sent to Flanders; and in 1577 a commission to England regarding piracy and one to Flanders regarding the imposition there of certain customs occasioned levies of 1,200 merks (£800) and £240 respectively.<sup>66</sup>

When the burgh's stocks of salt were destroyed by storms in 1579 and the administration was faced with insufficient funds in its 'commone purs' it was decided to wadset £24 of the common good annually until the loss was recovered, because the community had lately been 'oppressit by sindry taxatiounes and stentis'.<sup>67</sup> From the figures quoted above it can be estimated that between 1574 and 1578 the Glasgow burgesses had been asked to pay around £450 towards national taxations.<sup>68</sup> They had also been stented twice by the burgh authorities during the same period for a total of £400 and clearly by 1579 the administration felt that any further imposition might provoke opposition.

The first of these stents had been levied in 1574. On 21 August of that year the provost, bailies, council and deacons met to consider

'the greit dekaye and ruyne that the hie kirk of Glasgw is cum to throuch taking awaye of the leid sclait and wther grayth thair of in this trublus tyme bygane.' It was therefore agreed to raise a tax of £200 'for the zeale thai beir to the kirk ... for helping to repair the said kirk and haldyng of it wattirfast', though as a rider it was added that the burgh's administration was 'nocht addettit to the vphaldyng and reparing thair of be the law' and that its action should 'induce na practick nor preparative in tymes cuming.'<sup>69</sup>

The other stent was authorised in November 1577 and related to a major project which was then being undertaken in the burgh, the paving of streets. The accounts record that a calsaymaker had been brought from Dundee specially for this purpose<sup>70</sup> and this was referred to in the preamble to the statute which also emphasized that 'thair is nocht to be gottin of commowne guddis to big the calsayis.' Accordingly the raising of 'ane taxatioun of twa hundreth pundis money to be tane of the haill inhabitantis ... worthie thairto' was approved, and again it may be noted that this act was authorised by the provost, bailies, council and deacons.<sup>71</sup> As with the statute of 1574 regarding the upkeep of the cathedral, this act continued by naming the stenters who were to collect the tax. In neither case do tax rolls or accounts survive although with respect to the stent for the calsay it is known that £240 had been raised by April 1580.<sup>72</sup>

Maintenance of the cathedral remained a major problem. In April 1581 the crown gifted to the burgh for the upkeep of the cathedral certain annualrents which had been bought by the canons using a benefaction of £800 formerly made by archbishop Dunbar for the same purpose, it being commented that 'the inhabitantis of the burgh and citie of Glesgw is not abill of thair awin proper rentis to do the samyn.'<sup>73</sup> It was probably partly in response to this grant that, in December 1581, a working party comprised of church and college representatives plus the provost, bailies and a small group of councillors was formed to determine how best to preserve the high kirk.<sup>74</sup> Nothing immediate transpired from these discussions and it was not until February 1583 that a statute was passed whereby the magistrates and council agreed in principle that the cathedral should

be preserved and that they should help with its maintenance. However the act also added the proviso that neither 'thay nor thair successouris be nawyis astrictit bund nor oblist to wphald the samyne' and that they gave their assistance 'of thair fre motive will, wncoactit or astrictit be ony law, cannon or civile, act of parliament or statute of counsell.'<sup>75</sup> The administration's caution was understandable in view of the heavy cost of caring for such a large building. Nonetheless this act would appear to have led to another stunt, for although no statute authorising a levy was recorded, William Symmer (a former treasurer) was prosecuted on 24 August 1583 for having slandered 'thee honest men that was appoyntit be the baillies to stent the towne.'<sup>76</sup>

While the bailies and council were reluctant to commit monies towards the maintenance of the cathedral's fabric, either from the common good<sup>77</sup> or by means of stents, the kirk session naturally took a contrary view. It was that body, in combination with the college, which had initiated the negotiations regarding the high kirk in December 1581 and it attempted to do so again five years later. On 20 October 1586 the session 'considering thair dewtie to be carrfull son to see the rownis of the kirk reparit' asked for a meeting with the magistrates and council 'to the effect thai mai find out from gud overture howe the said kirk may be reparit', but this petition fell on deaf ears.<sup>78</sup> It would appear from the surviving burgh records that further major works were not undertaken until May 1589 when the magistrates and council agreed to contribute 600 merks (£400) to the total cost of 1,500 merks (£1,000) required to repair the choir, on the express understanding that the balance would be made up from the 'perrochin without burgh and personage.'<sup>79</sup> This act further explains the reluctance of the burgh administration to bear all the costs of the maintenance of the cathedral, for it served as the parish church both for the burgh and those adjoining rural areas which in the 1590s became the Barony parish and the indwellers of the burgh clearly did not wish to subsidise their rural neighbours.<sup>80</sup>

However the burgh administration was left in a quandary as to how to raise the funds promised on this occasion. The agreement of May 1589 appears to have resulted from discussions between the bailies and,



presumably, the kirk session (of which they were members).<sup>81</sup> It was ratified in July, but in the following month the magistrates and council met to consider how to pay the burgh's contribution. Their conclusion was that it 'can nocht be instantlie haid be thame' (that is to say, through the common good) 'vnles it be borrowit fra sum particular for proffeitt ... alwayis nocht pretermittand na diligence for collecting the contrabutioun may be haid for perfytyng of the said work.'<sup>82</sup> This wording strongly suggests that the magistrates and council felt that raising a stent would meet with difficulties and that the availability of the monies could only be guaranteed if recourse was had to a moneylender.

The heavy demands placed on the burgh administration by its tacitly admitted obligation towards the maintenance of the cathedral underlined not only the total inadequacy of the common good, but also the general financial constraints within which the magistrates and council operated. They could levy stents but only occasionally because of the burgesses' unwillingness to bear taxations additional to those exacted on the authority of the crown or the Convention of Royal Burghs. If some of the earlier enactments which have been discussed (for example those which attempted to reduce the number of burgesses admitted gratis) indicate that the will of the burgh legislature was not always carried into effect, the magistrates and council's approach to stenting demonstrates that the administration was limited by the options open to it and that, for all its oligarchic qualities, burgh government had to be sensitive to the wishes of the burgh community.<sup>83</sup>

Far less contentious were the items of legislation concerned with trade and commerce and, in particular, the regulation of the burgh's market for, even if these acts did not appeal to certain individuals (for example forestallers and unfree traders), they undoubtedly reflected the will of the burgh community. Statutes relating to marketing and cognate matters form the third and largest group of enactments to be considered.

The market was central to the concept of the burgh. Thus the foundation charter of 1175 x 1178 had empowered the bishops of Glasgow to hold a market in their new burgh every Thursday, and this had been

followed by a charter of 1189 x 1198 granting the privilege of an annual fair of eight days duration from the octaves of the feasts of Saints Peter and Paul, falling at the beginning of July.<sup>84</sup> As the burgh grew, more generous provisions for trading became desirable. By the 1630s the market was held each Monday, Wednesday and Friday 'or any other three days weekly' and three new annual fairs had been added, one in early January, one on Holy Thursday and one on Whit Monday.<sup>85</sup> In all probability some of these arrangements were in force in the 1570s and 1580s.<sup>86</sup>

While the fairs attracted traders from neighbouring burghs and thereby stimulated the local economy, the market was fundamental as it was through it that the townspeople obtained their basic essential foodstuffs. Regular markets were desirable not only because of the demands of a growing population but also because of the difficulty of ensuring a steady supply of fresh produce. Thus during the fifteenth century Parliament had issued legislation authorising the sale of foodstuffs on any days including the market days proper,<sup>87</sup> and this probably explains the existence of Sunday trading. As the early records of Glasgow have largely disappeared it is not known exactly how far this activity was actually countenanced prior to the Reformation or in the years leading up to the main period under consideration; however it is clear that in the 1570s the burgh began to adopt a stricter attitude towards this practice, no doubt influenced by the stand being taken by the kirk against breaches of Sabbath observance. On 21 August 1574 a statute was passed ordaining that each Sunday before noon a bailie and an officer were to 'pas throuch the toun to vise tavernis and flesche mercat and incais ony flesche be fund selland eftir nyne houris the samyn to be eschetit and disponit to the pure.'<sup>88</sup> Thus the sale of meat prior to 9 a.m. on Sundays was permissible at this time, but this was to change. Each year the annual statutes included a provision against blasphemers (whereby the officers were instructed 'to pas throw the towne daylie and tak tryall and puneiss the samyn conforme to the actis of parliament')<sup>89</sup> and in 1577 this act was extended to include a provision against all Sunday markets.<sup>90</sup> Significantly it had been ordained three months previously that because the commencement of the fair was going to fall on a Sunday, 'vpone the quhilk na mercatt aucht to be keipit',

it should not open on that day.<sup>91</sup>

However the acts relating to Sunday trading were not the only statutes which betrayed the influence of the kirk. Similar in content was an enactment of March 1576 which prohibited salmon fishing on Sundays, though it carried the important proviso that this order was only to be observed if 'the haill cobles on the watter of Clyde, burcht and land, do the lyke and keip the samyn and els non.'<sup>92</sup> November 1577 saw the re-issue of an earlier statute of November 1573 'anent the keeping of Sondagye' which was to be published at the Cross and kept during the will of the provost, bailies and council.<sup>93</sup> This was probably a general act regarding Sabbath observance but as the minute is no more specific and the earlier act does not survive it is impossible to be certain of its content. However a clear example of liaison between the council and the kirk in certain economic matters is afforded by an enactment included in the annual statutes of 1574 whereby the bailies, council and deacons consented to 'ane statute to be maid be the minister and kirk for the downeputting and discharging of ryotus bancatyng at brydallis, baptisynge of barnes or vpsitting, as thair sall devise thairanent.'<sup>94</sup> Legislation of this sort, which might initially seem to confirm the view that the early kirk was a body which was determined to prevent people enjoying themselves, was in fact prompted by very serious economic considerations. A poor harvest could quickly produce famine in an agricultural economy such as that of sixteenth century Scotland and this ever present threat explains the passage of such sumptuary acts at the local and the national level. Parliament had legislated against extravagant banquets in 1551 'anentis the eschewing ofdearth'<sup>95</sup> and a similar act was issued in 1581.<sup>96</sup> This seems to have prompted the Glasgow authorities to order in October 1583 that 'thair be na derrar brydallis nor [blank]' on pain of a fine of 8s to be paid by anyone who 'passis to ony derrar brydallis.'<sup>97</sup> One month later the Glasgow kirk session decreed that 'thair be na superfluous banket ather in making of mariage or baptiseing of barnes and gif thair be persounes called, the nomber to be few, the pryce of payment for thair dennar xviiid ... and quhosoevir is to be mareid in tymes cuming to find sovertie to that effect.'<sup>98</sup>

Thus, just as the burgh court and the kirk session co-operated in

the prosecution of those individuals accused of certain offences which were deemed to be contraventions of the law of the land and of the injunctions of the church,<sup>99</sup> in certain aspects of the general administration of the burgh the same dual approach was also to be found. Both the town council and the session produced legislation of a quasi-economic cum quasi-religious nature.<sup>100</sup> Likewise those who worked or traded on Sundays or who indulged in over extravagant consumption could find themselves, like oath breakers and slanderers, pursued by both the civil and the church authorities.<sup>101</sup> One last point may be made. Although in matters such as the control of 'ryotous bancatyng' the town council found itself a useful ally in the kirk session and although (as argued in the last chapter)<sup>102</sup> the session was ultimately dependent on the civil authority for the execution of its injunctions, there is a strong impression that the main impetus behind those measures which were passed by the town council regarding Sunday observance was the kirk. The council was being called upon to enforce moral ideals, for there was no good economic reason for prohibiting fishing on Sundays (especially if neighbouring areas did not follow suit, hence the proviso in the statute of March 1576)<sup>103</sup> and still less reason for banning Sunday markets in view of the danger of foodstuffs becoming unsuitable for human consumption if they were held back from sale unnecessarily. The spate of burgh legislation relating to the keeping of the Sabbath issued during 1576 and 1577 suggests that the civil authority was under pressure from the local kirk and it is significant that at this time the college representatives on the session would have comprised Andrew Melville and his associates, men who were determined to reform the morals of society.<sup>104</sup> It is also notable that the burgh's statute regarding the prosecution of blasphemers to which had been added in 1577 the clause prohibiting Sunday markets and which had previously held a medial position among the statutes reiterated each Michaelmas was from 1578 onwards positioned at the head of the annual statutes.<sup>105</sup>

Returning to the market itself, it will be recalled that the act of 21 August 1574 regarding the Sunday inspections by the bailies and officers referred specifically to the flesh market.<sup>106</sup> This implies that there was more than one market, as indeed was the case. The statutes

passed during this period refer to the existence of the flesh market and also a land market where unfree fleshers from the country were permitted to present their meat for sale.<sup>107</sup> They also mention a meal market;<sup>108</sup> a corn market;<sup>109</sup> markets for butter, cheese and barley;<sup>110</sup> a fish market;<sup>111</sup> the market for grass, straw and hay;<sup>112</sup> and also stalls for wool and linen<sup>113</sup> and 'kaill, fruit and unzeones.'<sup>114</sup> Evidence elsewhere indicates the existence of a horse market, a salt market and a seed market.<sup>115</sup> Initially terms such as meal market or fish market probably meant no more than the place where or the time at which meal or fish was sold at the one market place. Frequent references occur to 'the mercate sted', or market place, which was in and around the Cross, now Glasgow Cross, at the junction of High Street, Trongate, Saltmarket and the Gallowgate.<sup>116</sup> The statutes which referred to the crames or stalls for clothes, vegetables and fruit dealt with their position relative to the Cross. Wool crames were to be above the Cross and linen crames 'benetht the croce', the only exemption being allowed to those who had their own booths (or shops) : 'fremen that hes buythis ... may stand foirnent thair buithis thair awin gear.'<sup>117</sup> Similarly the fruit and vegetable stalls were to stand between 'the cors gutter and the gibbet' and each crame was to be no more than one ell broad and one ell long.<sup>118</sup>

As will be demonstrated in the next chapter the ladle dues accruing to the common purse rose sharply in the late 1570s, indicating a flourishing market.<sup>119</sup> Rising demand strained the accommodation provided for the various markets and the process was begun of dispersing them about the city. Internal evidence in a statute passed in September 1575 indicates that the sale of herring was then conducted at the bridge.<sup>120</sup> The annual statutes of 1577 saw a provision ordering that the grass, straw and hay market 'be in the New Kirk yarde in tyme cuming' and no one was to 'present the samyn to ane wther place bot thair vndir the pane of aucht schillingis ilk falt.'<sup>121</sup> Although repeated in each subsequent year this act can not have been immediately implemented for on 19 August 1582 the bailies and council passed a statute ratifying and approving 'the act and constitution made anent the gers mercat' and ordaining that it 'be transportit to the new Kirk yarde besyde the bell hows.' The same statute also

stipulated that the fish and herring market was now 'to be haldin and keipit at the fische corse at the Weste Porte', at the western extremity of Trongate.<sup>122</sup>

Although outwith the main period under discussion, further dispersal of the markets took place in the late sixteenth and early seventeenth centuries. In 1587 the 'fremen and vtheris induellaris' of that area of Glasgow north of Greyfriars Wynd petitioned Parliament that the district had declined since the departure of the clergy. The petitioners argued however that some help could be given if trading was directed into the area, pointing out the 'grite confusioun and multitude of mercattis togidder in ane place about the croce'. Parliament responded by establishing a commission headed by Robert Lord Boyd and Walter prior of Blantyre to investigate the possibility of moving either the salt market (then at the Over Port) or the barley and malt market to the Wyndhead.<sup>123</sup> The result was that the salt market was moved to the north of the burgh but by 1594 this had proved inconvenient 'be reasone the same wes far distant fra the brig and watter of the said citie quhair the salt is maist usit and pat the merchandis and fischeris quha bocht the same to greit expenses of cariage'. Accordingly a second act of Parliament returned the salt market to its former location but moved the barley and malt market to the Wyndhead.<sup>124</sup> What is perhaps most notable in all this is that, while the moves of the 1570s were effected by statute of the burgh, in 1587 the people of the Greyfriars and northern districts had sought the help of Parliament. No council or court minutes survive for 1587 but undoubtedly there had been a serious dispute, hinted at in the preamble of the act of Parliament of that year which commented that a remedy could be found 'gif the commoun weill of the said citie wer respectit and ane equality vsit be the magistratis and vtheris to quhome sic thingis properlie appertenis.'<sup>125</sup>

In 1630 there is evidence that the meal market had by then moved to the vicinity of the Blackfriars kirk.<sup>126</sup> In 1634 (again to prevent the decay of an area, this time north of the Wyndhead) the provost, bailies and council ordained that 'it is necessar and expedient that the mercatis sould be dispersit', (thus echoing a comment in the 1594 act

of Parliament that 'the haill mercattis aught not to be placit at ane part of the said citie but suld be sett at dyuers partis thereof'). To meet this requirement the horse market, previously held near the college, was to move to the area of the Kirk Port, Stablegreen Port, Drygate Head, Wyndhead and Rottenrow. The area vacated by the horse market was to be used by the corn, lint seed and hemp seed markets, together with the salt market which now moved north again.<sup>127</sup>

The regeneration of decayed areas of the burgh was obviously a concern of the magistrates and council who here appear to have acted as responsible town planners in a manner reminiscent of the more recent renewal programmes conducted in the east end of the city. The redistribution of the markets in this earlier period was certainly occasioned by congestion of the traditional trading areas but there was a financial motive also, admitted in the enactments of 1594 and 1634, for decayed houses were a drain on resources which produced 'na competent maill'<sup>128</sup> and thereby deprived the common good, and others, of income.

Apart from regulating the days for marketing and the locations where commerce was to take place, the statutes also included stipulations as to the hours of trading. One of the statutes enacted every Michaelmas specified that corn was not to 'remane in the mercate quhill x houris';<sup>129</sup> in September 1575 it was ordered that no salt was to be sold until 9 a.m. while an act of the same date referred to the enforcement of 'the houre of selling hering', although without specifying what that hour was;<sup>130</sup> an annual statute introduced in October 1575 specified that no meal was to be sold until 10 a.m.;<sup>131</sup> in October 1578 out of town fleshers were ordered to present their meat by 10 a.m.;<sup>132</sup> in April 1580 it was ordained that salmon were to be presented for sale after noon;<sup>133</sup> and in October of the same year it was again forbidden to sell salt before 9 a.m.<sup>134</sup> The reasoning behind these strictures was simple : people had to know when produce was going to be available for sale and in an age when scarcities were not unknown there was a very real danger if such regulations were not enforced. Thus, in the penultimate example above it was stated that the reason for its passage was 'becaus thai ar

greit enormite done be sindry particularis in bying of fresche salmont in greit to salt sua that the towne can nocht get ony in smallis to serve thame';<sup>135</sup> similarly, the act on salt of October 1580 was issued 'that the town and fischeris maye be seruit.' <sup>136</sup>

Furthermore, by establishing hours of trading, it was easier to enforce those parts of the marketing statutes which dealt with forestalling (the purchase of goods prior to them reaching a market with a view to hoarding them in expectation of scarcity), engrossing (buying in bulk at the market itself, with the same purpose) and regrating (buying of goods with a view to selling them elsewhere, again for an excessive profit).<sup>137</sup> During this period trading was conducted according to certain ethical ideals, designed in part at least for the public good. Such speculative practices as described above, though acceptable nowadays, were at this time strictly forbidden for they might lead not only to high profits but also, and more seriously, to shortages.<sup>138</sup>

The annual statutes were particularly concerned with the prevention of these and related practices. No tallow was to be sold to 'out of town' men,<sup>139</sup> though presumably this injunction was to be adhered to more strictly during winter, since another statute merely forbade the selling of tallow in great quantity 'to pas of the toun quhill Faustrenis ewin', (that is, before Lent). This latter act forbad fleshers from buying tallow or meat to sell again and stipulated that both fleshers and fishers were to present all their produce 'that thai bring to the towne all at anis to the mercat vnder the pane of eschetyng of samekle as beis fund hid in houssis.'<sup>140</sup> Another annual statute ordered that all hides and skins were to be presented to the market 'with tallone nocht tarladerit ... witht the bouikis togidder.' Although the rest of this act was more concerned with the condition such articles had to be in to allow them to be sold, this clause, and indeed the whole statute, can be seen as an attempt to ensure that whole carcasses were presented for sale and that neither the tallow nor parts of the skins were sold elsewhere.<sup>141</sup> Here the penalty referred not only to escheating but also, in later versions of the statute, to the goods being given to the poor.<sup>142</sup> Tallow, used as food and fuel,



was obviously important and a third annual statute was concerned particularly with this product. This was the annual enactment on its price, which also included the provision each year that no merchants or fleshers were to buy tallow or hides '[in] preiudice of the towne', presumably another attempt to prevent engrossing and regrating.<sup>143</sup>

Not only the buying and selling of meat and hides were controlled in this way. Each year an act was issued that all buyers of hay, straw and corn must 'have stabillyng': that is to say, that they were buying for their own use and not for resale.<sup>144</sup> The annual statute forbidding maltmen buying barley in the market to send 'the malt thair of to wther placeis downe the Watter of Clyde' was a clear enactment against regrating. Instead such malt was to be presented to the market.<sup>145</sup>

In 1575 an annual statute was introduced governing procedures for the sale of meal, which expressly stated that 'nane foirstall the mercatt in bying of mele cumand to the mercatt to sell and top agane ... and that thair be na mele hid in houssis bot all presentit to the mercatt sted nor sauld outwitht the samyn.'<sup>146</sup> Finally, the yearly statute on the price of bread was augmented in 1578 with a provision 'that na maner of persoun by quheit breid brocht to the toun to sell agane.'<sup>147</sup>

Forestalling, engrossing and regrating were national problems and the subject of various acts of Parliament,<sup>148</sup> as the authorities strove to control trading and commerce, and traders sought to evade these restrictions. The inclusion of provisions against these practices in the burgh's statutes testifies to the strains implicit in a controlled market economy and further evidence of these tensions is afforded by the many infringements dealt with by the burgh court; these shall be discussed later.<sup>149</sup>

Forestalling and the like were not the only practices from which the consumer had to be protected. Regulations regarding the quality of foodstuffs and other products were equally necessary, and these were also mostly found among the annual statutes. Ale was to be 'kingis aill and werraye guid' and from 1577 onwards it was added that all brewers were to 'mak thair aill patent to the taistaris sa oft as thai

cum thairto.'<sup>150</sup> The appointment of ale tasters was included in the annual statutes in 1574, 1577 and 1581.<sup>151</sup> Divided by district, the appointees were named save in the last instance; also, to judge by the above reference to the 'taistaris', the men appointed in 1574 may have remained in office until 1577 and so forth. Their remit ordered them to 'taist the aill brewin within the boundis limitat to thame to se gif the samyn be sufficient accordyng to the price taxt thairupon and quha brewis that ar vnfre and to reporte the samyn owklie to the baillies.'<sup>152</sup>

Strict regulations were enforced regarding bread, a basic commodity. All bread was to be 'guid and sufficient stuff weill bakin' and for easier control each baxter, or baker, was to use 'ane prent on thair breid sua that the samyn maye be knawin'. Furthermore, each year it was enacted that the deacon of the baxters should examine the bread produced by his craftsmen, particularly its weight and price; if the deacon failed to 'exerce this statute scherplie' he was to be 'puneist be the baillies and counsale as repugnant to the commoun wealtht'.<sup>153</sup>

Another basic foodstuff was meat and each year it was stipulated that 'thair be na blawin muttoun nor breeding of flesche'.<sup>154</sup> The former referred to the practice of over-feeding livestock prior to sale in order to obtain a higher price for the bloated animals.<sup>155</sup> The latter injunction is less clear but what was probably being condemned was the practice of bleeding the animals and thereby weakening them prior to sale, unbeknown to the prospective purchasers.<sup>156</sup> Another annual statute laid down specific instructions as to how carcasses, skins and hides were to be presented to market. No mutton was to be 'scoirit on the bak nor na pairt thairof nor yit lattin doun before bot ane scoir owder befoir or behynd'. This probably related to sheepskins and this statute in its revised version of 1582 went on to stipulate that all 'hydes and skynnys be haill not tairleddirit nor diminisit and the scheip skines be not diminisit nowther befoir nor behinde nor na parte thereof'. No carcasses ('martes') were to have the shoulders removed ('bowbredit') prior to presentation to market and no tallow was to be removed from hides and skins. These were to be presented intact together with the carcasses to the market.<sup>157</sup>

Candles were to be 'small wickeit and weill tallownit'<sup>158</sup> and from 1577 onwards it was ordered that 'the candilmakaris sall sell to personis as desyris in pund or half pund vechtis or wtherwyse be wechts'.<sup>159</sup> Presumably the candlemakers preferred to sell in bulk and in 1582 the above injunction was extended so that they were 'to sell pennie and twa pennie candill' if asked to do so.<sup>160</sup> The annual statute regarding the selling of meal, first issued in 1575,<sup>161</sup> stipulated that 'ilk sellare and awner of the mele [shall] mett the samyn thame selfis according to the auld statutes' while in 1580 another annual statute was introduced, this time ordering sellers of butter and cheese to weigh their produce 'with trone wechtis and that the wechtis be markit with the townes mark and that nane be sauld in greit or small but the samyn merk'.<sup>162</sup>

Apart from these references in the annual statutes, the subject of weights and measures arose from time to time in the other acts. They were a major concern of the authorities for two reasons. Firstly, without a standard system marketing would have been reduced to chaos. Secondly, as the burgh obtained income from customs levied in kind, it is not surprising to find the magistrates and council taking an interest in how such customs were measured. As an example of the former, an act of March 1574 showed the extent of the burgh's jurisdiction in this sphere as it ordered the barony men to bring for inspection their 'furlotis and mesouris to be justit and selit.'<sup>163</sup> Presumably, since the barony formed the economic hinterland of the burgh it was essential that both should use the same measures.

The two elements mentioned above can be seen working in tandem throughout the other extant statutes on weights and measures. In the early 1580s a series of acts was passed with the intention of standardising measures. Significantly, the first of these was sanctioned by the bailies, council 'and haill dekyannis', an indication of the importance of this topic to the burgh community. Thus, in February 1581 these men agreed that Glasgow should adopt 'the mesour of stoipis according to the jug mett as is in wther townis' and ordered that the townsfolk were to bring their measures to be altered.<sup>164</sup> Later that year David Ramsay, a potter, was entered burgess gratis 'for making of the

jug met of bras, pynt and chopin vpoun his awin expenssis'.<sup>165</sup> Linked to the legislation of February 1581 was another act, passed in July 1582, which ordained that all heaped measures were to be withdrawn and replaced by 'the straike furlate'.<sup>166</sup> Embezzlement was obviously far easier with a heaped measure than with a level one and this legislation should have sufficed, but in October of that year it was allowed that all malt bought and sold within the burgh was to be measured with the old 'heip furlat as was usit of befoir ... and that the commoun metstar met the malt as he wsit of befoir.' Other 'stufte' was to be 'met and ressaifit be the new straik furlot.'<sup>167</sup> The explanation for the exclusion of malt from the new regulation probably lies in the fact that malt was subject to the petty customs of the ladle and the mill<sup>168</sup> and the authorities no doubt feared that the value of these tolls (and hence the monies accruing to the common good) might be diminished if the level measure was employed in this instance.

From the consumers' and traders' points of view, the annual fixing of prices for certain commodities was crucial; nor was this separate from the question of weights and measures since the prices concerned were all calculated in relation to weight or capacity. Prices were fixed each year at Michaelmas and the commodities involved were all either basic foodstuffs or sources of fuel : namely ale, bread, tallow and candles. Their prices were calculated in terms of the pint (for ale), the stone (tallow) and the pound (candles).<sup>169</sup> The exception was bread, the price of which was artificially fixed at 4d but the weight of which was allowed to fluctuate in response to market forces.

Price controls in burghs had been required by act of Parliament since 1496 (though they would appear to have been employed from a much earlier date, Parliament merely sanctioning the existing practice).<sup>170</sup> Their purpose was to ensure that the prices of essential products were maintained at a reasonable level, but while this system was of advantage to the community at large it placed considerable strain on those craftsmen who retailed in the commodities which were subject to assessment and who were obliged, particularly in times of scarcity, to bear the disparity between the wholesale open market prices for raw materials (such as grain) and the artificial retail prices set by town councils (for essentials such as bread). The frustration felt by the

craftsmen retailers occasionally erupted. In 1551 and 1553 the baxters and fleshers of Edinburgh rioted in protest at the council's policy of enforcing low prices during shortages while in Dundee a major dispute raged during the 1560s and 1570s between the council and the baxters during which the baxters threatened to go on strike.<sup>171</sup>

Only one serious craft disturbance was recorded in Glasgow during these years, namely the riot which broke out between the merchants and craftsmen at the wapinschaw held in July 1583 'concernyng thair ranking and placeing thameselfis in tyme of mustouris.'<sup>172</sup> One cause of this incident was probably the craftsmen's awareness that their counterparts in Edinburgh were then in the process of obtaining a greater measure of representation on the council of that burgh. Yet discontent with the council's pricing policies may well have played some part in the events of July 1583. Price regulations in Glasgow, as elsewhere, must have been a constant source of friction since the merchant controlled administration set the price levels within which those craftsmen who retailed in ale, bread, tallow and candles had to operate. While these craftsmen sought to maximise their profits or at the very least recoup their outlay on raw materials the council's task was to ensure sufficient supplies of foodstuffs and other essentials which would be within the purchasing power of the townspeople. If the harvest failed and the cost of raw materials rose, the council had to somehow fulfil its obligation to the burgh's inhabitants while avoiding antagonising the craftsmen by setting prices too low, the more so since these men formed the major part of the burgh community and were becoming increasingly politicised.<sup>173</sup> How then did the town council of Glasgow cope with this dilemma?

The earliest price assessments of which details survive were those issued at Michaelmas 1560.<sup>174</sup> Ale was to cost 4d per pint, the 2d loaf was to weigh sixteen ounces, tallow was to retail at 8s per stone and candles were to be sold for 7s per stone. No other information is available until the extant council records begin in 1574, by which time the cost of these commodities had risen by 50% (ale), 130% (bread), 100% (tallow) and 100% (candles). These increases reflected the difficulties of the intervening years, namely poor harvests (in 1563 there was a 'grit dearth approaching to a famine')<sup>175</sup> and the

inevitable economic dislocation caused by the military campaigns of 1568 and 1571-1573. How far the rise in retail prices matched the rise in the cost of raw materials cannot be determined, but with the commencement of the act books in 1574 it becomes possible to address this question more closely with respect to the critical period, 1574-1600.

Grain prices were not assessed by the burgh council. However information does survive as to the price which a boll of 'beir' or barley fetched on the open market in Glasgow between 1575 and 1580.<sup>176</sup> As barley was the raw material used in the preparation of ale it is possible to compare how the cost of this grain affected the prices which were set for that commodity. The open market value of wheat, however, is not known and it is thus not possible to conduct a similar comparison with respect to bread prices. Nonetheless the cost of barley is some indication of grain prices in general and, as shall be demonstrated, fluctuations in the price of bread were sometimes similar to those which affected the cost of ale.

In 1575 the cost of barley was 56s 8d per boll and the price of ale was set at 7d per pint; at the same time it was decreed that the 4d loaf was to weigh sixteen ounces. Relative to the assessed prices set in 1574 these new rates represented an increase in the price of ale but a reduction in the price of bread. Soon after the council had authorised these assessments the accounts record that a messenger was sent to Stirling 'withe ane bill to see the wecht of thair breid.'<sup>177</sup> The baxters of Glasgow had presumably complained that the supply of wheat was not sufficient to merit such a high weight to cost ratio and significantly the price of bread would not be so low again. Thus, although in the following year the wholesale cost of barley dropped to 45s per boll and the price of ale fell to 6d per pint, the weight of the 4d loaf was reduced to fourteen ounces, equivalent to a price increase of 16%; in fact these rates represented a return to the price levels which had operated in 1574.

However 1577 evidently brought a bad harvest and the cost of barley increased by 69% to 76s 8d per boll. At the Michaelmas assessment the price of a pint of ale rose from 6d to 7d, while the weight of the 4d loaf was reduced from fourteen to twelve ounces, no doubt in response

to escalating wheat prices. Almost immediately even these figures had to be revised by an extraordinary statute issued on 9 November whereby the council, taking into account 'the dertht of victuales', ordered that the price of ale be further increased to 8d and that the weight of the 4d loaf be reduced to ten ounces.<sup>178</sup> Thus the 69% rise in barley costs had led to a 33% increase in the price of ale, and this had been mirrored by a 38% increase in the price of bread, figures which confirm a broad correlation between the known cost of barley and the unknown cost of wheat and which also demonstrate the extent to which the burgh authorities strove to protect the burgh's inhabitants from the full effects of a poor harvest. Equally when in 1578 barley costs fell back by 26% (to 56s 8d per boll) it was possible for the authorities to pass this benefit on to the consumer, the price of ale dropping by 25% to 6d per pint; at the same time the weight of the 4d loaf was increased to twelve ounces, equivalent to a price reduction of 17.5%. In the following year the price of barley rose slightly but the assessed price of ale remained stable, as did that of bread. However in 1580 the cost of barley increased by 22% and it may be suspected that wheat prices reacted in a similar way. The council's response showed its determination to maintain reasonable retail prices, particularly with respect to bread which was the more essential of the two commodities presently being discussed : ale increased to 7d per pint but the weight of the 4d loaf remained as before, at twelve ounces. The cost of barley in Glasgow after 1580 is not known and details of the assessments made by the council in 1581 are missing. By 1582 the retail charge for a pint of ale had again increased to 8d (the 1577 level), suggestive of rising barley prices, but if wheat also appreciated in cost this was not reflected in the council's assessment which continued to hold the weight of the 4d loaf at twelve ounces.

The two other commodities which were subject to price regulations in Glasgow were tallow and candles. Tallow was obtained from carcasses. Consequently its price was affected by the success or otherwise of harvests since in times of plenty adequate fodder would be available but in years of crop failure well-fattened animals would be in short supply. Thus the price of tallow fluctuated during the 1570s in

response to the quality of the harvest in a manner similar to ale and bread prices. Tallow was basic to the manufacture of candles and thus the price of the latter was governed by the cost of this raw material. It is notable however that whereas initially the assessed price of tallow was greater than that of candles, this relationship began to be reversed during the 1570s. Tallow had other uses, none least being its value as a foodstuff, and this development suggests that the council, faced with dwindling stocks of tallow, was prepared to allow candle prices to rise more steeply so as to preserve the supply of tallow for other purposes. As yet this phenomenon was barely discernible and the prices of both these commodities remained fairly steady. By 1580 tallow was costed at 18s and candles at 18s 8d per stone. Again the prices set in 1581 are wanting, but evidently there was an improvement in the supply of tallow in 1582 for by then its price had fallen to 16s per stone and candles had been reduced to 16s 4d per stone.

Thus, despite some problems, it would appear that between 1574 and 1582 prices in Glasgow remained fairly steady and the burgh's administration was able to regulate retail values without too much difficulty. However after 1582 the council's price control system came under increasing pressure as Glasgow, and indeed much of Scotland, began to experience the repercussions of a succession of bad harvests aggravated by periodic plague epidemics which disrupted local commerce.<sup>179</sup> In 1583 prices were set for ale, bread and candles. Ale remained steady at 8d per pint but bread was reduced to eleven ounces for the 4d loaf while the cost of candles increased by 44% to 23s 4d per stone. Presumably the cost of tallow had risen appreciably, but its assessed price was not recorded. In 1584 Glasgow was threatened by plague and this may be why the minutes of that year record only the price of ale, still 8d per pint; the clerk left blanks for the prices of the other commodities. The disruptive effects of the plague crisis and the measures taken to combat its threat, in particular the restrictions on the movements of livestock and produce and prohibitions on trading with certain areas, began to be felt.<sup>180</sup> At Michaelmas 1585 it was decreed by the magistrates and council that the prices then in force were to remain in operation for the time being because of 'this present plage, throw the quhilk the said provest baillies and counsell



can nocht nor may nocht proceed to the making of thair statutis anent the pryces of all vivouris within this toun.<sup>181</sup> There is a break in the minutes after April 1586. When they resume in October 1588 there is clear evidence that the economic crisis had worsened. No prices were set at Michaelmas but a minute of November 1588 shows that by that time the council had forsaken the 4d loaf for a 6d loaf which was to weigh twelve ounces, and candles were now costed at 30s per stone.<sup>182</sup> The full picture emerges from the Michaelmas enactments of 1589 : ale was priced at 10d per pint; the 6d loaf was to weight twelve ounces; tallow was to be sold for 30s per stone and the price of candles had increased to 36s per stone.<sup>183</sup> In the period 1582-1589 the prices of ale, bread, tallow and candles had risen by 25%, 50%, 88% and 120% respectively.

There are several gaps in the surviving records of the 1590s but such evidence as there is shows that the crisis continued. On 11 October 1595 the magistrates and council again reissued the price statutes then in force because 'the hervist is nocht endit bot present in hand and can nocht be knawin how the priceis of the victuallis ar sa deir, sua that the priceis ... contenit in statutes can nocht be liquidat reasonable'.<sup>184</sup> Scarcities encouraged malpractices and in 1597 a comprehensive statute was issued against forestallers and regraters, with strict regulations regarding the export of food from the burgh.<sup>185</sup> In November 1599 (as in November 1577) it proved necessary to revise the rates set at Michaelmas though on this occasion the commodities affected were not ale and bread but tallow and candles which rose sharply in price from 30s and 40s per stone to 44s and 53s 4d per stone respectively.<sup>186</sup> By 1600 ale was costed at 1s 4d per pint, the price of bread was calculated on the basis of an eleven ounce loaf costed at 8d, tallow had returned to 30s per stone and candles to 40s per stone.<sup>187</sup> In the quarter century from 1574 to 1600 (using the minimum and maximum prices recorded during these years) the cost of ale had risen by 166% (or by a factor of 2.6), bread by 192% (2.9), tallow by 175% (2.75) and candles by 280% (3.8).

To summarise, it is clear that there was a sharp increase in prices in Scotland during the last quarter of the sixteenth century caused by the combined effects of poor harvests and outbreaks of

plague. Inflation was exacerbated by a succession of coinage revaluations which had the ultimate effect of reducing the exchange rate between Scotland and England, previously about £4 Scots to £1 sterling up to c1560, to £12 Scots to £1 sterling by 1603.<sup>188</sup> These phenomena were reflected in the prices set in Glasgow during this period. But with respect to these prices, did they correspond to the escalating costs of raw materials, in which case it could be argued that the council was constrained in its pricing policies by an awareness that lower retail prices would probably provoke opposition from the craftsmen? Alternatively, did the council decide that its first priority was to ensure reasonable commodity prices irrespective of the effect which such a course might have on the relationship between the administration and the maltmen, baxters, fleshers and candlemakers who traded in the products which were subject to price regulation?

The latter would appear to have been the case. It has already been noted that when the cost of barley rose in 1577 (and probably also that of wheat, though this cannot be verified) the council in Glasgow passed slightly less than half of this increase on to the inhabitants, thereby forcing the craftsmen to absorb the remainder.<sup>189</sup> However apart from the short period from 1575 to 1580 it is not known precisely how much barley and wheat fetched on the open market in the Glasgow area. Nonetheless some indications as to the increasing costs of these basic raw materials may be obtained by examining prices in other areas of the country. Malt was assessed in the burgh of Stirling in 1596 at £10 per boll. If this figure is compared with the barley prices operating in Glasgow in the late 1570s it suggests that this type of grain increased in price by a factor of perhaps as much as 4.4 during the last quarter of the sixteenth century. This type of calculation is of course suspect on a number of counts : the result is obtained by combining two dissimilar sets of data, namely open market prices and assessed prices, and it must also be remembered that harvest performance varied from region to region, being dependent on such factors as the weather and the quality of the land. However Stirling, being only twenty-five miles distant from Glasgow, may have enjoyed a similar local economy and it may be added that since assessed prices would tend to undercut open market values (particularly during times of scarcity) the rate of

increase in barley prices in Glasgow may have been even higher than 4.4 (344%). However, if this figure is adopted it is notable that ale prices in Glasgow during the same period were allowed to rise by a factor of only 2.6 (166%). An accurate assessment of the increase in wheat prices in Glasgow is impossible, but some idea of the likely trend can be obtained from the experience of Selkirk where, between 1567 and 1600, the assessed cost of this grain rose more than fourfold. Again regional variations must be borne in mind, but so too must the fact that in Glasgow where the price of this crop was not regulated the increase may have been even more pronounced. However if a fourfold increase is accepted as a rough guideline it is notable that bread prices in Glasgow rose by a factor of only 2.9 (192%) between 1574 and 1600. Thus with regard to ale and bread prices the burgh administration would appear to have made a determined effort to shield the townspeople from the full effects of the rising costs of grains, with the consequence that the maltmen and the baxters were obliged to meet the disparity between these costs and the retail prices which were authorised.<sup>190</sup>

It cannot be ascertained how far the rates set for tallow compared with the real costs which the fleshers had to pay for the carcasses which provided this raw material. It is clear however that crop failures and a consequential lack of fodder with which to fatten livestock produced shortages of this product and its cost rose by a factor of 2.75 (or 175%) between 1574 and 1600. Candles were made from tallow and it has already been noted that in the 1570s the price of candles began to overtake the cost of tallow.<sup>191</sup> This trend became more pronounced during the 1580s and 1590s. Initially the difference was a matter of a few pence per stone but by 1600 this had risen to 10s, with the result that in the last quarter of the sixteenth century the cost of candles increased by a factor of 3.8 (280%). Obviously this was the result of a policy decision taken by the council, not for the benefit of the candlemakers but so as to preserve stocks of tallow which were required not just for the manufacture of candles but also, and more importantly, for the preparation of foodstuffs.

As a further indication of the council's resolve to maintain low prices which would be within the purchasing power of the inhabitants,

a straight comparison of the prices set for ale, bread and tallow by the council in Glasgow with the assessments made by the councils in several other burghs suggests that prices in Glasgow did not rise so steeply as they did elsewhere. Due allowance must of course be made for regional variations, but equally there can be no doubt that the Glasgow area experienced similar economic difficulties to those which beset the country during the late sixteenth century. The extent of the local crisis can be judged from the measures which were required to cope with the swelling numbers of poor seeking alms in the burgh<sup>192</sup> and the fact that although prices in Glasgow did not rise so sharply as elsewhere or apparently match the escalating costs of raw materials, they nonetheless did rise appreciably.

However, by protecting the townspeople from rising costs, the council placed considerable pressure on the craftsmen who retailed in the goods which were subject to assessment and not surprisingly these men became increasingly frustrated with the merchant dominated council's pricing policies. This issue played an important part in the tensions evident during these years as the craftsmen sought a greater say in the governance of the burgh as the solution to their economic difficulties, an aim which was eventually realised in the reforms of 1605-1606. Evidence of this unrest is found in June 1595 when the craft deacons were ordered to report to the magistrates and council the names of 'every ane of thair craftis respectiue that salhappin to be insolent and trubleris of the quiyetnes of the towne', and in May 1600 when the deacons refused to agree to the alienation of certain common lands, despite the fact that they had raised no objections when similar proposals had been put to them in the late 1580s.<sup>193</sup>

Before leaving the subject of commodity assessments one other consumable was subject to price control in Glasgow, namely wine. Unlike ale, bread, tallow and candle this was not produced locally but imported from abroad. It was thus the concern not of the craftsmen but of the merchants and as its supply was irregular so too was its assessment. In February 1578 it was stipulated that the pint of wine was to be sold for no dearer than 3s 4d.<sup>194</sup> It is noteworthy that transgressors of this act were liable to far heavier fines than those who broke the

statutes relating to essential foodstuffs. Thus, if ale or bread were sold for dearer than their assessed prices the penalty was 8s for the first fault<sup>195</sup> (increased to 16s in 1584)<sup>196</sup> but the penalty for infringement of the wine statute was £5, rising to £10 for the second fault and confiscation of the hogshead from which the offending pint was sold for the third fault. These relatively severe penalties no doubt reflected the fact that wine was consumed by the wealthier members of the community who would be less than sympathetic to overpricing by their merchant colleagues and who, as the burgh's law makers, were in an ideal position to ensure that such practices were actively discouraged. Nonetheless at least one infringement of this wine statute occurred during this period. In December 1580 four leading merchants (Hector Stewart, then bailie; Andrew Baillie, David Hall and Colin Campbell, all then councillors) were fined £10 each for 'contravening of the statut of the wyne in taking mair nor xliid ilk pynt'.<sup>197</sup> When the permissible price was raised from 3s 4d to 3s 6d is unknown. The only other wine statute during this period was passed in December 1583 when the price was reduced to 3s.<sup>198</sup> Nonetheless inflation does not distinguish between essential goods and luxuries and by 1597 the price of a pint of wine had increased more than threefold, to 10s.<sup>199</sup>

Besides regulating when and where produce was to be sold, how it was to be presented to market and at what price, the burgh statutes also contained provisions as to who was allowed to buy and sell. It is usually considered that commerce and trade were the preserves of the burgesses or freemen and were forbidden to the unprivileged, the unfree. However this is something of an over-simplification as closer examination of the statutes demonstrates. In particular, in October 1583, in view of the number of 'sindrie inhabitantes vnfremen and vtheris' resorting to the burgh and threatening the 'libertie of friemen within this towne', the provost bailies and council ordained that 'na vnfrepersoun within this towne be dispensit with for this present yeir to use and occupey thee libertie of ane freeman.'<sup>200</sup> This important act indicates that special licences must have been issued from time to time to allow certain unfreemen to trade within the burgh. Such exemptions almost certainly applied mainly, if not exclusively, to suppliers of food from the surrounding rural area. It was essential

to ensure food supplies and therefore to attract as many such victuallers to the burgh as possible. These men, bringing meal and dairy produce, paid the market tolls but could not be expected to afford to become freemen of the burghs they supplied. Consequently a licencing system was used.

However the statutes abound with references to the social status required to practice certain trades and the limitations set against unfreemen and outsiders. The annual statutes show that only freemen or their widows could brew ale, only baxters could bake bread and no unfreemen were to make candles for sale.<sup>201</sup> In order to reinforce the restriction of brewing to freemen, the sale of malt to unfreemen was discouraged by an annual statute which ordained that 'gif ony maltman sellis his malt to vnfre persones within the burght he sall nocht have to persew the samyn befor nowther provest nor baillies'; that is to say that if any dispute arose over such a sale, the maltman would have to pursue the debtor himself.<sup>202</sup>

The annual statute regulating the price of tallow forbad the sale of this raw material to 'outtintownes men'.<sup>203</sup> In 1575 this act was extended to include a prohibition on merchants and fleshers buying tallow, hides or skins 'witht st<sup>r</sup>angeris money or peneworthis vnder colour' and this statute now ordered burgesses dealing in these goods 'nowther to pak nor peill witht unfremen'.<sup>204</sup> This type of commerce was clearly the preserve of burgesses for the annual statute governing the presentation and sale of hides and skins included from 1575 onwards the threat of loss of burgess-ship, a penalty which obviously could not be used against unfreemen.<sup>205</sup> The same penalty was to be invoked against anyone contravening a statute issued in April 1580 regarding the bulk selling of salmon, indicating that this too was confined to burgesses.<sup>206</sup> Indeed both hides and salmon were staple goods, trading in which was reserved to certain burghs and their freemen burgesses,<sup>207</sup> and it is notable that several prosecutions before the Glasgow burgh court of transgressors of these regulations referred to this fact : for example, in November 1574 Andrew Clerk in Pollokshaws was fined for 'bying of hydes being staple guddis and he beyng unfre' and in July 1575 John Makilhatten was prosecuted for buying and selling salmon

'beyng staple guddis he beyng unfreman.' 208

In October 1577 an annual statute was introduced designed to regulate the land market. Burgh land markets were the places where unfree fleshers from the country were allowed to present their meat. However in Glasgow, to judge by the wording of this statute which forbad unfreemen 'to hawe ony stok thair' but nonetheless allowed freemen to have one 'flesche stok' each, the land market was for out of town fleshers who were burgesses of the town.<sup>209</sup> Out of town burgesses formed a third group (apart from burgesses and unfreemen). Although not dwelling within the boundaries of the burgh these men enjoyed the rights of burgh-ship but, to the annoyance of their town cousins, seemed to avoid the duties which were incumbent on burgesses; thus the 1574 annual statutes included an act reminding all such burgesses 'nocht duelland within the towne' of their fiscal obligations with respect to market dues.<sup>210</sup> Evidence for the friction which could arise between town burgesses and out of town burgesses is found in October 1578 when the burgh fleshers accused certain 'fleschouris and outintownes burgessis' of 'wrangous vsing of thair occupatioun within the fredome of this towne in slaying, hinging and selling flesche in all respectis as thai do, albeit thai duell nocht within the towne'. The accused men asserted that they were free to practise their trade because 'thai ar fremen and hes payit thair stentis quhen thai occurrit.' This view was upheld by the magistrates and council who confirmed by a statute that 'ony outintownes burges that payis stentis maye slay thair flesche withtin the towne.' This act further stipulated that these men were to present their meat as whole carcasses at 10 a.m. 'owther be hinging on treis or lying on hors bakis,' presumably at the land market.<sup>211</sup>

The marketing regulations regarding free and unfree traders were obviously complicated, and a measure of their complexity and the concern they raised can be gained from a special statute of 28 October 1584 passed at Glasgow by the bailies and council in the presence of William Houstoun commissioner from Dumbarton. Referring to a previous meeting at Kilpatrick between the two burghs 'tucheing ordour taking with infre pakeris and pularis', it was resolved that prior to approaching Parliament for assistance, the two parties would 'seik out' all acts of

Parliament made in favour of their burghs against unfree traders, and also 'vther particular commissioun[s] to baith the burrois and to unfrie pakeris and pelaris as may be purchast and haid.'<sup>212</sup> Clearly the trading laws were being circumvented not just by smuggling but also through the purchase of licences.

The statutes also included provisions designed to ensure that the regulations regarding trading and the markets were obeyed. Attention has already been drawn to the appointment of tasters whose task it was to inspect the quality and price of ale and 'quha brewis that are unfre', as also the role of the deacons of the baxters in examining the quality of bread.<sup>213</sup> In addition market inspectors were appointed. At Michaelmas 1574 it was ordained that one of the councillors, accompanied by an officer, was to visit the meal market every Monday and Friday 'ouklie about', and two men (neither of them councillors) were specifically appointed to inspect the corn market. The bailies were to visit the rest of the markets. Inspectors of the corn market were again appointed in 1577 and 1581, although on the latter occasion no names were entered in the act book.<sup>214</sup> Meanwhile it is evident that supervision of the meal market passed to the bailies and the officers for in 1575 it was ordained that the bailies were to 'visie and sicht the mercatis of butter, cheis, mele, beir and wtheris be thair awne presens and thair officiariis that the haill statutis be obseruit.'<sup>215</sup> However the presence of the officers appears to have caused difficulties; the versions of this statute issued in 1576 and 1577 stipulated that inspections were to be carried out by the bailies alone,<sup>216</sup> although this was relaxed in 1578 and 1579 to the effect that 'na officiare enter in the mercattis for viseing thairof bot that thair be ane baillie wicht him.'<sup>217</sup> It may also be noted that from 1576 onwards this act not only enjoined the bailies to see to it that the market statutes were enforced but also instructed them to ensure that 'all the statutis above written be keipit in all poyntis'; that is to say all of the annual statutes, not just those which related to trading.<sup>218</sup> However after 1579 this clause and indeed all mention of the bailies and officers market inspections were dropped from the annual statutes, though there can be little doubt that these men continued to exercise these functions since, as has already been argued, the omission of an annual statute



can not be regarded as being equivalent to its abrogation.<sup>219</sup> The only other piece of legislation passed during these years with respect to the supervision of markets was a statute issued in February 1585 which reinstituted the inspection of the meal markets by councillors ('on ane owik'), their task being to 'serce the meill for rubberis' and thereby remedy 'the grite abuse of the meill marcat'.<sup>220</sup> Presumably this was to supplement the continuing inspections by the bailies of the other markets.

The statutes relating to the burgh's markets form the largest group of enactments and were designed to protect the economy of the town. The acts concerned with the preservation of the burgh's loans and common lands (the arable terra campestris and the terra communis or waste land which was used for pasturage, timber and fuel)<sup>221</sup> and the burgh's livestock may be regarded in a similar light. Their underlying aim was to preserve basic resources of the burgh which were sources of livelihood for the townspeople.

The loans were the common pathways leading from the streets of the burgh to the pasturage. They were supposed to be kept clear and well delineated so that livestock being led to pasture did not stray across the adjoining arable rigs of the burgesses. Nonetheless the faults given up by the outlandmen each year at the annual Whitsun perambulation of the burgh's marches show that the common loans (and the other communal burgh lands) were frequently encroached upon by burgesses eager to make additions to their strips of arable land. For example, among fourteen faults reported at the Whitsuncourt of 1 June 1574 it was reported that Thomas Glen, baxter, had 'dyminissit the commone lone passand fra Gaddis brig and hes sett furtht his dyik and sawine vpon the commone thre or four ellis or thairby.'<sup>222</sup> The burgh authorities took action from time to time to counter these encroachments, not only by fining the offenders but by setting up special working parties to deal with the problem. Thus, in March 1574 the bailies and five others were ordered 'to visie the lonys that the samyn be nocht diminisit'.<sup>223</sup> In 1576 at the Whitsun court the provost, bailies and council 'for remeid putting to the diminisyng of the commoun lonis' ordained that the bailies, liners and a group of men were to inspect them 'and to that effect ... begin the sychtin thairof on Weddnisday nixt and sua furthe daylie or at sic

tymes as thay pleis quhill performyng thair of'.<sup>224</sup> The ineffectiveness of this legislation is borne out by its repetition at the Whitsun court of June 1582 when it was ordained that visitors were to be appointed to 'visie the haill lonis and to sie thame reformat and mendit and stanis infixit be the possessouris [i.e. neighbouring rig owners] and this to be dewysit by the counsall.'<sup>225</sup>

A far more serious problem was the diminution of the common pastoral lands, either by the action of private individuals or through the activities of the ruling group in the burgh. As a reflection of the communal nature of this property, several of the statutes issued on this subject were passed in the presence of the community or the deacons. At the Summerhill court held on 20 June 1574 following 'the complaynt maid be the communitie that certane induellaris of the town castis the muir and flayis vp the samyn as thai pleis and als mekle as thai think, nocht regardand the incommodite that sallcum thairto in tyme cuming', the bailies, council and 'haill communitie present' ordained by statute that it would not be permissible for freemen to take up more than two 'daywerk of turfis' per annum. Unfreemen were to be restricted to one day and the penalty in both cases for infringement was set at 40s each fault. Furthermore 'unfre folk, servandis nor wtheris' were forbidden to collect turfs and peat from the commons unless they were 'conducit of befoir be fremen'. Here the penalty was set at 20s for the first fault and banishment for any subsequent transgression.<sup>226</sup> Banishment for infringement of a statute was unusual and the acts relating to the protection of the common lands were among the few to carry this severe penalty.

The most important statute of this period regarding the burgh's pasturage was issued at a special convention held at the Blackfriars kirk on 21 June 1576, in response to a petition presented by the community complaining about the council's policy of alienating such land. This convention has already been discussed in the context of the politics of the period and the information which it provides regarding the decision making process within the burgh,<sup>227</sup> but the tenor of the relevant minute also shows the importance of these lands to the community. The petition asserted that, despite an agreement reached at the Summerhill court in 1568 that only ground unsuitable for pasture was

to be disposed of, the magistrates and council had, without consultation, feued several areas 'quhilk wes nocht to be sparit, for halding of our guddis and the pure of the towne' and that the beneficiaries had been 'sum particularis' of the provost, bailies and certain councillors. The supplication continued that if the practice did not cease the petitioners would 'want the pasturing of guddis for the sustening of our babies'. In response the provost, bailies, council, deacons and community, 'in respect that thair commoune muris yit left wndelt and set furthe will scarslie serve the touneschip for halding of thair guddis and furnesing fewall', ordained that no further alienations were to take place.<sup>228</sup> This ban was supposed to be indefinite but it was ignored when, in the late 1580s, it became necessary to alienate further common lands so as to raise funds for the purchase of Archibald Lyon's mill on the Kelvin.<sup>229</sup>

Protection of the burgesses' strips of arable land from the twin threats of incursions by livestock and damage by individuals formed the subject of several statutes. At the same time as the act on collecting turfs was passed at the Summerhill court of June 1574, it was also enacted that, 'for the evadying eyting and destruction of cornes', if any horses or other animals were found 'all nycht furtht of houssis in ony persones scaytht on thair stuff', the owner of the offending animal was to be fined 20s. Furthermore any 'wyfe, hussy or wther persoun' found 'amang growand stuff' was to be confined in 'the thevis hoill viii dayis' for the first fault and banished if they committed the offence again.<sup>230</sup> The severity of this act is notable but it appears to have been relaxed when in May 1577 a new statute was passed which ordained that anyone 'found in wther menis stuff powand thirsillis or ony wther wedis but thair leif' was merely to be put in the stocks at the market cross for twenty-four hours.<sup>231</sup> These measures were aimed at the poor rooting for food among the burgesses' crops, a practice which would obviously become more prevalent during times of scarcity. 1577 proved to be a bad harvest year<sup>232</sup> and by the autumn the authorities could no longer afford to be lenient in dealing with this problem. The annual statutes issued that Michaelmas included a revised version of the act of May 1577 which stipulated that 'nane pull stibillis furtht of ony landis about the toun' under pain of banishment for the first fault, an

unusually severe measure. Indicative of the magistrates' realisation that rigorous controls were required to protect the burgh's food supply, three other new annual statutes were introduced at Michaelmas 1577. Swine and geese were to be held indoors and it was likewise forbidden to pasture sheep among the 'burro rudis'. The latter measure particularly exhorted the poinder to 'exerce this statut vndir the pane of depriuatioun of his office.' The remaining new statute concerned the town's herdsman whose task was to ensure that the burgesses' cattle grazed on the burgh's pasturage and did not stray on to the arable plots. This act stipulated that 'it sall nocht be lefull to nowther fre nor vnfre to hald by hirsalis [i.e., to keep back livestock from the herdsman] ... nor yit to thehirdis to gif vp the keeping of the guddis [i.e., to release livestock to pasture freely] quhill all the stuff [i.e. the harvest] be innit.' <sup>233</sup>

At this juncture it is appropriate to examine the role of the herdsman. Two were employed each year, one for the 'ovirtoun' (the area north of the Cross) and one for the 'nethirtoun' (the area south of the Cross). <sup>234</sup> It is apparent, both from the statute quoted above and the minute of their appointment in 1585, that they carried out their duties 'quhill all hervist be dole.' <sup>235</sup> During the 1570s they received a fee from the common good but it would appear that this practice ceased thereafter <sup>236</sup> and that instead they began to collect their fees on a pro rata basis from the burgesses whose cattle they tended. In 1582 it was ordered that the herdsman were to receive the 'lades', <sup>237</sup> a phrase which suggests instruments for measuring corn and that fees were paid in kind, but in 1600 (if not before) a money payment was introduced; in March of that year it was ordained that the herdsman were to charge 10s per annum for looking after an unfreeman's cow and 4s per annum for a freeman's cow as well as 'the rest of the causaliteis that thai had of befor,' presumably the ladle dues recorded in 1582. <sup>238</sup>

While the office of herdsman appears to have been well established by the beginning of the period under consideration, the office of calf herd was a new development. This was instituted by a statute passed at the Summerhill meeting of June 1576 and this official's remit was 'tokeip

the calfis wpone the Grein furthe of scaythe wtherwayis gif thai be fundin in scaythe to be pundit', and to this end it was ordered that a pend was to be constructed at the Broomielaw to hold these animals.<sup>239</sup> No appointment was recorded however until 9 May 1578 when Archibald Johnstone was chosen calf herd. The minute provides further details as to this official's terms of reference and the means of his remuneration. Johnstone was to have 'meit and drink daylie about of thame that hes the calfis togidder witht vjd. for ilk ane that hes the samyn, and siclyk fra thame that hes land besid the Greyne for keiping of thair cornes.' He was to have powers to poind 'for ky or greit stirkis' (i.e. bullocks or heifers between one and two years old) and was to see that no horses were to be allowed on the Green unless they were properly tethered.<sup>240</sup> Appointments to this post were not recorded after 1581 and it is possible that the calf herd's functions were thereafter taken over by the herdsmen for the statute of March 1600 setting out the fees which they could collect added that 'ilk tua yeir auld quoy' was to be charged on the same basis as an adult cow.<sup>241</sup>

The fact that the authorities saw fit to introduce this new post during the 1570s testifies to their concern that the burgh's crops should be protected from unnecessary damage caused by straying livestock. Furthermore the four new annual statutes introduced at Michaelmas 1577 (those regarding the prosecution of individuals damaging crops and the control of swine, geese, sheep and cattle)<sup>242</sup> were reiterated each subsequent year. The only alterations to these acts occurred in 1582 with the combination of the acts regarding the control of cattle and the pulling of 'stibillis' (with the implication that anyone who failed to hand over livestock for pasturing to the herdsmen now faced banishment for the first offence rather than, as previously, a fine)<sup>243</sup> and the addition to this statute in 1584 of a clause to the effect that no horse was to be pastured 'about the towne in tyme of gers and corne without ane keipar'. If any horse was found among another man's crop, the horse's owner was to pay 8s to the owner of the corn for damages, and 8s to the bailies. This new clause was to be observed from the last day of March to the last day of September each year.<sup>244</sup>

It is in this same context, the protection of the burgh's arable lands, that a statute passed on 17 August 1583 may be considered.

Having noted that 'the harvest approchis and that in this burgh and about the samyne thay ar na small nomer of idle persownes that waittis and dependis onlie upoun rubrie and distroying of cornis', the bailies and council ordered that none of these people were to be allowed to remain in the burgh 'bot sike as will ressave hyire and meit for schering bynding and wther hervist labouring.' None were to be allowed to 'gaddir in the hervest fields' unless their parents had been hired. On the one hand this act discouraged vagrants, but it also strove to ensure that there would be an adequate supply of labour available in the burgh. No 'scheraris nor labouraris duelland within this towne this yeir bigane' were to leave the burgh during harvest time to seek employment elsewhere under pain of banishment.<sup>245</sup>

Communal labour was undertaken by the indwellers of the burgh, every man being obliged to work for a set number of days each year. Thus in May 1577 a statute was passed ordering those individuals who had recently received feus of common lands in Garngadhill and Gallowmuir 'to furneis thair daye workis conforme to thair infeftiments to the commowne work of the towne' or pay for each day's work not undertaken a commutation set at 6s 8d.<sup>246</sup> Though every indweller was bound to do communal labour it seems certain that many avoided this irksome task by paying such a fine. A similar act was passed in 1597 by which time the commutation had risen to 10s per day.<sup>247</sup> It is clear from this later statute that communal labour was supervised by the master of work, who also organised the burgh's work force of labourers and quarriers, men who were drawn from the unfree population of the town. They were employed on a variety of public works, such as the maintenance of buildings or the construction of the 'calsay' (or street paving), projects which demanded the existence of a larger and more reliable supply of labour than could be guaranteed under the communal labour system. Nonetheless it cannot be doubted that communal labour provided a useful reserve pool, both for public works and also for the vital tasks of gathering in the harvest and fuel for the winter.<sup>248</sup>

The magistrates and council therefore issued statutes which were designed to preserve the burgh's pastoral and arable lands and ensure the availability of an adequate work force for their exploitation. They were also concerned with the health and condition of the town's

livestock. In January 1575 an act was passed which ordained that no one was to 'hald scabbit or fairisy hors within the towne to resort among wtheris bot owther to hald thame within thair awin houssis or ellis put thame furtht of the towne in tyme cuming.'<sup>249</sup> The penalty was set at £5 each fault; though not so severe as banishment this was nonetheless a high level of fine compared to the 8s amercement usually levied on infringers of the market statutes. This was not a new statute but a re-enactment of an existing bye-law, for the very first entry in the surviving act books, a minute of the Yule head court of January 1574, lists persons possessing 'scabbit hors' who were to be 'warnit to the nixt court to heir thame decernit to be handillit conforme to the auld statutis maid anent scab and fairisy.'<sup>250</sup> Subsequent head court minutes record similar prosecutions, showing that the protection of livestock from diseased animals was a continuing concern of the burgh council and magistrates.

While the acts controlling the burgh's markets and common lands demonstrate the authorities concern to preserve the town's economic resources, the next block of statutes shows that welfare was recognised as part of the local authority's responsibility in the late sixteenth century. This fifth group comprises those measures which were issued to deal with nuisances and public health matters.

Each year the Michaelmas statutes included an act which ordered that 'thair be na myddynnys laid vpon the foirgate nor yit on the greyn and that na fleschouris teyme thair vschawis vpon the foirgate ... and that na stanes nor tymmer ly on the gate langir nor yeir and daye vnder the pane of escheting of thame.'<sup>251</sup> The sanitary conditions of towns in this period (and even later) left a lot to be desired but it did not go unnoticed by contemporaries. Gilbert Skeyne, writing in 1568 on the scourge of the plague in Scottish towns, commented on the 'stinkand corruptioun and filth quhilkis occupeis the commune streittis and gaittis'<sup>252</sup> made up of rotting foodstuffs and human and animal ordure. The annual repetition of the act against rubbish being left on the streets of Glasgow indicates that while the authorities appreciated the problem the townsfolk were at best indifferent and probably ignored this measure and a statute of June 1578 which ordered that 'the haill myddynnys be remowit of the hie gait and that nane sraip on the hie gait.'<sup>253</sup>

Another problem was the fleshers' practice of hamstringing livestock bound for market in the public streets of the burgh. From 1578 onwards the annual statute regulating the price of tallow included a clause which ordered that 'na ky be hocht [i.e., hamstrung] on the hie gait for bluid lying thairon.'<sup>254</sup> The fact that this injunction was repeated every year suggests that this act also tended to be flouted.

The water supply of the burgh was derived partly from wells and partly from various burns and the river. The accounts refer to several wells in the town, including those at Deanside, Wyndhead and Greyfriars.<sup>255</sup> To mark the opening of a new common well in the Gallowgate a statute was passed in September 1575 regulating its hours of opening and appointing a keeper of the well who was to have custody of its key, necessary to prevent its pollution.<sup>256</sup> Pollution of the Molendinar burn had become a serious problem by 1581 because of the activities of the small tanneries along its banks. In that year a new annual statute appeared which aimed to remedy this abuse, and the penalties to be invoked were sufficiently severe. No 'hydis, skynnis, ischewis nor na other filthie thingis' were to be washed in the burn under the pain of 8s the first fault, confiscation of the goods concerned for the second fault and, for the third, 'the pane of warding and punesing of thair persones and guddis at the prouiest, baillies and counsallis will.'<sup>257</sup>

Besides attempting to control nuisances, the magistrates and council were also concerned with minimising the spread of diseases. In this respect the burgh's employment of a surgeon may be noted.<sup>258</sup> He was probably primarily engaged to deal with injuries (for example in March 1581 Thomas Mylne, surgeon, received a burgess fine 'for his curing of Thomas Muir hurt in the townes besynes')<sup>259</sup> but it is likely that he also acted as a doctor, tending the sick. This appears to be confirmed by a minute of April 1596 which recorded the payment of a burgess fine to Alistair M'Caslan, surgeon, 'for his service done ... in curing of sindry puir anes in the towne.'<sup>260</sup>

Among the chronically sick whom the town surgeon may have cared for were those who suffered from leprosy, a disease which was endemic in this period. The burgh's policy was to isolate lepers at St. Ninian's hospital which was situated at the south end of the bridge close to the



village of Gorbals. This institution probably dated from the fifteenth century and prior to the Reformation seems to have been controlled by the church; thereafter, although the kirk session had some interest in its upkeep and although the burgh council was not formally vested with its properties until 1636, it is clear that the management of the hospital was conducted by the burgh administration in the person of the water bailie.<sup>261</sup> Cases were reported to the head courts by the officers and the water bailie and the victims were ordered to repair to the hospital under threat of banishment.<sup>262</sup> The pain of separation and isolation was evidently too much for some to bear, for in May 1582 a statute had to be issued against 'lippir folkis quha, contemptiatlie contrair the auncient statutis of the toun, repairis thairin', it being noted that some had 'speciall freindis within the toun quha resavis thame and gifis thame intertinement.' To avoid infection it was ordained that 'the auncient aith' taken by victims was to be observed, that 'thay repair bot twa dayis in the oulk and that in quiet and secreit maner'. Presumably the purpose of these days out was to allow exercise and nothing more for it was expressly forbidden that 'ony of thair friendis resavis thame in thair houssis.'<sup>263</sup> Regulations issued in October 1605 provide more detail: the lepers were allowed to visit the burgh each Wednesday and Saturday between 10 a.m. and 2 p.m. but were to keep their distance from the townsfolk, being ordered to 'gang vpone the calsay syd with thair mussellis on thair faice, and clopperis.'<sup>264</sup>

A more serious problem was the 'pest', epidemics of which ravaged the country from time to time. The exact identity of the disease or diseases which occasioned these outbreaks is open to conjecture, but whether it was plague, typhus or smallpox there is no doubt that its eruptions struck terror in the hearts of countrymen and townsfolk alike. The measures taken to prevent the spread of infection were severe, yet probably ineffective owing to the limitations of medical knowledge and the appalling sanitary conditions prevalent in all communities and all walks of life. During the period under discussion the Glasgow magistrates and council twice had to take emergency action to combat the threat of plague, in 1574 and 1584-85.

In the late autumn of 1574 the pest broke out in Fife and around Edinburgh, the infection almost certainly having been brought to the country by shipping trading with the European continent. On 29 October the provost, bailies and council of Glasgow passed a series of twelve special statutes designed 'for awaye halding and preseruacion of this gud town' from the disease.<sup>265</sup> The first statute forbad any contact with traders from Leith, Kirkcaldy, Dysart and Burntisland 'quhilkis are ellis infectit and suspect of the said pest' or with any 'townes or placeis that heireftir sall be suspect or fylit.' The penalty for ignoring this order was to be death ('under the pain of deid'), underlining the gravity of the situation. In Edinburgh only the Bells Wynd district was then infected and the second statute allowed passage to and from the capital, but only if a testimonial was obtained from the bailies of that burgh testifying that the persons concerned 'haue nocht hantit nor trafficque with suspect persones.' The same rule was to apply to all persons coming from any other 'vnsuspect place', under pain of a fine of £10. In addition if any person from Glasgow travelled to an infected area and brought back goods 'quhairthrow any infectioun salhappin to cum in this town' and did not produce a sufficient certificate from the authorities of that place, the goods were to be escheated and the culprit executed.

The third act sought to control the entry of strangers to the burgh. They were not to be received in houses unless they had first reported to the magistrates or their 'deputtis' and produced testimonials 'that it maye be knawin quhairfra thai come'. No one was to receive a stranger 'that cumis about the toune or att thair backyardis', all inhabitants were to enter or leave the burgh by the ports and 'foirgate', and each inhabitant was ordered to close his yard ends, 'as he will ansuer on his lyf'. If anyone was found trying to enter the burgh secretly, he was to be 'handilit as suspect persoun.' By the fourth act inhabitants living beyond the ports were forbidden to receive strangers without licence from the provost and bailies or to take in goods turned away at ports. The fifth act dealt with travellers who, even if they came from uninfected areas, were to present testimonials from their native burgh, or from the minister of their parish if they were countrymen. All such certificates were to state 'the names of, number of the persones, quhairfra thai come, quhat tyme, to quhat purpos, quhat ladinnyng thai bring, how money hors.' If they

returned to the burgh they were to produce an endorsement 'berand quhen and quhair he sauld his ladinnyng'.

Control of the fish market formed the subject of the next enactment. Visitors of the bridge and water were appointed, whose task it was to inspect the bridge and river twice a day and ensure that no out of town men bought or sold herring unless licensed to do so. Aware that this stricture would not please the local gentry a further clause added that gentlemen could 'cum thameselfis, bot in cais gentill men of hiar degree sick as erle lord barrown desyris', they were to be permitted to send one of their household servants to buy the fish.

At the other end of the social scale were 'pyparis, fidleris, menstrales or ony wther vagabundis' who were to leave the burgh (unless given special licence to do otherwise) under the pain of banishment and scourging. 'Pure commone beggaris' were also to leave unless they had been born 'within burght and parochin or hes bene lang within the samyn'. Those ordered to leave were to do so within twenty-four hours 'vnder the pane of burnyng on the cheik'; those allowed to remain were to go to the tolbooth in the morning to obtain their 'merkis' (which allowed them to beg) but were forbidden to then leave the burgh. If any of these licensed beggars did leave and then came back to the burgh, they would lose their 'merkis' and be banished.

The next statute appointed searchers and visitors, 'ilk ane in the gaittis quhair thai duell' whose task it was to 'pas twys on the daye throcht the gait apoyntit to thame, viz in the mornyng and evinnyng, and visie and inquirye of ilk hous that nane be seik.' For these door-to-door inspections the burgh was to be split into seven areas: Rottenrow, Drygate and Wyndhead (four searchers); Wyndhead to Blackfriars (four); Blackfriars to the Cross (four); Trongate and Gallowgate (six); the Cross to the Barrasyet (four); the Barrasyet to the Bridge (four); and Stockwell 'and about' (two). In addition two visitors were appointed to 'sicht all deid persones or thai be wyndit', namely John Watson elder and Besse Wrycht (the sole example of a female 'official'). The same statute stipulated that if anyone fell sick, the master of the house was immediately to inform the searchers and show them the invalid 'that thai maye be sichtit'. Similarly, if anyone died John Watson and Besse Wrycht were to be informed and shown the corpse. The ninth statute ordered

that the searchers and visitors were to be strictly obeyed.

The three remaining statutes issued in October 1574 were concerned, like those at the beginning of the series, with the control of population movement. Keepers were appointed to guard the Stablegreen, Trongate, South and Gallowgate ports during the day. Each evening the keys were to be delivered to one of the bailies. All other exits were to be closed. The Rottenrow, Drygate and Greyfriars ports were to be immediately shut up and the keys given to the bailies, and similarly the Schoolhouse Wynd and all other side streets, or vennels, were to be 'simpliciter condampnit and stekit up.'

The effectiveness of these measures is difficult to judge. However the accounts for 1574-75, besides recording expenditure on providing 'merkis' to the poor 'the tyme of pest' (7s) and the cost of 'making wp of the haill portis of the towne the tyme that the pest wes eist and ... keyping of the portis to the portaris ane greit space' (c£66), included a disbursement of 5s to James Speir, poinder, 'for erdyng of ane boye that deit in the lonyng.'<sup>266</sup> Otherwise the minutes are silent on the subject, and it can only be presumed that the onslaught, when it came, was contained.

In the 1580s the pestilence returned to Scotland. Between 1584 and 1588 epidemics are believed to have killed 1400 people in Edinburgh, 1400 in Perth, over 400 in St. Andrews and 300 in Kirkcaldy. The previous pattern was repeated, the infection striking the eastern coastal ports first and then spreading inland. In its move westwards it lost some of its virulence. Nonetheless it had reached Johnstone by May 1585 and Ayr by June.<sup>267</sup>

In the previous autumn the authorities in Glasgow had taken steps to protect the town from the disease. On 28 September 1584 the bailies and council, 'eftir wechtie consideratioun ... tuiching the pest and quhow the samyne inccressis in the partis of Fyif and specealie on the coist side' passed a statute which embraced many of the points included in the legislation of 1574. There was to be no trafficking whatsoever with people from Fife; traders from Perth and Stirling would be permitted entry to Glasgow, but only if they had 'ane sufficient and autentik testimoniall of thair burghis'; no one was to receive people

from suspect places under pain of banishment from the burgh forever; entry to the burgh was only permissible through the ports and if anyone disobeyed this rule the penalty was imprisonment and burning of the person's goods. The same statute made arrangements for the keeping of the ports at the castle, the high kirk, the Gallowgate and Trongate, together with the Stockwell 'heid' and the green. In the case of the Drygate and Rottenrow ports, these were to be guarded until 'the stufe be in and ferdar ordour be tane'. Presumably they were to be closed after the harvest and only the other ports used thereafter, these being opened at 6 a.m. and shut at 6 p.m. These arrangements were to be supervised by 'ilk baillie in thair awin quarteris'.<sup>268</sup>

This is the only reference during the 1570s and 1580s to administrative districts in the burgh under the supervision of individual bailies. The casual wording suggests that such a system already existed. Yet it is possible that this was a temporary measure adopted in response to the crisis, for ten years later a statute was issued which would seem to mark the introduction of administrative wards on a more permanent basis. On 19 October 1594 it was decreed that 'the town salbe deltt in quarteris, viz. in four quarteris, and ilk baillie to exerce the statutes of the towne for thair awin partis of ilk ane of thair awin quarteris this yeir'. Lots were cast and each of the four bailies then in office was assigned a district, the burgh being quartered across the axes formed by the streets leading away from the Cross.<sup>269</sup> Four bailies were appointed each year between 1593 and 1596 but thereafter the more usual number of three was reverted to and it is to be presumed that the administrative wards were accordingly redrawn, though this can not be confirmed from the surviving minutes.<sup>270</sup>

Returning to the measures adopted against the threat of plague in the autumn of 1584, following the statute promulgated on 28 September two further acts were issued the next day. The first decreed that all inhabitants, 'merchand, craftismen and vtheris' leaving the burgh were to inform the bailies and obtain a testimonial from the town clerk. On their return they were to present a certificate 'out of the place quhairfra thay come' and if anyone disobeyed these orders they were to be banished from the burgh for a year and a day and their houses closed up.

The second act appointed quartermasters to 'attend to the yaird endis, bakyettis and priwie entressis ... and ferdar to aduerteis the baillies of all sik personis within thair boundis'. Two men were appointed to the Rottenrow, two to the Drygate, four to the Wyndhead - Blackfriars area, seven to the area between Blackfriars and the Cross, twelve to the Gallowgate - Trongate area, two to Stockwell and seven each to the areas between the Cross and the Barrasyet and the Barrasyet and the Bridge.<sup>271</sup>

At the Michaelmas head court held on 13 October 1584 the magistrates and council 'mowit upoun vechtie consideratioun of the pest and that danger may recur unto thair towne throw Lowikis fair quhilk approachis' ordered that no one attending this fair was to be allowed to enter Glasgow without a testimonial, and that no indwellers of the burgh itself were to go to the fair 'undir the pane of banischeing the toun for yeir and day with thair famileis.' In addition the opportunity was taken to ratify the statute issued on 29 September 'anent thee inhabitantis of this toun anent thair departing of this toun by thair knowledge and without testimoniall.'<sup>272</sup>

Three days later a statute was passed ordering 'all oncowthe strangeris' to be banished from the town, a measure aimed at vagabonds but no doubt stimulated by the threat of the spread of pestilence. The same act ordered four individuals who had all been cited as lepers at the earlier head court 'to retein thame selfis withe thair awin housis'. Two women, probably also lepers, were ordered to go to the hospital at the south end of the bridge.<sup>273</sup>

To judge by payments in the accounts to keepers of the ports the initial crisis was shortlived, lasting from mid-August to late October 1584.<sup>274</sup> However a prosecution was brought against William Gilmour in January 1585 for contravening the plague statutes 'and specialie for bying and blocking and interchanging with traffiquers of the eist side of fyif.' Gilmour was banished for a year and one day by the magistrates and council 'and ferdar induring thair willis'. If he returned without permission he was to be put in ward until he paid £100. John Gemmill who 'was ane persuader of the said William' was banished 'induring their willis', it also being stipulated that in his banishment he was not to go to the east of Scotland or any suspect

place under the pain of banishment for ever.<sup>275</sup> Thus, despite the evidence of the common good accounts, the threat of an epidemic continued to be taken seriously. In July 1585 a statute was passed relating to the Greyfriars port, which it seems had been shut up. This act gave a special licence to William Harvie and eight others to use the port but in return they were to ensure that no one else entered or left the burgh by that route. Failure to ensure this would incur a fine of £5 and, for the second fault, banishment. Harvie and his associates were only to use this port between 5 a.m. and 7 p.m., at which time they were to deliver the key to, presumably, a burgh official 'to be kept.'<sup>276</sup>

By Michaelmas 1585 the situation appears to have worsened. Instead of four officers, six were appointed, 'becaus of the pest'.<sup>277</sup> Furthermore the annual statutes were continued from the previous year en bloc because of the 'perrell and suspicioun of this present plage'. Nonetheless one statute was enacted, reiterating the previous injunctions against people leaving the burgh without permission. Indeed the tenor of this act seems to imply that there had been a sizeable migration which in turn would indicate that the plague was rife within the burgh. Having noted that 'divers and sindrie the comburgessis and inhabitantis of this toun ar depertit and left the toun' but that these people having traded elsewhere might return bringing disease with them, it was ordained that the names of all the people 'quha hes depertit or ar to depert ... with thair wyiffis and barnis' were to be taken up and registered by the quartermasters. None were to be permitted to return to the burgh unless they could supply a certificate stating 'quhair thai haif bene sen thair passing out of this toun, quhat hes bene thair tred and traffique sensyne.' It was to be at the discretion of the magistrates and council whether such people were to be 'resavit' or 'debarrit.'<sup>278</sup>

Whereas there is little in the records to indicate the extent to which Glasgow was troubled by the plague in 1574, it is clear that in 1585 the epidemic did reach the burgh. Attention has already been drawn to a contract, dated 6 September 1585, whereby the burgh borrowed 800 merks from Andrew Baillie secured against various land

rents so as to fund expenditure occasioned by the plague crisis.<sup>279</sup> The preamble to that document narrated that the money had been urgently required to provide for those families 'quha war viseit with the same [i.e. the plague] and put furth to the muir', otherwise 'deth wald als weill invales amangis the fairsaidis fameleis be famene as be the fairsaid plage of pest.'<sup>280</sup> This is the sole reference to the use in Glasgow at this time of a quarantine area for infected persons, a solution which it is known was also adopted by the authorities at Ayr. At that burgh inhabitants suffering from the plague were exiled to the 'foul mure', a grim encampment on the Burrowfield where wooden 'ludges' were built to house the sick and 'foull clengers' (special appointees, drawn probably from the poor) were employed to tend the victims and disinfect their goods and clothing.<sup>281</sup> In all probability similar arrangements obtained at Glasgow.

Further details of the impact of the plague in Glasgow in 1585 are obtained from two instruments relating to the affairs of John Wilson, pewterer and a former councillor. The first, a contract registered in the burgh act book on 9 December 1585, relates how he and his family were confined to their house because it was 'suspect of the pest' and he had accordingly constituted Archibald Wilson, merchant and also a councillor, as his procurator to resign into the hands of his daughter Margaret Wilson a tenement in Gallowgate. This transaction was motivated by 'fatherlie luif'; nonetheless there was the added stipulation that 'gif it pleisit god to spair the said John and continew him in this present lyif', so that he might otherwise provide for his daughter, 'in that cais the said mergrats infetment ... to be ineffectuall of na availl ... as gif the samyn had nevir bene maid.'<sup>282</sup> The second document was registered in the town clerk's protocol book two days later and recorded several infetments effected by Archibald Wilson on John Wilson's behalf, it being noted however that the sasines were given by the burgh bailie on the public street because access could not be had to the properties on account of the plague.<sup>283</sup>

No council records survive between April 1586 and October 1588 but it is clear that the plague continued to threaten the burgh in the latter half of the decade. In October 1588 several statutes were



passed 'in consideratioun of the apperant danger of the pest now in Paislay'. These were similar to those enacted in previous years : movement was restricted and steps taken to guard the ports. In March 1589 burgess fines were given to two men for the loss they had sustained, the one having had to burn down his house in the Rottenrow, the other having had his horse stolen while he was held 'as suspect of the pest.' <sup>284</sup>

In the first decade of the seventeenth century another plague epidemic broke out. Between June 1605 and September 1606 the Glasgow magistrates and council passed several acts in an attempt to prevent the disease reaching the burgh. As before injunctions were issued prohibiting contact with the infected areas : Lanark and Peebles (June 1605); Leith and Linlithgow (July 1605); Edinburgh and Leith (August 1605); Edinburgh and St. Andrews (June 1606).<sup>285</sup> Their efforts were unsuccessful. In September 1606 'tryell being tane of the seiknes in Archibald Muiris hous and Marioune Walker his mother and fund to be the plage' it was ordered 'to be askit of the said Marioune quha last frequentit with hir and quhat scheraris schewr with hir.' Measures were then taken to contain the outbreak, it being stipulated that all pets were to be confined indoors or killed and that any persons who disobeyed an order to confine themselves within their homes was 'to be haldin as pestiforus personis and transportit to the Muir with thair haill howshaldis and guidis.'<sup>286</sup> Although, as has been noted, it is known that the burgh's waste lands were used as a quarantine area in the 1580s,<sup>287</sup> this was the first statute to refer to this practice. Later in the same month another act was issued which provided for the maintenance of the poor 'that may happin to be inclosit or removeit to the Muir.' <sup>288</sup>

The plague would continue to ravage the populations of the towns and rural areas of Scotland until the 1650s. Nonetheless the preventative measures adopted by the authorities in Glasgow and elsewhere (quarantine, control of population movement, disinfection) began to have their effect and ensured that the visitation which struck London and several areas in England in 1665-66 did not pass north of the border.<sup>289</sup>

Akin to the steps taken to protect the town from plague were those statutes which related to civil defence. The burgh's ports, used to control access to the town in times of plague, were also an integral part of Glasgow's defence system during periods of civil strife, the more so since the town was not walled. During the crisis of May 1568, which culminated in the battle of Langside, and the subsequent civil war which raged between the supporters of the queen and those of the young king it is known that the burgh was from time to time threatened by marauding patrols<sup>290</sup> and the act books of this period (which are no longer extant) no doubt contained several statutes relating to the maintenance of the town's ports and the performance of the watch. Indicative of the uncertainties of these years was a letter sent by John earl of Mar (a supporter of the king) to the bailies and council of Glasgow on 3 April 1570, assuring them that they need not fear the activities of the Marian forces commanded by the earl of Argyll, then in the vicinity of the burgh; however he concluded by stating that

'gif thay wil mak to truble you without offence do the best ye can for your own safety and gif it comes to extremities you sal be assurit of assistance; in this mein tyme use your selfis als discreitlie and be circumspect for your own weillis and preservatioun.' <sup>291</sup>

By 1574 these troubles had subsided and for the first four years of the main period under consideration peace reigned. However in the spring of 1578 the regent Morton was deposed in a coup which brought the earls of Argyll and Atholl to power.<sup>292</sup> Their rule was short-lived and Morton regained control, but for a time there was the possibility of a return to civil strife. No doubt with a view to securing stability Glasgow (and presumably other burghs) was ordered to mount special watches, the common good accounts recording payments made in May and June 1578 to certain men 'for keeping of the stepill conforme to the kingis grace charge.' <sup>293</sup> The burgh authorities also took their own preventative measures. On 10 March 1578 the provost, bailies, council and deacons ordained that 'the act maid anent the hagbuttis be renewit.' All men of substance ('ewery ane substantious and habill man' - presumably the burgesses) were to have a firearm with sufficient powder and shot. Others were to provide themselves with 'ane lang

speir ... steilbonettis suord and bukler'. The deacons were instructed to supervise these arrangements among the craftsmen and to 'gif vp in ticat seuerallie how mony of the ane sort and how mony of the wther' there were, while the bailies were to oversee the merchants and the 'rest inhabitantis nocht haveand dekynniss,' and report back to the full council in ten days. At the same time it was ordered that 'the auld portis of the towne be reformit and mendit'.<sup>294</sup> On 21 March the provost, bailies, council and deacons reconvened and 'appoyntit thair wapinschawing according to thair statute to be on the daye of the Symmerhill nixt' and that all men were to appear armed 'as thai are commandit' (i.e. by the statute of 10 March), or be fined 20s.<sup>295</sup> The crisis passed, seemingly without incident. Indeed there is no further reference to either this wapinschaw or the Summerhill meeting of 1578 in the records.<sup>296</sup>

It is not clear how often wapinschaws were held. While it may have been the original intention that these be annual events they appear to have been less regular by the 1570s. Certainly they were rarely mentioned in the records. It is known that one was held on 10 October 1575 because at the Michaelmas head court held on the next day, two fleshers were fined for absenting themselves 'fra the generall wapynschawing haldin on the Greyne'.<sup>297</sup> A reference in the accounts to wine and bread given to Robert earl of Lennox, the provost, 'on the greyn on horsback on Vitsontysdaye 1579' may refer to a wapinschaw but this is conjectural.<sup>298</sup>

The accounts also include references to powder being provided to the 'young men' or local militia during the crisis of March 1578,<sup>299</sup> and they were also involved in the siege of Hamilton one year later, an incident which was occasioned by the regent Morton's determination to break the power of the Hamilton family.<sup>300</sup> The precise identity of these 'young men' and their mode of organisation remain something of a mystery, but a statute passed on 27 July 1582 discloses that the burgh possessed banners and a provision of weapons. On that occasion it was ordained that 'the anseinyeis of the toun, ane or maa, with the palyeoun and wther lyk ordinances perteing to the commowne-schipe of Glasgow in commown for weirfair' were to be delivered to the incoming

bailies each year on their election, for safekeeping.<sup>301</sup>

Apart from protecting the burgh from external threats, the magistrates and council were also concerned with the preservation of the king's peace within the burgh. It is thus appropriate to consider the statutes relating to the maintenance of law and order alongside the burgh's civil defence measures.

The burgesses were obliged by their oath of admission to undertake watch and ward (or the policing of the burgh).<sup>302</sup> The only indication that performance of these duties was expected during the main period under discussion is found in July 1577 when six tailors were found guilty of having refused to appear 'armit to haif keipit the tolbuitht stair';<sup>303</sup> otherwise it would appear that the policing of the burgh was left to the officers, there being no references to watch during the 1570s and 1580s. However in March 1595 a statute was issued which appears to have reintroduced a systematic watch : eight persons (two each at the Wyndhead, Blackfriars, the Cross and the Nether Barrasyet) were to 'put thame selffis in armour sufficientlie' and patrol the streets at night with powers to apprehend 'the nycht walkeris' and 'sers houssis suspect, and gif thai refuis to oppin the durris to brek the same.' Presumably the appointees, who were to be chosen by 'ilk baillie within thair quarter', were drawn on rotation from the burgh community.<sup>304</sup>

A time of potential disturbance was the annual fair, held in July and proclaimed at the Craigmak court on the fair eve. Proclamation of the fair was made by the mair of fee (a regality official) at the Green and by a burgh officer at the Cross, and this pronouncement made in the king's name 'and in name and behalf of the proveist and baillie of the baronie and in name of the baillies of this toun' may be considered as one of the bye-laws or statutes enforced by the burgh authorities, though it was never referred to as such. It ordered that

'nane of oure Souerane Lordis legis cumand to this fair  
reparing thairin gangand thairfra do ony hurt or  
trublenis ane to ane vther for auld dett or new dett,  
auld feid or new feid, bot leif peceablie and vse  
thair merchandice and eschange vnder Goddis pece and

our Souerane lordis protectioun, under all hiest pane  
and charge that may be impvt to thame doand in the  
contrare and to be callit and accusit for breking the  
Kingis Maiesteis pece and troublance of his hienes  
mercatt.'

<sup>305</sup>

Nonetheless these strictures can not have been fully observed, as the magistrates and council found it necessary to take further precautions. Thus, on 6 July 1574 at the Craigmak court it was ordained that every booth holder was to keep in readiness at his stall 'ane halbert, jak and steilbonet for eschewyng of sick inconuenientis that may happin conforme to the auld statute maid thairanent.'

<sup>306</sup>

In arming the inhabitants the magistrates hoped to prevent trouble, the source of which was expected to be the strangers who would be attracted to the fair. However these arrangements could back-fire, as occurred in 1583. On 6 July, the eve of the fair, a wapinschaw was held at which a tumult broke out between the merchants and craftsmen 'concernyng their ranking and placeing thame-selfis in tyme of mustouris'. This incident has already been fully discussed but among the measures taken in consequence of the riot was a special statute issued the next day whereby anyone who broke the peace would be fined £100 and banished, and the act of July 1574 (quoted above) was suspended : 'ordanis euirie man put fra him in the meanetyme his armouris and that nane be fund with armour by accustomit manir.'

<sup>307</sup>

The act of 7 July 1583 has just been referred to as a 'special statute'. The margin note in the act book describes the entry as a statute but it was unlike all the measures thus far considered. It arose out of a particular event and was to run only until the court met to consider the cause of the riot. It was not passed in the presence of the council, and although the sitting of 7 July was not a court with the dempster present, it was a quasi-curial meeting presided over by two bailies, William Cunninghame and Mr Adam Wallace.<sup>308</sup> This statute was really a judicial decree, rather than a statute in the sense of a bye-law, and the same may be said of one other item referred to as a 'statute' in the records. A minute of 11 June 1574, endorsed in the margin as 'statutum, commone procuratour, wrang' records that several burgesses

had their freedoms removed and were ordered to be imprisoned for 'cuming in armes contrar the provest baillies and haill tounschip'.<sup>309</sup>

Another statute, also relating to the maintenance of the peace, occupies an even greyer area, for though judicial in its content, it can be seen as a bye-law of sorts. In October 1583 William Nesbit was prosecuted for an attack on John Finlayson 'under cloude of nychte.' After his punishment had been recorded, the minute (which is described as a statute in the margin) ended by emphasizing that the penalties incurred by Nesbit were to 'strake upoun all vtheris that abuses thair nychtbouris in the like sorte.'<sup>310</sup>

The measures relating to civil defence and the maintenance of order form the sixth and final group of statutes to be considered. It is now necessary to examine the corpus of burgh legislation as a whole with a view to determining to what extent the magistrates and council's will, as expressed in the statutes, was put into effect.

### 3. The Effectiveness of Burgh Legislation

It is clear that the measures introduced by the magistrates and council could be circumvented by the superior and the crown. Thus the influence of archbishop Boyd as superior ensured the reinstatement of an officer whom the administration had previously dismissed, despite the existence of legislation which specifically prohibited such a practice.<sup>311</sup> Similarly the council's attempts to restrict the number of persons admitted gratis to burgess-ship foundered on the ability of the crown-nominated provosts to ignore the burgh's wishes with impunity and continue exercising their patronage unhindered.<sup>312</sup> When however it is recalled that the bailies were appointed by the archbishops and that the crown exercised considerable influence in the affairs of the burgh during this period,<sup>313</sup> it is hardly surprising that certain items of legislation were treated in this manner. Of more interest is the relationship which existed between the administration and the burgess community.

The magistrates and councillors formed a close-knit oligarchy<sup>314</sup> and it might therefore be supposed that they regarded themselves as

answerable to no one, save the superior and the crown. However there can be little doubt that they were conscious of the need to take into account the wishes of the burgh community so as to ensure the effective execution of their policies. The administration's responsiveness to the community's desires was shown on several occasions. In September 1575 the magistrates and council were petitioned by the 'burges sonnys' who desired that the scheme of admission fines introduced in June 1574 be abolished so that 'thair fines be mitigat and thai nocht handlit as strangeris', and eventually in May 1577 a more equitable system was indeed adopted.<sup>315</sup> The community's opposition to the alienation of common lands, set out in another petition, led to a moratorium being placed on further feus of those lands in June 1576,<sup>316</sup> while the administration eventually had to abandon its policy of astringing the inhabitants to the town mills in the summer of 1581.<sup>317</sup> An awareness of the wishes of the community may also be detected in the reluctance of the authorities to stent the burgh following the loss of its salt stocks in 1579,<sup>318</sup> and in the council's cautious approach when dealing with the question of the upkeep of the high kirk.<sup>319</sup>

Indeed it was in matters touching on the common good of the burgh (in both its narrow sense, the revenues accruing from land rents, admission fines and the petty customs, and in its wider sense, the basic resources of the burgh, its markets and its common lands) that the council's dependence on the community's cooperation was at its most evident. The common good was, as its name makes clear, for the benefit of the community. If the council wished to increase income (for example by raising admission fines) or capitalise resources (by selling off parcels of common lands), it required the assent of the community and, as the foregoing examples show, if this was not obtained the administration was obliged to abandon its policies. Equally, the limitations inherent in the income accruing from the common good meant that extraordinary calls on expenditure could only be met through stenting the burgesses, and that could only be done if the community assented to the imposition. Thus the inflexible nature of the common good ensured that while councils might be oligarchic in their composition, they could not afford to be arbitrary in their behaviour.<sup>320</sup>

However in the majority of instances the council's legislation accorded with the wishes of the community. This was particularly the case with respect to the measures which regulated the burgh's markets and the trading activities of the townspeople. It was generally accepted that the economy required strict regulation. Far from being free it was to be rigorously controlled by a series of national and local laws and statutes which determined who could buy and sell, which commodities might be retailed by whom, and when and where these products could be marketed. Prices were fixed by the burgh authorities and speculation in the form of forestalling, engrossing and regrating was strictly prohibited both by burgh statute and by act of Parliament.<sup>321</sup> All this of course was in sharp contrast to the later ideas of free market enterprise and laissez-faire, and the plethora of marketing regulations operating in Glasgow at this time might seem to modern eyes excessive, and indicative of an administration whose prime concern was control for the sake of control. Certainly those economic measures which showed the influence of the kirk might tend to confirm this view since not all of these could be justified on the basis of economic criteria alone.<sup>322</sup> However the bulk of the burgh's economic legislation was clearly necessitated by the fragile nature of the economy which was all too dependent on the performance of the harvest, and this factor was recognised by the community at large. Similarly those statutes which sought to protect the burgh loans and the common lands from accidental or wilful damage were not a source of contention between the community and the administration, and it was obviously in the interests of all (free and unfree alike) that the emergency measures adopted in 1574 and 1584 when the burgh was threatened by plague were observed to the letter. However the tacit consent of the community to items of legislation was no guarantee that all the townspeople would obey the injunctions of the magistrates and council, and consequently many statutes included set penalties.

These penalties varied in severity, the heaviest being those which were associated with the plague orders of 1574 and 1584-85. Transgressors of these statutes could face heavy fines of £10, imprisonment, mutilation, banishment from the burgh (for a fixed period or forever) or death.<sup>323</sup> The statutes relating to the protection of the



burgh's commons and livestock carried moderately severe penalties, ranging from monetary fines of up to £5, to confinement in the 'thevis hoill' and the stocks, or banishment.<sup>324</sup> The marketing regulations were supported by a great variety of penalties and these underwent some modification during this period. A system of escalating penalties was common, starting at a fine of 8s for the first fault, increasing to 16s for a second offence and forfeiture of goods (which were then to be distributed to the poor) for the third fault, this often being accompanied by loss of burgess freedom or a prohibition on trading for a year and one day.<sup>325</sup> There were many variations on this system. For example, those who failed to present whole carcasses to the market were initially fined only 8s for each offence but the graded system was introduced for these cases in 1575.<sup>326</sup> Similarly, regraters of white bread were fined 8s for each fault until 1582 when they too became subject to the more usual penalties.<sup>327</sup> On the other hand the acts governing the sale and price of tallow did not use monetary penalties, the culprits simply having their goods escheated on each occasion that they broke the statutes.<sup>328</sup> Two marketing statutes had unusually high financial deterrents : the 1578 act regulating the price of wine set out penalties of £5, £10 and confiscation of the offending hogshead of wine for the first, second and third breaches respectively<sup>329</sup> while that of 1580 regarding the presentation of salmon at the market was slightly more rigorous, with fines of £2 and £5 for the first and second offences and forfeiture of the salmon together with loss of burgess freedom for the third fault.<sup>330</sup> These acts were unusual, their severity probably reflecting the wealth of both the retailers and the consumers of these luxury products. The more usual practice of using small monetary fines even in cases of forestalling, regrating and engrossing strongly suggests that the authorities viewed these penalties as a lucrative source of income (accruing not to the common good but to the magistrates themselves)<sup>331</sup> and it may be noted that in 1584 these minor amercements were doubled.<sup>332</sup>

Setting aside the severe punishments associated with the plague measures, (which would seem to have had the desired effect, there being only four prosecutions under these acts recorded in the minutes),<sup>333</sup> the penalties attached to the statutes on the commons and the markets

failed to discourage contraventions. In the three year period 1574-1576 one hundred such cases were brought to the burgh court (involving 181 individuals). Prosecutions concerning damage to the commons comprised about 47% of this total. Typical was the case of John Boyd who was accused at the Whitsun court in 1575 of having removed 'ane greit parte of the erd of the commoune' and having dug up 'v or vi dayeworkis of turris and brunt thame', all this being 'contrare the actis of the toun.'<sup>334</sup> In some instances the motivation for encroachments of this sort may have been real need (insufficient winter fuel or unproductive soil) but in others the involvement of prominent individuals (in 1579 bailie David Lindsay and James Fleming, master of work) suggests opportunism and greed.<sup>335</sup>

About 53% of prosecutions of statute breakers during the years 1574-1576 concerned infringements of the burgh's marketing regulations which were so numerous as to encourage the existence of what might be regarded as a black market. Some individuals evidently provided 'safe' warehouses for forestallers and engrossers. In May 1575 Patrick Gilchriston was found guilty of forestalling the market by storing five sacks of grain in the house of William Inglis, maltman. It was however Inglis who attracted the chief attention of the court. Guilty of 'huirding and ressait of beir in his kill divers tymes this yeir last' the bailies decreed that if any grain was found in Inglis' house again it was 'to beeschetit vpone the said Williamis charge onlie and nocht of thame quhom to it sall appertene.'<sup>336</sup> Forestalling, engrossing and regrating in products ranging from butter and cheese to fish and fowl was rife,<sup>337</sup> but these practices were not confined to burgesses. Unfreemen who were particularly debarred from commerce in staple goods (such as hides and salmon) were forced to smuggle these goods : in May 1576 Robert Galbraith from Edinburgh (and therefore unfree) was found guilty of 'foirstalling and regrating of the mercat' through having met at Govan 'ane Heland boit cummand to the toun and byand fra thame being vnfremen' several quantities of hides.<sup>338</sup>

Other marketing offences included the use of illegal weights and measures,<sup>339</sup> or the presentation of inedible foodstuffs to the market.<sup>340</sup> A few prosecutions were concerned with contraventions of the council's pricing policies which, it will be recalled, covered ale, bread,

tallow and candles.<sup>341</sup> Infringements would tend to occur when shortages of raw materials (grain and carcasses) pushed the wholesale price so high as to make the council's assessed prices unreasonable to those men whose livelihood depended on the manufacture of these products. In January 1574 three baxters were accused of baking bread of insufficient weight and a similar prosecution against seven baxters was recorded in November 1576. That same month also saw the indictment of six candlemakers for making candles of insufficient weight.<sup>342</sup> Whether these individuals were motivated by greed or by genuine difficulties occasioned by a too wide discrepancy between wholesale costs and the authorised retail values is difficult to judge. The former was probably the case as it is noteworthy that in the prosecutions involving the baxters (who, unlike the candlemakers were members of an incorporated craft) the indictments were brought against individuals and not the whole craft, a fact which suggests that these men had acted of their own volition and not as part of an organised opposition : indeed one of the accused in the prosecution of January 1574 was also found guilty of having assaulted his craft deacon.<sup>343</sup> Furthermore the evidence of the council's price assessments indicates that the burgh economy did not begin to experience serious difficulties during this decade until after the harvest of 1577.<sup>344</sup> Nonetheless these prosecutions provide examples of the type of resistance which the administration's pricing policies could generate.

Infringements of the burgh statutes continued to be recorded during the remainder of the 1570s and 1580s but it was always on the basis of individual disobedience rather than organised opposition : the people involved simply acted on the premise that the personal gains to be made outweighed the risks involved. Nonetheless the late 1570s saw an important exception to this rule when the magistrates and council found themselves opposed by the fleshers, an unincorporated craft.

Evidently the annual statutes forbidding 'breeding' and 'bowbreeding' (bleeding of livestock prior to sale) were a source of constant friction between the authorities and the fleshers. Minor contraventions were recorded on 9 April, 2 November, 23 November and 30 November 1574.<sup>345</sup> However, on 29 November 1575 matters became more serious:

'the haill fleschouris of the toun ar unlawit in  
amerciamento of court for contravenyng of the statutes  
of the toun in bredyng and bowbreeding of the marts  
thir divers tymes bigane.'<sup>346</sup>

A year later seven named fleshers and 'the remanent brethir' were  
amerced for not appearing at court when summoned to do so, and all the  
fleshers were subsequently found guilty on 26 February 1577 of  
contravening the statutes 'anentis the breeding of martis, scoring of  
multoun, selling of talloun.'<sup>347</sup> Despite the fact that the whole craft  
had now been amerced twice, their opposition continued and the magistrates  
replied by prosecuting John Muir, Matthew Watson and John Watson,  
fleshers, and 'the remanent brether of thair craft' for 'browbreeding the  
marts', on 3 December 1577. John Muir appeared and 'tulk on hand to  
produce the practick of Edinburtht anentis the samyn.' If he failed to  
do so the fleshers would have to pay 'all the unlawis quhairin thai ar  
convick in tymes bigane', a phrase which suggests that the fleshers had  
gone so far as to withhold paying their fines, perhaps since November  
1575.<sup>348</sup> Muir produced the necessary documents on December 17 but a  
decision on the matter was postponed to the next law day to allow  
examination of the evidence.<sup>349</sup> Nonetheless the case was found against  
them, and all the fleshers were again fined, on 7 February 1578, although  
the backdating of the payment of outstanding fines was restricted to the  
previous Michaelmas: 'the haill fleschours ar fund in the wrang for  
contravenyng of the statutis anentis the bowbreeding of the multoun oulkie  
sen michaelmes.'<sup>350</sup> Probably with a view to bringing this group of  
recalcitrant tradesmen under stricter control, the magistrates and  
council issued them with a 'lettir of dekynheid' on 6 October 1580  
whereby they became the ninth incorporated craft within the burgh.<sup>351</sup>

It is conceivable that the fleshers had been, all along,  
endeavouring through their concerted disobedience to engineer just such a  
situation (the attainment of incorporation) in the hope that their new  
found status would in some way protect their trading practices; if so  
they were to be disappointed. The entire craft was fined again for  
'bowbreeding' in November 1588, an incident which demonstrates that the  
burgh administration was still not prepared to tolerate violations of its  
statutes.<sup>352</sup>

To conclude this discussion as to how far the magistrates and council's will was put into effect, it cannot be denied that the court act books record many contraventions of the measures which were promulgated by the bailies and council. However these entries should not be interpreted as indications that the statutes were ineffective; rather that they were unpopular with a sector of the community. The number of offenders represented but a small proportion of the population and the plethora of prosecutions shows that the burgh statutes were rigorously enforced, whether the offenders were acting as individuals or in organised groups such as the fleshers. So long as the measures issued by the magistrates and council had the tacit support of the community they would be carried into effect.

One matter remains to be considered. At the beginning of this chapter it was stated that the statutes provide valuable information as to the preoccupations of a burgh local authority in the late sixteenth century.<sup>353</sup> What then was the scope of the civil burgh administration in Glasgow, and what were its limitations?

#### 4. The Scope of Burgh Administration

As has been demonstrated, the burgh's statutes may be divided into six groups according to their subject matter. Burgh legislation dealt with the conduct of the town's administrators; the financial management of the burgh; marketing and trading; the preservation of the common lands and livestock; public health and nuisances; and civil defence and the maintenance of order.<sup>354</sup> These represented the main spheres of interest of the provost, bailies and councillors as administrators of the burgh and with the exception of the first group all impinged on the lives of the community.

What is striking however is the absence of statutes relating to either education or social welfare, two subjects which would later constitute major concerns of local administration. However in the case of the former at least, the lack of legislation belies the fact that the magistrates and council were deeply interested in education. Nowhere is this more apparent than in the decision taken by the burgh in

January 1573 to bestow upon the ailing university the bulk of those church revenues over which it had obtained superiority six years previously through Queen Mary's gift.<sup>355</sup> In the preamble to the charter which effected this transfer the magistrates and council commented that, through lack of funds, the university had 'almost gone to ruin' and claimed that teaching had become 'utterly extinct', a situation which was described as 'an unbecoming shameful thing that amid so great light of the gospel ... schools, the seminaries of the church and whole commonwealth should be despised and neglected.' The funds transferred to the university were to be used to support a principal, two regents and twelve poor scholars. Indeed the burgh authorities went further, establishing a variety of regulations governing the curriculum and staff and student discipline which were to be enforced not just by the rector and the dean of faculty but also by the bailies. As a result of these measures it was hoped that

'this our mother University will bring forth the most invincible champions and bravest combatants for the Christian faith and that therefrom, as from the Trojan horse, will spring forth young men thoroughly equipped and trained to undertake all the duties of the commonwealth.'

The twelve poor scholars were to be sons of burgesses 'so well grounded in the knowledge of grammar as to be fit auditors for philosophy', and they were to be chosen by the town council.<sup>356</sup>

Even allowing for the florid language of this charter and the fact that the endowment it contained remained inadequate for the purposes for which it was intended, there can be no doubt that the magistrates and council were genuinely concerned about the affairs of the university. Whether or not they hoped to eventually control the college is open to conjecture. Certainly the bailies were to be included among the visitors of the university, with powers of audit and the authority to deprive masters found failing in their duties, but the charter also recognised the roles of the chancellor, rector and dean of faculty in the college's administration. However in July 1577 the college received from the crown the rectory and vicarage of the wealthy parish of Govan and simultaneously obtained a new constitution which drew it once more

within the patronage and control of the crown and the church to the exclusion of the influence of the magistrates and council. This Nova Erectio, which combined a more modest establishment (for example there were now to be only four poor scholars, nominated by the regent Morton, rather than twelve chosen by the town council) with a more satisfactory endowment, ensured the college's future and its independence from the burgh authorities.<sup>357</sup>

Although the magistrates and council failed to gain control of the college (assuming that such had been their intention), these same years saw the realisation of their ambitions with respect to the patronage of the grammar school. Burgh grammar schools (in which Latin syntax and speech were taught) owed their establishment to the church, but long before the Reformation the influence of ecclesiastical patronage had been diminished in several burghs as councils succeeded in asserting their influence in the election of the masters, a process which was no doubt encouraged by the willingness of the councils to pay the teachers' salaries and see to the maintenance of the fabric of school buildings.<sup>358</sup> The date at which the grammar school of Glasgow came into being is not known but it was in existence by 1461, in which year Simon Dalgleish, precentor and official of Glasgow, granted a tenement on the west side of High Street for the use of the master and his scholars.<sup>359</sup> Although the magistrates and council were appointed patrons of this gift it is clear that the church maintained overall control of the school for in an instrument of 1494 the archbishop confirmed the authority of the chancellor of the diocese with respect not just to the teaching of grammar but also all 'boyish studies' within the burgh.<sup>360</sup> In 1508 the burgh claimed the right to choose the master of the grammar school, though it is not known with what result;<sup>361</sup> in all probability the burgh failed to prosecute its claim successfully at this time (just as three years later the burgh court failed to assert its independence of the archbishop's official's court)<sup>362</sup> but it is quite possible that financial and political exigencies encouraged the archbishops to accede to the burgh's ambitions to administer the school at some point prior to the Reformation.

However that may be, the collapse of the old ecclesiastical

administration in the aftermath of the revolution of 1560 assured the burgh of its position with respect to the patronage of the grammar school. At some point prior to 1573 the chaplainry of All Saints was assigned by the magistrates and council for the support of the master of the grammar school through a generous arrangement which reserved all of the revenues, inclusive of the thirds, to the incumbent.<sup>363</sup> The council minutes record that on 13 November 1582 the then master, Mr. Patrick Sharp, 'demittit his office togidder with the chapellanrie of Alhallow alter' into the hands of the provost, bailies and council. Mr. John Blackburn was chosen to be the new master of the grammar school and he, like his predecessor, was to enjoy the fruits of All Saints chaplainry during his period of tenure, which could be terminated at three months' notice. Thus it is clear that by this time the grammar school was firmly under the patronage and management of the burgh, though it may be noted that in electing Blackburn the magistrates and council had taken the advice of 'the maisteris of the Vniuersitie and wtheris haifand power be act of parliament', a reference to an act of 1567 whereby the new church had been vested in the right to exercise a degree of superintendence over burgh schools.<sup>364</sup>

There are only a few other references to the grammar school during the main period under discussion. In November 1577 the master of work was ordered to make the building 'wattirfast' and the accounts confirm that the thatched roof of the school was indeed renewed.<sup>365</sup> Payments in the 1583-84 and 1584-85 accounts relate to further expenditure on the fabric, which clearly continued to give cause for concern.<sup>366</sup> In August 1600 the school was declared to be 'altogidder rwinus' and steps were taken to conduct major repairs, it being minuted that the magistrates and council considered 'na thing mair profitabill first to the glory of God nixt the weill of the towne to have ane Grammer Schole.'<sup>367</sup> Four months later, on 22 December 1600, the master's income was augmented by the grant of the revenues of another chaplainry. In addition the council authorised the master to appoint a doctor (or assistant) and agreed that the fees 'of scollaris of barnes borne within the towne or fremenis' were to be increased to 6s 8d per quarter, 5s of which was to be paid to the master and the remainder to the doctor. Finally it was ordained that the master was to report to the council each month 'to abyde tryall



of his instructing and of his doctoris, vtherwyis the augmentatioune to be dischargit.' <sup>368</sup>

This act of December 1600 is the earliest extant piece of burgh legislation about the grammar school. Nevertheless its provisions, together with the comments in the minute of August 1600 regarding the benefits deriving from this institution (and the several measures adopted to improve the school's premises), show that, despite the paucity of statutes concerning the grammar school, the education of the burgh's youth was an important concern of the local administration.

Who precisely received education at the grammar school? In 1496 Parliament urged burgesses to send their eldest sons and heirs at the age of eight or nine to school, there to remain 'quhill they be competentlie foundit and have perfite latyne.' <sup>369</sup> The reformers, however, in the first Book of Discipline had advocated an educated youth irrespective of the social status of the children's parents. <sup>370</sup> The only clue to the practice followed in Glasgow comes from the curiously worded act of December 1600, quoted above. This could be read to suggest that unfreemen's children were taught alongside the children of burgesses (assuming that their parents could afford the fees). It is also possible that girls as well as boys were taught, though if so they would have received instruction in English rather than Latin, for such an arrangement was followed at the Ayr grammar school before 1600. <sup>371</sup>

English was certainly taught in Glasgow at the school attached to the ruins of the collegiate church of St. Mary and St. Anne, called variously 'the new kirk scole', 'the Inglis Schole', 'Tronegait Scole' or scole vernacule. <sup>372</sup> The burgh council was closely involved in its administration and probably acted as its patron by virtue of the council's earlier role as patron to several of the prebends of the collegiate church. <sup>373</sup> In November 1575 the council expended funds on the thatching of the school and in the same month granted the master, Thomas Craig, a burgess fine 'for his panes.' <sup>374</sup> Craig received a further burgess fine in February 1577, while in the 1577-78 accounts it is recorded that he received £10 'for his support in teicheing of the new kirk scole.' <sup>375</sup> During the 1580s his salary was placed on a sounder basis for he had evidently come into possession of Sir Peter Law's

chaplainry of Nomine Jesu in the collegiate church which he set to the town in return for an annual payment of £8.<sup>376</sup>

This school appears to have occupied the premises formerly used by the song school, the origins of which lay in the provisions made at the time of the collegiate church's foundation in the late 1520s that one of the prebendaries was to be proficient in music so that he could conduct such a school.<sup>377</sup> After the Reformation the church fell into disuse and in 1570 its ruins and the adjoining cemetery, but not the building housing the song school (scola cantus), were disposed by the council to James Fleming.<sup>378</sup> This implies that the song school was then still conducted at its original site but by November 1575 these premises were occupied by Craig's 'new kirk scule.'<sup>379</sup> However the song school continued to function, the accounts of the burgh's common good recording that a room was rented for this school elsewhere (though precisely where can not be ascertained).<sup>380</sup> The kirk session records confirm that the master was sir William Struthers to whom the burgh paid the rental, perhaps in lieu of salary.<sup>381</sup> Certainly at this time instruction in instrumental music and singing was still regarded as important (in 1579 Parliament decreed that burghs should maintain song schools)<sup>382</sup> and it is conceivable that the magistrates and council had come to some arrangement with Struthers along the lines suggested.

Finally, with respect to the council's interest in education, attention may be drawn to the school bursaries which it provided. The burgh's gift to the university of January 1573 specifically excluded those church properties over which the council had exercised rights of patronage prior to Queen Mary's gift of 1567 so that these could be bestowed on sons of burgesses for their maintenance while attending the burgh's schools (in scolis infra dictam ciuitatem).<sup>383</sup> Typical of these properties were the prebends of St. Andrew, St. Martin and Trium Puerorum in the new kirk held by sir Robert Watson. In 1569 he leased these prebends to the burgh and thereafter, subject to an annual repayment of £26 due to Watson, these provided an income to the burgh of c.£42 per annum.<sup>384</sup> Following Watson's death the council was able to assign £20 from this source in January 1581 to Alexander Graham, son of bailie John Graham, 'for the space of fyfe yeiris nixtocum for his

sustentatioun at the scholes' and these yearly disbursements were recorded in the subsequent annual accounts.<sup>385</sup> The minutes contain similar examples of prebends being used to provide bursaries<sup>386</sup> but the practice was terminated and the revenues diverted for the support of the burgh's ministry in 1594 because they had been used to support 'the richest menis sonnes' (as the example just quoted suggests) and not the poor as had been intended.<sup>387</sup>

Turning from education to social welfare and in particular the provision of relief for the poor of Glasgow, it appears that the magistrates and council played a less active role in this sphere of administration.

At this time an important distinction was drawn between the able-bodied poor, aged between fourteen and seventy,<sup>388</sup> and the impotent poor, the old and the infirm. The former were regarded as vagabonds whose difficulties were of their own making and in no way linked to economic difficulties which might prevent them obtaining employment. They were not to receive assistance; instead they were discouraged from begging and if they proved contumacious they were to be subjected to punishments ranging from mutilation to death, penalties which had been in force since at least 1424.<sup>389</sup> Relief was reserved for the 'aigit purr impotent and decayed personis ... quhilkis of necessitie mon leif be almous.'<sup>390</sup> Such persons were allowed to beg only in the parishes of their birth or of longest residence and were to be furnished with tokens or badges identifying them as individuals eligible for relief.

During the fifteenth and sixteenth centuries Parliament had issued several acts which had vested the administration of the laws governing the poor with the local civil administrations.<sup>391</sup> Yet the church had been equally aware of its responsibility towards the less fortunate members of society and in all probability provided more positive assistance to the poor by way of alms and hospitals than did the sheriffs, barons and burgh magistrates whose prime concern had been the control of vagabonds.<sup>392</sup> At the Reformation, the reformers, possibly conscious that the collapse of the old church would have serious repercussions for the poor, had asserted that 'every several Kirk must provide for the poore within itselfe'<sup>393</sup> a comment which no doubt

encouraged Parliament in 1575 to issue a comprehensive act which, besides reiterating the punishments to be meted out to 'maisterful idle beggars', introduced the concept of a compulsory poor rate, to be collected and distributed by the kirk sessions in the burghs and the 'heidsmen' in the landward parishes.<sup>394</sup> In 1579 there was issued an act for the 'punischement of strang and idle beggars and reliefe of the pure and impotent' which in substance was very similar to the act of 1575 save that responsibility for enforcement in the burghs was transferred back to the provosts and bailies.<sup>395</sup>

Yet despite this act of 1579 the records of the burgh of Glasgow contain very few references to poor relief and when the extant minutes of the kirk session commence in November 1583 it is immediately apparent that it was that body rather than the magistrates and council which then superintended the collection and disbursement of relief (and had probably done so since 1575 if not from the time of its inception in the early 1560s).<sup>396</sup> Few acts of Parliament were followed to the letter<sup>397</sup> and it is evident that in Glasgow a local arrangement had been reached between the council and the kirk session regarding the administration of relief. This is confirmed by a minute of February 1588 which records that the session petitioned the council as to whether it wished 'to tak to thame selfis the libertie to giff licence onle be thame selfis to gadder to the pure' or instead wished to ratify an earlier ordinance (now lost) 'quhilk is that the collectionouns publict in this toun to be past to the pure may be be the avise of the magistratis and sessionoun concurrand in ane consent togidder.'<sup>398</sup> In effect the act of 1579 was not applied; instead the act of 1575, or rather a version of it, was the basis of the poor law operating in Glasgow throughout not just the 1570s but also the 1580s.

The 1575 act had ordered the elders and deacons in each burgh to conduct a census of those poor who through birth or long residence could be considered eligible for local assistance. They were then to calculate the cost of providing sustenance for these poor and raise a tax on the inhabitants of their burghs to meet that cost, the intention being that the poor would no longer beg in the streets but instead be able to reside in their own homes or those of other townspeople.

Collections were to be conducted by the deacons, while overseers were to be appointed who were to put to work those 'aigit and impotent personis not being sa diseased, lame or impotent but that they may wirk.'<sup>399</sup>

As no Glasgow kirk session records survive from the 1570s it can not be determined if a census of the poor was conducted in Glasgow and although when the surviving minutes begin in late 1583 it is clear that the session supervised regular collections for the poor it is equally evident that the monies being collected were not payments of a compulsory rate (which it may be surmised would have been highly unpopular). Each week on rotation one deacon of the session was appointed collector for the poor. On the Friday, Sunday and Wednesday he was to conduct his rounds 'and on the thurisdai compeir to delyver in the box the silver that salhappin to be gathered to the pure.'<sup>400</sup> The weekly totals varied considerably (for example, 21s 6d for the week ending 14 November 1583 but 80s for the week ending 2 January 1584),<sup>401</sup> and the voluntary nature of these contributions is confirmed by an act of the session issued in May 1587 whereby the elders agreed to pass through the burgh

'and desyre contributiouns and help of these that may spair sum of thair guddis and geir to the releiff of thair pure ... brethren in this toun ... as god sall mowe the hartis of these that hes the substance.'<sup>402</sup>

As stipulated by Parliament, the recipients of these monies were to be those poor who were prepared to refrain from begging in public, the 'pure householders.'<sup>403</sup> The first distribution of which a record survives took place on 26 December 1583 (when £3 was given to seven individuals) and similar outgoings were recorded in January, May and June 1584.<sup>404</sup> In all a total of £13 was disbursed to twenty-four poor people during these months but only four of these obtained more than one payment, which suggests that assistance was not automatic but usually had to be applied for : indeed in certain instances individuals promised not to 'sute' the session again.<sup>405</sup> It should be added that there is nothing in the Glasgow records to show that the provisions in the acts for the appointment of overseers to put the poor to work were implemented.

As has already been noted, the mid 1580s marked the beginning of a

period of harvest failures, food shortages and rising prices.<sup>406</sup>

Inevitably the number of poor who were a charge on the burgh began to increase, relief being required not just by the established poor householders but by many people newly reduced to poverty. In addition the number of poor was swollen by people migrating to the burgh from the impoverished rural areas, individuals who were not eligible for assistance within the burgh and who posed a serious law and order problem for the authorities.

In its attempts to stem the flow of poor from the rural areas the session could look to the magistrates and council for assistance since only they could invoke the full rigours of the law against vagrants and idle beggars. During the plague crisis of October 1574 the council had ordered all 'pyparis, fidleris, menstrales or ony wther vagabundis' to quit the burgh on pain of scourging and banishment, only the 'pure commone beggaris' being allowed to remain if they could prove that they had been born in the burgh or had been 'lang within the samyn.' Those allowed to remain were to obtain 'merkis' or badges permitting them to beg within the burgh.<sup>407</sup> This was in fact the only burgh statute issued during the 1570s and 1580s to allude to the relief of the legitimate poor, but other measures were clearly designed to control the resident and non-resident able-bodied poor, all of whom were treated as vagabonds : for example, the annual statute issued from 1577 onwards threatening banishment for any one found pulling 'stibillis furtht of ony landis about the toun'; the act of August 1583 ordering the removal of all rural workers save those engaged in the collection of the harvest, the others being described as 'idle persounes that waittis and dependis onlie upoun rubrie and distroying of cornis'; and the injunction issued in October 1584 instructing 'all oncowthe strangeris' to leave the burgh.<sup>408</sup>

During the 1580s the kirk session frequently sought the assistance of the magistrates and council in ensuring that the legitimate poor of the burgh rather than strangers received relief. For example, in March 1586 the session 'in respect of the derthe and the greit number of the inhabitantis of the toun quha is pure' sent a deputation to the council house to consider 'how that the pure may be relewit, and this

to be followed furth with expeditioun.'<sup>409</sup> Possibly as a result of these negotiations it was shortly afterwards decreed by the session that the poor were to assemble in the Blackfriars kirk to be inspected by the session who would determine 'quha is thair [i.e. the burgh's] pure to quhom thai mai gif thair merkis, and the rest that is nocht thair awin to be expellit furtht of this toun.'<sup>410</sup> On 5 May it was ordained that 'the puir within this toun be merkit quherby thai may be kennit ... and ressave thair almouses in the toun' but on 2 June another enactment, aimed as much at the souls of these individuals as their physical welfare, decreed that the poor who had received the 'merkis' or begging licences were to assemble 'the nixt Sondaye in the laiche kirke at ten houris and thair heir the prayers and ... quhasumevir of the pure absentis thaime fra prayers get na meit in the toun.'<sup>411</sup>

The authorities' poor relief policy was four-fold : the established poor, the poor householders, were to be given the alms collected by the deacons;<sup>412</sup> the other legitimate poor of the burgh were to be licensed to beg in public, subject to their attendance at the kirk for prayers each Sunday; the non-resident poor were not to receive assistance and were ordered to return to their parishes; and the able-bodied poor, whether resident or non-resident, were to be punished according to the acts of Parliament as 'vagabonds strang and idle beggars.' However this approach was patently inadequate to cope with the ever rising numbers of poor seeking assistance in the burgh. The extent of the problem can be gauged from the fact that in the three years 1586-1588 more than twenty statutes were issued by the session with respect to the various aspects of poor law administration. The measures adopted in 1586 were repeated in 1587, censuses of the poor being conducted in January, May and June of that year, followed by a further issue of begging licences.<sup>413</sup> Simultaneously efforts were made to increase the amount of money available for relief. Income from 'penitents silver' (which would appear to have been usually used for general purposes such as the repair of buildings)<sup>414</sup> was increasingly diverted to the needs of the poor;<sup>415</sup> special collections were taken at the high kirk;<sup>416</sup> and in May 1587 the session divided the burgh into seven districts and appointed twenty-seven collectors to these, though with what effect is not known.<sup>417</sup> In 1588 the session

was still to be found seeking the magistrates' assistance with respect to controlling the behaviour of unlicensed beggars.<sup>418</sup>

This plethora of legislation reflected the inability of the authorities to respond adequately to the social crisis with which they were faced. The only possible solution was the introduction of a compulsory poor rate, the levying of which had been sanctioned by Parliament in 1575 and 1579. But that option was politically unacceptable to the leading burgesses who sat on the session and the town council and who had to be very mindful of the wishes of their peers in the burgess community. Their anxiety as to the community's response should a poor rate be introduced was not explicitly recorded in the minutes of this period; however it was to be clearly expressed when, in 1649, the magistrates and council confirmed that the main source of poor relief should remain the system of voluntary contributions, declaring that they were 'verie desyreous no to tak a course [with] thair comburgesses for thair [the poor's] maintenance as is allowit be the law swa long as they may doe vtherwyse.'<sup>419</sup>

Apart from the forms of relief thus far mentioned, assistance was also available in the town's hospitals or poor houses. The oldest of these was the hospital of St. Nicholas, situated to the west of the bishop's castle, which was established by bishop Andrew Muirhead in c.1464.<sup>420</sup> The deed of foundation does not survive but details of its organisation can be obtained from a minute of agreement between the master and the 'stalleris' which was recorded in the burgh court act book on 1 December 1584.<sup>421</sup> There were places for twelve poor men (at least one of these beds being in the patronage of the town council).<sup>422</sup> These inmates were to receive in addition to their monthly allowance (this no doubt being derived from the rents forming the hospital's endowment), 'ane new quhyte claith govne' every three years and 'ane pair of new doubill solit schone' every year, together with 'bedding with bed coveringis and blankattis, stray or heddir with ane grose bowster' and sufficient coals and candles annually. Visitors, including the dean and sub dean, the university rector and the minister of the burgh were appointed to oversee the administration of the hospital, and it is evident from the composition of this group that the hospital was



still under the control of the church at this date;<sup>423</sup> indeed it did not pass into the council's hands until 1716.<sup>424</sup>

The hospital of St. Nicholas was sometimes referred to as the 'foir almous hous' to distinguish it from a smaller building to its rear known as the 'bak almous hous'.<sup>425</sup> The origins of this building are obscure but it may have been an extension to bishop Muirhead's hospital funded by the burgh.<sup>426</sup> Certainly by the 1570s it was in the patronage of the magistrates and council and there are several references in their minutes to individuals being given beds in this building.<sup>427</sup> Allowances to the inmates were paid out of rents (part at least being derived from a teind barn belonging to the parson of Glasgow)<sup>428</sup> and these were augmented by a donation from sir Mark Jamieson in October 1581 which also benefited the inmates of St. Nicholas hospital and the leper colony of St. Ninian's at the south end of the bridge, a gift which emphasises the importance of private charity rather than public assistance at this time.<sup>429</sup> The rear alms house provided only four places and these were apparently reserved for 'certane decayit burgessis'.<sup>430</sup> However by 1600 the building was in ruins and the council ordered its demolition; the stones were to be used to repair the grammar school and the ground 'dedicat ane yarde to the four men in the bak almous hous' (who were then presumably to be accommodated in the front alms house of St. Nicholas).<sup>431</sup> During the following decade the merchants and craftsmen, in accordance with provisions set out in the Letter of Guildry, established hospitals for their respective poor and the former revenues of the back alms house were divided equally between them.<sup>432</sup>

The third hospital operating during the 1570s and 1580s was that which had been founded by Roland Blacader in c.1524, situated outwith the North Port of the burgh.<sup>433</sup> It was for the poor and indigent coming to the burgh, individuals who otherwise could expect no assistance whatsoever,<sup>434</sup> and was placed under the supervision of the chaplain to the chaplainry of St. John and St. Nicholas in the cathedral (established by Blacader at the same time as the hospital). However the day-to-day management of the hospital was to be in the hands of a keeper and his wife, and the deed of foundation gives considerable details as to their duties in providing bedding, food (green vegetables,

herbs and lentils) and coals for the inmates who were to number six.<sup>435</sup> As the hospital was attached to a chaplainry it passed into the hands of the town council in 1567, but it was evidently not one of the properties transferred to the college in 1573 for in 1589 the chaplainry and management of the hospital were gifted by the magistrates and council to Thomas Cloggie for his lifetime. Cloggie undertook to 'keip the tennour of the fundatioun in all pointis' but instead misappropriated its funds.<sup>436</sup> In 1605 the crafts of Glasgow bought out Cloggie's interest in Blacader's hospital but five years later, having rejected it as the site for their new hospital, conveyed the property (described by then as 'quite ruinous') into private hands.<sup>437</sup>

Thus there was a total provision of twenty-two beds available in the hospitals in the burgh (twelve at the hospital of St. Nicholas; four at the back alms house, seemingly reserved for 'decayit burgesses'; and six at Blacader's hospital, reserved for poor strangers). Clearly this was hopelessly inadequate to meet the needs of the aged and infirm in a community of the size of Glasgow and it seems indicative of the council's unwillingness to provide adequate facilities for the town's poor that it does not appear to have attempted to use the former church revenues obtained by crown gift in 1567 to build a hospital (as that grant had suggested it might) and instead devoted those resources to the support of the ministry and the college.<sup>438</sup> It might thus be argued that the council took the view that the college, were it to prosper, would bestow kudos on the burgh such as would not be forthcoming through the foundation of a hospital and that the relief of the poor could be left to the existing hospitals, the endeavours of the kirk session and the charity of the townspeople.

Yet such an interpretation does not do full justice to the facts. For one thing the former church revenues received through the crown in 1567 were probably inadequate to endow a hospital since they were not even sufficient to meet the needs of the town's ministry, and it was only after agreement had been reached as to the minister's stipend that the funds could be released to the college in 1573.<sup>439</sup> Secondly, education had been identified by the crown in 1562 as one of the legitimate 'godly purposes' on which former church revenues could be

spent,<sup>440</sup> and when these monies were finally given to the college it will be recalled that they were to be used for, inter alia, the support of twelve poor students.<sup>441</sup> Furthermore the accounts of the 1570s and 1580s show that the magistrates and council used the common good funds to distribute alms to certain individuals who, presumably, would not normally have been in receipt of assistance from the kirk session. Among the recipients were officials of the burgh who had fallen on hard times,<sup>442</sup> a labourer injured while building the Gallowgate well,<sup>443</sup> 'ane pure wowman with mony barnis',<sup>444</sup> several English and French mariners who had been shipwrecked<sup>445</sup> and a burgess of Ayr who had suffered a similar misfortune.<sup>446</sup> Attention may also be drawn to the fact that several of the civil administration's statutes on marketing carried as penalties the forfeiture of produce (ale, bread and meat) for distribution to the poor.<sup>447</sup> Indeed it could be argued that the magistrates and council's endeavours to maintain food supplies at reasonable prices during times of scarcity may have produced more positive results than any distributions of relief.<sup>448</sup> Thus, although the kirk session was the body primarily responsible for the administration of poor relief in the burgh, the civil authority's role in this aspect of local government was far from negligible, a fact which is hardly surprising in view of its interest in the related subject of public health welfare.<sup>449</sup>

The foregoing discussion of education and poor relief in Glasgow demonstrates that the scope of civil burgh administration was wider than might appear from a consideration of the town council's statutes in isolation. In order to appreciate the full extent of the magistrates and council's administrative activities it is also necessary to examine the contents of the burgh's common good accounts which also, and more particularly, provide detailed information with respect to the financial aspects of burgh governance.

## NOTES

1. On the clerks' minuting practice see P136-137; on the 1609-1610 administrative reorganisation see P219 n.9.
2. Glas. Recs., i, 24.
3. SRA MS C1/1/2 f103r (1583). Another variation occurred at Michaelmas 1580 when the opening statute regarding blaspheming was enacted by 'the baillies auld and new' : SRA MS C1/1/1 f266v.
4. See Appendix 4.1 in Vol. II, P274-275.
5. See Appendix 4.2 in Vol. II, P276-278.
6. The most notable exception was the statute on blaspheming which from a position of about tenth was placed at the head of the annual enactments from 1578 onwards : SRA MS C1/1/1 ff 157r, 208v.
7. Glas. Recs., i, 26. This act appeared each year until 1580.
8. SRA MS C1/1/2 ff104v, 158r and Glas. Recs., i, 113.
9. Glas. Recs., i, 85.
10. Ibid., 86-88. For the political context of this repeal see P90, 104. Thirlage was reintroduced in April 1608 to meet the burgh's heavy debts : see P454.
11. P237.
12. Glas. Recs., i, 56-57. The naming of councillors became standard after 1605 when the sederunts were recorded : see P219 n.9.
13. See Appendix 2.12, table 3, in Vol. II, P105.
14. See Appendix 4.3, table 1, in Vol. II, P279.
15. Glas. Recs., i, 118.
16. Ibid., i, 52. See P358.
17. See Appendix 4.3, table 2, in Vol. II, P280.
18. On the demise of the Summerhill and Craigmak courts see P166-168.
19. Glas. Recs., i, 9.
20. Ibid., 51.
21. Ibid., 120, 126.
22. On the preponderance of merchants in the magistracy and council see P74-76.
23. P239 and see Appendix 4.3, table 3, in Vol. II, P280-281.
24. See P80-88 passim.
25. Glas. Recs., i, 75.
26. Ibid., 40-41.
27. SRA MS C1/1/1 ff116r, 157r, 209r, 242r.
28. See P238-239.

29. Glas. Recs., i, 92 and see P136.
30. In order to combat the reluctance of councillors to fulfil their duties they were threatened with penalties. Thus the statute of October 1574 concerning the inspection of the meal market authorised the levying of a fine on those councillors who refused to do this duty : Glas. Recs., i, 26. In 1599 it was decreed that any councillor who refused to accept 'ony office quhatsumever concerning the commoun weill of the toune' was to be dismissed and any bailie who did likewise was to be fined £10 : ibid, 197-198. See also P244.
31. Glas. Recs., i, 106.
32. Ibid., 113. For an example of the council voting, see P190.
33. Glas. Recs., i, 69. On the fining of absentee councillors see also P165 and P226 n.136.
34. P 189.
35. Glas. Recs., i, 41, 47.
36. Ibid., 55.
37. SRA MS C1/1/1 ff157r, 209r.
38. Glas. Recs., i, 76. On their wages see P191, 388.
39. SRA MS C1/1/2 ff104v, 158r (1583 and 1584).
40. For fuller details regarding these cases see P99-100, 189-190 and Vol.II, P173-180.
41. Glas. Recs., i, 54 and see P82.
42. See P348-382 passim.
43. Glas. Recs., i, 8.
44. Ibid., 17, 39, 52, 59.
45. See Appendix 4.3, tables 2 and 3, in Vol. II, P280-281.
46. Glas. Recs., i, 59.
47. Ibid., 98.
48. SRA MS C1/1/2 ff104v, 158r.
49. Ibid., ff58v, 63r; see also Appendix 2.12, table 9, in Vol. II, P118-119.
50. See P360-369 passim.
51. See Appendix 5.3 in Vol.II, P299-307.
52. See P360-369 passim.
53. See P245.
54. See P298-304.
55. Glas. Recs., i, 56, 57, 85, 86.
56. Ibid., 48 and see P370-371.
57. Glas. Recs., i, 20.
58. Prot. Bk. Glasgow, ix, no.2926.
59. Glas. Recs., i, 120-126 passim and see P355.

60. See, P30, 81-82, 86, 241, 278-279.
61. It will be recalled that Glasgow, though not a royal burgh, was represented on the Convention of Royal Burghs from at least 1552 onwards : see P14.
62. APS, iii, 108.
63. RPC, iii, 46, 56.
64. The other taxes authorised by Parliament in this period were levies of £40,000 (1580), £20,000 (1583) and £15,000 (1586) and the burghs' share was set at £6,666, £3,333 and £2,500 respectively : APS, iii, 189-190, 328-329, 424-426.
65. The Convention's tax rolls set Glasgow's contribution at 2.7% in 1575, 2.25% in 1578 and 3.5% in 1583 : RCRB, i, 48, 73-74, 173-174.
66. RCRB, i, 28, 48, 50, 52.
67. Glas. Recs., i, 75. Curiously, no reference was made to this arrangement in the accounts, although it may be noted that those for 1579-80 and 1580-81 are missing.
68. This figure is based on the estimates of Glasgow's proportion quoted in the text. However it is known that the burgh's contribution to the tax set by the Convention in 1575 was £302 (2.7%) : RCRB, i, 48.
69. Glas. Recs., i, 20.
70. SRA MS C1/1/1 ff210v (bis), 242v. See also Glas. Recs., i, 69.
71. Glas. Recs., i, 64.
72. SRA MS C1/1/1 ff255r; see Appendix 2.21, pt. ii, in Vol. II, P194.
73. RSS, viii, no.232.
74. Glas. Recs., i, 92.
75. Ibid., 100.
76. SRA MS C1/1/2 ff100v.
77. However a few references to common good expenditure on the cathedral are found in the accounts, 1576 -79 passim : see SRA MS C1/1/1 ff207r, 211v, 242v.
78. SRA MS CH 2/550/1 ff53r, 53v, 54r. The kirk session minutes also include occasional references to repairs : ibid., ff17r, 17v, 21v, 35v, 86r, 88r.
79. Glas. Recs., i, 140-141.
80. Eyre-Todd, Glasgow, 77.
81. See Appendix 2.12 tables 10-12 and 15 in Vol. II, P120-130, 133-138.
82. Glas. Recs., i, 141-142.
83. Apart from the enactments regarding the cathedral, one other piece of legislation concerned church property, (though not the burgh's finances). In April 1574 it was ordained that the ruinous western gable of the Blackfriars church was to be demolished, the stones auctioned and the proceeds used for 'mending of the wyndoys and ministeris sait in the said kirk', (Glas. Recs., i, 9). As this property was owned by the college this act affords a good example of 'town and gown'

- cooperation and it is noteworthy that in July 1574 three burgh courts were held in this church (SRA MS C1/1/1 ff21v-22v) and that it was there that the special convention regarding the common lands was held on 21 June 1576, (Glas. Recs., i, 50). Between 1575 and 1578 the accounts record payments for minor works at this site, (SRA MS C1/1/1 ff114r, 206v, 210v, 211v). The Blackfriars church passed into the burgh's control in 1635, (Glas. Chrs., i, pt.ii, 359-74).
84. See P1-3. See also Murray, Burgh Organisation, i, 326 n.1 for the changing dates for the fair.
  85. Glas. Chrs., i, pt.ii, 385-386 (crown charter of October 1636).
  86. In 1556 the council authorised the baxters to have three markets per week : Glas. Chrs., i, pt.i, 18. Murray, Burgh Organisation, i, 335 argues that the Yule fair, held in early January, had been authorised in the fifteenth century but it may be noted that neither it nor the other two new fairs are referred to in the minutes during the 1570s and 1580s.
  87. APS, ii, 234 (1493 c.15). The tenor of a precept by Robert III for a charter in favour of Glasgow suggests that in the late fourteenth century the market was held on Sundays : Glas. Chrs., i, pt.ii, 24, 433.
  88. Glas. Recs., i, 21.
  89. Ibid., 26. The reference is presumably to 1551 c.7 (APS, ii, 485), renewed in 1581 (APS, iii, 212).
  90. Glas. Recs., i, 63.
  91. Ibid., 60. This was the only statute proper issued regarding the fair : however, see P296-297.
  92. Ibid., 48.
  93. SRA MS C1/1/1 f165r, (16 November 1577), one of the few statutes omitted from Glas. Recs.; for others see notes 162, 245 and 276 below.
  94. Glas. Recs., i, 27; 'vpsitting' was the admission to an incorporated craft or the rank of burgess.
  95. APS, ii, 488.
  96. APS, iii, 221.
  97. Glas. Recs., i, 106.
  98. SRA MS CH2/550/1 f2v (14 November 1583).
  99. See P159-162.
  100. The kirk session passed other acts regarding banquets in 1584 and 1586 : SRA MS CH2/550/1 ff10v, 40v. It also issued statutes on Sabbath observance in 1583, 1585 and 1586 (bis) : ibid., ff3r, 23r, 52v, 57r.

101. For prosecutions for Sabbath breaking brought before the burgh court see Glas. Recs., i, 48, 65, 74; for prosecutions by the kirk session see SRA MS CH2/550/1 f15v (for contravention of the act 'anent brydells') and ff5r, 25r (Sabbath breaking).
102. See P159-162.
103. See P255.
104. Melville was principal, 1574-80. His associates included Andrew Hay, rector c.1569-86, and Thomas Smeaton, dean of faculty, 1578 and these men were almost certainly on the kirk session for on the commencement of the extant records of that body in 1583 there numbered among its elders the principal (Smeaton), the rector (Hay) and the dean of faculty (Andrew Polwarth) : Durkan and Kirk, Glasgow University, 409, 415, 416. In the early 1580s Smeaton and Hay led the presbyterian party in the burgh : see Appendix 2.26 in Vol. II, P237-258.
105. SRA MS C1/1/1 ff208v, 241v, 266v and C1/1/2 ff49v, 103r, 156v, 200v.
106. See P254.
107. Glas. Recs., i, 64.
108. Ibid., 26.
109. Ibid., 26.
110. Ibid., 42.
111. Ibid., 97.
112. Ibid., 63.
113. Ibid., 41.
114. Ibid., 63.
115. Glas Chrs., i, pt.i, pp cccxli, cxlii, cccxli respectively. Although the evidence for the horse and seed markets dates from 1634 it is highly probable that these were active in the 1570s and 1580s.
116. See P11.
117. Glas. Recs., i, 41-42. Although this statute was enacted each year after 1575 (when it first appeared) no reference was made after 1579 to the stalls for linen.
118. Ibid., 63.
119. See P376-377.
120. Glas. Recs., i, 39.
121. Ibid., 63. In the 1582 version of this statute and each year thereafter the corn market was included in this group: SRA MS C1/1/2 f50v.
122. Glas. Recs., i, 97.
123. Glas. Chrs., i, pt.ii, 213 (APS, iii, 505-506). Over Port was probably another name for the Bridge Port.
124. Ibid., 243 (APS, iv, 79).



125. Ibid., 213.
126. Glas. Chrs., i, pt.i, p cccxxvii.
127. Glas. Recs., ii, 21 and Glas. Chrs., i, pt.ii, 243 (APS, iv, 79).
128. Glas. Recs., ii, 21.
129. Glas. Recs., i, 26.
130. Ibid., 39.
131. Ibid., 41.
132. Ibid., 73.
133. ibid., 78.
134. Ibid., 82.
135. Ibid., 78.
136. Ibid., 82.
137. Mackenzie, Scottish Burghs, 63.
138. 'On the stock exchange every jobber is a regrater and engrosser and every broker is a forestaller; and the more they succeed in these medieval crimes and sins the more they are honoured': J. S. Nicholson, The Principles of Political Economy, (London, 1893-1901), ii, 27, cited in Mackenzie, Scottish Burghs, 63 n.4.
139. Glas. Recs., i, 25. From 1575 onwards this annual statute forbade a practice which indicates how this prohibition was evaded. Tallow, hides and skins were not to be bought by Glasgow burgesses 'witht strangeris money or peneworthis vnder colour': SRA MS C1/1/1 f75v.
140. Glas. Recs., i, 25.
141. Ibid., 26. 'Tarladerit' refers to the processing of hides into strips; 'boukis' were carcasses: Dictionary of the Older Scottish Tongue and Jamieson's Dictionary of the Scottish Language.
142. Glas. Recs., i, 41.
143. Ibid., 25. On prices see P264-273.
144. Ibid., 25.
145. Ibid., 26. Curiously, this annual statute did not reappear after 1579.
146. Ibid., 41.
147. SRA MS C1/1/1 f208v. Other burgh statutes which contained provisions on these subjects were those of September 1575 regarding the sale of salt, October 1578 regarding the behaviour of out of town fleshers and April 1580 regarding the sale of salmon : Glas. Recs., i, 39, 72, 78.
148. For example, two acts against forestallers and regraters, originally passed during the reign of James V, were reissued in 1579 : APS, iii, 146-147.
149. See P302-304.

150. Glas. Recs., i, 25 and SRA MS C1/1/1 f156v.
151. Glas. Recs., i, 26, 64 and SRA MS C1/1/2 f20r. See Appendix 2.20, pt. iv, in Vol.II P188-191.
152. Glas. Recs., i, 26.
153. Ibid., 25.
154. Ibid., 25.
155. Compare Lewis Grassie Gibbon, Sunset Song, (1932; Pan edition 1982), 238 : '... if you crammed the beasts up with hay and water the morning before they were driven to the mart they'd fairly seem to bulge with beef.'
156. 'Breeding' is defined as either breeding or cutting up meat in the Dictionary of the Older Scottish Tongue; however it appears in the 1580 re-enactment of this act as 'bleding' : SRA MS C1/1/1 f266v.
157. Glas. Recs., i, 26 (1574 version) and SRA MS C1/1/2 f49v (1582 version); Dictionary of the Older Scottish Tongue. This statute has already been discussed in the context of forestalling etc : see P260.
158. Glas. Recs., i, 25.
159. SRA MS C1/1/1 f156v.
160. SRA MS C1/1/2 f50r.
161. Glas. Recs., i, 41.
162. SRA MS C1/1/1 f266v (omitted from Glas. Recs.).
163. Glas. Recs., i, 7.
164. Ibid., 83.
165. Ibid., 85. 'Chopin' was a half pint of liquid measure : Dictionary of the Older Scottish Tongue.
166. Ibid., 95.
167. Ibid., 99. See also Appendix 2.20, pt.i, in Vol.II, P187.
168. Glas. Recs., i, 48, 56.
169. After 1588 the price of candles in Glasgow was calculated according to the stone weight.
170. APS, ii, 238; Renwick and Lindsay, Glasgow, 308.
171. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 60; S. G. E. Lythe and J. Butt, An Economic History of Scotland, 1100-1939, (London, 1975), [hereafter cited as Lythe and Butt, Economic History of Scotland], 38.
172. Glas. Recs., i, 101-102. Discussed P 84-85.
173. On the merchants' domination of the administration and the tension between merchants and craftsmen see P74-76, 80-88.
174. For much of the following see Appendix 4.4 in Vol. II, P282-288.

175. J. Gibson A History of Glasgow, (Glasgow, 1777), 83. Gibson evidently had access to a volume of burgh minutes which is no longer extant.
176. SRA MS C1/1/1 f281r.
177. Ibid., f113v.
178. Glas. Recs., i, 64.
179. Lythe and Butt, Economic History of Scotland, 9.
180. See P288-291.
181. Glas. Recs., i, 118.
182. Ibid., 121-122.
183. Ibid., 146.
184. Ibid., 171. However the price of ale was set on 21 October at 1s 4d per pint :  
ibid., 172.
185. Ibid., 188-189.
186. Ibid., 200.
187. Ibid., 214.
188. S. G. E. Lythe, The Economy of Scotland in its European Setting, 1550-1625, (Edinburgh 1968) [hereafter cited as Lythe, Economy of Scotland], 100-102.
189. See P266-267.
190. It is notable that this suggested four-fold increase in grain prices tallies with the general assessment of inflation during this period in Lythe, Economy of Scotland, 100.
191. See P268.
192. See P313-316.
193. See P86-88.
194. Glas. Recs., i, 66.
195. Ibid., 25.
196. SRA MS C1/1/2 f156v.
197. Glas. Recs., i, 82.
198. Ibid., 107.
199. Ibid., 184.
200. Ibid., 106.
201. Ibid., 25.
202. Ibid., 26.
203. Ibid., 25.
204. Ibid., 41.
205. Ibid., 41.

206. Ibid., 78.
207. Trading in staple goods and involvement in export and import were reserved to royal burghs or those other burghs such as Glasgow which belonged to the Convention of Royal Burghs: Mackenzie, Scottish Burghs, 62-68 passim.
208. SRA MS C1/1/1 ff35v, 69r.
209. Glas. Recs., i, 64; Dictionary of the Older Scottish Tongue.
210. Glas. Recs., i, 27.
211. Ibid., 72-73; see also P366-367.
212. Ibid., 114. The Kilpatrick convention was held c.20 October 1584 and is also referred to in the accounts : SRA MS C1/1/2 f196v.
213. See P261-262.
214. Glas. Recs., i, 26, 64 and SRA MS C1/1/2 f20v. See Appendix 2.20, pt.iii, in Vol.II, P187-188.
215. Glas. Recs., i, 42.
216. SRA MS C1/1/1 ff116r, 157r.
217. Ibid., ff209r, 242r.
218. Ibid., f116r.
219. See P238-239.
220. Glas. Recs., i, 116.
221. Murray, Burgh Organisation, i, 102, 128.
222. Glas. Recs., i, 14..
223. Ibid., 7.
224. Ibid., 50.
225. Ibid., 93.
226. Ibid., 17.
227. See P81-82, 86,241.
228. Glas. Recs., i, 50-52.
229. See P86, 355.
230. Glas. Recs., i, 17.
231. Ibid., 58.
232. See P266-267.
233. Glas. Recs., i, 63.
234. Ibid., 131; see Appendix 2.2 in Vol.II, P33-36.
235. SRA MS C1/1/2 f180v.
236. The fees received by the herdsmen were recorded in the 1573-74, 1574-75, 1575-76 and 1578-79 accounts but not thereafter : SRA MS C1/1/1 ff86r, 88r, 114v, 243v.
237. SRA MS C1/1/2 f33v.

238. Glas. Recs., i, 204.
239. Ibid., 52.
240. Ibid., 68.
241. Ibid., 204; see Appendix 2.3 in Vol.II, P37-38.
242. See P279-280.
243. SRA MS C1/1/2 f50r.
244. Ibid., f157v.
245. Ibid., ff99v-100r (omitted from Glas. Recs.).
246. Glas. Recs., i, 59.
247. Ibid., 187.
248. On these public works see P393-398.
249. Glas. Recs., i, 34.
250. Ibid., 1.
251. Ibid., 25.
252. Gilbert Skeyne, Ane Breve Description of the Pest, quoted in T. C. Smout, A History of the Scottish People, 1560-1830, (London, 1969), 151.
253. Glas. Recs., i, 69.
254. SRA MS C1/1/1 f208v; the quote is from the 1584 version, C1/1/2 f156v.
255. SRA MS C1/1/1 ff113v, 114v, 206v; see also P395.
256. Glás. Recs., i, 39; see Appendix 2.22, pt.i, in Vol.II, P199.
257. Glas. Recs., i, 90.
258. See Appendix 2.22, pt.v, in Vol.II, P211.
259. Glas. Recs., i, 83.
260. Ibid., 178.
261. Cowan and Easson, Religious Houses, 180; SRA MS CH2/550/1 ff81r, 90r; Glas. Chrs., i, pt.ii, 387; Prot. Bk. Glasgow, vi, p 97n.i. See also P185.
262. See for example Glas. Recs., i, 1, 74, 114.
263. Ibid., 93.
264. Ibid., 237.
265. The measures adopted in 1574 to protect the burgh from the plague are transcribed in full in Glas. Recs., i, 27-30. See also Appendix 2.22, pt.iv, in Vol.II, P200-210 passim.
266. SRA MS C1/1/1 ff87v, 88r.
267. T. C. Smout, A History of the Scottish People, 1560-1830, (London, 1969), 152; J. S. Jackson and J. Mc I Dixon, 'The Plague', in The Royal Burgh of Ayr, ed. A. I. Dunlop, (Edinburgh, 1953), 274.
268. Glas. Recs., i, 110-111; see Appendix 2.22, pt.iv, in Vol.II, P200-210 passim.

269. Glas. Recs., i, 157-158; see also ibid. 163, 173 for further references to quarters.
270. Ibid., 157, 170-171, 181.
271. Ibid., 111-112; see Appendix 2.22, pt.iv, in Vol.II, P200-210 passim.
272. SRA MS C1/1/2 f188v (omitted from Glas. Recs.). St. Luke's Fair was held on that saint's feast day (18 October) but its location is not known; presumably it was held in a neighbouring burgh or in the countryside nearby : see Murray, Burgh Organisation, i, 326 n.i. On the Glasgow fairs see P2-3, 254.
273. Glas. Recs., i, 113.
274. SRA MS C1/1/2 f196r-v.
275. Ibid., f172v; see also P218.
276. Glas. Recs., i, 117.
277. SRA MS C1/1/2 f200r.
278. Glas. Recs., i, 118.
279. See P249.
280. Prot. Bk. Glasgow, ix, no.2926.
281. J. S. Jackson and J. Mc I Dixon, 'The Plague', in The Royal Burgh of Ayr, ed. A. I. Dunlop, (Edinburgh, 1953), 269.
282. SRA MS C1/1/2 f206r.
283. Prot. Bk. Glasgow, ix, no.2799.
284. Glas. Recs., i, 119-120, 130.
285. Ibid., 227, 229, 232, 248.
286. Ibid., 254.
287. See P292.
288. Glas. Recs., i, 255.
289. Lythe and Butt, Economic History of Scotland, 10.
290. RPC, ii, 140, 146, 150.
291. Mitchell Library MS SR 143 586930, letter of 3 April 1570.
292. See P94, 387, 409.
293. SRA MS C1/1/1 ff211r, 242v. The crown's warrant ordering these watches to be kept has not been traced.
294. Glas. Recs., i, 66-67.
295. Ibid., 67.
296. On the Summerhill wapinschaws see P166-167.
297. Glas. Recs., i, 42.
298. SRA MS C1/1/1 f243v.
299. Ibid., f211r.

300. Ibid., f243v. This campaign against the Hamilton family culminated in November 1579 with the forfeiture of Lord John and Lord Claud for their part in the murders of the regents Moray and Lennox : see Donaldson, Scotland, James V-VII, 172-173. See also P390,
301. Glas. Recs., i, 96 ('anseinyeis' were banners or ensigns; a 'palyeoun' was a large tent or a banner : Dictionary of the Older Scottish Tongue).
302. Glas. Recs., i, 83-84, 322.
303. Ibid., 60.
304. Ibid., 163. This measure may have been stimulated by an act of Parliament issued in 1592 regarding the obligations of burgesses, including watch and ward : APS, iii, 578.
305. Glas. Recs., i, 88 and SRA MS C1/1/2 f88v (1581 and 1583 respectively).
306. Glas. Recs., i, 18.
307. Ibid., 101-102; see P84-85.
308. On this distinction see P135-137.
309. Glas. Recs., i, 16; see P160.
310. SRA MS C1/1/2 f105r; see P214.
311. See P99-100, 245.
312. See P246-248; also P363-369 passim.
313. See P90-119 passim.
314. See P56-62.
315. See P246, 358-359.
316. See P81-82, 86, 241, 278-279.
317. See P89-90, 239, 248; also P371-377 passim.
318. See P250.
319. See P250-253.
320. See also M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 22.
321. See P253-277 passim.
322. See P254-256.
323. The penalties set in 1584-85 did not include the death penalty : see Glas. Recs., i, 27-30, 110-114 and P286-291 passim.
324. Glas. Recs., i, 17, 34, 58, 63 and see P277-283 passim.
325. Glas. Recs., i, 25-26, 39.
326. Ibid., 26 and SRA MS C1/1/1 f75v.
327. SRA MS C1/1/1 f208v (a clause introduced into the annual statute on bread in 1578) and C1/1/2 f49v.
328. Glas. Recs., i, 25.
329. Ibid., 66.
330. Ibid., 78.

331. See P213.
332. SRA MS C1/1/2 f156v.
333. SRA MS C1/1/2 ff166r (November 1584) and 172v (January 1585) and possibly C1/1/1 f38r (November 1574 : see Glas. Recs., i, 32) and C1/1/2 f173v (January 1585). On the two definite examples see P218, 290-291.
334. SRA MS C1/1/1 f60v.
335. Ibid., f234r.
336. Glas. Recs., i, 37.
337. For example, SRA MS C1/1/1 ff7r, 7v, 8r, 10v, 13r, 14v, 20v, 25r, 28r, 38r (all cases arising in 1574).
338. Glas. Recs., i, 49.
339. SRA MS C1/1/1 ff9v, 20r, 110v, 111v.
340. Glas. Recs., i, 17. This example is of some interest as it relates to an older statute not recorded in this period.
341. See P264-273.
342. SRA MS C1/1/1 ff1r, 1v, 118v.
343. Glas. Recs., i, 3 and SRA MS C1/1/1 f1v.
344. See P264-273 passim.
345. SRA MS C1/1/1 ff10v, 33r, 36v, 37v.
346. Ibid., f80r.
347. Ibid., ff122r, 128r.
348. Ibid., f168v. On the same day a group of fleshers was prosecuted for working on a Sunday. The ban on Sunday trading in 1577 may have hit the fleshers particularly hard (see P254) and this would appear to have been another source of contention between these craftsmen and the administration for there are several examples of fleshers being accused of Sabbath breaking : see for example SRA MS C1/1/1 ff216v, 225r.
349. Ibid., f172r.
350. Ibid., f177v.
351. Glas. Recs., i, 80.
352. Ibid., 122.
353. See P237.
354. P242-298 above.
355. See P27-29.
356. Glas. Chrs., i, pt.ii, 149-162.
357. Ibid., 168-185; Durkan and Kirk, Glasgow University, 249-250, 283-292 passim; J. D. Mackie, The University of Glasgow, 1451-1951, (Glasgow, 1954), 63, 66.



358. J. Grant, History of the Burgh Schools of Scotland, (London, 1876), 94;  
The First Book of Discipline, ed. J. K. Cameron, (Edinburgh, 1972), 130n.7.
359. Glas. Chrs., i, pt.ii, 436.
360. Ibid., 89-92.
361. Prot. Bk. Simon/Glas. Rent., ii, 267.
362. See P146.
363. Glas. Chrs., i, pt.ii, 161.
364. Glas. Recs., i, 99 and APS, iii, 38. Blackburn remained as master until 1615 : R.  
Renwick, Glasgow Memorials, (Glasgow, 1908), 328.
365. Glas. Recs., i, 64 and SRA MS C1/1/1 f211r.
366. SRA MS C1/1/2 ff150v, 197v.
367. Glas. Recs., i, 210.
368. Ibid., 216-217; R. Renwick, Glasgow Memorials, (Glasgow, 1908), 329.
369. ASP, ii, 238.
370. The First Book of Discipline, ed. J. K. Cameron, (Edinburgh, 1972), 129-136 passim,  
180, 185, 186.
371. J. McClelland, 'Schools', in The Royal Burgh of Ayr, ed. A. I. Dunlop, (Edinburgh,  
1953), 214.
372. SRA MS C1/1/1 f211r; C1/1/2 f151v; Prot. Bk. Glasgow, viii, nos. 2453, 2462. The  
council disposed of these premises in 1589 but whether the school ceased or moved  
elsewhere is not known : Glas. Recs., i, 124-126.
373. Glas. Chrs., i, pt.ii, 107-112.
374. SRA MS C1/1/1 f113v and Glas. Recs., i, 43.
375. SRA MS C1/1/1 ff125v, 211r.
376. SRA MS C1/1/2 ff146r, 146v, 148v, 149r, 151v, 196r, 196v. See P352.
377. Namely, the holder of the prebend of St. Anne : Liber Collegii Nostre Domine accedunt  
Munimenta Fratrum, Predicatorum de Glasgu, ed. by J. Robertson, (Maitland Club, 1846),  
[hereafter cited as Liber Collegii Nostre Domine], pp.xvii, 26; Cowan and Easson,  
Religious Houses, 221-222.
378. Prot. Bk. Glasgow, vi, no. 1702.
379. Glas. Recs., i, 43 and SRA MS C1/1/1 f113v.
380. Possibly it was in Walkergait (later Saltmarket) as the prebend of St. Anne had  
originally been supported by rents from a house there : Liber Collegii Nostre Domine,  
pp.xvii, 26. For rental payments see SRA MS C1/1/1 ff207r, 210v, 242v and C1/1/2  
ff151r, 197r.
381. SRA MS CH2/550/1 ff78r, 89r.
382. APS, iii, 174.

383. Glas. Recs., i, pt.ii, 161.
384. Glas. Chrs., ii, 546-547 and, for example, SRA MS C1/1/1 f85r, 86r (see Glas. Recs., i, 447, 451).
385. Glas. Recs., i, 83 and SRA MS C1/1/2 ff147r, 149r, 151v, 197r. See P351-352.
386. Glas. Recs., i, 49, 96. The crown also used prebends of the new kirk in its own patronage to provide bursaries : see RSS, vii, no. 1541 and viii, no. 2420.
387. Glas. Chrs., i, pt.ii, 242-243 (APS, iv, 73-74). This claim seems to be borne out by the example quoted in the text.
388. APS, iii, 86.
389. APS, ii, 8.
390. APS, iii, 140.
391. The various acts of Parliament regarding poor law administration are usefully summarised in Sir George Nicholls, A History of the Scotch Poor Law in connexion with the condition of the people, (Glasgow, 1856), 6-15.
392. J. Durkan, 'Care of the Poor : Pre Reformation Hospitals', in Essays on the Scottish Reformation, 1513-1625, ed. D. McRoberts, (Glasgow, 1962), 116, 128.
393. The First Book of Discipline, ed. J. K. Cameron, (Edinburgh, 1972), 112.
394. APS, iii, 86-89.
395. APS, iii, 139-142.
396. R. Renwick, Glasgow Memorials, (Glasgow, 1908), 290.
397. A subsequent act of 1600 complained that the 1579 act had had little or no effect : APS, iv, 232-233.
398. SRA MS CH2/550/1 f86v. The earlier ordinance to which this refers cannot be traced.
399. APS, iii, 88.
400. SRA MS CH2/550/1 f2v.
401. Ibid., ff2v, 5r.
402. Ibid., f72v.
403. Ibid., ff39v, 73r.
404. SRA MS CH2/550/2 ff3v, 7r, 17v, 20r, 20v, 21v, 22r.
405. SRA MS CH2/550/1 ff28r, 41v.
406. See P268-272.
407. Glas. Recs., i, 29 (see P287). On the scourging and banishment of William Ross, 'ane vagabund and idle beggar' see Glas. Recs., i, 49 and SRA MS C1/1/1 f114r. The burgh accounts between 1574-75 and 1581-82 record several issues of 'merkis' for the poor : SRA MS C1/1/1 ff87v, 113r (May 1575), 211v and C1/1/2 f146v (October 1581).
408. See P279-282, 290.

409. SRA MS CH2/550/1 f34v. Similar requests for assistance were minuted in December 1586, June 1588 and August 1588 : ibid., ff57r, 58r, 95v, 98r.
410. SRA MS CH2/550/2 f36v.
411. SRA MS CH2/550/1 f39v.
412. This is confirmed by a minute of 1 May 1587 : ibid., f73r.
413. Ibid., ff59v, 73v, 76r.
414. Ibid., ff13r, 37r.
415. Ibid., ff32r (bis), 43r, 48v, 49r.
416. Ibid., ff38v, 39r.
417. Ibid., f73v. This division of the town into administrative districts was similar to the method used by the burgh administration with respect to the appointment of ale tasters and plague searchers : see Appendices 2.20 pt.iv and 2.22 pt.iv in Vol.II, P188-191, 200-210.
418. SRA MS CH2/550/1 ff95v, 98r, 98v, 99r.
419. Glas. Recs., ii, 180. A compulsory poor rate was levied in 1639 but this would appear to have been a temporary measure : Glas. Recs., i, 395-396.
420. Cowan and Easson, Religious Houses, 180.
421. Glas. Recs., i, 114-116.
422. Glas. Chrs., i, pt.ii, 92-96.
423. The visitors also included the burgh bailies, presumably in their capacity as kirk elders.
424. Glas. Recs., iv, 600.
425. Glas. Recs., i, 155.
426. The 'bak almouschous' existed by the 1530s : see Prot. Bk. Glasgow, iv, nos. 1064, 1135.
427. Glas. Recs., i, 31, 34-35, 74, 82.
428. Ibid., 89.
429. Ibid., 90, 155; Prot. Bk. Glasgow, iv, no. 1318. See also P31.
430. Glas. Recs., i, 108; Prot. Bk. Glasgow, iv, p.121n.
431. Glas. Recs., i, 210.
432. Glas. Chrs., i, pt.i, p.dcxii-dcxiii; Glas. Recs., i, 325.
433. Cowan and Easson, Religious Houses, 179-180.
434. The emphasis on residency as a prerequisite for the receipt of relief was not introduced by Parliament until 1535 but this would not have affected a private foundation such as Blacader's hospital : see APS, ii, 347-348.
435. Prot. Bk. Glasgow, ii, no. 618.
436. Glas. Recs., i, 147-148; R. Renwick, Glasgow Memorials, (Glasgow, 1908), 265.

437. Prot. Bk. Glasgow, ii, nos. 619-621.
438. Glas. Chrs., i, pt.ii, 131-167 and see P27-29.
439. See P27-28.
440. In 1562 : see P26.
441. See P306.
442. SRA MS C1/1/1 ff85v, 87v, 210v, 232v and C1/1/2 f197r. The recipients were burgh officers, a minstrel and a farmer of the bridge toll.
443. SRA MS C1/1/1 f113v.
444. SRA MS C1/1/2 f196v.
445. Ibid., ff150v, 197r.
446. Ibid., f197r.
447. Glas. Recs., i, 25.
448. Lythe and Butt, Economic History of Scotland, 36; see P264-272.
449. See P283-293.

CHAPTER V  
THE COMMON GOOD ACCOUNTS, 1573-85

1. The financial administration

Local government cannot function without a financial base and in the burgh of Glasgow during the late sixteenth century this was provided through land rents, casualties, burgess admission fines, and the income obtained from several petty customs. These resources formed the burgh's common good or ordinary income which was used to meet the local authority's ordinary routine expenditure, as distinct from the occasional stents or taxations which the magistrates and council raised to cope with extraordinary financial demands such as the repair of the high kirk.<sup>1</sup> The common good was thus of paramount importance in the administration of the burgh.

The first two surviving act books of the burgh court and council which cover the main period under discussion, 1574-1586, contain ten sets of common good accounts. These are the 'intromissiones with the commone guddis, annuellis, males and vtheris dewiteis quhatsumevir' of Robert Fleming (treasurer 1573-74), included because of the delay which invariably occurred between the end of a treasurer's term of office, the closing of the account and its audit;<sup>2</sup> Andrew Ritchie (1574-75); John Temple (1575-76); Robert Rowat (1576-77); Patrick Glen (1577-78); James Blackburn (1578-79); William Symmer (1581-82); William Burns (1582-83); Thomas Miller (1583-84); and David Donald (1584-85). The accounts of Convell Struthers (1579-80) and Robert Adam (1580-81) are missing. These must certainly have been audited some time prior to April 1586 (after which there is a two and a half year gap in the surviving records) and their absence may well reflect a breakdown in the routine of the administration during the difficulties which marked the provostships of Esmé earl of Lennox and Sir Matthew Stewart of Minto, 1580-83, (the more so since there is no obvious place in the act books from which these accounts might have been removed). The accounts of the last treasurer in this period, Robert Boyd (1585-86), do not survive because of the loss of the records between April 1586 and October 1588 during which time they were presumably audited.<sup>3</sup>

The ten surviving sets of common good accounts are an unrivalled source for a study of the burgh's finances in the late sixteenth century, the more so because after David Donald's accounts of 1584-85 the next to survive are those of John Orr, treasurer in 1605-1606.<sup>4</sup> Furthermore the details of expenditure recorded in these accounts provide a useful supplement to the information obtained from the council's statutes regarding the scope of local administration. However, before studying the contents of the accounts of the 1570s and 1580s it is necessary to examine certain general aspects of the burgh's fiscal affairs.

Firstly it is important to note the financial arrangements which existed between the burgh and its superior at this time. In several king's or royal burghs (such as Edinburgh, Aberdeen, Dundee and Perth) considerable financial autonomy had been obtained through grants of feu-ferme whereby in return for an annual fixed payment made to the crown these burghs were allowed to retain for their own uses the income which they collected from burgage rents, petty customs or court fines, irrespective of the annual value of these revenues.<sup>5</sup> Glasgow did not become a royal burgh until 1611,<sup>6</sup> prior to which time its superior was the archbishop (formerly the bishop) of Glasgow. However ecclesiastical and baronial superiors frequently imitated the crown. Did Glasgow obtain feu-ferme status from its superiors?

Although no grant of feu-ferme by the bishops to the burgh survives it would seem that the burgh achieved this position or something closely akin to it. Glasgow had a burgh seal by the mid-thirteenth century and a provost by the mid-fifteenth century, indications that the superior recognised the burgh as a self-governing community.<sup>7</sup> By implication such a community must have had some measure of financial autonomy and although in the late 1450s burgage rents were still apparently due to the superior<sup>8</sup> by 1503 there is evidence that such monies were then being collected by the burgh treasurer and credited to the common good,<sup>9</sup> a fact which is confirmed by the accounts of the 1570s and 1580s which show that the burgh was collecting for its own uses 'the commone annuellis of the toun'.<sup>10</sup> The burgh was not however completely financially independent of the superior for, while neither the sixteenth century rental of the archdiocese<sup>11</sup> nor the common good accounts of the burgh record any

payments of a ferme to the archbishops, a council minute of November 1605 discloses that an annual payment of sixteen merks was due to the superior 'for the burrow maillis of this burgh'.<sup>12</sup> This fixed payment or ferme for the burgh lands, in return for which the burgh administration was allowed to collect the rents of burgages and employ the monies thus obtained for the common good, was reserved to the archbishops even after Glasgow had become a royal burgh in 1611.<sup>13</sup> In all likelihood this payment also allowed the burgh to collect and use for its own purposes those other revenues which appear credited to the common good in the accounts of the late sixteenth century, most notably the petty customs of the ladle and the mill.<sup>14</sup> These customs were quite distinct from the customs of the tron which the bishops of Glasgow had obtained in 1490 through a crown charter.<sup>15</sup> This grant had given the bishops a free tron in their burgh and with it the right to enjoy the fruits of the tolls levied on goods for export (equivalent to the great customs which the crown continued to uplift even from burghs which enjoyed feu-ferme status).<sup>16</sup> The archbishops continued to collect the customs of the tron until 1581 when archbishop Boyd transferred these revenues to the college.<sup>17</sup>

It is clear then that by the 1570s the burgh enjoyed a considerable degree of fiscal autonomy, having complete control over the disbursement of funds obtained through rents and the petty customs (though not the tron customs), in return for an annual payment of sixteen merks made to its superior. How did the burgh administer its finances?

Overall responsibility for the burgh's fiscal affairs rested with the treasurer who was appointed at Whitsun each year. His importance within the administration was reflected in his fee which was equal to that enjoyed by the bailies.<sup>18</sup> Equally the difficulties inherent in the post explain why, uniquely among senior burgh officials, the treasurers served for only one term of office each. Examination of the appointees to this post<sup>19</sup> shows that they were probably all merchants and certainly men of some substance, an important consideration since it is clear that any over-expenditure had to be met from the treasurer's own resources until the time of audit. Thus, although Robert Adam's accounts for 1580-81 do not

survive it is known that he had been obliged to supplement the monies received from the common good from his own pocket, since an entry in the 1583-84 accounts records a reimbursement of £7 13s 9d made to Adam 'that he was superexpendit at his thesaurer compt'.<sup>20</sup> The most striking example is afforded by the experience of Robert Boyd, treasurer in 1585-86, who was still owed 200 merks (£133) by the burgh for his extra outlays made during his term of office when he died in 1592.<sup>21</sup> Clearly an element of personal financial stability must have been required of the treasurers.

The treasurer's duties related primarily to the collection and disbursement of the common good, the burgh's ordinary income and expenditure. His role with respect to the administration of the stents raised by the magistrates and council is less clear. It will be recalled that two such taxations were authorised in the 1570s, a stent of £200 authorised in 1574 to fund repairs to the high kirk and a similar levy in 1577 to assist with work on the paving of streets.<sup>22</sup> Although the 1575-76 accounts record that the treasurer received £20 'from John Steyn at the fut of ane compt maid be him of the maill of the muir ... and stent of kirk',<sup>23</sup> this is the only instance that monies collected through a special stent were charged to the common good, the sum here being credited probably being that which had been collected in excess of the level of taxation authorised. Similarly the disbursements made under these stents were not entered in the common good accounts. None of this is surprising since the source of these monies was not the common good. What is perhaps surprising is that the arrangements for these taxations (which involved the appointment of special stenters and collectors) made no mention whatsoever of the treasurer, but in all probability the treasurer did act in some supervisory capacity. Whatever the case no tax rolls survive and the accounts of these stents were not included in the act books, although a minute of April 1580 does record that John Sellar 'collectoure of the calsay stene' was discharged by the magistrates and council of £240 which had been collected for those works.<sup>24</sup>

How far the burgh treasurer personally collected the various elements which made up the common good is uncertain, but in one particular sphere his role was minimal. An act of Parliament of 1491



indicates that it was by then the practice in burghs to farm out certain revenues<sup>25</sup> and in the case of Glasgow the records show that by the 1570s the burgh's petty customs of the bridge, the ladle and the mills were auctioned and set to the highest bidder each year at Whitsun. These speculators became bound to pay a lump sum (the auction price) to the common good for the farm of these customs, the payment usually being made to the treasurer in three instalments.<sup>26</sup> The administration was thus guaranteed immediate income from these sources without being put to the trouble and expense of employing its officers to collect the monies. The tacksmen who farmed these revenues were for their part obliged to uplift the customs themselves but were able to keep any excess obtained as their own profit.

With respect to the revenues which were not farmed out in this way it would appear that the treasurer received some assistance, at least in the collection of rents from the recently 'rewyn out muris'.<sup>27</sup> Reference is made in the 1574-75 accounts to 'John Steyne collectour maid be the provest & baillies [of] the males of the new muirs',<sup>28</sup> and a payment from this source received from him and charged to the common good of 1575-76 has just been noted.<sup>29</sup> Steyne also received emoluments for collecting these rents in 1575-76 and 1577-78, although in the intervening year the treasurer must have undertaken this task himself, since he received a special payment over and above his fee 'for gadding of the males of gallomuir', in 1576-77.<sup>30</sup> The accounts after 1577-78 do not disclose how these rents were collected. It is probable that all remaining elements of the common good were collected personally by the treasurer, and these he entered as the 'charge' in his account.

The treasurer supervised all disbursements from the common good and these form the 'discharge'. The accounts as they survive are the audited versions, enrolled in the act books by the common clerk. The treasurers' working papers do not survive, but the wording of the audited accounts shows that there existed a system whereby (for some expenditure at least) a 'rolmont', 'precept' or 'tikat' was issued by a burgh official, authorising payments to individuals. Once received by the treasurer, the money was issued and the 'tikat' kept by the treasurer as proof of the transaction until audit. To quote but one

example, Sibbell Liddell in the 1573-74 account received payment 'for the outlandemeris disiones as the rolmont beris'.<sup>31</sup> Many entries also record payment being authorised 'at the command' of certain burgh officers. The accounts are by no means regular in recording these 'commands': those for 1573-74 include forty-seven such entries, while those for 1584-85 include only one. The officers who authorised disbursements in this way from the common good were the provost, the bailies (frequently named, for example 'at the command of Archibald Lione baillie'),<sup>32</sup> the master of work or a combination such as 'the provost, bailies and council'. Occasionally the form was extended to include the deacons of the crafts, while the use of 'at the haill townes command' occurs three times. There seems to have been no special distinction between these authorisations: those involving the deacons concerned compensation to the farmer of the mill and the giving of alms, while those referring to the 'haill townes' consent involved internal hospitality to the provost, expenses at Dumbarton of men sent to buy wine from a ship, and expenses of a messenger sent to the duke of Lennox.<sup>33</sup>

Some entries refer to the existence of separate accounts, it apparently having been the practice for the treasurer to assign funds to certain officials who at the time of audit presented an account of their dealings to the treasurer. Many of these sub-accounts related to public works and were submitted by the master of work.<sup>34</sup> Other sub-accounts were compiled by the treasurer and concerned miscellaneous minor disbursements 'given furtht in smallis at sundrie tymes without rolmonts'.<sup>35</sup> With one exception, a detailed description set out in the 1575-76 accounts of expenses incurred in a dispute with the burgh of Rutherglen over Glasgow's right to uplift the ladle custom, none of these sub-accounts survive.<sup>36</sup> Instead they were subsumed in the common good accounts, usually with the expression 'as the particular compt beiris',<sup>37</sup> and it must be presumed that these documents, like the various 'rolmonts' and 'tikats', were destroyed after auditing had been completed. It may be noted in passing that this practice was in direct contrast to the system used in the burgh of Ayr where the accounts of the dean of guild, master of work, common clerk and the bailies were entered into the act books alongside those of the treasurer.<sup>38</sup>

Apart from these payments which were authorised by the treasurer on receipt of 'rolmonts', 'tikats', 'commands' or sub accounts, the majority of disbursements from the commongood had no such endorsement. However this apparent lack of consistency may reflect the use of an accounting practice in Glasgow akin to that employed in Edinburgh at this time. In that burgh the treasurer divided his disbursements into three sections: the 'discharge ordinar' (fixed salaries and pensions), the 'discharge be preceptis' (for which only the date of the order had to be recorded) and the 'discharge extraordinar' (ad hoc items such as payments to messengers or disbursements on common works).<sup>39</sup> If the Glasgow treasurers used such a system this would explain why certain items in the discharges refer to 'rolmonts' or are dated while others merely note the name of the recipient and the amount disbursed. However it is by no means apparent from the layout of the Glasgow accounts that the Edinburgh model was followed. A very detailed examination of the discharges would be required since the Glasgow accounts are presented as one undifferentiated block of entries.

Once a treasurer's period in office had ended his accounts could be presented for audit. The audits were carried out by groups which usually comprised one or more of the magistrates plus a number of councillors and occasionally some other burgesses. The total number of men involved varied from sixteen for John Blackburn's accounts in October 1579 to only nine for Thomas Miller's accounts in September 1584, but the usual number was between ten and fourteen. Examination of the composition of these groups shows that their membership was drawn from men in office at the time of audit rather than from individuals who had been bailies or councillors during the incumbency of the treasurer whose accounts were being scrutinised, though, inevitably, because of the oligarchic nature of burgh government, many of the auditors tended to have been in office during the period being examined. The participation of some men who were not otherwise directly involved in the administration of the burgh probably reflected the magistrates and councils' wish to have the endorsement of senior members of the burgh community in matters appertaining to the common good and it is notable that several of these 'assessors' were craft deacons.<sup>40</sup> When the auditors met, frequently fortified by

a meal supplied out of the common good,<sup>41</sup> they considered the treasurer's vouchers and occasionally queried some items (thus two entries in the 1575-76 accounts have entered against them in the margin the note 'not yet allowit', but were subsequently passed by the auditors).<sup>42</sup> Once they were satisfied that the accounts were correct the auditors calculated the balance, ordered its payment and, once this had been effected, discharged the treasurer. Since the balance could not be released until the accounts had been processed any monies to be carried forward did not necessarily pass to the next treasurer, but rather to the treasurer in post at the time of audit. Only one variation to this rule is recorded, when a straight payment of £30 was made from Robert Rowat, treasurer in 1576-77, to Patrick Glen his successor,<sup>43</sup> although the balance proper of Rowat's account which was not audited until September 1578 passed to James Blackburn, the treasurer then in office. Thus the date of audit determined to whom a surplus was passed: Blackburn's balance (1578-79) was credited to Convell Struthers (1580-81); William Symmer's and Williams Burn's balances (1581-82 and 1582-83) were transferred to David Donald (1584-85).<sup>44</sup>

However the balance was not always charged to the common good in toto. In August 1584 when William Symmer's accounts of 1581-82 were audited the bailies 'be advise of the counsell' ordered that the balance was to be given to David Donald, then treasurer, so that he could use part of it to repay a loan of one hundred merks which the burgh had been obliged to raise in 1576 in order to buy out the then tacksman of the mill custom. Accordingly at the audit of Donald's accounts for 1584-85 on 3 July 1585 the provost, bailies and council ordered that only part of his balance was to be carried forward to the new treasurer, the remainder being specially set aside to repay this loan.<sup>45</sup> Thus the balances which accrued could be earmarked for some specific purpose, although it may be noted that such disposals of the common good were not authorised by the auditors alone, but by the 'advise of the counsell', the representatives of the burgh community.

Audits were usually effected within six months of a treasurer demitting office. However on four occasions considerable delays occurred before audit, the accounts concerned apparently remaining

open for many months after the end of the treasurer's term of office.<sup>46</sup> Thus the accounts of Robert Fleming, which properly covered the period from Whitsun 1573 to Whitsun 1574, record disbursements up until November 1575, the month of its audit, by which time seventeen months had elapsed since Fleming had demitted office. Similarly Robert Rowat, treasurer 1576-77, relinquished office in May 1577 but his accounts were not audited until fifteen months later, in September 1578. In the early 1580s William Symmer's account of 1581-82 waited twenty-six months for audit while that of his successor, William Burns, was not 'compted' for fifteen months.<sup>47</sup> Why did these delays occur?

One possible reason was that the treasurers experienced some difficulties collecting the revenues which made up the common good. While the petty customs were farmed out, the tacksmen being bound to pay the treasurer regular instalments (including a 'thrid in hand'),<sup>48</sup> other elements of the common good were not so dependable. The income obtained through the fines paid by new burgesses was inevitably irregular and it was common for many of these fines either to be waived in whole or in part or to be earmarked for other purposes and thus diverted from the common good.<sup>49</sup> Furthermore each year the accounts recorded adjustments, many of which concerned burgages which, either because of the poverty of the feuwar or some special arrangement reached between the occupant and the administration, did not pay mails during that year.<sup>50</sup> In particular David Donald's accounts of 1584-85 included several such adjustments not only against burgage rents which had been due but had not been uplifted during his own term in office but also against rents which had not been received by his predecessors, William Symmer, William Burns and Thomas Miller, treasurers in 1581-82, 1582-83 and 1583-84 respectively.<sup>51</sup> Lastly, currency difficulties may have aggravated the treasurers' problems. When the accounts of the late Andrew Ritchie, treasurer 1574-75, were audited in January 1576 his kin who had administered his affairs were granted £2 13s 4d 'for tinsell and inlaik be resate of hardheidis cryit down' (i.e. compensation for substandard currency collected by Ritchie).<sup>52</sup> Shortage of cash may also explain why the income due for the wax of St John's light was paid in kind in 1583-84 and 1584-85.<sup>53</sup>

Certainly the collection of the common good income presented difficulties, but the problems outlined above (most of which in any case tended to involve only small sums of money)<sup>54</sup> were common to all the treasurers. The chief explanation for the inordinate delays in auditing the accounts of Fleming, Rowat, Symmer and Burns must lie elsewhere. If a failure to obtain revenue had been the cause it might be expected that the accounts of these treasurers would have closed in deficit. Yet while Fleming left no balance for his successor, Rowat, Symmer and Burns all closed their accounts in credit: indeed Symmer and Burns left large balances of £143 and £60 respectively.<sup>55</sup> This would suggest that delay in closing an account was caused not by difficulties in collecting income but rather by a failure to spend the monies available and that it was the accounting practice to treat each year's block of common good income administered by a treasurer as a separate and distinct fund, all or most of which had to be paid out by that treasurer. In other words a reduction in public expenditure would delay the auditing of an account and such a phenomenon might be expected to occur during times of political uncertainty; equally if the ruling oligarchy was in the throes of some crisis the normal processing of accounts would be liable to disruption.

It is thus instructive to note the dates of the accounts in question. Robert Fleming's accounts covered the period from May 1573 to May 1574 which coincided with the displacement from influence in the burgh of Sir John Stewart of Minto and the rise of Robert Lord Boyd.<sup>56</sup> The consequential upheaval in the administration could easily have led to a reduction in public spending and difficulties in disposing of the monies collected by Fleming. This seems to be the only explanation for the fact that his accounts were subjected to two examinations, in November 1574 and September 1575, before their final audit in November 1575 and, secondly, that they recorded disbursements made throughout 1575, the last being dated only two days before the final audit.<sup>57</sup> Robert Rowat's accounts of 1576-77 were not examined until September 1578 and it is possible that this reflected both a slackening of administrative procedures consequent on Lord Boyd handing over the immediate control of the burgh to his protégé Thomas Crawford in the autumn of 1577, and the increasing uncertainty during the spring of 1578 as to the continued influence of the Boyd interest

in the burgh in view of the revival of the fortunes of the Lennox family. Indeed it might be argued that the auditing of these accounts on 3 September 1578 was effected with a view to putting the burgh's finances in order before they attracted the unwelcome attention of Robert earl of Lennox, the new provost, who took up office on 30 September.<sup>58</sup> If this is somewhat tenuous there can be little doubt that the delay of twenty-six months in the auditing of William Symmer's accounts of 1581-82 and of fifteen months in processing those of his successor, William Burns, 1582-83, reflected a breakdown in the administration caused by the major political difficulties which beset the provostships of Esmé earl of Lennox and Sir Matthew Stewart of Minto, 1580-83.<sup>59</sup> Indeed, as has already been suggested, it is conceivable that the turmoil of these years also explains the absence from the act books of the audited accounts of Convell Struthers, treasurer in 1579-80, and of Robert Adam, treasurer in 1580-81.<sup>60</sup> It was not until John earl of Montrose became provost at Michaelmas 1583 that an element of stability returned to the governance of the burgh and it is significant that it was during his provostship that the accounts of Symmer and Burns were finally processed, on 18 August 1584;<sup>61</sup> it is equally notable that the accounts of Thomas Miller, covering the period from Whitsun 1583 to Whitsun 1584, were audited on 15 September 1584, barely three months after Miller had demitted office. Obviously the Montrose administration was making a conscious effort to regularise the burgh's finances. It is also evident that the new administration, in its eagerness to process these matters quickly, closed these accounts prematurely for, as has been noted, the accounts of the next treasurer, David Donald, 1584-85, contained entries relating to rents not taken up by Symmer, Burns and Miller,<sup>62</sup> and Donald's accounts were prefaced unusually as

'the thesawrer compt of David Donald ... togidder  
with his intromissioun of the futis and restis of  
the thesaurer comptis made by William Symmer,  
William Bornis and Thomas Miller.' <sup>63</sup>

It may also be observed that the momentum established by the earl of Montrose had been continued by his successor as provost, Sir William Livingstone of Kilsyth, for David Donald's accounts were

audited only one month after he had ceased to be treasurer. Close analysis of the burgh's financial practices thus serves to highlight the effect which political pressures could have upon the routine administration of the town and, as shall be demonstrated, similar details can also be gleaned from a study of the contents of the accounts themselves.<sup>64</sup>

The remainder of this chapter will be devoted to an examination of these accounts. The various revenues which made up the common good will be discussed, their respective values noted as also how the income obtained from these items was governed either by use and wont or by political and economic factors operating in the 1570s and 1580s; the common good income will also be viewed as a whole so as to determine the overall financial position of the burgh during these decades. The chapter will conclude with a discussion of the uses to which these monies were put, the details in the discharges to the treasurers' accounts providing further valuable information regarding the preoccupations of the administration.

## **2. The burgh's ordinary income**

When the treasurer entered on his term of office he began collecting the income due from the various resources which together comprised the common good and the monies thus obtained, the burgh's ordinary income, subsequently appeared as the 'charge' in the audited accounts. Although the charges list several sources of revenue, these may be conveniently considered under four headings, namely the income derived from land rents, from casualties, from the admission of burgesses, and from the petty customs of the bridge, mill and ladle. It may be noted in passing that whereas in certain burghs (such as Ayr and Dumbarton)<sup>65</sup> court fines were incorporated in the common good, in Glasgow these amercements were retained by the magistrates, presumably as a supplement to their annual fee (though possibly they were expected to disburse some at least of this money on the poor and sick). The only exception to this rule was the crediting of an unlaw of £2 to the common good in the accounts of 1577-78,<sup>66</sup> for although the accounts of 1573-74 also record income received from a pardon this was subsequently discharged as not being



'in use of payment'.<sup>67</sup> It was not until 1605 that the town council of Glasgow decreed that the fines taken up by the court should be included in the common good.<sup>68</sup>

Turning to the first of the resources which made up the common good of Glasgow, land rents provided the basic (though by no means the largest) source of revenue. Many of the account entries relating to revenue obtained from this source refer to the existence of a rental and although this was not engrossed in the two act books which cover the main period under discussion, 1574-86, the next act book contains copies of the burgh rental for 1589 and 1590 which provide valuable supplementary evidence about the income due from the burgh's lands.<sup>69</sup> It is convenient to divide these land rents into three groups.

Firstly there were the 'commone annuellis of the toun'<sup>70</sup> which provided a regular income of around £30 per annum during<sup>the</sup> 1570s and 1580s and which appear in the 1589 rental under the headings 'termlie' (£7 11s 6d), 'the northsyde of the gait termlie' (£3 19s 6d) and 'the eist syde of the toun beyond the gallowgait burne termlie' (£19 8s 2d).<sup>71</sup> Originally burgesses had paid a nominal mail for their burgages, probably in the region of 5d per rood, but as these sums were fixed they had become valueless and in some burghs had been remitted altogether. As no references to burgh mails appear in the Glasgow accounts it must be assumed that this had happened in Glasgow also and that, as elsewhere, the authorities had sought from an early period to augment public funds by encouraging individuals to occupy lands (not just the original 'biggit lands' on which mails had been due but also tracts of common lands appropriated for building) by tack or feu in return for a ground annual payable to the common good.<sup>72</sup> Such were the 'commone annuellis of the toun' found credited to Glasgow's common good in the 1570s and 1580s. Somewhat similar, though always recorded in the accounts separately, were the 'males of the mylnland' and the 'auld proprietie of the brig' (also described in the 1583-84 accounts as the 'auld annuels auchtand to the brig')<sup>73</sup> which produced fixed annual incomes of £14 13s 4d and £1 12s 0d respectively. In all likelihood these were entered separately because they pertained to more recent alienations of the burgh's

common lands: the former probably dated from 1447 when the superior had granted these lands beside the Molendinar to the community to permit the construction of a mill;<sup>74</sup> the origin of the latter is not known, though it is likely that the income from the tenements concerned was earmarked, initially at least, for the upkeep of the bridge.

Taken together these annuals produced a yearly income of about £45, a small sum compared to, for example, Ayr where in the 1540s the town's rental produced around £145.<sup>75</sup> This disparity was probably caused by the presence in Glasgow of a large number of religious institutions which tended to attract mortifications of annuals from private donors, the burgh administration being powerless in law to prevent these transactions.<sup>76</sup> Even if the annuals mortified were not those which were directly due to the burgh the result might be to exhaust the land and thereby indirectly deprive the common good of the annuals due to it. Such grants<sup>77</sup> must have greatly reduced the burgh's income and the common good would be further diminished if the administration chose to emulate the generosity of a donor. Thus in 1529 Mr James Houston appointed the magistrates and council patrons of eight chaplainries in the recently founded collegiate church of St Mary and St Anne, and the burgh for its part then assigned for their support sixteen acres of land in Gallowmuir.<sup>78</sup>

The manner whereby the properties of the church were dispersed after the Reformation has been discussed in the opening chapter but with respect to the burgh's common good it is sufficient to note that in March 1567 the crown vested the magistrates and council with the revenues of most chantries, altarages and prebends within Glasgow with a view to these monies being employed to assist the new ministry and provide a hospital for the poor.<sup>79</sup> The sum which should have accrued to the common good from these sources was apparently in the region of £250 per annum (this was the amount credited in the rental of the college from these chaplainries after they were transferred to it by the burgh in January 1573).<sup>80</sup> In reality it must have been considerably less for the crown grant of 1567 had included the important proviso that the then incumbents were to continue to enjoy the fruits of these properties during their lifetimes and, furthermore,

it is known that several of these kirk livings passed into private hands (including those of individual magistrates and councillors) during the late 1560s and early 1570s.<sup>81</sup>

Although in January 1573 the magistrates and council gifted to the college those kirk livings which had been granted to them by the crown in March 1567, the charter which effected this transfer specifically excluded those chaplainries and prebends which had belonged to the magistrates and council prior to the crown gift of 1567, the revenues from which were to be used for the support of sons of burgesses attending schools within the burgh.<sup>82</sup> Income from these kirk livings over which the burgh retained patronage form the second source of land rents credited to the common good accounts of the 1570s and 1580s.

Most of this revenue was obtained from properties attached to the former collegiate church of St Mary and St Anne or 'New Kirk'. These comprised, firstly, 'certain annuellis pertening to the New Kirk' <sup>83</sup> which provided an annual income of about £19 (1589 rental: £18 9s 10d). The most lucrative source was the chaplainry of sir Róbert Watson which consisted of the prebends of St Andrew, St Martin and the half prebend of Trium Puerorum, all in the new kirk; together these produced an annual income of about £43 (1589 rental £42 8s 8d). Although the arrangements reached during the 1560s had secured the rights of the incumbents of chaplainries during their lifetimes, the uncertainties of the period appear to have prompted Watson and others to seek a more secure financial future (and not without reason since the test act of 1573 deprived holders of benefices who refused to conform to the new faith).<sup>84</sup> Thus it is known that in 1569 Watson had leased his chaplainry to the burgh, the magistrates and council thereby obtaining immediate access to the fruits of that property in return for an annual payment of £26 made to Watson and a guarantee that the thirds due from the chaplainry for the support of the ministry, £6 13s 4d per annum, would be paid by the burgh. This arrangement obtained throughout the 1570s. Following Watson's death the magistrates and council in January 1581 transferred the chaplainry to Alexander Graham 'for his sustentatioun at the scholes' (thereby fulfilling the promise made in 1573 that

former properties of the church retained by the burgh would be used in this way), with the result that the common good continued to be credited with the fruits of Watson's chaplainry while annual payments of £20 were made to Graham 'for his prebendrie set to the toun'.<sup>85</sup>

A somewhat similar arrangement would appear to have been reached between the burgh administration and sir William Struthers with respect to the chaplainry of St Roche (also in the new kirk) though this property was only credited to the common good accounts of 1573-74 and 1574-75, having in fact been among those kirk livings transferred to the college, a transfer which in this case was presumably delayed until the terms of the lease had expired. In the earlier account £27 14s 0d was credited from this source; in return Struthers received £5 while the burgh also paid the thirds due to the university, amounting to £13 6s 8d; in the 1574-75 accounts £27 14s 0d was again obtained but the discharge records that this was repaid to Struthers.<sup>86</sup> From 1581-82 onwards the accounts record that £10 13s 4d was obtained each year from the prebend of Nomine Jesu in the New Kirk which had belonged to the late sir Peter Law. This property had however passed into the hands of Thomas Craig, teacher of the 'Inglis Schole', and the burgh paid him an annual rent of £8 'for his tak of the benefice callit Nomine Jesu set to the toune'.<sup>87</sup> The last item to be noted in this section was not related to the new kirk. This was the income from Patrick Armour's tenement in Stablegreen, intended originally to provide wax for St John's light in the high kirk, which was costed at 8s in the 1573-74 accounts but was then discharged that year as being 'not in use'. Nonetheless the 1583-84 and 1584-85 accounts record that a pound of wax was received in each of these years from this source, and in the rental of 1589 this item was valued at 6s 8d.<sup>88</sup>

Collectively these former properties of the church produced an income of about £70 per annum by the 1580s but because of the outgoings noted above their real value to the common good was only about £30. Thus, although the burgh's common good benefited from the post-Reformation dispersal of church property, the eventual gain was not great. However, as has been noted, the potential advantage to the burgh's finances after the crown vested the magistrates and

council in 1567 with the superiority of most of the kirk livings in the burgh had been considerable, and although this had never been realised to the full there had been some augmentation of common good income (as the example of sir William Struther's chaplainry of St Roche testifies) which had been lost when these properties were transferred to the college in 1573.<sup>89</sup> The burgh administration was forced to look elsewhere for compensation. With this in mind and spurred on by a need to provide more land for the prospering burgh,<sup>90</sup> (combined almost certainly with an element of self-interest), provost Robert Lord Boyd set about making encroachments on the burgh's common lands. Income from these alienations forms the third source of land rents accruing to the common good, but as the main beneficiaries included several of Boyd's kinsmen and associates, this policy initially provoked severe opposition.

The first sign of this in the minutes appeared in May 1574 when William Maxwell on behalf of the merchants and 'six dekyannis of craftis in name of the haill craftis and haill communitie' formally objected to

'the geving furth or delyng of ony pairt of the commone muris to James Boyde or to ony wtheris mair ... and protestit that the partis thairof ellis delt and gevin furtht by thair consentis in tymes bigane suld nocht prejuge tham bot that thai may have tym and place for recalling and remeid thairof'.<sup>91</sup>

Further opposition appears to have come (initially at least) from the archbishop whose position as superior to all the burgh's lands was seemingly ignored by his uncle the provost.<sup>92</sup> Two entries in the 1573-74 accounts refer to expenses incurred by Mr Adam Wallace, Mr Henry Gibson and James Fleming who had been sent to Edinburgh 'anent the new lands', the first entry referring also to 'the bischopis warnyng of the new muir land'.<sup>93</sup> Under the charge for the following account, 1574-75, £55 10s 0d was credited to the common good for 'the males of the new rewyn outmuris ...quhilk is thair entre of thair first payment', but a subsequent disbursement discharged this sum as still to be obtained from John Steyne, collector of these 'new muirs'.<sup>94</sup> This probably indicates further

difficulties regarding these new alienations, emphasised by another disbursement that year to James Fleming 'to be gevin to the men of law in Edinburgh for the consultatioun about the warnyng of the muris be the bischop'.<sup>95</sup> In the following year £20 was received from Steyne as 'the fut of ane compt maid be him of the maill of the muir of the yeir preceding and stent of kirk':<sup>96</sup> how this sum was apportioned between these two sources is unknown, but the sum collected must have been far short of the £55 10s 0d due to the burgh.

However from 1575-76 onwards these new rents appear to have been taken up without difficulty, producing about £55 per annum. The rental of 1589 indicates that the lands involved were in the Gallowmuir and Garngadhill areas and were valued at £57.<sup>97</sup> Nevertheless protests from the community continued and on 21 June 1576 a convention was held in the Blackfriars kirk attended by the provost, bailies, council, craft deacons 'and maist part of the haill communitie' the result of which was a ban on further alienations since it was argued that the remaining common lands would 'scarslie serue the touneschip'.<sup>98</sup> Yet despite this injunction further recourse was had to this source of income in the 1580s.

The accounts for 1584-85 record that £43 11s 2d was received that year from 'the commoun annuellis of the toun and new sett kill stedis'.<sup>99</sup> No mention was made of this fresh set of alienations in the minutes but, as has been observed, the burgh's common annuals produced around £30 per annum,<sup>100</sup> so these properties were providing an additional £13 to the burgh's common good. Yet by 1589 the rental valued 'the kill steddys and uther new dewties and annuellis pertenying to the toun' at £4 6s 0d.<sup>101</sup> Perhaps there was further opposition but if there was no record of this is to be found in the extant minutes which would explain this discrepancy, and the issue is further obscured by the loss of the minutes between April 1586 and October 1588.

It should be noted that the income from all these alienated common lands which was credited to the treasurers' common good accounts was based exclusively on the rents which the new occupiers paid each year. If the lands were feued rather than leased (and this

seems probable in view of the bad feeling caused by these transactions in the 1570s) there is no indication of how the initial cash payments made by the feuars for their feus were employed, though it may be supposed that these monies were devoted in some way to the needs of the burgh. This distinction may be clearly seen in the records of the next set of alienations which were processed during 1588-89.

Money was required by the burgh to obtain, inter alia, a feu of Archibald Lyon's mill on the Kelvin from the superior and to meet the expenses incurred by the administration during the recent plague crises. On this occasion there was no opposition, the benefit to the commonwealth of the burgh being obvious to all. On 31 October 1588 the provost, bailies, council and deacons met and agreed

'to latt furth and sett in few to sik personis,  
burgessis and indwellaris of Glasgow ...  
sameikle of thair east and west commoun landis  
of thair commountie leist hurtfull and that  
best may be spareit'.

It was subsequently decided that these should be certain lands at Mylndamheid, Peitbog, Dassiegrene and the West Port and these, after 'stobing and mesuring', were feued to the highest bidders at an auction held on 2 January 1589, thereby producing the sum of £1338. Presumably these non-recurrent monies were used for the purposes specified above. The new feuars were also to pay modest annual rents to the common good and it is these which appear in the 1589 rental as £3 15s 8d in toto.<sup>102</sup>

Annual rents from recently alienated tracts of waste land, income from chaplainries still within the patronage of the magistrates and council and the older common annuals and related mails thus comprised the resources which produced revenue for the common good out of the burgh's lands. To summarise, in 1573-74 the gross annual income from common annuals and former church properties amounted to around £138. Although the chaplainry of sir William Struthers ceased to provide monies to the common good in 1574-75 this loss was more than offset by the alienation of waste lands in Gallowmuir and Garngadhill so that by the late 1570s the revenue obtained from land rents had risen to £162 per annum. The addition of income from sir Peter Law's prebend of Nomine Jesu and from the alienation of the

'new kill stedis' resulted in a total gross income from burgh lands of almost £190 by 1584-85. Overall this type of income accounted for about 26% of the revenue charged to the common good between 1573 and 1585, being never less than 23% (in 1576-77) and never more than 30% (in 1575-76). However allowance must be made for certain common annuals which were not taken up each year, usually a sum not in excess of £12, and the more substantial outgoings associated with the chaplainries which have already been discussed. If these are taken into account the real free income obtained from land rents was about £84 in 1573-74 and rose to around £148 by 1584-85.<sup>103</sup>

The second source of common good income was derived from casualties but unlike land rents these provided monies on a very irregular basis. Indeed such items were charged to only two accounts during this period, those of 1574-75 and 1577-78.<sup>104</sup>

Booth entry fines were a special type of casualty levied on individuals who sought occupancy of shops on the main thoroughfares of the burgh, frequently at the market places, the superiority of these booths being vested with the burgh. The entry fees, in common with other casualties, might be double or triple the amount of annual rent due from the property and would vary according to the size and location of the booth. One statute issued during the period related to this subject: on 6 April 1574 it was decreed that the holders of booths beneath the tolbooth were to pay 'of entres siluer for ane lyferent tak to the thesaurare xx lib, quhilk salbe bestowit vpon the mending and reparyng of the tolbuyth and to na vther use'.<sup>105</sup> Whether this proviso was honoured or not cannot be determined from the format of the accounts. Presumably there were other booths elsewhere and it is to be regretted that, almost without exception, the account entries do not record the location of the booths in question.

In 1574-75 the booth entry fines of six burgesses were credited to the charge. Five paid £20 each, the sixth £13 6s 8d and they and their wives were given 'lyfrent takkis thairof'. The total income thus gained, £113 6s 8d, represented 15% of that year's common good. In 1577-78 the income from this source was only £20, or 3% of the



total charge. No further booth entries were recorded in this period. The only other information regarding booths is to be found in the discharge of the 1584-85 accounts, when George Herbertson's annual of his booth was waived four times (presumably for the years 1581-84 also): 'compter to be dischargit of ... iiii lib. for the annual of the buthe pertening to George Herbertson besyd the tolbuthe'. Such a large annual rent suggests that the premises occupied by Herbertson were substantial. The charge for 1577-78 also contains the only record of casualties proper being charged to the common good. Cuthbert Blackwood's son, Alexander, paid £18 'for his entres and [rentaling] in his fatheris malyng at the towne mylne', and James Braidwood paid £10 'for consenting to his few chartour'. If these items are added to the solitary booth entry recorded that year, noted above, the total income from casualties in 1577-78 was £48 or 8% of the common good.<sup>106</sup>

Although these were the only occasions between 1573-74 and 1584-85 that casualties were charged to the common good accounts, the infrequency of these entries probably reflects no more than the normal turnover of individuals succeeding to properties held of the burgh authorities.

A more flexible source of income for the common good accrued from the fines levied on those who wished to attain the status of burgess-ship, a position made all the more attractive since it brought with it, apart from the various duties of 'scotting and lotting, walking and warding', <sup>107</sup> the possibility of sharing in the governance of the burgh and an exclusive right to partake in commerce and manufacturing. Originally burgess-ship was territorial, being based on the possession of a burgage or toft of land, but with the passage of time this element became obscured, the more so as financial needs encouraged burghs to extend the privilege beyond heirs of freemen, thereby introducing a financial element alongside the older hereditary criterion. By the sixteenth century distinctions were being drawn between eldest and younger sons and sons-in-law of burgesses, strangers who paid a higher fine, and burgesses gratis who paid no fine and who were frequently, though by no means exclusively, 'distinguished' strangers.<sup>108</sup>

By 1573 some, but not all, of these differentiations were practised in Glasgow.<sup>109</sup> Most burgesses paid £6 13s 4d for their fine. The exceptions to this rule were the burgesses gratis, who paid no fine at all, and the burgess heirs. The latter did pay a fine but this was taken up not by the treasurer but by the 'collector of burgess heirs fines'. Evidence for this post is found intermittently during this period,<sup>110</sup> but for what purposes these particular fines were used is not known since they were not credited to the common good. The amount involved, however, was small, a half merk plus 4s 0d for sealing each certificate (10s 8d), increasing to 11s 4d by the 1580s.

In 1574 an attempt was made to increase income from this source. In June of that year 'the baillies, counsale, dekyannis and haill communitie present', in response to the influx of 'strangeris cumand to be burgessis ... throucht the small fynes, geving far les nor wther townis takis for thair fredome' decreed that henceforth 'ilk persoun that beis burges or desyris to be burges and freman of this gude toun sall paye for thair fynes to the thesaurar of the toun to the commone weale thair of the sowme of ten pundis money'.<sup>111</sup> Not surprisingly this was not received with universal enthusiasm as it affected not only incomers but also the sons and sons-in-law of existing burgesses. These 'burges sonnys' petitioned the magistrates and council 'desyring thair fynes to be mitigat and thai nocht handlit as strangeris', and in response the burgh authorities agreed in September 1575 to investigate the practices followed in Edinburgh, Stirling, Perth and Ayr.<sup>112</sup> As a result in June 1576 it was agreed by the 'commowntie' to differentiate between 'strangers' or outsiders who would pay twenty merks entry fine (£13 6s 8d); all burgess sons who would pay £5 'but preiudice to the eldest as burges air to be handelit conforme to use and wont'; and £5 each from those 'that sall happin to mary burges dochteris being madenis and nocht mareit of befoir', (i.e. sons-in-law). These proposals were to be 'resonit befoir the prouest and gif he consentis thairto to be concludit and endit, wtherwayis nocht'.<sup>113</sup> The accounts for 1576-77 and the individual burgess entries during that year show that these proposals were not implemented.<sup>114</sup>

However, in May 1577 a more sophisticated arrangement was introduced. Strangers who were not 'burgess barnes of the towne' were to pay £20. As regards burgess sons the heir, if the father was still alive, was to pay £5. Presumably the nominal fee of a half merk if the suppliant's father had died was retained though this was not stated. Younger sons were to pay ten merks (£6 13s 4d) whether their father was living or dead. Persons marrying a burgess's daughter, if she was the only heir, were to pay £5. Anyone seeking to become a burgess by marrying a younger daughter of a burgess was to pay £10, whether her father was living or dead.<sup>115</sup> These arrangements appear to have lasted until January 1589.<sup>116</sup>

The income which accrued from burgess fines between 1573 and 1585 averaged about 20% of the total revenue charged to the common good but it varied considerably.<sup>117</sup> During the 1570s it amounted to between £124 and £184 per annum, accounting for approximately 24% of the burgh's ordinary income between 1573-74 and 1578-79. The introduction of the new scales in May 1577 had the no doubt unintended effect of reducing income from £184 in 1576-77 (25% of the total charge) to £151 in 1577-78 (24%) and although a recovery followed in 1578-79 (£167 or 27% of income) this was still less than the amount produced prior to the adoption of the new admission rates. By the early 1580s, when the surviving accounts resume, income from burgess fines credited to the common good had declined still further. In 1581-82 only £43, or 7% of the common good, came from this source and although this more than doubled in the following year it was not until 1584-85 that revenue from burgess fines returned to a level close to that which had been produced in the 1570s (£140 or 21%). However, as shall shortly be demonstrated, much of the income from burgess fines did not in fact reach the common good, being diverted for special purposes.<sup>118</sup> A clearer and more accurate picture of the trend in the early 1580s is obtained by considering these diverted fines as well as those which reached the common good. When this is done it is found that the number of burgesses paying the standard admission fines (i.e. excluding burgess heirs and, of course, burgesses gratis) fell away sharply, but only in 1581-82.<sup>119</sup> Although the precise reasons for this are not clear it is possible to regard this phenomenon as a sign of the unsettling effects on the administration

and the community as a whole of the political difficulties experienced during the provostships of Esmé earl of Lennox and Matthew Stewart of Minto.

Returning to fiscal considerations, the fines obtained from burgess admissions were clearly an important component of the burgh's common good. However several factors combined to ensure that the revenues which could have been obtained from this source were not fully realised.

Firstly, fines were frequently charged at admission at lower than the prescribed rate. A few examples will suffice though there are many others. In 1577-78 George Lang, armourer, paid 20 merks (or £13 6s 8d), the rest being waived at the request of the laird of Lachop, and William Arthur, tailor, paid £10 with £10 being discounted at the request of Gavin Crawford of Ferme.<sup>120</sup> In the following year James Witherspoon, William Cowie and John Lekprevik, all hammermen, paid only £10 because of their poverty.<sup>121</sup> In each of these cases the fine due must have been £20: that is, these men were strangers.<sup>122</sup>

The diversion of fines at admission towards special purposes was the second means whereby the common good suffered. Sometimes the earmarking of funds can be traced back to the minutes. In October 1579 the officers were 'to have for thair support of the common guddis twa to be maid burgessis at thair requeistis' and in April 1580 John Flegear's and Archibald McGregor's fines were recorded as being given to the officers for their uniforms, 'to that effect'.<sup>123</sup> This practice of earmarking fines on admission was employed to a variety of ends.

A number of burgh officials benefited from time to time through this process, including the provost, the bailies, the master of work, the treasurer and the clerk, and frequently these fines were described as relating to their fees.<sup>124</sup> All these men were drawing fees from the common good, the level of which corresponded to the fine levied on certain classes of burgess sons, a fact which itself suggests that a certain number of burgess fines credited to the common good were each year devoted to salaries.<sup>125</sup> The occasional diversion of burgess fines to these officials may have been intended

as supplements to their salaries, but in certain instances it is clear that this practice was used to speed cash flow when payments through the normal channels were in arrears. Thus in March 1582 Hector Stewart received James Gilmour's admission fine for his fee as bailie in 1580-81.<sup>126</sup> Similarly in May 1583 the clerk was given John Portar's fine because he had received nothing from William Symmer, treasurer in 1581-82, despite the fact that the discharge of Symmer's account included the payment of £10 as the clerk's fee.<sup>127</sup>

Burgess fines were also earmarked at admission to assist with various public works, the intention again no doubt being to speed payments. Individuals who worked on the tolbooth, the bridge and the mill dam received financial assistance in this way.<sup>128</sup> So too did persons who had suffered some loss in the town's service or who had done work for the burgh: thus in May 1574 John Moreson received a burgess fine for a horse lost in 'the tyme of the truble'<sup>129</sup> while Thomas Mylne, surgeon, was similarly rewarded in March 1581 for curing Thomas Muir 'hurt in the tounis business' and obtained another fine in March 1585 'for certain extraordinary cures done be him at the desire of the town to certain persones of quhom he ressavit na payment'.<sup>130</sup> A clear example of the use of this method of payment to compensate an individual for monies supposedly drawn from the common good but which were not actually forthcoming is found in February 1579 when Gavin Graham attended the Convention of Royal Burghs held at Cupar. The accounts record a disbursement of £10 for his expenses on 20 February but the minutes show that he was in fact reimbursed through the allocation of two burgess fines in February and July of that year.<sup>131</sup>

Between 1574-75 and 1584-85 a total of 478 burgesses were admitted, 238 of whom paid fines. The fines of only 160 of these 238 individuals were credited to the common good, the fines of the others being diverted for special purposes. After the introduction of variable fines in May 1577 it is impossible to tell how much actual income was thus diverted, but prior to then all fines were set at £10 irrespective of the status of the applicant: thus between 1574-75 and 1576-77 ten fines were earmarked for special purposes, amounting to a loss to the common good of £100. Thereafter the sums

may have been even greater, particularly if strangers' fines were involved, but the amount of money diverted was never recorded.<sup>132</sup> Consequently there was ample scope for abuses and, in what appears to have been an attempt to control this situation, a statute was issued on 8 October 1582 which stipulated that no one was to be made a burgess by the bailies unless the treasurer 'and ane sufficient number of the counsell be present, to witt iiij or vi'.<sup>133</sup> The records of subsequent admissions show that this statute was largely ignored.<sup>134</sup> In June 1599, on the petition of the treasurer, it was agreed that burgesses 'apprehendit be him or in tikitt gevin up be him to be enterit burges' were not to be 'grantit nor giftit to ony vtheris by him'.<sup>135</sup> Nevertheless concern persisted and expressed itself in another statute ten years later. In this enactment, issued on 7 October 1609, the magistrates and council addressed themselves to the two practices already described, namely that of admitting burgesses at less than the appropriate rate and that of earmarking admission fines on entry and thereby diverting them from the common good. They expressed their disquiet that

'the grit hurt and inconvenient quhilk ... hes hapnit to this commoun weill be admitting and resaifing of burgessis, nocht onlie in the thesaureris handis verie oft within the ordiner price set down thairupone bot be admitting ... of burgessis in fauoris of the provest and bailleis and sindrie vtheris to quhome they haif grantit burgessis to be admittit for thair commoun service, as to ... [the] maister of thair Grammer Schole, thair clerk, thesaurer and maister of werk.'

As a remedy, all burgess admissions were to be processed through the newly constituted dean of guild court (which had been established by the Letter of Guildry four years previously), all fines were to be paid to the treasurer, and the provost, bailies and council, for themselves and their successors in office 'denwdit and secludit thame ... of thair ordiner burgessis in all tyme cuming and of all admitting be thame of burgessis bot as said is.' In conclusion, the treasurers, in compensation, were to pay a set of revised fees to the provost, bailies, clerk and the master of work, and were

themselves to be allowed a set sum for their 'comptis'.<sup>136</sup>

Not only were fines sometimes charged on admission at lower than the proper rate or alternatively diverted in toto away from the common good if they were earmarked for special purposes, but the monies actually received by the treasurers from burgess admissions and charged to the accounts could subsequently be waived in part or in full. Thus in the 1574-75 accounts it is recorded that the treasurer 'renunceit to Isabell Stobo relict of David Brady the half of his burges fynes for poverteis caus'.<sup>137</sup> Such adjustments have to be set alongside the sums from burgess fines credited to the accounts to appreciate how much money was actually received from this source and therefore available for general purposes. Usually the total amount involved was small<sup>138</sup> but the accounts for 1584-85 record that the treasurer was to be 'dischargit' of seven fines 'befoir chargit', (total value £70), 'quhair of there wes thrie gewin and assignit to the bailleis with thair fee and foure ... gewin ... to sewin horsmen send out of this toun at the bischopis request to convoy him to Edinburgh'.<sup>139</sup> Once again the earmarking of fines, especially for officials' fees, can best be understood in the context of a financial system which did not allow for a smooth or rapid cash flow.

However the single most important factor which prevented the full realisation of income from burgess fines was the practice of bestowing the rank of burgess on individuals at no cost to the recipients.

Men were entered burgesses gratis for a variety of reasons. Service to the burgh could bring this reward. For example Martin Pettigrew was entered gratis in 1574 for his labours on the tolbooth, John Esdale in 1575 for work carried out by him on the high kirk, and William Spang in 1576 for supplying medicines.<sup>140</sup> Furthermore the community of burgesses protected some of its members from the economic difficulties of the time in this way: James Anderson became a burgess gratis in 1581 for 'his great tinstel be the sea in tyme bigane' while William Witherspoone and Robert Herbertson, entered gratis in 1583, were both described as 'poor young men'.<sup>141</sup>

Burgesses gratis were sometimes members of the nobility whose influence could be a valuable asset to the burgh. However this form of reciprocal political patronage could easily be abused and frequently approached nepotism as each successive group which governed the burgh used gratis entry to burgess-ship both to attract the influential and reward its own supporters. Under the Boyd regime several such admissions were sponsored by provost Boyd and his nephew the archbishop, including Lord Boyd's son, Robert Boyd of Badinheath, and one of Lord Boyd's servants, William Grahamslaw.<sup>142</sup> During the period 1578-82 when the burgh was controlled by the Lennox family gratis admissions included not just earl Robert and earl Esmé but also John bishop of the Isles, Lord Ogilvie, Lord Newbattle, Sir John Maxwell of Nether Pollok and his brother William Maxwell,<sup>143</sup> all known supporters of the Lennox interest, while it is significant that after October 1578 (the month in which earl Robert had become provost, thereby ending the influence of Lord Boyd) gratis admissions sponsored by archbishop Boyd ceased. Following the Ruthven raid in August 1582, the influence of the Lennox family was eclipsed and in Glasgow a group sympathetic to the Ruthven lords and the presbyterian polity gained power.- This party was headed by Mr Andrew Hay and Mr Thomas Smeaton (respectively the rector and principal of the college) and both men were elected to the town council in October 1582.<sup>144</sup> Simultaneously Smeaton became a burgess gratis and in March 1583 Robert Allan, no doubt a political sympathiser, was also entered burgess gratis at the request of Smeaton and Hay, this being a unique example of such an admission being sponsored by individual councillors.<sup>145</sup> After the fall of the Ruthven regime, John earl of Montrose became provost of Glasgow on 30 September 1583 and he rewarded two of his servants, John Graham of Auchinloch and Mr Peter Pollok, with burgess-ships gratis two days afterwards.<sup>146</sup> Similarly when Sir William Livingstone was appointed provost in October 1584 he immediately saw to it that William Livingstone, his son, and Alexander Livingstone of Burnside were made burgesses of Glasgow gratis.<sup>147</sup>

The provosts were however perfectly entitled to exercise patronage in this way for it is evident that they were allocated a number of burgess admissions each year which they could bestow gratis as they saw



fit. In the first year of his provostship Robert earl of Lennox sponsored eight such admissions. The last was John Gray, fisher, and reference was made in the minute to a letter which had been received from Lennox in June 1579 'quhilk conteins provision that nan salbe resavit againe be his letteris.' During his second year as provost no further gratis admissions were sponsored by the earl, so it would appear that at this time the provost was probably allowed to make four such gifts per annum.<sup>148</sup> Gratis burgess admissions were also made at the request of the bailies, clerks and masters of work during this period.<sup>149</sup> The impression that these officials were also allowed a certain number each year is confirmed by the minute which recorded the entry of Robert Blair on 18 September 1584 at the request of Robert Stewart, bailie, because he 'wantit ane burges ane yeir he was baillie.'<sup>150</sup> The extent of the annual allocation to these officials in the 1570s and 1580s is not clear due to the incidence of gratis admissions which were minuted as having been requested by the provost and bailies, bailies and council or provost, bailies and council. However this matter is clarified by the legislation issued in October 1599 which ordained that burgess fines were in future to be farmed out. The tacksman was to collect all fines but 'deduceande alwyis to the provest foure and tua to ilk baillie ... and that of thair awin suitting and inbringing, ane to the clerk and ane vther to the maister of work of thair inbringing.'<sup>151</sup>

The exercise of personal patronage through gratis admissions to burgess-ship extended beyond the senior officials. Mention has already been made of Robert Allan, who became a burgess gratis at the request of Mr Thomas Smeaton and Mr Andrew Hay; in fact five other gratis admissions were sponsored by Hay between 1574 and 1584.<sup>152</sup> Other sponsors included Robert Scott, clerk to the Lords of Council and Session,<sup>153</sup> the earl of Glencairn,<sup>154</sup> the earl of Argyll,<sup>155</sup> and even the king.<sup>156</sup> Many gratis admissions do not record the identity of the sponsors and even in the examples just quoted the relationship between the patron and the new burgess is not at all clear from the records. All that can be said with any certainty is that kinship, friendship and political factors rather than actual service to the burgh must have played an important role in many of these admissions.

Between Whitsun 1574 and Whitsun 1585, 152 men were admitted to burgess-ship free of charge. After the introduction of a sliding scale of admission rates in May 1577 it is impossible to quantify the amount of revenue which was thus lost to the common good. It was probably considerable since many burgesses gratis were outsiders whose influence the burgh hoped to attract through its use of this type of patronage. Being strangers these men would otherwise have paid the highest fine but the individual minute entries do not distinguish indwellers from strangers sufficiently clearly for an analysis to be possible. However prior to May 1577 all new burgesses paid an entry fine of £10. Between 1574-75 and 1576-77 forty-four men were received as burgesses gratis : thus £440 of potential common good revenue was waived during these years.<sup>157</sup>

The burgh administration, while anxious to attract the favour of the influential, was not unaware of the fact that its generosity in granting burgess-ships gratis could seriously deplete its financial base. Loss of income, however, was not the sole cause of a growing anxiety regarding gratis admissions which is evident from the late 1570s onwards. Hardly less serious was the problem of ensuring that burgesses who were strangers lived within the town. If they remained outside the burgh they were able to avoid the duties and financial obligations, the local stents and national taxes, which burgess indwellers had to meet. Indeed, since a burgh's share of national taxation was probably determined in part by the size of its burgess population, the situation might arise whereby a burgh could find itself bearing an inequitable share of the national 'cess' because strangers, who had been admitted to burgess-ship, had not taken up residency. Consequently many burghs took action against out of town burgesses.<sup>158</sup> An example occurred in Glasgow in 1581 when a case was raised by the common procurator against certain

'fremen and burgessis of this toun nocht ... maikand residence thairinto nor scattand and lottand walkand and wairdand ... conforme to thair aythis ... and ... becaus Johne Tod, James Byris, John Muir in Cathcart comperit nocht ... thair are decernit to have tynt thair fredomes of the toun and to be rekynnit as

vnfremen in tym to cum conform to the statutis and  
actis of burrois.'

On that occasion eighteen others found sureties that they would 'scatt and lott, walk and waird and pay stentis as burgessis suld do'.<sup>159</sup> As has been argued, many burgesses gratis must have been strangers, though only one entry fee referred to this issue: John Whiteford was made burgess gratis in September 1584 'provyding alwayis he stob and staik within yeir and day conforme to the acts of burrois'.<sup>160</sup> However this problem was undoubtedly a cause for concern and, together with anxiety over lost revenues and an awareness that the patronage system was easily open to abuse, lay behind a number of enactments designed to control the number of burgesses entered gratis.

In May 1577 at the same time as the new scales for burgess fines were introduced<sup>161</sup> the magistrates and council, having noted that 'at syndry persones suttis, the requeistis of grit men and wtheris' many individuals were being entered 'burgessis gratis bot ony payment to the towne', ordained that in future unless there was evidence that the recipient had 'ane ressonabill caus of service or guid deid done to the towne' he was to be 'reknyt as strenger and paye fines as thai do'.<sup>162</sup> The effect on the number of gratis admissions was immediate.<sup>163</sup> During the financial years Whitsun 1574 to Whitsun 1577 these had numbered eleven, nineteen and fourteen respectively but between Whitsun 1577 (when the act was issued) and Whitsun 1578 the number fell to four. Examinations of gratis admissions in relation to the provostships which ran from Michaelmas to Michaelmas shows a similar if less dramatic trend but is probably more instructive: the figures then become fourteen, thirteen and eleven during Robert Lord Boyd's terms as provost, 1574-77, (or an average of about thirteen per annum), falling to only seven during Thomas Crawford's year as provost, 1577-78. However this improvement (such as it was) proved to be temporary. Between 1578 and 1582 the burgh was controlled by the Lennox family and gratis admissions rose again to around twelve per annum on average, although in reality the figure fluctuated considerably: under earl Robert sixteen such admissions were authorised in 1578-79 and seven in 1579-80; under earl Esmé the pattern was reversed, six in 1580-81 and eighteen in 1581-82 (the year of Matthew Stewart of Mintos' first term as provost, but a

year during which Esmé remained influential). This last high figure of eighteen admissions may have prompted the statute of October 1582, already noted, whereby it was decreed that all burgess admissions were to be effected in the presence of the treasurer and between four and six councillors, and not by the bailies alone.<sup>164</sup> The council which issued this act was that which had ousted the Lennox party from control of the burgh and instead espoused the cause of the Ruthven lords and presbyterianism. If the act of October 1582 was a genuine attempt on the part of these men to reduce the abuse of patronage, they soon found it expedient to follow the example of their predecessors, and in all seventeen gratis burgess-ships were awarded in 1582-83. John, earl of Montrose, who administered Glasgow on behalf of the Arran government in 1583-84 was even more generous with the burgh's patronage, the number of gratis admissions rising to twenty-two, while during Sir William Livingstone's first year as provost, 1584-85, the number of burgesses admitted in this way was nineteen.

Clearly the acts of 1577 and 1582 had little effect in curbing the generosity of the provosts and their associates with the burgh's patronage. The next attempt to control gratis admissions would appear to have been in October 1599 when it was decided to farm out all burgess fines, with the specific intention of 'evading of the manifald suitis anent the burgessis craving gratis'. The tack was set for three years and it was agreed that it would not be permissible for the provost, bailies and council to admit any burgesses gratis during that time except for the allocation made to the officials (four for the provost, two to each bailie, one each to the clerk and master of work). The tacksman was to be compensated for any gratis admissions made in excess of this number.<sup>165</sup> Likewise in 1609 when the admission of burgesses came under the control of the newly created dean of guild court a similar financial penalty was introduced to discourage the authorities from being too generous with the freedom of the burgh, it being decreed that if the dean of guild admitted anyone gratis 'the said dean of gild sall pay thee same to the thesaurer'.<sup>166</sup>

However during the main period under consideration, 1574-86, such safeguards did not exist. As a result of this, and the practices of

reducing rates when fines were levied or earmarking fines at admission for special purposes, the amount of money obtained for the common good from the admission of burgesses was considerably less than it might otherwise have been.

Although the decision to farm out burgess entry fines in Glasgow was not taken until 1599, this method of collecting income had already long since been adopted for the collection of the burgh's petty customs of the bridge, the ladle and the mills.<sup>167</sup> Collectively these customs formed the largest element of the common good but before examining the income which was obtained from these sources, the nature of each of these farmed tolls requires to be considered.

The petty custom of the bridge was a recent innovation, having been awarded to the burgh by the crown in April 1571.<sup>168</sup> The crown charter narrated the difficulties experienced by the burgh on account of the civil war, the removal of the archbishop's commissary court (which had reduced the number of people doing business in Glasgow) and the 'invndationis, greit fludis and stormis ... specialie this last winter' which had so damaged the bridge that unless repairs were effected, (which the burgh could not itself afford), 'with small tyme it sall grow to sic poynt as finalie greittar inconvenient sall follow to the disproffeit of our haill realme'. Accordingly the magistrates and council were empowered to collect

'of every horslaid of hering or vther fischeis that  
salhappin to be transportit fra the brig and watter  
of Glasgow yeirlie in tyme cumming, pertening alsweill  
to fremen as unfremen, the sowme of thre halfpenny -  
is money of our realme, and of every barrell wecht  
the sowme of vther thre halfpennyis money foresaid  
and that als oft as thai salhappin to be transportit  
thairfra or brocht to the said brig and watter'.

Collectors were to be appointed for this 'new gift of the brig', responsible to the provost, bailies and council, and any 'superplus' was to be credited to the common good 'for setting furthwart of vther commoun effairis'.<sup>169</sup> If not immediately then certainly by 1574, when the minutes commence, this custom was roused annually to the highest

bidder at the Whitsun court. Furthermore throughout this period it is evident from a comparison of the figures for which the custom was roused with the sums credited to the accounts that the total income from this custom was given over to the common good, apparently for general purposes. Only once is there clear evidence that this resource was actually used for public works: on 14 June 1573 Ninian Syare 'takisman of the brik' paid £22 17s 8d to the master of work, this presumably coming from the £68 credited to the common good from the bridge custom.<sup>171</sup>

A similar instance is found in the same accounts regarding the custom of the ladle: on 20 May 1573, £39 was discharged by the treasurer as having been given by Robert Miller, 'ladleman', to the master of work.<sup>172</sup> Again, this is the only instance where money from the ladle was clearly used for public works, although it is known from the results of a dispute between Glasgow and Rutherglen that income from this source was specifically intended 'for sowing and clangeing of [the] calsay'. The dispute arose in April 1575 when Rutherglen protested that Glasgow 'hes laitlie rasit ane new exaction vpon fre burgessis of ... Rutherglen, compelling [them] to pay thre half penneis for ilk laid of cornis convoyit in or brocht be thame furth of the said cietie [of Glasgow]'. Rutherglen also objected that 'be maner of skafrie and mere extortoun [Glasgow] extortis and takis furth of euerie laid of cornis brocht in the said cietie be the fre burgessis [of Rutherglen] ane ladill full of cornis'. Both parties were ordered to appear before the Lords of Council and Session and the Glasgow common good accounts contain several disbursements occasioned by this case. Judgement was issued on 4 June 1575. Glasgow was ordered to desist from the former exaction but was confirmed in its right to uplift

'of the said ladill full of every sek of wictuall cumand to the said mercat [of Glasgow] ... becaus the saidis prouest baillies counsale and commonitie of the said citie ar infeft in fre burgh be our ... Soverane Lordis predecessouris and be vertu thair of thay haif bene in possessioun of vptaking of ane ladill full of all cornis and victuale of ilk sek cumand to the mercat of the said burgh past memoir

of man and that for sowing and clangeing of thair  
calsay lyke as vtheris burrowis within this realm ...'

Thus Glasgow was authorised to levy the ladle toll on corn and other victuals coming to its markets, the proceeds of which were to be devoted to public works.<sup>173</sup> On 3 March 1576 the burgh passed a further statute underlining its right to levy this custom, ordering 'all the maltment and vtheris to paye the dewite of the ladill of thair beir and malt albeit it be cost furtht of the toun in cais [i.e. because] the samyn be ressavit and mesourit within the samyn'. Simultaneously the accounts record a payment 'for stampyng of the twa ladles at the townes seill'.<sup>174</sup>

The ladle, like the bridge custom, was roused annually at Whitsun and set to the highest bidder. Thus in 1574 'the casualiteis of the mercat callit the ladill is sett to Robert Millare meleman quhill Witsonetysday nixtocum for the sowme of nyne scoir merkis money ... the termes are thrid in hand [i.e. paid immediately to the treasurer] thrid at myd terme and the rest at Beltane'.<sup>175</sup>

The customs of the town's mill on the Molendinar were also set to a tacksman but in the early 1570s this was not done annually. At Whitsun 1569 the farm had been set to James Anderson and David Bog for nine years. Anderson proved a liability, disputing with his partner and quarrelling with the magistrates and officers of the burgh, and by late 1576 the authorities had decided not just to remove Anderson but also to reorganise the administration of this custom so as to augment its value and obviate a recurrence of the difficulties experienced with their tacksman.<sup>176</sup> Accordingly on 28 November 1576 several statutes were issued 'for setting furthwart of the commowne weill of the towne and augmentatioun of the commowne guddis thairof and the yeirlie ferme of thair commowne mylnes'. The first statute ordained that all burgesses and freemen were to take their corns to the town's mill, and for further enforcement all burgesses admitted thenceforth were to take an oath to that effect. The next statute ordered all brewers and 'makaris of aquavite' to bring their malt to the town's mill. By these two acts the inhabitants were effectively thirled or astricted to the town's mill. In a third statute the magistrates and council ordained that in future 'thair commowne mylnes pertenyng to thame presentlie or that

thai sall happin to conquest' were only to be set 'in tak to ony persoune or persounes for ony longer and farder space bot fra yeir to yeir'. Henceforth the mill was to be roupd annually at Whitsun. Immediate action was taken: that same day James Anderson resigned his rights as farmer of the town mill and received compensation of 100 merks on condition that he paid all arrears owing by him. On 1 December Patrick Gray became farmer, a position he held until Whitsun 1577 when the first annual roup proper, as specified in the statute above mentioned, took place.<sup>177</sup>

However on 14 May 1577, a fortnight before the roup, two further minutes record action taken in relation to the mill.<sup>178</sup> The first, a statute, described the common town mill as 'alluterlie ruinous' and ordered the master of work to see to its repair. A subsequent entry in the accounts (circa August 1577) records a disbursement of £188 18s 10d 'to the maister of werk and to wrichtis, masounes and quarioris for new biggyng of the commone town mylne ... quhilk wes tane down and new biggit in this symmer'.<sup>179</sup> The other minute of 14 May 1577 confessed that even if this mill had been in good repair it could not have coped with the new demand placed upon it by the thirlage legislation of November 1576. One of the men then on the council was Archibald Lyon who was rentalled of the archbishop in a mill on the Kelvin<sup>180</sup> and as a solution to their difficulties the magistrates and council had decided to 'blok' with Lyon for his mill. The resulting contract, of the same date, put the burgh in possession of Lyon's rental right to the Kelvin (or 'new') mill. In excambion, Lyon was infeft in the common town mill on the Molendinar and its multures which he then leased back to the burgh. The burgh was to make an annual payment of fifty bolls of victual to Lyon for his lease during his lifetime and 100 merks per annum to his heirs and assignees after his death until the burgh should redeem the old town mill by a payment of 1000 merks. The mill could not be redeemed until after Lyon's death.<sup>181</sup> In effect this was a mortgage on the security of the old town mill: the sum to be redeemed was the cost of the Kelvin mill to the burgh (1000 merks) and the 'threttie bolls of ungrund malt and twentie bollis ait meill' represented the interest repayments. The simple result of this complex transaction was that it allowed the burgh to use both mills. At each



annual roup of the mills from 1577 onwards the farmers undertook to pay on behalf of the burgh the fifty bolls of victual due to Archibald Lyon, this being charged against the farm of the Kelvin mill, together with a monetary sum which passed to the common good, this being charged (as before) against the farm of the old common town mill.<sup>182</sup> In addition the accounts show that the burgh paid the annual rent of £2 13s 4d due to the superior from the Kelvin mill.<sup>183</sup> Lyon died in November 1587<sup>184</sup> and thereafter the administration sought recognition of its rental right to the Kelvin mill from Walter Stewart prior of Blantyre to whom the crown had conveyed the temporalities of the see. This was obtained in May 1588 and the magistrates and council subsequently received the mill in feu in November 1588 having raised the necessary capital through the alienation of various parcels of burgh lands, as has already been described.<sup>185</sup> It is not clear when the burgh redeemed the town mill from Lyon's heirs, but sufficient funds were forthcoming from these alienations of common lands to suggest that this may have been done at around the same time.

Taken together the petty customs were the most important source of burgh revenue.<sup>186</sup> It will be recalled that between 1573 and 1585 the gross income from land rents and burgess fines averaged 26% and 20% of the total monies charged to the common good.<sup>187</sup> Individually the petty customs of the bridge, ladle and mills produced on average 8%, 26% and 17% respectively and collectively 51% of the total common good between 1573 and 1585.<sup>188</sup> However closer examination shows that revenue from these sources fluctuated considerably between the 1570s and the 1580s. In the earlier decade, from 1573 to 1579, they accounted for 46% of the common good but from 1581 to 1585 the figure rises to 60%. As will be demonstrated, income varied not just from year to year but also relatively between the customs; for example between 1578-79 and 1579-80 the farm price of the bridge fell, the mill remained stable and the ladle rose. Variations were caused by the fact that the burgh administration had little direct control over the level of income obtained from the customs. Being roup'd to the highest bidder the farms of the customs were subject to fluctuations caused by market forces, and those who placed bids would bear in mind how the farmers had fared in the preceding year. The accounts include from time to time

adjustments or rebates on each of the farms and these frequently led to a reduction in the level farmers were prepared to pay in the subsequent year.

Of the three customs, that of the bridge produced the lowest income. If the farm prices are examined it is seen that the custom was usually roused for between about £46 and £53. However for the first year for which accounts survive, 1573-74, it produced as much as £68. Its subsequent decline was caused in part by exemptions: in August 1574 the men of the barony were exempted at the request of the archbishop<sup>189</sup> and this almost certainly reduced the farm price from £53 in 1574-75 to £40 in 1575-76. But there were further difficulties that year for the accounts include a rebate to John Snype, bridge farmer in 1575-76, of £10,<sup>190</sup> so that actual income was not £40 but £30. Here market forces may have played a part, possibly in the form of a bad season's fishing. Similarly, the lowest farm price recorded was that of 1579-80, £33. The explanation is found in the accounts: the previous year £8 6s 8d was rebated 'for Johne Stobois povertie [the farmer in 1578-79] and Peter Lymburner and Gabriel Rankene his cautioners for the brig'.<sup>191</sup> Again, the fishing may have been poor. Nevertheless, excluding the year 1573-74 when the bridge custom contributed 12% of the total common good, this custom remained very steady, usually producing 7-8% of the burgh's revenue.

The mill custom was also very stable, both in terms of actual farm price and its impact on the common good. During the period under consideration it accounted for between 15% and 19% of the burgh's total ordinary income. What then was the effect of the thirlage legislation of November 1576, the avowed intention of which had been the 'setting furthwart of the commowne weill of the towne and augmentation of the commowne guddis thair of' by raising the amount of revenue forthcoming from this custom?<sup>192</sup>

The immediate result of thirlage was that income from the mill custom rose from £109 per annum between 1573-76 to £131 in 1576-77. This sum of £131 was made up of the monies due from James Anderson for the six month period from Whitsun 1576 to November 1576 (when he was removed from office), £54, plus the £77 which Patrick Gray his successor

agreed to pay for the six month tack of the custom which ran from December 1576 (immediately after the thirlage legislation had been passed) to Whitsun 1577. Obviously initial expectations that thirlage would lead to increased profits had induced Gray to pay this amount when a bid of around £54 would have been more appropriate in view of previous trends. The sum for which this custom was farmed and the monies credited to the common good from this resource dropped to £107 in 1577-78 and remained at that level during the next two years, 1578-80. Clearly it had quickly become apparent to those who wished to farm the mill that thirlage would not be as beneficial as had first been assumed. So, discounting the peak figure of 1576-77, the mill custom produced between 1573 and 1580 a steady income of around £108 per annum. Actual income received could be even less, though this was sometimes due to the mills' dependence on water rather than to anything else. In 1573-74 there was a rebate of £21 paid to the farmer 'be ressoun of the greit drouche' and a similar cause probably lay behind the 'xxxi dayis lying idill' referred to in a rebate included in the 1577-78 accounts of £11.<sup>193</sup>

The failure of the thirlage statute to increase revenue may have been largely due to the disrepair of both the common town mill and the new mill on the Kelvin: several references in the accounts deal with repayments to the farmers for work carried out on the mills, while it will be recalled that the authorities undertook a major rebuilding of the old mill in 1577.<sup>194</sup> However it is evident that the thirlage act was unpopular and may well have been subject to evasion. On 1 July 1581 the bailies, council and deacons considered a complaint from the burgesses of Glasgow that as freemen they ought not to be astricted to any mill. The town's mills, they argued, could not cope with the new demand placed upon them, the more so since the burgesses were

'burdenit with the furnesing of passingeris and  
 repair of noble men togidder with the repair and  
 charge of the Helandis and als with the furnesing of  
 fischeris and trafficquaris of this toun to the Iles,  
 Yrland and ellisquhair ... with the furnesing of the  
 universitie thee repair of mercatt folkis twyis in  
 oulk be the quhilkis ocasionnes and ressonnes foirsaid

the said toun and communitie ar inrichit and doith  
stand for the maist parte'.

Their petition further referred to the problem of drought and the fact that when the town mills were thus rendered inoperable the burgesses were obliged to pay 'double multuris', to the other mills where they ground their corn, and to the farmer of the burgh mills. Accordingly the act of thirlage was rescinded and significantly the accounts show that one month later, on 5 August 1581, £37 was repaid to the farmer of the mill, presumably as compensation.<sup>195</sup> The immediate effect on the income generated from this source for the common good was that the value of the mill farm, which had risen from around £109 between 1573 and 1580 to £120 between 1580 and 1582, fell back to £100 in 1582-83. Yet in the following year, despite the fact that the inhabitants of the burgh were no longer obliged to grind their corn at the town's mills, the revenue obtained from this custom rose to £133, though it fell back again to £100 in 1584-86.

So, the act of thirlage and its repeal had little real effect on the level of the mill farm or on the sums credited to the common good from this source. As shall now be demonstrated the performance of the harvests was of far greater significance since this directly affected the quantity of grain available for grinding at the burgh's mills.

The success or failure of the crop also determined the amount of grain coming to the market on which the ladle custom could be levied and it is not surprising to find that both the customs of the ladle and the mill reacted in the same general way in response to harvest trends. For example a good harvest in 1576 led to an increase in the money obtained from these customs but the crop failure of the following year which, it will be recalled, obliged the authorities to raise retail prices<sup>196</sup> also led to a reduction in the revenue obtained from these farms. What is remarkable, however, given the common factors affecting these customs, is the widening gap in their value. The ladle had always produced more revenue than the mill custom, as might be expected since not all grain arriving at the market would be sent to the town's mills for grinding: thus in 1574 the ladle farm produced £120 whereas the mill farm was set at £109. However, whereas between 1578 and 1581

the farm of the mill appreciated by 12% from £107 to £120, the ladle custom rose in value by 109% from £123 to a peak of £257. Evasion of the unpopular thirlage legislation and the inadequacy of the mills to cope with demand may partly explain this marked discrepancy but, whatever the case, the local market, as reflected by the value of the ladle custom, was evidently flourishing at this time, a factor which probably accounts for the augmentation of the value of the mill custom to £133 in 1583 despite the repeal of the thirlage legislation in 1581. By 1583 the ladle and mill customs were producing 35% and 19% of the common good respectively. However the economy began to suffer a series of reversals occasioned by crop failures and the threat of plague. The authorities were obliged to let prices rise and probably aware of the fact that income from these customs would fall decided in 1584 to roup the ladle and mill customs together, no doubt in the hope that the prospective farmer would produce a higher bid once the more lucrative ladle custom was combined with that of the mill. The combined farm produced £300 in 1584 as opposed to £380, the sum which had been obtained for the common good from these customs separately the previous year. The farms were disjoined in 1585 but produced only £306 13s 4d.

Two salient facts are evident from the foregoing. The first is that the monies obtained from the customs of the mill and the ladle were closely related to the performance of the local economy. The second is that, notwithstanding fluctuations in that economy and the effect which those fluctuations would have on the behaviour of prospective farmers at the annual Whitsun rous, the value of the ladle custom increased considerably during the period 1573-1584 to the extent that it became the single most important component of the burgh's ordinary revenue. Whereas during these years the bridge custom produced about 8% and the mill custom between 15% and 19% of the common good, the ladle's contribution to the burgh's revenue rose from around 20% between 1573 and 1579 to about 35% in the early 1580s, being as much as 40% in 1581. The steady rise in the value of the ladle reflected a flourishing market and good harvests; its subsequent decline (together with that of the mill custom) mirrored the effects of the crop failures and grain shortages which began to afflict the national and regional economies in the mid-1580s.

To summarise, the burgh's common good consisted of income drawn from land rents, casualties, burgess entry fines and the petty customs.<sup>197</sup> Despite continued encroachments on the common lands, income from land rents was remarkably constant. Income from burgess admissions was less stable, providing between £124 and £184 in the 1570s but falling away sharply in the 1580s, possibly because of the instability in the burgh's governance at this time. While income from casualties played a minor and spasmodic role, and did not feature at all in the 1580s, the loss of revenue from burgess entries was more than compensated for by the burgh's petty customs, and in particular, that of the ladle.

If the burgh's actual annual income is examined (that is, the charge of each account minus the balances passed on from treasurer to treasurer which serve to inflate artificially the charges of the accounts) the following salient features emerge. Taking the income of £569 in 1573-74 as a base line, income rose sharply in the following year to £730. However £113 of this came from booth entries, and if this extraordinary charge is excluded, the 'real' increase can be identified. This came from rents from the newly alienated common lands (though, in fact, these were not actually collected until the following year).<sup>198</sup> So, discounting booth entries, income in 1574-75 would have been £617: thus the 1575-76 figure of £618 in effect reflects not a reduction against the previous year, but a stabilisation.

However, in 1576-77 a sharp rise in income was recorded, from £618 to £720. A number of factors caused this: money from the admission of burgesses continued to rise, albeit slowly; the custom of the bridge had recovered from an unusual low the previous year; income from the mill also increased, owing to the transfer of the mill farm in November-December 1576 at a rate which was to the burgh's advantage and which no doubt reflected hopes (not to be fulfilled) regarding the effects of thirlage. Yet by far the most important contributory factor was the ladle custom, income from which increased by £74. This phenomenon must have been caused by increased activity at the market and fair. Conversely, this was of short duration, for in 1577-78 the ladle fell in value by £67 in response to a bad harvest. This was the major factor in a reduction of the overall income from the common good to £637,

although this year also saw a sudden diminution of monies from burgess fines, which up until then had shown a steady increase. In fact total revenue in 1577-78 would have been lower but for some miscellaneous casualties: there were none of these in 1578-79 and income fell to £610, the second lowest figure of the decade.

So, in the 1570s, the burgh's common good fluctuated considerably, ranging between £569 and £730. However, abnormal items (the casualties) played a large part in this and once these are discounted the range is reduced to between £569 and £620, with one extraordinary year, 1576-77, when due chiefly to the ladle farm, income rose to £720.

Unfortunately the accounts for the years 1579-80 and 1580-81 do not survive, but the farm prices of the customs, recorded elsewhere in the act books, show a steady increase in the ladle and, to a lesser extent, the mill.<sup>199</sup> When the accounts resume in 1581-82, income from burgess entries has collapsed, yet overall income is on the increase. A minor element in this was the additional rent now being obtained from sir Peter Law's chaplainry but once again the chief cause was the ladle and, to a degree, the mill, which tended to mirror its progress. In 1581-82 they together produced as much as 59% of the total and in the next two years they continued to contribute more than 50% of the burgh's income. This contrasts with the 1570s when land rents and burgess fines together could produce as much as 49%, 53% or 58%<sup>200</sup> of the common good; in the 1580s these 'regular' sources of income, which (unlike the petty customs) could in theory be controlled by the burgh administration were, in percentage and in real terms, falling in value. Overall, in this later period, the common good rose steadily to a peak of £702 in 1583-84: land rents remained stable, burgess entries remained very low, but the ladle and mill increased in value. However in 1584-85, despite a small augmentation in the revenue obtained from land rents and a substantial revival in monies accruing from the admission of burgesses, the total income of the common good fell back to £671. The ladle, the burgh's most lucrative resource, had diminished in value, as had the mill custom, because of the economic difficulties besetting the country at this time. The absence of further accounts for the late sixteenth century precludes an examination of the cumulative and complicated effects of a succession of poor harvests coupled with falling money

values. It may be assumed that the trend discernible in the accounts for 1584-85 was maintained for several years though, as shall shortly be observed, there are some indications that the burgh's financial position may have recovered to some extent by the mid-1590s.<sup>201</sup>

Clearly the burgh's common good suffered from certain intrinsic limitations. Rents from burgh properties tended to be fixed and attempts by the administration to augment this type of income by alienating tracts of common lands tended to provoke opposition which could not be ignored. Casualties were too irregular to be of any great account. Burgess admission fines should have produced far more income than they did; that they did not was due to a variety of factors, chief of which was the provosts' generosity in bestowing burgess-ships gratis on their associates. Since the petty customs were farmed out to the highest bidders, the authorities had little real influence on the level of monies obtained from these resources which were instead subject to market forces outwith their control. The attempt to increase the revenue obtained from the mills by astringing the inhabitants proved so unpopular that the offending legislation was repealed after five years; in any case thirlage failed to produce any appreciable returns because of the inability of the town's mills to cope with the demands placed upon them.

The inflexibility of the common good was most apparent when the authorities were faced with extraordinary financial demands. Because each treasurer was expected to spend all of the monies which he collected<sup>202</sup> there were no reserves which could be drawn upon to meet contingencies. Consequently recourse had to be had to special stents and it will be recalled that after this device was employed twice in the 1570s the authorities displayed a reluctance to tax the burgess further for fear of provoking opposition.<sup>203</sup> Thus, for example, when faced with heavy expenditure arising from the necessity of taking measures to protect the burgh from the plague in 1585, the magistrates and council borrowed 800 merks from a leading burgess, Andrew Baillie, secured against rents due from certain burgh lands, because the treasurer

'was alredy superexpendit and ... the commoun gudis  
and annuellis quhilkis war than to be collectit be  
thair said thesaurer was bot of small availl and



nocht sufficient to the purpois foirsaid'.<sup>204</sup>

Financial reserves might have been built up had there been some kind of rating system to supplement the traditional sources of ordinary income which made up the common good but, just as occasional stenting was unpopular with the burgess community, the concept of a local rate to defray the general costs of administration was politically unpalatable. Indeed it will be recalled that, despite the sanction of Parliament, the device of a compulsory poor rate was eschewed<sup>205</sup> and it may be doubted whether a rate for general purposes was even considered at this time.

Yet notwithstanding these inherent weaknesses in its fiscal base the burgh administration coped with most of the financial demands upon it and was able to weather the occasional crisis without too much difficulty. Partly through careful management and partly through favourable economic circumstances, the value of Glasgow's common good rose from £569 in 1573-74 to £671 in 1584-85, an increase of 18%. This encouraging trend was reflected in the burgh's assessment for national taxations. In 1575 Glasgow was placed seventh in the tax roll compiled by the Convention of Royal Burghs, being expected to contribute 2.7% of the burghs' share of the national taxation of £11,000 raised that year. By 1583 Glasgow had been promoted to sixth place, its level of contribution now being set at 3.5%.<sup>206</sup>

Similarly the difficulties of the mid-1580s, suggested by the downward trend detectable in the value of the common good as recorded in the accounts of 1584-85 and confirmed by the loan of 800 merks taken out in 1585 to cover the costs of measures taken to combat the plague, were mirrored in the burgh's tax assessment as set by the Convention. Although that loan was repaid in 1586<sup>207</sup> and the immediate threat of bankruptcy was averted, some <sup>slight</sup> indication of the burgh's difficulties can be gleaned from the fact that in a tax roll compiled in November 1587 Glasgow's contribution had been reduced to 3.25%.<sup>208</sup> Of course many factors determined a burgh's place on the tax roll, not least perhaps being the ability of its representatives to convince the other members of the Convention of its plight particularly since all the burghs would have been affected by the harvest failures and inflation which marked these years. Yet although

no exact correlation can be proved between the value of a burgh's common good and the formula used by the Convention to calculate a burgh's taxable capacity, it seems that in the case of Glasgow such a relationship can be detected. If this is accepted, these tax assessment data can be used to supplement the little information which is available from Glasgow's own records regarding how the burgh's financial position altered after the mid-1580s; for precisely how the burgh authorities managed during these difficult years can not be accurately gauged since many of the minutes are missing and the next common good accounts to survive date from the first decade of the seventeenth century.<sup>209</sup> Such records as remain show that the magistrates and council decided to fore-mail the customs, a practice which was also adopted at Ayr during this period and which had the advantage of guaranteeing a set income irrespective of harvest performance.<sup>210</sup> Thus it is known that in 1586 the ladle was set to David Donald for five years, though the farm price was not recorded; similarly, in May 1589 the town mills were set to William Spang for three years at a yearly rate of 568 merks (£379).<sup>211</sup> If it is assumed that a burgh's place on the national tax roll reflected to some degree the health or otherwise of its finances it is notable that in 1591 Glasgow had been promoted from sixth to fifth place, being expected to meet 3.5% of the burghs' share of taxations (a position equivalent to its standing in 1583) and that in 1594, though still placed fifth, its share had been increased to 4.5%.<sup>212</sup> At Whitsun 1595 the ladle custom was set at £400 (£207 in 1585) and the mills at £500 (£100 in 1585).<sup>213</sup> These sharp increases in the values of these farms were probably mainly attributable to inflation (it will be recalled that retail prices rose roughly three-fold in the last quarter of the sixteenth century),<sup>214</sup> but part at least may have been caused by an improvement in the local economy resulting in a real augmentation of the value of these customs. Without the common good accounts of this period to confirm that these farm prices were matched by the monies actually received by the treasurers and that other sources of income (land rents and burgess admissions in particular) at least remained stable, it is impossible to verify this hypothesis. Nonetheless these figures, coupled with what is known about the burgh's assessments for national taxations, suggest that by the mid-1590s the authorities, through careful management (for example by fore-mailing

the customs), may have succeeded in increasing the value of the burgh's common good or, at the very least, in reversing the downward trend discernible in the mid 1580s.

Returning to the accounts of the 1570s and early 1580s it is now necessary to consider how the burgh's common good or ordinary income was used by the authorities. Such information is to be found in the 'discharges' to the accounts which record the administration's ordinary expenditure.

### **3. The burgh's ordinary expenditure**

The discharges of the common good consist of lists of disbursements on a wide variety of items, the very diversity of which reflects the range of the administration's activities. These discharges are of further value since they frequently refer to incidents which were not recorded in the minutes. It is not the purpose of this section to discuss each entry set out in the discharges but it is possible to divide them into six broad categories: adjustments to the charges, outgoings related to chaplainries, the payment of fees to officials, the provision of hospitality, outlays on public works, and expenditure on general administrative matters. The first two of these categories can be dealt with briefly.

As has already been discussed certain monies credited to the common good each year were not in fact collected: annuals due from some properties were waived, burgess entry fines could be remitted in whole or in part and rebates were sometimes issued to the farmers of the burgh's petty customs.<sup>215</sup> These adjustments to the charges appear in the discharges, though of course they did not represent items of expenditure as such, being instead paper transactions. Nonetheless on average they represented between 2% and 6% of total 'outgoings' in any given year (or between £11 and £35) and could sometimes account for as much as 11% of a discharge, as occurred in 1574-75 when the rents from the newly alienated waste lands were not taken up (£55 of a total adjustment of £75) and again in 1584-85 when seven burgess admission fines were diverted to assist the bailies with their fees and fund an escort for the archbishop when he journeyed to Edinburgh to attend

Parliament (£70 of a total adjustment of £99).<sup>216</sup>

Attention has also been drawn to the expenditure which was earmarked each year to meet payments on the leases of the former properties of the church which provided income to the common good and the thirds due to the university from those properties.<sup>217</sup> These outgoings on chaplainries amounted to around £33 per annum in the 1570s and £28 per annum in the early 1580s, equivalent to about 5% of all disbursements each year.<sup>218</sup>

The third class of disbursements to be noted was the payment of salaries or wages to certain burgh officials. These conveniently fall into two groups: the 'common feis yeirlie',<sup>219</sup> paid to the provost, the bailies, the common procurator, the common clerk, the treasurer, the master of work, the poinder, the herdsmen and the surgeon; and miscellaneous fees or wages paid to certain minor officials.

The level of salary enjoyed by the first group was, for the most part, closely related to burgess fines and in particular the rate levied on those who married the younger daughters of existing burgesses. This type of fine had been set at £6 13s 4d but in June 1574 it rose to £10 and remained at that level during the 1570s and 1580s.<sup>220</sup> The provost received two such burgess fines (the relevant entry in the accounts for 1574-75 confirms that his salary of £20 was 'tua burges fynes')<sup>221</sup> while the bailies, common procurator, common clerk, treasurer and master of work were given one each.<sup>222</sup> Thus, as has been earlier observed, it would appear that a set number of burgess fines were earmarked for salaries each year.<sup>223</sup> Also in receipt of salaries from the common good were the poinder and the herdsmen but their fees were not linked to burgess admission fines. The poinder received £1 6s 8d per annum in the 1570s. By 1581-82 this had risen to £2 10s 0d and in 1584-85 his salary was doubled to £5.<sup>224</sup> Two herdsmen were appointed annually and each received a salary of £2 10s 0d up until 1575-76.<sup>225</sup> No fees were recorded in the accounts of the next two years and indeed in those of 1577-78 it is found that Thomas Templeton and Peter Aitken, herdsmen, had been given alms of £1 each 'becaus thai gat na fee'.<sup>226</sup> The herdsmen were again paid a salary out of the common good in 1578-79 but thereafter the practice was discontinued in preference, it would

seem, to a system whereby they obtained their remuneration from those whose livestock they tended.<sup>227</sup> The most notable addition to the group of officials in receipt of an annual salary drawn from the common good was Thomas Mylne, surgeon, who was paid £20, or two burgess fines, from 1578-79 onwards. Mylne was himself entered a burgess gratis in June 1578 and the relevant minute states that this was done 'conforme to the contract betwixt the townschip and him'.<sup>228</sup> This contract is not extant but it is remarkable that in terms of annual salary Mylne was on a par with the provost and received more than any other official, including the bailies. By way of comparison, the burgh had entered into a similar arrangement with his predecessor, Alexander Hay, surgeon, in May 1577. On his admission as a burgess gratis Hay had been promised an annual pension of only ten merks (or £6 13s 4d) and the accounts record one such payment, in 1577-78.<sup>229</sup>

Expenditure on these 'commoun fies' varied little: the chief factors which affected it were the level of the type of burgess fine which governed most of these salaries (which remained steady at £10 from 1574-75 onwards), the number of bailies in office in a given year, and the addition of a fee to the surgeon from 1578-79 onwards. However it may be noted that these fees were twice subject to increases caused by paying arrears to two of the provosts.

In the accounts for 1573-74 fees were paid to Robert Lord Boyd, the then provost, and to Sir John Stewart of Minto 'allegeand for his fie immediatlle before the Michaelmes that he past furtht of his office of provestrie', that is 1572-73.<sup>230</sup> It will be recalled that Boyd had been appointed provost by the regent Morton in October 1573 and had one month later ejected Minto from the depute bailieship of the regality.<sup>231</sup> The tone of this entry seems to reflect the animosity between Boyd and Minto; more importantly it suggests that the payment of Minto's fee was either deliberately withheld or was overlooked during the changeover in the governance of the burgh. Even if the latter explanation was the case it indicates a breakdown in administrative procedures.

The second example of the annual expenditure on salaries being augmented because arrears to a provost had to be made up is found in the accounts for 1584-85 which included a payment to the earl of

Montrose, provost in 1583-84, of his 'prowest fie awing to him' and another payment of a provost's fee, presumably to the then incumbent, Sir William Livingstone of Kilsyth (the recipient was not actually named).<sup>232</sup> This again points to a slackening of normal administrative procedures. Throughout the 1570s, so far as can be judged, the payment of fees was effected during the year of office of the recipients of those salaries; that is to say that the provost and other senior officers in post in, for example, 1575-76 or 1578-79, received their fees from the common good of those years.<sup>233</sup> However, close examination of the accounts of the 1580s discloses that by then the provosts' salaries (though not those of the bailies) were being paid out one year later than should have been the case because at some point between 1579 and 1581 payment of the provost's fee had lapsed.<sup>234</sup>

The fact that the origin of this difficulty can be traced back to the period 1579-81 is significant. It will be recalled that between October 1580 and May 1581 the administration was purged in favour of supporters of Esmé earl of Lennox. As has already been argued this and subsequent events, the Montgomery crisis and the rise of a presbyterian faction at odds with Lennox and his colleagues, had a detrimental effect on the quality of the administration, symptoms of which are to be detected in the facts that not only are the accounts for 1579-81 inexplicably missing but those for 1581-83 were only audited after very long delays.<sup>235</sup> Furthermore, as has also been observed, although the accounts recorded disbursements on salaries it is evident that these were not always forthcoming from the common good but instead had to be met by diverting burgess fines, either at admission or subsequently.<sup>236</sup> This practice had to be adopted from time to time throughout the period under discussion<sup>237</sup> but of special interest is the situation which arose in 1581-82. If, as seems likely, the common fees were a charge against a set number of burgess fines actually credited to the common good, particular difficulties may well have arisen that year when only five such fines were passed to the common good<sup>238</sup> at a time when eleven were required to cover the salaries of officials (two each for the provost and the surgeon, one each for the three bailies, the common procurator, the clerk, the treasurer and the master of work). Thus, although the administration should have foreseen this problem, in all likelihood

some of the fees recorded as disbursed in the 1581-82 accounts were not in fact paid out of the common good and indeed it is known that the clerk obtained nothing from the treasurer that year and had to be recompensed with a burgess fine in May 1583.<sup>239</sup>

In conclusion it seems valid to view the commitment to pay the salaries of provost Montrose and provost Livingstone for 1583-85 out of the 1584-85 common good in the context of an attempt to rectify the anomalous situation which had been allowed to develop in the early 1580s (almost certainly because of the political difficulties of that time) whereby the provosts' salaries were being discharged by the treasurers one year in arrears with no guarantee that even then the provosts would receive their payment through the common good. The fact that remedial measures were taken at that time confirms the argument already put forward that the Montrose and Livingstone administrations consciously set out to redress the shortcomings of their predecessors in fiscal affairs.<sup>240</sup>

Apart from the common fees, other occasional fees or wages were paid from time to time to certain minor burgh officials. The most regular was an annual payment of £2 13s 4d to sir Archibald Dickie for looking after the 'knok' or clock in the tolbooth.<sup>241</sup> Other payments were far more spasmodic. The single pension to Alexander Hay, surgeon, has already been noted.<sup>242</sup> Malcolm Hamilton twice received a fee of £1 as keeper of the grass market, in 1573-74 and 1574-75.<sup>243</sup> The 1570s also saw several small payments made to the keepers of the Gallowgate well.<sup>244</sup> Other outlays were caused by the need to respond to local or national emergencies. During the threats of plague in 1574 and 1584 wages were given to men to watch the ports: the accounts for 1584-85 record that £29 was disbursed in wages for this purpose.<sup>245</sup> Similarly in spring 1578 the regency of Morton was threatened, and as part of the measures adopted to secure stability throughout the country, the authorities in Glasgow were ordered to mount special watches. As a result £28 16s 0d was paid to Hector Dunlop, Alexander Tannochill and Fergus Donaldson for keeping watch at the steeple over the space of nine weeks in the spring of 1578 and two further payments followed in June, bringing the total outlay to £41 12s 0d.<sup>246</sup> More mundane payments were those made for collecting the rents of the newly alienated common lands

between 1575 and 1577. John Steyne as collector received the emolument in 1575-76 and 1577-78 but in the intervening year the beneficiary was the treasurer.<sup>247</sup> Another of the senior burgh officials in receipt of an annual salary to obtain an extra payment was Archibald Hegate, the clerk, who in 1584-85 was given £6 11s 0d 'for making and performing of his compt'.<sup>248</sup>

With respect to the payment of fees to minor officials it should be noted that in several cases (for example the ale tasters, the market visitors, the water bailies) it is not known how, if at all, remuneration was provided, no references to wages for these men occurring in either the accounts or the minutes. However the minutes do disclose how the officers and the minstrels were paid. The officers prior to October 1579 received a wage at Yule but thereafter were expected to support themselves from small fines which they were authorised to take up from those individuals to whom they delivered court summonses.<sup>249</sup> In the case of the minstrels each burgess was expected to make a donation for their maintenance, it being stipulated on their appointment in June 1574 that they were 'to haif fra ilk freman allanerlie, but meyt, twa schillingis money at the leist with the mair at the gevaris plesour'.<sup>250</sup> Similar devices may have been used to pay other minor officials, the intention presumably being to spread the administration's salary bill across the community so as to avoid exhausting the common good.

Collectively common good expenditure on salaries and miscellaneous wages amounted to between 12% and 23% of all disbursements between 1573 and 1585, or in real terms between £87 and £172 per annum. The common fees or salaries alone rose from around £86 per year in the 1570s to about £112 in the 1580s, this increase being caused chiefly by the addition of a pension to the surgeon. The miscellaneous fees provided the main variable and were largely responsible for the two peaks of 1577-78 (when special watches were set up at the king's command) and 1584-85 (when watches were also established as part of the measures taken to combat the plague).<sup>251</sup>

Apart from obtaining salaries from the common good the senior officials, together with the councillors, often wined and dined at the town's expense and this privilege was sometimes extended to individuals



employed by the burgh who were not otherwise paid for their trouble, most notably the outlandmen. Similar favours were also bestowed on important outsiders from time to time. Expenditure on the provision of these two types of hospitality, internal and external, forms the fourth class of disbursements from the common good to be considered and frequently accounted for a large proportion of annual expenditure: £120 (21% of total discharges) in 1573-74; £128 (20%) in 1575-76; £198 (27%) in 1576-77; £117 (18%) in 1577-78; £173 (28%) in 1578-79; £148 (27%) in 1583-84; and £112 (13%) in 1584-85. Yet outlay on hospitality could be much less: £19 (3%) in 1574-75; £45 (9%) in 1581-82; and £53 (8%) in 1582-83. Examination of overall expenditure trends suggests that the explanation for this phenomenon lies in the fact that money was spent on entertainment if it was not required for other purposes, such as the funding of public works or legal and general administrative costs. Although indicative of a degree of sound financial management this explanation would also tend to support the argument that each block of common good monies were there to be spent to the full and that the retention of contingency reserves, if not actively avoided, was not consciously pursued.<sup>252</sup>

Contrary to what might be expected most sums disbursed under this head of expenditure were for internal hospitality. Entertainment of outsiders was by no means a major call on resources and only in 1581-82 did such payments exceed disbursements on food and drink supplied to officials of the burgh.<sup>253</sup> Yet the provision of external hospitality to members of the nobility and gentry was one of the main means (along with the granting of burgess-ships gratis to such individuals)<sup>254</sup> whereby the burgh could hope to maintain influence in an age in which civic munificence was expected to be forthcoming and the patronage of such men was a sine qua non of advancement. The low level of expenditure on such hospitality reflected not the burgh's unwillingness to become involved in such a system but rather its comparative insignificance at a time when economic and political power was located in the eastern half of the kingdom. Despite this fact during these years quite a large number of lords and gentry were entertained by the burgh: Argyll, Cassillis, Caithness, Angus, Chatelherault, Glencairn, Dunfermline, Glamis, Maclean, Arbroath, Morton, Arran, Livingstone, and the lairds of

Ardkinglass, Drumquhassil and Nether Pollok.<sup>255</sup>

James VI was in Glasgow from 28 August to 16 October 1581<sup>256</sup> and several disbursements in the 1581-82 accounts relate to the hospitality given to the young king: 2s 6d was paid to a carter 'for careing fedder beddis to the castel'; Robert Semple in Dumbarton was paid £13 6s 8d 'for owtsetting of the pastyme to the kingis majestie'; £1 was given to Margaret Ross for providing the players with dinner; and 13s 4d was paid for two quarts of wine 'proponit to the king'. This level of hospitality was by no means excessive: indeed the largest disbursement associated with the visit was one of £20 'for blue cloth to be the officers claithis agains the kingis cummen to the toune'.<sup>257</sup>

External hospitality was not confined to the nobility and the king. Apart from the fees given to the burgh's legal advisers in Edinburgh (which will be discussed later)<sup>258</sup> the administration on several occasions sent provisions to various men of law in the capital: wine and whisky were usual, but £3 5s 0d was disbursed in 1577-78 on a barrel of herring for Mr Alexander Sim, 'advocat in Edinburtht', while in 1581-82 'wine and strotchers' (sweetmeats) were sent to the clerks of the Secret Council.<sup>259</sup> Actions which nowadays would constitute bribery were, in the sixteenth century, an accepted form of burgh expenditure. In the instances so far noted external hospitality might be better styled disbursements to ensure the continued patronage and favour of the influential. Another motive behind external hospitality was the desire not to create offence, to be seen as being loyal or friendly: thus, in May 1579 the burgh spent £3 12s 0d on three gallons of wine given to 'the crowner and cannonars' who passed through the town during the actions taken by the regent Morton against the Hamilton family, members of whom had nevertheless previously received hospitality from the burgh.<sup>260</sup>

Internal hospitality took a variety of forms, recipients including not just the burgh officials 'and wther honest menis' but also on occasions the archbishop<sup>261</sup> and the parson of Glasgow.<sup>262</sup> It was common practice each year after the Whitsun head court to give 'ane disione' to the outlandmen whose task it was to examine encroachments on the commons, and at or around the same time to hold a banquet attended by

the provost, bailies, council and occasionally the deacons and other leading burgesses.<sup>263</sup> Similarly, banquets were sometimes arranged at other times of the year for the magistrates and council. Occasionally these were held as a result of a specific occurrence. In July 1583 at the time of the disturbances between the merchants and craftsmen £13 6s 8d was paid for wine given to the provost, and £48 for dinners to the provost, bailies, council and deacons, 'the tyme the prouest remained in this toun for pacifying of the troubles'.<sup>264</sup>

Less expensive dinners were given from time to time to officials of the burgh: for example to those who 'mett' the lands of Garngadhill in April 1574 (15s); to those who inspected the mill in May 1577 to see how best to repair it (18s); to those who inspected the mill in December 1581, including the bailies and some councillors (£3 0s 6d); and to 'the baillies and maist part of the counsale after their cuming out of Kilpatrick for ane meitting of the bailleis and counsal of Dumbarton', (£3).<sup>265</sup> More unusual were the dinners given to the 'young men' who rode to the Parliament at Stirling in 1578 and the twenty-two pints of ale given to the town's men who met the artillery train on its way to the siege of Hamilton in the spring of 1579,<sup>266</sup> while on one occasion ale was given at the master of work's command 'to the workmen that kaist the fench at the lytill grene'.<sup>267</sup> Several references occur to the supply of food and drink to the council house,<sup>268</sup> and to these may probably be added many of the sundry payments recorded in the accounts relating to the purchase of consumables which do not disclose the purposes to which they were put. Lastly throughout the early 1580s the auditors of the accounts treated themselves to dinners at the expense of the common good.<sup>269</sup>

Although several of the items already mentioned were expensive (for example, the dinner to the outlandmen in 1575 was costed at £40)<sup>270</sup> none could be regarded as excessive or unwarranted. The aspect of internal hospitality which was questionable was the habit of giving gifts of wine to the provosts, and in particular to Robert Lord Boyd. Both when he was provost and afterwards, Boyd received a colossal amount of wine, in terms of quantity and cost to the burgh, far in excess of anything given to his fellow provosts: around £364 was spent on

providing Boyd with wine whereas the total spent in this way on the six other provosts who held office during the period under discussion was only £87.<sup>271</sup> Sometimes these gifts to the provosts were for specific services rendered to the town, but there can be no doubt that many were simply presents which were motivated by the same considerations which lay behind the hospitality proffered to nobles and gentry, namely the desire to benefit from the patronage and influence of great men. For it must be recalled that, without exception, the provosts at this time were also leading members of the nobility or their associates.

The following are the most notable examples of such gifts to Lord Boyd and even when the entries refer to payment for some service to the burgh it is clear that several were generous in the extreme. Boyd received two hogsheads of wine costed at £33 6s 8d 'at the haille townes comand' in June 1575; the accounts give no reason for this payment.<sup>272</sup> Another payment of £33 6s 8d for wine for the provost was recorded in December 1575 and again no reason was given.<sup>273</sup> On 20 July 1576 Andrew Baillie was paid £73 6s 8d for a tun of wine given to Boyd for 'getting ane exemptioun of the nychtbouris of the toun for abyding fra all assysis passing on, promeist to him thairfoir'.<sup>274</sup> The last phrase is telling, indicating how closely this type of patronage approximated to bribery. A further £21 18s 0d worth of wine was given to Boyd later that same year, though for what reason is not disclosed.<sup>275</sup> The 1577-78 accounts record that Boyd received another tun of wine, costed this time at £66 13s 4d, 'which was promeist him for his gratitude done to the toun in keeping of thame fra syndry particular raiddis to the court thai being chargit thairto and salving thame fra wther inconveniences'.<sup>276</sup> Boyd had influence and this was to be nurtured. His successor in office, Thomas Crawford of Jordanhill, was merely a protégé of Boyd and in the same account it is recorded that he also obtained an exemption from assizes for the burgh; but he received no wine and was only paid £6 13s 4d for his trouble.<sup>277</sup>

Boyd continued to stock his wine cellars once out of office. On 22 May 1578 Archibald Wilson was paid £87 for another tun of wine given to Boyd for obtaining a licence exempting the town from sending levies to the army sent to quell disturbances in the Borders.<sup>278</sup> During 1578-79 the former provost received more wine, costed at £35, but

thereafter he was given only minor quantities.<sup>279</sup>

In conclusion the burgh's gifts of wine to provost Boyd (which cost in total about £364) accounted for two-fifths of all payments for internal hospitality during the years 1573-1585 (£888) or one third of all expenditure on hospitality (£1113). Yet even if Boyd had not been favoured thus, the total outlay on food and drink for the benefit of the burgh's officials (which would then have amounted to about £550)<sup>280</sup> would still have been more than double that authorised to provide entertainment for members of the nobility and other important persons visiting the town (£225). As it was, of a total of £1113 devoted to hospitality between 1573 and 1585, 80% (£888) was used for the benefit of officials and leaders of the community and only 20% (£225) for external hospitality.<sup>281</sup>

If some of the payments made for hospitality were questionable the same could not be said of those disbursements out of the common good which were devoted to the maintenance of the burgh's buildings and streets, and which were therefore of benefit to the community as a whole. Outlays on the fabric of the burgh form the fifth type of common good expenditure to be considered.

Annual disbursements from the common good on public works fluctuated considerably, ranging from between 9% and 37% of all outgoings.<sup>282</sup> In years when this type of expenditure was low it is evident that only matters of routine maintenance were being processed, but in other years the individual entries in the accounts disclose that the burgh was engaged on major building projects. Before examining these annual disbursements on public works more closely it is important to note that the resources of the common good on their own were simply insufficient to meet the heavy expenses on public works with which the administration was faced. The cathedral posed a particular problem. The new ministry was in no position to care for this large building and so the magistrates and council (motivated no doubt by civic pride) agreed to accept a degree of responsibility for its upkeep, though they were careful to emphasize that they were under no obligation to do so. Having adopted this policy they then had to find the money with which to fund this maintenance work and, as there were already many demands

on the common good, the authorities found themselves in August 1574 having to raise a special stent of £200 for the upkeep of the high kirk. There was of course a limit to the number of occasions such an approach could be used (before either the taxable capacity or the patience of the community was exhausted) and the crown, recognising the administration's dilemma, gifted certain annuals belonging to the cathedral chapter to the burgh in April 1581 to assist with the upkeep of the building. Yet the problem remained and in the late 1580s there is evidence that the magistrates and council were obliged to borrow monies to fund further repairs to the cathedral. Similarly, during the 1570s the administration embarked on a major programme of paving certain streets in the town and although several entries in the accounts record major disbursements from the common good for this 'calsay' project, by November 1577 the authorities had to again raise a tax of £200 to progress these works.<sup>283</sup>

To summarise, it is important to bear in mind in the following discussion of annual ordinary expenditure on public works (as recorded in the discharges to the common good accounts) that these disbursements represented only a part of the total expenditure on the maintenance of the fabric of the burgh, the remainder being funded through special stents.

During 1573-74 ordinary expenditure on public works was relatively low, £87 or 15% of all outgoings, and comprised a number of minor outlays on the tolbooth and its clock, the cathedral and the bridge.<sup>284</sup> The next year saw an appreciable rise in this type of expenditure to £254 or 36% of all outgoings. Almost all of this related to a major refurbishment of the tolbooth, though some expenditure had also been incurred on repairing the ports during the plague emergency of the autumn of 1574. This account also includes the first reference to work on the calsay (in this instance at the Schoolhouse Wynd) and the provision of street paving was in later years to form an important call on the resources of the common good.<sup>285</sup> In 1575-76 disbursements on public works remained high, amounting to £212 or 34% of all outgoings. Work was undertaken on thatching the roof of the new kirk school and further entries are found regarding repairs to the council house and tolbooth, and the improvement of the burgh's streets. However the most

interesting entries relate to the town's wells. Assisted by the expertise of colliers brought from Govan, the town's work force built wells at Gallowgate and references also occur to works at wells at Greyfriars, Wyndhead and Deanside. This unusual level of activity strongly suggests that the administration was responding to the pressing needs of an expanding population and it is significant that these wells were located in peripheral areas of the town which presumably at this time were becoming more built-up and thus urgently required access to a water supply.<sup>286</sup>

The authorities commitment to a high level of expenditure on public works continued during the financial year 1576-77, £268 (or 37% of all outgoings) being disbursed on the upkeep of the burgh's fabric. Almost all of this money, about £255, was devoted to the repair of the town's clock or 'knok' in the tolbooth, and it may be noted that an expert, David Kaye was brought from Crail specifically to undertake these works. Not surprisingly very little was spent on anything else.<sup>287</sup> However the same accounts record that on 9 May 1577 a dinner was provided for 'the baillies and certane others that viseit the mylne how sche suld be biggit'<sup>288</sup> and in the next year's accounts, 1577-78, the rebuilding of the old mill on the Molendinar (during the summer of 1577) accounted for £189 of a total of £237 disbursed on public works.<sup>289</sup> The cost of this work (which it will be recalled was a high priority because of the decision taken in November 1576 to astrict the inhabitants of the burgh to the town mill)<sup>290</sup> was set out in a single entry in the discharge which recorded that the treasurer had given the money to the master of work for paying the wrights, masons and quarriers employed on this major project 'as at mair lentht is contenit in the particular compt maid be the maister of work'.<sup>291</sup> This is typical of several entries.<sup>292</sup> The master of work was responsible for the organisation and supervision of all public works, hiring and overseeing the labourers who were engaged on these works.<sup>293</sup> He paid their wages apparently out of a block grant given to him by the treasurer and then presented that official with an account of his dealings.<sup>294</sup> Although these sub-accounts do not survive there are several entries in the common good accounts which provide more detailed information on the execution of certain works and the wages paid to those employed on them. The same accounts of 1577-78

include seventeen entries relating to work on the calsay and although the total of the disbursements involved was small, around £15, the details provided are instructive. Just as David Kaye had been brought from Crail in the summer of 1576 to assist with repairs to the tolbooth clock, the burgh engaged the services of Walter Brown 'calsaymaker' from Dundee in September 1577. Brown, presumably, was also an expert of some repute, and he appears to have remained to supervise the calsay works in Glasgow until Michaelmas 1578. Other entries refer to the wages paid to quarriers and carters. For example £1 10s was paid to Matthew Miller and John Brokes for carrying sixty cartloads of stones for the calsay between 12 and 16 November 1577 and they received a further 15s for bringing thirty more cartloads of stones to the works between 16 and 23 November. These and other entries show that payments were made on a piecework basis rather than according to the number of days taken up in performing these tasks. The quarry was located behind the Blackfriars kirk and the site of the works is disclosed by a payment of £3 authorised on 16 November to John Houston 'for the making of ane rude and ane half of calsaye about the graye freris'. Another entry indicates that materials were not just obtained from the Glasgow district, for a boy was paid 10s to go to Edinburgh 'to John Lewinstoun to get leif to get calsaye stanes'.<sup>295</sup>

Only £74 of the common good was disbursed on public works in 1578-79, £71 of which was in the form of a payment to the master of work for unspecified purposes. This sharp reduction in expenditure was probably caused by the fact that by this time the calsay project was being funded out of the special stent which had been authorised in November 1577 specifically to assist with this programme. Whether the payment to the master of work just noted was related to the calsay work or some other project or projects cannot be ascertained.<sup>296</sup>

When the surviving accounts resume in 1581-82 expenditure on public works had fallen to only £42 or 9% of all outgoings, the relevant entries merely stating that the monies had been spent by the master of work in 'owtreddeing certane commoune effearis', presumably routine maintenance.<sup>297</sup> The accounts of the following year, 1582-83, disclose that public works expenditure had risen to £134 or 22% of all outgoings. Almost all of this (£132) was spent on the burgh's ports. It is not



stated what occasioned this expenditure but as this account was not audited until August 1584 it seems likely that these works were undertaken in response to the unsettled nature of the period which had elapsed since the account was opened at Whitsun 1582. Civil war had been a real possibility in the months which saw the Ruthven raid of August 1582, the counter coup of June 1583 and then the abortive attempt by <sup>some of</sup> the Ruthven lords in April 1584 to regain control of the government from the earl of Arran, and it is notable that the accounts of 1582-83 also include a disbursement of £8 16s 4d on furnishing the castle with powder and lead.<sup>298</sup>

Payments relating to public works recorded in the 1583-84 accounts totalled £95 or 17% of all outgoings. The bulk of this sum consisted of three payments to three different masters of work. Only one, of £36 to Matthew Wilson, was to the master of work in office during the year of account and it did not specify what works were involved. The sum of £30 18s 6d disbursed to David Hall was payment of arrears owed to him from 1582-83 and again the works concerned were not specified. This payment constitutes a further example of the cash flow problems encountered by the administration at this time.<sup>299</sup> The third disbursement was in favour of James Fleming who in fact did not become master of work until Whitsun 1584, though its inclusion in the 1583-84 account is explained by the date of audit, September 1584. This payment was for £20 spent on the calsays of the burgh, which suggests (as seems likely) that funds from the special stent of November 1577 had by this time been exhausted, and it is conceivable that the unspecified payments to Hall and Wilson were for the same purpose.<sup>300</sup> The accounts for 1584-85 show that expenditure on public works had returned to the level authorised in the mid to late 1570s, £259 or 29% of all outgoings. Apart from the construction of a fence at the Little Green and minor repairs to the grammar school, all of this sum was accounted for by a single payment of £250 15s to the master of work 'as the particular resait beiris'. Presumably this included small items of routine maintenance but the size of the sum suggests a major project, quite possibly the continuation of extensive works on the burgh's calsays.<sup>301</sup>

To conclude, a total of £1662 of the common good (equivalent to 26% of all ordinary expenditure),<sup>302</sup> supplemented by two special stents

of £200 each, was spent on the burgh's fabric between 1573 and 1585. Major projects funded from the common good (the refurbishment of the tolbooth and council house, the complete rebuilding of the town's old mill and, in particular, the works on improving the condition of the burgh's streets) suggest an awareness on the part of the magistrates and council that they had an obligation not just to undertake necessary maintenance but also to improve the overall amenity of the burgh. They clearly appreciated the fact, so well understood by those recently involved in promoting the city's refurbishment, that the burgh's image could only be enhanced through such efforts. More indeed might have been spent on public works but there were limits to the capabilities of the work force, to the number of times that stenting could be authorised and to the amount of common good monies which could be made available for building projects.

It must have been difficult, if not impossible, for the treasurer to set aside an annual budget for public works out of the common good because each year the authorities were faced with a wide range of miscellaneous expenses some of which were minor and routine but several of which were pressing claims on the common purse which could not be ignored. These general administrative costs, which amounted each year to between £121 and £263 (or between 17% and 44% per annum of all outgoings) and which accounted for £1811 or 28% of all ordinary expenditure between 1573 and 1585 comprise the sixth and last type of common good disbursements to be considered.<sup>303</sup> Since many different defrayments have been grouped under this heading of 'general administrative costs' it is more instructive to identify the various types of payments than to use the chronological approach which was adopted with respect to the burgh's expenditure on public works.

Among the more minor and routine items of administrative expenditure there may be noted the annual deliveries of candles, coal and peat to the council house or the sums spent each year on red and white wax for the magistrates' commissions.<sup>304</sup> Attention may also be drawn to the considerable number of small payments made to the messengers who provided the administration with vital intelligence or documentation in an age when there was no reliable post and no sophisticated communications network. The town's messengers, many if

not all of whom were boys in their teens, were clearly kept very busy transmitting messages to and from the absentee provosts or the burgh's commissioners at Parliament, or in bringing home copies of legal documents, proclamations or acts of Parliament. One unusual example may be noted, a payment made in August 1575 to a messenger for supplying 'ane byble ... as the cuntray dois'.<sup>305</sup> Youth was evidently an advantage since, if the accounts are to be taken at their face value, Andrew Lindsay was paid 10s on four separate occasions between November 1574 and May 1575 for 'rynning' to the capital on the burgh's business.<sup>306</sup> Messengers from other burghs also received small payments from the common good for providing similar services to the community. Again many were young boys and they were paid accordingly (usually around 2s)<sup>307</sup> but an interesting exception is found in the accounts for 1584-85 when Hugh Niven, bailie of Irvine, was paid £10 'for cariing of the kingis majesties testimonial to Dewilling for releif of certane nychtbures of this toun'.<sup>308</sup>

Considerable information as to the nature of life in the burgh during the 1570s and 1580s can be gleaned from these minutiae, from the above evidence of concern about witchcraft to the entries which confirm that, although the celebration of Christmas was banned as an 'ungodlie observatioun of the superstitious dayes callit yule',<sup>309</sup> other festivities continued to be sanctioned. Each year John Andrew, cordiner, was paid 12s for 'sax futballis', the disbursements usually being authorised shortly before Lent,<sup>310</sup> while in 1575 a piper and a fool received 3s on 'Fastrinis ewin' (Shrove Tuesday).<sup>311</sup> Similarly on 18 May 1577, possibly in anticipation of celebrations at Whitsun, £5 was released to 'certane young men of the toun to thair playing'.<sup>312</sup> The accounts also disclose details which throw light on the grimmer side of life in the late sixteenth century. Among these may be counted both the entries which related to the punishment of malefactors and related penal matters, and those which dealt with the administration of poor relief. Although many of these disbursements have already been discussed in earlier chapters it is useful to reconsider them in the context of the burgh's ordinary expenditure.

During the 1570s numerous small payments, ranging from 2s to 5s were made to Malcolm Hamilton for whipping thieves and vagabonds through

the town, while the accounts of 1573-74 disclose that the officers were paid 3s 4d on one occasion for ducking a woman who presumably had been found guilty of slander.<sup>313</sup> Curiously all references of this sort cease after the accounts of 1578-79 and it is equally surprising how few entries are to be found in the accounts regarding penal matters. Those of 1575-76 record that 5s was paid for the repair of 'the lok of the heychthous that wes broken be ane thief' and 'the lok of the counsalhous dur quhen Ninian Syare wes wardit'; iron fetters costed at £3 were purchased in 1577-78 and a further set, priced at £1, was obtained out of the common good of 1581-82 which was also used to provide £1 13s 4d for the sustenance of two thieves in the tolbooth.<sup>314</sup> Many people were warded from time to time, a form of confinement which involved the burgh in no expenses (unless, as in the case of Ninian Syare just noted, actual damage was done) since the individual concerned was expected to maintain himself out of his own pocket.<sup>315</sup> Yet it seems unlikely, as would appear from the accounts, that during this twelve year period payment for the maintenance of prisoners under close arrest was required only once, and still more improbable that the punishment of malefactors ceased to incur expenditure after 1578-79. Possibly such costs were subsumed in those occasional general entries found in the accounts of the 1580s which record disbursements on 'smallis',<sup>316</sup> but whatever the case it is clear that expenditure on the punishment and maintenance of wrongdoers was not a major call on the resources of the common good.

As has already been noted, although poor relief was the province of the kirk it is known that the magistrates and council were also involved in its administration.<sup>317</sup> This information is derived solely from the accounts which record disbursements on alms and expenditure on the manufacture of begging tokens. Many if not all of those who obtained alms from the common good were probably individuals who were not eligible to receive support from the kirk, either because they were not residents of the burgh or because they were, strictly speaking, able-bodied poor. Among the former may be noted a Frenchman, three Englishmen and a burgess of Ayr, all victims of shipwrecks, who received a total of £6 6s 8d out of the 1584-85 common good.<sup>318</sup> Among the latter group the main beneficiaries were individuals who had given service to the burgh, this

presumably being the extenuating circumstance which prompted the magistrates and council to authorise the granting of assistance: James Anderson, officer, was given £10 'for his support' in 1574-75;<sup>319</sup> on 30 July 1575 Lawrence Contane received £5 'for the hurting of his hand att the wellin gallowgait', an injury apparently sustained during its construction;<sup>320</sup> in October 1577 the two herdsman were paid £2 for 'powertie and almous becaus thai gat na fee';<sup>321</sup> £10 was given in 1578 to Thomas Craig, master of the new kirk school, 'for his support';<sup>322</sup> and Andrew Anderson, former officer, was paid £10 in alms in January 1585.<sup>323</sup> Other grants of alms appear to have been authorised on compassionate grounds: for example, £2 was given in September 1584 to Agnes Ferrier, 'ane pure wowman', and £1 was allotted one month later to Barbara Ramsay, 'ane pure wowman with mony barnis.'<sup>324</sup> Apart from these payments to individuals there are also a number of references to expenditure on 'lattoun to be merks to the pure folk', these being tokens made of a type of yellow brass which bore the crest of the burgh and permitted the holder to beg within the confines of the town. The accounts record that these were issued in late 1574 ('the tyme of pest'), June 1575, the spring of 1577 and in October 1581, but the costs to the common good were minimal, being 7s, 2s 3d, 4s and 4s respectively.<sup>325</sup> In conclusion, the total expenditure on aspects of poor relief varied from year to year and was frequently of little account, though it may be noted that such defrayments amounted to £22 in 1574-75, £20 in 1577-78 and £24 in 1585-86.<sup>326</sup>

While the types of administrative expenditure thus far noted were paid out in response to spasmodic financial demands the same cannot be said of those disbursements which were authorised to meet the authorities' own financial obligations. The first of these related to the seat of burgh government, the tolbooth and council chamber at the Cross. The accounts show that each year the magistrates and council paid £2 13s 4d to sir Richard Herbertson and 9s to Mr James Hamilton by way of annuals owed on the tolbooth.<sup>327</sup> The 1581-83 accounts disclose that these annuals pertained to Herbertson's chaplainry of the Holy Blood in the cathedral<sup>328</sup> and a prebend in the possession of Hamilton which, though not named, may have been that of the Blessed Mary in the new kirk.<sup>329</sup> Although it might be argued that these payments were akin

to the sums earmarked each year to pay for the tacks of those former properties of the church which provided income to the common good, they were in actual fact quite different since they were only annuals and there is nothing to suggest that the entire fruits of Herbertson's and Hamilton's properties were available to the burgh in the way that, for example, those of sir Robert Watson's chaplaincy were;<sup>330</sup> indeed the payment of an annual of £2 13s 4d out of the tolbooth to a chaplainry in the cathedral can be traced back to 1487.<sup>331</sup> What is more puzzling is the appearance in the accounts from 1581-82 onwards of another and more sizeable annual of £29 due to George Elphinstone out of the tolbooth.<sup>332</sup> Why this did not appear in the earlier accounts is not at all clear but it is just conceivable that Elphinstone had waived his right to collect this rent in return for being allowed to enjoy high office during the 1570s and that it was no coincidence that the annual became due soon after he was removed from the magistracy by Esmé earl of Lennox in October 1580.<sup>333</sup> Certainly this annual was viewed as a considerable burden by the authorities and following Elphinstone's death in 1585<sup>334</sup> an arrangement was entered into between the burgh on the one hand and David Donald on the other whereby Donald was given the tack of the ladle custom for five years and in return bound himself to redeem from Elphinstone's heirs by a payment of £240 this annual rent 'auchtand furth of thair tolbut and merchand bwthis beneth the same.'<sup>335</sup>

The magistrates and council were also obliged to honour the terms of their contract of May 1577 with Archibald Lyon over the use of his mill on the Kelvin. The burgh had agreed to give him each year fifty bolls of victual during his lifetime and 100 merks per annum to his heirs thereafter, and these payments were met by the tacksmen of the mills from 1577 onwards. There remained the annual of £2 13s 4d due to the archbishop as superior of the Kelvin mill and commencing in 1577-78 the accounts show that this sum was paid out of the common good.<sup>336</sup>

Several entries in the accounts relate to repayments of loans raised by the administration, and the most notable of these also concerned the mills. It will be recalled that in November 1576 the magistrates and council decided to dispense with the services of the troublesome James Anderson, tacksman of the old town mill.<sup>337</sup> In order to remove him as

quickly as possible it was agreed that he should be paid 100 merks in compensation, to which end it proved necessary for the treasurer, John Temple, to raise a loan which was secured on the property of one of the then bailies, John Wilson.<sup>338</sup> The accounts from 1577-78 onwards include payments of interest on this loan to Temple and Wilson.<sup>339</sup> However by August 1584 the authorities were determined to have this loan repaid. In that month William Symmer's accounts of 1581-82 were audited and the balance of £143 was passed to David Donald, then treasurer, with the instruction that part of this sum was to be used 'for the releif of Jhone Willsounes hows viz ane hundrethe merks thairof.'<sup>340</sup> When Donald's account was audited in July 1585 a balance of £140 remained, £73 of which he was ordered to pass to the new treasurer, Robert Boyd, and the remainder of which was to be paid to John Temple 'for releif of John Wilsounis hous wedsett to the said John Temple for the townis caus.'<sup>341</sup> Again it can be argued that the authorities' resolve to clear this debt reflects the conscious attempts then being made to put the burgh's fiscal administration on a sounder footing.<sup>342</sup>

References to other loans are to be found in the accounts. It will be recalled that in the summer of 1576 major works were undertaken on the tolbooth clock under the guidance of David Kaye who had been brought from Crail to supervise this project.<sup>343</sup> The accounts of 1576-77 record that he received £100 for his labours 'quhilk wes borrowit fra Thomas Garne.' Although this entry was not dated it would appear that the authorities had decided to pay Kaye immediately for his services and for want of ready cash had been obliged to raise this loan. A minute of 3 October 1576 shows that the capital sum was secured on the town's mill lands with interest set at £11 per annum, payable at two terms. The 1576-77 accounts record one interest payment on this loan up to Martinmas 1576 but also show that by that time sufficient monies were at hand to allow the principal to be repaid, 12s being disbursed for 'a reversioun making of the silver tane fra Thomas [Garne]'<sup>344</sup> Thus the account entry narrating the payment of £100 of common good monies to David Kaye, which had been borrowed from Thomas Garne, in effect recorded the repayment of Garne's loan to the burgh, out of the common good. Clearly there had been a cash flow problem, but only of a temporary nature, and as soon as income from the common good became available Garne was reimbursed for

his trouble. The only other account entry relating to a loan is found in the 1577-78 accounts when £5 was paid to Colin Campbell 'for the layne of the hundretht merks'.<sup>345</sup> However on this occasion it is not known for what purpose this sum was borrowed and no further references to this transaction are to be found.

These and the other loans which have already been noticed (the decision taken in 1579 to wadset £24 of the common good each year so as to recover the loss of £240 occasioned when the burgh's salt stocks were destroyed by bad weather; the loan of 800 merks taken out in 1585 to fund the measures adopted to protect the burgh from plague; the borrowing of money in 1589 to help with the repair of the cathedral) are, like the stents raised for public works in the 1570s, evidence of the limitations inherent in the common good which was not sufficiently flexible to meet the extraordinary financial demands which were sometimes placed on the administration.<sup>346</sup> The monies obtained through loans, being extraordinary income, were not recorded in the charges to the common good accounts. However, as has been demonstrated, the repayment of interest on a loan or of the principal sum which had been borrowed was met out of the common good from time to time. Yet with the exception of an occasional repayment of a capital sum which had been borrowed, none of the disbursements associated with loans or the administration's other financial obligations was particularly large. In order to explain why general administrative costs accounted for a significant proportion of annual outgoings it is necessary to return to an examination of those irregular financial demands with which the administration was sometimes faced and in particular to the monies which were spent on protecting the burgh's interests and fulfilling its national obligations.

Many entries in the accounts record outlays on legal actions raised either by or against the authorities in Glasgow and expenses incurred by the magistrates and councils in prosecuting the general business affairs of the burgh. Several examples may be cited.

Despite the agreement reached in January 1572 whereby the town's minister, Mr David Wemyss, was guaranteed a stipend of £200 out of the parsonage of Glasgow, in late 1573 Wemyss brought a further action



against the parson, Mr Archibald Douglas, claiming that he was also due ten chalders of victual from the parson's lands. His case was not upheld, but the burgh accounts show that the town clerk, Mr Henry Gibson, was obliged to attend the General Assembly at Edinburgh in August 1573 on the order of the regent Morton and submit the town's rental for inspection. This and other outlays associated with this case involved the burgh in expenses amounting to £34 1s 8d.<sup>347</sup> When, in early 1574, an unsuccessful action was brought against Sir John Stewart of Minto for having misappropriated the thirds of the archbishopric for military purposes in 1569, the burgh was again obliged to send representatives to the General Assembly at a cost of £17 to the common good.<sup>348</sup> Similarly the archbishop's unsuccessful attempt to stop the alienation of 'the new muir land' by the magistrates and council involved the authorities in expenditure of £31 in the spring of 1574.<sup>349</sup> The defence of the burgh's right to levy the ladle custom which was challenged by Rutherglen in 1575 occasioned payments from the common good of 1574-75 of £41 16s 6d and a further outlay of £21 17s 4d which was charged against the common good of 1575-76.<sup>350</sup> The accounts of 1576-77 record an outlay of £35 to George Elphinstone and James Fleming who had spent a fortnight in Edinburgh in 'ressonyng betuix the regentis grace and vniversitie and about our awin effares concernyng the bischop', discussions which probably concerned the university's new constitution and the stand which the archbishop had taken at the Michaelmas elections of 1576 regarding the leets for the bailies.<sup>351</sup> Nine entries in the discharge to the accounts of 1577-78 relate to difficulties between the burgh and the parson of Glasgow, apparently caused by the latter's refusal to be stented for the upkeep of the high kirk, and the authorities' prosecution of this case in the capital accounted for £43 of that year's expenditure.<sup>352</sup> The difficulties which arose following the crown's appointment of Mr Robert Montgomery to the see of Glasgow in August 1581 were reflected in the accounts.<sup>353</sup> Those of 1581-82 record the payment of £13 to David Hall and William Hegate for their expenses in accompanying the new archbishop to Stirling in April 1582 when the synod of Lothian was summoned before the Privy Council because of its opposition to Montgomery.<sup>354</sup> Later that same month the General Assembly convened at St. Andrews and Montgomery was deprived of his ministerial office. The burgh sent David Hall as its commissioner at a cost of £7

to the common good.<sup>355</sup> A further £25 was spent later that year in sending commissioners to the Assembly in Edinburgh, their attendance almost certainly being occasioned by the prosecution brought by the kirk against provost Minto and certain leaders of the Lennox faction in the burgh for their part in the attack on Mr John Howeson, moderator of the Glasgow presbytery.<sup>356</sup>

Of particular interest are those entries which show the magistrates and council protecting the burgh's commercial interests. Because of Glasgow's geographical position free access to ships arriving in the Firth of Clyde was essential and no less important was the maintenance of a good working relationship with the royal burgh of Dumbarton. As was noted in the opening chapter Dumbarton initially resisted Glasgow's claims over the Clyde but these were supported by the crown and eventually in 1499 the two burghs came to 'ane mutuall compliance and correspondence' following which a system appears to have developed whereby if a foreign ship arrived on the river the merchants of Glasgow would be informed by their counterparts in Dumbarton.<sup>357</sup> Many entries in the accounts of the 1570s record both payments to messengers sent by Dumbarton to inform the Glasgow merchants of the arrival of cargoes of salt and wine and disbursements on the expenses of those sent by Glasgow to negotiate the purchase of these goods.<sup>358</sup> Likewise if smuggling or 'topping' of staple goods was detected both burghs would take action. Such a case occurred in late 1575 when John Neill, merchant in Ayr, attempted to 'topp' salt. The accounts detail how representatives were sent to Dumbarton on 6 December, how John Neill resisted the overtures of these men and the Dumbarton merchants and how eventually the bailies of Glasgow and a company of men 'past down in the nycht' and seized the 'salis and chalmeris of ordinance' of Neill's ship, the Elizabeth, in order to render her inoperable. Neill and his confederates (David Crawford and William Hunter, also from Ayr), were tried before the burgh court of Glasgow on 4 January 1576 in the presence of provost Boyd, bailie William Cunninghame and James Smollet, one of the bailies of Dumbarton, and 'confessit ... that thai had done wrang to the saidis burrois of Glasgw and Dunbertane in vsurping of thair liberteis in breking bowk and topping in smallis of certane salt within the river of Clyde, being the said twa townes fredome.' Since

the culprits were burgesses of Ayr they were only admonished though they were also obliged to find sureties under the pain of 500 merks each 'to be payit to the twa tounis equallie' within forty-eight hours if they offended again. Nonetheless this incident cost the burgh of Glasgow £39 16s 2d out of its common good of 1575-76.<sup>359</sup> The accounts of 1576-77 record similar difficulties with Peter Gottray, Hugh Campbell and others in Gareloch, though on this occasion only £7 7s was disbursed on the measures taken to bring these smugglers to book.<sup>360</sup> More serious was the action taken by the two burghs in response to the activities of 'infre pakeris and pelaris' in the autumn of 1584. The accounts of 1584-85 show that on 20 October 1584 the magistrates and many of the councillors of Glasgow had met their counterparts from Dumbarton at Kilpatrick and eight days later the minutes record the passage of a statute by the bailies and council of Glasgow in the presence of William Houstoun, commissioner from Dumbarton, regarding common measures to be taken against smugglers. In all probability the action pursued shortly afterwards by Glasgow against the laird of Newark, which involved expenses of £13 15s 4d incurred in Edinburgh, was one of the results of this agreement.<sup>361</sup>

Many other examples of expenditure on the legal and business affairs of the burgh are to be found recorded in the accounts. Some entries relate to disputes, the precise causes of which are difficult to determine (for example £13 4s was spent in 1575-76 in a case brought against the burgh by Sir John Witherspoon and £30 7s 6d in 1584-85 in defending Robert Fleming, William Burns and others in an action brought against them by an unidentified party),<sup>362</sup> while other entries clearly related to the prosecution of the burgh's business but were not specific as to the matters being dealt with (for example, Mr Adam Wallace was paid £20 in January 1576 'for his laubours gretumlie done and sustenit in the townes necessares', Mr Henry Gibson received £10 in July 1581 for dealing with certain items of burgh business in the capital, and Archibald Hegate received £32 10s in April 1585 for conducting the 'tounes effeires' in Edinburgh).<sup>363</sup> All these disbursements on protecting the burgh's interests frequently amounted to a sizeable proportion of annual expenditure on general administrative costs (£91 or 49% in 1573-74, £68 or 35% in 1574-75, £97 or 63% in

1575-76, £63 or 52% in 1576-77, £64 or 24% in 1582-83 and £81 or 39% in 1584-85).<sup>364</sup> The most costly element in these disbursements was the expense of sending representatives to the courts in Edinburgh to defend the interests of the burgh. This had to be done so frequently that it is not surprising to find that the magistrates and council also engaged the services of legal advisers in the capital. The hospitality extended to these men in the form of gifts of wine, whisky and foodstuffs has already been noted<sup>365</sup> but the accounts also show that they received fees out of the burgh's common good during the 1570s. An entry in the 1573-74 accounts records the payment of £6 13s 4d 'to our advocait in Edinburgh for his fie' while a further £1 was disbursed to his servant 'in drynk silver'. Subsequent entries identify the advocate as Mr Richard Strang and his servant as John Govan. In 1576-77 Strang was replaced by Mr Alexander Sim but the entries recording the payment of a fee for his services cease after the following year's accounts. However hospitality payments show that Sim was still employed in this capacity in 1582.<sup>366</sup>

Turning from expenditure on legal and business affairs to the disbursements incurred in meeting what might be termed the burgh's national obligations, namely attendance at the Convention of Royal Burghs and Parliament and participation in the 'raids' or expeditions ordered by the crown, the accounts show that these obligations on occasions placed very heavy demands on the common purse.<sup>367</sup> Since the entries which record the payment of expenses to the burgh's commissioners do not always specify whether these individuals had attended a Convention of the Royal Burghs or a Parliament and since on one important occasion attendance at the Parliament was combined with a 'raid' it is appropriate to deal with these matters together and convenient to adopt a chronological approach.

Each of the accounts from 1573-74 to 1578-79 shows that around £20 per annum was spent on the expenses of the burgh's commissioners at Conventions of the Royal Burghs conducted at Edinburgh, Stirling, Dundee and Cupar<sup>368</sup> and also at two special meetings of the 'burrois in the west' held at Irvine in March 1577 and March 1578.<sup>369</sup> From these and subsequent entries two general points may be noted: firstly, the commissioners were almost invariably senior officials (usually the bailies; sometimes

the clerk) or leading councillors; secondly, expenses were usually paid at the rate of £1 per day.

Attention has already been drawn to the constitutional crisis which arose in March 1578 when the regent Morton was temporarily ousted from his position of influence by the earls of Argyll and Atholl. Although Morton was able to regain custody of the young king by late April it was not until the autumn that an accommodation was reached between the factions vying for control of the government. During the intervening months civil war had been a real possibility.<sup>370</sup> It was against this background that a Parliament was convened at Stirling on 25 July. On 28 and 29 July proclamations were issued summoning all lieges aged between sixteen and sixty in certain western burghs and shires to attend the king at Stirling on 10 August, 'weill bodin in feir of weare'.<sup>371</sup> Glasgow was represented at the Parliament and sent, as requested, its militia ('the young men') to Stirling. The outlay involved was considerable and among the many entries in the accounts of 1578-79 occasioned by these events attention may be drawn to provost Crawford's expenses at the Parliament, £40, as also those of George Elphinstone and William Cunninghame, £26; the payments of £10 18s to Margaret Spang for twenty pounds of gunpowder sent to the provost at Stirling and of £5 to Katherine Hunter for taffeta and silk for the burgh's banner; the disbursements of £3 6s 8d on a uniform for John Cuthbert, one of the town's minstrels, who evidently accompanied the burgh's levies; the sum of £3 14s spent on supplying a dinner to 'the young men that day thai reid to Stirling' (already noted under hospitality); and £3 disbursed on obtaining an exemption for the town which excused the 'young men' from the 'Dumfreis raid'.<sup>372</sup> In all £120 of expenditure was incurred, representing 62% of disbursements on general administrative costs and 19% of all outgoings in 1578-79.<sup>373</sup> Notwithstanding the town's exemption from sending men to Dumfries, the same accounts show that some minor payments (£5 1s 8d in all) were made during Morton's campaign against the Hamilton family in the spring of 1579 and among these a disbursement of 10s 'to the mentralis for thair expenses to Hamiltoun sege' strongly suggests that the town's militia may also have been directly involved.<sup>374</sup> Although no direct payments from the common good to the burgh's 'young men' are to be found in the

accounts, the absence of such entries is to be explained by the fact that members of the militia were expected to arm themselves at their own expense while the cost of their maintenance and any additional equipment fell to the crown as a charge against the national purse.<sup>375</sup>

The next surviving set of accounts, those of 1581-82, record that £74 was spent on the expenses of the burgh's commissioners at the Parliament held in Edinburgh between 24 October and 29 November 1581, a sum equivalent to 34% of expenditure on general administrative costs during that financial year.<sup>376</sup> During 1582-83 £100 or 38% of such expenditure was disbursed on the expenses of various commissioners sent by the burgh to Perth and Edinburgh. The relevant entries, (seven in all), which are dated between 16 June 1582 and 24 April 1583, do not specify the body or bodies being attended but in all probability they refer to the five Conventions of Royal Burghs held during this period.<sup>371</sup> The problem of identifying the assemblies to which the burgh sent commissioners is even greater in the accounts of 1583-84 since all but one of the entries in that year's discharge were not dated. The sole exception records that Archibald Hegate, the town clerk, received £11 for his expenses in attending the Convention of Royal Burghs which met at Ayr in June 1583. Disbursements towards the end of the account record that Archibald Lyon was given £5 for attending a convention of estates at Edinburgh (probably that held at Holyrood in December 1583) and that John Graham was reimbursed with £10 for his expenses at a Parliament held in Edinburgh. A further payment of £5 13s 4d out of the common good of 1584-85 confirms that this was the Parliament which convened in May 1584. Returning to the 1583-84 accounts, three entries record disbursements totalling £34 to meet the expenses of commissioners, some or all of which must have been incurred at the Parliament held in Edinburgh in October 1583. In all £60 (representing 44% of defrayments on general administrative matters) was spent on the expenses of burgh commissioners during the financial year 1583-84.<sup>378</sup> The accounts of the subsequent year record that (apart from the backdated payment to John Graham just noted) the town clerk again attended a Convention of Royal Burghs, this time held at Linlithgow, at a cost of £10 to the common good. More notable was the diversion of four burgess fines to fund the escort which accompanied archbishop Montgomery to the

Parliament held at Edinburgh in August 1584. Although the relevant entry was properly an adjustment, (since it clearly stated that these burgh fines, though credited to the charge, had not actually been passed to the common good), this incident provides further proof of the high level of expenditure involved in discharging the burgh's national obligations and demonstrates the measures which had to be taken to meet these and other costs in the event of cash flow difficulties.<sup>379</sup>

To summarise, the main heads of expenditure funded out of the burgh's common good during the 1570s and 1580s were the costs of paying fees and wages to officials, providing hospitality, maintaining and improving the fabric of the burgh and executing general administrative matters. The last of these embraced a wide range of concerns, from the outlays on the punishment of malefactors and occasional grants of alms to the needy to the more substantial payments incurred in protecting the burgh's privileges, prosecuting its business affairs and fulfilling its national obligations, defrayments which often involved a high level of expenditure because of the cost of sending representatives to the courts in Edinburgh and commissioners to the meetings of the Convention of Royal Burghs and Parliament.

Since the surviving act books are predominantly a record of the activities of the burgh court interspersed with occasional minutes of meetings of the council<sup>380</sup>, the details contained in the discharges to the common good accounts provide the clearest picture of the executive arm of the burgh's administration in action. They also supply valuable supplementary information regarding the scope of burgh government (for example, the considerable outlays on building projects) and the preoccupations of the authorities (for example, the frequent necessity of having to send commissioners to attend national assemblies) additional to that which was obtained from the examination of the statutes in the previous chapter.

At the end of the discharge to each account the balance remaining was calculated and orders given by the auditors for its disposal. Almost invariably there was money left over, the only exceptions being found in the accounts of 1573-74 (in which the charge and discharge exactly balanced), the 1577-78 accounts (which closed £4 in deficit) and

the missing accounts of 1580-81 (which are known to have also closed in deficit, because of a payment in the 1583-84 accounts recompensing Robert Adam, treasurer in 1580-81, for an overspend of £7 13s 9d met out of his own pocket). The balances were fairly small during the 1570s and were simply passed to the treasurer in office at the time of audit to be disbursed along with that year's common good monies. During the 1580s, however, the balances were larger and were purposely accumulated to repay the loan which the authorities had taken out in 1576 to buy out the then tacksman of the town's mill.<sup>381</sup> This was the closest the administration came to building up financial reserves during this period; otherwise the rule would appear to have been that each treasurer was expected to spend all or most of his year's common good allocation. Consequently the balances left over each year provide little real information as to the state of the burgh's finances. Details of this sort are best obtained from an examination of the total annual value of the common good and this subject has already been discussed in an earlier section of this chapter.<sup>382</sup>

The foregoing examination of the burgh's fiscal affairs concludes this survey of how the burgh of Glasgow was administered during the 1570s and 1580s. It is now possible to discuss in more general terms the effectiveness of that administration in the context of the various political, social and economic factors which were at play during this period.

## NOTES

1. See P250-251.
2. SRA MS C1/1/1 ff85r-86v. The 1573-74 accounts are transcribed in Glas. Recs., i, 447-453, but the transcription contains some errors and omissions: see note 57 below.
3. For much of the above see Appendix 5.1 in Vol. II, P289-291.
4. SRA MS C1/1/6 ff97r-107v. There is also a fragment of the discharge to an account at the end of the third act book, October 1588-July 1590, but it is illegible : SRA MS C1/1/3 f195.



5. Dickinson and Duncan, Scotland, 112; Nicholson, Scotland, 108; G.S. Pryde, Ayr Burgh Accounts, 1534-1624, (SHS 1937), xix [hereafter cited as Pryde, Ayr Burgh Accounts].
6. Glas. Chrs., i, pt.ii, 278-283.
7. See P4-5.
8. Glas. Chrs., ii, 452-453; Glas. Mun., i, 10.
9. Glas. Chrs., i, pt.i, 9-10.
10. For example, SRA MS C1/1/1 f85r (Glas. Recs., i, 447).
11. The rental, which covers the years 1509-70, is printed in Prot. Bk. Simon/Glas. Rent.
12. Glas. Recs., i, 241; Renwick and Lindsay, Glasgow, 64.
13. Glas. Chrs., i, pt.ii, 282.
14. For example, SRA MS C1/1/1 f85r (Glas. Recs., i, 447). The bridge custom was derived from a crown grant of 1571 and was thus independent of the superior : see P369.
15. Glas. Chrs., i, pt.ii, 79-87 : see P8.
16. Nicholson, Scotland, 108.
17. Glas. Chrs., i, pt.ii, 189-191. The customs of the tron were uplifted by tacksmen who were officials of the superior rather than of the burgh. A case heard before the burgh court between May and July 1574 discloses that the tacksman during 1571-73 had been John Caldwell and that he had been succeeded by Matthew Boyd (Glas. Recs., i, 11-12 and SRA MS C1/1/1 ff21r, 22v). Boyd received a 19 year tack of the customs from his namesake the archbishop in 1577 for £50 per annum and continued to enjoy this position after they were transferred to the college (Glas. Chrs., i, pt.i, p.cxl; i, pt.ii, 447, 450). The burgh eventually obtained the customs of the tron in 1614 (Glas. Chrs., i, pt.ii, 291-299), although during the college's tenure the magistrates and council occasionally had to intervene to stop the tacksmen abusing their position (Glas. Recs., i, 177).
18. See P384.
19. See P60-61, 64-65, 75; also Appendices 2.7 and 5.1 in Vol. II, P64-70, 289-291.
20. SRA MS C1/1/2 f150v; see also C1/1/1 ff87v, 211v for similar examples from the 1570s.
21. SRO MS CC8/8/25 f242r.
22. See P250-251.
23. SRA MS C1/1/1 f113r.
24. Ibid., f255r; see Appendix 2.21, pt.ii, in Vol. II, P194.
25. APS, ii, 227.

26. See, for example, Glas. Recs., i, 14-15.
27. See P353-354.
28. SRA MS C1/1/1 f88r.
29. P340.
30. SRA MS C1/1/1 ff114r, 207r, 211v.
31. Ibid., f85r.
32. Ibid., f85v.
33. Ibid., ff85v, 86v, 87r, 243r; SRA MS C1/1/2 f147v.
34. For example, SRA MS C1/1/1 ff88r, 114v, 206r, 210v and C1/1/2 f149v. See also P395.
35. SRA MS C1/1/2 ff151r, 151v, 197v.
36. SRA MS C1/1/1 f113r. On this dispute see P370-371, 405.
37. For example, SRA MS C1/1/1 f87v.
38. Pryde, Ayr Burgh Accounts, 76-79 and passim.
39. Ibid., p.cxiv.
40. For further details regarding the auditors see Appendix 2.12 in Vol. II, P98-130 passim.
41. SRA MS C1/1/2 ff148r, 149v, 151v (bis).
42. SRA MS C1/1/1 f114v.
43. Ibid., ff207r, 210r. As Glen's account closed in deficit he may have been experiencing difficulties collecting the common good during 1577-78, hence the pre-audit payment received from his predecessor.
44. See Appendix 5.1 in Vol. II, P289-291.
45. See P371-372, 402-403.
46. 'Apparently' because many discharge entries were not dated.
47. See Appendix 5.1 in Vol. II, P289-291.
48. Glas. Recs., i, 14.
49. See P360-363.
50. See Appendix 5.2, table 3, in Vol. II, P295-297.
51. SRA MS C1/1/2 ff196r, 197r, 197v.
52. SRA MS C1/1/1 f88r. In spring 1575 the crown had issued proclamations discharging 'plakkis and hardheids': Accounts of the Treasurer of Scotland, xiii, 1574-1580, ed. C.T. McInnes, (Edinburgh, 1978), 55, 67.
53. SRA MS C1/1/2 ff150r, 195v.
54. For example the rents not received by William Symmer, William Burns and Thomas Miller amounted to only £5 7s, £7 6s and £4 8s 4d respectively: SRA MS C1/1/2 ff196r, 197r, 197v.
55. See Appendix 5.1 in Vol. II, P289-291.
56. See P33.

57. SRA MS C1/1/1 ff85r-86v. The transcribed version of this account in Glas. Recs., i, 447-53, does not refer to the last of these audits.
58. P94-95.
59. P100-113.
60. P337.
61. SRA MS C1/1/2 f146r. It may be noted that contrary to usual practice (see P343) Sir Matthew Stewart of Minto, provost during much of Symmer's term of office as treasurer, was involved in this audit although he held no office whatsoever under Montrose. On Montrose's provostship see P113-114.
62. P345.
63. SRA MS C1/1/2 f195v.
64. See, for example, P359-360, 385-387, 409.
65. Pryde, Ayr Burgh Accounts, 77, 175, 234, 237; F. Roberts and I.M.M. MacPhail, Dumbarton Common Good Accounts, 1614-1660, (Dumbarton, 1972), 32, 38, 42.
66. SRA MS C1/1/1 f210r.
67. Ibid., ff85r, 86v.
68. Glas. Recs., i, 234-235; see P213.
69. SRA MS C1/1/3 ff69r-73r (1589) and ff180r-183r (1590). Unfortunately the latter is almost totally illegible. For summary of the 1589 rental see Appendix 5.2, table 1, in Vol. II, P292.
70. SRA MS C1/1/1 f85r.
71. For these and subsequent figures see Appendix 5.2, tables 1 and 2, in Vol. II, P292-294.
72. APS, i, 333 (Leges Quattuor Burgerum c.1); Pryde, Ayr Burgh Accounts, xxix-xxx; Murray, Burgh Organisation, i, 150-151.
73. SRA MS C1/1/1 f85r and C1/1/2 f150r.
74. Glas. Chrs., i, pt.ii, 25-27; see P5.
75. Pryde, Ayr Burgh Accounts, 81.
76. Ibid., xxxi; Murray, Burgh Organisation, i, 157.
77. See, for example, Glas. Chrs., i, pt.ii, 45-52.
78. Ibid., 107-112.
79. Ibid., 131-137. For full discussion see P25-29.
80. Glas. Mun., i, 159-177.
81. See Appendix 1.3 in Vol. II, P10-25.
82. Glas. Chrs., i, pt.ii, 149-162; see P310.
83. SRA MS C1/1/2 f150r.
84. APS, iii, 72.

85. Glas. Chrs., ii, 546-547; Glas. Recs., i, 83. On entries in the accounts see, for example, SRA MS C1/1/1 ff85r, 86r (1573-74) and SRA MS C1/1/2 ff195v, 197r (1584-85). On payments to Alexander Graham see P310-311.
86. SRA MS C1/1/1 ff85r, 86r (bis), 87r, 88r; Glas. Chrs., i, pt.i, p.xlviii, lx; Glas. Mun., i, 170-171, 177.
87. SRA MS C1/1/2 ff146r (bis), 146v, 147v, 148r, 148v, 149r, 150r, 151v, 195v, 196r, 196v; Prot. Bk. Glasgow, v, no 1548; on Thomas Craig see P309-310.
88. Glas. Chrs., i, pt.i, 89; SRA MS C1/1/1 ff85r, 86v (bis) and C1/1/2 ff150r, 195v.
89. P350,352.
90. For evidence that the burgh was prospering and its population was growing see P54-55, 433-434.
91. Glas. Recs., i, 10.
92. It will be recalled that in the late 1560s Sir John Stewart of Minto, the provost, similarly ignored the rights of archbishop Beaton: see P30. On the relationship between archbishop Boyd on the one hand and provost Boyd and the burgh on the other see P93-100, 130 n.218.
93. SRA MS C1/1/1 ff85r, 86r.
94. Ibid., ff87r, 88r.
95. Ibid., f87r.
96. Ibid., f113r.
97. See Appendix 5.2, tables 1 and 2, in Vol. II, P292-294.
98. Glas. Recs., i, 50-52. For a fuller discussion of this statute see P278-279.
99. SRA MS C1/1/2 f195v.
100. P349.
101. Appendix 5.2, table 1, in Vol. II, P292.
102. Glas. Recs., i, 120-126 passim. See also P373 and Appendix 5.2, table 1, in Vol.II, P292.
103. For details of these figures see Appendix 5.2, table 3, in Vol. II, P295-297. According to Pryde, Ayr Burgh Accounts, xxix, land income 'provided well over half the total resources of many burghs' and as one of his examples he cites the case of Glasgow in 1630-31. This was not so. In that year the charge amounted to £11,909 12s 8d of which land rents accounted for £772 3s 4d or 6% of the total: see Glas. Recs., ii, 501.
104. SRA MS C1/1/1 ff87r, 210r (three entries). On casualties see Pryde, Ayr Burgh Accounts, xxxviii.
105. Glas. Recs., i, 8.
106. SRA MS C1/1/1 ff87r, 210r (three entries) and C1/1/2 ff196r, 197r, 197v, 198r; Appendix 5.5, table 2, in Vol. II, P314.

107. APS, i, 349 (Leges Quattuor Burgorum, c.81), 695; Pryde, Ayr Burgh Accounts, 1.
108. Pryde, Ayr Burgh Accounts, xlix-1.
109. For a summary of the burgess admission rates which follow see Appendix 5.3, table 1, in Vol. II, P299-301.
110. See Appendix 2.17 in Vol. II, P170-172.
111. Glas. Recs., i, 17.
112. Ibid., 39.
113. Ibid., 52.
114. SRA MS C1/1/1 f206r.
115. Glas. Recs., i, 59.
116. Ibid., 127. See also introduction to table 1 of Appendix 5.3 in Vol. II, P299-300.
117. Appendix 5.3, table 2, in Vol. II, P302.
118. See P360-363.
119. Appendix 5.3, table 3, in Vol. II, P303-304.
120. SRA MS C1/1/1 ff189r, 190v.
121. Ibid., f221v.
122. See Appendix 5.3, table 1, in Vol. II, P299-301.
123. Glas. Recs., i, 76 and SRA MS C1/1/1 ff253r, 256r.
124. In May 1578 William Wilson's fine was paid to provost Crawford 'in further satisfaction of his fee' (SRA MS C1/1/1 f190v), a unique example. Many fines were diverted to the bailies, masters of work, treasurers and clerks (for example, ibid., ff141v, 165v, 187v, 205r, 226r, 258v and C1/1/2 f182v), several if not all of which were 'in help of thair fee'. Other cases of fines being given to senior officials record that the recipients had performed some special service for the burgh: see for example SRA MS C1/1/2 ff87v (Glas. Recs., i, 101), 145r, 182r. Burgess fines were also given to officials not in receipt of fees from the common good, including the officers (SRA MS C1/1/1 ff43r, 132v, 200v, 253r, 256r and C1/1/2 ff165r, 186v, 188r, 193r, 198r), the minstrels (SRA MS C1/1/2 f204v) and, in June 1584, to John Dalrymple, one of the outlandmen, for his services to the burgh in that capacity (ibid., f140v). See also n.237 below.
125. P384.
126. SRA MS C1/1/2 f32r. In the same month, March 1582, bailie John Graham received a burgess admission fine (ibid., f34r) but whether this was for his period as bailie in 1580-81 or 1581-82, or even related to his fee, was not specified.
127. SRA MS C1/1/2 ff74v, 147v.
128. SRA MS C1/1/1 ff13v, 20v, 28r, 125r, (on which see n.287 below), 267v and C1/1/2 ff76r, 84r, 144r, 193r, 210v.

129. SRA MS C1/1/1 f13v.
130. Ibid., f276r and C1/1/2 f180r.
131. SRA MS C1/1/1 ff227r, 236v, 243r. On expenses see P404-411 passim.
132. See Appendix 5.3, tables 1 and 3, in Vol. II, P299-301, 303-304.
133. Glas. Recs., i, 98.
134. See P247.
135. Glas Recs., i, 193.
136. Ibid., 304-305. On the dean of guild court as constituted by the Letter of Guildry in 1605 see Glas. Chrs., i, pt.i, p. dcviii-dcxi.
137. SRA MS C1/1/1 f88r.
138. See Appendix 5.3, table 2, in Vol. II, P302.
139. SRA MS C1/1/2 f197v.
140. SRA MS C1/1/1 ff30r, 61r, 112v.
141. SRA MS C1/1/2 ff14v, 100v, 101r.
142. SRA MS C1/1/1 ff29r, 130v.
143. Ibid., f207v.
144. See P109-112.
145. SRA MS C1/1/2 ff50v, 65r.
146. Ibid., f104v.
147. Ibid., f156r.
148. SRA MS C1/1/1 f240r. The tone of this letter suggests that Robert earl of Lennox knew by June 1579 that he would serve only two terms as provost of Glasgow. For the other gratis admissions sponsored by him see ibid., ff207v (bis), 209v, 234v (bis), 235v (bis).
149. For example, SRA MS C1/1/1 ff79v, 233v and C1/1/2 f46r.
150. SRA MS C1/1/2 f154r.
151. Glas. Recs., i, 198.
152. SRA MS C1/1/1 ff2r, 19v, 94r and C1/1/2 ff 58v, 154v. On Robert Allan see P364.
153. SRA MS C1/1/1 f28r (Robert Scott, traveller, in September 1574).
154. Ibid., f101r (Archibald Bar, waulker, in May 1576) and f253v (Thomas Brown, merchant, in April 1580).
155. Ibid., f133r (Thomas Garner, fisher, in April 1577) and f240r (William Cunninghame, fisher, in August 1579).
156. SRA MS C1/1/2 f22r (James Law, younger, in October 1581).
157. See Appendix 5.3, table 3, in Vol. II, P303-304. On burgess admission scales see P358-359.
158. Pryde, Ayr Burgh Accounts, p.1.

159. Glas. Recs., i, 83-84. See also ibid., 204 for a similar incident in February 1600. Byris may be the same James Byris who was entered gratis in April 1575, while it may be noted that a John Muir was entered gratis in May 1575 and another in June 1575: SRA MS C1/1/1 ff55v, 61r, 66r.
160. SRA MS C1/1/2 f154r.
161. P359.
162. Glas Recs., i, 59.
163. For the figures which follow see Appendix 5.3, table 4, in Vol. II, P305-306.
164. P247, 362.
165. Glas. Recs., i, 198. See also P365.
166. Glas. Recs., i, 304-305.
167. See P340-341 and Appendix 2.6 in Vol. II, P48-63.
168. Referred to in the accounts as 'the new gift of the brig' to distinguish it from the 'auld proprietie of the brig' on which see P349-350.
169. Glas. Chrs., i. pt.ii, 146-148.
170. See Appendix 5.4 in Vol. II, P308-312.
171. SRA MS C1/1/1 f85r (bis).
172. Ibid., f85r.
173. Glas. Chrs., i, pt.ii, 164-167. For references to this dispute in the minutes see SRA MS C1/1/1 ff56r, 59v; for references in the accounts see ibid. ff87v (seven entries), 88r, 113r (an entry which gives a list of witnesses produced by Glasgow to prove its right to exact the ladle custom) and 113v.
174. Glas. Recs., i, 48 and SRA MS C1/1/1 f113v.
175. Glas. Recs., i, 14. Beltane was either 1 or 3 May, usually the latter: Dictionary of the Older Scottish Tongue.
176. For further details of the burgh's difficulties with James Anderson see Appendix 2.6, pt.3, in Vol. II, P56.
177. Glas. Recs., i, 56 and SRA MS C1/1/1 f121r. Subsequent minutes recording burgess entries, beginning with that of Steyne Hill on 4 December 1576, included the oath regarding astriction to the mills: SRA MS C1/1/1 f121r. In order to compensate Anderson the burgh was obliged to raise a loan of 100 merks which was not finally paid off until 1585: see P344, 402-403.
178. Glas. Recs., i, 57.
179. SRA MS C1/1/1 f210v; see also P395.
180. Glas. Chrs., i, pt.i, 18. Lyon served during this period as a bailie and was a prominent councillor (see Appendices 2.11 and 2.12 in Vol. II, P83-148 passim).
181. Glas. Chrs., ii, 553-557.

182. See Appendix 2.6, pt.3, in Vol. II, P59-61.
183. SRA MS C1/1/1 ff211r, 243r and C1/1/2 ff146v, 148v, 196v.
184. SRO MS CC8/8/18 f133v.
185. Glas. Chrs., i, pt.ii, 452; on the alienations see P355.
186. For the following figures see Appendix 5.4 in Vol. II, P308-312.
187. P356, 359.
188. It may be noted that these figures do not add up to 100%. However the discrepancy is rectified if the monies obtained from casualties in 1574-75 and 1577-78 are included: see P356-357.
189. Glas. Recs., i, 20.
190. SRA MS C1/1/1 f211v.
191. Ibid., f243v.
192. Glas. Recs., i, 56.
193. SRA MS C1/1/1 ff85v, 211v. The Kelvin mill must have been less prone to such difficulties than the old mill on the Molendinar.
194. SRA MS C1/1/1 ff207r, 211v, 243v and C1/1/2 ff146v (bis), 147v, 149v; on the works on the old mill in 1577 see P372, 395.
195. Glas. Recs., i, 87 and SRA MS C1/1/2 f146v. On the repeal of the thirlage legislation see P90, 104, 239.
196. On prices see P264-272 and Appendix 4.4 in Vol. II, P282-288.
197. For the following see Appendix 5.5 in Vol. II, P313-315.
198. See P353-354.
199. See Appendix 5.4 in Vol. II, P308-312.
200. The figure of 58% for 1575-76 is something of a distortion since it includes £20 obtained from John Steyne in rents from the newly alienated commons, some of which, however, was income derived from the kirk stent authorised in 1574: see P354.
201. P381-383.
202. P346.
203. P249-252.
204. Prot. Bk. Glasgow, ix, no.2926. On this and other loans see P250-253, 402-404.
205. P312-316 passim.
206. RCRB, i, 48, 173-174. Equally it may be noted that in the intervening period following the poor harvest of 1577 which produced a rise in prices (P266-267) and a reduction in income obtained from the ladle and mill customs (P376), Glasgow fell back to eighth place in the tax roll of 1578, equivalent to a contribution of 2.25%: RCRB, i, 73-74.
207. Prot. Bk. Glasgow, iv, no.2926.



208. RCRB, i, 253-254.

209. The minutes of the periods April 1586 - October 1588, July 1590 - October 1594 and May 1597 - November 1598 are missing, while the next accounts to survive after those of 1584-85 are those of 1605-1606: SRA MS C1/1/6 ff97r-107v.

210. Pryde, Ayr Burgh Accounts, xlvii-xlvi.

211. Prot. Bk. Glasgow, ix, no.2926 (p.112); Glas. Recs., i, 136.

212. RCRB, i, 365-366, 451-452.

213. Glas. Recs., i, 166.

214. P269.

215. P356, 360-363, 374, 375.

216. SRA MS C1/1/1 f88r and C1/1/2 f197v. See Appendix 5.6 in Vol. II, P316-319.

217. P351-352. See also Appendix 5.2 table 3 in Vol. II, P295-297.

218. See Appendix 5.6 in Vol. II, P316-319.

219. They are specifically styled thus in the 1583-84 accounts: SRA MS C1/1/2 f151v.

220. See P358 and Appendix 5.3, table 1, in Vol. II, P299-301.

221. SRA MS C1/1/1 f88r.

222. For example, ibid., f86r (1573-74) and f88r (1574-75).

223. P360.

224. SRA MS C1/1/1 f86r (1573-74) and C1/1/2 f146v (1581-82), f197v (1584-85).

225. SRA MS C1/1/1 ff86r, 88r, 114v.

226. Ibid., f210v.

227. Ibid., f243v. See P280.

228. SRA MS C1/1/1 f198v.

229. Ibid., ff138r, 211v.

230. Ibid., f86v.

231. P33.

232. SRA MS C1/1/2 ff196r, 197v.

233. SRA MS C1/1/1 ff114v, 243v.

234. The relevant entries are unfortunately not dated and do not always identify the recipient of the provost's fee (whereas the individual bailies are named in their entries). Nonetheless working backwards through the accounts the following pattern emerges with respect to payments to the provosts.

- (i) 1584-85 accounts: payment to John earl of Montrose, provost in 1583-84, and [Sir William Livingstone, provost in 1584-85] (SRA MS C1/1/2 ff196r, 197v).

- (ii) 1583-84 accounts: payment to Sir Matthew Stewart of Minto, provost in 1582-83 (ibid., f151v).
- (iii) 1582-83 accounts: payment to [Minto, provost in 1581-82] (ibid., f148r).
- (iv) 1581-82 accounts: payment to [Esmé earl of Lennox, provost in 1580-81] (ibid., f147v).
- (v) 1579-81 accounts missing.
- (vi) 1578-79 accounts: payment to Robert earl of Lennox, provost in 1578-79 (SRA MS C1/1/1 f243v).

Thus it would appear that at some point between 1579 and 1581 payment of the provost's fee lapsed.

- 235. P337, 347. On the crises of 1580-83 see P100-113 passim.
- 236. P360-363 passim.
- 237. Cases where diversion of burgess fines was definitely intended to meet the fees of the recipients are found at SRA MS C1/1/1 ff187v (April 1578, the bailies), 190v (May 1578, the provost), 205r (August 1578, the bailies) and C1/1/2 ff15v (August 1581, the bailies), 32r (March 1582, bailie Hector Stewart), 65r (March 1583, bailies Robert Stewart and Mr Adam Wallace), 65v (March 1583, bailie William Cunninghame), 74v (May 1583, the clerk), 118r (December 1583, bailie Wallace), 131v (May 1584, bailie Cunninghame), 197v (cAugust 1584, the bailies). See also n.124 above.
- 238. See Appendix 5.3, table 3, in Vol. II, P303-304.
- 239. P361.
- 240. P347-348. See also P403.
- 241. SRA MS C1/1/1 ff86r, 88r, 114v, 207r, 211v, 243v and C1/1/2 ff146r, 147r, 148v, 149r, 151v, 196r. See also Appendix 2.23 in Vol. II, P213.
- 242. P385.
- 243. SRA MA C1/1/1 ff85v, 87r.
- 244. Ibid., ff113v, 207r, 210v, 211r, 243r.
- 245. Ibid., ff85v, 86r, 88r and C1/1/2 f196r,v (seven entries).
- 246. SRA MS C1/1/1 ff211r, 242v (bis). Precisely which steeple was involved is not known. See also P94, 294, 409.
- 247. The amount involved was £3 6s 8d. See SRA MS C1/1/1 ff114r, 207r, 211v.
- 248. SRA MS C1/1/2 f198r.
- 249. Glas. Recs., i, 76. See P191.
- 250. Glas. Recs., i, 18.
- 251. See Appendix 5.6 in Vol. II, P316-319.
- 252. P346, 380. For the figures here quoted see Appendix 5.6 in Vol. II, P316-319.

253. For a breakdown of the sums spent on internal and external hospitality see Appendix 5.7 in Vol. II, P320.
254. P363-369 passim.
255. SRA MS C1/1/1 ff85r, v (seven entries), 86v, 87r, 87v, 114r, 206r (bis), 206v (three entries), 210v (four entries), 211r, 243r (bis), 243v (bis) and C1/1/2 ff146r,v (three entries), 148v (three entries), 149r, 149v (bis), 150v (bis), 151r (three entries). Ardkinglass is in Lochgoilhead parish, Argyllshire: Ordnance Gazetteer of Scotland, ed. F.D. Graeme, 6 vols., (London, 1894-1895). Drumquhassil is near Drymen, Stirlingshire: B.B. Hartop and M. Rodger, Johnson's Gazetteer of Scotland, (London, 1958).
256. RPC, iii, 419n; Calderwood, History, viii, 212.
257. SRA MS C1/1/2 f146v (five entries). On the minstrels' uniform see n.372 below. One other entry, in the 1583-84 accounts (ibid., f151r), records that Robert Nemok received £2 13s 4d compensation for 'ane burde tane fra him ... the kingis maiestie being in this toun, put in the castell and nocht delyvirit agane'.
258. P408.
259. SRA MS C1/1/1 f211r and C1/1/2 f146v.
260. SRA MS C1/1/1 ff87r, 206r, 243v (bis). On the events of spring 1579 see also P295, 391, 409.
261. SRA MS C1/1/1 ff85v (four entries, including £1 for a gallon of wine 'to my lord of Glasgow quhen he was admittit bischop'), 113v, 114v, 210v, 211r, 243v (three entries) and C1/1/2 f147r. It is interesting to note that the last noted reference, £6 for 'ane disione gewin ... to the bischope and sundrie servands of my lord duik' in November 1581 is the only reference to hospitality being given to archbishop Montgomery, all other entries referring to archbishop Boyd.
262. SRA MS C1/1/1 ff85v, 206r and C1/1/2 f147r.
263. SRA MS C1/1/1 ff85r (bis), 87r (three entries), 113r (bis), 114v, 206r (bis), 210v, 242v and C1/1/2 ff147r (bis), 148v, 149r, 150v, 197r.
264. SRA MS C1/1/2 f150v (bis). See P84-85.
265. SRA MS C1/1/1 ff86r, 206v and C1/1/2 ff147r, 196v. On the meeting at Kilpatrick see also P275-276, 407.
266. SRA MS C1/1/1 f243r, v. On the Stirling 'raid' see P409; on the events of spring 1579 see P295, 390, 409.
267. SRA MS C1/1/2 f196r.
268. For example, see SRA MS C1/1/1 ff114r, 211r, 211v.
269. SRA MS C1/1/2 ff148r, 149v, 151v (bis).
270. SRA MS C1/1/1 f113r.

271. Since Boyd retained close ties with the burgh after he ceased to be provost (see P129 n.205) all gifts of wine to Boyd have been treated as examples of internal hospitality. Payments for wine etc. given to Boyd amounted to around £364: SRA MS C1/1/1 ff85v, 86v (bis), 113v (four entries), 114r (bis), 114v (bis), 206r (four entries), 206v (five entries), 210v (four entries), 211r, 242v, 243r (four entries) and C1/1/2 ff149r, 149v, 150v (bis). By way of contrast the gifts of wine to provost Crawford amounted to about £7; to Robert earl of Lennox, £26; to Esmé earl of Lennox, £10; to Sir Matthew Stewart of Minto, £24; to John earl of Montrose, £8; to Sir William Livingstone of Kilsyth, £12: see SRA MS C1/1/1 ff211v, 243r (four entries), 243v and C1/1/2 ff148v, 149r (three entries), 149v (bis), 150v (three entries), 151r, 197r, 198v.
272. SRA MS C1/1/1 f86v.
273. Ibid., f113v.
274. Ibid., f206r.
275. Ibid., f206v.
276. Ibid., f210v.
277. Ibid., f211v.
278. Ibid., f242v. See also P250.
279. SRA MS C1/1/1 f243r (four entries) for 1578-79 and C1/1/2 ff149r, 149v, 150v (bis) for the 1580s, the latter group amounting to only £6 4s. 8d.
280. Subtracting Boyd's £364 worth of wine from the £888 spent on internal hospitality would leave £524 but that would assume that Boyd would have been given nothing. As Robert earl of Lennox and Sir Matthew Stewart of Minto received about £25 each by way of gifts of wine (see n.271 above) a sum of around £550 would seem more appropriate.
281. See Appendix 5.7 in Vol. II, P320.
282. See Appendix 5.6 in Vol. II, P316-319.
283. For the foregoing see also P250-253.
284. SRA MS C1/1/1 ff85r-86v passim. This account, it may be noted, contains the only two references to income from the bridge and ladle customs being specifically used for public works (ibid., f85r, bis). Such income was supposed to be used in this way but seems to have been subsumed into the common purse and disbursed as was seen fit: see P370. See also P356 for similar earmarking of the income from booth entries for public works; again it is not possible to determine if this was done.
285. SRA MS C1/1/1 ff87r-88r passim. It may be noted that the tolbooth works included the use of iron from Danzig, evidence of trade with the Baltic (see P10, 66), and that in July 1574 the court was obliged to meet on three occasions in the

Blackfriar's kirk to allow the works on the tolbooth to be progressed: SRA MS C1/1/1 ff21v-22v.

286. SRA MS C1/1/1 ff113r-114v passim.

287. Ibid., C1/1/1 ff206r-207r passim. Initially it proved necessary to raise a loan in order to pay Kaye for his services: see P403. It may also be noted in relation to these works on the tolbooth clock that in February 1577 James Scott, painter, was given the burgess fine of John Biggart, draper, 'for his bountetht and laubouris done be him in culloring of the knok, moyne and horlage': ibid., f125r (Glas. Recs., i, 56-57).

288. SRA MS C1/1/1 f206v.

289. Ibid., ff210v-211v passim. See P372. Other later minor works on this mill and the Kelvin mill were paid for by the tacksmen and credited against the sums due from them for their farms: see P375 and Appendix 5.4 in Vol. II, P308-312.

290. P371-372.

291. SRA MS C1/1/1 f210v.

292. See, for example, ibid., ff88r, 114v, 206r and C1/1/2 f149v.

293. On communal labour and the evidently preferred practice of using direct labour see P282.

294. However cash flow problems could arise and the master of work could find himself out of pocket. Thus in May 1577 James Fleming, master of work, received a burgess fine 'for his expensis maid be him in awating on the workmen thir twa yeirs bigane': Glas. Recs., i, 57.

See also P397 for similar cash flow problems which affected the masters of work in the 1580s.

295. SRA MS C1/1/1 ff210v (nine entries), 211r (eight entries), 242v, 243r and Glas. Recs., i, 69.

296. SRA MS C1/1/1 ff242v-243v passim.

297. SRA MS C1/1/2 ff146r-148r passim.

298. Ibid., ff148r-149v passim. On this period see P109-115 passim and Donaldson, Scotland, James V-VII, 178-180.

299. See P360-361, 363, 386-387 and n.294 above.

300. SRA MS C1/1/2 ff150r-151v passim.

301. Ibid., ff196r-198r passim.

302. See Appendix 5.6 in Vol. II, 316-319.

303. See Appendix 5.6 in Vol. II, 316-319.

304. For example SRA MS C1/1/1 ff113v, 114r (1575-76 accounts, nine entries).

305. Ibid., f113v.

306. Ibid., f87v (four entries).
307. Ibid., ff85v (bis), 113v (bis), 206r.
308. SRA MS C1/1/2 f197r.
309. The kirk session records show that attempts to observe the traditional Christmas festivities were strictly censured: SRA CH2/550/1 ff4v, 5v (Dec.1583 and Jan.1584).
310. SRA MS C1/1/1 ff86r, 87v, 114r, 206v, 211r, 243v and C1/1/2 ff147r, 149r, 150v, 197r.
311. SRA MS C1/1/1 f87v (bis).
312. Ibid., f207r.
313. Ibid., ff85v, 86r, 87r, 113v (bis), 114r (three entries), 206r (bis), 206v, 242v, 243r. See also P161, 192, 210.
314. SRA MS C1/1/1 ff114r (bis), 211r and C1/1/2 f147 (bis). See also P192, 210.
315. For example, SRA MS C1/1/2 f94v.
316. Ibid., ff151 (bis), 197v.
317. See P318-319.
318. SRA MS C1/1/2 f197r (bis).
319. SRA MS C1/1/1 f87v.
320. Ibid., f113v (cf P395). Payments of compensation for other industrial accidents appear in the 1577-78 and 1578-79 accounts: SRA MS C1/1/1 ff210v, 242v.
321. Ibid., f210v. See also P384-385.
322. SRA MS C1/1/1 f211r. On Thomas Craig and the new kirk school see P309-310.
323. SRA MS C1/1/2 f197r.
324. Ibid., f196v (bis).
325. SRA MS C1/1/1 ff87v, 113r, 211v and C1/1/2 f146v; Dictionary of the Older Scottish Tongue (lattoun; mark); see also P314.
326. SRA MS C1/1/1 ff87-88r, 210v-211v and C1/1/2 ff196r-198r passim.
327. SRA MS C1/1/1 ff85v, 86r, 87v (bis), 114v (bis), 207r (bis), 211v (bis), 243r (bis) and C1/1/2 ff146v, 147r, 148v, 149r (bis), 151v (bis), 196r.
328. SRA MS C1/1/2 f148v; Prot. Bk. Glasgow, iv, no.1182.
329. SRA MS C1/1/2 f147r; Prot. Bk. Glasgow, vi, no.1704.
330. P351-352, 384.
331. Registrum Episcopatus Glasguensis, ed. C. Innes, 2 vols., (Bannatyne and Maitland Clubs, 1843), ii, 452-454.
332. SRA MS C1/1/2 ff146v, 149r, 151v, 197v.
333. P100-102. On Elphinstone see also P70-71.
334. SRO MS CC8/8/17 f158v.

335. Prot. Bk. Glasgow, ix, no.2926 (p.112).
336. SRA MS C1/1/1 ff211r, 243r and C1/1/2 ff146v, 148v, 196v. See P373.
337. P371.
338. SRA MS C1/1/1 f121r.
339. Ibid., ff211v, 243v and C1/1/2 ff147v, 149v, 151r, 197v.
340. SRA MS C1/1/2 f148r.
341. Ibid., f198r.
342. See P347-348, 387.
343. See P395.
344. SRA MS C1/1/1 ff116r, 206r, 206v (bis).
345. Ibid., f211v.
346. See P250, 252-253, 291-292, 380-381, 394.
347. RPC, ii, 320; SRA MS C1/1/1 f85 (six entries). This case cannot be traced in the General Assembly's records (BUK). On the 1572 agreement see P55.
348. RPC, ii, 347-348; SRA MS C1/1/1 f86r (bis). This case cannot be traced in the General Assembly's records (BUK).
349. SRA MS C1/1/1 ff85v, 86r, 87r. See P353-354.
350. SRA MS C1/1/1 ff87v (seven entries), 88r, 113r, 113v. See P370-371. See also n.173 above.
351. SRA MS C1/1/1 f206v. On the university see P306-307; on the 1576 elections see P98-99.
352. SRA MS C1/1/1 ff210v (five entries), 211r (three entries), 211v.
353. See P106-112 passim.
354. SRA MS C1/1/2 f147v (bis); BUK, ii, 573-575; RPC, iii, 476-477; Glas. Chrs., i, pt.i, p.cxxi n.
355. SRA MS C1/1/2 f148v; BUK, ii, 565; RPC, iii, 486.
356. SRA MS C1/1/2 ff148v, 149r. See P108, 112.
357. See P10.
358. SRA MS C1/1/1 ff85v (bis), 86v, 206v (bis), 243r (eleven entries).
359. Ibid., ff113v (six entries), 114r (nine entries); Glas. Recs., i, 46-47.
360. SRA MS C1/1/1 f206 (six entries).
361. SRA MS C1/1/2 f196v (three entries). Newark is on the south bank of the Clyde at Port Glasgow, opposite Dumbarton.
362. SRA MS C1/1/1 ff113v (four entries), 114r and C1/1/2 f196v (bis).
363. SRA MS C1/1/1 f114r and C1/1/2 ff146r, 197r (bis).
364. These figures represent 13%, 10%, 15%, 8%, 11% and 9% of all common good expenditure in these years: see Appendix 5.6 in Vol. II, P316-319.
365. P390.

366. SRA MS C1/1/1 ff86r (bis), 87r, 87v, 114v (bis), 206v, 211r and C1/1/2 f149r.
367. On Glasgow's representation at the Convention of Royal Burghs and at Parliament see P14.
368. SRA MS C1/1/1 ff85v, 86v, 87r (bis), 87v, 113v (bis), 211r, 243r; RCRB, i, pp.xxiv-xxvi, 24-97 passim.
369. SRA MS C1/1/1 ff206v, 211r (three entries); neither of these meetings is referred to in RCRB.
370. See also P94, 294, 387.
371. Accounts of the Treasurer of Scotland, xiii, 1574-1580, ed. C.T. McInnes, (Edinburgh, 1978), 213-214; RPC, iii, 9, 16-17; APS, iii, 7, 8 (table of contents), 94-114.
372. SRA MS C1/1/1 ff242v, 243r (a total of twenty-four entries). On the dinner given to the young men see P391. An earlier entry in the 1574-75 accounts discloses that the minstrels' uniform was made of blue cloth (like that of the officers: see P390) and cramoisy 'to be the townes armes to be putt thereon': SRA MS C1/1/1 f87r.
373. See Appendix 5.6 in Vol. II, P316-319.
374. SRA MS C1/1/1 f243v (four entries). Most of these payments related to the provision of hospitality: see P390-391.
- It would thus appear that the minstrels accompanied the town's levies. Consequently a payment of £3 in the 1583-84 accounts to John Cuthbert, minstrel, for his attendance at the 'Falkirk raid' suggests that the militia was called out to assist the crown when Stirling castle was seized in April 1584 by the earls of Mar and Glamis: SRA MS C1/1/2 f151r; RPC, iii, pp.lxi, 654-656. Similarly, the granting of a burgess fine to John Cuthbert, 'taburrior', in November 1585 so that he could buy clothes and go to Hamilton 'with the men of weir' indicates that the Glasgow levies were probably engaged by the government of Arran in its efforts to halt the progress of the banished lords, among them Lords John and Claud Hamilton, who had returned to Scotland in late October 1585: SRA MS C1/1/2 f204v; RPC, iv, 13, 21-22, 27-30; see also P115.
375. P250, 294-295.
376. SRA MS C1/1/2 ff146v, 147r (bis), 148r; APS, iii, 10-12 (table of contents), 193-288; see Appendix 5.6 in Vol. II, P316-319.
377. SRA MS C1/1/2 ff148v, 149r (five entries), 149v; RCRB, i, pp.xxvii, 126-161; see Appendix 5.6 in Vol. II, P316-319.
378. SRA MS C1/1/2 ff150r, 150v (three entries), 151r (two entries), 196r; RCRB, i, pp.xxviii, 162-184; APS, iii, 12-13 (table of contents), 289-325; see Appendix 5.6 in Vol. II, P316-319.



379. SRA MS C1/1/2 ff196r (bis), 197v; RCRB, i, pp.xxviii, 184-198; APS, iii, 14-15 (table of contents), 331-373; Glas Recs., i, 110. See also P363, 383-384 and Appendices 5.3, table 2, and 5.6 in Vol. II, P302, 316-319.
380. See P219 n.9.
381. See P340, 344, 402-403 and Appendix 5.1 in Vol. II, P289-291.
382. P378-383.

## CHAPTER VI

### CONCLUSION : THE ADMINISTRATION OF THE BURGH OF GLASGOW, 1574-86

In order to assess fully the nature and quality of burgh administration in Glasgow during the main period under consideration, and in the late sixteenth century as a whole, it is necessary to recall the context within which the magistrates and council operated.

Compared to Edinburgh with an estimated population of around 12,000 in 1560, Glasgow at that time was a small urban unit comprising about 4,500 adults.<sup>1</sup> However Edinburgh was very much the exception among Scottish burghs; equally Glasgow, despite its small size, was by no means an insignificant township. Although lacking royal burgh status Glasgow had by the mid-sixteenth century outstripped its neighbours Dumbarton, Renfrew and Rutherglen. Of the burghs in the west of Scotland only the royal burgh of Ayr was deemed capable of bearing a larger share of national taxations by the Convention of Royal Burghs, but in the tax roll compiled in 1583 Glasgow finally overtook Ayr to become the leading burgh in the region.<sup>2</sup> The reasons for Glasgow's success were manifold and among them may be cited the terms of the burgh's charter of foundation which specifically allowed it all the liberties possessed by the king's burghs; the more active interest which its superiors, the bishops, were able to take in Glasgow's development compared with the less immediate support the crown was able to give to its many dependent burghs; and the fact that the city, as the focal point of a diocese, attracted considerable business on account of the bishops' consistory jurisdiction.<sup>3</sup>

After the Reformation the jurisdiction of the commissary court at Glasgow was considerably reduced in its scope<sup>4</sup> and in the crown grant of 1571 which empowered the burgh authorities to collect customs for the upkeep of the bridge the 'want of iurisdiction of the commissarie vsit afoir the Reformatioun of Religioun be reparing of oure lieges of the cuntre about to our said citie' was specifically mentioned as a major contributory factor to the burgh's economic difficulties.<sup>5</sup> Statements such as this must be treated with some caution. Nonetheless it is quite probable that Glasgow's marketing activities did suffer as a

result of the new consistorial arrangements and more particularly through another factor which the crown grant of 1571 referred to, namely the disruptive effects of the civil war of 1571-73 during which Dumbarton had been controlled by the Marian rebels and Glasgow's access to both the western sea routes and its customers in Argyll had been jeopardised.

However the vitality and business acumen of the Glasgow merchants and craftsmen were such that these setbacks were soon surmounted. Writing of the burgh in 1578 bishop John Leslie of Ross was able to assert that

'...Glasgow is the maist renoumed market in all the west, honorable and celebrat ... it is sa frequent and of sik renoume that it sendes to the Easte cuntreyes [i.e., eastern Scotland] verie fatt kye, herring lykwyse and salmonte, oxnehydes, wole and skinis, butter lykwyse that nane bettir, and chiese. Bot, contrare, to the west (quhair is a peple verie numerable in respecte of the commoditie of the sey cost) by vthir merchandise, all kynd of corne to thame sendes. Bot till Argyle, in the hilands Iles, and lykwyse to the outmest Isles in Irland it sendes baith vine and ale and sik kynde of drink ... Farther it hes a verie commodious seyports quhairin litle schipis ten myles frome the sey restis besyde the brig, quhilke brig haveng 8 bowis is a gret delectione to the lukeris vpon it.'<sup>6</sup>

These comments are instructive. Although he makes no mention of foreign trade, evidence for which is found in the minutes passim and in the testaments of the Glasgow merchants which record commercial dealings with France, Flanders and other continental countries, Leslie does reinforce the impression which is to be derived from those same sources that Glasgow's main trading links were with its immediate hinterland or areas such as Argyll and the Isles.<sup>7</sup> At this stage in the burgh's development the commercial aspirations of the merchants seem to have been confined to satisfying the probably quite limited tastes of its leading citizens and neighbouring lairds for fine cloths, wine and

other consumables which had to be imported from abroad. Otherwise there was as yet little sign of the aggressive seeking out of foreign markets which would later characterise the trading activities of the Glasgow merchants.

Similarly, the burgh's ability to produce anything other than a basic range of locally manufactured goods was limited. This can be substantiated by examining the occupations of those who were admitted to burgess-ship during the 1570s and 1580s. Indeed, in the absence of any more exact evidence (such as tax rolls), burgess admissions provide the clearest picture of the nature of the burgh and the composition of its society at this time. The data provided from this source are far from ideal since of the 534 burgesses admitted between January 1574 and April 1586 the occupations of 185 cannot be ascertained; however sixty-six were merchants, 145 were members of the nine incorporated crafts (nine skinners, forty-two tailors, nine websters, fourteen hammermen, four masons, eleven baxters, thirty-three cordiners, twelve coopers, eleven fleshers), while the remaining 138 were chiefly unincorporated traders, craftsmen and journeymen plus a small number of surgeons, notaries and servants. By rearranging these data and confining attention to those new burgesses who followed a craft (irrespective of whether or not that craft was incorporated) the following clearer picture emerges: fourteen metal works (armourers, 'hammermen', lorimers, smiths and 'swordslyppers'); twenty-seven individuals involved in the building or associated trades (boatwrights, carpenters, carters, coopers, masons, painters, quarriers, slaters and wrights); 104 men working in the clothing and leather trades (bonnetmakers, clothmen, drapers, cordiners, dyers, skinners, waulkers and websters); and 109 provisioners (baxters, buttermen, fishermen, fleshers, fruitmen, gardeners, maltmen and mealmen). The absence of manufacturers of more sophisticated and semi-luxury products cannot be explained simply in terms of the conservatism of the monopolistic and privileged crafts. Thus the incorporation of hammermen embraced goldsmiths, silversmiths, gunsmiths, jewellers and clocksmiths but none of these branches of metal working was represented among the burgess admissions of the 1570s and 1580s. As a corollary to this, during the seventeenth century Glasgow's manufacturing base was expanded and this was done through

the establishment of factories producing higher quality woollen and linen cloth as well as glassworks, 'soaperies', sugar refineries and ropeworks, most of which were outwith the control of the incorporations; however none of the late sixteenth century burgess admissions of unincorporated craftsmen indicate the existence at that time of a pool of talent which was being held back by the power of the incorporations. The technical expertise necessary for growth was not present at this time and the crucial relationship between manufacturing and commerce which was to be the foundation of Glasgow's remarkable success in the eighteenth century tobacco trade had yet to develop. The preponderance of clothiers, leather workers and provisioners among the new men admitted to burgess-ship during the 1570s and 1580s shows that the craftsmen in Glasgow were primarily occupied in supplying the immediate needs of the local population. These details plus the little that is known about the merchants' trading activities confirm the impression gleaned from bishop Leslie's comments that Glasgow in the late sixteenth century was essentially a market town receiving and dealing in country produce and supplying the surrounding shires with basic manufactures supplemented by a few luxuries imported from Europe.<sup>8</sup>

However there are several indications that Glasgow, though not yet the major port which it would later become, was thriving as a provincial centre in the late sixteenth century. For example, the income obtained from the custom of the ladle, which serves as a useful gauge of the burgh markets' performance, more than doubled between 1578 and 1581 and almost doubled again between 1585 and 1595.<sup>9</sup> While much of the latter increase may be attributable to inflation, other evidence shows that during the last quarter of the sixteenth century the strain on the markets was becoming such that the authorities were obliged to decentralise certain trading activities from the Cross to other areas of the burgh.<sup>10</sup> A flourishing market would favour a rise in the population and although the figures of 4,500 in 1560 rising to 7,000 by 1600<sup>11</sup> are based not on sound evidence but on mere conjecture there are a number of signs in the records that these years did indeed witness an appreciable if unquantifiable increase in the burgh's population. The work undertaken at wells in the Greyfriars, Wyndhead and Deanside districts in 1575<sup>12</sup> and an upsurge in the number of

property transactions in the area of Stockwell and Mutland croft at around the same time<sup>13</sup> indicate that the burgh was beginning to expand beyond the confines of the old built-up area around the Cross. Similarly an examination of the preventative measures adopted to cope with the plague crises of 1574 and 1584 (and in particular a comparison of the number of special officials appointed on these occasions and their distribution) shows that, as might be expected, the population was concentrated in the districts nearest the Cross but also, and more importantly, strongly suggests that there had been a sharp rise in that population during the intervening decade.<sup>14</sup>

The most telling evidence regarding the demographic trends in the Glasgow area in the last quarter of the sixteenth century is to be derived from the changes made in the provisions for the spiritual welfare of the inhabitants of the burgh and the barony. Prior to the Reformation the parish of Glasgow which embraced both burgh and barony was served by a vicar in burgo and a vicar in rure<sup>15</sup> but from the Reformation until 1588 Mr David Wemyss was the sole minister in the burgh with a responsibility also for the extra burghal territory of the parish.<sup>16</sup> In 1588 it was found desirable to appoint a second minister, Mr John Cowper, to assist Wemyss at the high kirk.<sup>17</sup> Four years later the 'new' or Iron kirk was renovated and was placed in the charge of the burgh's third minister, Mr John Bell.<sup>18</sup> In 1595 a fourth minister, Mr Alexander Rowatt, was appointed to the burgh but in 1597 he became responsible for the landward section of the parish of Glasgow, thereafter known as the Barony parish, when it was separated from the burgh, (a development which recalled the arrangements which had existed before 1560).<sup>19</sup> Finally, in July 1599, the magistrates, council and deacons of the crafts, at the request of the burgh's three ministers (Wemyss, Cowper and Bell) agreed that the burgh itself should be divided into two parishes based on the high and Iron kirks so that 'the ministeris maye acknowlege thair awin flock'.<sup>20</sup> This quite sudden increase in the number of ministers serving the parish of Glasgow and the consequential division of that parish into three charges, while obviously satisfying the aspirations of the kirk, would not have been accepted by the civil authorities<sup>21</sup> had there not been a considerable increase in the burgh's population which made such arrangements not just desirable but essential.

However a growing population could only be supported comfortably if there was an adequate supply of food. The economy, both locally and nationally, was highly dependent on the success of the annual harvests but inadequate husbandry, bad weather conditions and crop blights frequently combined to produce food shortages. These problems were not peculiar to the period under discussion; rather they had obtained for many centuries and their periodic reoccurrence explains the large corpus of national and local legislation which was designed to regulate the economy of the country. Yet this legislation, which sought to control who could deal in certain commodities and where such produce could be bought and sold, was equally concerned with upholding the divisions in society and, in particular, the favour shown to the burghs and their burgesses. It thus failed to address the real problem, the need for agricultural improvements, and served to make the economic structure of the country unnecessarily inflexible. Thus it could be argued that by prohibiting such practices as engrossing and regrating both Parliament and the burghs inadvertently created a situation which exacerbated the very difficulties which they sought to avoid, for they thus prevented the build up of food reserves and hindered the transfer of such supplies to areas of need when required, transfers which were made all the less easy because of the plethora of local tolls which could be levied on produce. In effect there was no national economy as such but rather a series of regional economies which through use and wont were regarded as separate and independent of each other but which in years of crop failure were shown to be anything but self-sufficient. Until such time as trading restrictions were relaxed and agricultural improvements were effected local and national food shortages would continue to occur from time to time.

Each region then was over-dependent on the performance of its local harvest and if it failed the burghs in particular could find themselves in a very vulnerable position as they struggled to ensure adequate food supplies for their inhabitants while simultaneously seeking to fend off the influx of poor and hungry from the deprived rural districts. Help from outside was hindered by the prevailing marketing regulations and would not in any case be available if the crop failure was widespread and sustained. Matters would be further

exacerbated if the famine was accompanied by plague, the threat of which would severely disrupt trading activities throughout the areas affected. Such was the combination of factors which arose in the mid-1580s, and for the remainder of the century a succession of harvest failures and epidemics were to produce a sustained period of economic and social dislocation throughout the country. Glasgow did not escape these ravages; how then did the authorities cope?

An examination of the statutes issued by the magistrates and council of Glasgow during the 1570s and 1580s shows that the regulation of marketing practice was one of the chief preoccupations of the authorities.<sup>22</sup> Burgh legislation governed when and where produce was to be sold, how it was to be presented to the market and who was permitted to buy and sell, but these acts were designed as much to protect the vested interests of the burgesses from the competition of unfree traders as to safeguard the community as a whole from the activities of profiteers such as forestallers and regraters. The result was a system of controls which if no different from those being enforced in other burghs was nonetheless obstructive to growth and too inflexible to cope adequately with a major crisis. Yet although the authorities in Glasgow lacked a positive economic strategy with which to respond to the succession of bad harvests which marked the 1580s and 1590s they would nonetheless appear to have taken significant steps through their pricing policies to shield the community from the full effects of these crises.

The prices of ale, bread, tallow and candles were set each Michaelmas by the magistrates and council of Glasgow. Examination of the data which are available indicates that prices increased slightly during the 1570s but that, in common with the rest of Scotland, they then rose appreciably during the last two decades of the sixteenth century. However, such evidence as there is regarding the relationship between the wholesale costs of barley and wheat and the retail prices set by the authorities for ale and bread strongly suggests that the full extent of the real increases in the cost of these basic consumables was not passed on to the consumer. The validity of this conclusion is undermined by the fact that the data regarding the costs of barley and wheat have to be drawn from other burghs and thus make no



allowance for regional variations, and the same criticism may be applied to a straight comparison of price increases in Glasgow with those which occurred in other areas. Yet it is notable that the result is the same: it would appear that prices in Glasgow did not rise so steeply as elsewhere. Of particular interest is the relationship between the cost of tallow, the only raw material which was assessed in Glasgow, and the retail prices set for candles, in the manufacture of which tallow was used. Tallow also served as a foodstuff and in years of scarcity it might be expected that its use as fuel might be discouraged. This is indeed what happened, for the assessments made by the magistrates and council of Glasgow show that whereas in the early 1570s the price of candles was set at a lower rate than that of tallow this situation was soon reversed and by 1600 the cost of a stone of candles was significantly higher than the price which was authorised for an equivalent weight of tallow.<sup>23</sup>

The available evidence indicates then that the magistrates and council took great pains to ensure that the prices of basic consumables remained within the purchasing power of the burgh's inhabitants. Clearly they did this because they were aware of their social responsibilities. Yet their actions were motivated by another consideration, an earnest desire to avoid unrest. Thus, although much of the national and local economic legislation of this period was designed to protect vested interests and uphold existing social divisions, the authorities in Glasgow (like their counterparts elsewhere) realised only too well that in times of real scarcity nothing might be more disruptive to the equilibrium of society than the existence in the burgh of a large contingent of hungry and discontented poor. However the maintenance of reasonable retail prices could only be achieved at the cost of alienating those craftsmen and traders who dealt in the products which were subject to assessment. Irrespective of the outlay involved the burgh had to be kept supplied with food but, as the consumer was to be protected, the provisioners had to absorb the difference between the real market cost of obtaining supplies of grain, livestock and carcasses and the maximum retail prices which they were permitted to charge for the ale, bread, tallow and candles produced from those raw materials. The 1580s and 1590s must have been

particularly difficult years for the maltmen, mealmen, baxters, brewers and fleshers in the burgh and there can be little doubt that the council's pricing policies contributed to the growing discontent among the craftsmen which can be detected in the closing years of the sixteenth century, a topic which will be returned to shortly.<sup>24</sup>

The combined effects of food shortages and a series of coinage depreciations<sup>25</sup> ensured that the council's pricing policies could be only partly successful in shielding the burgh's inhabitants from the harsh economic realities of the late sixteenth century. As the cost of living rose the number of poor in the burgh increased and to these were added many who had left the impoverished rural areas in the hope of obtaining assistance, if not casual employment, in the burgh. Quite apart from any social considerations, these phenomena would present the authorities with a serious law and order problem if they were not dealt with properly. Indeed the need to avoid unrest goes some way to explaining the reasoning behind the poor laws of this period which deemed all able-bodied poor to be 'maisterful idle beggars' and dealt harshly with such individuals. Equally, limited resources necessitated strict rules which required the poor to seek support from their parish of birth or longest residence, and such credentials were not always easy to establish in a period of extensive social upheaval. Assistance was only to be made available to the aged and infirm who could prove themselves to be long-standing members of the local community. These measures, and in particular the failure to appreciate that able-bodied individuals could be genuinely in need through want of employment, can be easily criticised, though they were common to the country as a whole and were based on assumptions and attitudes which would not be substantially modified until the twentieth century and the advent of the welfare state.

However the authorities in Glasgow may be justly censured for failing to implement the provisions of ~~the~~ <sup>the</sup> acts of Parliament of <sup>1575 and</sup> 1579 which permitted the levying of a compulsory poor rate, a device which might have ensured adequate assistance at least for those who were classed as the legitimate poor but which was eschewed out of a reluctance on the part of the magistrates and council to alienate their burgh peers who would have had to have borne such a taxation. Additionally,

although that act placed responsibility for poor law administration in the burghs in the hands of the civil authorities, it is clear from the surviving evidence that in Glasgow these matters were dealt with by the kirk session. In the absence of a compulsory poor rate voluntary contributions were collected by the deacons and the upsurge in the number of poor necessitated the issuing of begging licences to those legitimate poor who could not be supported through the alms taken up by the kirk's officers. The strains placed upon these inadequate provisions are well illustrated by the fact that between 1586 and 1588 more than twenty statutes were issued by the kirk session as it strove to deal with the ever-increasing number of poor in the burgh. All this is not to say that the civil authorities played no part in these affairs, for the power to remove non-resident poor and punish vagabonds was vested with the bailies to whom the session frequently turned for assistance, while the council's accounts show that common good funds could occasionally be applied towards the relief of certain individuals who might not otherwise have received alms. The magistrates and council also administered two of the three hospitals in the burgh, but the small number of beds available to the aged and infirm at these institutions (and at the third hospital, which was governed by the kirk) must have been quite inadequate to cope with the demands of this period. Nonetheless the overall impression is that the civil authorities were content to allow the kirk to shoulder most of the work associated with the relief of the poor in the burgh, a delegation of authority which verged on an abrogation of responsibility. Yet for all the shortcomings which are evident in the way that relief was administered in Glasgow at this time (in particular the authorities' failure to introduce a compulsory poor rate) the system would appear to have worked; for, although it must have produced many cases of acute hardship, food riots and similar disturbances were avoided. In the last analysis, however, the alms distributed to the poor by the deacons of the kirk may have been of less import in obviating disaster than the magistrates and council's determination to hold down retail prices during the critical years of the 1580s and 1590s.<sup>26</sup>

In addition to having to cope with food shortages, rising prices and an increase in the number of poor seeking assistance in the burgh,

the magistrates and council of Glasgow had to take measures to deal with the threat of plague in the mid-1580s. Ten years previously, in the autumn of 1574, the authorities had been faced with a similar problem and had issued a set of emergency statutes, supported by severe penalties, which prohibited all commerce with infected areas of the country and restricted the movement of goods and persons to and from the burgh. The comprehensiveness of these acts indicates that the town council was well practised in facing these difficulties, a fact which was hardly surprising since the country had been subjected to periodic national or localised outbreaks of pestilence since the mid-fourteenth century. Infection would appear to have been largely averted in 1574 but the epidemic of the 1580s, which started in Fife in 1584 and then spread westwards, was less easily contained. Despite issuing emergency statutes in September and October 1584, similar to those which had been enacted in 1574, the authorities failed to prevent the plague reaching the burgh and by September 1585 a quarantine area had been established for infected persons on part of the commons. It is likely that the disease was brought to the burgh by the large number of people who were migrating to the town at this time on account of the dearth; for although steps were taken to control entry at the ports, Glasgow was not a walled burgh and consequently unauthorised access, particularly at night, must have been relatively easy.<sup>27</sup>

The disease, once it had taken hold within the burgh, would spread rapidly in the unsanitary and overcrowded conditions which then prevailed. Yet the little that is known about the demographic trends in Glasgow at this time would suggest that the population was not seriously depleted; thus it will be recalled that it was in 1588, while anti-plague measures were still being issued by the authorities, that it was deemed necessary to appoint a second minister to the town.<sup>28</sup> Consequently the evidence suggests that, notwithstanding the arrival of the plague in the burgh, the council's rudimentary public health measures succeeded in preventing a catastrophe.

To summarize, the magistrates and council of Glasgow would appear to have coped reasonably well in the face of the severe economic and social dislocation occasioned by the famines, inflation and pestilence which marked the 1580s and 1590s. The success of the burgh authorities

was all the more remarkable because they had been simultaneously subjected to a variety of political pressures which at one point threatened to have a serious impact on the administration's ability to function at all and which continued to undermine the stability of burgh government until the first decade of the seventeenth century.

A root cause of these difficulties was the fact that the constitutional framework within which the burgh administration operated had been seriously damaged at the Reformation. The burgh of Glasgow, since its establishment in the late twelfth century, had been a dependency of the bishops and later the archbishops of Glasgow whose rights as superiors were evidenced in their authority to appoint the town's magistrates. Although these powers were undermined by the ability of powerful local magnates to influence appointments to the provostship, and with respect to the bailiements were directly challenged by the leaders of the burgh community in 1554, they remained substantially intact at the eve of the Reformation.<sup>29</sup> However the flight of archbishop Beaton in 1560 and his subsequent forfeiture in 1570 so damaged the powers of the archbishops of Glasgow as superiors of the burgh that matters would never be quite the same again.

During the 1560s the archbishop's role with respect to the burgh was almost certainly assumed by the crown as ultimate superior, acting in concert with the dukes of Chatelherault and Lennox, successively bailies of the regality. However in the initial confusion following on the Reformation and Beaton's departure the burgh may have enjoyed some degree of self-government and certainly it is known that in 1561 the provost and council, in the absence of the archbishop, elected the bailies themselves.<sup>30</sup> Although this interlude was probably of short duration the community would in years to come be able to look back on this period and seek to achieve a more permanent fulfilment of its aspirations to control directly how it was governed. Indeed, in one important respect, the Reformation brought about a subtle but important advance in that direction. Central to the administration was the burgh court which throughout its history had had a dual role, on the one hand acting as a court of the superior being presided over by magistrates who were appointees of the

archbishops, yet on the other hand functioning as the local court of the crown. So long as the archbishops' powers and status as superiors of the burgh remained intact, the fact that they also were acting under powers delegated to them by the crown was of little real importance and the burgh court functioned primarily as one of their courts; thus, whereas the courts in royal burghs were supervised by the king's chamberlain, it would appear that the burgh court of Glasgow was subject to some control, possibly extending to an appellate jurisdiction, exercised by the archbishop's official who presided over the diocese's consistory court. However the official's powers were removed at the Reformation with the result that the burgh court could enjoy a greater degree of independence and a more clearly defined role as a crown court. Thus it will be recalled that in 1581 the bailies at a hearing into an assault on one of their officers declared that the accused was to confess his fault for 'his offence done to the Kingis Maiestie in thair persoun and as his Jugeis and magistratis'. Although by that time the archbishops' authority as superiors had been ostensibly restored no reference was made either here or elsewhere to the bailies' position as officers of the superior.<sup>31</sup>

Glasgow's strategic importance in the west (which was emphasized by the events which culminated in the battle of Langside in May 1568 and by the Marian rebels' seizure of Dumbarton castle during the subsequent civil war) probably persuaded the government that the burgh should remain under close crown supervision, notwithstanding the settlement of 1572 which confirmed the continuation of episcopacy and thereby necessitated the appointment of a successor to Beaton at Glasgow who would resume the rights of the burgh's immediate superior. The regent Morton succeeded in maintaining control in Glasgow by, firstly, replacing provost Sir John Stewart of Minto (who had served in this capacity since the mid-1560s but whose patron Matthew earl of Lennox had been killed in 1571) with his own protégé Robert Lord Boyd in October 1573 and, secondly, by securing the appointment of Boyd's nephew, James Boyd of Trochrague, to the see in the following month.<sup>32</sup> The burgh minutes which record Lord Boyd's reappointment to the provostship in 1574, 1575 and 1576 and the nomination of his associate Thomas Crawford of Jordanhill to this post in 1577 make it clear that

archbishop Boyd merely endorsed these appointments and was superior in name only.<sup>33</sup> In effect the burgh's governance was managed by Lord Boyd on behalf of the regent Morton and although there are indications that the archbishop attempted to resist his uncle's endeavours to appropriate the temporal possessions of the see, he remained relatively powerless.<sup>34</sup> None of this was lost on the burgess community which still aspired to a greater say in the running of the burgh and the records show that Lord Boyd was prepared to capitalise on this discontent, though not to the extent of allowing the superior's authority to be completely undermined. Consequently, although the archbishop's right to chose the bailies from a leet presented by the council was usually observed, Boyd supported the council when in 1576, following a dispute with the superior regarding the composition of the leet, it proceeded to appoint the bailies itself without reference to the archbishop.<sup>35</sup>

A temporary weakening of Morton's hold over the government of the kingdom in 1578 precipitated the demise of Lord Boyd's influence in Glasgow and the return to power of the Lennox interest which had dominated burgh affairs during the 1560s and early 1570s. However archbishop Boyd remained and he would appear to have found in the new provost, Robert earl of Lennox, a more sympathetic ally who was prepared to support the authority of the superior, at least in his dealings with the community, if only because the government was becoming increasingly anxious to protect episcopacy in the face of the rising tide of presbyterianism. Thus, although the superior had no say in earl Robert's appointment to the provostship in either 1578 or 1579, the archbishop was able to chose the bailies as he saw fit and insist on the council re-engaging the services of an officer whom it had previously dismissed for maladministration.<sup>36</sup>

However the advent of earl Robert provides the first clear evidence of factionalism within the group of leading burgesses which administered the burgh. Political divisions must have existed before, although it is noteworthy that, so far as can be judged from the available evidence, the transfer of power from Stewart of Minto to Boyd in 1573 was not accompanied by a high turnover in the composition of the ruling elite.<sup>37</sup> At any rate in 1578 earl Robert presided over the removal of more than

half of the existing council and replaced them with new men, some of whom may have been associates of Minto. He did however ensure that many of those displaced in 1578 returned to the council in 1579.<sup>38</sup>

The next provost, Esmé earl of Lennox, did not act so responsibly. At Michaelmas 1580 bailies and councillors were appointed who were evidently not to his liking for within a fortnight a second set of elections was conducted with the result that all three bailies and ten of the councillors lost office. Just as remarkable was the removal of the common clerk, Mr Henry Gibson, who had survived the crises of 1573 and 1578. He was replaced by Archibald Hegate who entered office at Whitsun 1581 not by due process of election at the Whitsun court but by virtue of the earl's direct nomination. The new provost was the king's favourite and was clearly determined to establish an administration in Glasgow which would support or at the very least acquiesce in his policies which included, inter alia, the final overthrow of Morton (effected in June 1581) and vigorous support for the episcopal mode of church government as a bulwark against the presbyterians whom the crown regarded as a threat to the existing ecclesiastical and civil polity. However Lennox's handling of affairs of state lacked finesse. This was made manifest in August 1581 when the crown, without consulting the church, appointed Mr Robert Montgomery to the see of Glasgow in succession to James Boyd who had died two months previously. The manner of this appointment (which was regarded with deep suspicion by those who detected a simoniacal pact between Lennox and Montgomery) and the character of the appointee were such as to ensure violent opposition to the new archbishop at both the local and the national level, and made inevitable a confrontation between the crown and the General Assembly which could have been avoided through more skilful management. With respect to the burgh of Glasgow's constitution, Montgomery's failure to obtain consecration to the see, his subsequent excommunication and eventual role as a mere cipher in the complicated power struggles which ensued resulted in a considerable diminution, almost to the point of extinction, of the archbishops' authority as immediate superiors of the burgh. The power vacuum thereby created was filled by the crown as ultimate superior or, to be more precise, by whichever faction at court happened to be uppermost. In such an



atmosphere as this it is not surprising that, despite archbishop Montgomery's difficulties, the burgh community was unable to further its ambition of gaining control over the appointment of the bailies; for, since the see of Glasgow was at the centre of the events which provoked the political crises of the early 1580s, the various court factions which ruled the kingdom during these years were especially anxious to maintain a tight rein on the burgh's administration. Furthermore, Lennox's purge of the magistracy and council in October 1580 effectively split the ruling oligarchy which would have spearheaded any attempt to wrest from the superior such concessions as the community sought. However he thereby unwittingly created an opposition group of former bailies and councillors which was drawn to the presbyterian cause. This group, which came to be led by provost Sir Matthew Stewart of Minto, a former associate of Lennox, swept to power in Glasgow in the wake of the Ruthven lords' coup of August 1582. A further and even more comprehensive purge of the burgh administration followed and it was only after the fall of the Ruthven lords and the formation of Arran's government that an element of stability returned to Glasgow's governance.<sup>39</sup>

Thus in the years 1578-83 burgh politics were marked by a factionalism which tended to reflect divisions at court, and this was particularly evident during the provostships of Esmé earl of Lennox and Sir Matthew Stewart of Minto. Opposing groups were formed which either genuinely espoused or used for their own ends the objectives of the conflicting interests within the church. The split was essentially one within the ruling Protestant elite. So what role, if any, did Catholicism and supporters of the old faith play in these events? Lennox was regarded as a Catholic by his presbyterian opponents and it is notable that some of the men whom he introduced to the administration of Glasgow in 1580-81 were of that persuasion; in particular Archibald Hegate, the new common clerk, was a Catholic. Yet it is instructive to note that Hegate retained his office under the presbyterian regime of Minto and was not deprived of his position until 1588. This would suggest that Hegate's tenure of office was determined by his abilities and his standing in the community and that his Catholicism (which cannot have gone unnoticed) was tolerated so long as he was reasonably

discreet in his activities. Thus it was not until he was excommunicated in 1588 for assisting Jesuits that he was removed from the clerkship. In fact Hegate's opinions and his career demonstrate both the survival of Catholicism (attested to by occasional references to other Catholics in the kirk session records of the 1580s) but also its eclipse as a political force to be reckoned with, a phenomenon which can be attributed to the defeat of the Marians in the civil war of 1571-73. With the exception of the short period during which Esmé earl of Lennox controlled the burgh, Catholicism was of no political account and even in those years the part it played in burgh affairs was negligible.<sup>40</sup>

Returning to the aftermath of the fall of the Ruthven administration, under Arran's government first John earl of Montrose (1583-84) and then Sir William Livingstone of Kilsyth (1584-86) were appointed to the provostship of the burgh. During their years in office it is possible to detect a conscious effort being made to restore a balanced administration comprising moderates of the Lennox and presbyterian factions and men of the middle ground who had espoused neither cause.<sup>41</sup> It is also evident that provosts Montrose and Livingstone set about trying to remedy some of the administrative shortcomings which had arisen during the early 1580s; for, as might be expected, the Montgomery crisis and the outbreak of factionalism within the ruling oligarchy had a deleterious effect on the quality of the administration dispensed by the magistrates and council in the early 1580s. Burgh government did not break down but it was evidently placed under a considerable strain. Close examination of the evidence reveals several indications of this phenomenon. Thus a general unease in burgh society may account for the otherwise inexplicable sharp reduction in the number of people willing to pay admission fines to become burgesses in the early 1580s, a circumstance which reduced the monies accruing to the common good.<sup>42</sup> Lax governance probably explains the unusually high number of encroachments on the commons which had to be reported to the Whitsun court of 1583;<sup>43</sup> it probably also necessitated the decision taken by the Livingstone administration in October 1584 to double the level of the minor ameracements levied on those who disobeyed the burgh statutes.<sup>44</sup> While the disappearance of the accounts for

1579-80 and 1580-81 may be coincidental it is significant that the auditing of those for 1581-82 and 1582-83 was delayed for a considerable time; that delays of this nature would appear to have been caused by difficulties in spending funds, a situation which would arise when the attention of the authorities was diverted from public spending; and that both sets of accounts were finally processed in August 1584, towards the close of Montrose's term as provost.<sup>45</sup> By way of comparison the accounts for the financial years 1583-84 and 1584-85 were audited promptly, while other fiscal matters were also put on a sounder footing during the provostships of Montrose and Livingstone: thus, arrears in salaries, the origin of which can be traced to the early 1580s, were paid off, as was the loan which the authorities had taken out in 1576 to compensate their tacksman of the town mill.<sup>46</sup>

The restoration of political and administrative stability achieved by Montrose and Livingstone enabled the authorities to respond effectively to the severe economic and social pressures which beset the burgh around this time, though equally it can be argued that the threats posed by food shortages and epidemics were in any case such as to discourage the continuation of factionalism. Thus an examination of the councils of the late 1580s in terms of the political groupings which had vied for power at the beginning of the decade shows that, notwithstanding the coup of 1585 which had seen the return of the banished lords sympathetic to presbyterianism and the fall of Arran, the composition of the burgh's administration remained fairly balanced, reflecting at the local level the consensus which had been reached at the national level between those lords, the kirk and the crown.<sup>47</sup>

One aspect of the arrangement concluded between these competing interests was the crown's agreement to lessen the power of the episcopate, a policy which was reinforced by the act of annexation of 1587 whereby the king, on reaching his majority, appropriated the bishops' temporalities. The superiority of the burgh of Glasgow thus passed from William Erskine, archbishop Montgomery's successor, to the crown but was almost immediately thereafter conveyed to Walter Stewart, commendator of Blantyre, who was close to the government and would later become a prominent servant of the crown as one of the Octavians. Throughout the political manoeuvring of the mid and late 1580s the

king had succeeded in protecting the interests of the young Ludovic duke of Lennox and in 1593 the duke obtained full control of the temporalities of the see of Glasgow, including the superiority of the burgh. For the next three years Walter Stewart acted in the burgh on the duke's behalf but from 1596 onwards Lennox chose the magistracy of the burgh and continued to do so for over a decade despite the revocation of archbishop Beaton's forfeiture in 1598.<sup>48</sup>

By these means the government was able both to maintain its influence in the governance of the burgh and protect the rights exercised by the superior (albeit at the expense of the archbishops) against any attempts by the burgesses to achieve a greater say in the appointment of the town's magistrates. However the community's aspirations in this direction, which had been manifest in the 1550s and were still in evidence during the 1570s, would appear to have largely receded by this time. Partly this development was due to the divisions within the ruling elite which affected its ability to challenge the authority of the superior; but it was also caused by a growing realisation on the part of the leaders of the community that the crown's grip on the administration would not slacken and, more importantly, that their own position within the burgh would be enhanced by protecting rather than threatening the status quo. The determination of successive court factions to control the burgh effectively reinforced the position of those men in Glasgow whom the crown relied upon to provide sound government and a continuation of stability. These individuals already comprised an oligarchy, drawn exclusively from the ranks of the burgesses and in particular from amongst the wealthier merchant burgesses. Furthermore this oligarchy was itself dominated by a still smaller group of individuals. Examination of appointments to senior posts in the administration during the period 1574-86 discloses that around eighty-five men sat on the council or enjoyed high office in these years but that within this circle there existed an inner group of about twenty-four men who were seldom out of office, either as councillors or as senior executive officials.<sup>49</sup> The existence of a cabal of leading burgesses was probably no new phenomenon but one of the salient features of the late sixteenth century was the manner whereby the ruling oligarchy as a whole was able, given the crown's desire for

firm and stable governance, to consolidate its position at the expense of not just the township as a whole but of the influential burgess community.

The first feature to be noted in the process whereby the oligarchy strengthened its authority was a reduction in the overall size of the magistracy and council between c1550 and 1600, a development which adversely affected those burgesses on the periphery of the ruling elite and simultaneously reinforced the hold of the inner group. Real power was being exercised by progressively fewer people. This trend was most marked towards the beginning of the period under discussion: thus, in 1553-54, the council would appear to have been about thirty-five strong but in 1574-75 it numbered only fourteen men, a reduction which was almost certainly caused by the crown's wish that the administration should be restricted to a small group whose loyalty could be relied upon during the difficult years which followed the Reformation.<sup>50</sup> Numbers fluctuated but tended to rise during the period 1574-86 as successive administrations sought either to increase their base of support by enlarging the council (a strategy adopted by Robert earl of Lennox, Esmé earl of Lennox and, initially, Sir William Livingstone of Kilsyth) or restrict power to a smaller group of supporters more in keeping with the traditional size of the oligarchy (this apparently being the approach favoured by Lord Boyd, Sir Matthew Stewart of Minto and John earl of Montrose). Nevertheless when in 1585 numbers reached thirty-three provost Livingstone, who had previously been content to allow the council to grow in size, protested that this development should not serve as a precedent and thereafter it would appear that council membership became more restrictive, numbers falling to around two dozen for the remainder of the century.<sup>51</sup>

Of far greater note, however, was the second feature of the process whereby the oligarchy gathered power to itself: namely, the steady erosion of the influence of those assemblies at which the community of burgesses could play an active part. From the point of view of the superior and the central core of the oligarchy the three annual head courts convened at Yule, Easter and Michaelmas, the Whitsun court of the perambulations, and the Summerhill and Craigmak meetings were far less easy to manage than the council. The Whitsun court was a

particular problem as three of the senior officials were appointed there, seemingly through election by the community: namely, the clerk, the treasurer and the master of work. Thus it is significant that when Esmé earl of Lennox decided to strengthen his hold on the administration by appointing a supporter to the key position of common clerk he did so by direct nomination, rather than risk an election at the Whitsun court of 1581; his fears of opposition may not have been unfounded since the master of work elected at that court would appear to have been a member of the opposition.<sup>52</sup> To obviate such difficulties the authorities, no doubt guided by the crown, effectively began to run down these head courts and other assemblages of the burgesses. During the 1570s and 1580s the Summerhill conventions, which had evidently had important consultative functions as recently as the late 1560s, were reduced to being wapinschaws. The business dealt with by the head courts became progressively routine and the clerks' manner of minuting these once important meetings increasingly perfunctory; by the 1620s only the Michaelmas head court survived. The Whitsun court of the perambulations was systematically divested of its functions from 1590 onwards and like the Yule and Easter head courts had ceased to exist by the 1620s. The annual Craigmak meetings which dealt with the fair were recorded fairly regularly until 1583 but thereafter only occasionally, and this court would also appear to have fallen into desuetude during the early seventeenth century.<sup>53</sup>

Thus although many of these burgess assemblies were not finally disbanded until the seventeenth century, they were already being phased out during the last quarter of the sixteenth century. This phenomenon can be attributed to the increasing involvement in the burgh's affairs of the government with its desire for a pliant local administration unhampered by interference from the burgess community, and to the ruling oligarchy which eagerly embraced the crown's policy as a means of strengthening its own position.

However the magistrates and council could not simply shut out the community from its time-honoured consultative role without offering the burgesses some sop by way of compensation. If the burgess community's direct involvement in the governance of the burgh was being reduced it nonetheless retained its pre-eminent place in burghal society and could

still be highly influential on account of its collective wealth and its taxable capacity, and the more subtle though hardly less important authority it could bring to bear on account of the fact that the burgh's administrators were drawn from its membership. As the magistracy and council was dominated by merchants that sector of the burgh community could be considered represented but the same could not be said of the craftsmen and in particular those who belonged to the incorporations. Consequently the authorities were to be found seeking the consent of the craft deacons to a variety of measures affecting the community and the common good which would previously have merited consultation with the burgh assemblies. Several (though not all) of the incorporations were also represented on the council from time to time. By these means the ruling oligarchy sought to disarm criticism from the community and distract the craftsmen from the fact that their involvement in the administration of the burgh was not commensurate with their numbers. This policy was already in evidence during the 1570s but became increasingly difficult to sustain thereafter as economic circumstances forced the authorities to hold down prices to the disadvantage of the craftsmen retailers. Simultaneously the deacons would appear to have become more and more disenchanted with their all too spasmodic participation in administrative affairs. By the late 1590s the rift between the merchant-dominated magistracy and council and the incorporated crafts had become pronounced and the oligarchy was also being pressured by the Convention of Royal Burghs to modify the burgh sett so as to give the incorporations a greater say in the administration. Initially the authorities resisted these overtures but a sharp deterioration in relationships between the merchants and the craftsmen in the early 1600s, (quite probably exacerbated by a slackening of crown control consequent on the king's accession to the English throne and confusion as to whether the superior's powers were to remain vested with the duke of Lennox or were to be resumed by the archbishops), necessitated a revision of the burgh's constitution. In 1605 the concept of a gild brethren was introduced, enabling the leading craftsmen to enjoy a similar status to that of the leading merchants; in 1606 the crown stipulated that the council was to consist of an equal number of merchants and craftsmen; and in 1607 archbishop Spottiswoode, albeit with the consent of the crown and Lennox, finally succeeded in

reasserting the archbishops' right to nominate the provost and choose the bailies.<sup>54</sup>

Local government remained oligarchic and, if anything, a place in the administration was probably even more dependent on an individual's wealth after the introduction of the gild brethren system than had been the case in the 1570s and 1580s. Yet, returning to that earlier period, it is evident from the surviving records that (during those two decades at least) the magistracy and council, for all its oligarchic qualities, was not autocratic in its behaviour. As has just been observed the authorities would sometimes seek the advice of the craft deacons. Equally there are minutes which show that, even though the burgess assemblies were being run down, the burgess community (or 'maist pairt of the communitie of the said towne being present') could on occasions be involved in the decision making process alongside the bailies and the council.<sup>55</sup> More importantly, the administration would respond to criticism from the community. Thus it will be recalled that a petition from the 'burges sonnys' in 1575 regarding admission fines led to the introduction of a more equitable system two years later. Similarly in 1576 the authorities, in response to the supplications of the community, agreed to desist from further alienations of the burgh's commons and although further feuing of these lands did occur, the transactions were specifically sanctioned not just by the bailies and council but also by the deacons or the community. Equally there can be little doubt that the thirlage legislation of 1576 was unpopular from the start but here opposition from 'the inhabitantis of this toun and hail communitie thair of' eventually led to the unusual step being taken in 1581 of formally abrogating the offending acts.<sup>56</sup>

Of course the authorities could in certain instances ignore the wishes of the community, a case in point being the admission of burgesses gratis. In the late 1570s and early 1580s there was concern that the provosts and bailies (who it will be recalled controlled most admissions through the burgh court) were being over-generous with the burgh's largesse and in this instance it is notable that the complaints would appear to have emanated from the council. In 1577 and again in 1582 the council attempted to tighten admission procedures, but their endeavours proved fruitless.<sup>57</sup>



Nonetheless in most matters the authorities' behaviour shows that they were well aware of the fact that effective governance required at the very least the tacit consent of the burgess community. This was particularly evident in the magistrates and councils' financial dealings. The nature of the various elements which made up the common good, the administration's fiscal base, was such that it was difficult for the full potential of these resources to be realised: thus, for example, gratis admissions to burgess-ship seriously diminished the amount of money which should have been available to the treasurer, while income from property tended to be fixed and thus did not reflect the real value of the tenements concerned. Various measures were therefore promulgated with a view to augmenting the burgh's common good and for such legislation the authorities frequently sought the assent of the deacons or the community, as was only proper since, as the name implied, the common good was for the benefit of all the inhabitants of the burgh, or, at the very least, of the burgess community. Equally if such approval was not obtained and, as in the examples just cited (burgess admission rates, alienations of the commons and astringency to the town's mills), opposition was encountered then the authorities were obliged to modify, if not completely revise, their policies. Thus the inherent limitations of the common good provided a constant reminder to the authorities that their freedom of action was limited and that they had to bear in mind burgess opinion. At no time was this more apparent than when the administration was faced with extraordinary financial demands beyond the resources of the common good. Recourse then had to be had to levying special local stents but this solution was avoided as far as possible lest the burgesses, already heavily burdened with national taxations, lost patience and were provoked into opposition. This explains the reluctance to raise a tax after the town's salt stocks were destroyed in 1579 and the careful approach adopted with respect to the maintenance of the cathedral. It also explains why advantage was not taken of the act of Parliament which permitted the levying of a compulsory poor rate and why the authorities continued to rely on the uncertain income accruing from the common good instead of adopting a more reliable financial base such as might have been obtained had there been a local general rate. Such an idea would have been so controversial that it may be doubted if it was even contemplated at this time.<sup>58</sup>

Yet it is also in its financial affairs that the burgh administration can be seen at its most resourceful. As has just been observed various attempts were made to increase the burgh's ordinary income, and if some of these foundered on the opposition of the community they nonetheless sometimes shows a certain ingenuity. The most remarkable was the ill-fated thirlage experiment of 1576-81. It was undoubtedly unpopular and it also failed to produce the hoped for increase in revenue for the mill custom. Yet the lack of success which attended this venture was due in large part to the disrepair of the mills which could not cope with the needs of the inhabitants. Otherwise the theory behind the scheme was sound and when thirlage was reintroduced in 1608 it was described as 'the onlie best and reddiest way and meine nocht onlie to releif the townis debt bot lykwayis to be ane increse of thair commowne guid in grit missour'.<sup>59</sup> On this occasion the authorities made sure that there would be sufficient mills available to meet the demand.<sup>60</sup> The reintroduction of thirlage in 1608 was only supposed to be a temporary measure to clear the burgh's debts but it proved so successful that the practice was made permanent in 1615; forty years later it was stated that as a result of this policy

'the towne, be the blissing of God, hes bein inabled to repair thair kirkis, brigs, build thair tolbooth, commoune caseys, paying thair ministers stipends, and many mae commoune workis, to the great guid, commodatioune and decorment of the citie'.<sup>61</sup>

Whether or not the authorities in introducing thirlage in 1576 were attempting to revive a procedure which had been tried at some earlier date cannot be ascertained, but whatever the case subsequent developments would show that the thinking behind the scheme was correct.

The resourcefulness of the administration could, however, be self-defeating. Thus inadequate funds frequently led to cash flow difficulties which caused salaries and other payments to fall into arrears. In response the device was used of diverting burgess admission fines from the common good to meet these arrears, a policy which effectively exacerbated the cash flow problem which it sought to remedy.<sup>62</sup> The common good was thus regularly deprived of income which could have been used for other purposes and it was hardly surprising

that the authorities were sometimes faced with calls on expenditure which could not be met out of the burgh's normal resources. Since they wished to avoid taxing the burgesses too often the only solution was to borrow money from leading members of the community and as these loans were usually secured on one of the elements which comprised the common good the effect was to commit future years' income and thereby further limit the amount of free monies available for general purposes. However this practice at least encouraged the magistrates and council to clear such debts as quickly as possible so that the administration's credit rating remained good.<sup>63</sup>

Yet notwithstanding all the limitations inherent in the common good and the evident shortcomings in the fiscal administration, the system generally worked; faced with having to work within a rigid framework the authorities were obliged to adopt a flexible approach which largely circumvented many of these difficulties. Their chief success during the period 1573-74 to 1584-85, which is evident from the surviving accounts of those years, was to increase the total value of the common good by 18%, this being achieved partly by good management (an increase in the income from annuals consequent on feuing areas of the commons) but also through good fortune (a reasonably healthy economy having benefited the ladle and mill customs which were the most important revenue sources).<sup>64</sup> How matters fared immediately thereafter is difficult to judge in the absence of any accounts; but in all likelihood the common good suffered as a result of the harvest failures which marked the late 1580s especially since, as has just been noted, a major part of the burgh's ordinary income was derived from the customs of the ladle and of the mill which were particularly sensitive to grain shortages. Nonetheless the available evidence suggests that good financial management (the practice of fore-mailing the customs) succeeded in reversing this downward trend and may even have resulted in a slight increase in income by the mid 1590s. Certainly the Convention of Royal Burghs, which judged the taxable capacity of its members (probably on the basis of each burgh's common good, among other factors), was of the view that Glasgow could bear a greater share of national taxations than had previously been the case. Placed seventh in the Convention's tax roll of 1575 and expected to contribute 2.7% of the burghs' portion of

national taxations, by 1594 Glasgow had moved up to fifth position and its share had been increased to 4.5%, a development which reflected well on the burgh's fiscal standing and hence on its financial administration, and which was all the more remarkable as having occurred during a period of apparent national economic stagnation.<sup>65</sup> However it may be added that this phenomenon inevitably placed a greater burden of taxation on the burgesses. If this was not merited by a real upturn in the burgh's economic performance or if the increase in taxes was distributed inequitably (an important point, but one which cannot be determined as no tax rolls survive) then the burgh's promotion on the tax scale cannot have been greeted with much enthusiasm within the community. It is thus quite possible that increased taxation played an important part in furthering the tensions within the burgh community which are discernible in the 1590s and which culminated in the constitutional rearrangements of 1605-1606, previously discussed.<sup>66</sup>

The surviving common good accounts of the 1570s and 1580s not only supply important details as to the nature of the burgh's fiscal administration; they also furnish invaluable data regarding the scope of the magistrates and council's activities which, if taken in combination with the information which is to be derived from an examination of the legislation issued by these authorities, provides a clear picture of the late sixteenth century urban local authority at work.

As the market and fair were central to the burgh's *raison d'être*, the authorities' statutes betray a preoccupation with economic matters, many acts being issued which were designed to ensure the maintenance of the town's commercial privileges and the proper regulation of trading practices; similarly, the accounts disclose the extent of the cooperation which existed between the authorities in Glasgow and their counterparts in Dumbarton in matters pertaining to the receipt of foreign cargoes and the prosecution of smugglers and unfree traders.<sup>67</sup> Hardly less important was the preservation of the burgh's common lands and the protection of the burgesses' crops and it is notable that whereas the punishment for contravening one of the marketing statutes was usually a modest fine, some of the acts relating to the town's arable and

pastoral lands carried much heavier penalties, indicative of the importance attached to these resources.<sup>68</sup> Other acts show that the authorities had a rudimentary grasp of the need for public health measures, and not just when the burgh was threatened by the plague: hence the legislation directed against 'myddynnis laid vpon the foirgate' and other nuisances, the provisions made with respect to lepers, and the employment of a surgeon whose salary was met out of the common good.<sup>69</sup> As to the social welfare of the inhabitants, this received some attention from the civil authorities but had largely been delegated to the kirk session which bore practically the full burden of responsibility for administering poor relief.<sup>70</sup> Here, however, it may be added (though this cannot be confirmed, owing to the lack of record sources) that the incorporated crafts and the merchants (who, it will be recalled, possessed some form of gild organisation)<sup>71</sup> probably played an important part in caring for their less fortunate colleagues, while no less crucial may have been the role of the family unit. On the other hand neither the accounts nor the council's statutes adequately convey the civil authorities' involvement in educational matters, but this is confirmed by other entries in the minutes and by charter documentation. The magistrates and council took a keen interest in the burgh's grammar school, 'Inglis schole' and song school, and may have entertained at one time an ambition to manage the university. Certainly their conveyance of most of the former church properties then in their possession to the college in 1573 and the provisions included in that foundation respecting the curriculum and the conduct of the masters and students shows at the very least a sense of civic pride in the future welfare of the university.<sup>72</sup> A similar outlook may be detected in the burgh authorities' positive, if cautious, approach towards the question of the upkeep of the cathedral. Equally, the accounts of the 1570s and 1580s disclose that a considerable amount of money and effort was expended on the maintenance of the burgh's other public buildings, while the major works undertaken on improving the town's main thoroughfares at this time further confirm the impression that upgrading the amenity of the town was one of the administration's main priorities.<sup>73</sup> Indeed more might have been achieved in this sphere but for the fact that a sizeable part of each year's ordinary revenue had to be devoted to defraying the costs of prosecuting the town's business affairs at the courts in

Edinburgh and meeting the burgh's national obligations which entailed periodic attendance at the Convention of Royal Burghs and Parliament.<sup>74</sup>

Many of the functions of a modern local authority can be detected in some form or other in the work undertaken by Glasgow's civil administration during the late sixteenth century; thus, apart from the authorities' involvement in public health, social welfare and education, attention may also be drawn to the building control work of the liners and those instances (in particular the resiting of markets to ease pressure at the Cross and simultaneously revivify depressed districts of the burgh) when the magistrates and council may be seen fulfilling the role of town planners.<sup>75</sup> The burgh's administration was clearly wide-ranging in the scope of its work but as the population increased so too did the strains being placed on that administration. Hence at the executive level there are to be found many minor officials to whom had been delegated business which in earlier times had been seen to by the bailies, the other senior officials and the burgh's officers.<sup>76</sup> Such pressures also explain why it was found necessary to divide the burgh into wards or quarters under the supervision of each of the bailies, a device which was formalised in the 1590s but which may well have been employed before that time.<sup>77</sup> The effects of a heavy workload can be seen in the use made of ad hoc committees or working parties in such matters as the auditing of accounts,<sup>78</sup> the inspection of the burgh loans<sup>79</sup> or the town mill<sup>80</sup> and the supervision of the receipt of foreign cargoes.<sup>81</sup>

The two chief organs of the civil local authority were the burgh court and the town council representing, respectively, the judicial and the administrative sides of the burgh's administration. Yet just as the bailies were simultaneously magistrates and leading councillors (and, with the provost, the chief executive officers of the administration),<sup>82</sup> it is difficult if not misleading to try to separate too emphatically the functions of the court from those of the council. The judicial and administrative activities of the local authority were intertwined, a fact demonstrated in the layout of the act books of the period in which the minutes of the court and the council were recorded alongside each other. In particular the court had certain administrative functions (most notably the supervision of burgess admissions and the

maintenance of good neighbourhood which was dealt with by its standing committee of liners)<sup>83</sup> in addition to its basic role as a king's court dispensing royal justice; furthermore it punished those who contravened the burgh's own bye-laws, the statutes enacted by the council.<sup>84</sup> Equally, though justice tended to be dispensed by the magistrates alone, little recourse being had to the use of assizes save in heirship cases, the court would occasionally consult the council which was, after all, the burgh's legislature.<sup>85</sup> The council was, however, the junior of the two organs of the civil administration: in its origins it had probably grown out of the court and the greater importance of the judicial body was maintained into the late sixteenth century, as shown by the preponderance of court over council entries in the surviving minute books which are indeed court act books first and foremost. Nonetheless it is possible to regard the late sixteenth century as an important period in the 'coming of age' of the council. The burgh's growth at this time demanded a clearer demarcation between the judicial and administrative functions of the local authority and a more clearly defined body in charge of the burgh's routine management. The relative lack of council minutes in these years belies the fact that the council was on the point of becoming a body of equal importance to the court. This development culminated in the administrative reorganisations of the early seventeenth century which saw the commencement of a separate series of minute books for the council and the transfer to it of certain administrative functions previously undertaken by the Whitsun court, most notably the election of the clerk, the master of work and the treasurer; the organisational changes of this period also brought about a streamlining of the functions of the court proper, the admission of burgesses and lining control being passed to the new dean of guild court.<sup>86</sup>

The burgh court and the town council were not the only bodies to impinge upon the lives of the burgh's inhabitants. The surviving burgh records show that the bailie of the regality's court, though primarily concerned with the barony and regality of Glasgow, occasionally intervened in the burgh's affairs; indeed it would appear to have acted in some cases as a superior court though the surviving evidence is such that the exact extent of its authority over the court of the burgh

cannot be determined.<sup>87</sup> At any rate in purely judicial matters the burgh court was most certainly subordinate to, and subject to interference from, the senior crown courts.<sup>88</sup> However the body with which the magistrates and council had the closest dealings was the local kirk session. They shared a common membership, the bailies and several members of the council sitting on the session as elders, and although relations between the civil authorities and the session could on occasions be strained, they nonetheless cooperated closely in both the judicial and administrative aspects of the burgh's governance. There can be no doubt that the magistrates and council welcomed the kirk session's involvement in the prosecution of certain offenders (such as those deemed guilty of slander) and the weight which it lent to certain of the civil administration's economic measures while, of course, its work in the field of poor law administration was indispensable.<sup>89</sup>

What then may be said in conclusion as to the quality of the administration dispensed by the civil local authority in Glasgow in the late sixteenth century? The magistrates and council's task was to manage the burgh in a manner acceptable to the superior (whether that superior was the archbishop or the crown) and in such a way as would be to the benefit of the town's inhabitants. In fulfilling this function the authorities were hampered by a number of factors, not the least being the weakness of the administration's financial base. While this limited the range of options open to the authorities it also had the effect of ensuring that the administration could not adopt an authoritarian approach in its dealings. Instead it was obliged to be mindful of the views of the townspeople and in particular of the burgesses who remained a dominant force within burgh society. Notwithstanding the steady accretion of power to the small group of men which formed the ruling oligarchy, burgh government could not function without the cooperation of the burgess community. Consequently the magistrates and council tended to listen to criticism from this quarter and hence the settlements reached with respect to such potentially divisive issues as burgess admission rates or excessive alienations of the burgh's commons. Another local difficulty which faced the authorities in the execution of their duties was the prevailing tension within the burgess community itself between, on the one hand,



the merchants (among whom may be included most of the ruling oligarchy) and, on the other hand, the craftsmen. Being less wealthy than their merchant neighbours, the craftsmen had less influence on the governance of the burgh despite their greater numbers; furthermore many craftsmen were affected by the merchant-dominated council's pricing policies. However it is fair to say that concord rather than conflict was generally the order of the day with respect to the relations obtaining between the craftsmen and the merchants during the 1570s and 1580s. Undoubtedly the craftsmen desired a greater say in the running of the burgh and tension was apparent from time to time during these two decades. Yet these men did not pursue their political ambitions with any notable vigour even when the administration found itself in difficulties. Thus the one major incident to occur during the 1570s and 1580s which can be attributed to the craftsmen's sense of grievance, the wapinschaw riot, arose in July 1583 and not one year previously when the authorities had been under far greater pressure at the peak of the Montgomery crisis.<sup>90</sup> It was the intrusion of national politics rather than local issues such as burgess admission rates, misuse of the commons or the aspirations of the craftsmen which jeopardised the administration's ability to manage the burgh. For a short period in the early 1580s the ruling oligarchy was split not on local issues but on the basis of national religious and political divisions, and inevitably the quality of governance in the burgh was adversely affected. The administration did not however collapse and the resilience with which the authorities recovered is perhaps indicative of the fact that the factionalism of the early 1580s was an aberration imposed from without and based on issues which were not close to the hearts of the majority of the community. At any rate stability was restored just in time to permit the civil authorities to address the major social and economic repercussions of the succession of bad harvests which began to affect the burgh from the mid 1580s onwards. Their response to these crises provides the clearest indication of the quality of their governance.

Notwithstanding the desirability of retaining the goodwill of the burgesses, the magistrates and council were not neglectful of their obligations towards the community as a whole. Mindful of burgess opinion

they did avoid introducing a compulsory poor rate, a device which would have greatly assisted the kirk session in its difficulties and obviated unnecessary hardship in certain sectors of the community. Yet, that criticism apart, the approach adopted by the civil authorities in their pricing policies was commendably constructive. They had to weigh the alternatives of either holding down the prices of essential foodstuffs as far as possible, thereby alienating the craftsmen burgesses who dealt in these provisions, or allowing market forces to take their course, thereby risking widespread starvation and possible food riots. Aware not just of their social responsibilities but also of their duty to maintain the king's peace by preserving the social equilibrium, the magistrates and council chose the former course and eschewed the latter. If the result was a marked deterioration in relations within the burgh community, quite possibly aggravated by an increase in taxation resulting from the administration's astute management of the burgh's fiscal affairs, the authorities did succeed in averting a far greater threat to the social order.

Taken all in all, the available evidence shows a responsible and largely effective local authority in operation. Routine administration was executed efficiently and in the all-important sphere of the burgh's finances good management was in evidence. A basic grasp of the need for public health measures, a genuine interest in education and a desire to improve the overall amenity of the burgh show that the burgh administration, though oligarchic, was not complacent. Above all, the magistrates' and council's response to the severe economic and social difficulties which began to envelop the community in the mid-1580s, if perhaps somewhat lacking in compassion, shows an awareness that their function was to manage the burgh for the 'common good'.

## NOTES

1. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 3; Third Statistical Account, Glasgow, 58.
2. See, for example, RCRB, i, 526, 530-531, 548, 573-574, 173-174, 246-247.
3. P2, 145.
4. P147-148.

5. Glas. Chrs., i, pt. ii, 146; see P369.
6. In P. Hume Brown, Scotland before 1700 from Contemporary Documents, (Edinburgh, 1893), 120-121.
7. P65-67.
8. On burgess admissions see The Burgess and Guild Brethren of Glasgow, 1573-1750, 2 vols., ed. J.R. Anderson, (SRS, 1925). However this is not quite a complete record and recourse must be had to the surviving act books, SRA MS C1/1/1 and C1/1/2. On the hammermen see Lumsden and Aitken, Glasgow Hammermen, 5, 10-12, 190, 195. On Glasgow's development in the seventeenth century see A. Gibb, Glasgow - The Making of a City, (London, 1983), 44-46 and T.C. Smout, 'The Development and Enterprise of Glasgow, 1556-1707', in Scottish Journal of Political Economy, vii (1960), 194-212.
9. P376-377, 382.
10. P257-259.
11. Third Statistical Account, Glasgow, 58.
12. P395.
13. See, for example, Prot. Bk. Glasgow, viii, nos. 2296 and 2305 in June and July 1576 and nos. 2320, 2321, 2332, 2333, 2339, 2371-2373, 2384, 2402, 2421, 2438, 2442, 2443, 2455, 2458, 2468, 2482, 2483, 2486, 2490-2492, 2494-2497, 2519, 2528, 2544, 2565, 2572, 2573, 2585, 2592, 2597 in the period July 1581 to April 1584. No protocols survive between 1576 and 1581. On other signs of a lively land market see P201.
14. P54, 121 n. 32 and Appendix 2.22, pt. iv, table 3 in Vol. II, P209-210.
15. Prot. Bk. Glasgow, iv, no. 1318 and p. 122n.
16. P43n. 134.
17. SRA MS CH2/550/1 f87V (28 February 1588), quoted in Prot. Bk. Glasgow, x, p. 54n.
18. Bell was in post by September 1594: Prot Bk. Glasgow, xi, p. 90n and R. Wodrow, Collections upon the Lives of the Reformers and most eminent Ministers of the Church of Scotland, 2 vols., (Maitland Club, 1834-1848), ii, pt. ii, 6-7 [hereafter cited as Wodrow, Collections].
19. Glas. Recs., i, 169; Maitland Misc., i, pt. i, 70-71, 76, 84-86; Wodrow, Collections, ii, pt. ii, 7; Prot. Bk. Glasgow, xi, p. 90n. The Barony parish continued to worship in the lower church of the cathedral.
20. Glas. Recs., i, 195-196.
21. In fact the separation of the Barony parish from the burgh was authorised by the local church courts only, there being no legal disjunction. Nonetheless all involved were clearly in favour of this development. See Prot. Bk. Glasgow, xi, p. 90n.
22. P253-277.
23. P264-273.

24. See P 81-88 ; also P451, 460-461.
25. P270.
26. P311-319, 400-401.
27. On the earlier history of the plague see Lythe and Butt, Economic History of Scotland, 8-9; on the statutes issued by the Glasgow authorities in the 1570s and 1580s see P286-293.
28. P292-293, 434.
29. P2, 5-7, 18-21, 91-92.
30. P21-22, 92, 97.
31. P137-138, 145-148.
32. P32-33.
33. P93-94.
34. P130n.218; 353-354.
35. P98-99.
36. P94-95, 99-100.
37. P101.
38. P94-96.
39. P100-113.
40. P102-103.
41. P113-114.
42. P359-360.
43. SRA MS C1/1/2 f 76v.
44. Ibid., f 156v; see P301.
45. P337, 344-347.
46. P347, 385-387, 402 ; see also P397 for compensation in the 1583-84 accounts to a master of work for outgoings incurred in 1582-83.
47. P115.
48. P 116 ; G. Donaldson, Scotland, James V-VII, 192-193, 221.
49. P56-76 passim. On the close ties in the inner group see also P171.
50. P22-23.
51. Appendix 2.12 table 13 in Vol. II, P130; P114 ; Glas. Recs., i, 118, 144, 157, 171, 181, 197.
52. P101, 105-106; see also P112.
53. P164-168.
54. P77-88 passim, 116, 241-242.
55. P240-241 and Appendix 4.3 table 2 in Vol. II, P280.

56. Respectively P 358; 86, 241, 278-279; 89-90, 104, 239, 371-376.
57. P 206-207, 367-368.
58. P 248-253, 316, 380-381.
59. Glas. Recs., i, 278.
60. Ibid., 277-281 passim.
61. Glas. Recs., ii, 309.
62. P360-361, 363, 385-387, 397, 411.
63. P250, 253, 380-381, 402-404.
64. P355-356, 376-377, 381.
65. P381-383 .
66. P451-452.
67. P253-277, 406-407.
68. P277-283, 300-301.
69. P283-285, 385.
70. P311-319, 400-401.
71. P76.
72. P305-311.
73. P250-253, 393-398.
74. P404-411.
75. P183 - 184, 257-259.
76. P53-54.
77. P289, 296.
78. P343.
79. P277-278.
80. SRA MS C1/1/1 f 258r and C1/1/2 ff 78r, 137r. See Vol. II, P111, 119, 121.
81. SRA MS C1/1/2 f 165v.
82. P240.
83. P183-184, 206-207.
84. P172, 204, 215-216, 300-305.
85. P168-176 passim.
86. P4, 136-137, 166, 168, 183, 219n.9, 368.
87. P149-152.
88. P153-157, 173-174.
89. P159-162, 254-256, 311-318.

90. P81-88, 108-113, 119; see also P303 for evidence that in the 1570s and early 1580s the council's pricing policies did not provoke organised opposition.



THE ADMINISTRATION OF THE BURGH OF GLASGOW, 1574-1586

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## VOLUME TWO

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## INTRODUCTION

For convenience the appendices which follow are numbered in such a way as to indicate which chapters they chiefly relate to : thus appendices 1.1-4 relate to the first chapter and so forth.

Particular attention must be drawn to the appendices to Chapter II, which are concerned with the identity of office holders. From the information contained in these tables certain arguments have been presented in the text. It must be conceded however that the accuracy of these details is undermined by the difficulties inherent in trying to distinguish between individuals with the same name or alternatively in attempting to determine whether several different descriptions might pertain to one individual. As an example of the former, two James Andersons are found. One was farmer of the town mill prior to 1576; the other was farmer of the town mills in 1577-78 and was also one of the burgh officers. It is only through earlier minutes that it can be confirmed that these were two different men.<sup>1</sup> As to the latter problem, references are found to a John Anderson, a John Anderson, cordiner, and a John Anderson, 'dryleddirman', all of whom acted as councillors during this period. In view of the similarity of these occupations and the fact that the office held was the same it seems reasonable to deduce that these were all references to the same man. The overall difficulty is clearly demonstrated in the following extract which shows how men of the same name could be active at the same time : 'the quhilk day John Glen elder webstar sone to John Glen webstar is absolvit fra the clame of John Glen his brother.'<sup>2</sup>

Clerical practice in recording the occupations of individuals seems to have depended on whether or not the town clerk knew the individual closely. If he did not, or if two people with the same name appeared simultaneously (as in the case of Archibald Wilson, lorimer, and his namesake, a merchant, both councillors during 1583-85) an occupation would be recorded. If the clerk knew the men well, their occupation would be omitted. Thus Hector Stewart and Thomas Muir held office frequently during this period but no occupational details were recorded in the minutes of their appointments . However it is clear

from the leeting for the presidency of the merchants in July 1582 that Hector Stewart was a leading merchant and a dispute of July 1583 proves that Muir was also a prominent merchant.<sup>3</sup>

There are several prominent individuals whose occupations can not be determined at all. Thus the careers followed by William Cunninghame, George Herbertson and Mr. Adam Wallace remain unknown. Certainly, as these men were very prominent office holders, they would be well known to the clerks but significantly the testaments of Cunninghame and Herbertson refer to these men simply as burgesses, seeming to imply that the demarcation between merchants and craftsmen was of less import to their contemporaries than it would be to later historians.<sup>4</sup>

Thus in compiling the data for the appendices to Chapter II it has proved necessary to make some assumptions when dealing with the problems of distinguishing individuals or of ascribing occupations where none are given. The former is the more serious problem and the list which follows sets out the more complex examples. The list is not all inclusive. Unless there is good reason for thinking otherwise (as in the example of the two James Andersons) the practice has been to assume that, for example, references to Robert Adam and Robert Adam, merchant, can be regarded as references to the same man, Robert Adam, merchant. The second problem, that of ascribing occupations where none are given at all, has been tackled by using information derived from other minute entries, the protocol books or testaments. If there is any ambiguity no job appellation has been ascribed.

Regarding the appendices to Chapter II the following system has been used : the absence of brackets shows the way in which an individual was described in the original; round brackets indicate information derived from other minutes of appointment; square brackets indicate information obtained from other sources.

Anderson, James. See above.

Anderson, John. See above.

Braidwood, James. Three appear : J. B.; J. B., cordiner; J. B., younger. It has been assumed that J. B., younger, was described thus so as to distinguish him from his cordiner namesake. Indeed a testament survives of J.B., elder and cordiner.<sup>5</sup> J. B. and J. B., cordiner, held positions of a similar rank and have been treated as references to the same person, distinct from J. B., younger, who only served in a minor capacity during times of plague.

Campbell, Colin. Two appear, C. C. and C. C., baxter. The latter is referred to only once as surety for the town mills in 1580-81 whereas C. C. appears as a councillor and a bailie between 1580 and 1586. It has been assumed, firstly, that these were two different people and, secondly, that C. C. was the same C. C., merchant, who died in February 1589 leaving a sizeable legacy.<sup>6</sup> C. C., bailie and councillor, thus appears as C. C., [merchant].

Clerk, John. Four appear: J. C.; J. C., cordiner; J. C., fruitman; and J. C., tailor. A burgess entry proves that J. C., cordiner, and J. C., fruitman, were the same person.<sup>7</sup> Even reduced to three confusion remains. The plethora of J. C.'s. can be tabulated thus

(i) <u>Council</u>		(ii) <u>Bridge toll</u>	
		<u>Farmer</u>	<u>Surety</u>
1575-76	J. C., tailor		
1576-77	J. C., tailor		
1577-78	J. C.		
1579-80	J. C., tailor	1579-80 J. C., cordiner	J. C., tailor
7-20/10/80-81	J. C.	1580-81 J. C., cordiner	J. C., tailor
1582-83	J. C.	1582-83 J. C., fruitman	
1583-84	J. C.	1583-84 J. C.	J. C., tailor
1584-85	J. C., tailor	1584-85 J. C.	
		1585-86 J. C.	

It has been assumed that these constitute references to two men : J. C., tailor, the councillor, and J. C., cordiner/fruitman, the farmer of the bridge toll.

Corbett/Cuthbert, John. The wording of the minutes appointing the minstrels proves that these were the same person.<sup>8</sup>

Elphinstone, George. G. E. was a prominent bailie and councillor. In a minute of May 1579 (while acting as bailie presiding over a court) he was described as G. E. 'of Blythswood' and his testament describes him as G. E. of Blythswood, 'baillie of the burcht of Glasgw the time of his deceis'. Was this the same man who was elected president of the merchants in July 1582? His father, his brother and his son (who later became provost) were also christened George and his son might well have been the merchant president. However in view of the facts that the clerks never referred to G. E. as being of Blythswood when he was appointed to office (and thus might be equally lax when recording his election to the presidency of the merchants), that the presidency would tend to go to a very senior man, and that G. E. of Blythswood's will discloses considerable commercial interests, both local and foreign, it has been assumed that G. E. and G. E. of Blythswood, the bailie and councillor, was also G. E. [merchant]. This view is perhaps further supported when it is noted that his namesake and heir does not appear to have been involved in burgh politics until he was appointed provost in 1600.<sup>9</sup>

Graham, John. References are found to J. G., J. G., elder, and J. G., younger, and they are not easily distinguished. However J. G. and J. G., younger, have been treated as referring to the same person for the following reasons.

In October 1581 at the election of the bailies J. G. 'auld baillie' and J. G., elder, were both leeted but J. G., younger, was elected. Therefore the J. G. who was a bailie in 1580-81 must have been J. G., younger, and the J. G. who appeared on the original leet of 4 October 1580 was probably the same man, the more so since the other two bailies appointed by royal command on 19 October 1580 had also been on the original leet. If so it would seem that having failed to become a bailie in the first election of 4 October 1580, J. G., younger, was elected to the council and sat on it until he was appointed bailie two weeks later. Similarly it is likely that the J. G. who appeared as a councillor in 1578-79 and 1579-80 and who attended audits of the accounts at this period was also the same man, as bailies were (it would seem) invariably men with conciliar experience.

Based on these arguments the following pattern is arrived at:

J. G., younger

Councillor 1578-80 (assumed)  
Leeted bailie 4/10/80 ( " )  
Councillor 7-20/10/80 ( " )  
Bailie, per royal letter  
of 19/10/80, 1580-81 (deduced)  
Bailie 1581-82 (definite)  
Councillor 1583-84 ( " )  
Councillor 1584-85 ( " )  
Bailie 1585-86 ( " )

J. G., elder

Councillor 20/10/80-81  
Leeted bailie 1581  
Councillor 1581-82  
Leeted treasurer 1582  
Leeted and elected bailie 2/10/82  
but removed from office.

Lindsay, David. References are found to D. L., D. L., elder, and D. L., younger. As D. L., younger, occurs only once (as a surety in 1578-79 to the farmers of the ladle) but D. L. and D. L., elder, held major offices between 1574 and 1581 it has been assumed that D. L. and D. L., elder, were the same person. D. L., elder, was a bailie in 1578-79 and on one occasion, on 14 October 1578, was referred to as 'of Kittochside', so that he was probably the same man who had been a bailie in 1564-65 and possibly also in 1552-53.<sup>10</sup>

Lindsay, John. J. L., J. L., merchant (three times), and J. L. son of Michael Lindsay (once) held various offices, 1575 to 1586. These have been treated as references to the same person.

Muir, Thomas. T. M. and T. M. son to Robert Muir have been treated as references to the same person (and he has been identified as [merchant] from a dispute of 1583).<sup>11</sup>

Scott, John. J. S. and J. S., baxter, held similar offices, not mutually exclusive, between 1581 and 1586. All references have been taken to refer to J. S., baxter. However in the list of plague quartermasters of 1584 two J. S.'s. appear. One has been treated as J. S., the other as J. S., baxter.

Stewart, John. J. S., J. S., younger, and J. S. of Bowhouse are found. A clear distinction between the last two is found in the second

council of 1580-81. It has been assumed that J. S. and J. S., younger, were the same person, distinct from J. S. of Bowhouse.

Stewart, William. W. S. was a councillor in 1585-86. The previous council included W. S. of Beltrees. These have been treated as the same person.

Struthers, Convell/Donald. These have been treated as the same person, though the two variants are given as they appear in the original records.<sup>12</sup>

Watson, John. References are found to J. W., J. W., elder, and J. W., younger. As J. W., younger, became an officer in 1574, a post subsequently held by J.W., it has been assumed that these were the same man. J. W., elder, only appears once, as a plague official in 1574.

Watt, William. W. W., master of work and councillor, 1574-75, had died by May 1575.<sup>13</sup> He must thus be distinguished from W. W., calf herd, 1580-81.

Wilson, Archibald. References are found to A. W., A. W., lorimer, and A. W., merchant. It has been assumed that A. W. and A.W., merchant, were the same man.

Wilson, James. A J. W. appears as a liner on several occasions between 1578 and 1586. He is always described as a mason save once : it has thus been assumed that the J. W. who acted as a liner was J. W., mason. This is to distinguish him from J. W., merchant, a councillor in 1576-77. A J. W. also appears as an outlandman in 1578-79 and elsewhere as a surety for the ladle and bridge tolls, both in 1576-77. It has been assumed that this was also J. W., merchant. It has been further assumed that the reference to a James Anderson Wilson on the leet for the treasurership in 1574 was a clerical error for J. W. and that this was J. W., merchant.

Wilson, John. Reference occurs several times to J. W. and J. W., powderer or pewterer, and once to J. W., merchant. Of these, a J. W. is found as a herdsman in 1574-75 but, as the herdsman were minor officials, it seems reasonable to assume that this was not the same J. W. who held high office and was leeted bailie in 1577. There are thus four J. W's. Having separated the herdsman and also

the merchant (found as surety for the ladle in 1574-75) there remain J. W. and J. W., pewterer, councillor and bailie 1574-80 passim, who was also leeted master of work 1576-84, passim. These have been treated as references to one man.

Young, Robert. References occur to R. Y., R. Y., baxter, and R. Y., cordiner. As R. Y., cordiner, was leeted treasurer in 1580 and 1581 and R. Y. in 1582, 1583 and 1584, these have been treated as references to the same person, distinct from R. Y., baxter, a stenter in 1577 and a councillor in 1579-80.

## NOTES

1. SRA MS C1/1/1 ff24v, 104v.
2. Ibid., f150r.
3. Glas. Recs., i, 95, 102.
4. SRO MS CC8/8/39 f313r and CC8/8/17 f149v respectively. Wallace's testament does not survive.
5. SRO MS CC8/8/28 f78v.
6. SRO MS CC8/8/22 f353v.
7. SRA MS C1/1/1 f42v.
8. See Appendix 2.5, below P46-47.
9. SRA MS C1/1/1 f233r and SRO MS CC8/8/17 f158v. See also Prot. Bk. Glasgow, ix, p.29n.1.
10. SRA MS C1/1/1 f209v. See Appendix 1.1, below P1.
11. Glas. Recs., i, 102.
12. The index to Prot. Bk. Glasgow, xi, also treats these as references to the same individual.
13. SRO MS CC8/8/13 f340r.



# APPENDIX 1.1

## PROVOSTS AND BAILIES OF THE BURGH AND BAILIES OF THE REGALITY, 1550-90

### 1. Provosts and Bailies of the Burgh, 1550-90<sup>1</sup>

Date	Provost	Bailies
1550-51	James Hamilton of Torrance or Andrew Hamilton of Cochno	Andrew Dunlop, John Muir
1551-52	Andrew Hamilton of Cochno	Mr John Hall, John Muir
1552-53	"	David Lindsay, David Lyon
1553-54	"	Mr John Hall, John Muir
1554-55	"	Andrew Dunlop, John Muir <sup>2</sup>
1555-56	"	Michael Lindsay, David Lyon <sup>2</sup>
1556-57	"	David Lyon, John Muir <sup>2</sup> Mr John Hall, George Herbertson <sup>3</sup>
1557-58	"	Mr John Hall, George Herbertson
1558-59	"	Mr John Hall, Mr Adam Wallace
1559-60	Andrew Hamilton of Cochno or Robert Lindsay of Dunrod	James Fleming, John Muir, Mr Adam Wallace
1560-61	Robert Lindsay of Dunrod	James Law, David Lyon
1561-62	"	Archibald Lyon, John Wilson <sup>4</sup>
1562-63		Archibald Lyon, John Wilson
1563-64		Richard Ross, Mr Adam Wallace
1564-65		James Law, David Lindsay of Kittochside
1565-66	Sir John Stewart of Minto	Richard Ross, Mr Adam Wallace
1566-67	"	George Herbertson, Matthew Heriot
1567-68	"	Richard Ross, Mr Adam Wallace
1568-69	"	Richard Ross, Mr Adam Wallace
1569-70	"	Mr John Hall, Matthew Heriot, Mr Adam Wallace
1570-71	"	James Fleming, Matthew Heriot, Mr Adam Wallace
1571-72	[       "       ]	James Fleming, Mr Adam Wallace, John Wilson

Date	Provost	Bailies
1572-73	Sir John Stewart of Minto	George Elphinstone, Archibald Lyon, Mr Adam Wallace
1573-74	Robert Lord Boyd	George Elphinstone, James Fleming, Archibald Lyon
1574-75	"	George Elphinstone, Archibald Lyon, Mr Adam Wallace
1575-76	"	Andrew Baillie, William Cunninghame
1576-77	"	George Elphinstone, John Wilson
1577-78	Thomas Crawford of Jordanhill	Robert Rowat, Mr Adam Wallace
1578-79	Robert, earl of Lennox	William Cunninghame, George Elphinstone, David Lindsay, elder
1579-80	"	William Cunninghame, George Elphinstone
1580-81	Esmé, earl of Lennox <sup>5</sup>	John Graham (younger), Hector Stewart, Robert Stewart
1581-82	Matthew Stewart of Minto	Colin Campbell, John Graham (younger), Robert Stewart
1582-83	Sir <sup>6</sup> Matthew Stewart of Minto	William Cunninghame, Robert Stewart, Mr Adam Wallace
1583-84	John, earl of Montrose	William Cunninghame, Robert Stewart, Mr Adam Wallace
1584-85	Sir William Livingstone of Kilsyth	William Cunninghame, George Elphinstone, Robert Rowat
1585-86	"	John Graham (younger), Robert Rowat, Robert Stewart
1586-87		John Anderson, John Lindsay, Mr Adam Wallace
1587-88	Sir Matthew Stewart of Minto	Robert Rowat, Robert Stewart, Mr Adam Wallace
1588-89	"	James Fleming, Robert Rowat, James Stewart
1589-90	"	William Cunninghame, Robert Rowat, James Stewart

## 2. Bailies of the Regality, 1550-90

The archbishops of Glasgow administered their barony and regality of Glasgow (the terms appear to have been used synonymously) through a bailie (or bailie principal) who in turn frequently delegated his

powers to a depute bailie. It was the depute bailie who in reality dealt with the business associated with the position and he was frequently, though not always, the provost of the burgh.<sup>7</sup> The bailie principal tended to be an important magnate and it was thus unusual to find the provost acting in this capacity. However this seems to have occurred during the provostship of Matthew second earl of Lennox, c.1510-13, for in 1578 it was stated with regard to his grandson, Matthew fourth earl of Lennox, that he (the fourth earl) 'his guid sire, grandsire, foirgrandsire and all utheris his foirbearis wer kyndlie baillies of the samyn and broukit the office thair of past all memory.'<sup>8</sup>

In 1545, following the eclipse of the Lennox interest, archbishop Dunbar appointed James earl of Arran (later duke of Chatelherault) bailie of the regality for a period of nineteen years.<sup>9</sup> During the 1550s references to him as 'bailie principal' and to provost Andrew Hamilton of Cochno as 'bailie depute' can be traced.<sup>10</sup> A similar arrangement was adopted when Matthew fourth earl of Lennox returned to Scotland and was appointed (ostensibly by the archbishop, but in reality by the crown) to the bailiership of the regality in July 1565, again for a period of nineteen years.<sup>11</sup> Shortly afterwards Sir John Stewart of Minto (later, if not already, provost) was constituted bailie of the regality by a letter of bailliarie granted by the earl : that is to say, Lennox remained bailie principal but Minto was depute bailie with full powers to act on the earl's behalf.<sup>12</sup>

On the death of Lennox in September 1571 Minto appears to have become, on the basis of the 1565 letter of bailliarie, full bailie on behalf of the young king. James VI was the earl's successor and by this time was also fully in possession of the temporalities of the see, Beaton having been forfeited one year earlier.<sup>13</sup>

Minto remained provost of the burgh until October 1573. One month later Robert Lord Boyd, his successor as provost, removed him from the bailiership<sup>14</sup> and when Boyd was reappointed to the provostship in October 1574 it was declared that 'the office of provestrie ... has newir or seyndill been separatit in sindry persounes handis fra the baillierie of oure baronie', a comment which does not bear close scrutiny, for such a situation had only obtained since 1571.<sup>15</sup>

Boyd therefore was both provost of the burgh and bailie principal of the regality during 1573-77. That he was regarded as being the latter was confirmed by the record of a court held in Glasgow on 23 April 1577 by Robert Lord Boyd, 'baillie principall' with George Elphinstone (then a burgh bailie) and Mr Adam Wallace styled as his deputies.<sup>16</sup> In October 1577 Thomas Crawford became provost but Boyd retained the bailieship.

However the crown instituted proceedings against Boyd for usurping this position and in May 1578 it was restored to the king as earl of Lennox.<sup>17</sup> In July Boyd formally resigned the post into the hands of the king, 'for the lufe and favour quhilk the said Lord beris to Robert earl of Lennox', (who had become earl in June).<sup>18</sup> The fact that earl Robert became bailie principal is further substantiated by the terms of his resignation of the earldom in March 1580, which referred to Robert having been 'assignay to the letter of baillierie maid to our [ie the king's] said umquhile dearest guid sire [earl Matthew] of the regalitie of Glasgw'.<sup>19</sup> However there also survives from June 1578 (one month prior to earl Robert's apparent accession to the post of bailie principal) a letter of bailliary and justiciary issued by the crown, narrating that the principal bailieship was then in the king's hands but as it was 'nather convenient nor possible' for him to exercise the office it was to be entrusted to Sir John Stewart of Minto and his son Matthew Stewart, for nineteen years.<sup>20</sup> Attention may also be drawn to two entries in the burgh act books: a sitting of a court on 12 January 1580 'in presens of Matthew Steward of Mynto baillie of the baronie feirsaid his barrone court'<sup>21</sup> and the proclamation of the fair on 6 July 1581 where reference was made to 'Esme erle of Lennox ... prouest and baillie of the baronie.'<sup>22</sup> The explanation for this seeming plethora of bailies of the barony and regality is that the Mintos acted as bailies depute for earl Robert and earl Esmé, who were the bailies principal.

After earl Esmé's flight in late 1582 the principal bailieship may have passed into the hands of Matthew Stewart of Minto<sup>23</sup> who was also provost, but this can not be verified. Minto probably continued as bailie depute under the Arran government, although again this can not be proved, and considering his politics he may have been temporarily

removed, as he was from the provostship (in October 1583).<sup>24</sup> However it is known that his successor as burgh provost, the earl of Montrose, was also bailie principal for in December 1583 he resigned the bailieship of the regality into the hands of the infant Ludovick duke of Lennox and his guardian and great-uncle, Robert earl of March.<sup>25</sup> Throughout the remainder of this period the post of bailie principal remained with the young duke and Matthew Stewart retained the depute bailieship.

In conclusion, it is important to distinguish between the 'bailie principal' and the 'depute bailie' of the regality. Secondly, until the 1570s it was unusual for the provost to act as bailie principal. However after earl Matthew's death in 1571 Sir John Stewart of Minto and then Lord Boyd were both provosts and bailies principal. Thomas Crawford acted only as provost but his successors (both the earls of Lennox, possibly Matthew Stewart for a short time, and the earl of Montrose) served also as bailies principal of the regality. Only in 1584 did a situation akin to the older practice return with the posts of provost (Sir William Livingstone), bailie principal (the duke of Lennox) and depute bailie (Stewart of Minto) being treated as separate offices.

## NOTES

1. For the provosts see list in Glas. Chrs., i, pt.i, p.dcxixiv, but for more accurate details regarding the 1550s see also SRA A & GN 1541 (notes by A. M. Jackson on the pre-Reformation provosts of Glasgow). On Minto's provostship in 1587-88 see SRA MS CH2/550/1 f80r. For the bailies the chief sources are the town clerk's protocols, printed in Prot. Bk. Glasgow, vols. i-x passim. For both the provosts and the bailies between 1574 and 1590 the main sources are the original act books, SRA MS C1/1/1-3, the details therein appearing in Glas. Recs., i, 22-144 passim. For further details regarding the 1574-86 period see Appendix 2.10 (provosts), below P80-82 and 2.11 (bailies) below P83-97.
2. Appointments effected without the consent of archbishop Beaton. See Vol.I, Chapter I, P18-21.
3. Replaced Lyon and Muir in June 1557 : see Prot. Bk. Glasgow, ii, and compare nos. 316-63 with nos.364-395.

4. Prior to 1574 the details of leets for the post of bailie are unknown, with the exception of the election of September 1561. Besides Lyon and Wilson, also leeted were James Law, David Lyon, Mr Adam Wallace, Andrew Dunlop, Mr Adam Colquhoun, James Boyd and James Fleming. Wilson was specifically styled 'pewderar' and is the only known instance of a craftsman bailie. See Glas. Chrs., i, pt.ii, 127 and Appendix 2.11 below, P83-97.
5. Esmé seigneur d'Aubigny was created earl of Lennox in March 1580 and duke of Lennox in August 1581 : Scots Peerage, v, 356.
6. From February 1583, following the death of his father, Sir John Stewart of Minto : Scots Peerage, ii, 80.
7. See Renwick and Lindsay, Glasgow, 319 n.3, 347; SRA A & GN 1541 (notes by A. M. Jackson on the pre-Reformation provosts of Glasgow) pp12-13 which includes examples of bailies depute who were not provosts. For a discussion of the points noted here and below see Prot. Bk. Glasgow, vii, p.71 n.1.
8. RPC, ii, 697-698.
9. Glas. Chrs., i, pt.i, 16.
10. Ibid., p.dxl and SRA MS T-PM 25/9.
11. SRA MS A1/55/25. This document, a letter of bailliary of June 1578, narrates that Matthew earl of Lennox was appointed on 10 July 1565 by archbishop Beaton (who was however then in exile) with the consent of the dean and chapter. Chatelherault had agreed to stand down in October 1564 at the queen's request (RPC, i, 290) and it seems certain that the 1565 grant was made by the crown, the reference to Beaton in the 1578 document either being an anachronism or a reflection of the earlier document's pretensions to legitimacy.
12. RPC, ii, 697-698. In view of what is known about the similar grant made in 1578 and the resulting situation whereby there was a bailie depute acting for a bailie principal, it is highly unlikely that earl Matthew actually relinquished all interest in the bailiership in 1565.
13. Scots Peerage, v, 353; Diurnal of Occurrents, 188.
14. RPC, ii, 697-698; RMS, iv, no.2407.
15. Glas. Recs., i, 22.
16. SRA MS C1/1/1 f133v. Wallace, in June 1578, was again referred to as 'ane of the baillies deputt of the baronie' : ibid., f199r.
17. RPC, ii, 697-698.
18. RPC, iii, 8-9 and Scots Peerage, v, 355.
19. RPC, iii, 272.

20. SRA MS A1/55/25.
21. SRA MS C1/1/1 f247v.
22. Glas. Recs., i, 88.
23. Sir John Stewart of Minto had died in February 1583 : Scots Peerage, ii, 80.
24. A minute reference confirms that he was still acting as bailie of the barony in July 1583 : SRA MS C1/1/2 f91r. See also Vol.I, P113.
25. RPC, iii, 614.

## APPENDIX 1.2

### THE ELECTION DISPUTE OF 1554-57

#### Bailies appointed without the consent of the superior<sup>1</sup>

1554-1555	Andrew Dunlop, John Muir
1555-1556	Michael Lindsay, David Lyon
1556-June 1557	David Lyon, John Muir

#### 'Council' 1553-54

On 12 February 1555 a commission was issued under the great seal, with the consent of the duke of Chatelherault as bailie of the regality of Glasgow, empowering Robert Heriot and three others to hold courts of the regality of Glasgow in the tolbooth of Edinburgh to take cognition regarding the complaint of archbishop Beaton that at Michaelmas 1554 John Muir and Andrew Dunlop had usurped the bailieships of the burgh without his consent. In this they had been supported by the following men 'and other pretended citizens and indwellars of the city who were pretending that they held office and had then only been of the council in the year ... preceding',<sup>2</sup> viz:

John Stewart of Minto <sup>3</sup>	John Wilson	Thomas Anderson
David Lyon	John Rob	Thomas Lymburner
John Stewart of Bogtoun	John Martin	John Rankine <sup>3</sup>
William Watt	John Wan	William Lowdean
William Hall	Archibald Blackburn	Thomas Spang
William Lindsay	Archibald Muir	John Boyd
Robert Cochrane	William Donaldson	Mr David Wilson <sup>3</sup>
William Roger	James Graham	William Heriot
David Lindsay	Matthew Heriot	Archibald Lyon
Mr John Hall <sup>3</sup>	James Wilson	Michael Lindsay
Henry Burrell <sup>3</sup>	Robert Muir	William Hegate <sup>3</sup>
Andrew Muir	Patrick Millar	



## NOTES

1. See Appendix 1.1, above P1.
2. Glas. Chrs., i, pt.i, p.dxli; see also SRO MS CS7/15 f6r.
3. Depositions were taken from these men on 9 December 1556 and 20 January 1557, during the proceedings heard before the Lords of Council and Session : SRO MS RH 11/32/1/1 nos.8 and 9.

### APPENDIX 1.3

#### THE ALIENATION OF CHURCH LANDS, 1552-85

This survey has been based on information extracted from the town clerks' protocol books with supplementary details gleaned from the great seal and privy seal registers. It should be noted however that the loss of Henry Gibson's protocols between 1576 and 1581 constitutes a serious gap in these records.<sup>1</sup>

In all, sixteen transactions which definitely involved the alienation of church property in the burgh by means of feu charters can be traced during the 1550s, but the number of alienations may well have been greater since there are several transactions involving clerics where it is not clear whether church or private property was involved.<sup>2</sup> After the Reformation the number of alienations increased markedly. About seventy such conveyances or reconveyances of 'first generation' alienations can be traced during the 1560s and, in all, a total of about 150 transactions relating to church property can be found between 1560 and 1585.

Because of the number of transactions, the information in the following tables has been confined to definite examples of alienations by way of feu charters or similar transactions involving the burgh or known burgh politicians.<sup>3</sup> Table 1 relates to the 1550s. Table 2 relates to the period 1560 to 1585. Both tables are restricted to property within the burgh but it is important to note that the process extended to church possessions outwith the burgh. Minto obtained church lands in Priesthill,<sup>4</sup> Blythswood,<sup>5</sup> Polmadie and Corshill<sup>6</sup> and the ruined manse of Govan parish<sup>7</sup> between 1564 and 1572, while George Elphinstone was granted the rector of Erskine's lands of Blythswood in 1563.<sup>8</sup> Another feature to be noted is that after March 1567 the magistrates and council were vested with the superiority of the church properties within the burgh and these were to be used for 'godly purposes'; yet it is clear from the protocols that these men used part of this gift for their own purposes. It will also be noted that Queen Mary's foundation of March 1567, and therefore also the burgh's gift of those church properties to the university in January 1573, excluded

the cathedral prebends, and the canons continued to alienate their properties without reference to the burgh authorities after 1567.<sup>9</sup>

Abbreviations used in tables

B	bailies	P	provost (of the burgh)
C	council	prbs.	prebendaries
chap.	chaplain	prby.	prebendary
chaply.	chaplainry	q	umquhile/deceased
d & c	dean and chapter	r	rector
F	feu charter	R	resignation
G	grant	S	sale
p	parson	v	vicar

Note: Burgh politicians are indicated in upper case.

Table 1

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
15/10/52 (Prot. Bk. Glasgow, i, no.141)	F	Mr Nicholas Wethirspwne, v. of Strathaven & prby. of St. Nicholas in the new kirk, with consent of BC (patrons).	JAMES LAW	Part of booth and yard in Saltmarket.	Law was later bailie in 1560/1 and 1564/5.
15/2/53 ( <u>Ibid.</u> , no.148)	F	Martain Reid, chap. of chaply. of St. Christopher in cathedral, with consent of PB and community (patrons).	DAVID LYON	<b>F</b> ore tenement east side of High street.	Lyon was bailie, at this time and subsequently. Also described as 'for augmentation of the rental'.
10/2/56 ( <u>Ibid.</u> , xi, no.3728 and <u>RMS</u> , v, no.680)	F	Sir Christopher Knox, prby. in the new kirk, with consent of provost and prbs. of new kirk, BC (patrons) and archbishop.	GEORGE HERBERTSON	Tenement to west of tolbooth, formerly a chapel, on St. Tenew's Gate.	Confirmed by crown, 4/3/84. Herbertson was bailie in 1556/7, 1557/8 and 1566/7 and was prominent on the council in the 1570s and 1580s.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
12/10/56 (Prot. Bk. Glasgow, ii, no.314)	R	Vicars of the choir of Glasgow	GEORGE ELPHINSTONE	Piece of waste tenement, east side of High Street.	Elphinstone later became a very prominent burgh politician of the 1570s and 1580s.
15/6/57 ( <u>Ibid.</u> , no.366)	G	Sir John Mun, preceptor of hospital of St.Nicholas with consent of archbishop & dean.	JAMES FLEMING	Tenement building, location not clearly specified.	Fleming was bailie in 1559/60, 1570- 72 and 1573/4 and a councillor in the 1570s and 1580s.
5/6/60 (RMS., v, no.680)	F	Mr Archibald Crawford, provost of new kirk with consent of other prbs. and BC (as patrons) and archbishop.	GEORGE HERBERTSON	2 acres of land in the croft Dive Anne.	Crown confirmation 4/3/84. On Herbertson see 10/2/56 above.

Table 2

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
13/11/60 (RMS, iv, no.1790)	F	Prior and sub-prior of Dominicans in Glasgow.	JOHN GRAHAM	Great tenement and lands of Blackfriars, south of the Pedagogy on east side of High Street.	Graham was prominent in burgh politics 1580-82. On this transaction which was later annulled see Prot. Bk. <u>Glasgow, iii,</u> <u>p.97-98.</u>
13/9/61 (Prot. Bk. Glasgow, iii, no.647)	F	Mr Archibald Crawford, r. of Eaglesham and provost of new kirk, and other prbs. of the same.	DAVID LINDSAY OF KITTOCHSIDE	Lands in Cropnesco, Broomielaw and Langcroft; 2 booths in Briggate; barn in St. Tenew's gate.	Lindsay was bailie in 1564/65, and can probably be identified with David Lindsay, elder, a prominent burgh politician until 1581.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
9/2/62 ( <u>Ibid.</u> , no.683)	F	Mr John Davidson and Robert Hamilton, regents of university.	ROBERT LINDSAY OF DUNROD	Tenement called Arthurlies Place, east side of High Street.	Lindsay, then provost of the burgh, reconveyed this property to Davidson in 1564 ( <u>Prot. Bk.</u> <u>Glasgow</u> , v, no. 1500) who in turn conveyed it to the university in Jan. 1575 ( <u>Ibid.</u> , vii, no.2113).
21/4/63 ( <u>Ibid.</u> , nos.743-744)	F	Mr Archibald Crawford (as above); Sir John Hamilton prby. of Holy Trinity in the new kirk; with consent of other prbs. and BC (patrons).	SIR JOHN STEWART OF MINTO	Large tracts of land belonging to the new kirk (ie the collegiate church) in Gallowmuir, Broomielaw, Langcroft, Provanside, Kinclayth. Also two tenements one of which at least was in the Briggate.	Minto was provost by 1565. He set about disposing of this property, beginning in 1566, and several other burgh politicians were among the beneficiaries. <sup>10</sup> This process was stretched over seven years.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
21/9/63 (Ibid., no.759)	F	Mr. William Wenzet, prby. of the new kirk with consent of the other prbs. and PBC (patrons).	Alexander Stewart, tutor of Castlemilk	Tenement of land south side of Gallowgate.	On a charter of 31/8/62. In 1572 (RMS, iv, no. 2479) Margaret Colquhoun disponed this property to GAVIN GRAHAM, a prominent burgh politician, 1578- 86.
21/9/63 (Ibid., no.760)	F	Mr Archibald Crawford, as provost of the new kirk, and the other prbs. with consent of BC (patrons).	WILLIAM MAXWELL merchant	Back tenement in Gallowgate.	On a charter of 31/8/61. Maxwell was treasurer sometime prior to 1573-4 (SRA MS C1/1/1 f113r).
5/8/64 (RMS, v, no.680)	F	Sir John Law, chap. of chaply. of St. Nicholas in cathedral, consent of d. & c.	GEORGE HERBERTSON	1 acre in Dowhill.	Confirmed 4/3/84. Herbertson, bailie in 1556-8, was reappointed in 1566/7 and was a prominent councillor in the 1570s and 1580s.



Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
10/8/64 (Ibid., iv, no.1629)	F	Vicars of the choir, consent of dean.	Michael Chisholm	Lands in Kinclayth, Cropnesco and Broomielaw.	Confirmed 29/5/65. Chisholm reconveyed this in 1567 in five parcels, one of the recipients being ARCHIBALD LYON, former bailie, and an important figure in the burgh in the 1570s and 1580s.
6/1/65 (Prot. Bk. Glasgow, v, no. 1508)	F	Sir Peter Law, prby. of <u>Nomine Jesu</u> in the new kirk, consent of prbs. and BC (patrons).	ARCHIBALD LYON	Fore tenement, south side of Gallowgate.	On Lyon see above.
26/3/66 (RMS, v, no.680)	F	William Herbertson, prby. of St. Kentigern in the new kirk. Consent of other prbs. and PBC (patrons) and archbishop.	GEORGE HERBERTSON	Tenement in St. Tenews Gate.	On Herbertson see above. Confirmed 4/3/84.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
7/4/66 (Glas. Chrs., ii, 528)	F	Provost and prbs. of the new kirk with consent of PBC (patrons).	JOHN STEWART OF BOWHOUSE	Waste tenement next to cemetery of said church.	Stewart of Bowhouse was a councillor in 1578-82.
13/11/67 (Prot. Bk. Glasgow, v nos. 1570, 1) and 11-31/1/68 (ibid., iii, nos. 957-9)	F	Sir John Mun, preceptor of St. Nicholas hospital, consent of archbishop (patron) and d. & c.	Six individuals, including JOHN FLEMING.	Lands in Croppiesco etc.	The grantees were in effect rentallers obtaining feu charter rights. See Prot. Bk. Glasgow, iii, p.109n. John Fleming was prominent in burgh politics 1574-84.
29/3/68 (Ibid., iii, no.970)	R	Allan Porterfield v. of Ardrossan.	MR. ADAM WALLACE	Annual rent from tenement on west side of High Street.	For relief of £160 17s 9d borrowed by Porterfield from Wallace. Wallace was a bailie at this time.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
22/7/68 (Ibid., iv, no.983)	F	Mr. William Hamilton, prby. of Cambuslang, with consent of duke of Chatelherault (patron) and d.& c.	James Hamilton, his son.	Ruined prebendal manse of Cambuslang.	On charter 10/7/68. Subsequently granted in June 1574 to WILLIAM CUNNINGHAME (RMS, iv, no. 2375). Cunninghame, a prominent councillor, was bailie six times between 1575 and 1585.
4/2/69 (Ibid., vi, no.1609)	F	PBC and community.	JOHN STEWART OF BOWHOUSE	Yard belonging to the new kirk	Later a councillor, Stewart conveyed this to ROBERT YOUNG, baxter, in January 1571 (Prot. Bk. <u>Glasgow</u> , vi, 1726); Young was a councillor in 1579/80.
5/9/69 (Ibid., no.1674)	F	PBC and community.	MR. ADAM WALLACE	Chapel of St. Roche.	Wallace was a bailie at this time. See also above.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
19/9/69 ( <u>Ibid.</u> , no.1676)	F	q. Sir John Smith, chap. of chaply. of St. Kentigern, consent of d. & c.	GEORGE ELPHINSTONE	Tenement on west side of High Street.	Elphinstone first became bailie in 1572, and thereafter was prominent in burgh politics until his death in April 1585.
28/7/70 ( <u>Ibid.</u> , no.1698)	F	PBC and community.	Mr David Wemyss minister of Glasgow.	Ruinous manse of vicars choir.	Subsequently granted by Wemyss to the university in April 1574 (Prot. Bk. <u>Glasgow</u> , vii, no.2044).
28/7/70 ( <u>Ibid.</u> , no.1699)	F	PBC and community.	James Boyd of Hullirhill	Yard of the new kirk	
10/8/70 ( <u>Ibid.</u> , no.1702)	F	PBC and community.	JAMES FLEMING	The new kirk (described as ruinous) plus cemetery, etc.	See <u>Glas. Chrs.</u> , i, pt.ii, 140- 145. Fleming, bailie in 1559/60, became bailie again in October 1570 and there- after continued to figure prominently in burgh politics.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
28/9/70 ( <u>Ibid.</u> , no.1704)	F	PBC and community.	DAVID LYON	Yard of prebend of the Blessed Mary in the new kirk.	Lyon had been bailie in the 1550s and 1560/1. He was a councillor in 1574-5.
25/10/70 ( <u>Glas.</u> <u>Chrs.</u> , ii, 606)	F	Sir Bartholomew Simpson, preceptor of hospital and chap. of St. Nicholas.	JOHN NICOL	Two ruinous tenements in Drygate.	Nicol was farmer of the town mills, 1577-86 <u>passim</u> .
9/4/71 (Prot. <u>Bk. Glasgow</u> , vi, <u>no.1734</u> )	F	PBC, with consent of Sir John Cunningham, prby. of St. Nicholas in the new kirk	JAMES BRAIDWOOD	Yard belonging to said prebend of the new kirk	If this is James Braidwood cordiner, then he was leeted bailie in 1574 and 1575 and a councillor in 1575-6 and 1580-1.
12/5/71 ( <u>Ibid.</u> , no.1758)	F	PBC	James Reid	Yard of prebend of q. Martin Reid (new kirk).	On charter 20/4/71.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
25/5/71 ( <u>Ibid.</u> , no.1760)	F	PBC and community.	Thomas Craig	Yard of the new kirk	On charter 20/3/71. Immediately (no. 1761) resigned in favour of GILBERT CRAIG, who was leeted treasurer 1577, 78, 80, 81, 83.
20/6/71 ( <u>Ibid.</u> , no.1774)	F	Andrew Walker, chap. of chaply. of St. Christopher in cathedral with consent of PBC (patrons).	MR JOHN HALL	$\frac{1}{2}$ acre in Broomielaw.	On charter 22/2/71. Hall had been bailie in 1569-70.
20/10/71 (RMS, iv, no.2068)	F	Mr Archibald Douglas, p. of Glasgow, consent of archbishop and d. & c.	THOMAS CRAWFORD OF JORDANHILL	Manse of rector of Glasgow, ruinous.	Confirmed 21/5/72. Crawford, who led the king's forces against Dumbarton castle, was provost in 1577-78.
7/4/72 ( <u>Prot.</u> <u>Bk. Glasgow</u> , vi, <u>no.1837</u> )	F	Sir Richard Herbertson, chap. of chaply. of Corpus Christi, consent of PBC.	ANDREW BAILLIE	Ruinous tenement of chaply. on east side of High Street.	Baillie was a prominent burgh politician, 1574-86.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
5/3/73 ( <u>Ibid.</u> , vi, no.1910)	G	ARCHIBALD LYON	John Bar	Tenement of land, west side of High Street.	Land formerly belonged to vicars of the choir who feued it to Lyon. On Lyon see above, 10/8/64.
15/10/73 ( <u>Ibid.</u> , vii, no.1980)	F	Mr John Colvill, precentor of cathedral and r. and v. of Kilbride, with consent of d. & c.	ROBERT LINDSAY OF DUNROD	Precentor's manse.	Lindsay had been provost in 1559-62. On a charter of 10/10/73.
23/12/75 ( <u>Ibid.</u> , no.2242)	R	SIR JOHN STEWART OF MINTO	Joanna Cunningham, relict of Thomas Forret.	Place of Franciscans (Greyfriars).	Presumably feued to Minto after the lands passed to PBC in either 1562 or 1567.
8/3/82 ( <u>Ibid.</u> , nos.2385-6)	R	ROBERT LORD BOYD	The university.	Tenement, east side of High Street in excambion for property formerly of the vicars of the choir.	Which Boyd (provost 1573-77) had previously obtained in feu from q. William Wilkie, chap. of chaply. of St. Michael the Archangel with consent of d. & c.

Date (Reference)	Type of transaction	Grantor	Grantee	Property	Remarks
9/4/85 (Ibid., ix, no.2701)	R	ARCHIBALD LYON	George Lyon and Helen Lyon.	Various, including the chapel of St. Kentigern, north side of Gallowgate.	Archibald Lyon (see 10/8/64 above) had probably obtained this church by a feu charter of the PBC granted 1567x1573.
18/5/85 (Ibid., no.2720)	S	MALCOLM STEWART	Archibald Lorne	Annual rent from Morebattlie manse.	Stewart, a councillor between 1578 and 1582, had presumably obtained this manse in a feu charter at some date. He conveyed part of the manse in August 1586 (Prot. Bk. Glasgow, ix, no.2911).



## NOTES

1. Prot.Bk. Glasgow, viii, pp.vii-viii.
2. For example, ibid., ii, nos.357, 364, 365.
3. For the other 'first generation' alienations of church properties within the burgh, which did not involve burgh politicians see, for the 1550s, Prot. Bk. Glasgow, i, nos.116, 156, 209; ibid., ii, nos.314, 412, 477, 505; Glas. Chrs., ii, p.517; RMS, iv, nos.2496, 2497. Likewise for the 1560 to 1585 period see Prot. Bk. Glasgow, iii, nos.784, 857, 962; ibid., v, nos.1368, 1369, 1375, 1380, 1467, 1477, 1510; ibid., vi, nos.1649 and 1734; ibid. vii nos.1981 and 2245; ibid., viii, nos.2324, 2390; RMS, iv, nos.2035, 2664, 2954, 2957; ibid., v, no.545; RSS, vi, nos.868, 1662; ibid., viii, nos.1565, 1849, 2616.
4. Prot. Bk. Glasgow, v, no.1490.
5. Ibid., v, no.1513. Minto reconveyed part of this to William Hegate, then town clerk, in March 1567 : ibid., no.1548.
6. Ibid., no.1504.
7. Ibid., vi, no.1688 and RMS, v, no.599.
8. RMS, iv, no.1785.
9. For example, the conveyance to Robert Lindsay in October 1573 in the second table. For a list of other examples see n.137 to Chapter I at P43 of Vol.I.
10. Prot. Bk. Glasgow, vols.iii-viii, nos.876-79, 882, 892, 894, 895, 899-901, 909, 910, 923, 1534, 1536, 1602, 1646, 1670, 1671, 1703, 1714, 1717, 1727, 1750, 1908, 1939, 2017, 2273. Among the beneficiaries in these transactions were Mr. Adam Wallace (no.882; on his political career see n.123 to Chapter I at P41 of Vol.I.), Robert Muir (no.894; prominent councillor, 1574-86 passim), David Lyon (nos.899, 900, 1646, 1727; ex-bailie 1560/1), Mr Henry Gibson (no.923; common clerk c.1568-81 and subsequently a councillor), James Anderson (no.1536; farmer of mill in the 1570s), Michael Baird (no.1714; common procurator 1573-74 and leet for clerkship, 1574-76) and Colin Campbell (no.1717; bailie 1581/82 and councillor).
11. In October 1582 Fleming reconveyed the new kirk property plus another old church, St. Tenew's kirk on south side of St. Tenew's Gate, to his daughter and son-in-law (Prot. Bk. Glasgow, viii, no.2462). Presumably he had obtained St. Tenew's kirk from the magistrates and council about the time of the deed under discussion. About 1592 the ground on which the new kirk stood was reacquired by the burgh and became the site of the Tron church (Glas. Chrs., i, pt.i, p.1x n).

#### APPENDIX 1.4

#### THE ALIENATION OF BURGH COMMON LAND, 1569-76

During 1568-1569 Sir John Stewart of Minto (the provost) and the bailies, council and community of Glasgow began to alienate into private hands parts of the burgh's common lands. There were precedents for this activity : the town clerk's protocol books record earlier alienations in the 1550's<sup>1</sup> and many transactions in the post-Reformation period refer to other portions of the terra campestris (arable) and the terra communis (waste and pastoral) which had been lost to the common good of the burgh at some earlier date.<sup>2</sup> However the transactions of the late 1560s and early 1570s were indicative of the process whereby Minto and his associates took advantage of the absence of the archbishop and the troubled nature of the times to further their own private ends.<sup>3</sup> A few of these transfers are recorded in the protocol books of the town clerks and demonstrate this phenomenon.

In May 1574 William Maxwell, on behalf of the merchants, and six unnamed deacons, on behalf of the craftsmen, protested that no part of the common muirs should be given to James Boyd 'or to ony wtheris mair nor is ellis delt' and that alienations authorised without their consent should be recalled.<sup>4</sup> This apparently had little if any effect, but two years later, in June 1576, the community complained that the then provost, Robert Lord Boyd, the bailies and certain of the council had been over-zealous in rewarding their 'particularis' with parts of the commons to the extent that the burgesses would 'want the pasturing of guddis for the sustening of our babies'.<sup>5</sup> Clearly Boyd had followed the example of his predecessor, Stewart of Minto, and, as a result of this second complaint, a moratorium was placed on further alienations. How stringently this was enforced is difficult to judge because Henry Gibson's protocols after August 1576 are missing and information does not become available until the commencement of Archibald Hegate's period as town clerk in 1581.<sup>6</sup> One alienation was recorded by Hegate in the early 1580s.<sup>7</sup> However the next major set of alienations did not occur until 1588-1589.<sup>8</sup>

In the table which follows the names of burgh politicians have been rendered in upper case. All references are to Prot. Bk. Glasgow.

Alienations of burgh common lands by the provost, bailies, council and community, 1569-76

Date	Disponee	Lands	Remarks
29/1/69 (vi, no.1606)	SIR JOHN STEWART OF MINTO	Land near Balgray.	Minto was then provost and reconveyed these lands to JAMES FLEMING, bailie etc in the 1570s and 1580s, on 11/2/69 (vi, no.1614).
30/4/69 (vi, no.1636)	Archibald Hommill	Land near South Port.	
2/5/69 (vi, no.1637)	James Anderson	Land near South Port.	Possibly the same JAMES ANDERSON who farmed the town mill in the 1570s.
9/4/71 (vi, no.1740)	SIR JOHN STEWART OF MINTO	4 acres adjacent to Garngadhill called Allirbog.	Minto was then provost and reconveyed this land in parcels to MR. JOHN HALL, bailie in 1569-70, and WILLIAM WATT, councillor and master of work, 1574-75, (vi, no.1741) and JOHN FLEMING, merchant, councillor 1574-5 to 1582-3 <u>passim</u> , (vi, no.1748).
25/3/72 (vi, no.1836)	JOHN DALRYMPLE tailor	Land near St. Roche.	Minor office holder 1574-84 <u>passim</u> . He later conveyed this land to <u>QUINTIN KAY</u> , farmer of the ladle in the 1580s (vii, no.1984).
30/7/72 (vi, no.1872)	Archibald Woddrop	Land at Allirbog.	He reconveyed this land to CONVELL STRUTHERS, treasurer and councillor 1579-81 (vi, no.1875).

Date	Disponee	Lands	Remarks
13/6/73 (vii, no.1957)	James Rankine	Common vennel near Rottenrow	
4/5/74 (vii, no.2047)	GEORGE ELPHINSTONE OF BLYTHSWOOD	3 acres north of Garngadhill.	Already in his second term of office as bailie Elphinstone was a major figure in burgh politics until his death in April 1585.
26/1/76 (vii, no.2248)	WALTER GRAY notary	Land north of Summerhill.	Gray was unsuccessfully leeted for the common clerkship in 1577, 1583, 1584. He stood surety for the farmer of the town mills in 1577-79.
14/3/76 (vii, no.2264)	MICHAEL LITTLEJOHN	3 acres near Freir Meadow and Brumehill.	Subsequently identified as a servant of Robert Lord Boyd (viii, nos. 2385-86) and possibly the action which specifically provoked the protest of June 1576.

## NOTES

1. See Prot. Bk. Glasgow, i, nos.151A, 152, 193, 194, 213-215; ibid., ii, no.264. See also Vol.I P13 for five alienations in 1503 and ibid., P37 n.68 for the grants of common lands made to the prebendaries of the collegiate church in 1529.
2. See for example Prot. Bk. Glasgow, viii, nos.2286, 88, 91, 97, 99, 2302, 3, 42, 43, 52, 79, 87-89, 92, 2414-17, 30, 48, 49, 60, 71, 85, 2523-26, 29, 63, 64, 78, 81-83, 86 (1576-1584) which appear to fall into this category.
3. See Vol.I P29-30.
4. Glas. Recs., i, 9-10.
5. Ibid., 51.
6. Prot. Bk. Glasgow, viii, pp. vii-viii.
7. Ibid., ix, no.2647 (in 1584).
8. Ibid., x, nos.3252-54; Glas. Recs., i, 120-133 passim; see also Vol.I P86, 355

APPENDIX 2.1  
THE POINDERS, 1574-86

The poinder was appointed before Easter, at the same time as the herdsmen.<sup>1</sup> However the minutes do not record appointments every year. Of the two incumbents, James Speir [flesher] was also court dempster during 1574-76.<sup>2</sup>

In common with several other minor posts, cautioners were appointed to ensure the good behaviour of the appointee. Most of these cautioners were either already holders of prominent positions in the administration, by virtue of the preceding Michaelmas elections, or would become senior officials or councillors at the following Michaelmas (i.e. still within the poinder's term of office). The positions held by these men while acting as cautioners for the poinders are shown in the table, using the following codes.

C : Councillor

L : Liner

In addition [D] indicates that the individual is known to have been a craft deacon sometime between 1574 and 1586.<sup>3</sup>

Date	Appointees	Cautions	Date of appointment
1574-75	James Speir [flesher]	[Not stated] *	26 March (Easter 11 April).
1575-76			No appointment recorded.
1576-77	James Speir [flesher]	David Lindsay, (elder) C	13 April (Easter 22 April).
1577-78	James Speir [flesher]	James Ritchie cooper L, [D]	29 March (Easter 7 April).
1578-79			No appointment recorded.
1579-80	James Speir [flesher]	John Wise [skinner] C, [D]	3 April (Easter 19 April).
1580-81	James Speir [flesher]	John Fleming (merchant) C	30 March (Easter 3 April).
1581-82	Patrick Mackilwayne	David Anderson	21 March (Easter 26 March).
1582-83	Patrick Makilwayne		No appointment recorded; however referred to in the accounts. <sup>4</sup>
1583-84			No appointment recorded.
1584-85	Patrick Makilwayne		No appointment recorded; however referred to in the accounts. <sup>5</sup>
1585-86			No appointment recorded.

## NOTES

1. Sources for the appointments are as follows : SRA MS C1/1/1 ff9r (1574), 97v (1576), 132v (1577), 231r (1579), 253r (1580), 277r (1581).
2. See Appendix 2.19, pt.i, below, P181.
3. See Appendix 2.25 below, P229-236.
4. SRA MS C1/1/2 f149v.
5. Ibid., f197v.



APPENDIX 2.2  
THE HERDSMEN, 1574-86

The herdsmen were appointed before Easter, at the same time as the poinder.<sup>1</sup> Two were employed each year, one for the 'ovirtoun' and one for the 'nethirtoun', namely the area 'above the croce' and the area 'beneth the croce and the rest of the nether pairtis of the toun' respectively.<sup>2</sup> The herdsmen held no other positions in the burgh administration.

Cautioners were appointed to ensure their good behaviour and many were already officials or councillors by virtue of the preceding Michaelmas elections, or would become such at the following Michaelmas (i.e. still within the term of office of the herdsmen). The positions held by these men while acting as cautioners for the herdsmen are shown in the table using the following codes.

C : Councillor    CP : Common Procurator    L : Liner    O : Officer

Date	Position	Appointees	Cautioners	Remarks
1574-75	Nether Town Over Town	John Wilson Thomas Erskine	John Wilson pewterer C Michael Baird [notary] CP David Lyon C	Appointed 26 March (Easter 11 April). Appointees 'to be equall in proffett'.
1575-76				No appointment recorded.
1576-77	Nether Town Over Town	Thomas Tempilton Peter Aitken	James Fleming [merchant] C George Herbertson C	Appointed 13 April (Easter 22 April).
1577-78	Nether Town Over Town	Thomas Tempilton Peter Aitken	James Fleming [merchant] C John Paton O James Gilhagy	Appointed 29 March (Easter 7 April).
1578-79				No appointment recorded.
1579-80	Nether Town Over Town	Thomas Tempilton Peter Aitken	James Fleming [merchant] L, C John Steyne	Appointed 3 April (Easter 19 April).
1580-81	Nether Town Over Town	Thomas Tempilton Thomas Snype	James Fleming [merchant] C Archibald Lyon [merchant] C	Appointed 30 March (Easter 3 April).
1581-82	Nether Town Over Town	Peter Aitken Thomas Tempilton	} David Anderson and [Not stated]	Appointed [21 March] (Easter 26 March).
1582-83	[Not stated] [Not stated]	Robert Gray Thomas Tempilton	Archibald Gray, maltman, his brother James Fleming [merchant] C	Appointed 9 March (Easter 15 April). To be 'partneris in hirding of the ky as thay wer the last yeir' and to begin their duties on 2 April.

Date	Position	Appointees	Cautioners	Remarks
1583-84	[Not stated] [Not stated]	Robert Gray Thomas Tempilton	} James Fleming [merchant] C	Appointed 27 March (Easter 31 March).
1584-85	[Not stated] [Not stated]	William Govan Thomas Tempilton	Allan Crawford James Fleming [merchant] C	Appointed 7 April (Easter 11 April). 'To deal the profits equallie'.
1585-86	Nether Town Over Town	Thomas Tempilton James Smith	James Fleming [merchant] C Mr Adam Wallace C	Appointed 23 March (Easter 3 April). Profits to be divided equally 'and to continew quhill all hervist be dole.'

## NOTES

1. Sources for the appointments are as follows : SRA MS C1/1/1 ff9r (1574), 97v (1576), 132v (1577), 231r (1579), 253r (1580), 277r (1581) and C1/1/2 ff33v (1582), 69r (1583), 128v (1584), 180v (1585).
2. Glas. Recs., i, 131 (March 1589).
3. On their fees see Vol.I P280, 384-385.
4. See Vol.I P122n.37.

## APPENDIX 2.3

### THE CALF HERDS, 1574-86

This office was established at the Summerhill meeting of 24 June 1576<sup>1</sup> but the appointments which fell before Whitsun are recorded only in the three year period 1578-81.<sup>2</sup> Possibly the calf herd's duties were thereafter subsumed within the remit of the herdsman for a statute of 1600 authorised the herdsman to exact fees including inter alia 'ilk tua year auld quoy to paye as meikill as the kow.'<sup>3</sup>

Cautioners were appointed to ensure the good behaviour of the calf herd. Two (Fleming and Ritchie) were already officials or councillors by virtue of the preceding Michaelmas elections, or would become such at the following Michaelmas (i.e. still within the calf herd's term of office). The positions held by these men while acting as cautioners for the calf herds are shown in the table using the following codes.

C : Councillor

L : Liner

In addition [D] indicates that the individual is known to have been a craft deacon sometime between 1574 and 1586.<sup>4</sup> It is also significant that one of the calf herds, Matthew Wilson, was possibly also a councillor while acting in this capacity.

Date	Appointees	Cautioners	Remarks
1578-79	Archibald Johnston	James Ritchie cooper L, C, [D]	Appointed 9 May (Whitsun, 18 May).
1579-80	Matthew Wilson [merchant]	Patrick Bell [merchant]	Appointed 26 May (Whitsun 7 June).
1580-81	William Watt	James Fleming [merchant] C	Appointed 12 May (Whitsun, 22 May). The William Watt who was a councillor in 1574-75 had died by May 1575. <sup>5</sup>

## NOTES

1. Glas. Recs., i, 52.
2. Sources for the appointments are SRA MS C1/1/1 ff188v (1578), 233r (1579), 256v (1580).
3. Glas. Recs., i, 204.
4. See Appendix 2.25 below, P229-236.
5. SRO MS CC8/8/3 f340r.

## APPENDIX 2.4

### THE OUTLANDMEN, 1574-86

The outlandmen were appointed at the court of the perambulation of the marches held at the Milndam on the Tuesday following Whit Sunday.<sup>1</sup> They accompanied the magistrates on their perambulations of the boundaries and common lands of the burgh and reported any damage to the commons. Although their duties related chiefly to this function there is evidence in the 1580s that they could be called upon at other times of the year, and on one occasion they specifically inspected the mill.<sup>2</sup> The accounts record that every year they received a dinner paid out of the common good. Throughout the 1570s and once in the 1580s these payments were dated shortly after Whitsun, but in 1581, 1582 and 1585 payments were authorised during the winter which would imply that they remained in office throughout the year.<sup>3</sup>

The number appointed annually varied from eight to fourteen and their membership showed a very low degree of continuity, reflecting their nature as a type of inquest chosen probably from those burgesses present at the Whitsun court. A total of fifty-three names appear over the seven recorded sets of appointments (no appointments being recorded in 1579, 1581, 1582, 1584 or 1585).<sup>4</sup> Of these fifty-three men Matthew Wilson served five times; John Sellar and John Watson, younger, three times; John Clerk, John Gray, David Hall, John Lindsay, Thomas Pettigrew, Robert Rowat and John Steyne twice; and the remaining forty-three men only once.

Most of these appointees held other posts during this period and in the table which follows these are presented in three columns:

- (i) posts previously held;
- (ii) posts then held by virtue of the preceding Michaelmas elections; and
- (iii) posts obtained either at that or subsequent Whitsun elections or at subsequent Michaelmas elections.

The presence of prominent men such as Matthew Wilson, John Lindsay and Robert Rowat shows that the position of outlandman was not

held in low esteem. However the analysis of offices held shows that, apart from the tendency for an officer and one or more councillors to be included among the outlandmen, there was no pattern to the yearly appointments nor any particular route of promotion leading to or from the position of outlandmen.

In the original minutes the names are always presented in two columns. As this may reflect a distinction between 'nether' and 'ovir' town, such as is found with the herdsman, this arrangement has been retained.

In the table the following codes are used to indicate other posts held:

A : Ale taster	Om : Outlandman
B : Bailie	Pl : Plague searcher
C : Councillor	R : Mair of fee <sup>5</sup>
Dp : Dempster	S : Stenter
E : Calf herd	T : Treasurer
H : Collector of burgess heir fines	U : University officer
KKY : Keeper of kirk yards	V : Visitor of markets
L : Liner	W : Water bailie
M : Master of work	X : Keeper of the keys
N : Rent collector, new muir lands	Z : Collector of seal silver
O : Officer	

In addition [D] indicates that the individual is known to have been a deacon at some point between 1574 and 1586.<sup>6</sup>



The Outlandmen			Other positions held		
Date	Number appointed	Appointees	Posts previously held	Posts then held	Posts subsequently held
1574-75	10	<p>Column 1</p> <p>Andrew Baillie [merchant] David Hall [merchant] John Stark John Steyne John Anderson cordiner [D]</p> <p>Column 2</p> <p>Matthew Willson [merchant]  David Coittis John Gray James Gilhagy James Anderson</p>			<p>C, B, X Om, X, L, M, Pl, C</p> <p>Om, N, S C, L, X</p> <p>L, Pl, A, Om, C, H, S, X, Z, E, M R Om O, Pl</p>
1575-76	9	<p>Column 1</p> <p>Matthew Willson [merchant]  John Young merchant George Young baxter [D] William Anderson cooper John Muir flesher</p> <p>Column 2</p> <p>John Steyne John Foulter [merchant] John Spreull John Watson, (younger), officer</p>	Om	<p>L, Pl, A  C, Pl  Pl Pl, V, A O</p>	<p>L, C, H, S, Om, X, Z, E, M  C  C  S U, Pl O, Om</p>

Date	Number appointed	Appointees	Other positions held		
			Posts previously held	Posts then held	Posts subsequently held
1576-77	10	<p>Column 1</p> <p>Cuthbert Herbertson (baxter) James Montgomery [merchant] John Shields skipper Thomas Kirkwood [flesher] Archibald Robeson</p> <p>Column 2</p> <p>John Sellar Robert Rowat [merchant] Mungo Wilson [merchant] John Cochrane [merchant] John Watson, (younger), officer</p>	Pl, A	C	<p>A Pl, C C</p> <p>Om, S T, C, B, X, L, Om Pl, C</p> <p>O, Om</p>
1577-78	9	<p>Column 1</p> <p>Colin Campbell [merchant] Robert Adam (merchant) David Hall [merchant] John Clerk tailor [D] John Watson, (younger), officer</p> <p>Column 2</p> <p>John Hamilton smith Patrick Glen [merchant] John Auldcorne baxter John Gray</p>	<p>Om</p> <p>C</p> <p>O, Om</p> <p>Om</p>	<p>C</p> <p>C</p> <p>O</p>	<p>C, B C, S, T, Pl C, X, L, M, Pl C, S, Om, W</p> <p>S, C T, C</p>

Other positions held					
Date	Number appointed	Appointees	Posts previously held	Posts then held	Posts subsequently held
1578-79	8	<div>Column 1</div> <div>Matthew Wilson [merchant]</div> <div>John Lindsay (merchant)</div> <div>James Wilson (merchant)</div> <div>John Paton, officer</div> <div>Column 2</div> <div>John Sellar</div> <div>Thomas Pettigrew [merchant]</div> <div>Convell Struthers [merchant]</div> <div>John Caldwell, officer (maltman)</div>	<div>Om, L, Pl, A, C</div> <div>S, C, X</div> <div>C</div> <div>Om</div>	<div>H, C, L, S</div> <div>C</div> <div>0 KKY</div> <div>0</div>	<div>C, L, X, Z, E, H, Om, M</div> <div>C, Om, L</div> <div>0</div> <div>Om, S</div> <div>C, Om, X</div> <div>T, C</div> <div>0</div>
1580-81	8	<div>Column 1</div> <div>Matthew Wilson [merchant]</div> <div>John Sellar</div> <div>Robert Fleming [merchant]</div> <div>John Pollok merchant</div> <div>Column 2</div> <div>George Burrell (saddler) [D]</div> <div>John Clerk tailor [D]</div> <div>John Logan</div> <div>Andrew Anderson</div>	<div>Om, L, Pl, A, C, H, S, X, Z</div> <div>Om, S</div> <div>S</div> <div>C</div> <div>C, Om, S</div> <div>0</div>	<div>E, Z, H, C, L, X</div> <div>C</div> <div>C</div> <div>0</div>	<div>C, L, X, M</div> <div>C</div> <div>C, W</div> <div>0</div>

			Other positions held		
Date	Number appointed	Appointees	Posts previously held	Posts then held	Posts subsequently held
1583-84	14	<p>Column 1</p> <p>Robert Rowat [merchant] Matthew Wilson [merchant]</p> <p>Thomas Pettigrew [merchant] John Dalrymple [tailor] Thomas Muir [merchant] James Lyon [merchant] John Robertson [merchant]</p> <p>Column 2</p> <p>John Lindsay (merchant) Alexander Baillie [merchant] Humphrey Cunningham [merchant] Thomas Glen [baxter] William Adam [merchant] George Lyon [merchant] Martin Pettigrew</p>	<p>Om, T, C, B, X Om, L, Pl, A, C, H, S, X, Z, E, M Om, C Pl, A C</p> <p>S, C, X, Om</p> <p>Dp</p>	<p>C, L C, L C C, X C</p> <p>C</p>	<p>C, B M, L, X C, X Pl C, L, Pl C Pl</p> <p>C, L</p>

## NOTES

1. Sources for the appointments are as follows: SRA MS C1/1/1 ff15r (1574), 60v (1575), 103v (1576), 140r (1577), 190v (1578), 257v (1580) and C1/1/2 f76v (1583).
2. SRA MS C1/1/2 f150v (the 1583-84 accounts).
3. SRA MS C1/1/1 ff85r, 87r, 113r, 206r, 210r, 242v and C1/1/2 ff147r, 148v, 149r, 150v, 197r. All the payments for dinners to the outlandmen are dated around Whitsun except for those made on 18 November 1581 and 5 December 1581 (C1/1/2 f147r), 25 November 1582 (ibid., f149r), 21 January 1585 (ibid., f197r) and one undated example in the 1583-84 accounts (ibid., f150v).
4. The accounts prove however that appointments must have been made in 1581, 1582 and 1584 (SRA MS C1/1/2 ff147r; 147v and 149r; 196v).
5. The mair of fee was an official of the regality. It would seem that each year the annual fair was formally proclaimed at the Craigmak court. Usually the minutes of these meetings are very brief but those for 6 July 1581 and 6 July 1583 relate that, while one of the burgh officers proclaimed the fair at the Cross, the mair of fee proclaimed it at the green (SRA MS C1/1/2 ff12v, 89r; the former is transcribed in Glas. Recs., i, 88). The then mair of fee was David Coittis, and he had held the position since at least 1563 (Prot. Bk. Glasgow, iii, no.713). The function of the office appears to have been associated with the execution of summonses, proclamations and the like for the barony and regality of Glasgow (ibid., p.28 n.2). In view of the outlandmen's function of inspecting the marches it is perhaps surprising that Coittis was an outlandman only once, in 1574-75.
6. See Appendix 2.25, below P229-236.

**APPENDIX 2.5**  
**THE MINSTRELS, 1574-86**

The burgh's minstrels were appointed at the Whitsun court except in 1574 and 1575 when their election was deferred to the Summerhill court.<sup>1</sup> These men held no other offices (save Cuthbert who was a plague official in 1584) and if they had other occupations they were not recorded.

Date	Appointees	Remarks
1574-75	Archibald Bordland Robert Duncan	Duncan had been minstrel in 1573-74. <sup>2</sup> Election was deferred from Whitsun court, 1 June, and conducted at Summerhill, 20 June.
1575-76		Election deferred from Whitsun court, 24 May, to Summerhill court but neither the court nor the names of the minstrels were recorded.
1576-77	Archibald Bordland John Cuthbert	
1577-78	Archibald Bordland John Cuthbert	
1578-79	Archibald Bordland John Corbett	
1579-80	Archibald Bordland John Cuthbert	The minstrels were 'continewit'. The appearance of Cuthbert's name proves that he and Corbett were the same person.
1580-81	Archibald Bordland John Cuthbert	The minstrels were 'continewit'.
1581-82	Archibald Bordland John Corbett	The minstrels were 'continewit'. The appearance of Corbett's name proves that he and Cuthbert were the same person.
1582-83	Archibald Bordland John Corbett	The minstrels were 'continewit'.
1583-84		No appointments recorded.
1584-85		No appointments recorded.

Date	Appointees	Remarks
1585-86	[Archibald Bordland] [John Corbett]	The minstrels were 'continewit' but no names were given. It is assumed that Bordland and Corbett/Cuthbert were reappointed here, as they were again in 1589. <sup>3</sup>

## NOTES

1. Sources for the appointments etc are as follows : SRA MS C1/1/1 ff15r and 19r (1574), 61r (1575), 103v (1576), 140r (1577), 191r (1578), 234r (1579), 257v (1580) and C1/1/2 ff3r (1581), 38v (1582), 187r (1585). On the deferral of appointments in 1574 and 1575 to the Summerhill Court see also Glas. Recs., i, 15, 18, 37.
2. Glas. Recs., i, 449 (1573-74 accounts).
3. Ibid., 135.

## APPENDIX 2.6

### THE FARMERS OF THE BURGH'S PETTY CUSTOMS, 1574-86

The farmers of the three petty customs of the bridge toll, ladle toll and the mills were appointed at the Whitsun court, the appointees being the men who had bid the most at the 'roup' to obtain the right to collect the customs for the burgh.

In the following tables the sums of the various farms have been rendered in pounds by using a multiplier of  $\frac{2}{3}$  where necessary. However the financial aspects are dealt with more fully elsewhere.<sup>1</sup>

Cautioners were appointed to ensure that the common good received the monies due from the farmers. Many of these cautioners were already burgh officials or councillors by virtue of the preceding Michaelmas elections or would become such at the following Michaelmas (i.e. still within the terms of office of the farmers). In the tables the positions held by these men while acting as cautioners for the farmers are shown using the following codes:

B.: Bailie    C: Councillor    L : Liner    O : Officer    T : Treasurer

In addition [D] indicates individuals known to have been craft deacons sometime between 1574 and 1586.<sup>2</sup>

These codes are also used to show the other offices held by the farmers themselves during their terms of office. Unlike the cautioners, only a few of the farmers held other posts in the administration, reflecting the nature of these positions which were open not just to established members of the administrative oligarchy but to men outwith that group who were willing to take the necessary financial risk.

#### 1. The Bridge Tolls

The smallest of the three customs was the bridge toll and the farmers were thus probably not particularly wealthy. Snodgrass, Snype, Walker and John Clerk, cordiner, appear solely as farmers of this toll. William Anderson and John Hamilton appear elsewhere as outlandmen and Hamilton also acted as a stenter in 1577. Most notable



among the farmers were two of the burgh's officers, James Anderson and John Stobo. Anderson (who is not to be confused with the pre - 1576 farmer of the mills of the same name)<sup>3</sup> was reasonably wealthy, leaving on his death over £584, although as officer in 1574-75 he had been given alms from the common good for his support.<sup>4</sup> Stobo's circumstances are not known, but during his term as farmer the accounts record that a payment by way of alms was made to him and Peter Lymburner and Gabriel Rankine, his cautioners.<sup>5</sup>

Cautioners were almost always appointed for all the farmers to ensure that the treasurer received the lump sum due to the common good. In this respect they acted in a quasi-official capacity and not surprisingly of the eleven cautioners for the bridge toll recorded between 1574 and 1586, seven held high office at one point or another while Thomas Yule and Quintin Kay proved their financial worth as farmers of the ladle (the most lucrative but hence the most risky of these ventures) in 1581-84. The two remaining men, Neill and Rankine, appear only as cautioners for the bridge. Usually one or two cautioners were appointed but in 1578-79 John Stobo had four sureties, either because of doubts about his solvency, or possibly because the five men had undertaken a partnership. The entry in the accounts referred to above suggests the latter, in which case these men had hoped to combine public duty with private gain. A similar partnership, probably based on kin, may be noted between John Clerk, cordiner-fruitman, and his namesake the tailor, and also (though this time not based on kin) between Clerk and John Hamilton, not only as farmer and cautioner, but as joint farmers in 1584-85.

# Farmers of the Bridge<sup>6</sup>

Date	Farmer(s)	Cautioner(s)	Remarks
1574-75	Nicol Snodgrass		For 80 merks (£53).
1575-76	John Snype [cordiner]		For £40.
1576-77	Patrick Walker [merchant]	James Wilson (merchant) C Convell Struthers [merchant]	For 82 merks (£55). Farmers and sureties same as for ladle.
1577-78	James Anderson, officer 0	John Clerk tailor C, [D]	For 70 merks (£47). Anderson was also farmer of the mills during this period.
1578-79	John Stobo, ex officer	James Ritchie (cooper) L, C, [D] Peter Lymburner [goldsmith] John Hamilton smith Gabriel Rankine [skinner]	For 70 merks (£47).
1579-80	John Clerk cordiner	John Clerk tailor C, [D] John Hamilton smith	For 50 merks (£33).
1580-81	John Clerk cordiner	John Clerk tailor C, [D]	For £44.
1581-82	William Anderson (cooper)	Colin Campbell [merchant] C, B	For £47.
1582-83	John Clerk fruitman	Thomas Yule John Hamilton (smith)	For 80 merks (£53). J. C. 'fruitman' and J. C. 'cordiner' were the same man.

Date	Farmer(s)	Cautioner(s)	Remarks
1583-84	John Clerk (cordiner)	John Clerk tailor C, [D]	For 80 merks (£53).
1584-85	John Clerk (cordiner) John Hamilton steelbonnet maker, i.e. smith	Quintin Kay William Neill litster	For 80 merks (£53). Kay was surety for Clerk and Neill for Hamilton.
1585-86	John Clerk (cordiner)		For £50.

## 2. The Ladle Tolls

The ladle toll provided the greatest income of the three petty customs. Whereas the bridge toll produced between £33 and £55 and the mills between £107 and £133, the ladle ranged from between £113 and £257 during this period. As the down payment to the common good (and the subsequent risk) was greater, the farmers were probably quite wealthy burgesses. Notable among the farmers were Thomas Mylne, surgeon, (whose worth may be measured from the fact that he obtained a fee from the common good for his services which was commensurate with that of the provost and twice as much as that allotted to the bailies)<sup>8</sup> and three major office holders whose periods as farmers coincided with them holding high office: namely, David Donald (as treasurer and councillor), George Elphinstone (as bailie and councillor) and John Wilson, pewterer (as councillor; he became a bailie later). The only available testamentary evidence relating to the farmers consists of the wills of Donald, Elphinstone and John Young who each left large legacies (£959, £3,426 and £1,528 respectively)<sup>9</sup> and John Naismith and William Stevenson who both left small legacies (£69 and £53 respectively).<sup>10</sup>

Turning to the cautioners a total of eleven appear of whom seven were at some point prominent office holders, including two bailies (Elphinstone and Lyon), a common procurator (Baird) and a treasurer (Struthers). One of these seven (Wise) was a councillor who was leeted for a bailieship. An eighth man (Fleming), although not an office holder, was leeted for the post of treasurer. Only three men (Lindsay, John Wilson, merchant, and Walter Young) never held office in this period. All this reflects the role of these men as quasi-officials, guardians of the burgh's welfare. Possible examples of partnerships for private gain between farmers and their cautioners may be found in 1582-84 when Elphinstone (a previous farmer) acted as surety for Kay twice, and earlier in 1576-77 when the farmer and his sureties acted in the same capacity for the bridge toll.

However another phenomenon appears both with the ladle and mill farms. In both cases the following formula is occasionally found : the custom was farmed to A with B and C as cautioners and A plus D and E (or D and E alone) acted for 'their relief', i.e. the relief of

the cautioners. D and E, especially since the farmer was sometimes associated with them,<sup>11</sup> must have been partners of the farmer, and were not acting, as B and C primarily were, on behalf of the burgh. Thus if A (the farmer) defaulted on his payment to the common good, B and C (the cautioners) would ensure that the treasurer received the money owed while D and E (the partners) would recoup B and C for their outlay. This interpretation is confirmed by the accounts in the case of the mill and presumably holds true also for the ladle. Of the three examples one will suffice. In 1581 the mill was set to John Gordon; Robert Adam, James Ritchie and John Gilmour were his cautioners; and John Stevin and Martin Blackwood were minuted as being 'to relieif thame'. In the accounts of the same year George Robeson (not even mentioned in the minute of appointment) John Gordon (the farmer), Martin Blackwood and John Stevin, all described as 'fermoreris of the toune mylne' were paid for replacing a runner stone.<sup>12</sup> Clearly the men appointed for the relief of the cautioners were partners of the farmer.

In the case of the ladle, appointments of this type occurred in 1576 and 1580. A variation is found in 1577 when the ladle farm was set to George Elphinstone with Archibald Lyon as his cautioner. Elphinstone immediately reset the farm to Thomas Gilchriston whose cautioner was Michael Mouse. Gilchriston and Mouse were probably Elphinstone's partners, the burgh's interests still being safeguarded by Lyon, (a very prominent office holder in this period who died in 1587 leaving a legacy of £1,101).<sup>13</sup> Incidentally, no sum of money was mentioned in this transaction but Gilchriston, as what might be termed the sub-farmer, presumably paid Elphinstone more than the 180 merks paid for the farm by Elphinstone.

Farmers of the Ladle <sup>14</sup>

Date	Farmer(s)	Partner(s)	Cautioner(s)	Remarks
1574-75	Robert Miller mealman		John Wilson merchant	For 180 merks (£120).
1575-76	John Wilson pewterer C		Michael Baird [notary]	For 170 merks (£113).
1576-77	Patrick Walker [merchant]	Thomas Gilchriston (maltman)	James Wilson merchant C Convell Struthers [merchant]	For 280 merks (£187). Farmers and sureties same for bridge toll.
1577-78	George Elphinstone, bailie, [merchant] B, C Re-set by him to <u>Thomas Gilchriston</u> (maltman) <sup>15</sup>	..? Thomas Gilchriston plus Michael Mouse [merchant], Gilchriston's cautioner	Archibald Lyon [merchant] C	For 180 merks (£120).
1578-79	William Stevenson John Young webster		David Lindsay, younger Walter Young baxter	For 185 merks (£123).
1579-80	Thomas Gilchriston maltman John Caldwell maltman		John Wise [skinner] C, [D]	For 240 merks (£160). Caldwell may be the former burgh officer of the same name.

Date	Farmer(s)	Partner(s)	Cautioner(s)	Remarks
1580-81	Thomas Mylne, surgeon	Thomas Yule William Craig [tailor] John Naismith [bonnetmaker]	Gavin Graham C Archibald Fleming [merchant]	For 290 merks (£193)
1581-82	Thomas Yule			For 385 merks (£257)
1582-83	Quintin Kay		George Elphinstone [merchant]	For 360 merks (£240)
1583-84	Quintin Kay		George Elphinstone of Blythwood [merchant] C	For 370 merks (£247)
1584-85	David Donald, treasurer (merchant) T, C			Also farmer of the old mill. For [cf200]. <sup>16</sup>
1585-86	David Donald (merchant) C Quintin Kay			For £206 13s 4d Donald also farmed the old mill.

### 3. The Town Mills

Prior to 1577 the farm of the town mill on the Molendinar was not roused annually. At Whitsun 1569 the farm had been set to James Anderson and David Bog for the space of nine years<sup>17</sup> but the surviving minutes record that from 1574 (at least) Anderson and Bog were in conflict as to their respective rights, a dispute which at one point brought Anderson to the brink of banishment for slandering the magistrates and officers of the burgh.<sup>18</sup> Although Anderson bought out Bog in January 1576<sup>19</sup> he thereafter became involved in an equally acrimonious dispute with Cuthbert Blackwood who appears to have had an interest in the mill through Bog. In March 1576 Anderson was accused of 'the allegit mutilatioun' of Blackwood<sup>20</sup> and the affair dragged on until 28 November when Anderson, who was clearly a liability, was effectively bought out by the magistrates and council, and was replaced by Patrick Gray on 1 December.<sup>21</sup> However Anderson's removal from office was only one aspect in a wider plan which had been adopted by the magistrates and council. The same day which saw Anderson's dismissal also witnessed the passage of three statutes one of which bound the magistrates and council and their successors to rouse the farm of the mills annually at Whitsun and forbade the setting in tack of the farm for longer than one year at a time, and the other two of which, for the 'augmentatioun of the commowne guddis', astricted the burgesses to the town mill.<sup>22</sup>

Up until this point the burgh had one mill, the old mill on the Molendinar (which can be traced back to the mid-fifteenth century).<sup>23</sup> Concern as to the condition of its fabric and its inability to cope with the increased business arising from the act of astriction led the burgh to 'blok' with Archibald Lyon for his mill situated on the Kelvin in which he was rentalled of the archbishop. The result was a contract dated 14 May 1577 whereby the burgh purchased from Lyon the rental right of the Kelvin (or 'new') mill. In exchange Lyon was infeft by the magistrates and council in the old mill (or 'common town' mill) and its multures which he then leased back to the burgh in return for an annual payment of 50 bolls of victual during his life. After his death 100 merks per annum was to be paid to his heirs and assignees until the mill should be redeemed by a payment of 1000 merks.<sup>24</sup> The effect of this complex transaction was that it allowed the burgh to



use two mills. In the sets of the farms of the town mills which followed, the farmer or farmers were to pay a lump sum against the old mill (presumably as before) and the 50 bolls of victual due to Lyon were charged against the farm of the new mill.<sup>25</sup>

Obviously the farm of the mills was an onerous proposition, especially after 1577, since, over and above the money farm which ranged from £107 to £133 during this period, Lyon was due 50 bolls of victual. Yet little is known about the farmers. Neither James Anderson (the farmer until November 1576) nor John Nicoll (who was very prominent in this position) nor George Robeson nor John Gordon nor John Munke served in an official capacity. Patrick Gray later became a councillor; James Anderson, the farmer in 1577-78, was officer at the same time (and also farmed the bridge toll during that year); and David Donald was treasurer and later a councillor during the first year of his farm, 1584-85 (and also farmed the ladle during both years of his farm of the old mill). James Anderson, the pre-November 1576 farmer, may be the same Anderson who died in August 1593 leaving £132;<sup>26</sup> James Anderson, officer, died in August 1597 and left £584;<sup>27</sup> David Donald died in April 1594 and left £959;<sup>28</sup> Patrick Gray died in April 1598 leaving £333.<sup>29</sup> These were not exceptionally wealthy men, although they certainly were not poor. Nicoll may have experienced some difficulties in 1582-83 when he fell into arrears with the victual repayments, but this episode did not prevent him returning as farmer in subsequent years.<sup>30</sup>

As before the cautioners who appear included several office holders : Robert Adam, George Elphinstone, James Fleming, John Gilmour, Gilbert Hall, George Herbertson and Mungo Wilson. To these might be added Walter Gray who was leeted for the common clerkship on three occasions. Only Colin Campbell, baxter, and James Scott, baxter, held no office during these years. As to possible partnerships between farmers and their cautioners there may have been some business link between Nicoll, Gray and Hall : if so, it is notable that Nicoll and Gray were probably both notaries and their appearance together might be taken as an indication of diversification in their business interests.

The actual partnerships which can be identified have already been discussed in detail,<sup>31</sup> although attention may be drawn to the fact that the only year sub-farming of the mill occurred was also the only year this happened with the ladle, 1577-78. The practice may have been thereafter prohibited.

Farmers of the Mills<sup>32</sup>

Date	Mills	Farm Amount	Farmer(s)	Partner(s)	Cautioner(s)	Remarks
1569-28/11/1576	Old	[£109 per annum] <sup>33</sup>	James Anderson miller	David Bog Cuthbert Blackwood		
1/12/1576-28/5/1577	Old	115 merks (£77)	Patrick Gray tailor	Archibald Gray (maltman) Martin Blackwood	George Herbertson C James Fleming [merchant] C	Another partner, Robert Gray, is mentioned in the accounts. <sup>34</sup>
1577-78	Old New	160 merks (£107) 50 bolls victual	James Anderson, officer 0 Re-set by him to John Nicoll [notary]	..? John Nicoll, notary, plus James Neilson, tailor, and Walter Gray, notary, Nicoll's cautioners	George Elphinstone, bailie [merchant] B, C John Gilmour cordiner C	
1578-79	Old New	160 merks (£107) 50 bolls victual	John Nicoll [notary]		Gilbert Hall (maltman)	
1579-80	Old New	160 merks (£107) 50 bolls victual	John Nicoll [notary]		Gilbert Hall maltman	

Date	Mills	Farm Amount	Farmer(s)	Partner(s)	Cautioner(s)	Remarks
1580-81	Old New	£120 50 bolls victual	George Robeson baxter		Colin Campbell baxter James Scott baxter	
1581-82	Old New	£120 50 bolls victual	John Gordon	John Stevin Martin Blackwood	Robert Adam (merchant) C James Ritchie (cooper) C, [D] John Gilmour (cordiner)	Another partner, George Robeson (baxter) is mentioned in the accounts. <sup>35</sup>
1582-83	Old New	£100 50 bolls victual	John Nicoll [notary]		Gilbert Hall (maltman)	
1583-84	Old New	200 merks (£133) 50 bolls victual	John Monke  John Nicoll [notary]	[blank]	George Elphinstone of Blythswood [merchant] C Gilbert Hall (maltman)	Nicoll was appointed for three years, Hall as his surety for 1583- 84 only. There were partners but a blank was left in the minute.

Date	Mills	Farm Amount	Farmer(s)	Partner(s)	Cautioneer(s)	Remarks
1584-85	Old	[c.£100] <sup>36</sup>	David Donald, treasurer (merchant) T, C John Nicoll [notary]			Donald was also farmer of ladle.
	New	50 bolls victual				Nicoll per 1583 minute. His cautioner is not known.
1585-86	Old New	£100 50 bolls victual	David Donald (merchant) C John Nicoll [notary]		Mungo Wilson (merchant) C	Donald also farmer of ladle. Nicoll by virtue of 1583 minute. His cautioner is again unknown.

## NOTES

1. See Vol.I, P369-377, and this volume, P308-312.
2. See Appendix 2.25 below, P229-236.
3. See above Piv.
4. SRO MS CC8/8/31 f273r and SRA MS C1/1/1 f87v.
5. Ibid., f243v.
6. Sources for the appointments of farmers of the bridge are as follows : SRA MS C1/1/1 ff15r (1574), 60v (1575), 103v (1576), 140r (1577), 191r (1578), 234r (1579), 257v (1580) and C1/1/2 ff2v (1581), 38v (1582), 77v (1583), 136v (1584), 186v (1585).
7. SRA MS C1/1/1 f42v.
8. See Vol.I, P385.
9. SRO MS CC8/8/28 f88v, CC8/8/17 f158v and CC8/8/30 f259v respectively.
10. SRO MS CC9/7/3 ff75v, 71r.
11. In the case of the ladle in 1576 : SRA MS C1/1/1 f103v.
12. SRA MS C1/1/2 f147v, from the 1581-82 accounts. The two other examples are to be found in the 1576-77 accounts : SRA MS C1/1/1 ff206v and 207r.
13. SRA MS C1/1/1 f140r and SRO MS CC8/8/18 f133v.
14. Sources for the appointment of farmers of the ladle are the same as for the bridge (n.6 above) save for 1582 (SRA MS C1/1/2 f38r).
15. Discussed P53.
16. See Appendix 5.4 below, P308-312.
17. SRA MS C1/1/1 f23v. See note 33 below.
18. Ibid., ff24v, 25v, 26v and Glas. Recs., i, 20 for the dispute.
19. SRA MS C1/1/1 f89v.
20. Ibid., f95r.
21. Ibid., f121r.
22. Glas. Recs., i, 56.
23. Glas. Chrs., i, pt.ii, 25-27.
24. Ibid., ii, 553-557.
25. This transaction is discussed in Vol. I, P372-373.
26. SRO MS CC8/8/25 f217r.
27. SRO MS CC8/8/31 f273r. This testament specifically identifies the deceased as James Anderson 'officer'.
28. SRO MS CC8/8/28 f88v.
29. SRO MS CC8/8/31 f333v.
30. SRA MS C1/1/2 f58r.

31. See P52-53.
32. The sources are as follows. For the situation prior to November 1576 see SRA MS C1/1/1 f23v. For the transfer from James Anderson to Patrick Gray see ibid., f121r. For all other appointments, 1577 et seqq., the references are the same as for the farmers of the bridge : see n.6 above.
33. Although the sum for which this custom was set in 1569 is not known, it would appear from the amounts credited to the common good accounts between 1573 and 1576 to have been £108.13s.4d per annum : see Appendix 5.4 below, P308-312.
34. SRA MS C1/1/1 f207r.
35. SRA MS C1/1/2 f147v.
36. See Appendix 5.4 below, P308-312.

## APPENDIX 2.7

### THE TREASURERS, 1574-86

As there was some delay between the close of a treasurer's term of office and the auditing of his accounts, the minutes include the accounts of Robert Fleming, [merchant], treasurer in 1573-74. References in other accounts disclose that previous treasurers had included James Braidwood [deacon of cordiners] and William Maxwell but their years of office are not known.<sup>1</sup>

The treasurer was elected at the Whitsun court of the perambulation of the marches and the earliest on record is that of 1574. The treasurer was chosen from a leet of between five and ten names but on what basis these leets were drawn up is unknown. Usually the names appear in two columns and although this may only reflect clerical convenience this arrangement has been retained in the table which follows. With only one exception (William Burns in 1583) the previous treasurer was always leeted. No one held office more than once, though it may be observed that several men were leeted frequently with varying degrees of success : Robert Adam eight times (treasurer 1580-81); Gilbert Craig five times; Patrick Glen five times (treasurer 1577-78); Thomas Miller five times (treasurer 1583-84); William Symmer five times (treasurer 1581-82); and Robert Young five times. In the table the appointee is shown in upper case and underlined.

Normally the treasurer was appointed to the council at the subsequent Michaelmas election but three exceptions were William Burns, Thomas Miller and Robert Boyd. The fact that the treasurer was not a councillor ex officio is confirmed by a statute of October 1627 whereby the magistrates and council, 'haifing consideratioun that the thesaurer ... was onlie ane extraordinier counsell and haid na voitt thairintill, albeit he aucht to be ane speciall ordiner counsell as the vse of vther borrowes is', decreed that the treasurer 'sall be in all tyme cuming ane ordiner counsellour of this burghe and have his voitt in all caussis with the rest as vther ordiner counsellouris in all respectis.'<sup>2</sup>

If the twelve appointees are examined it is found that although two (Adam and Blackburn) already had council experience, for seven of these



men (Boyd, Donald, Glen, Rowat, Struthers, Symmer and Temple) appointment to the treasurership seems to have marked the beginning of their political careers. Ritchie is an exception, as he died shortly after his term of office, in August 1575.<sup>3</sup> Burns and Miller appear only as treasurers. If this analysis is widened to include all the men leeted it is found that about one third (of a total of thirty-eight men) had already held office while the remainder were new men who divide into two equal groups : namely, those who never appear again in any capacity, and those who later became councillors (twelve men, including seven of the successful candidates to the treasurership).

Burgh government was oligarchic but it was also plutocratic and would seek 'new blood' from among the wealthier burgesses. As the office of treasurer carried a potential financial risk,<sup>4</sup> it can be argued that those who were leeted for this post (apart from existing office holders) were men who wished to show that they were willing to take this risk. Even if they were not appointed they might be thus brought to the attention of the ruling oligarchy, and the most striking example of this latter phenomenon was Robert Rowat. Assuming he did not hold an office prior to 1574, he first appeared in the leet for the treasurership in 1575 and although he was not appointed that year he had become treasurer and a councillor by 1576 and a bailie by 1577; he remained as a bailie and leading councillor throughout this period.

Rowat's testament is not extant (unless he can be identified with the Robert Rowat who died in debt in 1625)<sup>5</sup> but indications of the wealth of some of the other men leeted for the treasurership are available. Men who had probably already held high office or were in office at the time of being leeted were Adam, Angus, Baillie, Blackburn, Burrell, Robert Fleming, Graham, Hall, Lindsay, Ritchie, Scott and Archibald Wilson. Adam, Blackburn and Ritchie were appointed treasurers : Adam left £866,<sup>6</sup> the legacy of Blackburn's wife in 1589 was £603<sup>7</sup> and Ritchie left £277.<sup>8</sup> Among those not appointed, Baillie left £2,181,<sup>9</sup> Hall £1,520<sup>10</sup> and Lindsay £2,473.<sup>11</sup> Turning to the 'new blood' these men can be divided into two groups. Firstly there were those who appear in no other official capacity during this period, comprising Anderson, Bowe, Burns, Craig, Archibald Fleming,

Foulis, John Glen, Johnson, Miller, Gavin Muir, Pollok, Simpson, Thomson and Robert Young. Only Burns and Miller were appointed treasurers and their testaments are not extant. However it may be noted that Fleming and Simpson's wives left £557<sup>12</sup> and £1,479<sup>13</sup> respectively. Secondly there were those who went on to become burgh officials later, namely Boyd, Donald, Gilmour, Patrick Glen, Thomas Muir, Rowat, Struthers, Symmer, Temple, James and Mungo Wilson, and George Young. Gilmour, Muir, the Wilsons and Young did not become treasurers. Of the seven who became treasurers, Boyd died leaving £1,294,<sup>14</sup> Donald £959,<sup>15</sup> Glen £2,795<sup>16</sup> and Temple £1,212.<sup>17</sup> The final impression gained from this evidence is that the men leet for the treasurership ranged from the comfortably well-off to the very wealthy and when this is taken in conjunction with the large element of new men it endorses the theory that for many this post was viewed as a starting point for a career in burgh politics.

[D] indicates that these individuals are known to have been craft deacons sometime between 1574 and 1586.<sup>18</sup>

The Treasurers <sup>19</sup>

Date	<u>Leet and APPOINTEE</u>			Remarks
1574-75	Robert Fleming Andrew Baillie James Bowe <u>ANDREW RITCHIE</u> Patrick Glen	[merchant] [merchant] [merchant] merchant [merchant]	Robert Foulis James Anderson David Anderson John Gilmour George Young	[merchant] [merchant] (cordiner) (baxter) [D]
1575-76	Andrew Ritchie Robert Foulis <u>JOHN TEMPLE</u> Andrew Baillie	(merchant) [merchant] merchant [merchant]	Patrick Glen Robert Adam Robert Rowat	[merchant] (merchant) [merchant]
1576-77	John Temple David Anderson <u>ROBERT ROWAT</u>	(merchant) [merchant]	Patrick Glen Robert Adam Gavin Muir	[merchant] (merchant)
1577-78	Robert Rowat <u>PATRICK GLEN</u> Gilbert Craig	[merchant] [merchant]	Robert Adam John Lindsay James Blackburn	(merchant) (merchant) [merchant]
1578-79	Patrick Glen Robert Adam Thomas Miller	[merchant] (merchant)	<u>JAMES BLACKBURN</u> Gilbert Craig William Symmer	[merchant] [merchant]
1579-80	James Blackburn William Symmer Robert Adam	[merchant] [merchant] (merchant)	<u>CONVELL STRUTHERS</u> Robert Johnson James Bowe	[merchant] [merchant] [merchant]
				Accounts not extant. Struthers was appointed to the 1579-80 council.

Date	<u>Leet and APPOINTEE</u>			Remarks
1580-81	Convell Struthers William Symmer Thomas Miller Gilbert Craig	[merchant] [merchant]	ROBERT ADAM John Lindsay Robert Young David Hall	merchant (merchant) cordiner [merchant]
1581-82	Robert Adam WILLIAM SYMMER John Glen, elder Thomas Muir	(merchant) [merchant] [webster] [merchant]	Robert [Thomson] Gilbert Craig Robert Young Mungo Wilson	cordiner [merchant]
1582-83	William Symmer Thomas Miller WILLIAM [BURNS] Robert Young	[merchant]  (cordiner)	Charles Pollok John Lindsay Robert Adam John Graham, elder	[merchant] (merchant) (merchant)
1583-84	THOMAS MILLER Robert Young George Burrell Archibald Wilson Gilbert Craig	(cordiner) (saddler) [D] (merchant)		Miller did not become a counccillor in 1583-84.
1584-85	Thomas Miller DAVID DONALD Archibald Fleming William Simpson	merchant [merchant] [merchant]	Robert Boyd Robert Young Robert Johnson John Angus	[merchant] (cordiner) [merchant] [merchant]

Accounts not extant.  
Adam was appointed to  
both of the 1580-81  
councils.

Symmer was appointed  
to the 1581-82  
council.

[Burns] did not become  
a counccillor in  
1582-83.

Miller did not become  
a counccillor in  
1583-84.

Donald was also leeted  
for master of work  
(unsuccessfully) and  
was appointed to the  
1584-85 council.

Date	Leet and <u>APPOINTEE</u>	Remarks
1585-86	David Donald John Angus <u>ROBERT BOYD</u> William Simpson Archibald Fleming John Scott	Accounts not extant. Boyd did not become a councillor in 1585-86.

## NOTES

1. SRA MS C1/1/1 ff87v, 113r.
2. Glas. Recs., i, 362.
3. SRO MS CC8/8/3 f380r.
4. See Vol.I, P123n.61.
5. SRO MS CC9/7/22, not foliated.
6. SRO MS CC9/7/18, not foliated.
7. SRO MS CC8/8/20 f142v.
8. SRO MS CC8/8/3 f380r.
9. SRO MS CC9/7/9 f145v.
10. Ibid., f196r.
11. SRO MS CC8/8/20 f91r.
12. Ibid., f198r.
13. SRO MS CC8/8/24 f188r.
14. SRO MS CC8/8/25 f241v.
15. SRO MS CC8/8/28 f88v.
16. SRO MS CC8/8/25 f231r.
17. SRO MS CC8/8/35, not foliated.
18. See Appendix 2.25 below, P229-236.
19. Sources for the appointments are as follows : SRA MS C1/1/1 ff15r (1574), 60v (1575), 103v (1576), 140r (1577), 191r (1578), 234r (1579), 257v (1580) and C1/1/2 ff2v (1581), 38v (1582), 78r (1583), 136v (1584), 186v (1585). See also Appendix 5.1 below, P289-291.

## APPENDIX 2.8

### THE MASTERS OF WORK, 1574-86

The master of work was appointed at Whitsun from a leet of between three and six names. How these leets were compiled is not known but the original arrangement of the names in one or two columns has been retained. The appointees are identified in upper case and are underlined.

There are several similarities between the elections for master of work and the treasurer. The previous master of work almost invariably appeared on the leet, the only real exception being Matthew Wilson in 1584 (Watt, master of work in 1574-75 died in July 1575, ill health no doubt preventing his appearance on the leet of 24 May 1575).<sup>1</sup> Also, as with the treasurer, frequency of leeting did not guarantee appointment : John Fleming, leeted seven times, never became master of work. However, unlike the treasurer, during the twelve years under consideration only five men held the post of master of work, the most notable being Fleming's namesake James Fleming, elected five times.

Like the treasurer, the master of work usually became a councillor at the subsequent Michaelmas elections but again exceptions are found which strongly suggest that this was not an ex officio arrangement (James Fleming in 1578-79, David Hall 1582-83, Matthew Wilson 1583-84 and David Hall 1585-86). In this respect his status was probably similar to that of the treasurer.<sup>2</sup> Two other constitutional points may be noted. In October 1580 Gavin Graham was prevented from being leeted for a bailieship because he was master of work.<sup>3</sup> Yet there was no impediment to prevent David Donald who had been elected treasurer on 10 June 1584 also being then leeted master of work on the same day. Secondly, the office of master of work was closely associated with two other positions. He was always a liner. The only doubtful case arises in 1581 when the appointment of the liners was not recorded, but minute references during 1581-82 refer to the then master of work (Matthew Wilson) acting as a liner.<sup>4</sup> He was also nearly always a keeper of the keys, and in particular of the 'uter duir key' which in 1584 was referred to as the master of work's key.<sup>5</sup> Only in 1574-75,

1578-79 and 1581-82 was the master of work not included among the key keepers.

Examination of the leets shows a striking difference between this post and that of the treasurership. Whereas in the case of the latter many of those leeted were not established office holders, the leets for the master of work consist exclusively of men who can be traced holding office elsewhere. Expertise and experience were of paramount importance and 'new blood' was not recruited through this route.

[D] indicates that these individuals are known to have been craft deacons sometime between 1574 and 1586.<sup>6</sup>



The Masters of Work<sup>7</sup>

Date	Leet and <u>APPOINTEE</u>		Remarks
1574-75	<u>WILLIAM WATT</u> John Fleming David Lyon Walter Johnston	(merchant)  (mason)	Also liner and councillor 1574-75.
1575-76	John Fleming <u>JAMES FLEMING</u> Matthew Wilson Walter Johnston	(merchant) [merchant] [merchant] (mason)	Also liner, keeper of key and councillor 1575-76.
1576-77	<u>JAMES FLEMING</u> John Wilson	[merchant] (pewterer)	Also liner, keeper of key and councillor 1576-77.
1577-78	<u>JAMES FLEMING</u> Matthew Wilson	[merchant] [merchant]	Also liner, keeper of key and councillor 1577-78.
1578-79	<u>JAMES FLEMING</u> James Ritchie	[merchant] (cooper) [D]	Also liner 1578-79.
1579-80	James Fleming <u>GAVIN GRAHAM</u>	[merchant] [merchant]	Also liner, keeper of key and councillor 1579-80.
1580-81	<u>GAVIN GRAHAM</u> Matthew Wilson	[merchant] [merchant]	Also liner, keeper of key and councillor throughout 1580-81.

Date	Leet and <u>APPOINTEE</u>			Remarks
1581-82	Gavin Graham David Hall <u>MATTHEW WILSON</u> <sup>8</sup>	[merchant] [merchant]	John Wilson Robert Muir (pewterer) (merchant)	Also councillor and (probably) liner 1581-82.
1582-83	Matthew Wilson <u>DAVID HALL</u> James Ritchie	[merchant] [merchant] (cooper) [D]	John Wilson John Scott James Braidwood (pewterer) baxter [D] (cordiner) [D]	Also liner and keeper of key 1582-83.
1583-84	John Fleming <u>MATTHEW WILSON</u> David Hall Robert Adam John Wilson	(merchant) [merchant] [merchant] (merchant) (pewterer)		Also liner and keeper of key 1583-84.
1584-85	David Hall <u>JAMES FLEMING</u> Andrew Baillie John Wilson David Donald, treasurer	[merchant] [merchant] [merchant] (pewterer) (sic) (merchant)		Also liner, keeper of key and councillor 1584-85.
1585-86	James Fleming John Scott John Robertson <u>DAVID HALL</u>	[merchant] baxter [D] [merchant] [merchant]		Also liner and keeper of key 1585-86.

## NOTES

1. SRO MS CC8/8/3 f340r.
2. See P64.
3. Glas. Recs., i, 80.
4. SRA MS C1/1/2 ff37r, 40r.
5. Ibid., f158v. See P149.
6. See Appendix 2.25 below, P229-236.
7. Sources for the appointments are the same as those for the treasurer : see above P70 n.19.
8. This election may have had political overtones : see Vol.I, P105-106.

## APPENDIX 2.9

### THE COMMON CLERKS, 1574-86

The common clerk was usually elected at the Whitsun court from a leet of between two and four names. All the men involved were almost certainly notaries although their occupations are not recorded in the minutes. Verification of this fact is found in the act of admission of Mr John Ross as a notary public in July 1588. Ross had recently become common clerk and was admitted as a notary because 'without the quhilk office of notarie the foresaid commoun clerkschip can nocht be servit'.<sup>1</sup> Legal expertise was essential and this explains the low number of nominees between 1574 and 1585 (eight men in all compared with thirty-eight for the post of treasurer and seventeen for the post of master of work) and, to a lesser degree, why only two men held this post during this period. Indeed the leets in 1575 and 1576 were exactly the same as that of 1574, and that of 1584 was exactly the same as the leet of 1583.

Election was the usual practice but at the Whitsun court of 1581, held on 16 May, no election was recorded.<sup>2</sup> One week later, on 23 May, the act book records that Archibald Hegate had been appointed not through an election but on the nomination of the provost Esmé earl of Lennox.<sup>3</sup> The minute recording this extraordinary event was subsequently deleted from the act book in October 1589 as being 'repugnant and maist prejudiciall to the libertie of the toun'.<sup>4</sup>

In addition to this irregular appointment of 1581 the minutes do not record elections to this post in 1582 or 1585 but it can be assumed that Hegate continued as clerk until 1588 when, after being excommunicated for Catholic activities, he was replaced by Mr John Ross.<sup>5</sup> Like the elections of 1586 and 1587, no details survive of the 1588 election (assuming that there was one) because the minutes are missing. The normal practice, election from a leet, had been resumed by 1589.<sup>6</sup>

The Common Clerks<sup>7</sup>

Date	Leet and APPOINTEE	Remarks
1574-75	MR HENRY GIBSON William Hegate Michael Baird George Brownside	[notary] [notary] [notary] [notary]
1575-76	MR HENRY GIBSON William Hegate Michael Baird George Brownside	[notary] [notary] [notary] [notary]
1576-77	MR HENRY GIBSON William Hegate Michael Baird George Brownside	[notary] [notary] [notary] [notary]
1577-78	MR HENRY GIBSON William Hegate George Brownside Walter Gray	[notary] [notary] [notary] [notary]
1578-79	MR HENRY GIBSON William Hegate Robert Blair	[notary] [notary] [notary]
1579-80	MR HENRY GIBSON William Hegate	[notary] [notary]
1580-81	MR HENRY GIBSON Archibald Eglinton	[notary] [notary] William Hegate George Brownside [notary] [notary]

Date	Leet and <u>APPOINTEE</u>	Remarks
1581-82	<u>ARCHIBALD HEGATE</u> [notary]	There was no election. Hegate was nominated by the provost Esmé earl of Lennox on 23 May, one week after the Whitsun court.
1582-83	<u>[ARCHIBALD HEGATE]</u> [notary]	There is no record of an election.
1583-84	<u>ARCHIBALD HEGATE</u> Walter Gray Robert Blair [notary] [notary] [notary]	
1584-85	<u>ARCHIBALD HEGATE</u> Walter Gray Robert Blair [notary] [notary] [notary]	
1585-86	<u>[ARCHIBALD HEGATE]</u> [notary]	There is no record of an election or of Hegate's appointment, but he appears to have retained the clerkship until 1588. <sup>8</sup>

## NOTES

1. Prot. Bk. Glasgow, x, p.x.
2. Glas. Recs., i, 84.
3. Ibid., 84-85.
4. Ibid., 85, 146.
5. Calderwood, History, iv, 663; Prot. Bk. Glasgow, x, p.x.
6. Glas. Recs., i, 136, 152.
7. Sources for the appointments are as follows : SRA MS C1/1/1 ff15r (1574), 61r (1575), 103v (1576), 140r (1577), 191r (1578), 234r (1579), 257v (1580) and C1/1/2 ff3r (1581), 77v (1583), 136v (1584).
8. See P76.

APPENDIX 2.10  
THE PROVOSTS, 1574-86

The provosts were appointed at Michaelmas on the nomination, usually, of the archbishop as superior.<sup>1</sup> The minutes record the details of all the appointments during this period save that of Matthew Stewart of Minto in 1581. He was probably appointed on 3 October 1581 but there is a gap in the record at the relevant point<sup>2</sup> and he is first noticed as provost on 17 November 1581.<sup>3</sup>

The table which follows names the provosts and also gives an indication of each provost's direct involvement with the affairs of the burgh. Three types of meetings can be distinguished in the minutes : curial meetings which always named the presiding magistrates (the provost and/or one or more of the bailies) and which, since they record the presence of the dempster, were clearly sittings of the burgh court; quasi-curial meetings which also dealt with legal business but at which the dempster was not present; and meetings, frequently for conciliar business, where those present were not individually named but described variously as the bailies, the bailies and council or the provost, bailies and council. For the purpose of the analysis only the first type of meeting has been employed since only they are consistent in naming the magistrates present. It should be noted that the figures for 1585-86 are incomplete since the minutes after 27 April 1586 are missing.

It will be observed that Boyd and Crawford played a far more active role in the burgh's affairs than their successors, several of whom were leading nobles involved in state business.



The Provosts <sup>4</sup>		Meetings attended				
Date	Appointee	Total meetings	Quasi-curial and conciliar (total)	Curial (total)	Number of curial attended	As a %
1574-75	Robert Lord Boyd <sup>5</sup>	91	20	71	18	25%
1575-76	Robert Lord Boyd	109	42	67	21	31%
1576-77	Robert Lord Boyd	100	23	77	19	25%
1577-78	Thomas Crawford of Jordanhill	114	39	75	37	49%
1578-79	Robert earl of Lennox	86	17	69	2	3%
1579-80	Robert earl of Lennox	81	17	64	1 <sup>6</sup>	2%
1580-81	Esmé earl of Lennox <sup>7</sup>	82	16	66	0	0%
1581-82	Matthew Stewart of Minto	93	36	57	5	9%
1582-83	Sir Matthew Stewart of Minto <sup>8</sup>	124	48	76	3	4%
1583-84	John earl of Montrose	114	52	62	1	2%
1584-85	Sir William Livingstone of Kilsyth	111	45	66	6	9%
1585-86	Sir William Livingstone of Kilsyth	(77)	(33)	(44)	(1)	(2%)

## NOTES

1. See however Vol.I, P90-119 passim.
2. SRA MS C1/1/2, where a folio appears to be missing between f19 and f20. Also lost are most of the Michaelmas statutes and the names of those appointed as liners and key keepers.
3. SRA MS C1/1/2 f24v.
4. Sources for the appointments are SRA MS C1/1/1 ff28v (1574), 74v (1575), 114v (1576), 156r (1577), 207v (1578), 240v (1579), 265r (1580) and C1/1/2 ff24v (1581 - but see introductory comment), 49r (1582), 102v (1583), 156r (1584), 199v (1585).
5. Boyd was also provost in 1573-74 : see Appendix 1.1, above, P2.
6. This refers to the Whitsun court of 1579. Although the minute does not record his presence, the 1578-79 accounts record a payment of £1 5s 4d to Colin Campbell for supplying wine and bread to 'my Lord Lennox on the greyn on horsbak on Witsontysdaye 1579' : SRA MS C1/1/1 f243v.
7. Esmé, seigneur d'Aubigny, was created earl of Lennox in March 1580 and duke of Lennox in August 1581: Scots Peerage, v, 356.
8. Sir Matthew on the death of his father Sir John Stewart of Minto in February 1583 : Scots Peerage, ii, 80.

## APPENDIX 2.11

### THE BAILIES, 1574-86

The bailies were elected each Michaelmas, the appointees (either two or three men) being chosen by the archbishop from a leet (of between six and eleven names, but usually comprising eight) which was drawn up by the new provost, the old bailies and the old council.<sup>1</sup>

Exactly how the leets were compiled during this period can not be ascertained. By the early eighteenth century a complicated procedure was in use which involved the compilation of four leets for the merchant councillors and three leets for the craftsmen councillors, designed to produce after voting two merchant bailies and one craftsman bailie.<sup>2</sup> Whether or not such a system was employed in the late sixteenth century it is clear that, although merchants dominated this office, there was a craft involvement in the leets.<sup>3</sup> Candidates who were craftsmen can be identified each year except in 1581. However there is only one definite instance of a craftsman bailie being appointed during this period, namely John Wilson, pewterer, who was bailie in 1576-77 and had earlier served in this capacity in 1561-63 and 1571-72.<sup>4</sup>

All the men who were candidates for the bailiesships had already served their political apprenticeship on the council and in some instances had also previously held other posts : for example Robert Adam, leeted in 1585, was a former councillor and treasurer while Mr Henry Gibson, also leeted in 1585, had been common clerk throughout the 1570s. However while previous council membership seems to have been essential and experience of other posts desirable it is evident that a candidate could not simultaneously hold another major office. Thus in October 1580 Gavin Graham 'wes repellit fra lyting becaus he wes maister of work and of the office onlie.'<sup>5</sup>

As advancement in burgh government depended to a large extent on wealth it comes as no surprise to find among those who became bailies several substantial men : Archibald Lyon left £1,101,<sup>6</sup> Colin Campbell £1,313;<sup>7</sup> William Cunninghame left £2,083,<sup>8</sup> Andrew Baillie £2,181<sup>9</sup> and Hector Stewart £2,753;<sup>10</sup> while George Elphinstone left £3,426.<sup>11</sup> These men were the financial elite of burghal society, but some of the men

who failed to be appointed were equally wealthy, (namely David Hall, £1,520;<sup>12</sup> George Herbertson, £2,065;<sup>13</sup> and John Lindsay, £2,473<sup>14</sup>). Likewise, at least one of the bailies, Robert Stewart, was considerably less wealthy, at least on his death, leaving only £276.<sup>15</sup> Testamentary evidence is of course only an indication of a man's wealth at his death but, even allowing for this important caveat, this evidence shows that wealth was only one of several factors which determined who should and who should not become a bailie. Political suitability or even administrative flair might be equally important.

Twenty-eight men were leeted to the bailieships between 1574 and 1586 but only twelve of these men attained office. When these twelve men are studied in terms of how often they were leeted successfully a close-knit group is disclosed. On the periphery were men like Baillie, leeted twice, appointed once; Campbell leeted once, appointed once; David Lindsay leeted four times, appointed once; Lyon leeted six times, appointed once; Hector Stewart, leeted four times, appointed once; John Wilson leeted six times, appointed once. Closer to the centre were John Graham younger (leeted successfully three times), Robert Rowat (leeted seven times, appointed four times) and Mr Adam Wallace (leeted ten times, appointed four times). At the centre of this group, practically monopolising the office, were William Cunninghame (leeted nine times and successful on seven of these occasions), George Elphinstone (leeted seven times, appointed six times) and Robert Stewart (leeted six times and appointed on five occasions).<sup>16</sup>

Of the men who tried unsuccessfully to become bailies most were leeted only once or twice. The exceptions were James Fleming, six times, and George Herbertson, three times. Why Fleming, a prominent councillor, key keeper, liner, master of work and common procurator should fail to be appointed is something of a mystery. He had been a bailie in the early 1570s and was finally reappointed to the post in 1588.<sup>17</sup> Why he was unpopular with the superior is unclear. George Herbertson on the other hand may have had a reputation as a troublesome and ill-tempered man who could not be relied upon. He was on almost every council during this period (the exceptions were those of 1579-80 and 1582-83) but the only 'special' offices he held were

key keeper and (once) liner. In January 1580 he was found guilty of slandering bailie Elphinstone and subsequently breaking ward, and in the following month lost his burgess freedom as a result. His freedom was restored on 8 October 1580 during the elections of that year. However in June 1581 his freedom was again 'cried down', this time for an attack on Robert Stewart, bailie. On this occasion his previous behaviour was noted and he was prohibited from ever holding office again. The minutes do not record any revocation of this decision but it must have been overturned because he was leeted for the bailiership in October 1581 and thereafter served regularly on the council.<sup>18</sup>

Two tables follow. The first shows the leets (presented in one or two columns as in the original) and the appointees. Also recorded are the bailies' attendance at curial meetings, in an attempt to show how they spread the workload between them.<sup>19</sup> The long absences of Andrew Baillie (in 1575-76), Robert Stewart (in 1580-81, 1581-82 and 1582-83) and Colin Campbell (in 1581-82) may have been caused by ill health or business abroad; Elphinstone's in 1584-85 was clearly caused by the former as he died in April 1585.<sup>20</sup> In this connection it is notable that during Andrew Baillie's absence in 1575-6, when all the work fell to Cunninghame, two quasi-curial meetings were presided over by Adam Wallace (17/11/75) and George Elphinstone (4/2/76): Wallace was described as 'auld baillie in absens of the baillies now furt of the toune' while Elphinstone was described as 'ane of the commissioners in absens of the baillies'.<sup>21</sup> Except for these examples the bailies appear to have spread the workload between them fairly equitably.

The second table is designed to show the pattern of leeting already described in this introduction and such testamentary evidence as is available for these men. It should be noted that in this table the tenure of office by Elphinstone, Cunninghame and Rowat from 4 October to 19 October 1580 has been included (being indicated by brackets) but not the tenure of office of John Graham elder, Mr Adam Wallace and Hector Stewart during 2 October and 3 October 1582.

The complex question of continuity and change among the bailies, being closely allied to the turnover in council membership, is dealt with in Appendix 2.12 tables 1-12 and 17. The notes to table 12 of that appendix also deal with the bailies in the period 1586-90.<sup>22</sup>

In both tables [D] indicates that these individuals are known to have been craft deacons at some point between 1574 and 1586.<sup>23</sup>

The Bailies : Table 1<sup>24</sup>

Date	Leet	Appointees	Meetings attended		Remarks
			No of curial attended	As % of total curial	
1574-75	George Elphinstone, old bailie Archibald Lyon, old bailie James Fleming, old bailie Mr Adam Wallace William Cunningham John Fleming John Wilson James Braidwood	[merchant] [merchant] [merchant]  merchant pewterer cordiner [D]	60 57 68	85% 80% 96%	Elphinstone had been bailie in 1572-74; Lyon in 1561-63, 1572-74; Wallace in 1558-60, 1563-64, 1565-66, 1567-73. 25 There were 71 curial meetings in 1574-75.
1575-76	George Elphinstone, old bailie Mr Adam Wallace, old bailie Archibald Lyon, old bailie James Fleming William Cunningham Andrew Baillie John Wilson James Braidwood	[merchant] [merchant] [merchant] [merchant] pewterer cordiner [D]	65 27	97% 40%	Neither man had served as bailies before. Andrew Baillie did not take his oath of office until 20/4/1576 and sat at his first court on 8 May 1576. 26 There were 67 curial meetings in 1575-76.

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1576-77	George Elphinstone David Lindsay, elder Archibald Lyon James Fleming John Wilson John Clerk	[merchant] [merchant] [merchant] pewterer tailor [D]	George Elphinstone John Wilson 68 73	88% 95%	After a dispute with the archbishop the election was effected by the provost, Andrew Baillie (old bailie) and twelve named 'councillors'. Wilson had been a bailie in 1561-63 and 1571-72. 27 There were 77 curial meetings in 1576-77.
1577-78	John Wilson David Lindsay, elder Archibald Lyon James Fleming Mr Adam Wallace Robert Rowat	(pewterer) [merchant] [merchant]	Mr Adam Wallace Robert Rowat 66 58	88% 77%	Rowat was new to this post. There were 75 curial meetings in 1577-78.



Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1578-79	Column 1 Mr Adam Wallace George Elphinstone David Lindsay, elder William Cunningham	[merchant]	64	93%	On 14 October 1578 at a court sitting, Lindsay was referred to as 'of Kittochside'. He was probably therefore the same man who had been bailie in 1564-65, and possible also in 1552-53. <sup>28</sup> Elphinstone was described as 'of Blythswood' at a court sitting in May 1579. <sup>29</sup> There were 69 curial meetings in 1578-79.
	Column 2 George Herbertson James Fleming Robert Rowat John Wilson	[merchant] [merchant] pewterer	52 54	75% 78%	
1579-80	George Elphinstone William Cunningham David Lindsay (elder) Mr Adam Wallace Robert Stewart Hector Stewart Robert Rowat John Wise	[merchant] [merchant] [merchant] [merchant] [D]	40 57	63% 89%	There were 64 curial meetings in 1579-80.

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1580-81	George Elphinstone William Cunningham Robert Stewart Mr Adam Wallace Hector Stewart <sup>30</sup> John Graham (younger) Robert Rowat John Wilson	George Elphinstone William Cunningham Robert Rowat <u>replaced by</u> Robert Stewart Hector Stewart John Graham (younger)	42 49 57	64% 74% 85%	The election took place on 4/10/80 but on 19/10/80 a letter was received from the crown informing the old council that Elphinstone, Cunningham and Rowat had stood down and were to be replaced by Robert and Hector Stewart and John Graham (younger). All three were new to the post. Hector Stewart and Graham took their oaths immediately but Robert Stewart did not preside at a court until the Yule Head Court of 17/1/81. <sup>21</sup> There were 66 curial meetings in 1580-81.

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1581-82	John Graham (younger) old bailie Robert Stewart, old bailie Hector Stewart, old bailie John Graham, elder Mr Adam Wallace Archibald Lyon Gavin Graham Colin Campbell <sup>32</sup> George Herbertson Andrew Baillie David Hall	John Graham, younger Robert Stewart Colin Campbell   [merchant] [merchant]  [merchant] [merchant] [merchant] [merchant]	57 30 17	100% 53% 30%	Campbell was new to this post. Campbell did not preside at a court until the Yule Head Court of 13/1/82. <sup>33</sup> Stewart does not appear for a three month period between 3/3/82 and 5/6/82. <sup>34</sup> There were 57 curial meetings in 1581-82.

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1582-83	<p>Column 1 John Graham, elder William Cunningham Mr Adam Wallace</p> <p>Column 2 Hector Stewart George Herbertson Archibald Lyon John Wise</p>	<p>John Graham, elder Mr Adam Wallace Hector Stewart <u>replaced by</u> William Cunningham Mr Adam Wallace Robert Stewart</p>	<p>56 51 37</p>	<p>74% 67% 49%</p>	<p>In the absence of the archbishop, Graham, Wallace and Stewart were elected by the 'remanent' council on 2 October. On 3 October the provost on the advice of the prior of Blantyre 'direct from the kingis maiestie' nominated the second group to act as bailies instead. Robert Stewart did not preside at any courts between 29/6/83 and 30/9/83. 35 There were 76 curial meetings in 1582-83.</p>

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1583-84	Column 1 William Cunningham Robert Stewart	[merchant]	43	69%	At a quasi-curial meeting held on 15/4/84 one item was held in the presence of 'Robert Rowat, baillie'. This is probably an error for Robert Stewart who presided over the remaining <sup>36</sup> three items. There were 62 curial meetings in 1583-84.
	Mr Adam Wallace	[merchant]	41	66%	
	James Fleming Column 2 John Lindsay Robert Rowat John Anderson David Hall	[merchant] (merchant) [merchant] dryleddirman [D] [merchant]	48	77%	
1584-85	'Auld Baillies' Mr Adam Wallace William Cunningham Robert Stewart	[merchant]	13	20%	Elphinstone ceased to preside after 22/1/85. He died on 2/4/85. <sup>37</sup> There were 66 curial meetings in 1584-85.
	'New litis' George Elphinstone Archibald [Wilson]	[merchant] (merchant)	60	91%	
	John Lindsay Robert Rowat John Muir	(merchant) [merchant] (flesher)	52	79%	

Date	Leet	Appointees	Meetings attended		Remarks
			No. of curial attended	As % of total curial	
1585-86	William Cunninghame, old bailie Robert Rowat, old bailie Robert Stewart John Graham, younger John Anderson Archibald Wilson Robert Adam Mr Henry Gibson	Robert Rowat [merchant] John Graham (younger) [merchant] Robert Stewart [merchant]	(25) (43) (33)	(57%) (98%) (75%)	Up to 27/4/86 a total of 44 curial meetings are recorded : the minutes thereafter are missing.

The Bailies : Table 2

Name	No. of occasions leet	No. of occasions appointed	Testamentary evidence (Source)
Adam, Robert	1		£ 408 (SRO MS CC9/7/7 f155)
Anderson, John	2		
Baillie, Andrew	2	1	£2,181 (SRO MS CC9/7/9 f145)
Braidwood, James	2		£ 675 (SRO MS CC8/8/28 f78)
Campbell, Colin	1	1	£1,313 (SRO MS CC8/8/22 f353)
Clerk, John	1		
Cunninghame, William	9	(7)	£2,083 (SRO MS CC8/8/39 f313)
Elphinstone, George	7	(6)	£3,426 (SRO MS CC8/8/17 f158)
Fleming, James	6		£ 477 (SRO MS CC8/8/25 f89)
Fleming, John	1		
Gibson, Mr Henry	1		
Graham, Gavin	1		£ 683 (SRO MS CC8/8/26 f260)
Graham, John, elder	2		
Graham, John, younger	3	3	
Hall, David	2		£1,520 (SRO MS CC9/7/9 f196)
Herbertson, George	3		£2,065 (SRO MS CC8/8/17 f149)
Lindsay, David, elder	4	1	
Lindsay, John	2		£2,473 (SRO MS CC8/8/20 f91)
Lyon, Archibald	6	1	£1,101 (SRO MS CC8/8/18 f133)
Muir, John	1		
Rowat, Robert	7	(4)	
Stewart, Hector	4	1	£2,753 (SRO MS CC8/8/32 f274)
Stewart, Robert	6	5	£ 276 (SRO MS CC8/8/35 f37)
Wallace, Mr Adam	10	4	
Wilson, Archibald	2		
Wilson, John	6	1	
Wise, John	2		

## NOTES

1. Glas. Recs., i, 23.
2. Ibid., iv, 463.
3. On the domination of the merchants see Vol.I, P74-76. Three craft deacons attended the drawing up of the leets in 1574 : see Vol.I, P81.
4. See Appendix 1.1 above, P1.
5. Glas. Recs., i, 80.
6. SRO MS CC8/8/18 f133v.
7. SRO MS CC8/8/22 f353v.
8. SRO MS CC8/8/39 f313r.
9. SRO MS CC9/7/9 f145v.
10. SRO MS CC8/8/32 f274r.
11. SRO MS CC8/8/17 f158v.
12. SRO MS CC9/7/9 f196r.
13. SRO MS CC8/8/17 f149v.
14. SRO MS CC8/8/20 f91r.
15. SRO MS CC8/8/35, not foliated.
16. The identification of the oligarchy can be refined further when council membership is considered : see Appendix 2.12 table 15, below P133-138. The result is the 'inner group' referred to in the text : see Vol.I, P58-59.
17. On Fleming see Vol.I, P41 n.122 and Appendix 1.1, above P1-2.
18. Glas. Recs., i, 77; SRA MS C1/1/1 ff249v, 265v; SRA MS C1/1/2 f8r. See also Vol.I, P195-197.
19. See above P80 for methodology adopted in this analysis.
20. SRO MS CC8/8/17 f158v.
21. SRA C1/1/1 ff80r, 90v.
22. See below, P100-130, 143-145.
23. See Appendix 2.25 below, P229-236.
24. Sources for the appointments are as follows : SRA MS C1/1/1 ff28v (1574), 74v (1575), 115r (1576), 156r (1577), 207v (1578), 240v (1579), 265r-v (1580) and C1/1/2 ff19v (1581), 48v-49r (1582), 102v (1583), 156r (1584), 199v (1585).
25. See Appendix 1.1, above P1-2.
26. SRA MS C1/1/1 ff98v, 99r.
27. The dispute is discussed in Vol.I, P98-99. On Wilson see Appendix 1.1, above P1.
28. SRA MS C1/1/1 f209v. See also Appendix 1.1, above P1.



29. SRA MS C1/1/1 f233r.
30. On Graham, see above Pvii-viii.
31. On the double set of elections see Vol.I, P100-105. On Stewart see SRA MS C1/1/1 f271v.
32. On Herbertson see P84-85.
33. SRA MS C1/1/2 f29v.
34. Ibid., ff32r-38r.
35. Ibid., ff87v-102v. On this election see Vol.I, P110-112.
36. SRA MS C1/1/2 f129v.
37. Ibid., f173r and SRO MS CC8/8/17 f158v.

## APPENDIX 2.12

### THE COUNCILS, 1574-1586

The council was elected at Michaelmas by the provost, the new bailies and the old bailies.<sup>1</sup> The first twelve tables in this section set out the council as it was elected each year, and comments are appended to each table which detail the size and composition of each council, the inclusion or otherwise of the treasurer and master of work, and the number of changes in membership from year to year. These comments also refer to the magistrates, particularly the bailies, who were drawn from the group of men who served as councillors. The notes on continuity and change are carried beyond the last council of this period, that of 1585-86, to demonstrate how many of these men were still office holders by 1590. Also discussed are references which occur elsewhere in the minutes disclosing other men who acted as quasi-councillors (in particular the auditors of the common good accounts who were chiefly but not exclusively councillors). Furthermore there is evidence of additional councillors, that is men who were specifically referred to as councillors but whose names did not appear on the election lists, examples being found most notably in 1576-77, 1582-83, 1583-84 and 1584-85. Lastly the surviving kirk session minutes commence in November 1583 and tables 10-12 have notes which deal with the overlap between that body and the burgh magistracy and council.

Attention may here be drawn to the important years of 1578, 1580 and 1582 which were marked by purges as factions jostled for position. 1578 saw the advent of Robert earl of Lennox and the removal of men sympathetic to the Morton-Boyd regime (though many of these men were reinstated in 1579). This marked the beginnings of the factionalism which was encouraged by Esmé earl of Lennox in 1580, a year marked by a double set of elections. From 1580 to 1582 the Lennox interest predominated, until the men ousted in October 1580 returned to power under the aegis of the Ruthven regime.<sup>2</sup>

The size of the council varied considerably, rising fairly steadily from 14 in 1574-75 to a peak of 30 in the second council of 1580-81. Thereafter it was reduced in number to 22 in 1583-84 before increasing again to 27 in 1584-85 and 33 in 1585-86. On this last

occasion the provost protested that this should not act as a precedent and significantly the next councils for which information survives, those of 1588-89 and 1589-90, were 21 and 22 strong respectively.<sup>3</sup> The variations in size almost certainly reflected attempts by successive administrations to widen the basis of their support or, when once established, to cultivate a smaller group of supporters, although there is a suggestion in the provost's protest of 1585 that matters had got out of hand.

It is not easy to identify councillors' occupations and therefore the ratio of merchants to craftsmen, but the careers followed by many of these men can be inferred either by correlating appointments or by using other minute references to individuals plus information from protocols and testaments. The picture which emerges is somewhat confused (especially in the 1570s) but in the councils of 1583-86 the number of 'unknowns' is sufficiently small to suggest that there were roughly twice as many merchants as craftsmen. Table 13 shows the number of councillors per annum and their occupations.

Table 14 shows the representation of the craftsmen in more detail. All belonged to incorporated crafts and it is notable that the fleshers do not appear until 1580-81, immediately after their incorporation in October 1580.<sup>4</sup> Of the trades then incorporated the websters and masons do not appear to have been represented.

Table 15 is an alphabetical list of all councillors, indicating the number of times they were appointed, those councillors who became magistrates and those who served on the kirk session.

Tables 16 and 17 are statistical analyses of continuity and change among the magistrates and councils.

As in earlier tables [D] indicates that these individuals are known to have been deacons sometime during the period 1574 to 1586.<sup>5</sup>

Table 1 : 1574-75 council (elected 6 October 1574)<sup>6</sup>

James Fleming	[merchant]	David Lindsay, elder	
David Lyon		George Herbertson	
William Cunninghame		John Fleming	(merchant)
Andrew Baillie	[merchant]	John Wilson	pewterer
Robert Stewart	[merchant]	John Gilmour	cordiner
William Rowat	taylor	George Young	baxter [D]
Andrew Ritchie, treasurer	(merchant)	William Watt, master of work	

Size: 14

Composition: 5 merchants

4 craftsmen

5 unknown

Treasurer: included

Master of Work: included

#### Continuity with 1573-74

The membership of the council of 1573-74 is unknown although on 26 March 1574 the bailies plus William Cunninghame, John Wilson, William Watt, John Fleming and Michael Baird were appointed to 'visie the lonys that the samyn be nocht diminisit'. Cunninghame and his colleagues may have been councillors, to judge by later practice regarding committees. Similarly John Wilson, William Watt and William Struthers 'with ane baillie' were appointed on 24 April 1574 to supervise the roup of the ruinous west gable of the Blackfriars kirk : Struthers (who is not referred to elsewhere in 1574-86 in an official capacity) may also have been a councillor.<sup>7</sup>

Although the 1573-74 councillors can not be identified the bailies of that year are known. Two (Elphinstone and Lyon) were continued in 1574-75 but the third, James Fleming, now appears on the council.

### Continuity with subsequent magistracies and councils

Of the 14 councillors in 1574-75

- (i) William Cunninghame and Andrew Baillie became bailies in 1575-76, (2);
- (ii) James Fleming, Robert Stewart, David Lindsay, George Herbertson, John Fleming and John Wilson were re-elected to the 1575-76 council, (6);
- (iii) John Gilmour and George Young reappeared on the 1576-77 and 1583-84 councils respectively, (2);
- (iv) not re-appointed again were David Lyon (dead by 23/2/75),<sup>8</sup> William Rowat (dead by 6/5/78),<sup>9</sup> Andrew Ritchie (died August 1575)<sup>10</sup> and William Watt (died May 1575),<sup>11</sup> (4).

### Additional or quasi councillors 1574-75

On 22 September 1575 the provost, the three bailies and a group of twelve men met to audit the accounts of Robert Fleming (treasurer in 1573-74) which had first been examined in November 1574 by the same group.<sup>12</sup> Although these men were not referred to as councillors, ten of them were on the 1574-75 council. Also included however were Robert Muir and George Burrell. Neither was on the council although Muir was a liner. Burrell, who was deacon of the hammermen,<sup>13</sup> held no office at this time, though he became a councillor in the following month. The auditing of accounts involved groups of men who were predominantly, sometimes exclusively, councillors : the inclusion of non-councillors, perhaps as assessors, may have reflected a desire to represent the unrepresented in matters affecting the common good, hence perhaps the inclusion of a craft deacon. Muir on the other hand was a merchant, and the inconsistency in practice remains puzzling. Again, in the context of the council, it must be admitted that the auditors were seldom actually referred to as being councillors, although an exception to this rule occurred in 1585.<sup>14</sup>

Table 2 : 1575-76 council (elected 4 October 1575)<sup>15</sup>

George Elphinstone	[merchant]	Mr Adam Wallace	
Archibald Lyon	[merchant]	David Lindsay, elder	
James Fleming, master of work	[merchant]	George Herbertson	
John Wilson	pewterer	John Fleming	(merchant)
Robert Stewart	[merchant]	John Lindsay, son to Michael Lindsay	(merchant)
George Burrell	saddler [D]	James Braidwood	cordiner [D]
John Clerk	tailor [D]	Cuthbert Herbertson	baxter
John Temple, treasurer	(merchant)		

Size: 15

Composition: 7 merchants

5 craftsmen

3 unknown

Treasurer: included

Master of work: included

Continuity with 1574-75 magistracy and council

Of the 15 councillors in 1575-76

- (i) George Elphinstone, Archibald Lyon and Mr Adam Wallace had been bailies in 1574-75, (3);
- (ii) James Fleming, John Wilson, Robert Stewart, David Lindsay, George Herbertson and John Fleming had been councillors in 1574-75, (6);
- (iii) newly appointed were George Burrell, John Clerk, John Temple, John Lindsay, James Braidwood and Cuthbert Herbertson, (6); however this influx of new blood was probably more apparent than real since the identity of councillors prior to 1574-75 is unknown.

Continuity with subsequent magistracies and councils

Of the 15 councillors in 1575-76

- (i) George Elphinstone and John Wilson became bailies in 1576-77, (2);

- (ii) Archibald Lyon, James Fleming, George Burrell, John Clerk, Mr Adam Wallace, David Lindsay, George Herbertson and John Lindsay were re-elected to the 1576-77 council, (8);
- (iii) Robert Stewart was re-elected to the 1578-79 council, John Fleming was re-elected to the 1577-78 council and James Braidwood was re-elected to the second council of 1580-81, (3);
- (iv) John Temple and Cuthbert Herbertson did not sit on a council again during this period, (2). Temple died in June 1600.<sup>16</sup>

#### Additional councillors or quasi councillors 1575-76

On 3 October 1576 the new bailies, after a dispute with the archbishop, were elected by the provost (Boyd), Andrew Baillie (one of the old bailies) and twelve named men 'with wtheris diuers than present'. As the leet for the bailies was supposed to be drawn up by the new provost, old bailies and old council it might be expected that the twelve men who are named would be members of the 1575-76 council. Eight of them were (Wallace, Stewart, the Herbertsons, David Lindsay, John Fleming, Clerk and Burrell). Two others held offices at the time and would become councillors on the following day : Robert Muir, liner and key keeper since Michaelmas 1575, and Robert Rowat, treasurer since Whitsun 1576. John Auldcorne held no office at all, and never became a councillor. John Wise likewise held no office at this time though he is known to have been a deacon and became a councillor in 1577. It must be conceded however that none of these men was referred to as a councillor.<sup>17</sup>

During 1575-76 three sets of accounts were audited. Robert Fleming's accounts, which had already been examined in September 1575, were finalised on 10 November 1575 by the provost, one of the bailies (William Cunninghame), ten named men and 'many utheris'. Of those men who were named most had been involved in the earlier meeting and all ten were councillors.<sup>18</sup> On 10 January 1576 the accounts of the late Andrew Ritchie (treasurer, 1574-75) were audited by the provost, William Cunninghame (one of the bailies) and nine men. All were then councillors except one man, John Boyd [merchant], who in fact held no office at all during the period 1574 to 1586.<sup>19</sup> On 22 September 1576 the accounts of John Temple were audited by the provost, William

Cunninghame and Andrew Baillie (the bailies), and a group of eleven men. Eight were councillors while a ninth was Robert Rowat, already treasurer and subsequently elected to the new council twelve days later (4 October). The two 'outsiders' were again John Auldcorne and deacon John Wise whose involvement in the election of the bailies in extraordinary circumstances on 3 October has just been noted.<sup>20</sup>

Again it must be stressed that none of the men noticed above was actually referred to as a councillor on these occasions.

Table 3 : 1576-77 council (elected 4 October 1576)<sup>21</sup>

William Cunninghame		Andrew Baillie	[merchant]
David Lindsay, elder		Archibald Lyon	[merchant]
Mr Adam Wallace, common procurator		James Fleming, master of work	[merchant]
George Herbertson		Robert Muir	merchant
John Lindsay	merchant	Matthew Wilson	[merchant]
James Wilson	merchant	Robert Rowat, treasurer	[merchant]
John Clerk	tailor [D]	George Burrell	(saddler) [D]
John Gilmour	cordiner	Robert Adam	merchant

Size: 16

Composition: 9 merchants

3 craftsmen

4 unknown

Treasurer: included

Master of work: included

#### Continuity with previous magistracies and councils

Of the 16 councillors in 1576-77

- (i) William Cunninghame and Andrew Baillie had been bailies in 1575-76, (2);
- (ii) David Lindsay, Mr Adam Wallace, George Herbertson, John Lindsay, John Clerk, Archibald Lyon, James Fleming and George Burrell had been councillors in 1575-76, (8);



- (iii) John Gilmour had been a councillor in 1574-75, (1);
- (iv) James Wilson, Robert Muir, Matthew Wilson, Robert Rowat and Robert Adam were new appointments, (5), although the influx of new men may again be more apparent than real because of the lack of information about the councils prior to 1574-75.

#### Continuity with subsequent magistracies and councils

Of the 16 councillors in 1576-77

- (i) Mr Adam Wallace and Robert Rowat became bailies in 1577-78, (2).
- (ii) William Cunninghame, David Lindsay, George Herbertson, John Lindsay, John Clerk, Andrew Baillie, Archibald Lyon, James Fleming, Robert Muir, Matthew Wilson, George Burrell and Robert Adam were re-elected to the 1577-78 council, (12);
- (iii) John Gilmour became a councillor again in 1585-86, (10);
- (iv) James Wilson did not become a councillor again, (1).

#### Additional or quasi-councillors 1576-77

1576-77 provides the first clear example of an additional councillor not recorded in the original list of 4 October 1576. On 28 November 1576 a statute was passed thirling the inhabitants to the town mill by the provost, the two bailies 'accompaneit witht the counsale quhais names followis'. Fifteen names appear. All were indeed councillors except Peter Lymburner [hammerman, goldsmith], though it may be added that he was a liner at this time. The only two councillors missing were William Cunninghame and Matthew Wilson.<sup>22</sup>

Similarly, when on 14 May 1577 a statute was enacted regarding the upkeep of the town mill, this was recorded as having been passed by the provost, bailies and 'the counsale underwritten'. Twelve names appear and again Lymburner was one of them. The five councillors not present were William Cunninghame, Mr Adam Wallace, George Herbertson, James Wilson and Robert Muir.<sup>23</sup>

With the exception of these two references, Lymburner was never a councillor in this period.

Table 4 : 1577-78 council (elected 3 October 1577) <sup>24</sup>

Robert Lord Boyd		George Elphinstone	[merchant]
John Wilson	(pewterer)	Archibald Lyon	[merchant]
David Lindsay, elder		James Fleming	[merchant]
George Herbertson		Andrew Baillie	[merchant]
William Cunninghame		Matthew Wilson	[merchant]
Robert Muir	(merchant)	John Lindsay	(merchant)
John Fleming	(merchant)	Robert Adam	(merchant)
Patrick Glen, treasurer	[merchant]	George Burrell	(saddler) [D]
John Wise	[skinner] [D]	John Clerk	(tailor) [D]
John Anderson	[cordiner] [D]		

Size: 19

Composition: 10 merchants

4 craftsmen

1 laird/noble

4 unknown

Treasurer: included

Master of work: included (James Fleming)

Continuity with previous magistracies and councils

Of the 19 councillors in 1577-78

- (i) Robert Lord Boyd was the former provost, 1573-77, (1);
- (ii) John Wilson and George Elphinstone had been bailies in 1576-77, (2);
- (iii) David Lindsay, George Herberston, William Cunninghame, Robert Muir, Archibald Lyon, James Fleming, Andrew Baillie, Matthew Wilson, John Lindsay, Robert Adam, George Burrell and John Clerk had been on the 1576-77 council, (12);
- (iv) John Fleming had last been a councillor in 1575-76, (1);
- (v) Patrick Glen, John Wise and John Anderson had not been councillors before, (3).

## Continuity with subsequent magistracies and councils

Of the 19 councillors in 1577-78

- (i) David Lindsay, William Cunninghame and George Elphinstone became bailies in 1578-79, (3);
- (ii) George Herbertson, John Wise, John Anderson, Andrew Baillie, Matthew Wilson and Robert Adam were re-elected to the 1578-79 council, (6);
- (iii) John Wilson next became a councillor in 1579-80, Robert Muir in 1579-80, John Fleming in 1579-80, Archibald Lyon in 1579-80, James Fleming in 1579-80, John Lindsay on the first council of 1580-81 George Burrell in 1579-80 and John Clerk in 1579-80, (8);
- (iv) Robert Lord Boyd was not reappointed again (as either provost or councillor) and Patrick Glen was not reappointed again, (2). Boyd died in January 1590 and Glen in December 1592.<sup>25</sup>

### Additional or quasi-councillors 1577-78

One audit was conducted during this year. On 3 September 1578 the accounts of Robert Rowat (treasurer 1576-77) were audited by the provost and nine men, six of whom were councillors. A seventh, James Blackburn, was then treasurer and would become a councillor a month later. Also involved were James Ritchie, a cooper and (probably) a deacon, and John Woddrop, both of whom (like Blackburn) were not councillors. Apart from being a deacon Ritchie was however at this time a liner, and would become a councillor (like Blackburn) a month later. Woddrop however held no posts during this period other than ale taster and plague searcher in 1574-75.<sup>26</sup> Nevertheless none of these men was described specifically as a councillor while acting in this capacity.

Table 5 : 1578-79 council (elected 2 October 1578) <sup>27</sup>

Mr Adam Wallace		Robert Rowat	[merchant]
John Stewart of Bowhouse		Robert Stewart	[merchant]
Hector Stewart	[merchant]	Malcolm Stewart	
John Graham, (younger)		Gavin Graham	
Matthew Wilson	[merchant]	John Anderson	dryleddirman [D]

David Hall	[merchant]	George Herbertson	
Nicol Andrew	[merchant]	James Ritchie	(cooper) [D]
Robert Adam	(merchant)	John Wise	[skinner] [D]
James Blackburn, treasurer	[merchant]	Andrew Baillie	[merchant]

Size: 18

Composition: 9 merchants

2 craftsmen

1 laird

6 unknown

Treasurer: included

Master of work: not included (James Fleming)

### Continuity with previous magistracies and councils

Of the 18 councillors in 1578-79

- (i) Mr Adam Wallace and Robert Rowat had been bailies in 1577-78, (2);
- (ii) Matthew Wilson, Robert Adam, John Anderson, George Herbertson, John Wise and Andrew Baillie had been councillors in 1577-78, (6);
- (iii) Robert Stewart had last been a councillor in 1575-76, (1);
- (iv) John Stewart, Hector Stewart, John Graham (younger), David Hall, Nicol Andrew, James Blackburn, Malcolm Stewart, Gavin Graham and James Ritchie had not been councillors before, (9).

### Continuity with subsequent magistracies and councils

Of 18 councillors in 1578-79

- (i) Mr Adam Wallace, John Stewart, Hector Stewart, John Graham (younger), Matthew Wilson, David Hall, Nicol Andrew, Robert Adam, Robert Rowat, Robert Stewart, Malcolm Stewart, Gavin Graham and Andrew Baillie were reappointed to the council of 1579-80, (13);
- (ii) James Blackburn next became a councillor again in 1580-81 (second council), John Anderson next became a councillor again in 1582-83, George Herbertson next became a councillor again in 1580-81 (first council), James Ritchie next became a councillor again in 1580-81 (second council) and John Wise next became a councillor again in 1580-81 (second council), (5).

## Additional or quasi-councillors in 1578-79

Shortly after the Michaelmas elections of October 1578 the accounts of Patrick Glen (treasurer, 1577-78) were audited by the three bailies and a group of eleven men. All were councillors bar one, James Fleming, who was however master of work and a liner. Nevertheless none of these men<sup>28</sup> was referred to as a councillor while acting in this capacity.

Table 6 : 1579-80 council (elected 8 October 1579)<sup>29</sup>

David Lindsay, elder		Mr Adam Wallace	
John Stewart of Bowhouse		Archibald Lyon	[merchant]
James Fleming	[merchant]	Robert Stewart	[merchant]
Andrew Baillie	[merchant]	Robert Rowat	[merchant]
John Graham, (younger)		Malcolm Stewart	
Matthew Wilson	[merchant]	Gavin Graham, master of work	
Hector Stewart	[merchant]	Robert Muir	(merchant)
David Hall	[merchant]	William Turnbull	[merchant]
John Fleming	(merchant)	John Wilson	(pewterer)
George Burrell	saddler [D]	Robert Young	baxter
John Clerk	tailor [D]	Convell Struthers, treasurer	[merchant]
Robert Adam	merchant	Nicol Andrew	[merchant]

Size: 24

Composition: 15 merchants

4 craftsmen

1 laird

4 unknown

Treasurer: included

Master of work: included

## Continuity with previous magistracies and councils

Of the 24 councillors in 1579-80

(i) David Lindsay had been a bailie in 1578-79, (1);

- (ii) John Stewart of Bowhouse, Andrew Baillie, John Graham (younger), Matthew Wilson, Hector Stewart, David Hall, Robert Adam, Mr Adam Wallace, Robert Stewart, Robert Rowat, Malcolm Stewart, Gavin Graham and Nicol Andrew had been councillors in 1578-79, (13);
- (iii) James Fleming had last been a councillor in 1577-78, John Fleming had last been a councillor in 1577-78, George Burrell had last been a councillor in 1577-78, John Clerk had last been a councillor in 1577-78, Archibald Lyon had last been a councillor in 1577-78, Robert Muir had last been a councillor in 1577-78 and John Wilson had last been a councillor in 1577-78, (7);
- (iv) William Turnbull, Robert Young and Convell Struthers had not been councillors before, (3).

#### Continuity with subsequent magistracies and councils

In 1580 there were two sets of appointments : the bailies on 4 and 19 October and the council on 7 and 20 October. The following is based on the first set, effected on 4 and 7 October 1580.

Of the 24 councillors in 1579-80

- (i) Robert Rowat was appointed a bailie on 4/10/80, (1);
- (ii) David Lindsay, John Stewart, James Fleming, Andrew Baillie, John Graham (younger), Matthew Wilson, Hector Stewart, John Fleming, George Burrell, John Clerk, Robert Adam, Mr Adam Wallace, Archibald Lyon, Robert Stewart, Malcolm Stewart, Gavin Graham, Robert Muir, William Turnbull, John Wilson and Convell Struthers were re-elected to the council on 7/10/80, (20);
- (iii) David Hall and Nicol Andrew next became councillors on the revised council elected on 20/10/80 (2);
- (iv) Robert Young did not become a councillor again, (1).

#### Additional or quasi-councillors 1579-80

On 16 October 1579 the accounts of James Blackburn, (treasurer 1578-79) were audited by the two bailies (Elphinstone and Cunninghame) and a group of fourteen men, all of whom (though not referred to as such) were councillors.<sup>30</sup>

On 26 April 1580 the master of work was reimbursed for his outlays on the calsay work on the authorisation of the two bailies and thirteen 'counsallors', all of whom were indeed on the council.<sup>31</sup> On 26 May 1580 a group of eight men delivered the mill to the farmer. Six were councillors, and they included three liners one of whom was the master of work. The other two men were George Brownside (leeted clerk on several occasions but not a holder of any office during this period) and Mungo Wilson (previously a minor office holder and not a councillor until 1584-85). Neither was a councillor but it must be emphasised that these men were not referred to as councillors while acting in this capacity.<sup>32</sup>

Table 7 : 1580-81 councils (elected 7 and 20 October 1580)<sup>33</sup>

First council, elected 7 October<sup>34</sup>

Matthew Stewart of Minto		David Lindsay, elder	
Mr Adam Wallace		Archibald Lyon	[merchant]
James Fleming	[merchant]	John Stewart of Bowhouse	
Robert Stewart	[merchant]	Andrew Baillie	[merchant]
Malcolm Stewart		John Graham, (younger)	
Matthew Wilson	[merchant]	George Herberston	
Hector Stewart	[merchant]	John Fleming	(merchant)
Robert Muir	(merchant)	Robert Adam, treasurer	(merchant)
Gavin Graham, master of work		John Lindsay	(merchant)
Archibald Wilson	(merchant)	William Turnbull	[merchant]
James Lyon	[merchant]	John Wilson	(pewterer)
Thomas Pettigrew	[merchant]	George Burrell	(saddler) [D]
Convell Struthers	[merchant]	James Craig	(baxter)
John Clerk	(tailor) [D]		

Size: 27

Compositon: 15 merchants

4 craftsmen

2 lairds

6 unknown

Treasurer: included

Master of work: included

Continuity with previous magistracies and councillors

Of the 27 councillors elected on 7 October 1580

- (i) Mr Adam Wallace, James Fleming, Robert Stewart, Malcolm Stewart, Matthew Wilson, Hector Stewart, Robert Muir, Gavin Graham, Convell Struthers, John Clerk, David Lindsay, Archibald Lyon, John Stewart of Bowhouse, Andrew Baillie, John Graham (younger), John Fleming, Robert Adam, William Turnbull, John Wilson and George Burrell had been councillors in 1579-80, (20);
- (ii) George Herbertson had last been a councillor in 1578-79 and John Lindsay had last been a councillor in 1577-78, (2);
- (iii) Matthew Stewart of Minto, Archibald Wilson, James Lyon, Thomas Pettigrew and James Craig had not been councillors before (5).

Second council, elected 20 October 1580 <sup>35</sup>

David Lindsay, elder		Mr Adam Wallace	
John Stewart of Bowhouse		Archibald Lyon	[merchant]
John Graham, elder		Andrew Baillie	[merchant]
Malcolm Stewart		David Hall	[merchant]
Gavin Graham		Robert Fleming	[merchant]
John Wise	[skinner] [D]	James Blackburn	[merchant]
Robert Muir	(merchant)	James Lyon	[merchant]
David Wilson	(merchant)	James Ritchie	(cooper) [D]
Colin Campbell	[merchant]	Nicol Andrew	[merchant]
William Turnbull	[merchant]	Thomas Pettigrew	[merchant]
Convell Struthers	[merchant]	Patrick Gray	(tailor)
John Shields	skipper	Ninian Darrocht	[merchant]
John Farquhar	[merchant]	Robert Adam, treasurer	(merchant)
George Herbertson		James Braidwood	(cordiner) [D]
John Stewart, younger		John Muir	flesher



Size: 30

Composition: 16 merchants

5 craftsmen

1 laird

1 other (John Shields, skipper)

7 unknown

Treasurer: included

Master of work: included (Gavin Graham)

Comparison of the two councils 7-19 October 1580 and 20 October 1580-81  
and their respective groups of magistrates

Of the 27 councillors elected on 7 October 1580

- (i) Robert Stewart, Hector Stewart and John Graham younger were appointed bailies on 19 October (replacing Elphinstone, Cunninghame and Rowat, appointed bailies on 4 October), (3);
- (ii) Mr Adam Wallace, Malcolm Stewart, Robert Muir, Gavin Graham, James Lyon, Thomas Pettigrew, Convell Struthers, David Lindsay, Archibald Lyon, John Stewart of Bowhouse, Andrew Baillie, George Herbertson, Robert Adam and William Turnbull were retained on the council elected on 20 October, (14).

Thus a total of 17 men were retained either as magistrates or as councillors.

The following were displaced:

- (i) Matthew Stewart of Minto ceased to be a councillor, but became provost in 1581 for two terms and after a year out of office returned to the council in 1584-86, (1);
- (ii) Matthew Wilson ceased to be a councillor but became master of work in May 1581, returning to the council in October 1581, (1);
- (iii) James Fleming, Archibald Wilson, John Clerk, John Fleming, John Lindsay, George Burrell and James Craig ceased to be councillors but all returned to the council in 1582-83, (7);
- (iv) John Wilson did not become a councillor again, (1).

Thus a total of 10 men were removed from the council, in addition to the three displaced bailies, (Cunninghame, who returned to office as a councillor in 1581-82; Rowat, who returned to office as a councillor in 1582-83; and Elphinstone, who returned to office as a councillor in 1583-84).

The 14 councillors who were retained (plus the three retained as bailies) were joined by another sixteen men on the revised council of 20 October 1580:

- (i) six who had previously been councillors : James Braidwood had last been a councillor in 1575-76; James Blackburn, James Ritchie and John Wise had last been councillors in 1578-79; Nicol Andrew and David Hall had last been councillors in 1579-80;
- (ii) ten men who had not been councillors before : John Graham elder, David Wilson, Colin Campbell, John Shields, John Farquhar, John Stewart younger, Robert Fleming, Patrick Gray, Ninian Darrocht and John Muir.

Continuity between second council of 1580-81 and subsequent magistracies and councils

Of the 30 councillors appointed on 20 October 1580

- (i) Colin Campbell became a bailie in 1581-82, (1);
- (ii) John Stewart of Bowhouse, John Graham elder, Malcolm Stewart, Gavin Graham, John Wise, Robert Muir, John Shields, John Farquhar, George Herbertson, John Stewart younger, Mr Adam Wallace, Archibald Lyon, Andrew Baillie, David Hall, James Lyon, James Ritchie, Patrick Gray, Ninian Darrocht and John Muir were re-elected councillors in 1581-82, (19);
- (iii) David Wilson became a councillor again in 1583-84, Convell Struthers and Thomas Pettigrew became councillors again in 1585-86, Robert Adam became a councillor again in 1582-83, (4);
- (iv) David Lindsay elder, William Turnbull, Robert Fleming, James Blackburn, Nicol Andrew and James Braidwood did not become councillors again, (6). Robert Fleming died in October 1592 and James Braidwood in June 1594.<sup>36</sup>

Table 8 : 1581-82 council (elected 3 October 1581)<sup>37</sup>

John Graham, elder	Hector Stewart [merchant]	John Stewart of Bowhouse
William Cunningham	Andrew Baillie [merchant]	Gavin Graham
Mr Adam Wallace	Malcolm Stewart	Matthew Wilson, [merchant] master of work
Archibald Lyon [merchant]	Mr Henry Gibson [notary]	John Stewart, (younger)
George Herbertson	David Hall [merchant]	Patrick Gray (tailor)
William Symmer [merchant]	Robert Muir (merchant)	John Muir flesher
John Farquhar [merchant]	Ninian Darrocht [merchant]	Archibald Muir [smith] [D]
William Hegate [notary]	John Shields (skipper)	John Wise [skinner] [D]
	James Lyon [merchant]	John Scott (baxter) [D]
		James Ritchie (cooper) [D]

Size: 27

Composition: 10 merchants

6 craftsmen

1 laird

2 notaries

1 other (John Shields, skipper)

7 unknown

Treasurer: included (William Symmer)

Master of work: included

### Continuity with previous magistracies and councils

Of the 27 councillors in 1581-82

- (i) Hector Stewart had been bailie in 1580-81, (1);
- (ii) John Graham elder, Mr Adam Wallace, Archibald Lyon, George Herbertson, John Farquhar, Andrew Baillie, Malcolm Stewart, David Hall, Robert Muir, Ninian Darrocht, John Shields, James Lyon, John Stewart of Bowhouse, Gavin Graham, John Stewart (younger), Patrick Gray, John Muir, John Wise and James Ritchie had been councillors in 1580-81, (19);
- (iii) William Cunninghame had last been a councillor in 1577-78, although he had thereafter served as a bailie, 1578-80, and had been one of the three bailies asked to stand down on 19 October 1580 after his election on 4 October; similarly Matthew Wilson had last been on the council in 1579-80 and had been elected to the 1580-81 council only to be displaced on 20 October 1580, (2);
- (iv) William Symmer, William Hegate, Mr Henry Gibson, Archibald Muir and John Scott had not been councillors before (5).

### Continuity with subsequent magistracies and councils

Of the 27 councillors in 1581-82, 10 were retained in 1582-83:

- (i) William Cunninghame and Mr Adam Wallace became bailies in 1582-83, (2);
- (ii) Archibald Lyon, Andrew Baillie, Mr Henry Gibson, Robert Muir, Ninian Darrocht, James Lyon, Matthew Wilson and John Scott were re-elected to the council of 1582-83 (8).

17 councillors were not continued in office in 1582-83:

- (i) George Herbertson, David Hall, Gavin Graham and John Muir became councillors again in 1583-84, (4);
- (ii) William Hegate and James Ritchie became councillors again in 1584-85, (2);
- (iii) John Farquhar, Hector Stewart, John Shields and John Stewart younger became councillors again in 1585-86, (4);
- (iv) John Graham elder, William Symmer, Malcolm Stewart, John Stewart of Bowhouse, Patrick Gray, Archibald Muir and John Wise did not become councillors again, (7). Patrick Gray died in April 1598.<sup>38</sup> John Stewart of Bowhouse made out part of his will in June 1582 and was certainly dead by 1592.<sup>39</sup>

Table 9 : 1582-83 council (elected 4 October 1582)<sup>40</sup>

Mr Andrew Hay	[rector of college]	Mr Thomas Smeaton	[principal of college]	Matthew Watson	[flesher] [D]
James Fleming	[merchant]	James Lyon	[merchant]	John Angus	[merchant]
Robert Rowat	[merchant]	James Craig	baxter	John Anderson	dryleddirman [D]
Andrew Baillie	[merchant]	Archibald Wilson	merchant	John Clerk	(tailor) [D]
John Fleming	(merchant)	Robert Adam	(merchant)	Mr Henry Gibson	[notary]
Thomas Muir	[merchant]	George Burrell	(saddler) [D]	Matthew Wilson	[merchant]
John Lindsay	(merchant)	John Scott	baxter [D]	Robert Muir	(merchant)
Archibald Lyon	[merchant]			Ninian Darrocht	[merchant]

Size: 23

Composition: 14 merchants

6 craftsmen

1 notary

2 college representatives (Hay : rector; Smeaton : principal)

Treasurer: not included (William Burns)

Master of work: not included (David Hall)<sup>41</sup>

### Continuity with previous magistracies and councils

Of the 23 councillors in 1582-83

- (i) Andrew Baillie, Archibald Lyon, James Lyon, John Scott, Mr Henry Gibson, Matthew Wilson, Robert Muir and Ninian Darrocht had been councillors in 1581-82, (8);
- (ii) John Anderson had last been a councillor in 1578-79 and Robert Adam in 1580-81; Robert Rowat had last been a councillor in 1579-80 but was one of the bailies displaced on 19 October 1580; another seven were councillors displaced on 20 October 1580 : James Fleming (last full term as a councillor 1579-80), John Fleming (1579-80), John Lindsay (1577-78), James Craig, Archibald Wilson, George Burrell (1579-80), and John Clerk (1579-80), (10);
- (iii) Mr Andrew Hay, Thomas Muir, Mr Thomas Smeaton, Matthew Watson and John Angus had not been councillors before, (5).

### Continuity with subsequent magistracies and councils

Of the 23 councillors in 1582-83

- (i) James Fleming, Robert Rowat, Andrew Baillie, Thomas Muir, John Lindsay, Archibald Lyon, James Lyon, Archibald Wilson, Robert Adam, John Anderson, John Clerk and Mr Henry Gibson were re-elected to the 1583-84 council, (12);
- (ii) George Burrell became a councillor again in 1584-85 and John Scott in 1585-86, (2);
- (iii) Mr Andrew Hay (died 1593),<sup>42</sup> John Fleming (who was dead by March 1584),<sup>43</sup> Mr Thomas Smeaton (died December 1583),<sup>44</sup> James Craig, Matthew Watson, John Angus, Matthew Wilson, Robert Muir (died November 1587)<sup>45</sup> and Ninian Darrocht did not become councillors again, (9).

### Additional or quasi-councillors, 1582-83

On 8 October 1582 it was ordained that no burgess was to be admitted by the bailies unless the treasurer and 'ane sufficient number of the counsall be present to witt iiij or vj'. Although the act also ordered that names of councillors present at admissions were to be recorded, this was only done twice. On the first occasion, 28 December 1582, seven names were recorded and all were indeed councillors although the

treasurer was not present.<sup>47</sup> However on 20 February 1583 an admission was noted as having been effected by Mr Adam Wallace, bailie, William Burns, treasurer, and four others. Two were councillors (Matthew Wilson and Thomas Muir). The others were the master of work (David Hall) who was not however on the council and Nicol Andrew who had last held office as a councillor in 1580-81, subsequent to which he held no office.<sup>48</sup> On 23 May 1583 the mill was delivered to the farmer by the three bailies and a group of seven men. Only four were councillors. Of the other three, one was a liner (David Hall, no longer master of work following the Whitsun election of 1583), one was the new treasurer (Thomas Miller) while the third was Thomas Pettigrew who had been an outlandman at the Whitsun court of 21 May but otherwise held no office at this point. However, unlike the example regarding burgess entry, none of these men was referred to as a councillor while acting in this role, although it may be noted that one year later all those involved were councillors.<sup>49</sup>

Table 10 : 1583-84 council (elected 2 October 1583)<sup>50</sup>

George Elphinstone [merchant]	James Fleming	[merchant]	David Wilson	merchant
George Herbertson	David Hall	[merchant]	James Lyon	[merchant]
Archibald Lyon [merchant]	Andrew Baillie	[merchant]	John Muir	(Flesher)
Mr Henry Gibson [notary]	Robert Rowat	[merchant]	John Clerk	(tailor) [D]
John Graham, younger	John Lindsay	(merchant)	Thomas Muir, son to Robert Muir	[merchant]
Gavin Graham	Archibald Wilson	merchant	John Luis	skinner [D]
George Young (baxter) [D]	John Anderson	cordiner [D]	Archibald Wilson	lorimer [D]
	Robert Adam	(merchant)		

Size: 22

Composition: 12 merchants

6 craftsmen

1 notary

3 unknown

Treasurer: not included (Thomas Miller)

Master of work: not included (Matthew Wilson)



### Continuity with previous magistracies and councils

Of the 22 councillors in 1583-84

- (i) Archibald Lyon, Mr Henry Gibson, James Fleming, Andrew Baillie, Robert Rowat, John Lindsay, Archibald Wilson, merchant, John Anderson, Robert Adam, James Lyon, John Clerk and Thomas Muir had been councillors in 1582-83, (12);
- (ii) George Elphinstone had last been a councillor in 1577-78 (thereafter he served as bailie 1578-80 but was deposed on 19 October 1580 despite his election for a third term on 4 October 1580; he had not held an office since); John Graham, younger, had last served a full term as councillor in 1579-80 (thereafter he had been elected to the first council of 1580-81 and had then become bailie on 19 October 1580, serving for two terms, 1580-82); David Wilson had last been a councillor in 1580-81; George Herbertson, Gavin Graham, David Hall and John Muir had last been councillors in 1581-82; George Young had last been a councillor in 1574-75, (8);
- (iii) John Luis and Archibald Wilson, lorimer, had not been councillors before, (2).

### Continuity with subsequent magistracies and councils

Of the 22 councillors in 1583-84

- (i) George Elphinstone and Robert Rowat became bailies in 1584-85, (2);
- (ii) George Herbertson, Archibald Lyon, Mr Henry Gibson, John Graham younger, James Fleming, David Hall, Andrew Baillie, John Lindsay, Archibald Wilson, merchant, John Anderson, Robert Adam, David Wilson, James Lyon, John Muir, John Clerk, Thomas Muir and Archibald Wilson, lorimer, were re-elected councillors in 1584-85, (17);
- (iii) Gavin Graham became a councillor again in 1585-86, (1);
- (iv) George Young and John Luis did not become councillors again, (2).

### Additional or quasi-councillors 1583-84

On 12 June 1584 the mill was delivered to the farmer by the three bailies and four men who, although not described as such, were all councillors (in contrast to the delivery effected the previous year).<sup>51</sup>

On 8 July 1584 a letter was received from the king ordering the magistrates and council to obey archbishop Montgomery. The three bailies were present as were fifteen men described as 'counsellors.' Thirteen were on the foregoing council list (Elphinstone, Fleming, Archibald and James Lyon, John Graham, Hall, Baillie, Lindsay, Rowat, Clerk, Wilson [merchant], Luis and Thomas Muir) but the other two, David Biggard and Henry Spreull, do not appear on that list.<sup>52</sup> Biggard held no office during this period, although Spreull became a councillor later, in 1585-86. Both men can however be identified as having been deacons, of the skimmers and coopers respectively.<sup>53</sup>

On 18 August 1584 archbishop Montgomery petitioned the provost, bailies and council to accompany him 'with ane reasonable numbir' to the king at Stirling. Six men were nominated to provide the archbishop's escort (Hector Stewart; Archibald Wilson, merchant; Mungo Wilson; John Anderson; Henry Spreull; George Burrell) but only two of these men (Archibald Wilson, merchant, and John Anderson) were then councillors. Owing to Montgomery's unpopularity it is possible that they were volunteers and the minute is ambiguous in that the magistrates and council were asked to provide the men though not necessarily from their own membership. Yet it is notable that one of these men is Henry Spreull, already identified as a quasi-councillor on 8 July 1584.<sup>54</sup>

Three audits were carried out during this year. At the first, on 18 August 1584, the 1581-82 accounts of William Symmer were approved by the three bailies and eight men, seven of whom were councillors. The exception was Sir Matthew Stewart of Minto then out of office (though soon to become a councillor) but perhaps significantly, the provost during the main period covered by Symmer's accounts.<sup>55</sup> The second audit was that of William Burn's accounts of 1582-83 and was carried out on the same day by the three bailies and seven men all of whom were councillors except Thomas Pettigrew.<sup>56</sup> Pettigrew, a councillor in 1580-81 and again in 1585-86, then held no office. Incidentally four men in this latter group were involved in the earlier audit of Symmer's accounts on the same day and these four were all councillors. The third audit was made on 15 September 1584 and involved the 1583-84 accounts of Thomas Miller. This time two bailies (Cunninghame and Stewart) were present along with a group of seven men, five of whom were councillors

(of whom three had audited Symmer's accounts and one had audited Burn's accounts, one month earlier). The other two were the treasurer (David Donald, elected to the council three weeks later) and Henry Spreull whose identification as a quasi-councillor on 8 July 1584 has already been noted, but who would not become a councillor for another year. Spreull is here specifically referred to as a deacon as also is his auditor-councillor colleague George Young, and this seems to endorse the view that deacons were from time to time purposely involved in audits. Again however it must be emphasised that while acting in this capacity none of these men was actually referred to as a councillor.<sup>57</sup>

Relationship between 1583-84 magistracy and council, and the kirk session

The earliest surviving session minutes commence in November 1583, one month after the council of 1583-84 had been elected. On 3 November 1583 the kirk session was elected.<sup>58</sup> It comprised 35 elders (12 ministers, 23 lay-men) and 25 deacons.

- Of the 23 lay elders, 11 were magistrates or councillors, namely
- (i) the three bailies : William Cunninghame, Mr Adam Wallace, Robert Stewart;
  - (ii) eight of the twenty-two councillors : Andrew Baillie, Robert Rowat, David Hall, James Lyon, John Lindsay, Thomas Muir, John Anderson and Robert Adam.

Of the 25 deacons, three were councillors, namely David Wilson, Archibald Wilson, lorimer, and his merchant namesake.

Table 11 : 1584-85 council (elected 9 October 1584)<sup>59</sup>

Sir Matthew Stewart of Minto		Andrew Baillie	[merchant]
Mr Adam Wallace		Robert Adam	(merchant)
Robert Stewart, old bailie	[merchant]	David Wilson	(merchant)
William Hegate	[notary]	James Lyon	[merchant]
Archibald Lyon	[merchant]	Mr Henry Gibson	[notary]
George Herbertson		Mungo Wilson	[merchant]
John Graham, younger		John Muir	flesher

James Fleming	[merchant]	George Burrell	(saddler) [D]
John Lindsay	(merchant)	John Clerk	tailor [D]
James Montgomery	[merchant]	James Ritchie	cooper [D]
Archibald Wilson	merchant	Archibald Wilson	lorimer [D]
Thomas Muir	[merchant]	John Anderson	dryleddirman [D]
William Stewart of Beltrees			
David Hall	[merchant]		
David Donald	(merchant)		

Size: 27

Composition: 14 merchants

6 craftsmen

2 lairds

2 notaries

3 unknown

Treasurer: included (David Donald)

Master of work: included (James Fleming)

#### Continuity with previous magistracies and councils

Of the 27 councillors in 1584-85

- (i) Mr Adam Wallace and Robert Rowat had been bailies in 1583-84, (2);
- (ii) Archibald Lyon, George Herbertson, John Graham younger, James Fleming, John Lindsay, Archibald Wilson, merchant, Thomas Muir, David Hall, Andrew Baillie, Robert Adam, David Wilson, James Lyon, Mr Henry Gibson, John Muir, John Clerk, Archibald Wilson, lorimer, and John Anderson had been councillors in 1583-84, (17);
- (iii) Sir Matthew Stewart of Minto had only once been on a council, the first council of 7-20 October 1580, but had been provost 1581-83; George Burrell had last been a councillor in 1582-83, (4);
- (iv) James Montgomery, William Stewart of Beltrees, David Donald and Mungo Wilson had not been councillors before, (4).

## Continuity with subsequent magistracies and councils

Of the 27 councillors in 1584-85

- (i) Robert Stewart and John Graham, younger, became bailies in 1585-86, (2);
- (ii) Sir Matthew Stewart of Minto, Mr Adam Wallace, William Hegate, Archibald Lyon, George Herbertson, James Fleming, John Lindsay, James Montgomery, Archibald Wilson, merchant, Thomas Muir, William Stewart of Beltrees, Andrew Baillie, Robert Adam, James Lyon, Mr Henry Gibson, John Muir, James Ritchie and John Anderson were re-elected councillors in 1585-86, (18);
- (iii) David Donald, David Hall, David Wilson, Mungo Wilson, George Burrell, John Clerk and Archibald Wilson, lorimer, were not reappointed councillors in 1585-86, (7). The details for the councils of 1586-87, 1587-88 are unknown. The next council for which information is available is that of 1588-89 and David Hall and George Burrell were councillors in that year.<sup>60</sup> David Hall was also a councillor in 1589-90.<sup>61</sup> Another gap in the minutes follows, the next known council being that of 1594-95.<sup>62</sup> Hall died in May 1612.<sup>63</sup> Of the others David Wilson died in November 1584<sup>64</sup> and David Donald died in April 1594.<sup>65</sup>

## Additional or quasi councillors 1584-85

On 3 July 1585 the 1584-85 accounts of David Donald were audited by the provost (Sir William Livingstone of Kilsyth) two of the bailies (William Cunninghame and Robert Rowat) and a group of eleven men. Eight were councillors, while a ninth was the treasurer, Robert Boyd. The other two were Andrew and Robert Fleming. The former held no office between 1574 and 1586 while Robert Fleming had last been a councillor in 1580-81. On this occasion the wording of the minute implies that these eleven men were all councillors since it ends 'and Archibald Wilson of the counsall'. As both Archibald Wilsons were councillors in 1584-85, the phrase 'of the counsall' appears to apply to the whole list, although it is ambiguous.<sup>66</sup>

## Relationship between 1584-85 magistracy and council and the kirk session

In May 1584 the Arran government passed the 'Black Acts' asserting the authority of the bishops, banning the presbyteries and forbidding any assembly of the church to meet without crown permission.<sup>67</sup> The Glasgow kirk session did not meet between 18 July 1584 and 31 March 1585. On 22 April 1585 the 'licence be our souveraine to hald assembleie in the toun of glasgw' was engrossed in the session minute book and the subsequent election of elders and deacons on 25 April was the first since 3 November 1583.<sup>68</sup>

The session of 1585-86 comprised 28 elders (6 ministers, 22 lay-men) and 21 deacons. Of the 22 lay elders elected in April 1585, 10 were magistrates or councillors, October 1584 - October 1585, namely

- (i) two bailies, William Cunninghame and Robert Rowat (the third bailie, George Elphinstone, had died on 2 April 1585);<sup>69</sup>
- (ii) eight out of 27 councillors : Robert Stewart, Mr Adam Wallace, Andrew Baillie, John Lindsay, Thomas Muir, David Hall, Robert Adam and Archibald Wilson, merchant.

Of the 21 ~~deacons~~ only one, Archibald Wilson, lorimer, was also a councillor. This session remained in office from April 1585 until October 1586.

Table 12 : 1585-86 council (elected 9 October 1585)<sup>70</sup>

Sir Matthew Stewart of Minto		James Lyon	[merchant]
William Cunninghame, old bailie		Donald Struthers	[merchant]
Mr Adam Wallace		William [Heriot]	baxter
William Stewart (of Beltrees)		Henry Spreull	[cooper] [D]
William Hegate	[notary]	James Ritchie	(cooper) [D]
Archibald Lyon	[merchant]	John Shields	(skipper)
Andrew Baillie	[merchant]	Archibald Wilson	merchant
John Stewart, younger		Robert Adam	(merchant)
Hector Stewart	[merchant]	James Montgomery	[merchant]
Gavin Graham		Mr Henry Gibson	[notary]
John Farquhar	[merchant]	John Gilmour	(cordiner)

James Stewart	[merchant]	John Muir	flesher
James Fleming	[merchant]	John Anderson	(cordiner) [D]
Colin Campbell	[merchant]	John Hamilton	(smith)
George Herbertson		John Scott	(baxter) [D]
Thomas Pettigrew	[merchant]		
Thomas Muir	[merchant]		
John Lindsay	merchant		

Size: 33 (In the original, Andrew Baillie appears also in the second column, between Adam and Montgomery : it has been assumed that this was an error).

Composition: 15 merchants

8 craftsmen

2 lairds

2 notaries

1 other (John Shields, skipper)

5 unknown

Treasurer: not included (Robert Boyd)

Master of work: not included (David Hall)

#### Continuity with previous magistracies and councils

Of the 33 councillors in 1585-86

- (i) William Cunninghame had been bailie in 1584-85, (1);
- (ii) Sir Matthew Stewart of Minto, Mr Adam Wallace, William Stewart (of Beltrees), William Hegate, Archibald Lyon, Andrew Baillie, James Fleming, George Herbertson, Thomas Muir, John Lindsay, James Lyon, James Ritchie, Archibald Wilson, Robert Adam, James Montgomery, Mr Henry Gibson, John Muir and John Anderson had been councillors in 1584-85, (18);
- (iii) John Gilmour had last been a councillor in 1576-77; Colin Campbell had last been a councillor in 1580-81, though he had also been a bailie in 1581-82; Thomas Pettigrew and Convell (or Donald) Struthers<sup>71</sup> had last been councillors in 1580-81; John Stewart (younger), Hector Stewart, John Farquhar and John Shields had last been councillors in 1581-82; John Scott had last been a councillor in 1582-83; and Gavin Graham had last been a councillor in 1583-84, (10);

(iv) James Stewart, William Heriot, Henry Spreull and John Hamilton had not been councillors before, (4).

#### Continuity with subsequent magistracies and councils

The main period under discussion ends in April 1586 with the close of the second surviving act book. However it is important to consider, so far as the records allow, how many of the magistrates and councillors of the 1574 to 1586 period survived into the late 1580s. The protocol books supply information on the bailies between 1586 and 1588 and the next act book takes up the full record again in October 1588, although another gap (of four years) follows its close in July 1590 at which point this survey ends.

Sir Matthew Stewart of Minto may have been provost in 1586-87 and was definitely provost in 1587-90 (and almost certainly continually thereafter to 1600).<sup>72</sup> The bailies in 1585-86 had been John Graham (younger), Robert Rowat and Robert Stewart. In 1586-87 all three were removed (but possibly sat on the council) and John Anderson, John Lindsay and Mr Adam Wallace became bailies; in 1587-88 Wallace was retained and Rowat and Robert Stewart returned; in 1588-89 Rowat was retained and he was joined by James Fleming and James Stewart; in 1589-90 Rowat and James Stewart were retained and Fleming was replaced by William Cunninghame.<sup>73</sup>

The council memberships of 1588-89 and 1589-90 are known.<sup>74</sup> Taking these in conjunction with the details of the magistrates noted above and comparing these men with the magistracy and council of 1585-86 the following picture emerges.

Of the three bailies in 1585-86

- (i) Graham was a councillor in 1588-90;
- (ii) Rowat was a bailie in 1587-90;
- (iii) Stewart was a bailie in 1587-88 and a councillor in 1588-90.



Of the thirty-three councillors in 1585-86

- (i) Sir Matthew Stewart of Minto was provost (possibly) in 1586-87 and (definitely) in 1587-90;
- (ii) William Cunninghame was a councillor in 1588-89 and a bailie in 1589-90;
- (iii) Mr Adam Wallace was a bailie in 1586-88 and a councillor in 1588-90;
- (iv) James Stewart was a bailie in 1588-90;
- (v) James Fleming was a bailie in 1588-89 and a councillor in 1589-90;
- (vi) John Lindsay was a bailie in 1586-87 but died in August 1588;<sup>75</sup>
- (vii) John Anderson was a bailie in 1586-87 and a councillor in 1588-90;
- (viii) Andrew Baillie, John Stewart, Hector Stewart, Thomas Pettigrew, Thomas Muir, James Lyon, William Heriot and Archibald Wilson served on both councils 1588-90 while Henry Spreull and Mr Henry Gibson were councillors in 1589-90;
- (ix) At least three died between 1586 and 1590 : George Herbertson in June 1586,<sup>76</sup> Archibald Lyon in November 1587<sup>77</sup> and Colin Campbell in February 1589;<sup>78</sup>
- (x) William Stewart, William Hegate, Gavin Graham, John Farquhar, Donald Struthers, James Ritchie, John Shields, Robert Adam, James Montgomery, John Gilmour, John Muir, John Hamilton and John Scott acted neither as bailies, 1586-90, nor as councillors, 1588-90. However Adam was leeted master of work in 1590 and Ritchie was a liner in 1588-89.

Thus all three bailies in 1585-86 continued to hold office in the late 1580s as did 17 of the 33 councillors of that year (or 18 if Ritchie is included as a liner). Of the remaining 16 (or 15, excluding Ritchie) at least three died during these five years, 1586-90.

#### Relationship between 1585-86 magistracy and council and the kirk session

The kirk session elected in April 1585 remained in office until October 1586. Thus, not only was the council of 1584-85 contemporaneous with this session, but also the council of 1585-86. These notes have traced

the links between councillors and session members, showing how many councillors were subsequently members of the session. Because of the overlap between session and council the question now becomes how many of the 1585-86 magistracy and councillors were already elders and deacons on their election in October 1585?

It will be recalled that the session of April 1585 to October 1586 comprised 28 elders (6 ministers, 22 lay-men) and 21 deacons. Of the 22 lay elders, 2 were bailies and 8 were councillors while of the 21 deacons only one was a councillor prior to October 1585.<sup>79</sup>

After October 1585 2 elders became bailies (Robert Rowat and Robert Stewart, although it seems probable that the third bailie, John Graham, younger, joined the session ex officio) and ten elders became councillors (William Cunninghame, Mr Adam Wallace, Andrew Baillie, John Lindsay, Hector Stewart, John Stewart, Thomas Muir, Thomas Pettigrew, Robert Adam, Archibald Wilson, merchant). Of the 21 deacons, 2 were councillors (John Scott and John Shields). There was no continuity between the deacons, but of a total of 13 elders who were councillors at some point between April 1585 and October 1586, 9 men remained councillors (or bailies) and elders throughout this period, namely William Cunninghame, Robert Rowat, Robert Stewart, Mr Adam Wallace, Andrew Baillie, John Lindsay, Thomas Muir, Robert Adam and Archibald Wilson, merchant.

Table 13 : Councils 1574-86 : size and composition

Date	Size	Merchants	Craftsmen	Others	Unknown
1574-75	14	5	4		5
1575-76	15	7	5		3
1576-77	16	9	3		4
1577-78	19	10	5	1 laird/noble	3
1578-79	18	9	3	1 laird	5
1579-80	24	15	4	1 laird	4
1580-81 (First)	27	15	4	2 lairds	6
1580-81 (Second)	30	16	5	1 laird, 1 skipper	7

Date	Size	Merchants	Craftsmen	Others	Unknown
1581-82	27	10	6	1 laird, 2 notaries, 1 skipper	7
1582-83	23	14	6	1 notary, 2 college representatives	0
1583-84	22	12	6	1 notary	3
1584-85	27	14	6	2 lairds, 2 notaries	3
1585-86	33	15	8	2 lairds, 2 notaries, 1 skipper	5

Table 14 : Craftsmen councillors 1574-86

Date	Total	Baxters	Coopers	Cordiners	Fleshers	Hammermen <sup>80</sup>	Skinners	Tailors
1574-75	4	1		1		1		1
1575-76	5	1		1		2		1
1576-77	3			1		1		1
1577-78	5			1		2	1	1
1578-79	3		1	1			1	
1579-80	4	1				2		1
1580-81 (First)	4	1				2		1
1580-81 (Second)	5		1	1	1		1	1
1581-82	6	1	1		1	1	1	1
1582-83	6	2		1	1	1		1
1583-84	6	1		1	1	1	1	1
1584-85	6		1	1	1	2		1
1585-86	8	2	2	2	1	1		

Table 15 : Councillors 1574-86

In this table the councillors are arranged alphabetically. The number of occasions they served as councillors is given and both councils of 1580-81 are included. Where an individual was elected to the short council of 7-20 October 1580 this is indicated by brackets. The inclusion of the short council means that the maximum terms of office are thirteen, not twelve. Between 1574 and 1586, 79 men held the 295 councils seats actually available so that on average one of these men might expect to be a councillor four times. However if the number of men who served once is removed, 55 men remain or a ratio of 1 : 5 (ie 55 to 271); if those who served five times or less are considered 18 men remain holding 145 of the 295 council seats, a ratio of 1 : 8.

In fact council membership was just as restrictive as the bailiesships, many men being returned several times. Of a total of thirteen terms of office,

- (i) Andrew Baillie was a councillor twelve times;
- (ii) George Herbertson and Archibald Lyon were councillors eleven times;
- (iii) Robert Adam and James Fleming were councillors ten times;
- (iv) Mr Adam Wallace was a councillor nine times;
- (v) John Clerk and John Lindsay were councillors eight times;
- (vi) George Burrell, Gavin Graham, David Lindsay, James Lyon, Robert Muir and Matthew Wilson were councillors seven times;
- (vii) John Anderson, John Fleming, David Hall and Robert Stewart served six times;
- (viii) William Cunninghame, Mr Henry Gibson, John Graham (younger), John Muir, James Ritchie, Robert Rowat, Hector Stewart, John Stewart of Bowhouse, Malcolm Stewart, Archibald Wilson, merchant, and John Wilson served five times.

These were the leaders of burgh society. If terms as bailies are included, then the main group heading burgh government is disclosed.<sup>81</sup> Of a total of thirteen terms,

- (i) Andrew Baillie was in office thirteen times (bailie : 1; councillor : 12) and also Mr Adam Wallace (bailie : 4, councillor : 9);

- (ii) William Cunninghame, twelve times (bailie : 7; councillor : 5) and also Archibald Lyon (bailie : 1; councillor : 11);
- (iii) Robert Stewart eleven times (bailie : 5; councillor : 6) and George Herbertson (councillor : 11);
- (iv) Robert Adam and James Fleming, ten times (as councillors);
- (v) George Elphinstone, nine times (bailie : 6; councillor : 3) and Robert Rowat (bailie : 4; councillor : 5);
- (vi) John Graham (younger) eight times (bailie : 3; councillor : 5), David Lindsay (bailie : 1, councillor : 7), plus John Lindsay (councillor : 8) and John Clerk (councillor : 8);
- (vii) George Burrell, Gavin Graham, James Lyon, Robert Muir and Matthew Wilson, seven times (all as councillors);
- (viii) Hector Stewart six times (bailie : 1; councillor : 5), John Wilson six times (bailie : 1, councillor : 5), plus John Anderson, John Fleming and David Hall, six times (all as councillors);
- (ix) Mr Henry Gibson, John Muir, James Ritchie, John Stewart of Bowhouse, Malcolm Stewart and Archibald Wilson, merchant, five times (all as councillors).

The above analysis of course excludes question of party but it does demonstrate how frequency of council membership usually implied a period in office as a bailie. It also shows that certain men who were frequently councillors (George Herbertson, Robert Adam, James Fleming etc) did not become bailies during this period, their promotion being hindered by a probable combination of the entrenched nature of the oligarchy, questions of politics, or even (as in the case of George Herbertson), their unpopularity.<sup>82</sup>

Analysis of the occupations of these 79 councillors shows that apart from the unknown element (11 men or 25%), 36 or 46% were merchants and 23 or 29% were craftsmen. The remaining nine comprised John Shields, skipper, four members of the gentry, two college representatives and two notaries. The craftsmen were represented by six baxters, two coopers, three cordiners, two fleshers, five hammermen (one lorimer, one pewterer, one saddler, two smiths), two skimmers and three tailors. Thirteen of these men can be identified as having been at one

point or another during these years deacons of their crafts : namely, John Anderson and James Braidwood (cordiners), George Burrell (saddler/hammermen), John Clerk (tailors) John Luis and John Wise (skinners) Archibald Muir (smith/hammermen), James Ritchie (coopers), John Scott (baxters), Henry Spreull (coopers), Matthew Watson (fleshers), Archibald Wilson (lorimer/hammermen) and George Young (baxters).<sup>83</sup> Seven out of the nine incorporated crafts appear to have been represented on the council during these years (the exceptions being the websters and the masons), and of these seven all appear to have been represented by their deacons, among others.

The table also shows those who were also elders or deacons of the kirk session, not just when they were magistrates and councillors (those details are included in tables 10-12) but also at any point between 1583 (when the kirk session records commence) and 1590. Whereas about a dozen of the magistrates and councillors were on the session each year, if these 79 councillors (who include all the bailies, and two provosts) are taken as a whole a clearer picture emerges. Four were dead by 1583 (David Lyon, Andrew Ritchie, William Rowat and William Watt).<sup>84</sup> Of the remainder, 39 or 52% were session members at some point between 1583 and 1590. Elphinstone died in April 1585, George Herbertson in June 1586, Archibald Lyon in November 1587 and Colin Campbell in February 1589.<sup>85</sup> This leaves 32 unaccounted for : several were perhaps unsympathetic to presbyterianism, even Protestantism. Such was definitely the case with Gavin Graham (convicted of harbouring Jesuits in February 1588),<sup>86</sup> William Hegate (threatened with excommunication by the session in 1586)<sup>87</sup> and Convell Struthers (accused of Catholic activities in 1593).<sup>88</sup>

The following codes are used in the table.

B	Bailie	e	Elder of the kirk session
[D]	Craft deacon	d	Deacon of the kirk session
P	Provost		

Table 15

Councillor	No. of times elected	Magistrate	Kirk Session	Councillor	No. of times elected	Magistrate	Kirk Session
Adam, Robert (merchant)	(10)		e	Fleming, Robert [merchant]	1		e
Anderson, John (cordiner) [D]	6		e	Gibson, Mr Henry [notary]	5		
Andrew, Nicol [merchant]	3			Gilmour, John (cordiner)	3		
Angus, John [merchant]	1		e	Glen, Patrick [merchant]	1		
Baillie, Andrew [merchant]	(12)	B	e	Graham, Gavin	(7)		
Blackburn, James [merchant]	2			Graham, John, elder	2		
Boyd, Robert Lord [nobility]	1	P	e	Graham, John (younger)	(5)	B	e
Braidwood, James (cordiner) [D]	2		d				
Burrell, George (saddler) [D]	(7)		d	Gray, Patrick (tailor)	2		
Campbell, Colin [merchant]	2	B		Hall, David [merchant]	6		e
Clerk, John (tailor) [D]	(8)			Hamilton, John (smith)	1		
Craig, James (baxter)	2		e	Hay, Mr Andrew [rector of college]	1		e
Cunninghame, William	5	B	e				
Darrocht, Ninian [merchant]	3		d	Hegate, William [notary]	3		
Donald, David (merchant)	1		d	Herbertson, Cuthbert baxter	1		
Elphinstone, George [merchant]	3	B		Herbertson, George	(11)		
Farquhar, John [merchant]	3			Heriot, William baxter	1		d, e
Fleming, James [merchant]	(10)		e	Lindsay, David, elder	(7)	B	
Fleming, John (merchant)	(6)		e	Lindsay, John (merchant)	(8)		e



Councillor	No. of times elected	Magistrate	Kirk Session	Councillor	No. of times elected	Magistrate	Kirk Session
Luis, John	1			Stewart of Bowhouse, John	(5)		
Lyon, Archibald	(11)	B		Stewart, John (younger)	3		e
Lyon, David	1			Stewart, Malcolm	(5)		
Lyon, James	(7)		e	Stewart of Mintn, Sir Matthew	(3)	P	e
Montgomery, James	2			Stewart, Robert	(6)	B	e
Muir, Archibald	1			Stewart of Beltrees, William	2		
Muir, John	5			Struthers, Convell/ Donald	(4)		
Muir, Robert	(7)		e	Symmer, William	1		
Muir, Thomas	4		e	Temple, John	1		d,e
Pettigrew, Thomas	(3)		d, e	Turnbull, William	(3)		
Ritchie, Andrew	1			Wallace, Mr Adam	(9)	B	e
Ritchie, James	5			Watson, Matthew	1		e
Rowat, Robert	5	B	e	Watt, William	1		
Rowat, William	1			Wilson, Archibald	2		d
Scott, John	3		d, e	Wilson, Archibald	(5)		d, e
Shields, John	3		d	Wilson, David	3		d
Smeaton, Mr Thomas	1		e	Wilson, James	1		
Spreull, Henry	1						
Stewart, Hector	(5)	B	e				
Stewart, James	1		d, e				

Councillor	No. of times elected	Magistrate	Kirk Session	Councillor	No. of times elected	Magistrate	Kirk Session
Wilson, John (pewterer)	(5)	B		Young, Robert	1		
Wilson, Matthew [merchant]	(7)			baxter			
Wilson, Mungo [merchant]	1						
Wise, John [skinner] [D]	4						
Young, George (baxter) [D]	2						

Table 16 : Council continuity and change, 1574-1586

This table draws on material contained in the notes to tables 1-12. Several distortions should be noted. Because of the unavailability of information regarding the membership of councils prior to 1574-75 and the later councils of 1586-87 and 1587-88, the figures for new members up until about 1577-78, and of men not reappointed from about 1584-85 onwards are probably misleading. A further difficulty is caused by the considerable changes in the total size of the councils : 50% of the council of 1574-75 represents only 7 men; the same percentage of the second council of 1580-81 represents 15 men. Nonetheless this table helps to clarify one point (the existence or otherwise of a system of rotation) and underline another (the oligarchic nature of the council).

How far was there a system of rotation? In the 1570s it is evident from column 6 that a council always contained at least one of the preceding year's bailies and that, as a corollary to this, one or more of the bailies of the subsequent year would, with only one exception (in 1578-79) be drawn from that council (column 1). This system of rotation (whereby, for example, Wallace was a bailie in 1574-75, a councillor in 1575-77, a bailie in 1577-78 and a councillor again during 1578-82) was severely disturbed in the early 1580s, a further reflection of the unsettled nature of burgh government during that period. It is less easy to identify a rotation among the main group of councillors. On average 66% of a council might be re-elected the next year either as councillors, 58%, or as magistrates, 8% (columns 1-3). In reality because of the addition of magistrates from the preceding year and new council appointees either with or without previous council experience, those councillors who were retained in fact constituted a slightly smaller fraction than 58% of the new council, i.e. 53% (compare columns 2 and 7). If the total continuity from the magistracy and council of the year preceding is considered, the overall continuity factor is reduced from 66% (column 3) to 60% (column 8). Nonetheless this would still seem to suggest that there was a system of rotation with approximately  $\frac{2}{3}$  of a council remaining in office and  $\frac{1}{3}$  demitting office each year but these averages conceal severe fluctuations, not only in periods of crisis such as 1578 and 1580-83 but also in more stable years. The figures do help to highlight certain years when the

usual proportion of members continued was upset. In 1578-79, when Robert earl of Lennox became provost, only 44% of the council was drawn from the magistracy and council of his predecessor and of the others 9 men or 50% of the council were new men, (the influx of Stewarts and Grahams which marked that year). What the figures do not disclose is that of the ten men removed from office, seven returned to serve in Lennox's second council of 1579-80. The effects of the double election of 1580 are shown to have been less severe than they might appear to have been: 63% of the first council (column 3) were retained in office, three as bailies, fourteen as councillors. These councillors comprised 47% of the new council acceptable to Esmé earl of Lennox (column 8). Of the first council 37% were dismissed, 4% never to return (columns 4 and 5). In contrast the counter 'purge' effected by Minto in 1582 was more thorough. Only 37% of the 1581-82 council survived (column 3), constituting 35% of the 1582-83 council (column 8). 63% were dismissed of whom 26% did not hold office again (columns 4 and 5).

The figures help to demonstrate the oligarchic nature of the council. Column 3 shows that on average 66% of a council would be reappointed the next year, either as magistrates or councillors. However if those who were re-elected at some subsequent date are included (column 4) this average rises to 85%, and never falls below 70% save in 1582-83 when it was 61% (a figure which may be a distortion because of the lack of information regarding the 1586-88 councils). A similar if slightly less extreme picture emerges when the resulting councils are examined. On average 77% (columns 8 and 9) were men with previous experience while the influx of 'new blood' was only 23% (column 10).

Table 16 : Council continuity and change, 1574-86

		Relative to later years					Relative to preceding years				
		1	2	3	4	5	6	7	8	9	10
		Councillors who become magistrates next year	Re-elected councillors next year	Total continued next year	Not re-elected until some later year	Not re-elected	Magistrates from preceding year now councillors	Councillors retained from year preceding	Total from preceding year retained	New but with previous experience	New appointees
Date	Total council										
1574-75	14	2 (14%)	6 (43%)	8 (57%)	2 (14%)	4 (29%)	1	-	-	-	-
1575-76	15	2 (13%)	8 (53%)	10 (66%)	3 (20%)	2 (13%)	3 (20%)	6 (40%)	9 (60%)	-	6 (40%)
1576-77	16	2 (13%)	12 (75%)	14 (88%)	1 (6%)	1 (6%)	2 (13%)	8 (50%)	10 (63%)	1 (6%)	5 (31%)
1577-78	19	3 (16%)	6 (32%)	9 (48%)	8 (42%)	2 (10%)	3 (16%)	12 (63%)	15 (79%)	1 (5%)	3 (16%)
1578-79	18	0 (0%)	13 (72%)	13 (72%)	5 (28%)	0 (0%)	2 (11%)	6 (33%)	8 (44%)	1 (6%)	9 (50%)
1579-80	24	1 (4%)	20 (84%)	21 (88%)	2 (8%)	1 (4%)	1 (4%)	13 (54%)	14 (58%)	7 (29%)	3 (13%)
1580-81 (First council)	27	3 (11%)	14 (52%)	17 (63%)	9 (33%)	1 (4%)	0 (0%)	20 (74%)	20 (74%)	2 (7%)	5 (19%)
1580-81 (Second council)	30	1 (3%)	19 (63%)	20 (67%)	4 (10%)	6 (23%)	0 (0%)	14 (47%)	14 (47%)	6 (20%)	10 (33%)
1581-82	27	2 (7%)	8 (30%)	10 (37%)	10 (37%)	7 (26%)	1 (4%)	19 (70%)	20 (74%)	2 (7%)	5 (19%)
1582-83	23	0 (0%)	12 (52%)	12 (52%)	2 (9%)	9 (39%)	0 (0%)	8 (35%)	8 (35%)	10 (43%)	5 (22%)

		Relative to later years					Relative to preceding years				
		1	2	3	4	5	6	7	8	9	10
		Councillors who become magistrates next year	Re-elected councillors next year	Total continued next year	Not re-elected until some later year	Not re-elected	Magistrates from preceding year now councillors	Councillors retained from year preceding	Total from preceding year retained	New but with previous experience	New appointees
Date	Total council										
1583-84	22	2 (9%)	17 (77%)	19 (86%)	1 (5%)	2 (9%)	0 (0%)	12 (55%)	12 (55%)	8 (36%)	2 (9%)
1584-85	27	2 (7%)	18 (67%)	20 (74%)	2 (7%)	5 (19%)	2 (7%)	17 (63%)	19 (70%)	4 (15%)	4 (15%)
1585-86	33	(3)	-	-	(10)	-	1 (3%)	18 (55%)	19 (58%)	10 (27%)	4 (15%)
Averages		(8%)	(58%)	(66%)	(19%)	(15%)	(7%)	(53%)	(60%)	(17%)	(23%)

Table 17 : Bailies and councillors 1574-86 : continuity and change

Table 16 dealt with continuity and change as it effected the councillors, referring to the bailies only when they directly impinged on the membership of the council. The continuity statistics were incomplete in so far as they therefore did not take into account the occasions when men served as bailies in successive years. The picture presented in table 17 is more complete as it shows the total annual turnover of bailies and councillors.

Once again the statistics are presented in terms of the apparent continuity rate (i.e. the bailies and councillors retained in office as a proportion of the old bailies and council) and the actual continuity rate (these bailies and councillors considered as a proportion of the new magistracy and council). Just as 66% of a council could on average be expected to be retained in office (column 3, table 16) but formed 60% of the new council (column 8, table 16) the same reduction can be noted here : on average 69% of all bailies and councillors were retained in office at the subsequent elections but this figure was reduced to an actual continuity average of 64% because of the influx of new members.

It will be observed that when the bailies are thus included in the calculations the continuity rate increases, a further reflection of the closed nature of burgh politics. Nonetheless the same major trends can be observed as were noticed in table 16: namely, the break in continuity when Robert earl of Lennox became provost in October 1578; the effects of the double election of 1580; the thoroughness of Minto's counter-coup of 1582; the return to some measure of stability after the council of 1582-83.

Table 17 : Bailies and councillors 1574-86 : continuity and change

(i) Relative to later years (e.g. 65% of the 1574-75 bailies and councillors were reappointed to serve in 1575-76)

Date	Bailies			Councillors			Bailies & Councillors		
	Total	Continued as bailies	Continued as councillors	Total	Continued as bailies	Continued as councillors	Total	Total continued	%
1574-75	3	0	3	14	2	6	17	11	65
1575-76	2	0	2	15	2	8	17	12	71
1576-77	2	0	2	16	2	12	18	16	89
1577-78	2	0	2	19	3	6	21	11	52
1578-79	3	2	1	18	0	13	21	16	76
1579-80	2	2	0	24	1	20	26	23	88
1580-81 (1)	3	0	0	27	3	14	30	17	57
1580-81 (2)	3	2	1	30	1	19	33	23	70
1581-82	3	1	0	27	2	8	30	11	37
1582-83	3	3	0	23	0	12	26	15	58
1583-84	3	1	2	22	2	17	25	22	88
1584-85	3	1	1	27	2	18	30	22	73
1585-86	3	0	-	33	3	-	36	-	-
Average :								69%	



(ii) Relative to previous years (e.g. 67% of the 1576-77 bailies and councillors had served in 1575-76)

Date	Bailies			Councillors			Bailies & Councillors		
	Total	Previously bailies	Previously councillors	Total	Previously bailies	Previously councillors	Total	Total continued	%
1574-75	3	2	-	14	1	-	17	-	-
1575-76	2	0	2	15	3	6	17	11	65
1576-77	2	0	2	16	2	8	18	12	67
1577-78	2	0	2	19	2	12	21	16	76
1578-79	3	0	3	18	2	6	21	11	52
1579-80	2	2	0	24	1	13	26	16	62
1580-81 (1)	3	2	1	27	0	20	30	23	77
1580-81 (2)	3	0	3	30	0	14	33	17	52
1581-82	3	2	1	27	1	19	30	23	77
1582-83	3	1	2	23	0	8	26	11	42
1583-84	3	3	0	22	0	12	25	15	60
1584-85	3	1	2	27	2	17	30	22	73
1585-86	3	1	2	33	1	18	36	22	61
							Average : 64%		

## NOTES

1. Glas. Recs., i, 24.
2. See Vol.I, P94-112.
3. Glas. Recs., i, 117, 118, 144.
4. Ibid., 80.
5. See Appendix 2.25 below, P229-236.
6. SRA MS C1/1/1 f29r.
7. Glas. Recs., i, 7 and 9.
8. SRA MS C1/1/1 f29r.
9. Ibid., f188v.
10. SRO MS CC8/8/3 f380r.
11. Ibid., f340r.
12. SRA MS C1/1/1 f85r. See also P103.
13. See Appendix 2.25 below, P229-236.
14. See P125.
15. SRA MS C1/1/1 f75r.
16. SRO MS CC8/8/35, not foliated.
17. Glas. Recs., i, 53-54 and SRA MS C1/1/1 f115r. On John Wise see Appendix 2.25 below, P229-236. . Discussed in Vol.I, P98-99.
18. SRA MS C1/1/1 f86v. See above, P101.
19. SRA MS C1/1/1 f87r.
20. Ibid., f113r.
21. SRA MS C1/1/1 f115r.
22. Glas. Recs., i, 56 and SRA MS C1/1/1 f120v. Discussed in Vol.I, P89.
23. Glas. Recs., i, 57 and SRA MS C1/1/1 f137v.
24. SRA MS C1/1/1 f156r.
25. SRO MS CC8/8/21 f238r and CC8/8/25 f231r.
26. SRA MS C1/1/1 f206r. On Ritchie see Appendix 2.25 below, P229-236.
27. SRA MS C1/1/1 f208r. Discussed in Vol.I, P94-96.
28. Ibid., f210r.
29. Ibid., f241r.
30. Ibid., f242v.
31. Ibid., f255r.
32. Ibid., f258r.
33. Discussed in Vol.I, P110-105.
34. SRA MS C1/1/1 f265r.

35. Ibid., f265v.
36. SRO MS CC8/8/25 f178v and CC8/8/28 f78v.
37. SRA MS C1/1/2 f19v.
38. SRO MS CC8/8/31 f333v.
39. Prot. Bk. Glasgow, viii, no.2435; ibid, x, no.3166.
40. SRA MS C1/1/2 f49r. Discussed in Vol.I, P110-112.
41. Beneath the second column the clerk inserted 'master of work, David Hall' and 'common procurator, James Fleming'. As Fleming appears in the main list it has been assumed that these were aides mémoire and that Hall was not on the council.
42. Durkan and Kirk, Glasgow University, 309.
43. SRO MS CH2/550/1 f13r.
44. Durkan and Kirk, Glasgow University, 337.
45. SRO MS CC8/8/25 f25v.
46. Glas. Recs., i, 98.
47. SRA MS C1/1/2 f58v.
48. Ibid., f63r.
49. Ibid., f78r and see P121.
50. SRA MS C1/1/2 f103r.
51. Ibid., f137r and see P119.
52. SRA MS C1/1/2 f142v and Glas. Recs., i, 108.
53. See Appendix 2.25 below, P229-236.
54. Glas. Recs., i, 110.
55. SRA MS C1/1/1 f146r.
56. Ibid., f148r.
57. Ibid., f150r. On the role of deacons as auditors see above, P101. On Spreull and Young see Appendix 2.25 below, P229-236.
58. SRA MS CH2/550/1 f2r.
59. SRA MS C1/1/2 f156r.
60. SRA MS C1/1/3 f1r.
61. Ibid., f100v.
62. Glas. Recs., i, 157.
63. SRO MS CC 9/7/9 f196r.
64. SRO MS CC8/8/15 f14r. This explains why Wilson's name in the list of kirk session deacons elected in November 1583 has been deleted, as that session remained in office until 25 April 1585 : see SRA CH2/550/1 f2r.
65. SRO MS CC8/8/28 f88v.
66. SRA MS C1/1/2 f195v.

67. APS, iii, 292-296, 301, 303-304, 311-312.
68. SRA MS CH2/550/1 ff18r-20v.
69. SRO MS CC8/8/17 f158v.
70. SRA MS C/1/1/2 f200r.
71. See above Pix.
72. SRA MS CH2/550/1 f80r and Glas. Chrs., i, pt.i, p.dcxv.
73. See Appendix 1.1, above P2.
74. SRA MS C1/1/3 ff1r, 100v.
75. SRO MS CC8/8/20 f91r.
76. SRO MS CC8/8/17 f149v.
77. SRO MS CC8/8/18 f133v.
78. SRO MS CC8/8/22 f353v.
79. See P126.
80. Hammermen included lorimers, pewterers, saddlers, smiths etc.
81. Namely the 'inner group' referred to at Vol.I, P58-59.
82. On Herbertson see P84-85.
83. See Appendix 2.25 below, P229-236.
84. On Lyon and Rowat see SRA MS C1/1/1 ff29r, 188v; on Ritchie and Watt see SRO MS CC8/8/3 ff380r and 340r respectively.
85. SRO MS CC8/8/17 ff158v, 149v; CC8/8/18 f133v; CC8/8/22 f353v.
86. Calderwood, History, iv, 663.
87. SRA MS CH2/550/1 f50v.
88. Maitland Misc., i, pt.i, 54.

## APPENDIX 2.13

### THE KEEPERS OF THE KEYS, 1574-86

The key keepers were appointed each Michaelmas after the council had been elected and details of all the appointees survive save for those of 1581.<sup>1</sup> No leets are recorded and it would appear that they were chosen (rather than elected), possibly by the magistrates. The keys were

- (i) the keys for the south and north locks and the 'hyngand locks key' of the 'meikle schryne' which from 1582 onwards was referred to as the 'great coffer' and was presumably a strong room;
- (ii) the two keys of the 'little kist within the schryne';
- (iii) the key of the box 'quhairin the commone seill is'; and
- (iv) from 1579 onwards the 'uter duir key' which in 1584 was referred to as the master of work's key.<sup>2</sup>

Thus there were six keys to which a seventh was added in 1579. Similarly there were six appointees per annum until 1579 and thereafter usually seven. The key keepers seem to have been entrusted with the safe keeping of the burgh's muniments, its common seal, possibly its plate and possibly the common good funds. On this last point it is notable that the treasurers were never appointed key keepers, save once when, on the decease of David Lyon, the key of the box containing the seal was entrusted to Andrew Ritchie in February 1575. The absence of the treasurers does not preclude the possibility that the common good funds were involved : on the contrary this practice may have been adopted on purpose for added security.<sup>3</sup>

As the key keepers held a position of trust it is not surprising to find that all but one were office holders on their appointment and most were prominent councillors. The non-office holder was David Hall when he was chosen on 8 October 1580 at the first round of appointments that Michaelmas. He had however been a councillor and key keeper 1578-80 and when he was continued in the post later that month (on 20 October 1580) he had by then become a councillor again. In 1574-75, 1575-76, 1582-83, 1583-84 and 1585-86 non-councillors are found who were however liners and indeed each year the keepers included at least

one liner (and sometimes as many as four). Why there was such a strong link between these positions is not clear, though it may simply reflect the pluralism inherent in the burgh's administration. It may also be noted that the master of work, save in 1574-75 and 1578-79, was always a keeper and that one of the key's was the 'utir duir' or master of work's key. Again, quite why this was so is unclear and it leads on to another question : where exactly were these coffer's kept? The reference to the 'meikle schryne' suggests the cathedral but this seems unlikely in view of its distance from the tolbooth and council house in the Trongate. However it is known that the tolbooth was adjacent to the former chapel of St. Mary (disposed of by the collegiate church of St. Mary and St. Anne to a private individual in 1556)<sup>4 and</sup> that during the 1570s and 1580s the burgh paid rent to sir Richard Herbertson and Mr James Hamilton for the use of the tolbooth as it belonged to their chaplainries.<sup>5</sup> All this tends to suggest that the old tolbooth (replaced 1625-27) may itself have been a former chapel and thus may have housed the 'meikle schryne'.<sup>6</sup>

Allowing for the number of appointees whose occupations are unknown, membership seems to have favoured merchant councillors throughout this period. As to continuity, percentage calculations are meaningless, because so few men were involved. Broadly speaking, changes in the key keepers reflected the changes experienced by the council as a whole. Attention may be drawn to the critical years of 1578 and 1580; unfortunately since the 1581 details are not known the effect of the rise of the presbyterian faction can not be determined. It will be observed that the key keepers were hardly affected by the double appointment of 1580 (Matthew Wilson and James Fleming being the only men to lose their positions; they were replaced by Robert Muir and, unusually, a man new to burgh politics, Ninian Darrocht). In comparison the 1578 coup was more dramatic in its impact, only two of the previous six incumbents surviving (Herbertson and Baillie).<sup>7</sup>

Between 1574 and 1586 despite twelve known appointments of six or seven key keepers each year, only twenty-one men were chosen. As no specific expertise was required (unlike for example the liners) it must be concluded that this reflected the oligarchic nature of the burgh's

government and that the post was probably something of a sinecure for senior councillors. Darrocht's appointment on his first appearance as a councillor was unusual. Examination of the other appointees shows a correlation between seniority and experience on the council and rate of appointment. Thus Andrew Baillie, a councillor twelve times, was a key keeper on ten occasions; Archibald Lyon was a councillor eleven times and a key keeper ten times; George Herbertson was a councillor eleven times and a key keeper seven times; James Fleming was a councillor ten times and a key keeper six times; Robert Muir was a councillor seven times and a key keeper five times; Gavin Graham, David Lindsay and Matthew Wilson were councillors on seven occasions and key keepers on four, and David Hall was a councillor six times and a key keeper on eight occasions.

In the table the following codes are used.

- (i) Keys :-
  - 1. Locks to the 'meikle schryne' (three in all : north, south and 'hyngand' locks).
  - 2. Little kist within the 'schryne' or strong room (two keys).
  - 3. Box containing the common seal.
  - 4. The 'uter duir' key.
- (ii) Positions held by key keepers.
  - C : Councillor.
  - L : Liner.
  - M : Master of work.

[D] indicates that these individuals are known to have been craft deacons sometime during this period.<sup>8</sup>

Date	Appointees	Key	Other posts held	Total keepers	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1574-75	John Arbuckle Robert Muir James Fleming David Lindsay, (elder) John Fleming David Lyon  On Lyon's decease his key passed to Andrew Ritchie, (merchant), councillor and treasurer, on 23 February 1575	1 1 1 2 2 3	L L C C C, L C	6	3	0	0	3	-
1575-76	Archibald Lyon George Elphinstone James Fleming John Fleming David Lindsay, (elder) Robert Muir	2 2 1 1 1 3	C C C, L, M C, L C L	6	5	0	0	1	4
1576-77	Archibald Lyon John Lindsay James Fleming George Herbertson David Lindsay, (elder) Andrew Baillie	2 2 1 1 1 3	C C C, L, M C C C	6	4	0	0	2	3



Date	Appointees	Key	Other posts held	Total keepers	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1577-78	James Fleming	1	C, L, M	6	4	0	0	2	5
	George Herbertson	1	C						
	David Lindsay, (elder)	1	C						
	Archibald Lyon	2	C						
	Robert Muir	2	C						
1578-79	Andrew Baillie	3	C	6	4	0	0	2	2
	Matthew Wilson	1	C, L						
	George Herbertson	1	C						
	David Hall	1	C						
	Robert Rowat	2	C						
1579-80	Gavin Graham	2	C	7	6	0	0	1	5
	Andrew Baillie	2	C						
	Robert Rowat	3	C						
	Matthew Wilson	1	C, L						
	Nicol Andrew	1	C						
1580-81 (First group, 8-20/10/80)	Gavin Graham	4	C, L, M	7	5	0	0	2	5
	Matthew Wilson	1	C, L						
	George Herbertson	1	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	James Fleming	3	C						
	David Hall	1	C, L						

Date	Appointees	Key	Other posts held	Total keepers	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1580-81 (Second group)	Gavin Graham	4	C, L, M	7	5	0	0	2	5
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	Ninian Darrocht	1	C, L						
	George Herbertson	1	C						
	David Hall	1	C, L						
1581-82	Robert Muir	3	C, L						
	No appointments recorded because of gap in minutes								
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
	Archibald Lyon	2	C						
1582-83	Andrew Baillie	2	C	6	6	0	0	0	-
	Robert Muir	3	C, L						
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
	Archibald Lyon	2	C						
1583-84	Andrew Baillie	2	C	7	4	1	1	1	3
	Mr Henry Gibson	1	C						
	John Anderson	1	C						
	David Hall	1	C, L						
	Matthew Wilson	4	M, L						
	George Herbertson	3	C						
1580-81 (Second group)	Archibald Lyon	2	C	7	5	0	0	2	5
	Andrew Baillie	2	C						
	Ninian Darrocht	1	C, L						
	George Herbertson	1	C						
	David Hall	1	C, L						
	Robert Muir	3	C, L						
1581-82	No appointments recorded because of gap in minutes								
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
1582-83	Robert Muir	3	C, L	6	6	0	0	0	-
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
1583-84	Robert Muir	3	C, L	7	4	1	1	1	3
	David Hall	1	C						
	Matthew Wilson	4	M, L						
	George Herbertson	3	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
1580-81 (Second group)	Mr Henry Gibson	1	C	7	5	0	0	2	5
	John Anderson	1	C						
	David Hall	1	C, L						
	Matthew Wilson	4	M, L						
	George Herbertson	3	C						
	Archibald Lyon	2	C						
1581-82	Andrew Baillie	2	C						
	Ninian Darrocht	1	C, L						
	George Herbertson	1	C						
	David Hall	1	C, L						
	Robert Muir	3	C, L						
	No appointments recorded because of gap in minutes								
1582-83	David Hall	1	M, L	6	6	0	0	0	-
	James Lyon	1	C						
	Ninian Darrocht	1	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	Robert Muir	3	C, L						
1583-84	George Herbertson	3	C	7	4	1	1	1	3
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	Mr Henry Gibson	1	C						
	John Anderson	1	C						
	David Hall	1	C, L						
1580-81 (Second group)	Matthew Wilson	4	M, L	7	5	0	0	2	5
	George Herbertson	3	C						
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	Ninian Darrocht	1	C, L						
	George Herbertson	1	C						
1581-82	David Hall	1	C, L						
	Robert Muir	3	C, L						
	No appointments recorded because of gap in minutes								
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
1582-83	Archibald Lyon	2	C	6	6	0	0	0	-
	Andrew Baillie	2	C						
	Robert Muir	3	C, L						
	David Hall	1	M, L						
	James Lyon	1	C						
	Ninian Darrocht	1	C						
1583-84	Archibald Lyon	2	C	7	4	1	1	1	3
	Andrew Baillie	2	C						
	Mr Henry Gibson	1	C						
	John Anderson	1	C						
	David Hall	1	C, L						
	Matthew Wilson	4	M, L						

Date	Appointees	Key	Other posts held	Total keepers	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1584-85	George Herbertson	3	C, L	7	4	1	1	1	6
	Archibald Lyon	2	C						
	Andrew Baillie	2	C						
	Mr Henry Gibson	1	C						
	John Anderson	1	C						
	David Hall	1	C						
	James Fleming	4	C, L, M						
1585-86	Archibald Lyon	2	C	6	4	1	1	0	5
	Andrew Baillie	2	C						
	Mr Henry Gibson	1	C						
	John Anderson	1	C, L						
	David Hall	1, 4	M, L						
	Thomas Pettigrew	3	C						

## NOTES

1. Caused by a gap between folios 19 and 20 of the 1581-86 act book (SRA MS C1/1/2) which also accounts for the loss of the minutes recording the appointment of the provost and the liners, and most of that year's annual statutes.
2. Glas. Recs., i, 24; SRA MS C1/1/1 f241r; SRA MS C1/1/2 f158v.
3. SRA MS C1/1/1 f29r. The absence of the magistrates is also notable; indeed, a statute of 1625 specifically excluded them from this office : Glas. Recs., i, 350.
4. Prot. Bk. Glasgow, xi, no.3728. See also R. Renwick, Glasgow Memorials (Glasgow, 1908), 234-236.
5. See Vol.I, P401-402.
6. On the building of the new tolbooth see Glas. Recs., i, 349-363 passim. In October 1625 a statute was enacted regarding the key keepers from which it is clear that by that date the chests were in the old tolbooth (ibid., 350). Demolition of the old tolbooth began in February 1626 (ibid., 352).
7. See Vol.I, P94-96, 100-105 passim.
8. See Appendix 2.25 below, P229-236.
9. Sources for appointments are as follows: SRA MS C1/1/1 ff29r (1574), 75r (1575), 115r (1576), 156v (1577), 208r (1578), 241r (1579), 265v and 266r (1580) and SRA MS C1/1/2 ff50v (1582), 103r (1583), 158v (1584), 200v (1585).

## APPENDIX 2.14

### THE LINERS, 1574-86

The liners were appointed each Michaelmas after the council had been elected and details of all the appointees survive save for those chosen in October 1581. Nevertheless, unlike the key keepers, it is possible to reconstruct the probable group of appointees in that month from details of linings minuted in the act books later that year.<sup>1</sup> No leets are recorded and it would appear that the liners were chosen (rather than elected), possibly by the magistrates.

The number of appointees in the 1570s ranged from five to seven and in the 1580s from six to nine. It will be observed that the master of work was always one of their number but that the proportion of councillors varied considerably, usually two (or about one third) up until 1578-79 and thereafter usually (with the exception of 1583-84) between five and seven (or about two thirds of the total). Apart from the apparently ex officio presence of the master of work every year another striking feature is the almost constant presence of a mason. Indeed, the only year in which the presence of a mason can not be verified is 1574-75, a year which featured two men whose occupations can not be traced. A mason was probably required because of the expertise such a man could bring to the inspection of buildings, one of the tasks which fell to the liners. The inclusion of a mason ensured an annual craft presence in the membership of the liners and this was augmented by other men so that in 1578-79 the craftsmen appear to have predominated. In other years the proportion of merchants and craftsmen could be equal (1576-78, 1579-80) although, particularly in the 1580s, merchants appear to have been in the majority.

Questions of social class or politics seem to have been secondary to the main consideration of expertise. A total of twenty-one men held the eighty-eight liner places recorded during this period but out of these twenty-one appointees thirteen were liners only once, twice or three times while James Fleming, Robert Muir and Matthew Wilson each served on ten occasions (out of a possible total of thirteen), John Fleming eight times, Walter Johnstone and James Ritchie seven times,

and David Hall and James Wilson six times. Generally continuity was high and the liners were not affected by the 1578 coup. But the double election of October 1580 affected the liners as it had the councillors and the key keepers. In fact the change in membership was, on first sight, dramatic. Of the seven liners appointed on 8 October 1580 only two, Gavin Graham and Robert Muir, were retained (as liners and councillors) at the second round of appointments effected on 20 October. Of the five displaced liners, four had been councillors (the exception being Walter Johnstone) and these four men were also removed from the council. Graham and Muir were joined by four liners all of whom, except James Wilson, mason, were on the new council. James Wilson and James Ritchie had previous experience as liners but David Hall and Ninian Darrocht were new to the position. This may explain why, later in the year, on 16 June 1581, two of the displaced liners were to be found acting as liners, namely Walter Johnstone and Matthew Wilson.<sup>2</sup> In fact additional liners appear later in the 1580s. Though not appointed in October 1582, James Wilson, mason, was found acting as a liner in August 1583.<sup>3</sup> Similarly neither John Anderson nor Robert Rowat were appointed in October 1583 yet both men were to be found as liners during the following year, presumably making up the numbers when others were absent.<sup>4</sup>

In the table which follows the original column lay-out has been retained and the following codes have been employed:

C : Councillor

M : Master of work                      X : Key keeper

[D] : known from information elsewhere to have been a craft deacon sometime during this period.<sup>5</sup>

The table excludes the additional liners noted above but includes the names of the liners believed to have been in post in 1581-82.

Date	Appointees	Other posts then held	Total	Councillors	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1574-75	William Watt Robert Muir John Arbuckle John Fleming Matthew Wilson	M, C X X C, X	5	2	3	0	0	2	-
1575-76	James Fleming, master of work Robert Muir John Fleming Matthew Wilson Walter Johnstone	M, C, X X C, X	5	2	4	1	0	0	3
1576-77	James Fleming John Fleming Matthew Wilson Walter Johnstone Peter Lymburner James Braidwood	M, C, X C [D]	6	2	3	3	0	0	4
1577-78	James Fleming John Fleming Matthew Wilson James Ritchie Peter Lymburner Walter Johnstone	M, C, X C C [D]	6	3	3	3	0	0	5

Date	Appointees	Other posts then held	Total	Councillors	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1578-79	<u>Column 1</u> James Fleming [merchant] Matthew Wilson [merchant] Peter Lymburner [hammerman]	M C, X	7	2	3	4	0	0	5
	<u>Column 2</u> Robert Muir (merchant) James Ritchie (cooper) Walter Johnstone (mason)	C [D]							
	<u>Column 3</u> James Wilson mason								
1579-80	<u>Column 1</u> Gavin Graham (cooper) James Ritchie [merchant] Matthew Wilson (merchant) Robert Muir	M, C, X [D] C, X C	7	5	3	3	0	1	5
	<u>Column 2</u> James Fleming [merchant] Walter Johnstone (mason) John Fleming (mason)	C							



Date	Appointees	Other posts then held	Total	Councillors	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1580-81 (First group, 8-20/10/80)	<u>Column 1</u> Gavin Graham (merchant) John Fleming (mason) Walter Johnstone [merchant] <u>Column 2</u> Matthew Wilson James Fleming [merchant] Robert Muir (merchant) John Wilson (pewterer)	M, C, X C C, X  C, X C C	7	6	4	2	0	1	6
1580-81 (Second group)	<u>Column 1</u> Gavin Graham [merchant] David Hall (merchant) Robert Muir  <u>Column 2</u> James Wilson mason James Ritchie (cooper) Ninian Darrocht [merchant]	M, C, X C, X C, X    [D], C C, X	6	5	3	2	0	1	2
1581-82	No appointments recorded because of a gap in the minutes. However it is possible to reconstruct the liners appointed from various references throughout the period 1581-82:								

Date	Appointees	Other posts then held	Total	Councillors	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1581-82 (cont'd)	Robert Muir David Hall Matthew Wilson James Ritchie James Wilson Ninian Darrocht	merchant [merchant] [merchant] (cooper) (mason) [merchant]	[6]	[5]	[4]	[2]	[0]	[0]	[5]
1582-83	<u>Column 1</u> James Fleming David Hall Robert Muir John Anderson  <u>Column 2</u> Matthew Wilson Robert Rowat John Fleming Walter Johnstone	[merchant] [merchant] (merchant) (cordiner)  [merchant] [merchant] (merchant) (mason)	8	6	6	2	0	0	3
1583-84	<u>Column 1</u> James Fleming James Wilson David Hall  <u>Column 2</u> Thomas Muir John Fleming Robert Muir Matthew Wilson	[merchant] (mason) [merchant]  [merchant] (merchant) (merchant) [merchant]	7	3	6	1	0	0	5

Date	Appointees	Other posts then held	Total	Councillors	Merchants	Craftsmen	Others	Unknown	Continued from previous year
1584-85	<u>Column 1</u> James Fleming [merchant] Thomas Muir [merchant] Robert Muir (merchant) John Lindsay (merchant) James Ritchie (cooper)  <u>Column 2</u> James Wilson mason David Hall [merchant] Archibald Wilson (merchant) George Herbertson	M, C, X C  C [U], C   C C C, X	9	7	6	2	0	1	5
1585-86	<u>Column 1</u> James Fleming [merchant] Thomas Muir [merchant] John Lindsay (merchant) James Ritchie (cooper) Archibald Wilson (merchant)  <u>Column 2</u> Robert Muir (merchant) John Anderson (cordiner) David Hall [merchant] James Wilson mason	C C C [D], C C    [D], C, X M, X	9	6	6	3	0	0	8

## NOTES

1. SRA MS C1/1/2 ff37r (18/5/82), 40r (22/5/82), 47v (23/8/82). The reconstruction is necessary because of the gap between ff19 and 20 already referred to (see above P80,156).
2. SRA MS C1/1/2 f18r. See also Vol.I, P100-105 passim.
3. SRA MS C1/1/2 f96r.
4. Ibid., ff117r (3/12/83 : Anderson), 132v (19/5/84 : Anderson and Rowat).
5. See Appendix 2.25 below, P229-236.
6. Sources for appointments are as follows : SRA MS C1/1/1 ff29r (1574), 75r (1575), 115r (1576), 156v (1577), 208r (1578), 241r (1579), 265v and 266r (1580), and C1/1/2 ff51r (1582), 103r (1583), 158v (1584), 200v (1585). On 1581 see n. 1 above.

APPENDIX 2.15  
THE COMMON PROCURATORS, 1574-86

The common procurator was appointed at Michaelmas and was invariably a leading councillor. Indeed in 1575-76 the position was held by the then provost, Robert Lord Boyd. The accounts show that the common procurator was in receipt of an annual salary from the common good commensurate with the fee enjoyed by the bailies, the clerk, the treasurer and the master of work.<sup>2</sup>

Although the absence of any leets between 1574 and 1585 suggests that the appointee was nominated (perhaps by the magistrates), the common procurator in 1589, Mr Adam Wallace, was elected from a leet of three names, so it is possible that elections were held during the years under consideration.<sup>3</sup>

Date	Appointee		Other posts held	Remarks
1574-75	James Fleming	[merchant]	C, X	Michael Baird [notary] had been common procurator in 1573-74. <sup>4</sup>
1574-76	Robert Lord Boyd	[noble]	P	
1576-77	Mr Adam Wallace		C	
1577-78	George Elphinstone	[merchant]	C	
1578-79				No record of appointment.
1579-80				-do-
1580-81 (1)	Mr Adam Wallace		C	
1580-81 (2)	Mr Adam Wallace		C	Re-appointed 20 October 1580.
1581-82	Mr Adam Wallace		C	
1582-83	James Fleming	[merchant]	C, L	No record of appointment but referred to in the accounts. <sup>5</sup>
1583-84	James Fleming	[merchant]	C, L	No record of appointment.
1584-85				-do-
1585-86				

Key : C : Councillor L : Liner P : Provost X : Key Keeper

## NOTES

1. Sources for appointments are as follows : SRA MS C1/1/1 ff29r (1574), 75r (1575), 115r (1576), 156r (1577), 265v and 266 r (1580) and C1/1/2 ff19v (1581), 49r (1582).
2. See Vol.I, P384.
3. SRA MS C1/1/3 f102r. John Graham (younger) and James Fleming were the other candidates.
4. See for example Glas. Recs., i, 19 and SRA MS C1/1/1 ff1-28 passim.
5. SRA MS C1/1/2 f151v.

**APPENDIX 2.16**  
**THE WATER BAILIES, 1574-86**

The water bailie was appointed each Michaelmas. As in the case of the common procurator there is no indication of leets being compiled during the period 1574 to 1585, but in 1589 the water bailie was the subject of an election between Stephen Glasgow and John Clerk, the former being successful.

For almost all of the period under consideration the post was held by Mr William Logan who held no other official position. In 1584 he was replaced by John Clerk who if he was the tailor of the same name was then a councillor and a burgh politician of some importance. His successor, Stephen Glasgow, was, like Logan, the holder of no other office during these years.

Date	Appointee	Remarks
1574-75	Mr William Logan	Re-appointed on 20 October 1580.
1575-76	-do-	
1576-77	-do-	
1577-78	-do-	
1578-79	-do-	
1579-80	-do-	
1580-81 (1)	-do-	
1580-81 (2)	-do-	
1581-82	-do-	
1582-83	-do-	
1583-84	-do-	
1584-85	John Clerk (tailor) [D] <sup>5</sup>	Logan may have demitted office to John Clerk by 31 March 1584. <sup>4</sup>
1585-86	Stephen Glasgow	



## NOTES

1. Sources for the appointments are as follows : SRA MS C1/1/1 ff29r (1574), 75r (1575), 115r (1576), 156r (1577), 208r (1578), 241r (1579), 265v and 266r (1580) and C1/1/2 ff19v (1581), 50v (1582), 104v (1583), 159r (1584), 200v (1585).
2. SRA MS C1/1/3 f102r.
3. See Appendix 2.12, P120.
4. SRA MS C1/1/2 f126r.
5. See Appendix 2.25, P229-236.

## APPENDIX 2.17

### THE COLLECTORS OF SEAL SILVER AND BURGESS HEIR FINES, 1574-86

These officials were at first separate. The first indication of a collector of seal silver occurs in a minute of 20 December 1575 when John Fleming was recorded as having received £1 'for seling of thre evidents'.<sup>1</sup> Appointments were thereafter recorded at Michaelmas 1576, 1577, 1578 and 1579, on this last occasion the post being combined with that of the collector of burgess heir fines.<sup>2</sup> Note of the latter post is first found in February 1577 when Matthew Wilson was appointed collector for these fines 'of all yeris bigane', a phrasing which suggests that the post was then new.<sup>3</sup> No further references occur until the posts were joined in October 1579 in the hands of Wilson.

What happened thereafter is not clear. The posts may have remained united or they may have been separated again. In any case no further appointments were recorded although the collectors of the burgess heir fines in 1582-85 can be identified from other minutes recording the admission of burgesses. Of the appointees who can be identified all were prominent councillors and most were acting in that capacity at the same time as they were collectors. Two exceptions occur : Thomas Pettigrew, a councillor in 1580-81 and 1585-86 but not in 1583-84 when he collected burgess heir fines; and Robert Rowat who in 1584-85 was both bailie and collector of these fines.

A further mystery surrounds these posts for neither source of income was credited to the burgh's common good accounts.<sup>4</sup> Although these small sums may have been collected for the benefit of the collector, the fact that the appointment of some of these men was specifically recorded alongside other minutes of appointment would suggest that this was an official position and that the monies were not emoluments for the collectors. One possibility is that they may have been used as alms.

In the table the following codes have been used.

B : Bailie    C : Councillor    L : Liner    X : Keeper of Keys

Date	Collectors of seal silver <sup>5</sup>	Date of appointment	Other posts then held	Collectors of burgess heir fines <sup>6</sup>	Date of appointment	Other posts then held
1574-75						
1575-76	John Fleming	Unknown	C, L, X			
1576-77	Archibald Lyon	4/10/76	C, X	[merchant]	16/2/77	C, L
1577-78	Archibald Lyon	3/10/77	C, X			
1578-79	Matthew Wilson	4/10/78	C, L, X			
1579-80	Matthew Wilson	8/10/79	C, L, X	[merchant]	8/10/79	C, L, X
1580-81 (1)						
1580-81 (2)						
1581-82						
1582-83						
1583-84						
1584-85						
1585-86						
				Matthew Wilson	Unknown	C, L
				Thomas Pettigrew	Unknown	
				Robert Rowat	Unknown	B

## NOTES

1. SRA MS C1/1/1 f84r.
2. However Lyon's appointment in 1577 (see Glas. Recs., i, 63) is vague, for although it occurs with the other Michaelmas appointments it is merely in the form of a memorandum that he had received 6s 8d for sealing a tack.
3. SRA MS C1/1/1 f127r.
4. See Vol.I, P358.
5. Sources for the collectors of seal silver are SRA MS C1/1/1 ff84r (1575), 115r (1576), 156v (1577), 208v (1578), 241r (1579).
6. Sources for the collectors of burgess heir fines are SRA MS C1/1/1 ff127r (16/2/77), 241r (1579) and C1/1/2 ff75v, 83r (1582-83), 129v (1583-84), 171v, 173r (1584-85).

## APPENDIX 2.18

### THE OFFICERS, 1574-86

The burgh officers were appointed each Michaelmas. On three occasions leets were recorded and it is probable that the absence of leets in other years can be explained if the men appointed in those years were the only men leeted. How the leets were formed and who then elected the officers can not be determined. Four officers were appointed each year save in 1585 when, because of the plague, the number was increased to six.

Overall there was a remarkable degree of continuity among the officers. One group (James Anderson, Robert Lettrick, John Stobo and John Watson, younger) were officers from 1574, if not earlier, until 1577, while another group, so far as can be judged from the minutes, were officers from 1578 to 1584 (Andrew Anderson, Robert Lettrick, John Paton and Richard Todd). Policing the burgh was an onerous, unpopular and even dangerous job and this continuity should be seen in the light of these factors rather than the oligarchic tendencies of late sixteenth century burgh government.

Nonetheless it was a position which could be lucrative. Although the accounts refer to payments of alms to the officers from time to time, James Anderson was farmer of the bridge toll and of the town mills in 1577-78 and died leaving £584.<sup>1</sup> John Caldwell may be the John Caldwell, maltman, who was co-farmer of the ladle in 1579-80, while John Stobo was definitely farmer of the bridge toll in 1578-79.<sup>2</sup>

However it was also a post which could be abused. John Watson was suspended for maladministration between 18 February and 3 March 1576.<sup>3</sup> On the same day that he was dismissed a statute was passed stipulating that officers <sup>would</sup> in future have to find cautioners to act as sureties for their 'lele and trew administratioun'.<sup>4</sup> This does not appear to have been effected until the election of October 1577 when the first set of cautioners was recorded. It is notable that the appointments of 1577 mark the only occasion when none of the previous year's officers were reappointed. It is conceivable that an attempt was being made to break the monopoly of Anderson, Lettrick, Stobo and Watson by a group

of men, both prospective officers and their cautioners, who hoped to gain access to what was a potentially lucrative if onerous post. Significantly this view seems to be lent credence by the events which occurred shortly after the 1577 election when Richard Todd was dismissed for having imprisoned two fellow tailors and poinded a woman for a fine which she did not owe, all on the orders of his cautioner, John Clerk, deacon of the tailors.<sup>5</sup> Clerk was accused before the burgh court on these charges but the outcome of the case was not recorded. On 9 November James Anderson, a former officer, was appointed to replace Todd.<sup>6</sup> Clearly the council's attempt to control its officers through cautioners was not an instant success and its powerlessness was further demonstrated at the next election when Todd was reappointed at the request of the archbishop, an incident which provoked a protest from one of the councillors, Mr Adam Wallace.<sup>7</sup> Nor was Clerk's career affected. He continued to serve as a councillor and would again be accepted as cautioner for an officer in 1580.

Although the officers were not affected by the factionalism of the period, the same did not hold true of their cautioners. The changes of 1578 did not touch either the officers or their sureties but in 1580 the latter were changed between the appointments authorised on 8 October and 20 October. In fact both sets of cautioners were unusual. As in previous cases (e.g. the poinders, the herdsman etc) the cautioners' primary purpose was to protect the interests of the burgh and it is thus not surprising to find that all the cautioners who acted as sureties for the officers during these years were either councillors or prominent office holders (shown in the table using C for councillor and T for treasurer). However this rule was broken in 1580. On 8 October the four officers were chosen along with their respective cautioners. None of these cautioners was a councillor or holder of office at the time and only one, John Anderson, had had any council experience. Why this was so remains a mystery. The same four officers were re-elected on 20 October (thus unlike the council, the key keepers and the liners surviving intact as a group) but their cautioners were changed. This was not done because of the lack of conciliar experience of the first group for none of the three known replacements was then a councillor or office holder and only one, John Clerk (who in fact had been dismissed from the council on 20 October), had had any experience of office before. As with the other changes effected on that day political considerations must have been uppermost.<sup>8</sup>

Examination of the cautioners vis-à-vis the officers for whom they acted discloses few links between these men. For example John Anderson was cautioner only to his namesake Andrew Anderson, but Andrew Anderson had three other cautioners during these years, namely George Burrell, James Bowe and James Montgomery.

Returning to the officers themselves, the occupations of only three out of the eleven appointees can be surmised. This leads to one last important question. What was their status? They were not in receipt of a fee from the common good and depended instead on their 'Yule waige', the source of which is not disclosed in the minutes but which may have been part of the income from court fines. However this practice was suspended in 1579 when they were instead empowered to levy small sums from those whom they summoned to court.<sup>9</sup> Neither source was adequate to meet their needs and these fees were frequently augmented by burgess fines and even alms from the common good.<sup>10</sup> It has already been observed that three of their number were involved in the farms of the town's petty customs and this plus the fact that they must have been in a position to exert their authority argues for the view that they were freemen burgesses. On the other hand it seems equally certain that they were by and large not on the same footing as other burgh officials as it is notable that none of these men ever became councillors or holders of senior posts.

In the table which follows [D] indicates individuals known to have been craft deacons some time during this period.<sup>11</sup>

12  
The Officers

Date	Leet	Appointees	Cautioners	Remarks
1574-75	James Anderson Robert Lettrick John Stobo John Foulter [merchant] John Watson, younger Thomas Robeson	James Anderson Robert Lettrick John Stobo John Watson, younger		Anderson, Lettrick, Stobo and possibly Archibald Lettrick had been officers in 1573-74. <sup>13</sup>
1575-76		James Anderson Robert Lettrick John Stobo John Watson, (younger)		Watson was suspended from office between 18/2/76 and 3/3/76, and it was ordered that in future the officers were to have cautioners. <sup>14</sup>
1576-77		James Anderson Robert Lettrick John Stobo John Watson, (younger)		On the same day as the election it was again ordered that the officers were to find cautioners. <sup>15</sup>
1577-78		David Mathie Richard Todd John Caldwell John Paton James Anderson	George Herbertson C John Clerk (tailor) C, [D] David Lindsay, (elder) C John Wise [skinner] C, [D] James Fleming [merchant] C	Election took place on 3 October. On 23 October Todd was dismissed, to be replaced by James Anderson on 9 November. <sup>16</sup>



Date	Leet	Appointees	Cautioners	Remarks
1578-79	James Anderson John Paton Andrew Anderson  John Stobo  John Douglas [fisher] James Drippis [tailor] John Caldwell (maltman) Richard Todd [tailor] Robert Lettrick John Houston [baxter] John Watson, (younger)	John Paton  Richard Todd [tailor] Robert Lettrick  Andrew Anderson	John Wise [skinner] C, [D] George Herbertson C David Hall [merchant] C John Anderson dryleddirman C	Todd's appointment, at the request of the archbishop, led to a protest from Mr Adam Wallace (then a councillor). <sup>17</sup>
1579-80		John Paton  Robert Lettrick Richard Todd [tailor]  Andrew Anderson	Convell Struthers [merchant] C Malcolm Stewart C Andrew Baillie [merchant] C George Burrell (saddler) C, [D]	
1580-81 (First group, 8-20/10/80)		John Paton Robert Lettrick Richard Todd [tailor] Andrew Anderson	Gilbert Hall (maltman) Robert Erskine John Hamilton smith John Anderson dryleddir [D]	

Date	Leet	Appointees	Cautioners	Remarks
1580-81 (Second group)		John Paton Robert Lettrick Richard Todd [tailor] Andrew Anderson	[not stated] John Clerk David Donald James Bowe	The officers were thus retained, but not their cautioners.
1581-82		[As above]		On 5 October it was minuted that the officers were to continue until the return of the provost. No further reference to an appointment appears. <sup>18</sup>
1582-83		[As above]		Nothing recorded. Inferred in fact from the 1583-84 appointment : see below. However the accounts suggest that Archibald Lettrick may have been an officer in 1582-83. <sup>19</sup>
1583-84	Richard Todd Robert Lettrick Andrew Anderson 'New litis' John Burne	Richard Todd Robert Lettrick Andrew Anderson [John Paton]		Result was 'four auld officeris continewit'; presumably Burne was not appointed and references later in the year confirm that Paton was an officer in 1583-84. <sup>20</sup>

Date	Leet	Appointees	Cautioners	Remarks
1584-85		<u>Column 1</u> Richard Todd [tailor] John Caldwell (maltman)	John Muir [not stated]	flesher C
		<u>Column 2</u> John Paton	Robert Adam	(merchant) C
		William Stobo	James Fleming	[merchant] C
1585-86		James Anderson	Robert Boyd, treasurer	[merchant] T
		Richard Todd John Paton	[not stated] Donald Struthers	[merchant] C
		Andrew Anderson	James Montgomery	[merchant] C
		William Stobo	James Fleming	[merchant] C
		Andrew Fairie	John Stewart, (younger)	C
				Stobo and Fairie were specifically noted as having been appointed because of the 'pest'.

## NOTES

1. SRA MS CC8/8/31 f273r (this testament specifically refers to the deceased as James Anderson, officer) and see Appendix 2.6 above, P48-63. On alms to officers see SRA MS C1/1/1 ff87v, 243v and C1/1/2 f197r.
2. For Caldwell and Stobo see Appendix 2.6 above, P48-63.
3. SRA MS C1/1/1 ff92r-93v.
4. Glas. Recs., i, 47. Although apparently not enforced until 1577, this statute regarding cautioners was repeated in an expanded version in October 1576 : ibid., 55.
5. SRA MS C1/1/1 f160v.
6. Ibid., f163r.
7. Glas. Recs., i, 72 and see Vol.I, P99-100.
8. See Vol.I, P55-56,101.
9. Glas. Recs., i,76. The Yule wage system had been restored by 1628 : ibid., 363.
10. For allocation of burgess fines to officers see, for example, SRA MS C1/1/1 ff43r, 133r and C1/1/2 ff165r, 186v, 193r, 194v. For grants of alms to officers see n.1 above and Vol.I, P400-401.
11. See Appendix 2.25 below, P229-236.
12. Sources for appointments are as follows : SRA MS C1/1/1 ff29r (1574), 75r (1575), 115r (1576), 156r (1577), 208r (1578), 241r (1579), 265v and 266r (1580) and C1/1/2 104v (1583), 156v (1584), 200r (1585).
13. SRA MS C1/1/1 ff1-28 passim and, for Archibald Lettrick, ibid., f86r (a reference in the 1573-74 accounts).
14. Ibid., ff92r-93v and Glas. Recs., i, 47.
15. Glas. Recs., i, 55.
16. SRA MS C1/1/1 ff156r, 160v, 163r.
17. Glas. Recs., i, 72 and see Vol.I, P99-100.
18. SRA MS C1/1/2 f21r.
19. Ibid., f148r.
20. Ibid., ff129r, 152v.

## APPENDIX 2.19

### MINOR OFFICIALS (COURT), 1574-86

(i) The Dempster

The dempster was a court official whose chief function was to declare the burgh court to be in session. No appointments were recorded in the minutes but as the dempster was named at each sitting it is possible to identify the holders of this post, although how they were appointed or by whom is thus unknown. Two men dominated this position, namely James Speir (who was also poinder throughout his incumbency)<sup>1</sup> and John Andrew; but it is evident that other men could be called upon to act in this capacity. Very little is known about any of these men. A few held other minor posts but the majority appear only as dempsters. There is insufficient information about their occupations to suggest their status.

19 January 1574-10 May 1575	: James Speir [flesher] (also poinder) <sup>2</sup>
<u>except</u> 6 April 1574	: John Brown [maltman]
7 April 1574	: George Gilmour
6 July 1574	: Thomas Carrmyers
3 September 1574	: James Anderson (also officer)
12 November 1574	: James Galbraith [hammerman]
4 March 1575	: John Andrew
13 May 1575-27 April 1586	: John Andrew [cordiner] <sup>3</sup>
<u>except</u> 17 January 1576	: James Speir [flesher] (also poinder)
1 June 1576	: -do-
5 June 1576	: -do-
16 October 1576	: -do-
20 April 1576	: Michael [Brobas]
23 January 1577	: Martin Pettigrew
6 July 1577	: Robert Lettrick (also officer)
21 February 1578	: James Wylie [tailor]
1 November 1582	: Richard Barton

(ii) Burgh executioner

The minutes do not record any appointments to such a post but the accounts between 1573-74 and 1578-79 record payments made to Malcolm Hamilton for scourging malefactors.<sup>4</sup> Although never

actually referred to as the executioner, this was obviously his position. Little is known about Hamilton. He is conspicuously absent from the protocol books which is hardly surprising since, if he was anything like his successor John M'Clelland (appointed in 1605),<sup>5</sup> he may have been a former criminal and was almost certainly an unfreeman. However Hamilton was also keeper of the grass market in 1573-74, so he may have been more respectable than M'Clelland.<sup>6</sup>

(iii) The gaoler

The burgh court and council met in the tolbooth but part of this building was also used as the gaol. As prisoners were a charge on the burgh's finances it is unlikely that individuals were incarcerated for very long. A gaoler could thus be employed on a part-time basis. The burgh records make no mention of a gaoler but they do record that sir Archibald Dickie was employed to look after the tolbooth clock.<sup>7</sup> The same man was used as a gaoler by the kirk session<sup>8</sup> and it seems likely that he also acted as gaoler on behalf of the burgh court.

(iv) The Officer to the University

The officer to the university was an unusual official in so far as he acted on behalf of the university but was appointed by the town magistrates and council at the request of the 'maisteris' of the university. In January 1575 it was specified that his remit was 'to use all warnyngs executiounes and poyndings vpoun all decreets pronuncit ... be the saids provest and baillies against ony inhabitants of this toun and to have the lyk power to that effect as ane of the officers of the toun.' In October of the same year it was described somewhat differently: the university officer was to act 'in all effaris concernyng tham [the university's masters] and thair fundatioun for the ingaddering of thair levyng.'<sup>9</sup> The reference to the burgh's officers is interesting as it may be noted that John Foulter, who dominated this post during these years, was leeted unsuccessfully in 1574 for the post of burgh officer.<sup>10</sup>

The first appointment recorded in the minutes was that of Foulter on 25 January 1575 and he was re-appointed in October that

year 'quhill Michaelmas nixtocum.' No appointment was recorded in October 1576 or October 1577, his next reappointment being on 21 January 1578. His next two appointments were in 1578 and 1579, about a fortnight after the main set of Michaelmas appointments, and in 1580 his appointment was even later, in early November.<sup>11</sup> Thereafter no appointments were recorded although a reference in November 1583 indicates that Foulmer was then still acting in this capacity.<sup>12</sup>

After the burgh gifted the various ecclesiastical properties it had obtained in 1567 to the university in January 1573 it nonetheless retained an interest in several chaplainries, income from which was credited to the common good.<sup>13</sup> The thirds of one of these chaplainries, sir Robert Watson's, appear to have been uplifted by the university officer : for example, in the 1575-76 accounts £6 13s 4d was paid to Foulmer, 'collectour of the universitie' for the third of sir Robert Watson's chaplainries.<sup>14</sup> If it is assumed that he was acting here as university officer, then the other men referred to as collectors of these thirds for the university may also have been university officers. There is no difficulty regarding Sir Thomas Knox (1573-74) or Mr Peter Blackburn (1576-77) as university officers but John Steyneis found acting as a collector of the thirds for the university in 1577-79 during Foulmer's period as university officer. Steyne however was collector of rents from the newly feued muir lands between 1574 and 1578-79, on behalf of the burgh treasurer.<sup>15</sup> Foulmer may have used him as an assistant in the same way. Alternatively the 'collector' may have been quite distinct from the 'officer'. The difficulty with that interpretation is that the two remits of 1575 already quoted imply that the collection of thirds and other rents would fall within the officer's purview. Similarly, in 1599 James Reid was appointed university officer 'for ingaddering of the annuellis and dewteis of the College'.<sup>16</sup> Consequently it would seem that 'collector' may have been simply another name for the university officer. However in the table that follows, the original designations have been retained.

Date	Date of appointment	Appointee	Remarks
1574	Unknown	[Sir Thomas Knox] [notary]	'Collector'. Knox may also have been collector in 1573 : he is referred to as collector in the 1573-74 and 1574-75 <sup>17</sup> accounts and elsewhere in the act books.
1575	25 January 1575	John Foulmer [merchant]	'Officer'. <sup>18</sup> Appointed until 'Michaelmas nixtocum'.
1575-76	11 October 1575	John Foulmer [merchant]	'Officer'. Appointed until 'Michaelmas nixtocum'. <sup>19</sup> Also referred to as 'collector' in the 1575-76 accounts. <sup>20</sup>
1576-77	Unknown	[Mr Peter Blackburn, regent of the university]	'Collector'. Referred to in the 1576-77 accounts. <sup>21</sup>
1578	21 January 1578	John Foulmer [merchant]	'Officer'. <sup>22</sup> However John Steyne 'collector' also appears in the 1577-78 accounts. <sup>23</sup>
1578-79	14 October 1578	John Foulmer [merchant]	'Officer'. <sup>24</sup> However John Steyne 'collector' also appears in the 1578-79 accounts. <sup>25</sup>
1579-80	16 October 1579	John Foulmer [merchant]	'Officer'. <sup>26</sup>
1580-81	4 November 1580	John Foulmer [merchant]	'Officer'. <sup>27</sup>
1581-82			No record of appointment.
1582-83			No record of appointment.



Date	Date of appointment	Appointee	Remarks
1583-84	Unknown	John Foulter , [merchant]	Referred to, 26 November 1583, as 'officer'. <sup>28</sup>
1584-85			No record of appointment.
1585-86			No record of appointment.

## NOTES

1. See Appendix 2.1 above, P30-32.
2. For James Speir see SRA MS C1/1/1 ff1-58. For the others see respectively ff10r, 10v, 21v, 27v, 34v, 48r.
3. For John Andrew see SRA MS C1/1/1 ff58-281 and C1/1/2 ff1-219. For the others see respectively SRA MS C1/1/1 ff89r, 101v, 102r, 116r, 98v, 124v, 146v, 178v and C1/1/2 f53r.
4. SRA MS C1/1/1 ff85v, 86r, 87r, 113v, 206r, 206v, 242v, 243r.
5. Glas. Recs., i, 233. See Vol.I, P192.
6. See Appendix 2.20, pt.ii, below, P187.
7. On Sir Archibald Dickie see Appendix 2.23 below, P213.
8. SRA MS CH2/550/1 f4v.
9. SRA MS C1/1/1 ff42v, 76r. For the latter see Glas. Recs., i, 42.
10. SRA MS C1/1/1 f29r.
11. Ibid., ff42v, 76r, 173r, 209v, 242r, 268v.
12. SRA MS C1/1/2 f115r.
13. Glas. Chrs., i, pt.ii, 149-162. See Vol. I, P28-29, 351-353.
14. SRA MS C1/1/1 f114v.
15. See Appendix 2.21, pt.i, below, P193.
16. Glas. Recs., i, 190.
17. SRA MS C1/1/1 ff86r, 88r. Knox was dead by November 1579 : ibid., f245r.
18. Ibid., f42v.
19. Ibid., f76r.
20. Ibid., f114v.
21. Ibid., f207r.
22. Ibid., f173r.
23. Ibid., f211v.
24. Ibid., f209v.
25. Ibid., f243r.
26. Ibid., f242r.
27. Ibid., f268v.
28. SRA MS C1/1/2 f115r.

APPENDIX 2.20  
MINOR OFFICIALS (MARKETS), 1574-86

(i) Common 'Mettar'

This official was referred to only twice and on neither occasion was he named. In October 1578 the bailies 'vnderstandand the murmour maid anentis the maltmetting be the commone mettar in tymes begane' discussed with the council whether to make an appointment or dispense with the office. The former course was adopted and it was ordained that the 'metstar' was to receive 4d for each 'mask' which he weighed.<sup>1</sup> A subsequent statute of October 1582 on the subject of weights and measures stipulated that 'all malt bocht and saulde wythin this toun be met ... wyth thee heipfurlat as was wsit of befoir and wther stufe to be met ... be the new straik furlot and the common metstar met the malt as he wsit of befoir'.<sup>2</sup>

Although he may have measured other grains, the common 'mettar' seems to have been primarily concerned with weighing malt. Malt was subject to both the ladle and mill dues and it seems likely that this official may have assisted the farmers of those customs.<sup>3</sup>

(ii) Keeper of the Grass Market

Reference to this official is found only in the accounts. Payments to Malcolm Hamilton<sup>4</sup> for keeping the grass market are recorded on 15 September 1573<sup>5</sup> and 6 September 1574.<sup>6</sup> No references to this post occur thereafter and there are no minutes of appointment.

(iii) Visitors to the Markets

General inspection of the markets fell to the bailies and the officers.<sup>7</sup> However special arrangements were made regarding the meal market and the corn market.

In October 1574 it was ordained that one of the council, accompanied by an officer, was to inspect the meal market each

Monday and Friday, 'ouklie about'.<sup>8</sup> Between 1575 and 1585 inspections of this market appear to have been conducted by the bailies but in February 1585 the earlier system was returned to because of the 'grite abuse of the meill marcat'. It was decreed that each Saturday one of the council was to visit the meal market on a weekly rotation, accompanied by an officer. Archibald Lyon was appointed for the first week.<sup>9</sup> No further references occur to this function during this period.

In the case of the corn market special inspectors were appointed in 1574, 1577 and 1581. In October 1574 the appointees were John Spreull and John Wise [skinner].<sup>10</sup> Neither was then a councillor (Wise however became a councillor in 1577). Spreull was also appointed as an ale taster and both men became plague searchers later that month. In October 1577 the inspectors appointed were William Donaldson and Gilbert Hall (maltman). Neither was a councillor but both men were also ale tasters that year.<sup>11</sup> In 1581 the minutes indicate that appointments were to have been made but the names of the appointees were not recorded.<sup>12</sup> If these were appointments of one year's duration it must be inferred that in all other years inspection of the corn market fell to the bailies and officers. However it is equally possible that those appointed in 1574 served until 1577 and so forth.

(iv) Ale tasters

The ale tasters, whose task was to inspect the quality of ale, were similar in function to the market inspectors, albeit their remit was more specialised. It is thus interesting to note that they were appointed at the same time and on the same years as the visitors to the corn market, namely 1574, 1577 and 1581 (although in the case of the last year mentioned, the names of the appointees were not recorded). There is no evidence of elections and these men were probably chosen by the magistrates and council.

Why the appointments were so irregular is not known. Possibly those chosen in 1574 served until 1577 and so on. Such seems to be implied by the terms of a statute which stipulated that all brewers were 'to mak thair aill patent to the taistaris sa oft as thai cum thairto', and which was enacted annually from 1577 onwards.<sup>13</sup> One of the corn market inspectors in 1574 and both of these inspectors in 1577 were also ale tasters in these years. It would seem that these minor officials were drawn from a similar group and an even firmer correlation can be drawn between the ale tasters and another group of minor officials, the special plague searchers appointed in October 1574. Of the thirteen ale tasters appointed on 6 October 1574, eight were involved in the plague precautions implemented on 29 October 1574. All these men can be regarded as forming a group of lesser burgesses, appointed to act in a minor capacity and occasionally gravitating to the more select and wealthier group of councillors and senior officers. The two groups were not of course mutually exclusive : the thirteen ale tasters of 1574 included two councillors, two liners, and four men who would later become councillors (Herbertson, Muir, Wilson, Craig); the thirty-six plague officials of 1574 included one bailie, eight councillors and two liners plus four future councillors; and the six ale tasters of 1577 included two councillors, two liners, and four others (Cuthbert Herbertson, Rowat, Ritchie, Gilmour) who had been or would be councillors. Nonetheless it seems reasonable to regard these minor officials, as a less wealthier, less influential group within the administration.<sup>14</sup>

Another similarity may be noted between the ale tasters and the plague searchers, in terms of their modus operandi. Both groups were divided into districts (although these were slightly differently defined being six areas for the ale tasters and seven for the plague searchers). If the eight men appointed as both ale tasters and plague searchers in 1574 are examined most are seen to be operating in the same districts on both occasions, suggesting (as might be expected) that areas were allotted in terms of residency.<sup>15</sup>

Continuity between the two groups of ale tasters was low. Only three men (Cuthbert Herbertson, Rowat and Gilmour) were common to both groups but it will again be noticed that all three served in the same areas in both years. In terms of occupations the two groups were broadly similar : in 1574 two were merchants, six were craftsmen (although five are unknown) while in 1577 two were merchants, eight were craftsmen (with two unknown). The apparent preponderance of craftsmen ties in with the earlier remarks about the relative wealth of these men. Another similarity between the two sets of appointees concerns the proportion of 'senior' officers present, four each. These men (the councillors and liners) may have been in charge of their colleagues in some way although since the ale tasters were distributed geographically it is difficult to see how this could have been effected. More probably these figures are coincidental.

In the table the following codes have been used.

C : Councillor	Pl : Plague official
[D] : Deacon sometime during the period 1574-86 <sup>16</sup>	S : Stenter
L : Liner	V : Visitor to corn market
Om : Outlandman	X : Key keeper

The table covers the appointments made in 1574 and 1577. In 1581 the minutes suggest that ale tasters were again chosen but their names are not given, only the geographical areas. These are the same as in the preceding years except that the Gallowgate/Trongate division was omitted.<sup>17</sup>

Area	1574 18		1577 19	
	Appointees	Positions held that year	Appointees	Positions held that year
Rottenrow and Drygate	John Dalrymple John Spreull	[tailor] Pl, V	William Donaldson Gilbert Hall (maltman)	V V, S
Wyndhead to Blackfriars	Cuthbert Herbertson William Rowat	Pl (baxter) (tailor) C	Cuthbert Herbertson William Rowat	(baxter) (tailor)
Blackfriars to Cross	Archibald Muir John Taylor	[smith] Pl, [D]	George Herbertson John Fleming (merchant)	C, X, S C, L, S
Gallowgate and Trongate	John Woddrop John Bell	[merchant] Pl	Robert Young Patrick Bell	cordiner [merchant]
Cross to Nether Barrasyet	Matthew Wilson James Craig	[merchant] (baxter) Om, L, Pl	Peter Lymburner James Ritchie	[hammerman] (cooper) L L, S, [D]
Barrasyet to Bridge and Stockwell	John Arbuckle John Gilmour Gilbert Newlands	X, L, Pl C, Pl (cordiner)	Patrick Howie John Gilmour	(litster) (cordiner)

## NOTES

1. Glas. Recs., i, 72.
2. Ibid., 99.
3. Ibid., 48, 56.
4. See Appendix 2.19, pt.ii, P181-182.
5. SRA MS C1/1/1 f85v.
6. Ibid., f87r.
7. See Vol.I, P276-277.
8. Glas. Recs., i, 26.
9. SRA MS C1/1/2 f177v (and Glas. Recs., i, 116).
10. SRA MS C1/1/1 f29v (and Glas. Recs., i, 26).
11. SRA MS C1/1/1 f157v.
12. SRA MS C1/1/2 f20r.
13. SRA MS C1/1/1 f156v.
14. See Appendix 2.22 pt.iv below, P200 ; Appendix 2.24 below, P214-228 ; see also, for an inquest which shows these features, Appendix 3.2 below P271-272.
15. There is one difference. John Dalrymple was assigned to Rottenrow and Drygate as an ale taster and to Wyndhead/Blackfriars as a plague searcher (Appendix 2.22 pt.iv below P204 ) but these areas are contiguous. As to residency, in the case of the plague searchers it was specifically stated that they were appointed 'ilk ane in the gaittis quhair thai duell': (Glas Recs., i, 29).
16. See Appendix 2.25 below, P229-236.
17. SRA MS C1/1/2 f20r.
18. SRA MS C1/1/1 f29v.
19. Ibid., f157v.



APPENDIX 2.21  
MINOR OFFICIALS (FINANCE), 1574-86

(i) Collector of the New Muir Land

Part of the burgh's ordinary income, its common good, was derived from land rents and in the 1570s this was extended by feuing out part of the common muir lands in Garngadhill and Gallowmuir.<sup>1</sup>

Although the 1576-77 accounts refer to the treasurer as the collector of these new rents,<sup>2</sup> the accounts of 1574-75, 1575-76 and 1577-78 indicate that in these years he was assisted by John Steyne who collected these duties.<sup>3</sup> Steyne also acted as collector of thirds for the university in 1577-78 and 1578-79<sup>4</sup> and was involved in the burgh's stents of 1574 and 1577.

Revenue from this source continued to be credited to the common good in the 1580s but the accounts no longer disclose by whom these monies were collected.

(ii) Stenters

The burgh's extraordinary income was collected through stents.

Two groups of stenters or tax collectors were appointed during this period and they are set out in the tables which follow. The 1574 stent, authorised on 21 August, was a levy of £200 'to be ... payit be the townschip and fremen thairof for the upkeep of the High Kirk'. Sixteen men were appointed for 'castyng and makyng thairof' and they were to be accompanied by the deacons of the crafts. By this date there were eight incorporated crafts (skinners, tailors, websters, hammermen, masons, baxters, cordiners and coopers) but unfortunately the deacons involved were not named.<sup>5</sup> As this appointment fell within the conciliar year 1573-74 very few of the other positions then held by these men can be determined. How these men were chosen or how they operated are unknown. Although the names are presented in an undifferentiated list it seems likely that they were assigned to districts but in the absence of tax rolls this can not be verified.

In November 1577 a stent of £200 was authorised to meet expenditure on the calsay or paving work then in progress.

Twenty men were appointed collectors although on this occasion the deacons were not mentioned as collectors.<sup>6</sup> It is regrettable that more occupational data is not available for the 1574 appointees because in the case of the 1577 appointments, with only three men not accounted for, there may have been a straight division between merchants (seven) and craftsmen (ten). This may imply that instead of collectors being appointed on a geographical basis, they may have been appointed on an occupational basis : nor is this unlikely since it is evident from the surviving tax rolls of Edinburgh that taxes were collected from the merchants as individuals and from the craftsmen through their incorporations.<sup>7</sup>

Whereas only one of the sixteen stenters appointed in August 1574 can be identified as having been then an office holder (although in fact only one, Spang, held no other office at all during these years), twelve of the twenty stenters appointed in November 1577 then held office, eight as councillors (and only two, Johnstone and Stevenson, held no other office during these years). In fact both groups featured prominent men. Being ad hoc bodies it is not surprising to find little continuity between these appointments : only John Fleming, Robert Fleming, George Herbertson, Robert Muir and Matthew Watson were common to both groups.

There is however a complication with the 1577 group of stenters as later, on two occasions (in December 1577 and April 1580), John Sellar was quite unequivocally referred to as a collector although he was not on the list of stenters. In fact he appears to have collected the monies from the stenters. On 28 December 1577 the magistrates and council ordered him to pay £6 to Walter Brown, calsaymaker, in his capacity as 'collectoure of the calsaye stene'<sup>8</sup> while in April 1580 his 'compt [was] hard and endit', he was paid £17 12s for his work and was discharged of the £240 which had been collected.<sup>9</sup> Those accounts are not detailed in the minutes, and little is known about Sellar except that he served as an outlandman three times between 1576 and 1581. John Steyne, who was not a stenter in 1574, may have acted

in the same capacity for that earlier tax, to judge by an entry in the 1575-76 accounts, when he was discharged for £20 'at the fut of ane compt of the maill of the muir ... and stent of kirk.'<sup>10</sup> Both men probably acted as overseers of the stenters, to whom fell the actual task of collecting the monies.

The following codes are used for positions then held by appointees.

A : Ale taster	N : Rent collector, new muir lands
C : Councillor	Om : Outlandman
H : Collector of burgess heir fines	V : Visitor to corn market
L : Liner	X : Key keeper

Also [D] indicates that these men are known to have been deacons at some time during this period.<sup>11</sup> (Matthew Watson, later identified as a deacon, presumably could not have been a deacon because his craft was not incorporated until 1580).

1574 <sup>12</sup>	1577 <sup>13</sup>		
Appointees	Other positions then held	Appointees	Other positions then held
John Arbuckle		John Fleming	(merchant)
Thomas Normont		Robert Muir	(merchant)
Matthew Watson	flesher	George Herbertson	
Patrick Howe	litster	Robert Adam	(merchant)
Robert Muir	merchant	John Temple	(merchant)
William Maxwell		Matthew Wilson	[merchant]
David Lindsay, elder		Robert Fleming	[merchant]
Andrew Baillie	[merchant]	Nicol Andrew	[merchant]
Robert Stewart	[merchant]	John Steyne	
Mr Adam Wallace		John Wise	[skinner]
George Herbertson		John Hamilton	(smith)
John Fleming	(merchant)	John Clerk	(tailor)
William Hegate	[notary]	James Ritchie	(cooper)
Robert Fleming	[merchant]	Alan Stevenson	[cordiner]
Thomas Spang	[merchant]	John Wilson	(pewterer)
John Lindsay	[merchant]	Matthew Watson	(flesher)
		Gilbert Hall	(maltman)
			C, L, A
			C, X
			C, X, A
			Om, C
			H, C, L
			N
			C, [D]
			Om
			[D], Om, C
			[D], L, A
			C
			V, A

1574	1577		
Appointees	Other positions then held	Appointees	Other positions then held
[Plus, as overseer : John Steyne] [Plus, also, the eight deacons, not named]	Om, N	Felan Johnstone [fisher] Walter Johnstone (mason) Robert Young baxter [Plus, as overseer : John Sellar]	L

## NOTES

1. See Vol. I, P353-354.
2. SRA MS C1/1/1 f207r.
3. Ibid., ff88r; 113r, 114r; 211v respectively
4. See Appendix 2.19 pt.iii above, P183-184.
5. Glas. Recs., i, 20.
6. Ibid., 64.
7. M. Lynch, Edinburgh and the Reformation, (Edinburgh, 1981), 373. This arrangement was changed in 1583, from which date the craftsmen were assessed individually : ibid., 378.
8. SRA MS C1/1/1 f173r.
9. Ibid., f255r.
10. Ibid., f113r.
11. See Appendix 2.25 below, P229-236.
12. SRA MS C1/1/1 f26v.
13. Ibid., f165v.

APPENDIX 2.22  
MINOR OFFICIALS (PUBLIC HEALTH), 1574-86

(i) Keeper of the Gallowgate Well

When work on the new Gallowgate well was completed, in September 1575, Michael Pudzane [shoemaker] was appointed 'to attend thairto and keip the said well and key thairof' for one year.<sup>1</sup> His fee was to be £2 and the accounts for 1576-79 record payments to him for fulfilling this duty.<sup>2</sup> No further payments are recorded thereafter and it may also be noted that although the burgh had several other wells (Deanside, Greyfriars and Wyndhead) there is no evidence of other well keepers having been employed.

(ii) Keeper of the Kirk Yards at the High Kirk

On 9 May 1578 the then keeper of the kirk yards, Bessie Douglas, who had been repeatedly warned as to 'vphalding of the kirk yard deyk and keeping furtht thairof of all bestiall for reverens of the buriall', was dismissed. She was replaced by John Paton, officer, (with Archibald Lyon, councillor, as his cautioner). Paton 'acceptit to repair and vphald the ... deyk on his expenssis and keep furtht thairof all bestiall ... for the space of fyve yeris'. In addition he was granted 'the gers of the samyn during the same space ... sua gif he ressawis the proffeit of gers ony yeir he sall keip and vphald it for that haille yeir thane following.'<sup>3</sup> The exact meaning here is unclear but it probably meant that Paton was to have any livestock found within the cemetery and might dispose of such animals as he saw fit within one year. No subsequent references regarding this post have been traced.

(iii) Keeper of the Burial Bell

In October 1564 James Hall received from Christina Colquhoun, spouse of Robert Maxwell, sasine of certain lands in Easter Craigs with pertinents deriving from the office of the handbell of St. Kentigern (ex officio campane manualis Sancti Kenthigerni). This reference is explained by a council minute of 19 November 1577, endorsed 'Sanct Mungowis bell, Layng' which relates how 'the auld bell that yed throw the towne of auld at the buriall of

the deid' had then just been bought from John Muir and Andrew Lang. The magistrates, council and deacons resolved that the bell should thereafter be used 'as commone bell to gang for the buriall of the deid', that it should be given 'yeirlie to sic persoun as thai appoynt for anys in the yeir', and that Lang as son to the late Mr Robert Lang (who had possibly held the office described in the 1564 sasine) should be made a burgess.

Unfortunately the minutes do not disclose who was appointed to this post, an office which seems to have originally been a church function, but which was now being taken over by the lay authority.<sup>4</sup>

(iv) Plague officials

During the period under consideration the burgh was threatened by plague twice, in 1574 and 1584. On both occasions remedial measures were adopted which included the appointment of several extraordinary officials.

In 1574 the measures were embodied in a series of statutes issued on 29 October.<sup>5</sup> A total of thirty-eight appointments were made, namely four visitors of the bridge, twenty-eight searchers, two visitors 'to see all dead' (including a woman for the female corpses) and four keepers of the ports. Although these were ad hoc emergency appointments a number of points may be noted. The searchers were divided into districts, (which were the same as those used by the ale tasters save that the Stockwell area was separated from the 'Barrasyet to the Bridge' district), 'ilk ane in the gaittis quhair thai duell'. As has already been noted eight of the thirteen ale tasters appointed on 6 October 1574 were appointed as plague officials on 29 October and these men seem to have formed a group of lesser burgesses drawn upon from time to time to fulfil minor administrative roles.<sup>6</sup> However taken as a whole the plague officials of 1574 can be divided into three groups : those who held senior positions in October 1574 (the bailie, the councillors, the liners) : total, eleven; the minor officials who did not hold higher office (market visitors, ale tasters, stenters), nine; and the eighteen who held no other post at all at the time of their appointment. Of this



last group, ten held no other post at all between 1574 and 1586, further emphasizing how in times of emergency a much wider group of burgesses than was usual would be employed by the burgh administration. It may also be significant that when the seven groups of searchers are examined, five had a councillor or a liner among their membership while only one, the Stockwell group, included no one then holding another office. As in the case of the ale tasters the men who held high office may have been in charge of their colleagues.

As regards the keepers of the ports the accounts of 1573-74 suggest that these men at least were already in post. On 6 November [1573] and 30 January [1574] Archibald Lettrick and John Andrew were paid for keeping the Stablegreen and Bridge ports (£3 6s 8d each); whether this related to an earlier set of plague measures or perhaps appointments effected during the civil war of 1571-73 remains unclear.<sup>7</sup> The costs of the measures adopted in 1574 were recorded in the 1574-75 accounts: £66 15s 10d was disbursed for 'making up of the haille portis of the towne the tyme that the pest wes eist & for keeping of the portis', plus some unrelated work on the calsay, (a sum which incidentally suggests damage to the ports during the earlier troubles).<sup>8</sup>

In 1584 the main plague measures were embodied in statutes passed on 28 and 29 September.<sup>9</sup> On 28 September it was ordained that four men were to keep the ports at 'the kirk and the castell' (i.e. the Stablegreen port and the gate at the archbishop's castle), these four 'to be tane and directit of the inhabitantis duelland betwixt the Hie Kirk and the croce for the first part of the towne'. Another four were to keep the Gallowgate and Trongate ports; another four were to 'attend to' the Stockwell head and the Green; and two men were to keep the Drygate and Rottenrow ports. Presumably they were to be chosen in the same way as their colleagues at the Stablegreen and Castle ports, and the arrangements were left in the hands of the bailies, 'ilk baillie in thair awin quarteris'. Although the minutes do

not name the appointees, the accounts for 1584-85 record regular payments between 17 August and 14 October 1584 to Robert Nasmyth, Patrick Brown, Michael Pudzane and Allan Herbison 'for keeping of the portis', though which ports is not specified.<sup>10</sup>

Furthermore John Cuthbert and Robert Park were paid for watching at the Stockwell head and Little Green and William Stobo and William Forthuik for watching at the Stockwell head and the Bridge, these payments being recorded on 4 and 24 October respectively.<sup>11</sup>

So of a total of ten port keepers four are accounted for, while the four watchers at the Stockwell head can also be identified.

The next day, 29 September, saw the appointment of forty-one further officials. The minute is ambiguous as to their title as it states 'that thair be four quarter masteris appoyntit to attend to the yaird endis bakyettis and priwie entressis of this town viz for the Rattinraw [two names] ... and for the Drygait [two names] ... betuixt the Wyndheid and the Blackfreris [four names]'. Possibly the four quartermasters were separate and unnamed but it would seem that the forty-one names which follow were the quartermasters. Whatever the case the function of these men was the same as that of their 1574 predecessors, the plague searchers.

Compared to 1574 when thirty-eight appointments were made (including twenty-eight searchers), in 1584 as many as fifty-five appointments may have been made of whom forty-nine can be identified (including forty-one quartermasters or searchers).<sup>12</sup>

Quite probably the experience of 1574 had governed the decision to increase the number of plague officials. The same arrangement by district was employed for the searchers and it is clear that appointees were chosen on a residency basis, to judge by the earlier arrangements for the appointment of the port keepers. Only five men (Braidwood, Dalrymple, Fouler, Syare and John Wilson) were common to both groups of appointees and three of these (Braidwood, Syare and Wilson) served in the same areas in which they had operated in 1574. Fouler, keeper of the Stablegreen port in 1574, was assigned to the Drygate in 1584 and Dalrymple, formerly in the Wyndhead/Blackfriars area, was

assigned to the Rottenrow (where, incidentally, he had been an ale taster in 1574) : neither case constituted a sharp move from one area of the town to another and in any event some movement might be expected since ten years had elapsed since the first set of appointments.

The ad hoc and emergency nature of the 1584 appointments is seen not only in the lack of continuity with the earlier body of plague officials but also in the very small number who, when they were appointed, held some other post in the administration. Whereas in 1574 twenty or 53% of the total appointees held another post (eleven of these at senior level) of the forty-nine appointees in 1584 who can be identified only six or 12% then held office (five at a senior level). Similarly, whereas in 1574 eighteen or 47% of the plague officials held no other post at the time of their appointment, of whom ten or 26% held no other post at all during the period 1574 to 1586, in 1584 forty-three or 88% held no other post at the time of their appointment and of these twenty-nine or 59% held no other posts at all during the period under discussion. Thus the factor already noticed with respect to the 1574 appointments is further emphasized when their successors are examined : in an emergency the normally closed burgh government became far less restrictive and recruited from a wider body of burgesses than was usual.

In the tables which follow the codes used are:

A : Ale taster	Om : Outlandman
B : Bailie	S : Stenter
C : Councillor	T : Treasurer
[D] : Deacon sometime during this period <sup>13</sup>	U : University Officer
L : Liner	V : Visitor to corn market
M : Master of work	X : Key keeper

Table 1 : Plague officials, 1574<sup>14</sup>

Title of post	Area	No.	Appointees	Other posts then held
Visitors of the bridge and water	The bridge	4	David Lyon William Watt John Gilmour (cordiner) Archibald Lyon, bailie [merchant]	C, X C, M, L C, A B
Searchers	Rottenrow, Drygate and Wyndhead	4	John Spreull John Fulton [skinner] Cuthbert Herbertson (baxter) David Wylie [notary]	A, V A
	Wyndhead to Blackfriars	4	John Dalrymple [tailor] Gilbert Hall (maltman) William Rowat (tailor) John Lourie [cooper]	A C, A
	Blackfriars to the Cross	4	John Fleming (merchant) Andrew Heriot Archibald Muir [smith] John Wise [skinner]	C, L, X, S A, [D] V, [D]
	Trongate and Gallowgate	6	David Lindsay (elder) John Wilson (pewterer) John Woddrop William Maxwell Quintin Kay Thomas Normocht	C, X, S C A S S

Title of post	Area	No.	Appointees	Other posts then held
Searchers	Cross to the Barrasyet	4	Matthew Wilson [merchant] James Braidwood, younger (baxter) George Young [hammerman] Peter Lymburner	Om, L, A C, [D]
	Barrasyet to the Bridge	4	Patrick Howe (litster) John Arbuckle John Luss Ninian Syare [fisher]	S L, X, A, S
	Stockwell 'and about'	2	David Morrison John Johnstone	
	-	2	John Watson, elder Bessie Wright	
[Keepers of Ports]	Stablegreen	1	John Foulter [merchant]	
	Gallowgate	1	Archibald Lettrick	
	Trongate	1	James Rob	
	South port or 'Nether Barrasyet'	1	John Andrew	

Table 2 : Plague officials, 1584<sup>15</sup>

Title of post	Area	No.	Appointees	Other posts then held
[Keepers of ports etc]	The kirk [i.e. Stablegreen] and the castle port Gallowgate and Trongate ports Drygate and Rottenrow ports	4	Of ten appointees only four identified: Robert Nasmyth Patrick Brown Michael Pudzane [shoemaker] Allan Herbison	
		4		
		2		
		4	John Cuthbert Robert Park William Stobo William Forthuik	
[Quartermasters]	Rottenrow	2	John Robertson John Dalrymple	U
	Drygate	2	John Foulter Andrew Kyle	
	Wyndhead to Blackfriars	4	William Neilson David Cochrane William Ride James Anderson	

Title of post	Area	No.	Appointees	Other posts then held
[Quartermasters]	Blackfriars to the Cross	7	William Muir William Cowie John Scott David Calderwood William Cochrane Robert Adam John Angus	[D]    C
	Gallowgate and Trongate	12	John Wilson Mungo Wilson Robert Muir Thomas Hutcheson William Inglis Robert Brown Simon Murray Archibald Sillar James Montgomery David Donald James Rowan William Simpson	L          T

Title of post	Area	No.	Appointees	Other posts then held
[Quartermasters]	Stockwell	2	Hector Stewart John Mudie	
	Cross to south Barrasyet	7	John Dickie David Hall John Scott Thomas Clydesdale James Ritchie James Braidwood, (younger) John Gillean	C, L, X [D]
	Barrasyet to the Bridge	5	David Scherar James Taylor John Gilmour Ninian Syare Thomas Muir	C, L



It is impossible to gauge accurately the population of Glasgow at this time, although the figures of 4,500 and 7,000 have been suggested for the years 1560 and 1600 respectively.<sup>16</sup> However the appointments of plague officials indicate certain trends. In 1574 thirty-eight officials were appointed but ten years later fifty-five were deemed necessary. It will also be recalled that in 1585 two extra burgh officers were appointed because of the plague emergency.<sup>17</sup> While these factors probably reflected growing experience, they probably also mirrored a growth in population. If the plague searchers are studied in detail it can be seen (in the table which follows) that while the number remained stable in certain areas of the burgh, in others, (most notably the Trongate/Gallowgate quarter) twice (or almost twice) as many searchers were appointed in 1584 as had been chosen in 1574. The areas which displayed this phenomenon were those closest to the Cross while the peripheral districts showed little change. As the Cross was very much the centre of burgh life (with the market and the tolbooth) it is likely that this area would experience greater change than the neighbouring districts. The districts can also be seen in terms of probable population density, relative to the comparatively underdeveloped Stockwell area, which only began to be built up about this time.<sup>18</sup> The same picture emerges : the areas nearest the Cross appear to have been the most densely populated.

Table 3 : Relative population density of 'quarters' of Glasgow, 1574-1584

Area	No. of searchers appointed, 1574	Appointees in proportion to Stockwell area, 1574	No. of searchers appointed, 1584	Appointees in proportion to Stockwell area, 1584
Rottenrow/Drygate	4	2 : 1	4	2 : 1
Wyndhead/Blackfriars	4	2 : 1	4	2 : 1
Blackfriars/Cross	4	2 : 1	7	3½ : 1
Trongate/Gallowgate	6	3 : 1	12	6 : 1
Cross/Barrasyet	4	2 : 1	7	3½ : 1
Barrasyet/Bridge	4	2 : 1	5	2½ : 1
Stockwell	2	1 : 1	2	1 : 1

(v) Town surgeon

On 17 May 1577 the magistrates and council agreed to pay Alexander Hay, surgeon, ten merks (£6 13s 4d) per annum to retain his services. He was made a burgess gratis and was to be exempt from tax 'conforme to the preuilege haid be vmquhile James Abernethie his maister'.<sup>19</sup> Abernethy, who died sometime between December 1567 and April 1569 probably also held this post, although who was town surgeon between 1569 and 1577 can not be ascertained.<sup>20</sup> Hay remained for only one year, his fee appearing in the 1577-78 accounts.<sup>21</sup> He was replaced by Thomas Mylne, the first reference to whom occurs in June 1578 when he was made a burgess gratis 'conforme to the contract betwixt the townschip and him'.<sup>22</sup> The contract has not survived but it must have been remarkable for Mylne's annual salary was not only greater than Hay's but also more than that of any other burgh official including the bailies. Indeed it was equal to the provost's fee and the accounts record payments to him throughout the remainder of this period.<sup>23</sup> Indicative of Mylne's wealth was the fact that he farmed the ladle custom in 1580-81.<sup>24</sup>

## NOTES

1. SRA MS C1/1/1 f74r (and Glas. Recs., i, 39).
2. SRA MS C1/1/1 ff207r, 210v, 211r, 243r.
3. Ibid., f188v (and Glas. Recs., i, 68).
4. Prot. Bk. Glasgow, iii, no. 803; SRA MS C1/1/1 f165r (and Glas. Recs., i, 64-65).
5. Glas. Recs., i, 27-30. These and the 1584 measures are fully discussed in Vol.I, P285-293.
6. See Appendix 2.20 pt. iv above, P189 ; see also Appendix 3.2 below P271-272.
7. SRA MS C1/1/1 ff85v, 86v.
8. Ibid., f88r.
9. Glas. Recs., i, 110-112. Further plague enactments of 13 and 16 October did not involve appointments (SRA MS C1/1/2 f158v and Glas. Recs., i, 113 respectively).
10. SRA MS C1/1/2 f196r-v.
11. Ibid., f196v.
12. The sum of fifty-five includes the fourteen port keepers mentioned above but excludes the possibility that the four quartermasters were separate appointees.
13. See Appendix 2.25 below, P229-236.
14. SRA MS C1/1/1 ff32v-33r.
15. SRA MS C1/1/2 ff155v, 196r-v.
16. Third Statistical Account, Glasgow, 58.
17. See Appendix 2.18 above, P173, 179.
18. See Prot. Bk. Glasgow., viii-xi, no. 2296 et.seqq., passim, 1576-1600 and Kellett, Historic Towns : Glasgow, 4.
19. SRA MS C1/1/1 f137v (and Glas. Recs., i, 58).
20. Prot. Bk. Glasgow, v, no. 1577; ibid., vi, no. 1633.
21. SRA MS C1/1/1 f211v.
22. Ibid., f198v.
23. SRA MS C1/1/1 f243v and C1/1/2 ff146v, 149r, 151v, 197v; see also Vol.I, P385.
24. See Appendix 2.6 pt.ii above, P52, 55.

APPENDIX 2.23  
MINOR OFFICIALS (PUBLIC WORKS), 1574-86

The Keeper of the 'Knok'

Sir Archibald Dickie, a former priest<sup>1</sup> and a 'staller' or inmate of the burgh's hospital,<sup>2</sup> was employed throughout the period 1573-86 to look after the 'knok' or clock in the tolbooth. In March 1577 he was given £2 'to bybedclathis to ly besyde the knok' and the exacting nature of his duties is confirmed by the diversion of the burgess admission fine of Stein Dickie in May 1583 to sir Archibald 'for rowlling and gyding of the knok and for lying nychtlie in the tolbutth to rewll and keip the samyne'.<sup>3</sup> No record of his appointment remains but the accounts note an annual payment to him of £2 13s 4d for fulfilling this duty.<sup>4</sup> While acting in this capacity he was probably responsible to the master of work, although this was never stated. Dickie may also have been employed as gaoler for the burgh court; he certainly acted in this capacity for the kirk session.<sup>5</sup>

NOTES

1. Sir Archibald Dickie, vicar of the choir, appears in several protocols of the 1550s : see for example Prot. Bk. Glasgow, ii, nos. 317, 505, 508.
2. Glas. Recs., i, 114.
3. SRA MS C1/1/1 f206v and Glas. Recs., i, 100.
4. SRA MS C1/1/1 ff86r, 88r, 114v, 207r, 211v, 243v and C1/1/2 ff146-149 passim, 151v, 196r.
5. SRA MS CH2/550/1 f4v. See P182.

## APPENDIX 2.24

### TESTAMENTS

Testamentary evidence has been collected for as many of the burgh's office holders as possible. Although the wills proved in Edinburgh survive from 1567 onwards there is an important gap in the Glasgow commissariat records between 1565 and 1602. This loss aggravates a general problem associated with this type of evidence for not only does it account for the absence of many officials but it also makes it all the more difficult to determine whether an individual described in a testament is the same as the office holder with whom he has been identified. In some instances, however, there is no doubt : for example in their wills William Cunninghame, George Elphinstone and James Fleming are all referred to as having been bailies while, similarly, James Anderson is styled officer.

Generally it has been assumed that an individual would have to have been in his mid-twenties before he could hold office and that a maximum life span of about seventy could be expected. Thus a cut-off of c.1620 has been employed.

The testamentary evidence has been divided into three groups : senior officers (bailies, councillors, provosts, treasurers etc; also individuals leeted unsuccessfully for posts such as the treasurership; also, to facilitate comparison, archbishop Boyd); minor officials (officers, stenters etc); and a random selection of individuals who held no office during the period under discussion. In the case of this last group the cut-off date has been set at 1600 so as to ensure that the men concerned were contemporaneous with the officials under discussion.

#### Notes to tables

'Name' column : If the name appears in brackets the testament is that of the individual's wife.

'Posts held' column : The following codes have been used:

A	Ale taster	M	Master of work
B	Bailie <sup>1</sup>	m	Leeted but not appointed master of work
b	Leeted but not appointed bailie	O	Officer
C	Councillor	Om	Outlandman
[C]	Referred to as a councillor but does not appear on council list	P	Provost
cc	Leeted but not appointed common clerk	Pl	Plague official
CP	Common procurator	S	Stenter
[D]	Deacon at some point between 1574 and 1586 <sup>2</sup>	T	Treasurer <sup>3</sup>
Dp	Dempster	t	Leeted but not appointed treasurer
F	Farmer of a petty custom	V	Visitor to market
Hd	Herdsmen	X	Key keeper
L	Liner		

'Date of death' column : Inapplicable if the testament is that of the individual's wife.

'Reference' column : All are SRO MS registers of testaments arranged by commissariat: namely, CC8 (Edinburgh), CC9 (Glasgow), CC10 (Hamilton, Lanark and Campsie); 'nf' indicates not foliated.

'Legacy' column : If in brackets this indicates that the person concerned died in debt.

Table 1 Testaments (senior officers etc)

Name	Occupation etc	Senior posts held or leeted for	Date of death	Date of registration	Reference	Legacy
Adam, Robert	merchant	C, T, b, m, t	--/6/07	1/6/11	CC9/7/7	£ 488 15s.0d
Arbuckle, John	'burgess'	L	--/6/75	31/3/76	CC8/8/4	£ 310 5s.8d
Baillie, Andrew	merchant	B, C, X, b, m, t	--/9/11	15/10/13	CC9/7/9	£ 2, 181 13s.4d
(Blackburn, James)	merchant	C, T	n/a	24/6/89	CC8/8/20	£ 603 6s.8d
Boyd, archbishop James	n/a	n/a	21/6/81	8/3/82	CC8/8/10	£ 3,057 0s.8d
Boyd, Robert	merchant	T	2/12/92	21/8/93	CC8/8/25	£ 1,294 6s.8d
Boyd, Robert Lord	n/a	P, C, CP	3/1/90	8/6/90	CC8/8/21	£14,580 18s.8d
Braidwood, James, elder	cordiner	C, L, [D], b, m	19/6/94	16/6/95	CC8/8/28	£ 675 3s.4d
Brownside, George	notary	cc	--/5/84	24/7/84	CC8/8/13	£ 223 10s.0d
Campbell, Colin	merchant	B, C	--/2/89	11/6/91	CC8/8/22	£ 1,313 0s.0d
Cunninghame, William	'baillie burgess'	B, C	3/6/98	16/3/05	CC8/8/39	£ 2,083 14s.0d
Donald, David	merchant	C, T, m	--/4/94	19/6/95	CC8/8/28	£ 959 16s.8d
Elphinstone of Blythswode, George	'baillie'	B, C, X, CP	2/4/85	23/5/87	CC8/8/17	£ 3,426 13s.6d
Fleming, Andrew	maltman	[C]	--/3/02	5/11/02	CC8/8/37	£ 553 11s.0d
(Fleming, Archibald)	merchant	t	n/a	1/8/89	CC8/8/20	£ 557 13s.0d
Fleming, James	'burgess sumtyme baillie'	B, C, CP, M, L, X	8/2/93	24/5/93	CC8/8/25	£ 477 5s.8d
Fleming, Robert	merchant	C, T	5/10/92	14/7/93	CC8/8/25	£ 163 6s.8d
Glen, Patrick	merchant	C, T	27/12/92	16/8/93	CC8/8/25	£ 2,795 6s.7d



Name	Occupation etc	Senior posts held or leeted for	Date of death	Date of registration	Reference	Legacy
Graham, Gavin	'burgess'	C, X, M, L, b	1/1/94	12/6/94	CC8/8/26	£ 683 0s.0d
Gray, Patrick	tailor	C	8/4/98	28/4/98	CC8/8/31	£ 333 1s.2d
Hall, David	merchant	C, X, M, L, b, t	-/5/12	23/12/13	CC9/7/9	£ 1,520 7s.10d
Hall, Mr John	'former baillie'	B	-/11/71	24/10/72	CC8/8/2	£ 244 0s.10d
Herbertson, George	'burgess'	C, X, L, b	10/6/86	19/5/87	CC8/8/17	£ 2,065 3s.4d
Lindsay, John	merchant	C, X, L, b, t	20/8/88	12/5/89	CC8/8/20	£ 2,473 15s.8d
Lyon, Archibald	'burgess'	B, C, X	6/11/87	1/2/88	CC8/8/18	£ 1,101 10s.0d
Lyon, James	merchant	C, X	-/8/13	8/4/18	CC9/7/14	£ 106 11s.8d
Muir, Robert	merchant	C, X, L, m	-/11/87	7/3/93	CC8/8/25	£ 549 2s.0d
Muir, Thomas	merchant	C, L, t	1/3/11	4/12/11	CC9/7/8	(£1,879 0s.8d)
Pettigrew, Thomas	merchant	C, X	-/4/19	10/8/19	CC9/7/16	(£560 0s.0d)
Ritchie, Andrew	merchant	C, T, X	-/8/75	27/10/75	CC8/8/3	£ 277 6s.0d
Shields, John	skipper	C	-/1/08	31/12/08	CC9/7/5	£ 63 13s.4d
(Simpson, William)	merchant	t	n/a	18/10/92	CC8/8/24	£ 1,479 6s.8d
Spreull, Henry	cooper	C, [D]	-/8/00	17/1/01	CC8/8/35	£ 748 0s.0d
Stewart, Hector	'baillie burgess'	B, C	c27/11/97	20/12/98	CC8/8/32	£ 2,753 5s.4d
Stewart, James, elder of Flook	merchant	C	-/8/22	17/12/22	CC9/7/19	£ 4,639 6s.8d
Stewart of Mynto, Sir Matthew	n/a	P, C	-/2/13	25/3/13	CC10/5/2	£ 1,326 13s.4d

Name	Occupation etc	Senior posts held or leeted for	Date of death	Date of registration	Reference	Legacy
Stewart, Robert	merchant	B, C	c 15/2/99	10/11/00	CC8/8/35 nf	£ 276 14s.4d
Temple, John	merchant	C, T	-/6/00	20/7/01	CC8/8/35 nf	£1,212 12s.7d
Watt, William	'burgess'	C, M, L	-/5/75	16/7/75	CC8/8/3 f340r	£ 204 1s.0d
Wilson, David	merchant	C	12/11/84	10/3/86	CC8/8/15 f14r	£ 243 6s.8d

Table 2 Testaments (minor officials)

Name	Occupation etc	Posts held	Date of death	Date of registration	Reference	Legacy
Adam, William	merchant	Om	unknown	1/4/19	CC9/7/15	£ 206 13s.4d
Anderson, James	'officer'	O, Pl, Om, F	post 8/97	20/3/98	CC8/8/31	£ 584 8s.4d
Bell, John	merchant	A	12/1/89	8/3/89	CC8/8/20	£ 471 17s.4d
Bell, Patrick	merchant	A	-/11/85	25/1/87	CC8/8/16	£ 239 17s.2d
Brown, John	maltman	Dp	-/1/17	15/2/17	CC9/7/13	£ 202 11s.4d
Brown, Robert	gardener	Pl	12/2/07	28/5/07	CC9/7/5	(£ 131 13s.4d)
Cowie, William	smith	Pl	post 2/03	30/4/03	CC9/7/3	(£ 64 3s.4d)
Fairie, Andrew	maltman	O	-/8/16	12/11/16	CC9/7/12	£ 1,066 2s.6d
Hall, Gilbert	maltman	Pl, V, A, S	17/12/87	12/8/90	CC8/8/22	£ 1,092 7s.8d
Johnstone, John	'burgess'	Pl	24/6/88	27/9/89	CC8/8/20	£ 176 3s.4d
Lyon, George	merchant	Om	-/5/10	10/12/10	CC9/7/7	(£1, 127 9s.2d)
Mudie, John	maltman	Pl	-/3/18	9/6/18	CC9/7/15	£ 2,892 7s.1d
Muir, William	flesher	Pl	-/3/16	28/9/16	CC9/7/12	£ 2,175 6s.8d
Naismith, John	'burgess'	F	18/8/03	20/11/03	CC9/7/3	£ 61 7s.8d
(Neilson, William)	maltman	Pl	n/a	25/10/93	CC8/8/25	£ 473 19s.8d
Ride, William	wright	Pl	unknown	27/1/18	CC9/7/14	£ 22 0s.0d
Sellar, Archibald	baxter	Pl	-/8/19	14/10/19	CC9/7/16	£ 842 0s.0d
Sellar, John	'burgess'	Om	-/1/99	30/7/03	CC8/8/38	£ 666 13s.4d

Name	Occupation etc	Posts held	Date of death	Date of registration	Reference	Legacy
Snype, Thomas	'burgess'	Hd	unknown	7/4/18	CC9/7/14	£ 66 6s.8d
Spang, Thomas	merchant	S	20/9/77	26/4/78	CC8/8/6	£ 133 4s.0d
Stevenson, William	-	F	-/11/01	14/10/03	CC9/7/3	£ 53 10s.0d
Stobo, William	'messenger'	O	-/5/17	22/5/17	CC9/7/13	£ 214 6s.3d
Taylor, James	merchant	Pl	17/1/97	11/8/98	CC8/8/32	£ 1,543 13s.3d
Wylie, David	notary	Pl	15/3/84	16/11/84	CC8/8/14	£ 263 3s.4d
Young, John	webster	F	4/1/97	19/7/97	CC8/8/30	£ 1,528 2s.7d

Table 3 Testaments (sample of non-office holders)

Name	Occupation etc	Date of death	Date of registration	Reference	Legacy
Anderson, James	merchant	2/10/91	8/8/93	CC8/8/25	£ 132 15s.0d
Anderson, John	merchant	23/12/83	12/3/84	CC8/8/13	£ 975 9s.0d
Bogle, John	maltman	22/4/00	19/11/00	nf	£ 701 0s.0d
Bogle, Thomas	maltman	19/9/91	8/12/91	CC8/8/23	£ 198 18s. 1d
(Bowe, Walter)	merchant	n/a	18/6/95	CC8/8/28	£ 2,118 0s.3d
Finlay, John	merchant	17/9/97	1/10/99	nf	£ 2,646 7s.8d
Gillies, John	maltman	1/3/95	28/6/95	CC8/8/33	£ 238 6s.8d
Glen, John, junior	merchant	10/11/78	1/3/82	CC8/8/28	£ 350 1s.6d
Glen, John (son of above)	'pupil'	-/2/80	1/3/82	CC8/8/10	£ 116 13s.2d
Howie, William	litster	-/6/82	22/1/83	CC8/8/11	£ 109 7s.0d
Mackay, Andrew	tailor	-/6/74	16/7/77	CC8/8/5	£ 71 8s.0d
Maxwell, Mr. Walter	'induellar'	27/2/90	7/9/91	CC8/8/23	£ 723 9s.9d
(Miller, William)	maltman	n/a	15/6/98	CC8/8/31	£ 245 16s.6d
(Naismith, Patrick)	bonnetmaker	n/a	19/5/92	CC8/8/24	£ 160 0s.0d
(Paton, John)	tailor	n/a	19/7/97	CC8/8/30	£ 461 3s.3d
Schankshaw, William	'burgess'	-/9/73	27/10/73	CC8/8/2	£ 166 0s.8d
Snype, Phillane	cooper	c25/3/97	20/3/99	nf	£ 771 0s.0d
Stewart, James	maltman	-/8/88	14/11/89	CC8/8/20	£ 279 7s.2d
(Watson, John)	woolman	n/a	21/4/98	CC8/8/31	£ 234 1s.2d
Wilson, William	merchant	-/6/72	24/12/77	CC8/8/5	£ 271 0s.0d

## 1. General analysis

Analysis of this testamentary evidence is hampered by two factors. Firstly, not only is the evidence incomplete in terms of the number of individuals involved but it also tends to favour the wealthier men. Although the distinction between the Edinburgh commissary court and the local commissary courts (including Glasgow) as to major and minor testaments was blurred, it is evident that minor testaments (in which the 'dead's part', a proportion of the legacy dependent on the number of surviving kin, was less than £50) tended to be proved locally.<sup>4</sup> Thus, with the loss of the Glasgow records between 1565 and 1602 it is probable that many more minor testaments than larger ones have been lost. The second difficulty is caused by economic factors. Testamentary evidence has been drawn from a fifty year period which witnessed severe inflation. The chief problem lies in trying to determine just how wealthy James Stewart, who died in 1622 leaving £4,639, was compared with, for example, Robert Boyd who died thirty years earlier leaving £1,294. Inflation would affect different strata of society to varying degrees. Indeed the inflation which marked this period has been quantified as a fourfold increase in prices between 1550 and 1625 or as a tenfold increase in grain prices between 1535 and 1635, while frequent enactments withdrawing currency reflected devaluation.<sup>5</sup> It must also be stressed that testaments can only be used as a rough indicator of comparative wealth since landed property is not covered by this evidence.

Table 1 covers the senior officials and councillors. It also includes some men who were leetted for but did not attain senior posts; the testaments of two of the provosts and archbishop Boyd to provide comparative data; and, in common with the other tables, the testaments of some men's wives when their own testaments could not be traced, on the grounds that such information gives some indication of wealth.

It will be seen that archbishop Boyd who died in 1581 was almost as wealthy as George Elphinstone, one of his leading officials, but that neither approached the wealth of Robert Lord Boyd, provost from 1573 to 1577, who on his death in 1590 left £14,580. Yet it may be noted that even Boyd's wealth fell far short of the legacies of either

William Birnie, merchant, (£29,064 in 1569) or Michael Gilbert, craftsman, (£22,667 in 1590), both burgesses of Edinburgh.<sup>6</sup>

In order to base analysis on comparative and meaningful data several adjustments have to be made. To minimise distortions caused by inflation only testaments of men who died prior to 1601 have been considered in the discussion which follows (this concerns tables 1 and 2 only). Secondly the testaments of spouses have also been discounted. Thirdly in table 1 the testaments of archbishop Boyd, Robert Lord Boyd and Mr John Hall have been excluded : the two Boyds because they were not burgess indwellers and Hall because he died prior to the main period under consideration. Lastly, also in table 1, the testaments of those men who were leeted unsuccessfully for senior posts have been omitted.

In table 1 twenty-three testaments remain. These can be divided between those of the 'inner group' of senior officials (ten testaments, total £15,887 : Cunninghame, Elphinstone, James Fleming, Graham, Herbertson, Lindsay, Archibald Lyon, Robert Muir, Hector Stewart and Robert Stewart) and those of the 'outer group' (thirteen testaments, total £10,526).<sup>7</sup> The average legacy of the inner group was thus £1,588 but of the outer group only £810 : combined the figure becomes £1,148 (the total testamentary wealth, £26,415 divided by twenty-three).

In table 2 ten testaments remain, totalling £6,696. The average wealth of these minor officials was thus £670.

In table 3 fifteen testaments remain, totalling £7,748. The average wealth of this sample of burgesses who did not hold office was thus £517, although if John Findlay's testament (£2,646) is discounted this falls to £364. However in view of the totally random nature of this sample the former figure, £517, is to be preferred.

The distribution of wealth may be expressed thus:

	Senior officials and councillors			Minor officials	Non-officials
	Inner group	Outer group	Total		
No. of testaments	10	13	23	10	15
Average £	£1,588	£810	£1,148	£670	£517
Less than £100	0	0	0	0	1
£100-1,000	4	10	14	7	13
£1,001-2,000	1	3	4	3	0
£2,001-3,000	4	1	5	0	1
More than £3,000	1	0	1	0	0



Thus the average wealth, in terms of testamentary evidence, of the inner group of senior officials and councillors was £1,588, 86% more than their less influential senior colleagues. Combined their average wealth was £1,148, 72% more than that of the minor officials who in turn were 23% wealthier than the sample of non-holders of office. Wealth was obviously a major factor in the attainment of high office yet it was clearly not the sole consideration for many senior officials, including several members of the inner group, were, at the time of their death, apparently poorer than some of their fellow burgesses who held less senior posts or no positions at all. Thus, for example, four of the inner and ten of the outer group of senior officials were less well-off than three of the minor officials and one of the non-officials. If those who died prior to 1601 leaving legacies in excess of £2,000 are examined the following 'league table' results:-

George Elphinstone	£3,426	senior officer (inner group)
Patrick Glen	£2,795	senior officer (outer group)
Hector Stewart	£2,753	senior officer (inner group)
John Finlay	£2,646	no post held
John Lindsay	£2,473	senior officer (inner group)
William Cunninghame	£2,083	senior officer (inner group)
George Herbertson	£2,065	senior officer (inner group)

It may also be noted that this analysis has excluded, among others, Walter Bowe a non-officer whose wife left £2,118 on her death in 1595. He (and many others) may have been just as wealthy as the seven men noted above.

Clearly some of the wealthiest burgess eschewed or were excluded from burgh office (e.g. Finlay) or the most senior posts (e.g. Glen) while among the minor officials attention may be drawn to

Gilbert Hall, £1,092,  
 James Taylor, £1,543,  
 John Young, £1,528,

who would appear to have been considerably wealthier than such prominent figures in burgh politics as

James Fleming, £477, inner group : councillor, master of work and  
(outwith the period 1574-86) a  
bailie;  
Robert Fleming, £163, outer group : councillor and treasurer;  
Gavin Graham, £683, inner group : councillor and master of work;  
Robert Muir, £549 inner group : councillor and liner; and  
Robert Stewart, £276, inner group : bailie and councillor.

However it must be recalled that these figures can be treated only as rough indicators of the wealth of these men. Testaments exclude landed wealth and are in any case only a record of a person's wealth in moveable goods at his death : that is to say that James Fleming and the others noted above may well have been more affluent in the 1570s or early 1580s.

## 2. Merchants and craftsmen

Attention has already been drawn to an Edinburgh merchant and an Edinburgh craftsman who left legacies of £29,064 and £22,667 respectively, sums far in excess of any Glasgow testament which has been examined. However these men were exceptions even in the capital. On average <sup>the leading</sup> Edinburgh merchants and craftsmen left legacies of about £2,000, clear evidence that there was a merchant and a craft aristocracy.<sup>8</sup>

In Glasgow wealth was on a smaller scale, but a similar distinction can be discerned which underlines the fact that burgh society was not a simple question of wealthy merchants, poorer craftsmen and unfreemen but was far more complex with, apart from the unfreemen (whose lack of wealth can be assumed), wealthy merchants and craftsmen and less well-to-do merchants and craftsmen. The considerable differentiations in wealth are seen if all the men noted in tables 1-3 whose testaments were proved prior to 1601 are examined as one group.

It should be noted that for these purposes maltmen have been regarded as merchants as was the practice in the Edinburgh stent rolls prior to 1583,<sup>9</sup> and evidence derived from the testaments of spouses has been used. Only men definitely described as merchants

have been included (thus, e.g., Elphinstone has been excluded).<sup>10</sup>

Thirty-two merchants appear, their wealth ranging from £132 (James Anderson) to £2,795 (Patrick Glen) and averaging £837. However as the following shows, a truer average would be somewhat lower in view of the large group who left legacies of between £201 and £500 (indeed 50% of these men left legacies not exceeding £500).

Less than £100	:	0	
£101-£200	:	4	
£201-£500	:	12	
£501-£1,000	:	6	
£1,001-£2,000	:	6	
£2,001-£3,000	:	4	(the merchant aristocracy, Patrick Glen, John Lindsay, John Finlay and possibly Walter Bowe).

Unfortunately only ten craftsmen appear, a number which prohibits a meaningful comparison with the merchants and makes for difficulties if the identification of a craft aristocracy is attempted.

Nonetheless these figures range from £71 (Andrew Mackay, tailor) to £1,528 (John Young, webster). The figures may be broken down thus:

Less than £100	:	1 (tailor, £71)
£101-£500	:	5 (litster, £109; bonnetmaker, £160; woolman, £234; two tailors, £333 and £461)
£501-£1,000	:	3 (cordiner, £675; two coopers, £748 and £771)
Over £1,000	:	1 (webster, £1,528).

Even with these limited figures, the range of wealth amongst the tailors may be noted. John Young, webster, was clearly considerably wealthier than any of these men (and wealthier than twenty-seven of the merchants discussed above) and may be regarded as a member of the craft aristocracy of Glasgow. If the craftsmen whose wills were proved after 1600 are examined another member of this aristocracy comes to light, William Muir, flesher, who left £2,175 in 1616 : taking all the men in tables 1-3 he stands as the ninth wealthiest. (Muir was a plague searcher in 1584 and John Young was co-farmer of the ladle in 1578-79).

## NOTES

1. Although they fall outwith the main period under discussion (1574-86), the bailiesships of James Fleming (1570 x 1574, 1588-1589) and Mr John Hall (c.1548-1570) have been included.
2. See Appendix 2.25 below, P229-236.
3. Although falling outwith the main period under discussion (1574-86), the treasurership of Robert Fleming (1573-74) has been included.
4. G. Donaldson, 'The Church Courts', in Scottish Legal History, 368,370. The opposite did not hold true. Major testaments could be proved locally : see, for example, James Stewart in table 1, P217.
5. Lynch in SESH, iv (1984), 8; Lythe and Butt, Economic History of Scotland, 37, 38,74; Accounts of The Treasurer of Scotland, xiii, 1574-1580, ed. C.T. McInnes, (Edinburgh,1978), 55,67,170,219,229,256; M. Lynch, Edinburgh and the Reformation, (Edinburgh,1981), 52.
6. M. Lynch, Edinburgh and the Reformation, (Edinburgh,1981), 52-53.
7. On the 'inner' and 'outer' groups see Vol.I P58-59, 63-64.
8. M. Lynch, Edinburgh and the Reformation, (Edinburgh,1981), 52-53.
9. Ibid., 212 n.16. Also Lynch in SESH, iv (1984), 12.
10. It is only from indirect references such as the election of the merchants' president in 1582 (Glas. Recs., i, 95) that George Elphinstone and Hector Stewart can be identified as merchants.

APPENDIX 2.25  
THE CRAFT DEACONS, 1574-86

By 1574 there were eight incorporated crafts:

- (i) the skimmers, including furriers and glovers (incorporated in 1516);
- (ii) the tailors (1527);
- (iii) the websters (1528);
- (iv) the hammermen, including blacksmiths, goldsmiths, lorimers, saddlers, armourers, pewterers (1536);
- (v) the masons (1551);
- (vi) the baxters (by 1556);
- (vii) the cordiners, including barkers and tanners (1559); and
- (viii) the coopers (1569).<sup>1</sup>

In addition the fleshers were incorporated in October 1580.<sup>2</sup>

Apart from the seals of cause and some miscellaneous items, the earliest records of these craft incorporations date from the seventeenth century. There are however three exceptions : minute books of the skimmers (1557-81, 1587-1611),<sup>3</sup> the websters (1591-1624)<sup>4</sup> and the coopers (1589-1607).<sup>5</sup> The first of these offers a unique record of the activities of an incorporation during the years under consideration. Whereas in the case of all the other incorporations the craft deacons can only be identified from casual references in the burgh act books and other sources, it is possible to determine, within limits, who the various deacons of the skimmers were between 1574 and 1581. The limitations arise from the nature of the minuting which is, to say the least, sketchy and inconsistent in its treatment of the elections.

The incorporated crafts were headed by a deacon and a number of masters, the latter being also known as quartermasters (skimmers) or auditors (coopers). The deacons were elected annually, usually around Michaelmas. The elections appear to have been conducted by the whole craftsmen of the incorporation (except the apprentices and servants). Thus in the case of the skimmers John Wise was elected deacon in 1579 'be avise of haill craft' and a list of fourteen men was subscribed.<sup>6</sup>

These, plus the successful deacon, were the craft members. Similarly, since the votes cast for the deacons of the coopers were recorded it would appear that in the early 1590s there were about twenty-three craft members.<sup>7</sup> The websters' minute book contains a list of that craft's membership in 1593, twenty-seven in all<sup>8</sup> (while it is known that in c.1590 there were twenty-four hammermen).<sup>9</sup> From the membership the masters (who, as their alternative titles of auditors or quartermasters suggest, were involved in collecting the craft dues) were either 'electit and chosen' by the craft as in the case of the skimmers and websters<sup>10</sup> or nominated by the deacon as in the case of the coopers.<sup>11</sup> The number of masters appointed varied both between and within each craft. In the case of the skimmers they numbered nine in 1587, four in 1588, six in 1589 and four in 1591; the coopers had eight in 1589 and 1591; the websters had six in 1591 and 1592 rising to eight in 1593.<sup>12</sup>

As only the deacons seem to have been directly involved in burgh government, the following tables are confined to these craft officials. Table 1 sets out the deacons of the skimmers' incorporation between 1574 and 1581, so far as is possible. Table 2 sets out the names of all the deacons who can be identified during these years. In both tables information is given as to the official burgh posts held by these men, both at the time when they can be definitely identified as deacons and also throughout the period under discussion. The information is confined to senior posts and the following codes are used.

B : Bailie  
C : Councillor  
L : Liner

M : Master of work  
T : Treasurer  
X : Key keeper

Table 1 Deacons of the incorporation of skinners<sup>13</sup>

Date	Appointee	Burgh positions then held	Remarks
1574-75	[John Gemmill]	None	Demitted by July 1575.
1575-76			
1576-77	John Wise	Becomes C 3/10/1577	Elected February 1576.
1577-78	John Luis	None	Elected 23/10/1577 for one year.
1578-79			
1579-80	John Wise	Leeted B 6/10/1579; C until 8/10/1579	Elected 18/9/1579 for one year.
1580-81	Edward Pollok	None	Elected 6/[ ]/1580 for one year.
1581-82	David Biggart	None	Referred to [August 1581]. See however table 2.

Table 2 Deacons, 1574-86

Note: major offices held are underlined if contemporaneous with deaconship

Name	Trade	Deacon of	Dates	Major offices held
Anderson, John	Cordiner or 'dryleddirman'	Cordiners	July 1583 <sup>14</sup>	C <u>1577-78/1578-79/1582-83/1583-84/</u> 1584-85/1585-86 L <u>1582-83/1585-86</u> X <u>1583-84/1584-85/1585-86</u> Leeted B 1583/1585
Biggard, David	Skinner	Skinners	August 1581 <sup>15</sup> November 1582 <sup>16</sup> July 1583 <sup>17</sup>	None. However described as a councillor on 8 July 1584 although not on 1583-84 council list. <sup>18</sup>
Braidwood, James	Cordiner	Cordiners	January 1576 <sup>19</sup>	Leeted B 1574/1575 C <u>1575-76/1580-81</u> (second council) L <u>1576-77</u> Leeted M 1582
Burrell, George	Saddler	Hammermen	August 1574 <sup>20</sup> January 1576 <sup>21</sup> July 1583 <sup>22</sup>	C <u>1575-76/1576-77/1577-78/</u> 1579-80/1580-81 (first council)/ <u>1582-83/1584-85</u> Leeted T 1583
Clerk, John	Tailor	Tailors	January 1576 <sup>23</sup> October 1577 <sup>24</sup> December 1582 <sup>25</sup> July 1583 <sup>26</sup>	C <u>1575-76/1576-77/1577-78/</u> 1579-80/1580-81 ( <u>first council</u> )/ <u>1582-83/1583-84/1584-85</u> Leeted B 1576
Clerk, William	Webster	Websters	July 1583 <sup>27</sup>	None.



Name	Trade	Deacon of	Dates	Major offices held
Gemmill, John	Skinner	Skinners	p <sup>te</sup> July 1575 <sup>28</sup>	None.
Luis, John	Skinner	Skinners	October 1577- October 1578 <sup>29</sup>	C 1583-84
Muir, Archibald	Smith	Hammermen	[August 1574] <sup>30</sup> July 1578 <sup>31</sup>	C 1581-82
Pollok, Edward	Skinner	Skinners	1580-81 <sup>32</sup>	None
Ritchie, James	Cooper	Coopers	July 1582 <sup>33</sup>	C 1578-79/1580-81 (second council)/ 1581-82/1585-86 L 1577-78/1578-79/1579-80/ 1580-81 (second group)/[1581-82]/ 1584-85/1585-86 Leeted M 1578/1582
Scott, John	Baxter	Baxters	July 1583 <sup>34</sup>	C 1581-82/1582-83/1585-86 Leeted M 1582/1585 Leeted T 1585
Spreull, Henry	Cooper	Coopers	September 1584 <sup>35</sup>	C 1585-86 However referred to as councillor in July 1584 although not on 1583-84 list <sup>36</sup>
Watson, Matthew	Flesher	Fleshers	July 1583 <sup>37</sup>	C 1582-83
Wilson, Archibald	Lorimer	Hammermen	November 1583 <sup>38</sup> August 1584 <sup>39</sup>	C 1583-84/1584-85

Name	Trade	Deacon of	Dates	Major offices held
Wise, John	Skinner	Skinners	1576-77 <sup>40</sup> 1579-80 <sup>41</sup>	C 1577-78/1578-79/1580-81 (second council)/1581-82 Leeted B 1579/1582
Young, George	Baxter	Baxters	January 1574 <sup>42</sup> September 1584 <sup>43</sup>	C 1574-75/1583-84 Leeted T 1574

## NOTES

1. On all these see Vol.I, P16-17.
2. SRA MS C1/1/1 f265r (and Glas. Recs., i, 80).
3. SRA MS T-TH 8/12 and 13 (bound as one volume but foliated separately).
4. SRA MS T-TH 5/1/1.
5. SRA MS T-TH 10/1/1.
6. SRA MS T-TH 8/12 f16v.
7. SRA MS T-TH 10/1/1 f4v.
8. SRA MS T-TH 5/1/1 f3r.
9. Prot. Bk. Glasgow, ix, p.156.
10. SRA MS T-TH 8/13 f4r and T-TH 5/1/1 ff4r, 5v.
11. SRA MS T-TH 10/1/1 f7v.
12. SRA MS T-TH 8/13 ff3r-8r passim; T-TH 10/1/1 ff3r, 7v; T-TH 5/1/1 ff4r, 5v.
13. Sources are as follows : SRA MS T-TH 8/12 ff12r, 12v, 14v, 16v, 17v, 19r.
14. SRA MS C1/1/2 ff89r, 90r (and Glas. Recs., i, 101-102).
15. SRA MS T-TH 8/12 f19r.
16. SRA MS C1/1/2 f55r.
17. Ibid., ff89r, 90r (and Glas. Recs., i, 101-102).
18. See Appendix 2.12 table 10, above P120-122.
19. Prot. Bk. Glasgow, vii, no.2248.
20. SRA MS C1/1/1 f24r.
21. Prot. Bk. Glasgow, vii, no.2248.
22. SRA MS C1/1/2 ff89r, 90r (and Glas. Recs., i, 101-102).
23. Prot. Bk. Glasgow, vii, no.2248.
24. SRA MS C1/1/1 f160v.
25. SRA MS C1/1/2 f58v.
26. Ibid., ff89r, 90r (and Glas. Recs., i, 101-102).
27. Ibid.
28. SRA MS T-TH 8/12 f12r.
29. Ibid., f14v.
30. SRA MS C1/1/1 f25v. See Vol.I, P233 n.316.
31. Ibid., f201v.
32. SRA MS T-TH 8/12 f17v.
33. SRA MS C1/1/2 f42v (and Glas. Recs., i, 96).
34. Ibid., ff89r, 90r (and Glas. Recs., i, 101-102).
35. Ibid., f150r.

36. See Appendix 2.12 table 10 above, P120-22.
37. SRA MS C1/1/2 ff89, 90r (and Glas. Recs., i, 101-102).
38. SRA MS CH2/550/1 f2r.
39. SRA MS C1/1/2 ff146r, 148r.
40. SRA MS T-TH 8/12 f12v.
41. Ibid., f16v.
42. SRA MS C1/1/1 f1v (and Glas. Recs., i, 3).
43. SRA MS C1/1/2 f150r.

## APPENDIX 2.26

### PRESSURE GROUPS IN THE BURGH, 1574-86

N.B. Much of the following is based on Appendices 2.11 (bailies) and 2.12 (councils).<sup>1</sup>

#### 1. The 1570s

As the minutes prior to 1574 do not survive, the existence of pressure groups before that date can not be determined. Between 1574 and 1578 the ruling oligarchy seems to have been comprised of a majority of Boyd men with a few former Stewart of Minto men. Certainly Boyd retained Minto's bailies and common clerk. However this 'consensus' was split when Robert earl of Lennox became provost in 1578, supplanting Boyd and his protégé provost Crawford.<sup>2</sup>

He removed ten men, comprising more than half of the old council plus Crawford the provost (the annotations are explained later):

Robert Lord Boyd -	John Fleming*	P	Archibald Lyon*	M
George Burrell* P	Patrick Glen	-	Robert Muir*	M
John Clerk* P	John Lindsay	P	John Wilson*	-
Thomas Crawford	-			
James Fleming*	P			

He retained the following from the 1577-78 administration (two former bailies and nine councillors):

Robert Adam	M	George Elphinstone	P	Mr Adam Wallace	M
John Anderson	P	George Herbertson	L	Matthew Wilson	P
Andrew Baillie	M	David Lindsay	L	John Wise	L
William Cunningham	P	Robert Rowat	P		

He introduced the following:

Nicol Andrew	L	John Graham, (younger)	L	Hector Stewart	L
James Blackburn	L	David Hall	M	John Stewart of Bowhouse	L
Gavin Graham	L	James Ritchie	L	Malcolm Stewart	L

Broadly speaking those retained or newly appointed were men who supported the Lennox cause and were probably sympathetic to the coup of April 1578 which had temporarily removed the regent Morton from power. Those displaced were the men most sympathetic to Robert Lord Boyd (and, by implication, Morton, his patron) and Thomas Crawford. Although of secondary importance at this time, the growing controversy between the crown and the church, between those who supported the former's episcopalian policy and those who sympathised with the presbyterians, probably also played a part.

While earl Robert perceived the danger of alienating an important segment of the ruling oligarchy and in 1579 reinstated seven of the men he had displaced in 1578 (marked \* above), the events of 1578 saw the beginnings of two pressure groups (or factions ; 'party' has been avoided since that word implies a manifesto and a degree of organisation anachronistic to this period). These had not yet fully formed but were to do so after October 1580 when earl Robert's successor, Esmé earl of Lennox, conducted another purge.<sup>3</sup> These changes were not rectified the following year.

The issues in the 1580s were broadly similar to those in 1578, although the emphasis had altered. Hostility between those of the Lennox persuasion and those who identified with the Morton-Boyd regime seems to have been the chief element in the purge of 1580 (as it had also been in 1578) but it was quickly overtaken by the tension between the episcopalians and the presbyterians.

For convenience the men favoured by earl Esmé in the 1580s have been termed the Lennox faction and their opponents (the men Lennox ousted) the presbyterian faction. There was also a third group which has been termed the middle party, comprising men who were acceptable to all regimes of this period. (The word faction has here been avoided as these men seem to have been almost apolitical; the word group has also been avoided as these men had much in common with the 'inner group'<sup>4</sup> of men who dominated high office between 1574 and 1586,

and use of the word might cause confusion).

In the last paragraph but one it was noted that the issues in the 1580s were broadly similar to those in 1578. This justifies transposing back to 1578 the later discernible differentiation between men of the Lennox faction, presbyterian faction and middle party, noted as L, P and M respectively in the preceding breakdown of men involved in the 1578 coup.

There is a considerable correlation both between the later Lennox faction and the men introduced by earl Robert in 1578 and between the later presbyterian faction and the men whom he deposed. Examination of the men retained by earl Robert in these terms shows how far Esmé earl of Lennox would destroy the homogeneity of this group two years later by ousting such prominent individuals as Cunninghame, Elphinstone and Rowat (who were akin to men of the middle party, being 'inner group' members). They would be drawn to the presbyterian cause by Esmé's ill-judged behaviour in 1580.

Thus it is demonstrated that the factionalism of the 1580s had its roots in 1578 but was at that time not fully developed.

## 2. The 1580s

### The Lennox faction

Main period of power : October 1580 - October 1582.

'Policies' : Support for Esmé earl (later duke) of Lennox and sympathetic to the episcopalian policy of the crown, personified by archbishop Robert Montgomery.

Membership : After Lennox became provost, the bailies and councillors were appointed in the normal way. However, shortly afterwards (on 19-20 October 1580), three new bailies were appointed and a fresh council was elected, numbering thirty men. These thirty-three men may be regarded as a mixture of Lennox men and men of the middle ground. It is possible to separate the core from this wider group by

examining the fate of these men during the provostship of Lennox's successor, Sir Matthew Stewart of Minto.

Minto served two terms, 1581-83. At first he was very supportive of the Lennox cause but, following the attack on the Glasgow presbytery, the assault on Mr John Howeson, the subsequent hearings before the General Assembly (at which he was threatened with excommunication), the eclipse of Lennox and the rise of the Ruthven lords, he changed sides and became the leader of the presbyterian group. By October 1582 when he entered his second term of office, twenty-four of the thirty-three men who had served under Esmé had been displaced. In addition to these twenty-four men (the core of the Lennox faction), also included in this group were Archibald Hegate, appointed to the clerkship by Esmé in May 1581; William Hegate, his father, appointed to Minto's council in October 1581 (when Esmé was still in power) but not re-appointed in October 1582 (when Minto, now acting for the Ruthven regime, was free of Lennox's influence); and perhaps Archibald Muir whose short-lived career on the council began in 1581 and ended in 1582.

In the tables which follow the provosts have been coded thus:-

RLB Robert Lord Boyd, 1573-77

TCJ Thomas Crawford of Jordanhill, 1577-78

REL Robert earl of Lennox, 1578-80

EEL Esmé earl of Lennox, 1580-81

MSM Sir Matthew Stewart of Minto, 1581-83

JEM John earl of Montrose, 1583-84

WLK Sir William Livingstone of Kilsyth, 1584-86



Other codes :	B	Bailie
	C	Council
	CC	Common Clerk
	1580	Appointed 4 (bailies) or 7 (councillors) October 1580, and served until 19/20 October 1580 respectively.
	1580-81	Appointed 19 (bailies) or 20 (councillors) October 1580 and served until 1581.
	*	Leading member of group.
	?	Peripheral member.
	+	On kirk session after November 1583.

Name	Previously served	Position under EEL (1580, 1580-81) MSM (1581-82)	Displaced by MSM	Reinstated
Andrew, Nicol	REL	C 1580-81	1581	
Blackburn, James	REL	C 1580-81	1581	
Braidwood, James +	RLB	C 1580-81	1581	
Campbell, Colin *		C 1580-81, B 1581-82	1582	C 1585/WLK
Farquhar, John		C 1580-81, C 1581-82	1582	C 1585/WLK
Fleming, Robert +		C 1580-81	1581	
Graham, Gavin *	REL	C 1580, C 1580-81, C 1581-82	1582	C 1583/JEM
Graham, John, elder *		C 1580-81, C 1581-82	1582	
Graham, John, younger + *	REL	C 1580, B 1580-81, B 1581-82	1582	C 1583/JEM
Gray, Patrick		C 1580-81, C 1581-82	1582	
Hegate, Archibald *		CC 1581f	N/a	N/a
Hegate, William *		C 1581-82	1582	C 1584/WLK
Herbertson, George ?	RLB, ICJ, REL	C 1580, C 1580-81, C 1581-82	1582	C 1583/JEM
Lindsay, David, elder ?	RLB, ICJ, REL	C 1580, C 1580-81	1581	
Muir, Archibald ?		C 1581-82	1582	
Muir, John *		C 1580-81, C 1581-82	1582	
Pettigrew, Thomas +		C 1580, C 1580-81	1581	C 1585/WLK
Ritchie, James	REL	C 1580-81, C 1581-82	1582	C 1584/WLK
Shields, John +		C 1580-81, C 1581-82	1582	C 1585/WLK
Stewart, Hector * +	REL	C 1580, B 1580-81, C 1581-82	1582	C 1585/WLK
Stewart, John, of Bowhouse	REL	C 1580, C 1580-81, C 1581-82	1582	
Stewart, John, younger +		C 1580-81, C 1581-82	1582	C 1585/WLK

Name	Previously served	Position under EEL (1580, 1580-81) MSM (1581-82)	Displaced by MSM	Reinstated
Stewart, Malcolm *	REL	C 1580, C 1580-81, C 1581-82	1582	
Struthers, Convell	REL	C 1580, C 1580-81	1581	
Turnbull, William	REL	C 1580, C 1580-81	1581	
Wilson, David +		C 1580-81	1581	C 1583/JEM
Wise, John	TCJ, REL	C 1580-81, C 1581-82	1582	

- Comments: 1. As previously observed<sup>5</sup> Nicol Andrew, James Blackburn, Gavin Graham, John Graham (younger), James Ritchie, Hector Stewart, John Stewart of Bowhouse and Malcolm Stewart were men originally introduced by Robert earl of Lennox at the coup of 1578. Convell Struthers and William Turnbull were introduced to earl Robert's second council in 1579.
2. The list probably includes men of the middle party (marked '?'). Most notable is George Herbertson, a prominent member of the oligarchic 'inner group' who served the administration on eleven out of a possible total of thirteen occasions during this period (the exceptions being 1579-80 and 1582-83). On the other hand he is known to have been hostile to George Elphinstone. As Elphinstone belonged to the faction ousted in October 1580, Herbertson may have been drawn to, and favoured by, the Lennox regime. As it was he subsequently quarrelled with bailie Robert Stewart and lost his burgess freedom.<sup>6</sup>
3. Although the surviving kirk session records do not commence until November 1583 it is instructive to note that of this group only eight subsequently became session members (marked +) whereas the presbyterian faction's representation was twice as large.<sup>7</sup>
4. The leaders of Lennox faction (marked \*), apart from earl Esmé and Matthew Stewart of Minto (who changed his allegiance in the summer of 1582), can be identified from the accounts of the General Assembly's proceedings initiated after the magistrates and council attacked the local presbytery and provoked a student riot in June 1582. They can also be identified among those whom the Assembly prosecuted for associating with archbishop Montgomery after he had been excommunicated.

- (i) For the attack on the presbytery and assault on Mr John Howeson, the moderator.

Matthew Stewart of Minto (whose change of allegiance makes him a special case); Colin Campbell; Gavin Graham; John Graham, elder; Archibald Hegate; Hector Stewart; Malcolm Stewart.

- (ii) Attack on the students

Colin Campbell; Archibald Hegate; William Hegate.

- (iii) Consorting with archbishop Montgomery

Colin Campbell; Gavin Graham; John Graham, younger; Archibald Hegate; William Hegate; John Muir; Hector Stewart.<sup>8</sup>

### The presbyterian faction

Main period of power : October 1582 - October 1583<sup>9</sup>

'Policies' : Initially the nucleus of this group, the bailies and councillors removed from office by earl Esmé in October 1580, probably had little in common save a sense of grievance arising from their dismissal.<sup>10</sup> Earl Esmé had removed them probably because he feared the possibility of a reaction from those men most loyal to Lord Boyd's regime when he attempted to destroy the influence of Boyd's patron at court, the regent Morton. However these men had probably also been suspected of sympathy for the church's ambitions for a presbyterian form of ecclesiastical government independent of crown interference. By dismissing these men, Esmé effectively created an opposition group which, if it had not done so already, began to identify strongly with the aspirations of the church. Outwith the ruling oligarchy there was mounting hostility to archbishop Montgomery particularly as it was believed that he had effectively been bought by earl Esmé.<sup>11</sup> This opposition was centred at first on the local presbytery and the university and was led by Mr

Andrew Hay and Mr Thomas Smeaton, prominent members of both organisations. By October 1582 a presbyterian faction within the burgh administration had been formed, consisting of men who had been driven by Lennox into espousing presbyterianism (the officials ousted in October 1580) and more radical newcomers including Hay and Smeaton. Together they set about removing the Lennox men from office. The former used presbyterianism as a vehicle to regain office while the radicals hoped to further their wider policies.

Sir Matthew Stewart of Minto: At first the presbyterian group was leaderless, but by October 1582 Matthew Stewart of Minto can be identified at its head. Since 1578 he and his father (Sir John Stewart of Minto) had been acting as depute bailies of the regality.<sup>12</sup> It was probably in that capacity that Minto delivered to the magistracy and council on 19 October 1580 the act of the Privy Council announcing that the bailies chosen on 4 October had 'agreed' to stand down. The next day a new council was chosen and it may be noted that one of the men not re-elected was Minto. Perhaps his role as depute bailie of the regality was sufficient for his ambitions at this stage but it is also possible that earl Esmé did not trust him.

However it would seem that by October 1581 Minto had satisfied Esmé as to his loyalty. Esmé for his part seems to have been prepared to be less directly involved in the affairs of the burgh, for Minto now became provost. Nonetheless the political climate still favoured the Lennox faction and there was considerable continuity between the magistracy and councils of 1580-81 and 1581-82.

During the crises of June 1582 Esmé's faith in Minto at first appeared justified but when the latter was threatened with excommunication by the General Assembly for his part in the attack on the Glasgow presbytery he

astutely shifted his ground, implicated his colleagues and espoused the cause of the presbyterians who were then led by Mr Andrew Hay and Mr Thomas Smeaton. Minto was also moved by self-interest for at the same time as he had been, on behalf of Esmé and the crown, attempting to curb the presbytery in its attacks on archbishop Montgomery, he and other fellow rentallers of the archbishop (including George Elphinstone, one of the bailies removed from office in October 1580) had for two years been withholding their rents. In July 1582 the Privy Council ordered them to pay these rents on pain of being warded in Inverness.<sup>14</sup> When the Ruthven lords seized power in August 1582 Minto was ready to embrace their cause, if only to retain his position as provost and depute bailie of the regality, and thus in October 1582 he set about removing members of the Lennox faction and placing the presbyterians on the council.

The elections of October 1582 saw the sharpest changeover in membership between magistracies and councils in this period, far more extreme than the purge effected by Lennox two years earlier. In 1580, seventeen of the twenty-seven councillors elected on 4 October had become either bailies or councillors on 19/20 October and a total of ten councillors and three bailies had been dismissed. In all 57% of the first group had survived. However in October 1582 only 37% of the 1581-82 magistracy and council was retained. Only one of the three bailies survived and ten of the twenty-seven councillors (two as bailies); two bailies and seventeen councillors were dismissed.<sup>15</sup>

Membership : The membership of the presbyterian faction falls into two groups:-

- (i) Men removed from office on 19/20 October by Esmé, earl of Lennox. Chiefly ex-bailies and councillors. Excludes councillor John Wilson who was never reappointed.

Codes as before plus L : Liner M : Master of work P : Provost

Name	Previously served as bailie/councillor	Position held 4/7 October 1580	When reinstated	Subsequent career/remarks
Cunninghame, William +	RLB, TCJ, REL	B	C 1581/MSM	B 1582-85, C 1585-86. In April 1582 cited by Privy Council for having assisted the college and presbytery against archbishop Montgomery. <sup>16</sup>
Elphinstone, George	RLB, TCJ, REL	B	C 1583/JEM	B 1584-85. Died April 1585. <sup>17</sup> In July 1582 cited by Privy Council for refusing to pay rents to archbishop Montgomery. <sup>18</sup>
Rowat, Robert +	RLB, TCJ, REL	B	C 1582/MSM	C 1583-84, B 1584-86.
Burrell, George + Clerk, John	RLB, TCJ, REL RLB, TCJ, REL	C C	C 1582/MSM C 1582/MSM	C 1584-85. C 1583-85. See Anderson below.
Craig, James + Fleming, James + Fleming, John +	RLB, TCJ, REL RLB, TCJ, REL	C C C	C 1582/MSM C 1582/MSM C 1582/MSM	C 1583-86, M 1584-85. L 1583-84. Dead by March 1584. <sup>19</sup>
Lindsay, John + Stewart of Minto, Sir Matthew +	RLB, TCJ	C C	C 1582/MSM P 1581	C 1583-86. P 1582-83, C 1584-86. On position as leader of group, see previous remarks.



Name	Previously served as bailie/councillor	Position held 4/7 October 1580	When reinstated	Subsequent career/remarks
Wilson, Archibald (merchant) + Wilson, Matthew	RLB, TCJ, REL	C  C	C 1582/MSM C 1581/MSM M 1581/EEL <sup>20</sup>	C 1583-86.  C 1582-83. M, L 1583-84.
Anderson, John +	TCJ, REL	Officer's cautioner	C 1582/MSM	C 1583-86. The officers were not affected by the October 1580 purge but their cautioners were. Among them was Anderson, a former councillor, 1577-79. Oddly, among the replacement cautioners was John Clerk, an ousted councillor. <sup>21</sup> Both men returned to the council in 1582.

As has been noted, five of these men (Burrell, Clerk, the two Flemings and Lindsay) were among those removed from office in 1578.<sup>22</sup>

(ii) New councillors appointed by Minto.

In 1581 Minto became provost. As the earl of Lennox's influence was still important the men who were new appointments were probably sympathetic to the Lennox régime. William Hegate and perhaps Archibald Muir fall into this category. William Symmer was probably appointed because he was treasurer and thus can not be definitely ascribed to either faction : he was not reappointed in 1582 but appointments of one year's duration were not unusual in the case of treasurers (eg John Temple in 1575-76, Patrick Glen in 1577-78 and David Donald in 1584-85).<sup>23</sup> Two other new appointments were made, Mr Henry Gibson and John Scott and as both were retained by Minto on his 1582 council, it seems reasonable to assume that they were sympathetic to the presbyterian cause. Gibson is particularly interesting as he had been ousted from the clerkship in May 1581 by Archibald Hegate.<sup>24</sup> Hegate's father, William, joined the council in October 1581 as did Gibson. Both the Hegates were prominent in the Lennox cause. Gibson's appearance may have arisen out of a feeling that he had been unjustly treated, and he certainly had reason to dislike the Lennox regime after the events of May 1581. Significantly when Minto attained full control in October 1582 William Hegate was not re-elected to the council but Gibson was retained.

In 1582 Minto, apart from recalling the men displaced by Lennox, introduced new councillors, among them men who had been leaders of the presbyterian opposition to archbishop Montgomery, namely Mr Andrew Hay and Mr Thomas Smeaton. Both were

leaders of the university, being rector and principal respectively,<sup>25</sup> members of the Glasgow presbytery<sup>26</sup> and probably elders in the kirk session.<sup>27</sup> During the period 1574 to 1586, these were the only non-lay members of the burgh council, a fact which emphasizes the movement towards a council dominated by presbyterians during 1582-83.

The new men appointed by Minto may be tabulated thus (codes as before):

Name	First appointed by MSM	Subsequent career/remarks
Angus, John +	C 1582	C 1582-86
Gibson, Mr Henry	C 1581	
Hay, Mr Andrew +	C 1582	
Muir, Thomas +	C 1582	C 1583-86
Scott, John +	C 1581	C 1582-83, 1585-86
Smeaton, Mr Thomas +	C 1582	(Died in December 1583) <sup>28</sup>
Watson, Matthew +	C 1582	

Having noted the membership of these two factions or pressure groups some general points may be made.

1. It will be noted that the Lennox faction comprised twenty-seven men, thirteen of whom were new appointees either in 1580 or 1581. Of the nine 'leaders' of this party, five were among these new appointees.

Of the remaining fourteen members of this faction, ten started their political careers under earl Robert (and the four other leaders of the group were among these men). One started his career under Thomas Crawford of Jordanhill and three under Robert Lord Boyd. Of these four men, the association of two (Herbertson and Lindsay) with this faction is doubtful. In short the Lennox men were mostly new to

the burgh administration and their election not only proved divisive on political-religious grounds but also because these men had ousted several established members of the burgh oligarchy.

2. Thus the dramatic changes effected under Minto saw not just the rise to power of the presbyterian group but the return of many established leaders of the burgh's administration. Of the thirteen men who returned to office during Minto's provostship, only Minto himself and Archibald Wilson were relative newcomers, having joined the council for the first time on the short-lived body which presided between 7-20 October 1580. John Anderson had started his career under Thomas Crawford and all the rest (to whom may be added Mr Henry Gibson) had been prominent under Robert Lord Boyd. Thus the status quo was being re-established. It is further notable that most of these men, perhaps reflecting their moderate Protestantism and pragmatic espousal of presbyterianism as a means to an end, continued in office after 1582-83, whereas four of Minto's new men, perhaps the more extreme presbyterians, (this certainly applies to Hay and Smeaton) did not.
3. By way of contrast it is possible to detect in the Lennox faction a more dramatic split between men who were unacceptable after 1582 and never returned to office (fourteen of the twenty-seven) and men whose moderate Protestantism or social status permitted their return either under Montrose in 1583 (four men) or Livingstone (eight men). Lastly, for all that 1582 can be regarded as a watershed, it is notable that Minto and his successors retained the services of Archibald Hegate, one of the leaders of the Lennox group, as common clerk.

#### The middle party

Allusion has already been made to a third group of men who were acceptable to both Lennox and Minto. These were the 'middle party'.

Codes as before.

Name	Previously served	Positions under EEL and MSM	Subsequent careers
Adam, Robert	RLB, TCJ, REL	C 1580, C 1580-1, C 1582-3	C 1583-86
Baillie, Andrew	RLB, TCJ, REL	C 1580, C 1580-1, C 1581-2, C 1582-3	C 1583-86
Hall, David	REL	C 1580-1; C 1581-2; L, M 1582-3	C 1583-85; L, M 1585-86
Lyon, Archibald	RLB, TCJ, REL	C 1580, C 1580-1, C 1581-2, C 1582-3	C 1583-86
Lyon, James		C 1580, C 1580-1, C 1581-2, C 1582-3	C 1583-86
Muir, Robert	RLB, TCJ, REL	C 1580, C 1580-1, C 1581-2, C 1582-3	L 1584-86
Stewart, Robert	RLB, REL	C 1580, B 1580-1, B 1581-2, B 1582-3	B 1583-84, C 1584-85, B 1585-86
Wallace, Mr Adam	RLB, TCJ, REL	C 1580, C 1580-1, C 1581-2, B 1582-3	B 1583-84, C 1584-86

Attention may be drawn to Stewart and Wallace who served as bailies. Stewart in particular remained a bailie through the upheavals of this period, a fact which would suggest that both Lennox and Minto sought credibility for their regimes by employing this leading member of the oligarchy.

All, bar David Hall, were men whose political careers dated back to Boyd's time and all, including Hall, would remain in high office for the remainder of this period. This middle party contained many of the leaders of burgh government, the 'inner group' which dominated high office. That group, it will be recalled,<sup>29</sup> comprised twenty-four men and it is useful at this point to examine these men and their allegiances.

L : Lennox faction	M : Middle group	P : Presbyterian faction
? : Uncertain	U : Unknown	

Total terms in office possible : 13

Name	Terms served	Group	Name	Terms served	Group	Name	Terms served	Group
Andrew Baillie	13	M	George Elphinstone	9	P	James Lyon	7	M
Mr Adam Wallace	13	M	Robert Rowat	9	P	Robert Muir	7	M
William Cunningham	12	P	John Graham, younger	8	L	Matthew Wilson	7	P
Archibald Lyon	12	M	David Lindsay, elder	8	? L/M	Hector Stewart	6	L
Robert Stewart	11	M	John Lindsay	8	P	John Wilson	6	U
George Herbertson	11	? L/M	John Clerk	8	P	John Anderson	6	P
Robert Adam	10	M	George Burrell	7	P	John Fleming	6	P
James Fleming	10	P	Gavin Graham	7	L	David Hall	6	M

The middle party, which included so many of the leading officials, was probably comprised of moderate Protestants who were acceptable to all the regimes of the period. It is notable from the foregoing table that a large number of the presbyterian faction were, like the men of the middle party, members of the 'inner group' (and likewise how few of the Lennox men belonged to that group). As has been noted however,<sup>30</sup> the counter coup of October 1582 had two aspects : it saw the rise of the presbyterians, but it also witnessed the reconstitution of the burgh oligarchy which Lennox had split in 1580. Many of these former officials who returned to office in 1582 were moderates within the presbyterian pressure group and had much in common with the members of the middle party.

After 1582-83 a period of stabilisation may be observed under John earl of Montrose, provost in 1583-84, and during Sir William Livingstone of Kilsyth's first term of office in 1584-85. The councils were comprised of a fairly even balance of men of the middle party (the moderate Protestants) together with the less extreme members of the former Lennox and presbyterian pressure groups (whose more radical members were excluded). At first more of the presbyterian faction survived than their Lennox counterparts, partly because many had been members of the oligarchy (men whose careers had been established in the time of Lord Boyd, if not before) and partly because Montrose and Livingstone were agents of Arran's government which at first adopted a middle course but which (as it grew more confident) began, in the eyes of the radical presbyterians, to resemble the regime of Esmé Stuart. Locally it was intent on re-establishing the Lennox family and significantly the second council of Sir William Livingstone saw an upsurge of former Lennox men, shortly before Arran's government fell in November 1585.

The following table shows the councils of the 1580s in terms of these suggested factions. Clearly, as the years passed, the issues of the early 1580s diminished in importance and a further distortion is caused by the advent of new men whose affiliations can not be determined. The magistrates in 1586-88 are known but not their council colleagues. A fuller picture is available in 1588-90 and the figures would suggest a return to a more balanced position reflecting the more settled nature of local and national politics at this time.<sup>31</sup>



	Bailies				Councillors			
	Lennox	Middle	Presbyterian	Unknown	Lennox	Middle	Presbyterian	Unknown
1580-81	2	1	0	0	22	7	0	1
1581-82	2	1	0	0	15	6	4	2
1582-83	0	2	1	0	0	5	17	1
1583-84	0	2	1	0	5	5	9	3
1584-85	0	0	3	0	6	7	9	5
1585-86	1	1	1	0	12	5	9	7
1586-87	0	1	2	0	-	-	-	-
1587-88	0	2	1	0	-	-	-	-
1588-89	0	0	2	1	4	5	5	7
1589-90	0	0	2	1	5	5	5	7

## NOTES

1. See above, P83-148.
2. Discussed in Vol.I, P94-96.
3. Discussed in Vol.I, P100-105.
4. Discussed in Vol.I, P58-59.
5. See above, P237.
6. See above, P84-85; also Vol. I, P195-197.
7. See P248-251 and Appendix 2.12 table 15 above, P133-138.
8. BUK, ii, 598-600, 604 and see Vol.I, P109, 112.
9. Much of the following is discussed in Vol.I, P100-112 passim.
10. Attention may be drawn to a verbal attack by John Clerk, one of the displaced councillors, against John Wise, one of the Lennox faction, on 21 October (the day after the purge) : SRA MS C1/1/1 f267v.
11. Spottiswoode, History, ii, 282.
12. See Appendix 1.1 above, P4-5.
13. BUK, ii, 590, 591, 598 and see Vol.I, P109, 112.
14. RPC, iii, 496-497.
15. See Appendix 2.12 tables 8, 9, 17 above, P115-119, 143-145.
16. RPC; iii, 490.
17. SRO MS CC8/8/17 f158v.
18. RPC, iii, 496-497.
19. SRA MS CH2/550/1 f13r.
20. See Vol.I, P105-106.
21. See Appendix 2.18 above, P173-180.
22. See above, P237.
23. See Appendix 2.7 above, P64-70 and Appendix 2.12 tables 2,4 and 11 above, P102-104, 106-107 and 123-126.
24. See Appendix 2.9 above, P76-79.
25. Durkan and Kirk, Glasgow University, 409, 416.
26. Calderwood, History, iii, 577.
27. Certainly both were elders when the kirk session records commence in November 1583 : SRA MS CH2/550/1 f1v.
28. Durkan and Kirk, Glasgow University, 337.
29. See Vol.I, P58-59.
30. See above, P252.
31. For fuller details of the personnel who continued into the late 1580s see Appendix 2.12 table 12 above, P128-129.

## APPENDIX 3.1

### THE DEMISE OF THE HEAD COURTS AND THE SPECIAL COURTS

#### (i) The Head Courts

As noted in the text, there are strong suggestions during the period 1574 to 1586 that the head courts of Yule, Easter and Michaelmas were being phased out. By the 1620s it would appear that only that of Michaelmas survived.<sup>1</sup>

The printed records are of no assistance in tracing this phenomenon as they usually omit the court headings. Recourse must therefore be made to the original records and a thorough examination of not just the court headings in the act books of the seventeenth century but also the contents of the minutes would be required to fully verify the above thesis.

However a survey of the minutes between 1586 and 1622 was undertaken, choosing certain years at random and noting the descriptions used in the court headings. It should be noted that no court minutes survive between April 1586 and October 1588, July 1590 and October 1594, May 1597 and November 1598, October 1601 and June 1605 and from June 1610 to June 1621. Despite these gaps and the limited nature of this survey it would appear that by the first decade of the seventeenth century the head courts of Yule and Easter were no longer convened. The last Yule head court traced was that of 16 January 1599 while the last Easter head court traced was minuted ten years earlier in April 1589.

1589

No Yule head court minuted.

Easter head court held on 8 April.<sup>2</sup>

Michaelmas head court held on 7 October.<sup>3</sup>

1595

Yule head court held on 14 January.<sup>4</sup>

No Easter head court minuted.

Michaelmas head court held on 14 October.<sup>5</sup>

1599

Yule head court held on 16 January.<sup>6</sup>

No Easter head court minuted.

Michaelmas head court held on 9 October.<sup>7</sup>

1600

No Yule head court minuted.

No Easter head court minuted.

Michaelmas head court held on 14 October.<sup>8</sup>

1606

No head courts minuted.

1607

No Yule head court minuted.

No Easter head court minuted.

Michaelmas head court held on 13 October.<sup>9</sup>

1610

No head courts minuted.

• 1622

No Yule head court minuted.

No Easter head court minuted.

Michaelmas head court held on 4 October.<sup>10</sup>

(ii) Special Courts

The fates of the Summerhill and Craigmak courts are dealt with in the text.<sup>11</sup> This discussion is confined to the Whitsun court of the perambulations of the marches held at the Milndam lands north of Camlachie burn on the site of the present Glasgow Green.<sup>12</sup> At this court the outlandmen were appointed and the burgh's marches were inspected; the petty custom of the bridge, the ladle and the mills were roused; the treasurer, the master of work and the common clerk (and sometimes the minstrels) were elected.

The Milndam lands were among those sold off by the burgh during 1588-89 so as to raise money to obtain the feu of Archibald Lyon's mill on the Kelvin.<sup>13</sup> On 4 June 1590 the

magistrates and council decreed that henceforth the Whitsun court was to convene on 'the buttis of the Grene' (that is the old Glasgow Green, situated north of the Clyde and west of the present Stockwell Street).<sup>14</sup> This statute also decreed that after the perambulations had been effected and the customs had been roused, the provost, bailies and council were to adjourn to the tolbooth and there elect the treasurer, master of work, common clerk and minstrels. The minute concludes with the phrase 'as they [the magistrates and council] wer wont to chuse at the Mylndame in tyme bypast', a comment which seems to refer to these elections.<sup>15</sup> However the evidence of the 1570s and 1580s suggests that the franchise for these elections embraced the burgesses present at the court as well as the magistrates and councillors, in which case the statute can be regarded as a blatant move to restrict that franchise by curtailing the open air proceedings of the court.<sup>16</sup> If this is correct then the act of June 1590 can be regarded as the first stage in the demise of this court.

It has already been observed that there are several gaps in the records between 1590 and 1600<sup>17</sup>; as a result only the dealings of the Whitsun courts of 1590, 1595, 1596, 1597, 1599 and 1600 are recorded.<sup>18</sup> The court's business remained much as before but its role in the election of the clerk had been diminished. No election was minuted in 1595. By 1596 the clerk, Mr Henry Gibson, had evidently come to some agreement with his employers for in that year and again in 1597, 1599 and 1600 the court merely noted that he 'standis conforme to his gift'. It may also be noted that in 1599 and 1600 the minutes do not actually refer to the meetings as being courts. These irregularities became more pronounced in the first decade of the seventeenth century.

In 1601 the full title of the court was restored in the minutes (i.e. the Whitsun court of the perambulation of the marches). Yet the minute includes none of this court's special business and merely records the passage of some statutes.<sup>19</sup> Indeed the minute of 1600 is the last to record

a perambulation of the marches and the appointment of outlandmen; how the inspections were conducted thereafter, or by whom, is unknown.

No minutes survive between 27 October 1601 and 13 June 1605 and the next Whitsun meeting of which a record survives was that of 1606.<sup>20</sup> The meetings of 1607, 1608, 1609 and 1610 are also recorded.<sup>21</sup> Those of 1606 and 1608 were not minuted as courts while those of 1607, 1609 and 1610 were simply styled as 'the Whitsun court' (i.e. omitting the earlier reference to the perambulation). Each meeting records the election of the treasurer; all bar that of 1610 include the election of the master of work; but only that of 1606 mentions the election of the clerk. The rousing of the customs was minuted each year until 1610.

The minute book which commences on 13 June 1605 ends on 4 June 1610.<sup>22</sup> Like its predecessors it was a court act book which included council minutes. However for the first time the activities of the council were recorded with formal headings ('In the counsalhous convenit', followed by the names of the magistrates and each councillor present)<sup>23</sup> and these council entries occur more frequently than previously. In January 1609, as part of what appears to have been a reorganisation of the administration, another series of minutes was begun devoted entirely to council business, and the first minute book in this series closes in August 1613.<sup>24</sup> The surviving court record which ended in June 1610 does not recommence until June 1621 while the new council minutes are lost between August 1613 and September 1623.<sup>25</sup>

The loss of the burgh court records after 1610 makes it difficult to determine the exact nature of the reorganisation as it affected the Whitsun court, but clearly this court began to be denuded of its functions which in reality were administrative rather than judicial. In 1613, though not before, items of its business begin to appear in the council minutes. The rousing of the common good, though still effected at Whitsun-time, was, by 1613 at least, recorded in the council

act book.<sup>26</sup> The clerk was no longer appointed at Whitsun at all; in January 1613 John Thomson was admitted clerk by the magistrates and council and his appointment appears in the council act book.<sup>27</sup> However this council act book contains no references to the appointment of treasurers or masters of work, which implies that these elections were still effected at a court held at Whitsun and recorded in the court act books which are now lost.

The surviving records of the burgh court recommence in June 1621 by which time references to the Whitsun court have ceased altogether. Turning to the council minutes, which pick up again in September 1623, these show that the treasurer was by this time elected at Michaelmas-time (not, it must be stressed, at the head court of the same name) alongside the dean of guild, deacon convener and visitor to the maltmen and mealmen.<sup>28</sup> No mention was made of the master of work that year. However the method of his appointment (which probably already lay with the council but may still have been effected at Whitsun-time) was regularised by a statute of 23 October 1624 which stipulated that this post was to be filled at Michaelmas along with the other officials mentioned above.<sup>29</sup>

To sum up, the Whitsun court, like the head courts of Yule and Easter, fell into disuse. For some reason which is likely to remain a mystery, it lost its role as a court of perambulation in 1600-1601. Thereafter it was confined to purely administrative business and with the reorganisation of the administration in 1609-10 these matters began to be recorded in the council's acts rather than those of the court. By the 1620s the Whitsun court seems to have disappeared.

## NOTES

1. See in Vol.I, P164-165.
2. SRA MS C1/1/3 f55r.
3. Ibid., f104v.
4. SRA MS C1/1/4 f22r.
5. Ibid., f74v.
6. SRA MS C1/1/5 f10r.
7. Ibid., f52r.
8. Ibid., f108r.
9. SRA MS C1/1/6 f157r.
10. SRA MS B1/1/1 f101r.
11. See Vol.I, P166-168.
12. Murray, Burgh Organisation, i, 185.
13. See Vol.I, P355.
14. R. Renwick, Glasgow Memorials, (Glasgow, 1908), 73-74.
15. Glas. Recs., i, 152.
16. See Vol.I, P48-50, 101, 105-106, 165-166.
17. See above P259.
18. SRA MS C1/1/3 f172v; C1/1/4 ff51r, 112r, 163r; C1/1/5 ff30v, 79v.
19. SRA MS C1/1/5 f148v.
20. SRA MS C1/1/6 f77v.
21. Ibid., ff136r, 186v, 291v, 354v.
22. SRA MS C1/1/6.
23. For example, ibid., f3r.
24. SRA MS C1/1/7.
25. The next court volume after SRA MS C1/1/6 (13 June 1605 - 4 June 1610) is B1/1/1 (5 June 1621 - 1 April 1624). The first council volume is SRA MS C1/1/7 (16 January 1609 - 28 August 1613) and is followed by C1/1/8 (30 September 1623 - 11 December 1630).
26. Glas. Recs., i, 337 (29 May 1613) and SRA MS C1/1/7, not foliated.
27. Ibid., 335 (9 January 1613) and SRA MS C1/1/7, not foliated. Similarly Thomson's successor, John Hutcheson, appointed in 1625 was elected not at Whitsun but on 2 February: ibid., 344-45 and SRA MS C1/1/8, not foliated.
28. Ibid., 341 (8 October 1623) and SRA MS C1/1/8, not foliated.
29. Ibid., 343 (23 October 1624).



## APPENDIX 3.2

### INQUESTS, 1574-86

Inquests were used from time to time by the burgh court. A total of forty-six were recorded between 1574 and 1586 but as the following table demonstrates they were by no means regular in their occurrence.<sup>1</sup>

Number of inquests per year (October - October, unless otherwise stated).

January - October 1574	7	1580	2
1574	7	1581	3
1575	5	1582	1
1576	0	1583	0
1577	7	1584	3
1578	1	1585 - April 1586	8
1579	2		

#### Heirship inquests

Almost all of these inquests dealt with the service of heirs to burgh property and moveables (forty-one out of forty-six). These inquests were probably comprised of men who were neighbours, friends or business associates of the family concerned. The presence of neighbours can not be verified but it is strongly suggested by the following inquest of 9 March 1576 which served Marion Greenhead as heir to Matthew Greenhead, her cousin.<sup>2</sup> The Greenheads were almost certainly out of town burgesses living in Inchinnan for although this was not specified in the minute, nine of the panel came from that village.

John King in ferry boat of Inchinnan	Allan Wilson in Inchinnan
Bernard Peebles, vicar of Inchinnan	William Wilson 'thair'
Richard Wilson 'thair'	William Moreson 'thair'
Matthew Erskine 'thair'	William Cullane, cordiner
Robert Woddrow 'thair'	Michael Baird, notary
Richard Whitehill in Inchinnan	
John Anderson	
John Wilson	

Since the presence of neighbours or business colleagues may be assumed, the following four examples are particularly interesting as they underline the mutuality of interests which bound the members of the burgh's oligarchy together. All involved the service of men who were prominent burgh politicians and in each case the inquests comprised many men who were also active as officials or councillors.

The following are the codes used to identify the offices then held by these men. Several men held more than one post but examples have been confined to major offices in such cases. If the code is in brackets it relates to a post or posts held either previously or subsequently. In some instances an individual though never actually an office holder was leeted for a post : in such cases the code is in lower case.

A Ale taster	L Liner	Pl Plague searcher
B Bailie	M Master of work	S Stenter
C Councillor	O Officer	T Treasurer
CC Common clerk	Om Outlandman	U University officer
CP Common procurator		

16 November 1574.<sup>3</sup> Service of Sir John Stewart of Minto (former provost) as heir to Mr Adam Stewart, burgess of Glasgow, his brother.

George Herbertson C	Matthew Wilson L (C, M)
John Wilson C (B)	George Young C
Mr David Wilson	James Bowe (t)
John Steyne Om	William Rowat C
John Woddrop, merchant Pl	David Hall Om (C, M)
James Fleming C (B, CP)	Gavin Graham (C, M)
Michael Baird (CP)	

29 May 1576.<sup>4</sup> Service of George Elphinstone of Blythwood, burgess (sometime bailie and then a councillor) to George Elphinstone his father.

David Lindsay, elder C (B)	Archibald Lyon C (B)
Mr Adam Wallace C (B)	John Graham (B, C)

Peter Lymburner [(C)]<sup>5</sup>

John Wilson C (B)

Robert Muir L (C)

John Lindsay C

Thomas Hutcheson

Robert Lettrick O

Robert Hamilton

James Braidwood C

James Kirkwood

John Clerk C

John Stirling of Lettir

24 July 1582.<sup>6</sup> No details of the service were recorded but the margin carries the note 'Mynto Stewarde' so that it either related to Sir John Stewart, the former provost, or his son Matthew Stewart who was then provost.

George Elphinstone (B, C)

John Graham, elder C

Mr Adam Wallace C (B)

Archibald Lyon C (B)

David Hall C (M)

Hector Stewart C (B)

Robert Adam (C, T)

George Brownside (cc)

Thomas Hutcheson

19 November 1585.<sup>7</sup> Service of Janet and Margaret Stewart to John Stewart, burgess, their father who was son to the late Sir John Stewart of Minto. Sir Matthew Stewart of Minto (formerly and subsequently provost but at that time a councillor) was appointed their tutor.

William Hegate C (CC)

Archibald Lyon C (B)

Colin Campbell C (B)

James Fleming C (B)

Hector Stewart C (B)

David Hall M, L (C)

Robert Fleming (t, C)

Robert Boyd T

John Lindsay C

[John McKyny]

John Anderson C, L

### Special inquests

Of the forty-six inquests recorded between 1574 and 1586 only five were not concerned with heirship. Unlike the heirship inquests which were comprised of groups of men (neighbours, business associates etc) who had knowledge of the details which they were asked to consider, several of these special inquests appear to have been working parties appointed to

investigate certain matters on behalf of the court which would, through its magistrates, pronounce its judgment on the basis of the findings presented to it by the inquest.

Three of these special inquests seem to demonstrate the difference between the assize type of inquest (composed of men who had a priori knowledge of the facts, 'party-witnesses' as they were sometimes termed)<sup>8</sup> and the investigative type of inquest (which was not acquainted with the facts). On first sight the inquests impanelled on 23 April 1574 (to deal with a serious disturbance), on 22 February 1575 (to deal with an assault case) and on 7 December 1585 (to deal with a case of forestalling) appear to be of a similar type; but while the first two contained several burgh officials and councillors, which suggests an investigative assize, the third example quoted included only one councillor, which would equally suggest that its members were 'party-witnesses' who knew of the facts being discussed and may even have seen the offence being committed.

(In the following the codes are as before).

- (i) 23 April 1574. Regarding a serious disturbance involving several people which had occurred on Holy Thursday.<sup>9</sup>

James Boyd, chancellor	John Arbuckle (L)
Mr Adam Wallace (B, C)	Robert Fleming T
William Maxwell (Pl, S)	John Wilson (B, C)
Robert Stewart (B, C)	Nicol Andrew (C)
Andrew Baillie (B, C)	James Braidwood (C)
John Fleming, merchant (C)	Peter Lymburner [(C)]
Robert Muir, merchant (C)	

The membership of the council then in office is unknown. However many of these men later held posts in the burgh administration, including Lymburner who appears to have been an acting councillor in 1576-77.<sup>10</sup> Since continuity of membership was a feature of the administration it is likely that many of these men held office during 1573-74; if so it would appear that they formed an investigative inquest ordered to look into the circumstances of

the case, probably because of its serious nature, rather than simply a body of 'party witnesses' who had seen the riot take place.

- (ii) 22 February 1575. Regarding an assault by George Young, baxter, on David Landes.<sup>11</sup>

David Lindsay, elder C (B)	James Craig A (C)
Ninian Darrocht (C)	John Boyd [(C)]
Matthew Wilson L (C, M)	Patrick Bogle
David Hall Om (C, M)	Thomas Robertson
James Mayne	Alexander Scott
John Wilson C (B)	James Law
Thomas Spang S	John Scott (C)
William Rowat C	

Seven of these men then held office and another two later held posts. In addition John Boyd appears to have been an acting councillor between October 1575 and October 1576.<sup>12</sup> The accused was then a councillor. He was also a baxter, and possibly their deacon (he is known to have been their deacon in January 1574).<sup>13</sup> James Craig and John Scott were also baxters and the latter was deacon in July 1583<sup>14</sup> if not before. Possibly the case reflected an internal craft dispute which had erupted into violence and for that reason an inquest was sworn in. However that may be the high proportion of burgh office holders suggests an investigative inquest, a court working party, which would be formed of men already known to the magistrates.

- (iii) 7 December 1585. Regarding the forestalling of the market by five women.<sup>15</sup>

James Craig (C)	William Fleming
James Hall	Thomas Blackburn
Matthew Turnbull	Donald Struthers C
Robert Wilson	William Howie
John Woddrop (A, Pl)	Andrew Morrison
John Crawford	Michael Mouse

Thomas [Hutcheson]

Archibald [Hammill]

John Law

Although similar to the above in that the case was of a quasi-criminal nature, the almost complete absence of office holders shows that this was an assize of 'party-witnesses' who were acquainted with the case. The minute confirms that the business was put to the 'acknalege' of the inquest.

The clearest example of an investigative inquest is found in 1581 when a group of twelve men was ordered to inspect the quality of certain onion seed. The minutes are quite specific in recounting how the inquest was sent to carry out its investigation and subsequently reported back to the court.<sup>16</sup> As with the inquests of 23 April 1574 and 22 February 1575 cited above which, it is suggested, can also be regarded as investigative inquests or working parties, the membership of this inquest also shows the presence of several councillors (six in all) plus two other men who held office at other times and who were therefore of similar rank and known to the magistrates. The onion seed had been sown in yards belonging to Gavin Graham, Archibald Lyon, George Herbertson, William Cunninghame and David Wylie. All were then councillors (except Wylie who held the minor post of plague searcher in 1574) and Cunninghame was actually a member of the inquest.

14 December 1581. Regarding the quality of certain onion seed.<sup>17</sup>

William Cunninghame C (B)	Robert Muir C
Malcolm Stewart C	Simon Murray
Robert Fleming (C, T)	James Stewart (C)
Thomas Hutcheson	Gavin Clerk
John Stewart of Bowhouse C	James Ritchie C
David Hall C	John Lourie

The last special inquest was quite different from all the other inquests thus far discussed. This was the group appointed 'to tak inquisition of the banneris and suereris' on 9 January 1582. It was set up in response to instructions received from the

Privy Council, and 'memberis of the Kirk' were involved in its establishment alongside the magistrates and council. Its remit was general rather than specific and it probably remained in operation for a considerable time. It was far larger than any other inquest and the members were divided up into three districts. Similar inquests were employed in later years by the kirk session with even larger memberships which were deployed in increasingly smaller districts.<sup>18</sup>

The geographical division of the membership was almost certainly based on residence and is reminiscent of the procedure followed for the ale tasters and plague searchers. It has been argued earlier that those minor posts tended not to be held by senior officials and councillors and were recruited from a wider spectrum of burgesses than were those senior men.<sup>19</sup> It may be noted that the membership of this inquest seems to follow that pattern : of twenty-five men, six were of council rank, ten acted at other times as minor burgh officials and nine held no posts in the administration during these years.

9 January 1582. Inquest 'to take inquisition of the banneris and sueris'.<sup>20</sup>

Rottenrow, Drygate and to the Cross : John Robertson (Om, Pl)  
 John Paton, officer O  
 George Kirkland  
 James Rankine  
 John Foulter (U)  
 Cuthbert Herbertson (C)  
 Richard Todd O  
 John Lourie, cooper (Pl)  
 William Muir (Pl)  
 Matthew Watson (C)

Gallowgate and Trongate and to the : Robert Muir C  
 Barrasyet Robert Young (A)  
 William Anderson, maltman  
 Quintin Kay

John Woddrop, elder (A, Pl)

Robert Erskine

John Lindsay, merchant (C)

John Young, merchant (Om)

John Scott C

For the Briggate :

William Howie

John Gilmour (C)

John Boyd [(C)]

John [Elwn]

Philian Snype, cooper

John Barton, cordiner



## NOTES

1. Sources : SRA MS C1/1/1 ff4v, 9v, 11r, 11v, 18r, 20r, 26r, 32r, 35v, 37r (uniquely the names of the members of this inquest are not given), 46v, 59r, 67v, 71r, 76v, 94v, 100r, 102v, 109v, 172r, 173v, 189v, 194v, 196r, 204v, 205r, 220r, 259v, 262v, 272r, 273r and C1/1/2 ff28r, 29r, 43r, 59r, 164v, 191r, 193r, 203v, 205v, 207v, 215r (bis), 215v, 216r, 217v.
2. SRA MS C1/1/1 f94v.
3. Ibid., f35v.
4. Ibid., f102v.
5. Acting councillor 1576-77 : see Appendix 2.12 table 3, above P105.
6. SRA MS C1/1/2 f43r.
7. Ibid., f203v.
8. Murray, Burgh Organisation, i, 193.
9. SRA MS C1/1/1 f11r. For full details see Glas. Recs., i, 8-9.
10. See Appendix 2.12 table 3, above P105.
11. SRA MS C1/1/1 f46v.
12. See Appendix 2.12 table 2, above P103.
13. Glas. Recs., i, 3; see also Appendix 2.25 above, P229-236.
14. Ibid., 101; see also Appendix 2.25 above, P229-236.
15. SRA MS C1/1/2 f205v.
16. Discussed in Vol.I, P173-174.
17. SRA MS C1/1/2 f28r.
18. On the above see Vol.I, P174-175.
19. See Vol.I, P62-63 and above P189, 200-201.
20. SRA MS C1/1/2 f29r.

**APPENDIX 4.1**  
**THE ANNUAL STATUTES, 1574-86**

Date	No.	Subjects
1574-75 (6/10/74)	15	Price of ale; price of bread; middens; flesh, tallow, fish; price of tallow; price of candle; buying of hay, straw, corn; selling of malt; buying of barley; blaspheming; hides and skins; market visitors (for meal and corn markets with appointees named); ale tasters (appointees named); out of town burgesses; 'ryotus bancatyng'. <sup>1</sup>
1575-76 (10/10/75)	14	Four were dropped from 1574-75 : market visitors; ale tasters; out of town burgesses; 'ryotus bancatyng'. New statutes were added re meal marketing, wool crames and a revised version of the act re visiting the markets, more general in its scope. <sup>2</sup>
1576-77 (4/10/76)	17	As above plus three new statutes : confidentiality of council business; removal of officers; cautioners for officers. <sup>3</sup>
1577-78 (3/10/77)	26	Nine new statutes : herdsmen; pulling of stubble; keeping of swine and geese; keeping of sheep; location of grass, straw and hay market; vegetable and fruit crames; land market; visitors of corn market (appointees named); ale tasters (appointees named). Also the statute on blaspheming now prohibited the holding of Sunday markets. <sup>4</sup>
1578-79 (4/10/78)	24	As above but statutes re visitors to the corn market and ale tasters were dropped. <sup>5</sup>
1579-1580 (8/10/79)	23	The two statutes re the burgh officers were amalgamated into a more general enactment; otherwise the same as those of 1578-79. <sup>6</sup>
1580-81 (20/10/80)	20	Now dropped were the statutes on the buying of beer; council confidentiality; the officers; the visitation of markets. One new statute appeared relating to butter and cheese sellers. <sup>7</sup>
1581-82 ([3]/10/81)	8	Most are missing, there being a gap in the minutes. Of those which are recorded three were new : waste in the Molendinar; visitors of the corn market (nominees not recorded); ale tasters (also blank although the inspection districts were entered). <sup>8</sup>

Date	No.	Subjects
1582-83 (4/10/82)	20	Largely as 1580-81. Those on herdsmen and pulling stubble were combined; the act re waste in the Molendinar was repeated from 1581-82 but those on visitors to the corn market and ale tasters were omitted. <sup>9</sup>
1583-84 (5/10/83)	21	One new statute appeared re the entry of burgesses; otherwise as before. <sup>10</sup>
1584-85 (10/10/84)	21	A provision regarding stray horses was added to the statute re herdsmen and the pulling of stubble. <sup>11</sup>
1585-86 (9/10/85)	[22]	Because of the threat of plague a 'blanket' act was passed continuing the statutes of 1584-85. One new statute re plague was added. <sup>12</sup>

### NOTES

1. SRA MS C1/1/1 f29v. (For full transcription see Glas. Recs., i, 24-27).
2. Ibid., f75v. (For the new statutes see Glas. Recs., i, 41-42).
3. Ibid., ff115v-116r. (For transcription of the statute regarding the appointment of cautioners to the officers see Glas. Recs., i, 55; the other two were originally issued in October 1575 but were not then included in the annual statutes; for these earlier versions see ibid., 40-41).
4. Ibid., ff156v-157r. (All the new statutes, save that on ale tasters, are transcribed in Glas. Recs., i, 63-64).
5. Ibid., ff208v-209r.
6. Ibid., ff241v-242r. (On the new version of the statute re the officers see Glas. Recs., i, 76).
7. Ibid., ff266v-267r. (The late passage of these statutes arose from the double elections of October 1580; they are entered twice in error in Glas. Recs., i, 80, 82, in both instances omitting the new statute. This act is discussed in Vol. I P263).
8. SRA MS C1/1/2 f20r. The gap in the record occurs between f19 and f20. (Only the first of the new statutes is transcribed in Glas. Recs., i, 90).
9. Ibid., ff49v-50v.
10. Ibid., ff103r-104v. (The new act first appeared in October 1582 but not among the annual statutes : for this earlier version see Glas. Recs., i, 98).
11. Ibid., ff156v-158r.
12. Ibid., f200v. (Glas. Recs., i, 118).

## APPENDIX 4.2

### THE RELATIONSHIP BETWEEN THE ANNUAL STATUTES AND THE OTHER STATUTES, 1574-86

The two groups of statutes, the annual statutes which were issued each Michaelmas and those passed at other times in the year, were largely mutually exclusive. However there were some exceptions to this rule and these are set out below. As will be seen, some statutes passed during the year found their way into the succeeding block of annual statutes, while others waited several years and were usually amended on inclusion. Furthermore the process could act in the opposite direction with an annual statute being dropped, only to reappear not as an annual but as an ordinary statute.

#### Trespassing and damage to crops

At the Summerhill court of 1574 a statute was passed regarding the protection of corn and grass from wilful damage or from stray horses or other beasts.<sup>1</sup> In May 1577 another statute was enacted regarding the wilful damage of crops<sup>2</sup> and the subsequent annuals of Michaelmas 1577 introduced two statutes<sup>3</sup> (combined in the annuals of 1582)<sup>4</sup> respecting the duties of the herdsman and prohibiting the pulling of 'stibillis furtht of ony landis about the toun.' The 1577 annuals also contained provisions relating to the keeping of sheep, swine and geese, all with the same object in view.<sup>5</sup> All were re-enacted annually at least until 1585.

#### Banquets etc

The 1574 annuals included a statute forbidding 'ryotus bancatyng' at weddings and baptisms. This never appeared again in the annuals but in October 1583 an act was passed regulating the cost of 'brydallis'.<sup>6</sup>

#### Council confidentiality

On 10 October 1575 a statute was passed on this subject. Although the annuals were passed on the same day, this statute was minuted among items relating to the elections and preceded the heading Statuta pro presenti anno septuagesimoquinto.<sup>7</sup>

It first appeared verbatim in the annuals in 1576<sup>8</sup> and was included in the annuals each year until 1580 when it was dropped. It did not appear thereafter as an annual, but on 10 October 1584 (again on the same day as, but prior to, the annuals of that year) a more comprehensive version was issued.<sup>9</sup>

### Officers

On 10 October 1575 a statute was passed (under the same circumstances as outlined above) regarding the removal of officers for neglect of their duties.<sup>10</sup> This act, like the one on council confidentiality, also appeared verbatim in the 1576 annuals,<sup>11</sup> alongside another statute stipulating that appointees had to find cautioners for their good behaviour while in office.<sup>12</sup> This latter annual had its origins in a statute passed on 18 February 1576<sup>13</sup> but in its new form was more complex.

Both these statutes were annually renewed at Michaelmas until 1579 when they were combined in a much briefer statement.<sup>14</sup> From 1580 onwards the annuals omitted any provision relating to the officers although the sense of the previous statutes was minuted with the appointment of the officers in 1583 and 1584.<sup>15</sup>

### Burgesses

The regulations regarding burgess fines did not find their way into the annual statutes. However the enactment regarding their entry in the presence of a set number of councillors came to be included among the annual enactments. First issued on 8 October 1582,<sup>16</sup> four days after that year's annuals had been passed, this statute appeared in the subsequent year's annuals<sup>17</sup> and each year thereafter.

## NOTES

1. Glas. Recs., i, 17.
2. Ibid., 58.
3. Ibid., 63.
4. SRA MS C1/1/2 f50r.
5. Glas. Recs., i, 63.
6. Ibid., 106.
7. Ibid., 40-41.
8. SRA MS C1/1/1 f116r.
9. Glas. Recs., i, 113.
10. Ibid., 41.
11. SRA MS C1/1/1 f116r.
12. Glas. Recs., i, 55.
13. Ibid., 47.
14. Ibid., 76.
15. SRA MS C1/1/2 ff104v, 158r.
16. Glas. Recs., i, 98.
17. SRA MS C1/1/2 ff104v.

# APPENDIX 4.3 AUTHORISATION OF STATUTES, 1574-86

Almost all of the statutes were enacted by the magistrates and council. However there were exceptions to this general rule.

The following codes are used in the tables:

B : Bailies	D : Deacons
C : Council	P : Provost

Table 1 : Statutes not enacted by the magistrates and council<sup>1</sup>

Date	Subject	Authorisation
21/ 8/74	Keeping of the Sabbath	No authority noted but probably PBC as one of a series
10/10/75	Officers, removal of	As above
24/ 6/76	Burgess fines	Proposals made by the community at Summerhill
4/10/76	Control of craft deacons	[D]
3/ 6/78	Middens in 'hie gait'	No authority noted but probably PBC as one of a series
29/ 4/80	Salmon fishing	No authority noted but possibly BC
1/ 5/82	Lepers	B
5/ 6/82	Inspection of the commons	No authority noted
8/10/82	Burgess entry	No authority noted
7/ 7/83	Fair, tumult at	BD
21/12/83	Wine, price of	No authority noted
10/10/84	Treatment of strangers during time of plague	B
20/ 7/85	Access through Greyfriar port	No authority noted

Table 2 : Enactments which record the participation of the community in the legislative process<sup>2</sup>

Date	Where enacted	Subject	Authorised by the community and ...
20/ 6/74	Summerhill	Turfs on the commom muirs	BC
-do-	-do-	Protection of corns from damage by men or livestock	BC
-do-	-do-	Burgess entry fines	BCD
6/ 7/74	Craigmak	Arming of booth holders at fair time	BC
21/ 6/76	Blackfriars Convention	Diminution of common lands to cease	PBCD
24/ 6/76	Summerhill	Office of calf herd instituted	BC
-do-	-do-	Proposals regarding burgess fines	-

Table 3 : Enactments which record the participation of the craft deacons in the legislative process<sup>3</sup>

Date	Subject	Authorised by the deacons and ...	Remarks
20/ 6/74	Burgess entry fines	BC, Community	Summerhill
21/ 8/74	Stent for repair of the high kirk	PBC	
6/10/74	Riotous banqueting	BC	A unique example of involvement in one of the annual statutes
21/ 6/76	Diminution of common lands to cease	PBC, Community	Blackfriars Convention
4/10/76	Control of craft deacons	-	
19/11/77	Stent for calsay	PBC	
-do-	Purchase of burial bell and appointment of keeper	PBC	
10/ 3/78	Civil defence	PBC	
21/ 3/78	Wapinschawing	PBC	



Date	Subject	Authorised by the deacons and ...	Remarks
22/ 2/79	Measures to redress loss of salt	BC	
24/ 2/81	Weights and measures	BC	
1/ 7/81	Abrogation of statute astricting inhabitants to the town's mills	BC	
27/ 2/83	Repair of the high kirk	PBC	
7/ 7/83	Fair, tumult at	B	

### NOTES

1. Glas. Recs., i, 21, 41, 52, 54, 69, 78, 93(bis), 98, 101, 107, 113, 117 respectively.
2. Ibid., 17(20/6/74), 18(6/7/74), 50-52(21/6/76), 52(24/6/76)
3. Ibid., 17, 20, 27, 50-52, 54, 64(bis), 66, 67, 75, 83, 86-88, 100, 101 respectively.

**APPENDIX 4.4**  
**PRICES, 1560-1600**

In the tables which follow the prices set in the burgh of Glasgow and several other burghs between 1560 and 1600 are compared. The information may be summarised as follows.

- (i) The assessed prices for ale, bread, tallow and candles set each Michaelmas by the magistrates and council of Glasgow in 1560<sup>1</sup> and between 1574 and 1600.<sup>2</sup> It may be noted that the price of candles was initially calculated against the pound weight but after 1588 the stone measure was adopted; in order to facilitate comparison the earlier prices have been adjusted to the stone weight.
- (ii) The open market price of barley in Glasgow between 1575 and 1580. Unlike the above assessed prices which ran from October to October, these prices must be regarded as operative within the calendar year. The information is derived from a case brought by the college against John Herbertson in Gallowgate in May 1581 for back payment of six years' rent of a boll of 'beir' per annum owed on lands in Croppnesco.<sup>3</sup>
- (iii) The assessed prices of malt, wheat, ale, bread and tallow set by the town councils of Aberdeen, Dundee, Edinburgh, Inverness, Kirkcaldy, Lanark, Selkirk and Stirling between 1560 and 1600.<sup>4</sup>

The following codes are used:

A	Aberdeen	I	Inverness	St	Stirling
D	Dundee	K	Kirkcaldy		
E	Edinburgh	L	Lanark		
G	Glasgow	S	Selkirk		

The Glasgow prices appear in bold in the first table.

Table 1. Prices, 1560-1600

		Assessed					
	Open Market	Malt/boll	Wheat/boll	Ale/pint	Bread	Tallow/stone	Candles/stone
	Barley/boll				Per 16oz	Glasgow	
Date							
1560				4d(E) 4d(G)	4d(E)	4d: 32oz	8s(G)
1561			£2(S)	4d(E)	3½d(E)		
1562				4d(A, E)	4½d(E) 5d(A)		13s(E)
1563				4d(K, L)	6d(K) 4d(S)		
1564				3d(E)	3d(D)		
1565							
1566			£2 6s 8d (S)	4d(K)	3d(D)		
1567			£1 17s 0d(S)		3d(D) 2½d(K)		
1568				5d(K)	3d(K)		
1569				4d(E, L) 6d(K)	3d(E, S) 4d(K)		
1570				4d(K)	3d(K)		
1571							
1572							
1573					3½d(K) 4d(E)		
1574				6d(G)		4d: 14oz	17s(G)
1575	£2 16s 8d(G)			7d(G)		4d: 16oz	18s(G)
1576	£2 5s 0d(G)			6d(G) 5d(E)		4d: 14oz	16s(G)
							14s(G)
							16s 4d(G)
							16s 4d(G)

	Barley	Malt	Wheat	Ale	Bread	Bread (Glasgow)	Tallow	Candle
1577 <sup>5</sup>	£3 16s 8d(G)			7d/8d(G)		4d: 12/10oz	18s(G)	17s 6d(G)
1578	£2 16s 8d(G)			6d(G) 8d(E)	5d(E)	4d: 12oz	16s(I)	18s 8d(G)
1579	£3 (G)			6d(G)		4d: 12oz		18s 8d(G)
1580	£3 13s 4d(G)			7d(G)	8d(E)	4d: 12oz	18s(G)	18s 8d(G)
1581				9d(E)				
1582				8d(G, K) 6d(E)	6d(K)	4d: 12oz	16s(G)	16s 4d(G)
1583				8d(G) 6d(E)	6d(E)	4d: 11oz	20s(E)	23s 4d(G)
1584				8d(G)				
1585 <sup>6</sup>				8d(G, K)	7d(K)			
1586								
1587				8d(E)	8d(E)			
1588 <sup>7</sup>				8d(G)		6d: 12oz		30s(G)
1589				10d(G)		6d: 12oz	30s(G)	36s(G)
1590								
1591								
1592					7d(E)			
1593				8d(A)	8d(E)		24s(A)	
1594				10d(G)	10d(E)			37s 4d(G)
1595 <sup>8</sup>				16d(G)	12d(E)		38s(St)	38s 6d(St)
1596		£10 (St)	£12(St)	16d(E) 18d(St)	16d(E) 10d(A)		36s(St)	35s(St)
1597					17d(E)			
1598			£10(A)					

	Barley	Malt	Wheat	Ale	Bread	Bread (Glasgow)	Tallow	Candle
1599 <sup>9</sup>			£8(S)	16d(G) 14d(S)		8d: 11oz	30s/44s(G) 44s(S)	40s/53s 4d(G)
1600			£8(S)	16d(G) 12d(S)		8d: 11oz	30s(G) 40s(S)	40s(G)

Any analysis which seeks to compare these figures is fraught with difficulties particularly because of regional variations in harvest performance. There was no national market but rather a series of local economies. Nonetheless in the tables which follow an attempt is made to identify certain trends.

Table 2 seeks to determine how increases in the prices of ale and bread in Glasgow during the last quarter of the sixteenth century matched increases in the costs of barley (or malt) and wheat respectively. Because of the paucity of evidence recourse must be had not just to information from other burghs but also to a straight comparison of open market and assessed prices. This is of course highly unsatisfactory but in the case of the calculation involving barley prices set out below it is not unlikely that the local economies of Glasgow and Stirling were quite similar because of the proximity of these burghs to each other. Furthermore the use of assessed grain prices probably underestimates the open market increases in grain costs since assessments would tend to set lower rates than the true costs, particularly during times of scarcity. Nonetheless these results, which have been obtained by using the minimum and maximum figures available and which suggest that the council in Glasgow strove to protect the burgh from the full effects of rising costs, must be treated with great caution.

Table 2. Retail prices and possible wholesale grain costs in Glasgow c.1574-1600

Commodity	Increase	Grain	Increase
Ale (Glasgow assessed 1576 and 1600)	x 2.6	Barley (Glasgow open market 1576/ Stirling assessed 1596)	x 4.4
Bread (Glasgow assessed 1575 and 1600)	x 2.9	Wheat (Selkirk assessed 1567 and 1600)	x 4.3

Table 3 seeks to show how commodity price increases in Glasgow compared with increases in other burghs. By comparing only the assessed prices of ale, bread and tallow (since candle prices were assessed only in Glasgow and Stirling), by using the minimum and maximum figures in each period and by contrasting Glasgow on the one hand with all the other

burghs grouped as one unit (so as to produce a hypothetical 'national average'), the following pattern of price increases emerges.

Table 3. Assessed price increases, 1560-1600

	Glasgow			Other burghs		
	Ale	Bread	Tallow	Ale	Bread	Tallow
1560-1574	x 1.5	x 2.3	x 2.1	x 2.4	x 2.4	-
1574-1600	x 2.6	x 2.9	x 2.75	x 3.6	x 3.4	x 2.75
1560-1600	x 4	x 5.8	x 5.5	x 6	x 6.8	x 3.4

Although these figures are tenuous because of the factors noted above and because they gloss over short-term price reductions, they do suggest that although the price of tallow rose more steeply than elsewhere, the burgh of Glasgow's prices for ale and bread increased at a rate which was lower than the suggested 'national average'. In the case of tallow the Glasgow prices start at a much lower base figure (8s per stone in 1560 compared to 13s in Edinburgh in 1562), a factor which exaggerates the rate of increase in the burgh. Furthermore, if the adjustment from 30s to 44s per stone which was adopted in November 1599 is discounted (since the cost returned to 30s at Michaelmas 1600) the price increases of this commodity in Glasgow between 1560-1600 and 1574-1600 become x 3.75 and x 1.875 respectively, the latter considerably lower than the suggested 'national average'.

Thus it can be argued that price increases in Glasgow failed to match either the rising costs of local raw materials (Table 2) or price increases elsewhere (Table 3), factors which help to explain the growing tension in the burgh between the merchant-dominated council which set the prices and the craftsmen who dealt in the commodities which were subject to price regulation.

## NOTES

1. John Gibson, whose history of Glasgow was published in 1777, evidently had access to a council record predating those which are now extant: see J. Gibson, A History of Glasgow, (Glasgow, 1777), 82 and Renwick and Lindsay, Glasgow, 395-396.
2. Glas. Recs., i, 25 (1574), 41 (1575), 55 (1576), 63 (Oct. 1577), 64 (Nov. 1577), 72 (1578), 76 (1579), 82 (1580), 98 (1582), 106 (1583), 113 (1584), 118 (1585), 121-122 (Nov. 1588), 137 (May 1589), 146 (1589), 157 (1594), 171-172 (1595), 198 (Oct. 1599), 200 (Nov. 1599), 214 (1600). No details survive for 1581 because of a gap between f19 and f20 of SRA MS C1/1/2 and no records survive for 1586, 1587, 1590, 1591, 1592, 1593, 1596, 1597 and 1598.
3. SRA MS C1/1/1 f281r
4. These details were kindly supplied by Emeritus Professor S.G.E. Lythe who drew this information from Charters and other Writs illustrating the History of the Royal Burgh of Aberdeen, ed. P.J. Anderson, (Aberdeen, 1890), Charters, Writs and Public Documents of the Royal Burgh of Dundee, ed. W. Hay, (Dundee, 1880), Extracts from the Records of the Burgh of Edinburgh, (SBRS, 1869-1892), Records of Inverness, (New Spalding Club, 1911-1924), Extracts from the Records of the Royal Burgh of Lanark, ed. R. Renwick, (Glasgow, 1893), and Charters and other Documents relating to the Royal Burgh of Stirling AD 1124-1705, ed. R. Renwick, (Glasgow, 1884), together with the original records of the burghs of Dundee, Kirkcaldy and Selkirk. The conclusions which I have drawn from this data are entirely my own.
5. In Glasgow the Michaelmas 1577 prices for ale and bread were adjusted in November: Glas. Recs., i, 63-64.
6. Because of the plague all the Glasgow annual statutes of 1584 were reissued en bloc in 1585 and thus only the price of ale is known for 1585: Glas. Recs., i, 113, 118.
7. There is no record of prices being set at Michaelmas 1588 in Glasgow. However in November prices were set for bread and candles, and the ale price was set in May 1589: Glas. Recs., i, 121-122, 137.
8. On 11 October 1595 the Glasgow council, because of delays in the harvest, deferred setting the prices; however the price of ale was set ten days later: Glas. Recs., i, 171-172.
9. In November 1599 the Glasgow council adjusted the prices for tallow and candles set one month previously: Glas. Recs., i, 198, 200.



**APPENDIX 5.1**  
**THE TREASURERS AND THEIR ACCOUNTS, 1573-86**

Treasurer	Term of office	Date of audit	Delay before audit	Total charge*	Total discharge*	Balance (Deficit)*	Disposal of balance/deficit
Robert Fleming [merchant]	1573-74 [10/5/73]-29/5/74	4/11/74, 22/9/75 and finalised 10/11/75	17 months	£569 6s 1d	£569 6s 1d	£0	-
Andrew Ritchie merchant	1574-75 30/5/74-21/5/75	10/1/76 <sup>2</sup>	6 months	£730 8s 4d	£694 5s 6d	£36 2s 10d	To John Temple
John Temple merchant	1575-76 22/5/75-9/6/76	22/9/76 <sup>3</sup>	3 months	£670 15s 10d	£631 2s 1d	£38 16s 8d	To Robert Rowat
Robert Rowat [merchant]	1576-77 10/6/76-25/5/77	3/9/78 <sup>4</sup>	15 months	£757 2s 6d	£731 5s 5d	£25 16s 6d	To James Blackburn
Patrick Glen [merchant]	1577-78 26/5/77-17/5/78	[ ]/10/78 <sup>5</sup>	5 months	£667 7s 2d	£671 8s 10d	(£4 2s 0d)	To be recompensed by 'the nixt thesaurer' [i.e. Convell Struthers]
James Blackburn [merchant]	1578-79 18/5/78-6/6/79	16/10/79 <sup>6</sup>	4 months	£635 13s 0d	£609 15s 1d	£25 11s 3d	To Convell Struthers
Convell Struthers [merchant]	1579-80 7/6/79-21/5/80	Accounts not extant.	-	-	-	-	-
Robert Adam merchant	1580-81 22/5/80-13/5/81	Accounts not extant.	-	-	-	[ (£7 13s 9d) ]	[To be recompensed by Thomas Miller]

Treasurer	Term of office	Date of audit	Delay before audit	Total charge*	Total discharge*	Balance (Deficit)*	Disposal of balance/deficit
William Symmer [merchant]	1581-82 14/5/81-2/6/82	18/8/84 <sup>8</sup>	26 months	£642 17s 10d	£499 10s 4d	£143 7s 6d	To David Donald
William Burns	1582-83 3/6/82-18/5/83	18/8/84 <sup>9</sup>	15 months	£666 11s 2d	£606 0s 1d	£60 11s 1d	To David Donald
Thomas Miller	1583-84 19/5/83-6/6/84	15/9/84 <sup>10</sup>	3 months	£701 13s 4d	£556 10s 9d	£145 3s 1d	To David Donald
David Donald merchant	1584-85 7/6/84-29/5/85	3/7/85 <sup>11</sup>	1 month	£1020 6s 0d	£880 6s 0d	£140	To Robert Boyd
Robert Boyd [merchant]	1585-86 30/5/85-22/5/86	Accounts not extant.	-	-	-	-	-

\*It will be observed that these figures do not always tally. They are, however, the figures as recorded in the act books.

## NOTES

1. SRA MS C1/1/1 ff85r-86v.
2. Ibid., ff87r-88r.
3. Ibid., ff113r-114v.
4. Ibid., ff206r-207r.
5. Ibid., ff210r-211v.
6. Ibid., ff242v-243v.
7. Although Adam's accounts do not survive, Thomas Miller's accounts of 1583-84 include a disbursement to Adam of £7 13s 9d 'that he was superexpendit at his thesaurer compt' : SRA MS C1/1/2 f150v.
8. Ibid., ff146r-148r.
9. Ibid., ff148r-149v.
10. Ibid., ff150r-151v.
11. Ibid., ff195v-198r.

# APPENDIX 5.2 COMMON GOOD INCOME FROM BURGH LANDS, 1573-89

## 1. The Burgh Rental

The earliest rental of the burgh to survive dates from 1589<sup>1</sup> and is described as

'the rental of the burgh and cietie of Glasgw of the toun myln and myln lands thairof and all vther dewties pertenyng to thair commoun purs diettit to Archibald Flemyng thesaurer to be tane vp as efter followis off the crop and yeir of god jm vc foire scoir nyne.'

Another rental is extant from 1590 but is almost totally illegible.<sup>2</sup>

The following is a summary of the items recorded in the 1589 rental. With the sole exception of the last heading, all of these revenues were being collected during the 1570s and 1580s.

Description	£	s	d
'Termlie'	7	11	6
'The Northsyd of the gait termlie'	3	19	6
'The Eistsyd of the toun beyond the gallowgaitburne termlie'	19	8	2
'The Rentall of the auld propertie of the brig'	1	12	0
'The Mailles of the new rewin furth lands of gallowmuir, garnegad and vtheris'	57	0	0
'Patrick Armour's tenement in Stabillgrene to St Johnnes licht yeirlie ane pund of wax'	0	6	8
'The Rentall of Sir Robert Watson's chaplainrie viz St Androis prebendrie ... [£20 14s 8d] and Sanct Mairteins prebendrie ... [£12 13s] et Trium Puerorum [£9 1s]	42	8	8
'The Rentall of certane dewties of the New Kirk'	18	9	10
'Sir Petir Lawis Prebendrie callit Nomine Jesu'	10	13	4
'The maill of the auld myln land'	14	13	4
'Kill steddis and uther new dewties and annuals'	4	6	0
'The new rewin out lands of mylndame, peitbog, dassiegrene, cruiks of the mylndame, the lands of the eist & west syde of the greinheid and ruids of the west port'	3	15	8
Total	184	4	8

## 2. Income from burgh lands, 1573-85<sup>3</sup>

The following table sets out the income from land rent's as recorded in the charge of each account.

Date	Common Annals	Mill Lands	Old Property of the Bridge	Chap'y. of St Roche	New Kirk Annals	Sir Robert Watson's Chap'y.	Sir Peter Law's Chap'y.	St John's Light	New Muir Lands
1573-74	£30 19s 9d	£14 13s 4d	£1 12s 0d	£27 14s 0d	£18 18s [8d]	£43 13s 8d		£0 8s 0d	
1574-75	£30 4s 8d	£14 13s 4d	£1 12s 0d	£27 14s 0d	£18 18s 8d	£43 13s 0d			£55 10s 0d
1575-76	£30 5s 4d	£14 13s 4d	£1 12s 0d		£18 13s 4d	£42 0s 0d			£75 10s 0d <sup>a</sup>
1576-77	£30 5s 4d	£14 13s 4d	£1 12s 0d		£18 13s 2d	£42 0s 0d			£55 10s 0d
1577-78	£30 5s 4d	£14 13s 4d	£1 12s 0d		£18 13s 2d	£42 0s 0d			£55 10s 0d
1578-79	£30 5s 4d	£14 13s 4d	£1 12s 0d		£18 13s 2d	£42 0s 0d			£55 0s 0d
1581-82	£31 3s 4d	£14 13s 4d	£1 12s 0d		£19 3s 2d	£43 12s 8d	£10 13s 4d		£55 0s 0d
1582-83	£31 3s 4d	£14 13s 4d	£1 12s 0d		£19 3s 2d	£43 12s 8d	£10 13s 4d		£55 0s 0d
1583-84	£30 16s 8d	£14 13s 4d	£1 12s 0d		£19 3s 2d	£44 8s 8d	£10 13s 4d	(11b wax)	£57 0s 0d
1584-85	£43 11s 2d <sup>b</sup>	£14 13s 4d	£1 12s 0d			£71 17s 10d <sup>c</sup>		(11b wax)	£57 0s 0d
1589 rental	£30 19s 2d	£14 13s 4d	£1 12s 0d		£18 9s [10d]	£42 8s 8d	£10 13s 4d	£0 6s 8d	£57 0s 0d

- a : This includes a payment entered separately in the charge of £20 by the collector John Steyne of monies collected in the previous year both from the special stent levied for the upkeep of the high kirk and rents from the newly alienated common lands. In fact the £55 10s credited in 1574-75 was not actually received.
- b : In the 1584-85 accounts this was described as the common annuals plus the 'new sett kill stedis' though in the 1589 rental these latter properties were valued at only £4 6s 0d.
- c : This included sir Peter Law's chaplainry and evidently also included the new kirk annuals.

### 3. Gross and nett income from burgh lands, 1573-85

The following table shows the gross income obtained from land rents between Whitsun 1573 and Whitsun 1585 and also gives this as a percentage of the total revenue charged to the common good each year (excluding balances brought forward from previous treasurers).<sup>4</sup> On average, land rents accounted for 26% of the revenue charged to the common good during this period.

The table also sets out the nett income accruing from land rents once account has been taken of non-payment of annuals from certain properties. These sums which were written off rarely exceeded £12 in total and more usually amounted to only about £3. The exception occurred in 1574-75 when adjustments peaked at £57. In that year the annuals from recently alienated waste lands, £55 10s 0d, were charged to the common good account but they were not actually collected.<sup>5</sup> In the following year, 1575-76, these monies were taken up and in addition £20 was charged to the account, this being for annuals from these lands which had been collected during the previous year plus the residue of the kirk stent authorised in August 1574.<sup>6</sup> This explains the high figure for the gross income recorded that year; the gross income for 1576-77 was more representative of real trends.

Setting aside adjustments, the income obtained each year was further diminished because of repayments due on the chaplainries which brought money to the common good. In the 1573-74 account earmarked outgoings of this type included a payment to sir William Struthers for his chaplainry of St Roche, £5, and a payment to the university of the thirds of that chaplainry, £13 6s 8d. These payments were not repeated in subsequent years. In 1574-75 income was received from this chaplainry but subsequently discharged in full.<sup>7</sup> Throughout the 1570s the burgh paid £26 to sir Robert Watson for the tack of his chaplainry and also the thirds due from it to the university, £6 13s 4d, until 1578-79. The payments for the tack became in the 1580s an annual disbursement of £20 to Alexander Graham for his support at the burgh's school, though by this time an additional outgoing was the annual payment of £8 due to Thomas Craig for his tack to the burgh of the prebend of Nomine Jesu, formerly possessed by

sir Peter Law.<sup>8</sup> The table shows these outgoings which were in effect earmarked against income from lands. Once these and the adjustments are taken into account, the residue represents the real free income obtained from land rents.

The gradual augmentation of income from land rents may be summarised thus: in 1573-74 the common annuals and former church properties provided £137 19s 5d gross; by 1576-77 the annuals from the newly alienated waste lands had caused this figure to rise to £161 11s 0d; in the 1580s income from sir Peter Law's prebend and the alienated 'kill stedis' had further increased the gross income from land rents to £188 14s 4d. However the figures in the table demonstrate that the free income available from land rents was considerably less than the gross income received by the treasurers because of the adjustments and repayments discussed above.



Date	Gross income <sup>9</sup>	As % of total charge	Adjustments <sup>10</sup>	Nett income	Payments due on chaplainries <sup>10</sup>	Free income
1573-74	£137 19s 5d	24	£ 3 8s 4d	£134 11s 1d	£51 0s 0d	£ 83 11s 1d
1574-75	£192 5s 8d	26	£56 19s 4d	£135 6s 4d	£59 13s 4d	£ 75 13s 0d
1575-76	£182 14s 0d	30	£ 3 4s 8d	£179 9s 4d	£32 13s 4d	£146 16s 0d
1576-77	£161 11s 10d	23	£ 3 11s 4d	£158 0s 6d	£32 13s 4d	£125 7s 2d
1577-78	£161 11s 10d	25	£ 3 4s 8d	£158 7s 2d	£32 13s 4d	£125 13s 10d
1578-79	£161 11s 10d	26	£ 3 11s 4d	£158 0s 6d	£32 13s 4d	£125 7s 2d
1581-82	£175 17s 10d	27	£11 7s 0d	£164 10s 10d	£28 0s 0d	£136 10s 10d
1582-83	£175 17s 10d	26	£ 5 12s 0d	£170 5s 10d	£28 0s 0d	£142 5s 10d
1583-84	£178 7s 2d	25	£ 5 4s 4d	£173 2s 10d	£28 0s 0d	£145 2s 10d
1584-85	£188 14s 4d	28	£12 4s 8d	£176 9s 8d	£28 0s 0d	£148 9s 8d
1589 rental	£180 9s 8d <sup>11</sup>					

## NOTES

1. SRA MS C1/1/3 ff69r-73r.
2. Ibid., ff180r-183r.
3. References are respectively SRA MS C1/1/1 ff85r, 87r, 113r, 206r, 210r, 242v and C1/1/2 ff146r, 148r, 150r, 195v. For 1589 rental see C1/1/3 ff69r-73r.
4. See Appendix 5.5, below P313-315.
5. SRA MS C1/1/1 ff87r, 88r.
6. Ibid., f113r; see Vol. I, P354.
7. Ibid., ff85r, 86r, 87r, 88r.
8. See Vol. I, P351-353.
9. As note 3 above.
10. References for adjustments and payments due on chaplainries are SRA MS C1/1/1 f86r,v (1573-74); f88r (1574-75); f114r, v(1575-76); f207r (1576-77); f211v (1577-78); f243r, v (1578-79); C1/1/2 ff 146r-147v, 196r (1581-82); ff148v, 149r, 197r (1582-83); ff151v, 197v (1583-84); ff196r-198r (1584-85).
11. The total in the 1589 rental (SRA MS C1/1/3 ff69r-73r) was £184 4s 8d. However this included annuals of £3 15s 8d from lands at Mylndam, Peitbog, Greenhead etc. which were not alienated until January 1589. See Glas. Recs., i, 126 and Vol. I, P355.

### APPENDIX 5.3

#### COMMON GOOD INCOME FROM BURGESS ADMISSIONS, 1573-85

##### 1. Admission rates, 1574-1600

The table which follows sets out the admission rates operating in the main period under consideration, 1574-86, and traces the subsequent alterations made to these rates up until the end of the sixteenth century.

A number of features require comment. The major change affecting burgess admission fines during the 1570s and 1580s was the act of May 1577 whereby the magistrates and council 'haveand eie to the burges barnes ... and to schaw thame fauour anentis thair fynes quhilkis in tyme bipast was equall witht the strangeris' introduced rates which were considerably higher for strangers than for locals.<sup>1</sup> Assuming no legislation regarding burgess fines was passed between April 1586 and October 1588 (the period for which no minutes survive) the next acts relating to this subject were issued in January 1589 and February 1590.<sup>2</sup> The alterations to fines effected by these acts were identical so in all probability the statute of January 1589 was a temporary measure, ratified by the later act. More importantly these rates were in part lower than those introduced in 1577. The reason given for their implementation was the 'awanceing of silver in the tounes effaires' and a desire to dispense 'with ane extremite of thair old burgessis sones and they that mareis burgessis dochteris'.<sup>3</sup> Thus it is probable that the economic difficulties of the late 1580s had reduced the number of admissions (and thus the revenue accruing to the common good) a situation which these statutes were intended to remedy. Strangers presumably continued to pay more than locals but this changed with the rates adopted in 1599, (the year in which burgess admission fines were first set to a tacksman).<sup>4</sup> The new rates show that the administration was anxious to maximise income from burgess fines: by this date it was presumably felt that locals, from whom demand could be guaranteed, would be capable of paying £26 13s 4d to become burgesses; equally, by not raising the rate for strangers, continued interest, and therefore income, could be assured from that quarter.

The monies obtained from burgess fines were credited to the common good. The only exceptions were the nominal admission fines paid by burgess heirs which were taken up not by the treasurer but by a special collector. The uses to which these monies were put are not known.<sup>5</sup>

Type of burgess	Pre 1574 <sup>7</sup>	June 1574 <sup>8</sup>	June 1576 <sup>9</sup>	May 1577 <sup>10</sup>	cApril 1584 <sup>11</sup>	Jan 1589 <sup>12</sup>	Feb 1590 <sup>13</sup>	June 1599 <sup>14</sup>	October 1599 <sup>15</sup>
Burgess heir <sup>6</sup> (father dead)	6s 8d	6s 8d	6s 8d	6s 8d	[7s 6d]	-	-	-	£ 1
Burgess heir (father living)	£6 13s 4d	£10	£ 5	£ 5	-	£5	£5	£26 13s 4d	£26 13s 4d
Younger sons (father living or dead)	£6 13s 4d	£10	£ 5	£ 6 13s 4d	-	£5	£5	£26 13s 4d	£26 13s 4d
Son-in-law, if daughter only heir	£6 13s 4d	£10	£ 5	£ 5	-	£5	£5	£26 13s 4d	£26 13s 4d
Sons-in-law, marrying younger daughters before or after their father's decease	£6 13s 4d	£10	£ 5	£10	-	£5	£5	£26 13s 4d	£26 13s 4d
Strangers	£6 13s 4d	£10	£13s 6s 8d	£20	-	-	-	[£26 13s 4d]	£20

## 2. Income from burgess admission, 1573-85

The following table sets out the gross income obtained from burgess fines between Whitsun 1573 and Whitsun 1585 and also shows this as a percentage of the total revenue charged to the common good each year (excluding balances brought forward from previous treasurers).<sup>16</sup> On average burgess admission fines provided 20% of the gross common good during these years. It may also be noted that when in 1599 admission fines were farmed out this resource was set at 260 merks or £173 6s 8d, a sum which was not greatly in excess of those sums credited to the common good in the 1570s and 1580s from this source.<sup>17</sup>

Some burgess fines charged to the common good were occasionally waived in whole or in part and these comprise the adjustments noted in the table. Usually quite small, in 1584-85 they comprised 50% of the total monies from admissions which should have been obtained.<sup>18</sup> By deducting these admission fines which were written off, the actual annual nett income is obtained.

Date	Gross income <sup>19</sup>	As % of total charge	Adjustments <sup>20</sup>	Nett income
1573-74	£123 17s 0d	22	-	£123 17s 0d
1574-75	£142 16s 0d	20	£ 8 6s 8d	£134 9s 4d
1575-76	£173 8s 0d	28	£ 8 6s 8d	£165 1s 4d
1576-77	£183 12s 0d	25	£10 4s 0d	£173 8s 0d
1577-78	£151 6s 8d	24	£10 12s 4d	£140 14s 4d
1578-79	£167 2s 8d	27	£ 2 10s 0d	£164 12s 8d
1581-82	£ 43 6s 8d	7	-	£ 43 6s 8d
1582-83	£ 97 6s 8d	15	£ 1 14s 0d	£ 95 12s 8d
1583-84	£ 90 0s 0d	13	-	£ 90 0s 0d
1584-85	£139 13s 4d	21	£70 0s 0d	£ 69 13s 4d

### 3. Burgess admissions, 1573-86

The table which follows shows all burgess admissions between 1573 and 1586<sup>21</sup> and notes the proportion which produced income for the common good and the number which did not, either because the fines received were diverted elsewhere or because the recipients were burgess heirs or were admitted gratis. The figures are based on the financial year which ran from Whitsun to Whitsun but the data contained in the accounts has been supplemented by using the minutes which recorded the admissions: hence the figures for 1579-80 and 1580-81, the years for which no accounts survive. The information for 1573-74 and 1585-86 is incomplete since the available minutes span the period from January 1574 to April 1586. However in the case of 1573-74 it is known that eighteen fines were credited to the common good. All other figures for that year and for 1585-86 are known minima. With respect to burgess heirs gratis, although several entries for burgesses gratis refer to the recipient being the son of X, burgess, only individuals specifically styled burgess heirs gratis have been included in this column.

It is worth noting that Archibald Hegate, clerk from 1581 onwards, evolved a system regarding admissions which is at first confusing. In the margin of his act book<sup>22</sup> he wrote against burgess entries either 'burgess' or 'burgess gratis', as his predecessor Mr Henry Gibson had done. However he used the latter even when a fine was levied but then diverted for some specific purpose. Presumably in this way he was able more easily to compile the list of entry fines which were to be included in the accounts of the common good.

Date	Total admissions	To common good	Diverted	Burgess heirs	Burgesses gratis	Burgess heirs gratis
1573-74	(32)	18 [56%]	(4) [12.5%]	(4) [12.5%]	(6) [19%]	
1574-75	49	14 [29%]	6 [12%]	18 [37%]	11 [22%]	
1575-76	47	17 [36%]	1 [ 2%]	8 [17%]	19 [40%]	2 [5%]
1576-77	41	18 [44%]	3 [ 7%]	5 [12%]	14 [34%]	1 [3%]
1577-78	34	15 [44%]	5 [15%]	10 [29%]	4 [12%]	
1578-79	44	19 [43%]	6 [14%]	4 [ 9%]	14 [32%]	1 [2%]
1579-80	31	[10] [32%]	6 [20%]	5 [16%]	10 [32%]	
1580-81	39	[17] [44%]	9 [23%]	7 [18%]	6 [15%]	
1581-82	33	5 [15%]	5 [15%]	5 [15%]	18 [55%]	
1582-83	43	12 [28%]	12 [28%]	5 [12%]	14 [32%]	
1583-84	49	13 [27%]	9 [18%]	10 [20%]	17 [35%]	
1584-85	68	20 [29%]	16 [24%]	7 [10%]	25 [37%]	
1585-86	(24)	4 [17%]	8 [33%]	3 [13%]	9 [37%]	



#### 4. Burgess gratis admissions

The table which follows shows the pattern of gratis admissions, which are set out in table 3 above according to the financial year (Whitsun to Whitsun), adjusted in terms of the provostships which ran from Michaelmas to Michaelmas. An additional column provides an average annual figure for those provosts who served for more than one term. It should be noted that Sir Matthew Stewart of Minto's first year as provost has been coupled with Esmé earl of Lennox's period as provost because in 1581-82 Lennox was still a potent force in politics, both nationally and locally, and at that time Minto was his protégé. Minto's second term coincided with the period when the country was governed by the Ruthven lords and Glasgow was controlled by a presbyterian party to which Minto had transferred his allegiance.<sup>23</sup>

The admission of burgess heirs gratis represented only a very small loss of revenue for the common good, and thus these figures (see table 3) have been excluded. The other gratis admissions did however add up to a sizeable amount of lost income and attempts were made in May 1577 and October 1582 to control the provosts' generosity with the burgh's patronage. As can be seen from the table the former act had some initial success but the latter would appear to have had no effect whatsoever.<sup>24</sup>

The data for the years 1573-74 and 1585-86 are incomplete because of the nature of the surviving evidence (see introduction to table 3).

	Financial year Whitsun-Whitsun	Provostships, Michaelmas-Michaelmas		
		Provost	No. of gratis admissions	Average per annum
1573-74	( 6)*	Robert Lord Boyd	(12)*	13
1574-75	11	-do-	14	13
1575-76	19	-do-	13	13
1576-77	14	-do-	11	13
1577-78	4	Thomas Crawford of Jordanhill	7	7
1578-79	14	Robert earl of Lennox	16	11
1579-80	10	-do-	7	11
1580-81	6	Esmé earl of Lennox	6	12
1581-82	18	Matthew Stewart of Minto	18	12
1582-83	14	Sir Matthew Stewart of Minto	17	17
1583-84	17	John earl of Montrose	22	22
1584-85	25	Sir William Livingstone of Kilsyth	19	(12)*
1585-86	( 9)*	-do-	( 5)*	(12)*

\*Years for which data are incomplete.

## NOTES

1. Glas. Recs., i, 59.
2. Ibid., 127, 150.
3. Ibid., 150.
4. Ibid., 198.
5. See Appendix 2.17, above P170-172.
6. Although no statutes save that of October 1599 (Glas. Recs., i, 198) record the fine paid by burgess heirs, a few admissions indicate that it was set at a half merk (6s 8d) plus 4s for sealing the burgess certificate, a total of 10s 8d (SRA MS C1/1/1 f159r; C1/1/2 f75v). In 1584 the sum rose from 10s 8d to 11s 4d (e.g. SRA C1/1/2 f129v) and it has been assumed that this comprised 7s 6d fine plus 4s for the sealing of the certificate. Whether the £1 referred to in the statute of October 1599 included sealing or not is not known. See also n.15 below.
7. SRA MS C1/1/1 ff85r, 210r.
8. Glas. Recs., i, 17.

9. Ibid., 52. These rates were not however implemented: see Vol I, P358.
10. Glas. Recs., i. 59.
11. See n.6 above.
12. Glas. Recs., i, 127.
13. Ibid., 150.
14. Ibid., 193.
15. Ibid., 198. In addition each burgess was to pay 5s to the poor, except burgess heirs who were obliged to give 6s 8d to the poor.
16. See Appendix 5.5, below P313-315.
17. Ibid., 198.
18. See Vol. I, P363.
19. References are respectively SRA MS C1/1/1 ff85r, 87r, 113r, 206r, 210r, 242v; C1/1/2ff146r, 148r, 150r, 195v.
20. References are respectively SRA MS C1/1/1 f88r (1574-75); f114v (1575-76); f207r (1576-77); f211v (1577-78); f243v (1578-79); C1/1/2 f197r (1582-83); f197v (1584-85).
21. The burgess admissions between 1573 and 1586 are printed in The Burgess and Guild Brethren of Glasgow, 1573-1750, ed. J.R. Anderson, (SRS, 1925). This is, however, slightly incomplete and needs to be used in conjunction with the two act books which cover this period, SRA MS C1/1/1 and C1/1/2.
22. SRA MS C1/1/2 passim.
23. See Vol. I, P106-113.
24. Glas. Recs., i, 59, 98.

## APPENDIX 5.4

### COMMON GOOD INCOME FROM THE PETTY CUSTOMS, 1573-86

Table 1 shows the sum for which each petty custom was farmed,<sup>1</sup> the gross income credited to the common good from these customs<sup>2</sup> and the nett income once allowance has been made for certain adjustments which mainly took the form of rebates issued to the farmers (in the case of the mill these frequently being sums compensating the tacksmen for their expenditure on the fabric and equipment of the mills).

The farm prices for the customs of the bridge and the ladle for 1573-74 are not known since these were set at Whitsun 1573 prior to the commencement of the surviving minutes in January 1574. A farm price for the mill was not recorded until December 1576. This custom had been farmed to James Anderson in 1569 for nine years at a level which is not disclosed by the records, though it would appear from the sums credited to the accounts from this custom between 1573 and 1576 that it had been set at £108 13s 4d per annum. The apparent discrepancy between the farm price recorded in December 1576 of £76 13s 4d and the sum of £130 13s 4d subsequently credited to the common good accounts of 1576-77 may be noted. However the balance of £54 was clearly the sum collected by James Anderson during the six month period prior to December 1576, that is 50% of the old farm of £108 13s 4d. Anderson was dismissed in late November 1576 and the bid of £76 13s 4d made for this custom by his successor, Patrick Gray, for the remaining six months of that financial year clearly reflects the expectation (which was not to be fulfilled) that the thirlage legislation which had been promulgated in November 1576 would produce increased returns for the administration and the farmers alike.<sup>3</sup> A real discrepancy occurred in 1578-79 when the bridge custom produced £3 6s 8d more than its farm price. How this came about is not clear, though it may be noted that the crown grant of the bridge custom had stipulated that any 'superplus' was to be used for the common 'effairis' of the burgh.<sup>4</sup> Thus, although it was accepted that the farmers made a personal profit from the customs, 1578-79 may have been a particularly lucrative year; if so it is possible that the authorities decided that part of the excess should be passed to the common good. With the exception of this example, farm

prices and the sums credited to the common good matched throughout the period being discussed.

The last point to be noted regarding table 1 is that the farms of the ladle and mill were combined in 1584-85, the level of the combined farm being set at £300. The next year they were treated separately, but if they are combined produce a figure of £306, with a ratio of 2:1 in favour of the ladle. It has been assumed for this table that a similar ratio operated in 1584-85.

Table 2 shows the gross income obtained from the petty customs expressed as a percentage of the total revenues credited to the common good (excluding balances brought forward from previous treasurers).<sup>5</sup> On average the custom of the bridge produced 8%, the ladle 26% and the mill 17% of the common good; collectively they accounted for 51% of the burgh's revenue between 1573 and 1585.

Table 1. The Petty Customs: gross and nett income

(i) The bridge custom

Date	Farm price	Gross income	Adjustments	Nett income
1573-74	-	£68 13s 4d	-	£68 13s 4d
1574-75	£53 6s 8d	£53 6s 8d	-	£53 6s 8d
1575-76	£40 0s 0d	£40 0s 0d	£10 0s 0d <sup>6</sup>	£30 0s 0d
1576-77	£54 13s 4d	£54 13s 4d	-	£54 13s 4d
1577-78	£46 13s 4d	£46 13s 4d	-	£46 13s 4d
1578-79	£46 13s 4d	£50 0s 0d	£ 8 6s 8d <sup>7</sup>	£41 13s 4d
1579-80	£33 6s 8d	-	-	[£33 6s 8d]
1580-81	£44 0s 0d	-	-	[£44 0s 0d]
1581-82	£47 0s 0d	£47 0s 0d	-	£47 0s 0d
1582-83	£53 6s 8d	£53 6s 8d	£ 0 6s 8d <sup>8</sup>	£53 0s 0d
1583-84	£53 6s 8d	£53 6s 8d	-	£53 6s 8d
1584-85	£53 6s 8d	£53 6s 8d	-	£53 6s 8d
1585-86	£50 0s 0d	-	-	[£50 0s 0d]

## (ii) The ladle custom

Date	Farm price	Gross income	Adjustments	Nett income
1573-74	-	£130 0s 0d	£10 0s 0d <sup>9</sup>	£120 0s 0d
1574-75	£120 0s 0d	£120 0s 0d	£10 0s 0d <sup>10</sup>	£110 0s 0d
1575-76	£113 6s 8d	£113 6s 8d	-	£113 6s 8d
1576-77	£186 13s 4d	£186 13s 4d	-	£186 13s 4d
1577-78	£120 0s 0d	£120 0s 0d	-	£120 0s 0d
1578-79	£123 6s 8d	£123 6s 8d	-	£123 6s 8d
1579-80	£160 0s 0d	-	-	[£160 0s 0d]
1580-81	£193 6s 8d	-	-	[£193 6s 8d]
1581-82	£256 13s 4d	£256 13s 4d	-	£256 13s 4d
1582-83	£240 0s 0d	£240 0s 0d	£ 1 6s 8d <sup>11</sup>	£238 13s 4d
1583-84	£246 13s 4d	£246 13s 4d	-	£246 13s 4d
1584-85	[c£200: ladle & mill set at £300]	[c£200: ladle & mill produce £300]	-	[c£200]
1585-86	£206 13s 4d	-	-	[£206 13s 4d]

## (iii) The mill custom

Date	Farm price	Gross income	Adjustments	Nett income
1573-74	-	£108 13s 4d	£21 0s 0d <sup>12</sup>	£ 87 13s 4d
1574-75	-	£108 13s 4d	-	£108 13s 4d
1575-76	-	£108 13s 4d	-	£108 13s 4d
1576-77	£ 76 13s 4d (1/12/76- (28/5/77))	£130 13s 4d	£10 0s 0d <sup>13</sup>	£120 13s 4d
1577-78	£106 13s 4d	£106 13s 4d	£11 6s 8d <sup>14</sup>	£ 95 6s 8d
1578-79	£106 13s 4d	£106 13s 4d	£ 8 0s 0d <sup>15</sup>	£ 98 13s 4d
1579-80	£106 13s 4d	-	-	[£106 13s 4d]
1580-81	£120 0s 0d	-	-	[£120 0s 0d]
1581-82	£120 0s 0d	£120 0s 0d	£45 3s 4d <sup>16</sup>	£ 74 16s 8d
1582-83	£100 0s 0d	£100 0s 0d	£11 3s 5d <sup>17</sup>	£ 88 16s 7d
1583-84	£133 6s 8d	£133 6s 8d	£23 0s 0d <sup>18</sup>	£120 6s 8d
1584-85	[c£100: ladle & mill set at £300]	[c£100: ladle & mill set at £300]	-	[c£100]
1585-86	£100 0s 0d	-	-	[£100]

Table 2. Gross income from petty customs as a percentage of total  
burgh revenue

Date	Bridge	Ladle	Mill	All customs
1573-74	12%	23%	19%	54%
1574-75	7%	16%	15%	38%
1575-76	6%	18%	18%	42%
1576-77	8%	26%	18%	52%
1577-78	7%	19%	17%	43%
1578-79	8%	20%	18%	46%
1579-80	-	-	-	-
1580-81	-	-	-	-
1581-82	7%	40%	19%	66%
1582-83	8%	36%	15%	59%
1583-84	8%	35%	19%	62%
1584-85	8%	[30%]	[15%]	53%

#### NOTES

1. Sources for the farm prices of the bridge custom are SRA MS C1/1/1 ff15r (1574), 60v (1575), 103v (1576), 140r (1577), 191r (1578), 234r (1579), 257v (1580) and C1/1/2 ff2v (1581), 38v (1582), 77v (1583), 136v (1584), 186v (1585). Sources for the farm prices of the ladle custom are the same save for 1582 which is C1/1/2 f38r. Sources for the farm prices of the mill custom are the same as for the bridge custom save for the price set in December 1576 (C1/1/1 f121r). See also Appendix 2.6 passim, above P48-63.
2. Sources are respectively SRA MS C1/1/1 ff85r, 87r, 113, 206r, 210r, 242v and C1/1/2 ff146r, 148r, 150r, 195v.
3. SRA MS C1/1/1 ff121r, 206r. See Vol. I, P371-372, 374-375.
4. SRA MS C1/1/1 ff191r, 242v. See Vol. I, P369.
5. See Appendix 5.5, below P313-315.
6. SRA MS C1/1/1 f211v.
7. Ibid., f243v.
8. SRA MS C1/1/2 f149v.
9. SRA MS C1/1/1 f86r.

10. Ibid., f88r.
11. SRA MS C1/1/2 f149v.
12. SRA MS C1/1/1 f85v.
13. Ibid., f207r.
14. Ibid., f211v.
15. Ibid., f243v.
16. SRA MS C1/1/2 ff146v, 147v.
17. Ibid., f149v.
18. Ibid., f151r.



# APPENDIX 5.5 THE COMMON GOOD: THE TOTAL CHARGE, 1573-85

Table 1 sets out the charge as recorded in each account and the actual gross income which this represents, once balances transferred between treasurers have been discounted. These balances artificially inflate the charges to which they were credited since they were, strictly speaking, not new revenues but the remains of old sources of income. The figures thus obtained still include income charged to each account but not actually received: such details, already noted at table 3 of Appendix 5.2 (land rents), table 2 of Appendix 5.3 (burgess admissions) and table 1 of Appendix 5.4 (petty customs),<sup>1</sup> were recorded in the discharges of the accounts and are not considered here as this appendix is concerned solely with the charges.

Table 1. The total charge, 1573-85

Date	Charge <sup>2</sup>	Adjustments	Actual gross income
1573-74	£ 569 6s 1d		£569 6s 1d
1574-75	£ 730 8s 4d		£730 8s 4d
1575-76	£ 670 15s 10d	£ 52 13s 10d <sup>3</sup>	£618 2s 0d
1576-77	£ 757 2s 6d	£ 38 16s 8d <sup>4</sup>	£720 5s 10d
1577-78	£ 667 7s 2d	£ 30 0s 0d <sup>5</sup>	£637 7s 2d
1578-79	£ 635 13s 0d	£ 25 16s 6d <sup>6</sup>	£609 16s 6d
1581-82	£ 642 17s 10d		£642 17s 10d
1582-83	£ 666 11s 2d		£666 11s 2d
1583-84	£ 701 13s 4d		£701 13s 4d
1584-85	£1020 6s 0d	£349 1s 8d <sup>7</sup>	£671 4s 4d

The next table summarises the details already noted in Appendices 5.2 - 5.4<sup>8</sup> regarding the income obtained from each resource which contributed to the common good. All figures are gross and have been rounded up or down as appropriate.

Table 2. Elements of the charge, 1573-85

	£ Total Income	£ (%) Land Rents	£ (%) Burgess Entries	£ (%) Casualties	£ Petty Customs (%)			
					Bridge	Ladle	Mill	Total Petty Customs
1573-74	569	138 (24)	124 (22)		69 (13)	130 (23)	109 (19)	308 (54)
1574-75	730	192 (26)	143 (20)	113 (15)	53 (7)	120 (16)	109 (15)	282 (38)
1575-76	618	183 (30)	173 (28)		40 (6)	113 (18)	109 (18)	262 (42)
1576-77	720	162 (23)	184 (25)		55 (8)	187 (26)	131 (18)	373 (52)
1577-78	637	162 (25)	151 (24)	48 (8)	47 (7)	120 (19)	107 (17)	274 (43)
1578-79	610	161 (26)	167 (27)		50 (8)	123 (20)	107 (18)	280 (46)
1581-82	643	176 (27)	43 (7)		47 (7)	257 (40)	120 (19)	424 (66)
1582-83	667	176 (26)	97 (15)		53 (8)	240 (36)	100 (15)	393 (59)
1583-84	702	178 (25)	90 (13)		53 (8)	247 (35)	133 (19)	433 (62)
1584-85	671	189 (28)	140 (21)		53 (7)	200 (29)	100 (15)	353 (51)

## NOTES

1. See P297, 302, 309-310.
2. References are respectively SRA MS C1/1/1 ff85r, 87r, 113r, 206r, 210r, 242v and C1/1/2 ff146r, 148r, 150r, 195v.
3. SRA MS C1/1/1 f113r, comprising £16 11s 0d received from the widow of William Maxwell, treasurer, and £36 2s 10d from the widow of Andrew Ritchie, treasurer. Ritchie was treasurer for 1574-75 but it is not known when Maxwell served in this capacity.
4. Ibid., f206r.
5. Ibid., f210r. This was not actually a balance but a sum of money passed on to Patrick Glen, treasurer 1577-78, from Robert Rowat treasurer in 1576-77 before Rowat's account was audited. On this distinction see Vol. I, P344.
6. Ibid., f242v.
7. SRA MS C1/1/2 f195v. This was made up of the balances of the accounts of William Symmer, £143 7s 6d, William Burns, £60 11s 1d, and Thomas Miller, £145 3s 1d, treasurers 1581-84, all of which were passed to David Donald, treasurer 1584-85.
8. P297, 302, 309-310.

## APPENDIX 5.6

### THE COMMON GOOD: THE DISCHARGE AND MAIN HEADS OF EXPENDITURE, 1573-85

The table which follows shows the total discharges as recorded in the accounts between 1573 and 1585 and divides these up into the main types of expenditure.<sup>1</sup> These are artificial divisions and it must be emphasized that the accounts are not divided in this way; furthermore certain items could fall into more than one category and so a certain latitude has had to be employed. All figures have been rounded up or down as appropriate.

Two general points should be noted. Firstly, the individual items in each discharge when added up sometimes produce a figure which does not match that recorded by the clerk. These discrepancies are quite small, the largest being found in the 1575-76 accounts when the discharge, recorded as £631 2s 1d, was in fact £647 17s 11d. Even this is slight compared to the errors to be found in the Ayr accounts of this period, which often exceeded £100.<sup>2</sup> Consequently the recorded totals have been used throughout and the figures for types of expenditure adjusted accordingly so that percentage calculations can be made. Secondly, it may be observed that the annual figures for adjustments set out in table 3 of Appendix 5.2 (land rents), table 2 of Appendix 5.3 (burgess admissions) and table 1 of Appendix 5.4 (petty customs) if added up do not always tally with the total annual adjustments as recorded in this appendix. This happens because on a number of occasions adjustments to income charged to one account are to be found in the accounts of a subsequent year.<sup>3</sup>

The types of disbursements recorded in the discharges may be summarised as follows.

- (i) Adjustments: income credited in the charge but written off in the discharge as not having been collected; consequently these entries do not represent expenditure as such.
- (ii) Chaplainries: earmarked expenditure in the form of payments for the leases of those chaplainries which provided income for the common good, and payments of the thirds due on those chaplainries.

- (iii) Fees: the 'commoun feis yeirlie' paid to the provost, bailies and other senior officials as well as to the poinder and the herdsman; miscellaneous fees paid to others employed by the burgh (e.g. to sir Archibald Dickie for looking after the clock); but not gratuities such as were paid to the legal advisers engaged in Edinburgh by the burgh which are calculated under 'general administrative costs'.
- (iv) Hospitality: payments involving the supply of food and drink to burgh officials or outside dignitaries.
- (v) Public Works: expenditure on the upkeep of buildings etc.
- (vi) General Administrative Costs: a wide range of disbursements ranging from the expenses of the burgh's representatives at the Convention of Royal Burghs, Parliament or the General Assembly to an annual payment to John Andrew of 12s for six footballs.

		Elements of the discharge: £ (%)					
Date	Total discharge	Adjustments	Chaplainries	Fees	Hospitality	Public Works	Gen. Admin.
1573-74	£ 563 0s 4d	34 ( 6)	51 (9)	87 (15)	120 (21)	87 (15)	184 (34)
1574-75	£ 694 5s 6d	75 (11)	60 (9)	90 (13)	19 ( 3)	254 (36)	196 (28)
1575-76	£ 631 2s 1d	11 ( 2)	33 (5)	92 (15)	128 (20)	212 (34)	155 (24)
1576-77	£ 731 5s 5d	23 ( 3)	33 (4)	88 (12)	198 (27)	268 (37)	121 (17)
1577-78	£ 671 9s 2d	35 ( 5)	33 (5)	119 (18)	117 (18)	237 (35)	130 (19)
1578-79	£ 609 15s 1d	22 ( 4)	33 (5)	113 (19)	173 (28)	74 (12)	195 (32)
1581-82	£ 499 10s 4d	50 (10)	28 (5)	115 (23)	45 ( 9)	42 ( 9)	220 (44)
1582-83	£ 606 0s 1d	13 ( 2)	28 (5)	115 (19)	53 ( 8)	134 (22)	263 (44)
1583-84	£ 556 10s 9d	24 ( 4)	28 (5)	125 (22)	148 (27)	95 (17)	137 (25)
1584-85	£ 880 6s 0d	99 (11)	28 (3)	172 (20)	112 (13)	259 (29)	210 (24)
Totals	£6443	386 ( 6)	355 (3)	1116 (17)	1113 (17)	1662 (26)	1811 (28)

## NOTES

1. References are, respectively, SRA MS C1/1/1 ff85r-86v, 87r-88r, 113r-114v, 206r-207r, 210v-211v, 242v-243v and C1/1/2 ff146r-148r, 148r-149v, 150r-151v, 196r-198r.
2. Pryde, Ayr Burgh Accounts, p. cxviii.
3. See P297, 302, 309. These may be summarised as follows: the adjustments for 1575-76 exclude one of £10 relating to the bridge custom which is found in the 1577-78 accounts while this accounts for the fact that the adjustments for that year exceed by £10 the figures to be found in table 3 of Appendix 5.2, table 2 of Appendix 5.3 and table 1 of Appendix 5.4 (SRA MS C1/1/1 f221v); similarly adjustments on land rents in the 1581-82, 1582-83, 1583-84 accounts of £5 7s od, £7 6s 0d and £4 8s 4d respectively are to be found in the 1584-85 accounts, thereby inflating the adjustments for 1584-85 recorded in this appendix by £17 1s 4d (SRA MS C1/1/2 ff196r, 197r, 197v).

# APPENDIX 5.7 COMMON GOOD EXPENDITURE ON HOSPITALITY, 1573-85

The following table sets out the extent of expenditure on internal and external hospitality between 1573 and 1585.<sup>1</sup> All figures have been rounded up or down as appropriate. The accounts for 1573-74, 1577-78, 1581-82, 1582-83, 1583-84 and 1584-85 contain entries regarding the purchase of food and drink which do not detail for whom the hospitality was intended. It has been assumed that these related to the provision of internal hospitality and it may be noted that the sums involved were small (£12, £4, £7, £1, £5 and £29 respectively) and thus do not produce any serious distortions or alter the fact that expenditure on the provision of internal hospitality far exceeded that on external hospitality. A total of £1113 was spent of hospitality between 1573 and 1585: 80% (£888) related to internal hospitality and 20% (£225) to the provision of entertainment for outsiders.

Date	Internal hosp.	External hosp.	Total hosp.
1573-74	£ 67	£53	£120
1574-75	£ 13	£ 6	£ 19
1575-76	£127	£ 1	£128
1576-77	£157	£41	£198
1577-78	£102	£15	£117
1578-79	£149	£24	£173
1581-82	£ 18	£27	£ 45
1582-83	£ 40	£13	£ 53
1583-84	£127	£21	£148
1584-85	£ 88	£24	£112

## NOTES

1. For references see note 1 to Appendix 5.6, P319 above.



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CC 10/ 5 series	Register of Testaments, Hamilton and Campsie Commissary Court.
CS 7/15	Act Book, Lords of Council and Session, 29-31 July 1557.
GD 8	Boyd of Kilmarnock papers.
RH 11/32/1/1	Glasgow Regality papers, 1543-1557, (9 items).
RH 11/32/2	Chartulary of the Barony and Regality of Glasgow, 1588-1592.

#### Glasgow: Glasgow University Archives

MS 12447 (Blackhouse Inventory no. 99)	Instrument of Division of a Tenement in Drygate, Glasgow. 4 July 1464.
MS 16305 (Blackhouse Inventory no. 106)	Transumpt of feu of land on east side of High Street, Glasgow. 5 May 1444 and 23 June 1469.
- (Blackhouse Inventory no. 272)	Charter by John Smith, chaplain of the chaplainry of St. Mungo etc. erecting a chapel with a chaplain at the altar of St. Nicholas in the High Kirk, Glasgow. 18 June 1564.*
MS 16471 (Blackhouse Inventory no. 273)	Presentation and collation of Mr John Law to the chaplainry of St. Nicholas in the High Kirk, Glasgow. 4 July 1564.
MS 16472 (Blackhouse Inventory no. 274)	Collation of Mr John Law to the chaplainry of St. Machan in the High Kirk, Glasgow. 8 June 1566.
MS 16473 (Blackhouse Inventory no. 275)	Presentation of Mr John Law to the chaplainry of St. Roch the Confessor in the High Kirk, Glasgow. 6 August 1566.

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\*The document itself was missing in May 1985 but the catalogue entry is very detailed.

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1624.

B4/1/1                Glasgow Dean of Guild Court Act Book, 14 February  
1605-1 August 1622.

B10/1 series          Glasgow Town Clerks' Protocol Books, 1562-1587:

                         B10/1/3    15 September 1562-11 July 1576 (William  
                         Hegate).

                         B10/1/5    24 February 1569-10 August 1576 (Henry  
                         Gibson).

                         B10/1/7    30 June 1581-22 June 1585 (Archibald  
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                         C1/1/2    16 May 1581-27 April 1586.

                         C1/1/3    22 October 1588-31 July 1590.

                         C1/1/4    5 October 1594-21 May 1597.

                         C1/1/5    21 November 1598-27 October 1601.

                         C1/1/6    13 June 1605-4 June 1610.

                         C1/1/7    16 January 1609-28 August 1613.

                         C1/1/8    30 September 1623-11 December 1630.

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17 February 1608.\*\*

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\*\*Formerly referenced as TD59/10.

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