PARLIAMENT AND SOCIETY IN SCOTLAND,
1560-1603

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ECONOMIC POLICY

In Lindsay's 'Satyre of the thrie estaitis', Folly expressed the contemporary legislator's view of merchants, reproving the

\[\text{insatiabill merchant men [who]}
\text{Quhen God hes send them abundance}
\text{Ar nocht content with sufficiance,}
\text{Bot saillis into the stormy blastis,}
\text{In mony terribill great torment,}
\text{Against the acts of Parliament,}
\text{Sum tynis their geir, and sum ar drounde;}
\text{With this sic merchants sould be crownd,}
\]

And he presented the merchants with a 'Folie Hatt'. He was referring to the 1535 act against winter sailing, which probably became a dead letter soon after;\(^2\) at any rate, the convention of royal burghs ignored it when reissuing a companion act on voyages to the Netherlands in 1574.\(^3\) Few such statutes could be fully enforced, but the reality of the sixteenth century was that the market existed to be regulated. Moreover, while the ideal was still 'sufficiance', there can have been little cultural approval for capitalist profit-maximization through the market, despite Lindsay's reluctant admiration for the merchants' self-confident enterprise.\(^4\)

1. Lindsay, 'Thrie estaitis', 395.
2. APS, ii, 340, c.33.
3. RCRB, i, 32-33.
Parliament viewed the economy, not through the eyes of merchants, but through those of consumers. Only occasional traces can be found of an attitude favouring production or exports, and even then consumers were not neglected: a law of 1575 licensed exports of salt so that 'bayth the cuntry mycht be servit of salt upoun reasonabill pryces and that the pan maisteris could not be hinderit of sic commoditie as God mycht send of their lauchfull lauboris'.

More typical was the approach of a 1581 statute, 'ffor the stancheing of derth of victuallis and setting ordoure and price on all stuf', in which only the interests of consumers were recognized. Basilicon daron complained that merchants 'transport from us thinges necessarie, bringing backe whiles unnecessarie and whiles nothings: they bye for us the worste wares, and sell them at the dearest prices'. Artisans came in for similar strictures.

What linked merchants, crafts and industry with consumers, of course, was the market. The theme of this chapter will be intervention in the market by government. But market exchange itself (whether using money, or other economic units in a barter system) operated only within isolated enclaves of the economy; outside these, intervention could not take economic forms. Much agricultural produce, the backbone of the economy, was directly consumed by the producers, and much of the rest was transferred to lords through a tribute relationship. Indeed, all rent was in a sense tribute: it was not payment for an economic

1. AFS, iii, 93-94.
2. AFS, iii, 225, c.28.
3. James VI, Basilicon daron, i, 88-91, 92-93.
return, for landlords provided no input to peasant farming beyond the occasional set of roof-timbers; but often, particularly in the Highlands, these obligations were not even expressed in economic units. Rents in Sleat were variable: the island 'payis but the auld deuteis, that is, of victuall, buttir, cheis, wyne, aill, and aquavitie, samekle as thair maister may be able to spend being ane nicht (albeit he were 600 men in companie) on ilk merk land'; while in Islay, as well as fixed rents, 'ilk merk land man sustein daylie and yeirlie ane gentleman in meit and claiith, quhilk does na labour, but is haldin as ane of thair maisters household men'. The resources thus appropriated by lords were then redistributed through gifts and feasting rather than being marketed.

Even within the market economy, there was much that government found it difficult or impossible to achieve. What, in fact, did it hope to do? It did not have an integrated or systematic set of aims or methods, whether these are labelled 'mercantilism' or anything else. What has been called mercantilism was merely a willingness to use state power to make rules for the market system. These rules may sometimes have had over-riding purposes such as achieving a favourable trade balance, but more usually, then as now, government had to weigh

up the pros and cons of various desirable aims which sometimes had to be prioritized and which occasionally came into fundamental conflict. Not all government intervention in the market even had economic aims at all.

Most market intervention focused on the ruling class as consumers. It was imperative for them to secure regular supplies of a wide variety of commodities — particularly all those imported luxuries that made life pleasant. None of these were obtainable directly from the peasants' surplus; all had to come from the market. A heavily consumer-oriented policy, though largely in the interests of the dominant consumers, might have subsidiary attractions for other classes; for instance, peasants as consumers of salt, artisans as consumers of industrial raw materials, or urban workers as consumers of grain, might hope to benefit.

As well as being the most prominent consumers, the ruling class were also rulers, and in that capacity they had to maintain social order. This might necessitate concessions to other classes with different interests in the market. In this period, with the expansion of central government, priority was given to promotion of institutional levers under central control, such as the attempt in the late 1580s to create a powerful admiral's court to usurp the commercial jurisdiction of deans of guild.¹ There were even aims beyond the direct assertion of political authority: some parliamentary enactments, as we shall see, were vehicles for affirming the public moral order that was an

¹ Chapter 3,
essential component of economic behaviour. Sumptuary laws, for instance, embodied ideals of social status and harmony, affirming parliament's belief in the social order as a benign, divinely-appointed hierarchy.

Descending from this lofty moral plane, the crown needed cash. This had to be siphoned off from the market economy, without killing the goose that laid the golden eggs. The fiscal component of economic policy should never be forgotten; it made the government's interventions in the market system even less systematic than they might have been.

What was the market? The level of technological development in the sixteenth-century economy meant that it was a series of interlocking monopolies. Communications in particular added so hugely to costs that local producers often had little to fear from distant rivals. Free competition could not have been a reality, even if it had had cultural recognition. Only in the largest towns, and in a few basic commodities, were there enough sellers to prevent them being able to exercise an element of monopoly power. Monopoly possibly tended, then as now, to restrict production and raise prices; but in an age when there were so many other constraints on production, this was less important. What mattered to contemporaries were the moral failings of the sellers, and the harm these did to buyers who could not go elsewhere. Thus Deceit bade farewell to the merchants of the 'Thrie

1. Chapter 4.
He went on to boast of prompting them to lie about the cost of their merchandise, mix new wine with old, adulterate other goods, give short measures, and take usury. In practice Deceit had a routine part in this at most; the 'wyfis' knew as well as Lindsay or better what went on, but were unable to escape from the local merchants' monopoly by taking their custom elsewhere. One reason to regulate the market was to restrain the unfettered exercise of monopoly power.2

Inflexible production methods, the vagaries of climate, and transport that was limited and costly, meant that any commodity could be suddenly in short supply, its price soaring ruinously with scarcely any prospect that this would draw new supplies into the market. This was dearth - the unforeseeable, uncontrollable price rise that stalked the nightmares of early modern rulers. Another reason to regulate the market was to minimize the social disruption that resulted from shortages.3

1. Lindsay, 'Thrie estaitis', 363,
2. R.H. Tawney, Religion and the rise of capitalism (Pelican edn., West Drayton, 1938), 50 and passim.
The market system was based on the ideal of the open market: buying and selling should take place at specified, public times and places, under official supervision. When grain was short in Arbroath, the burgh council ordered that burgesses should buy grain for household use only; grain brought to the town should be offered publicly in the market until 3 pm for sale for domestic consumption; any that remained could be sold in bulk, but only at the fixed market price.1 Even apparently unregulated markets operate within an elaborate legal framework maintaining private property rights. The medieval and early modern open market had this framework too, though production, especially agricultural production, often relied more on a system of common rights and mutual obligations.2 But it also depended on regulation by tradition and law: where and how people bought and sold was a matter of public concern, and thus of concern to parliament. What the regulators did in effect was to accept the monopolies that existed naturally in the economy, and make them into institutions with public privileges and duties. The balance between rights and obligations varied—artisans, for instance, had many obligations and few rights—but merchants and artisans alike were confined in gilded cages, within which they might prosper so long as they co-operated with the authorities by providing well-made goods in adequate quantities and at modest prices. The aim of market regulation, in the language of the modern supermarket, was to give the consumer the best quality and value, but not choice.

Market regulation, like so many other governmental tasks, was an urban matter. An unregulated market system creates the town as a centre for exchange; the regulated, open market superimposes the burgh as an institutional framework. The institution of burghs contained a hierarchy, or rather three interlocking hierarchies. Above all there was a hierarchy of regions: official, regulated markets were almost totally absent from the Highlands. This was an institutional fact, but it arose from the fundamental economic fact that markets of any kind played a negligible role in the Highland economy.

Secondly, and most importantly for central government, there was a hierarchy of burghs. Only certain towns had the right to conduct overseas trade: these were mainly the large towns, most of which were royal burghs, or (as with Glasgow) ecclesiastical burghs recognized as being in practice of equal status. The right to trade abroad was a privilege granted by the crown in return for the obligation of paying tax. At a lower level, the burghs of barony depended on privileges granted by their local feudal lord, allowing them to hold local markets and fairs. This division into royal and non-royal burghs allowed the government to play off one set of merchants against another. Again, institutional facts were superimposed on economic ones: the four largest towns had corralled a huge share of the export trade, a share which was increasing in Edinburgh's case at least; but some small towns were also created royal burghs, probably for political rather

1. Whyte, Agriculture and society, fig.13.
2. Dodgshon, 'West Highland chiefdoms'.
than economic reasons.¹ If the right to trade overseas was a privilege granted by the crown, it could in theory be withdrawn: this was indeed threatened for Aberdeen in 1579, and for all the burghs in 1601.²

Finally, the most important fact for local market regulation was that within burghs there was a hierarchy of individuals in the marketplace. Typically the merchant elite monopolized political power in royal burghs.³ Other producers and traders in the market could be regulated, using elite control of the burgh council, through subsidiary institutions such as the merchant guild, the institution of burgess-ship, and the craft guilds. Craft deacons in particular could be less the representatives of the members of the guild than agents of the burgh council.⁴ Below this, individual merchants and artisans could use the burgh institutions to exercise political power over the non-independent, non-burgess majority of the town's inhabitants: most women workers, all other wage labourers, and apprentices. Urban riots illustrate the political utility of these institutions: the institution of apprenticeship did not cause riots, but it was useful in controlling them, as when a 1588 Edinburgh riot was followed by moves to tighten up the registration of apprentices.⁵

2. An alphabetical index to the first 67 volumes of the council register of the city of Aberdeen, from 1398 to 1800', i, ed, W. Kennedy, Aberdeen City Archives, 91-92; APS, iv, 258.
4. E.g. Lynch, Edinburgh, 63.
It is interesting that after James VI's diatribe against the merchants (quoted in part above), he advocated an ultimately free-market solution: regulation in the form of price-fixing should be tried, but if it did not work, foreign merchants should be invited in to provide competition. This was never done. But the king advocated similar measures to deal with the crafts, and their subordinate position is illustrated by the fact that this was indeed attempted in the cloth industry after 1600. However, the imported artisans were supposed to be skilled workers from whom the Scottish textile industry could learn new techniques, rather than simply a rival enterprise. This cloth manufactory scheme has not lacked its historians. Partly this is because there is much evidence in easily-accessible records. But there is also an element of the Whig interpretation of history: the historians see that Scotland is a great manufacturing nation, and ask who in Scottish history should receive the credit for this. Such a question is not entirely misleading, for the growth of Scottish industry often owed much to state intervention; and this is the period in which statutory attention was first given to promotion of manufacturing. But it was too early for the state to be single-minded about this: even the convention of royal burghs generally took the side of consumers. If parliament could be persuaded to take measures in favour of producers, this can tell us two things. Firstly, the medieval supremacy of the consumer was under challenge; and secondly, 

1. James VI, Basilicon doron, i, 90-91, 92-93.
2. I.F. Grant, The social and economic development of Scotland before 1603 (Edinburgh, 1930), 465-70.
Economic policy

Producers were beginning to reach the stage in relations with the government at which they were a dynamic force (or a vested interest) rather than a mere collection of unruly artisans who had to be kept in their place. But at the time, the production schemes that were most prominent in the statute book were economically insignificant.

The area of the greatest intervention by local government, backed from time to time by parliament, was the organization of traditional guild production in towns. The gilded cage within which urban artisans were confined is particularly obvious: medieval craft guilds were agencies of government intervention in the production process. It is increasingly accepted that their occupational labels concealed as much as they revealed: they were legal agencies for ensuring the dominance of the most prestigious occupations within a proliferation of varied, household-based economic activity — and also for reinforcing the authority of the (male) head of the household. Scottish burghs tended to have craft guilds in multiples of the mystical number seven, a reminder that they were at least as much religious and cultural as economic institutions. The artificial nature of the divisions between them is illustrated by a 1589 order of the burgh council of Edinburgh against fleshers forestalling or regrating fish. The latest research into occupational structure in Scottish towns shows that people's means

1. Worsaid, Court, kirk and community, 172.
of making a living became more diverse as the social scale was
descended. However, the gilded cage did have some openings at the
top, and prosperous craft employers tended to escape from the
traditional regulatory framework.

Apprenticeship, the characteristic institution of the urban craft, had
the practical function of transmitting skills across generations. But
it also went to the heart of many aspects of the regulation of
production, partly as a privilege guarded by the craft guilds, but
partly as a restriction. The ideal was that entry to a trade would be
mainly via apprenticeship, thus restricting entry and maintaining the
artisans' monopoly. This would have been popular with artisans; but
regulations like that of the Edinburgh skinners allowing only one
apprentice per artisan also tended to restrict the growth of
enterprises. No one craft master was supposed to take control of the
entire production process - though the leather trade was a profitable
one and some skinners were undoubtedly doing so. This approach was
simply divide and rule, the beneficiaries being the merchant oligarchy.
In fact the Edinburgh skinners' rule, enacted in 1573, came at a time
when the single-apprentice rule was under pressure from large craft
masters: in general, its enforcement was beginning to crumble by the
end of the century.

1. Lynch, 'Social and economic structure of the larger towns', 278.
3. M. Lynch, 'Continuity and change in urban society, 1500-1700', Scottish society,
Apprentices had some rights vis-à-vis craft masters, as an Arbroath master learned when the burgh court made him take back the apprentice he had dismissed, 'and to dw tyll hym conform to his contrak', in 1569. A wage labourer could never have achieved this. Apprentices' contract rights tended to ensure that masters never rose too far above their workers.

Traditional assumptions about apprenticeship were visible in a 1587 statute regulating an (abortive) cloth manufacture scheme: 'madinnis' were still allowed to be apprentices, although women were being excluded from apprenticeships in England. Parliament paid almost no attention to apprenticeship as such in this period, though a few acts to reaffirm the old laws on the subject would not have been out of character. The legislators seem to have sat on their hands as apprenticeship was undermined by a new generation of large craft employers. This contrasted with the prominent English regulation of apprenticeship by the statute of artificers. But the contrast was more apparent than real. In practice the English act was used almost exclusively to prevent those who had not served an apprenticeship from setting up in business, rather than to prevent employers taking on unapprenticed wage labourers. It is not clear that the act ever achieved more than merely the harassment of a number of small masters. Its relevance decreased when large merchants started to take more

1. Arbroath burgh court book, Arbroath Library, 47r.
control of processes of production. Moreover, the English guild system was being rivalled by a new series of incorporated companies (not seen in Scotland), organizations of employers rather than old-style craft masters; the place to look for determined enforcement of apprenticeship is France.

Much craft production was confined to royal burghs. This was to some extent a restriction on the artisans, bringing them under the watchful eyes of the bailies. But having submitted to this, the urban guilds could demand in return the suppression of unregulated rivals. They were themselves the most active promoters of legislation to achieve this, with magistrates taking a relatively impartial role. One occasion, in 1584, the convention of royal burghs proposed that burghs of barony should be allowed only one artisan of each type, and that royal burghs should be granted commissions of justiciary to enforce this. However, the most serious conflict was not with burghs of barony, mostly constrained by inferior locations on trade networks, but with the royal burghs' own unprivileged suburban areas. Early in 1592, the Dundee webster and waulker guilds complained that non-burgesses in the suburbs were 'sitting their braid furth of their mowthis': the burgh council backed the guilds' legal monopoly only so long as they could maintain supplies, something that was clearly doubtful. This breakdown of the textile guild system was

3. ACRE, i, 197.
4. Dundee council minutes, ii, Dundee District Archive & Record Centre, pp.75-76.
particularly significant in Dundee, an important cloth-exporting town; it probably contributed to a 1592 act of parliament against suburban crafts. Dundee was still trying to suppress unprivileged craft workers in 1594, and Edinburgh raided suburban craft shops in 1595. It was not plain sailing, for in 1599 the convention of royal burghs had to set up a commission to define a suburb for the purposes of the 1592 act.

If the acts against suburban crafts helped urban artisans, the acts on fixing of prices (and occasionally on maintenance of quality) hindered them. Parliamentary intervention here followed tradition, with the 1581 parliament re-enacting a statute of 1552 that burgh councils should fix artisans' and hostel-keepers' prices. Possibly there was some consideration for producers in measures on quality control, such as a 1567 proposal that all pewter-work should be tested and marked for quality, and sold only in the open market. However, what the legislators were usually trying to achieve, in this and other similar interventions in production, was better quality for the same price; if so, the regulations on quality were as restrictive as those on price.

2. *APS*, iii, 579, c.76.
3. Dundee council minutes, ii, Dundee District Archive & Record Centre, p.91; *Edin. Recs.*, v, 147.
4. *RORS*, ii, 47-48. For more on all this, see Lynch, 'Social and economic structure of the larger towns', 275-76.
5. *APS*, iii, 225, c.28.
6. *APS*, iii, 43.
The most important growth areas for industrial primary production - coal, salt and fish - were not regulated through the traditional guild system. All these commodities were produced outside royal burghs. Their merchants might still dominate trade in the new commodities: Edinburgh, for instance, came to control 65 per cent of coal exports; but even this must largely reflect the economic logic of the capital's proximity to the main coalfields. As for production of these commodities, parliament left this entirely unregulated. In all its enactments on the marketing of coal, it never once mentioned coal-mining.

In the countryside also, government rarely intervened to regulate production, but for different reasons: relatively little agrarian produce was channelled through the market. There was some regulation of the grain trade, and of marginal matters like planting woods and hunting, but parliament had said almost nothing about the organization of agrarian production since the act of 1425 'that ilk man of sympl estate that of resone euld be a laborar haf... half ane ox in the pluch'. Such questions were left entirely to baron and birlay courts. The exception to this hands-off approach was in the key commercial business of rural areas: salmon fishing. Salmon was the cash crop of northern Scotland, and the fisheries were controlled by an elaborate

2. Lynch, 'Social and economic structure of the larger towns', 269.
3. Nat, British coal industry, i, 47-52.
4. APS, ii, 8, c.20.
system of seigneurial property rights.1 Parliament could intervene to settle disputes over fishings, just as in other forms of property.2 There was also a problem of jurisdiction, since the laws could be enforced by sheriffs, central commissioners, burghs or others.

But beyond this, there were specifically economic regulations. Local communities could maintain the sustainability of traditional agriculture without acts of parliament, but it seems to have been necessary to legislate to prevent over-fishing. Parliament regulated cruives (fish traps) and yairs (fishing platforms), enforced a close season (for black fish, i.e. young salmon, and red fish, i.e. male salmon at spawning time), and banned the taking of the youngest fish (smolts and fry). 1563 saw the revised reissue of a 1478 act of parliament against cruives: all those in tidal waters, including crown ones, were to be destroyed; regulations for the construction of others were issued.3 A version of this act was reissued in 1579.4 In 1580, the burgh council of Edinburgh, encouraged by the convention of royal burghs, spearheaded a successful campaign to destroy cruives in the Forth.5 The owners suffered the £100 fine of the 1563 act, so it was hardly accurate for the 1581 parliament to complain that penalties were not being exacted when cruives were destroyed.6 The Forth, however, was hardly the

1. 'Writs relating to fishings in the Ythan', Fraser papers, ed. MacPhail.
2. E.g. APS, iii, 405, c.39.
3. APS, ii, 537-38, c.3.
4. APS, iii, 147, c.27.
5. Edin. Recs., iv, 553; ACRB, i, 102-03.
6. TA, xiii, 309; APS, iii, 217-18, c.15.
centre of the salmon fisheries, and parliament might have done well to heed the warning of the convention of royal burghs that the acts were not being enforced in the sheriffdom of Inverness 'quhair greit clannies and surnames prevailis'.¹ The 1581 act appointed local enforcement commissioners, which might have helped to clarify the jurisdicational problems surrounding the statutes; but there is no evidence for this, and it could have made things worse. In 1583, there had to be a special commission to destroy cruives in central Scotland: the 1581 commissioners were ignored.²

The December 1567 parliament reaffirmed earlier acts on the close season for salmon.³ The original proposal had attempted to set penalties and to prescribe judicial procedure using commissions of justiciary; the omission of this from the final statute suggests either that it was a low priority or that there were vested interests watering it down.⁴ The justice ayres of 1574-76 saw a number of offenders prosecuted, but this is the only evidence of central enforcement of the act.⁵ The burghs were interested in the question, particularly Aberdeen, which held the rights to the Don salmon fishings.⁶ A 1594 statute augmented burgh magistrates' powers 'be resson of the jursdictioun of the schireffis of everie schirefdome impeding the

1. RCRB, 1, 102.
2. TA, 1582-83, SRO, E21/63, fo.119v.
3. APS, iii, 34, c.38.
4. APS, iii, 39.
5. TA, xiii, appendix 2.
6. APS, iii, 235-36, c.51.
Economic policy

provest and baillies of burrowis to prosequeute justice thairanent'. 1
Aberdeen in 1595 and 1602 used Lord Forbes as its agent to enforce the
statutes on the Don and Dee. 2 This involvement of Huntly's local
rival was of long standing, but is interesting when set beside the
unsuccessful 1594 attempt of Lennox, as the king's lieutenant in the
north, to enforce the laws in the regality of Spynie. 3 An act of 1600
may reflect dissatisfaction with the burghs as enforcement agencies, as
it made salmon-fishing in forbidden time equivalent to theft, one of
the-four-pleas-of-the-crewa. 4

Once commodities had been produced, they had to be marketed. Urban
regulation of this can be illustrated by the example of the maltsters,
who were regularly in trouble with the authorities. Maltsters were
not a typical craft, which is partly why they received so much
attention from local magistrates, from the convention of royal burghs,
and from parliament; but these authorities' attitude towards them was
entirely representative of policy in general. They were all concerned
to maximize the supply of malt at the lowest possible prices, so their
different approaches to the problem are interesting.

The most basic question was the price of malt. There were plenty of
laws empowering burgh magistrates to fix prices of craft production in

1. APS, iv, 70-71, c.34.
2. 'Index to Aberdeen council register', i, ed. Kennedy, Aberdeen City Archives, 280.
4. APS, iv, 230, c.20.
Maltsters had also received special attention from parliament: under an act of 1535, routine price-fixing could be done by burgh magistrates (the magistrates of Edinburgh were mentioned), and they could confiscate overpriced malt; further punishment as 'oppressouris of the kingis liegis' could be inflicted by 'particular justice courtis'.

This act seems to have worked well in practice. The boll of malt was priced by a cost-plus formula: not more than 2s over the boll of bere. This was used by the magistrates of Dundee in 1563. The cost-plus formula was still in use there in 1582, but now the price differential had doubled to 4s per boll. Burgh magistrates also had to regulate sales practices, and in Arbroath the main concern of an act of 1566 seems to have been that maltsters should offer their wares for sale in the open market.

Meanwhile the second part of the 1535 act - the punishment of maltsters for overcharging, by central government - was also enforced from time to time. The aftermath of the civil war was one such time: justice ayres dealt with 69 cases of overcharging for malt (the second most common crime at these ayres; usually the victims had supported the queen's party) in 1576.5 In 1585 in the justiciary court, 56 maltsters of Edinburgh, Leith and the Canongate were accused of overcharging in the terms of the statutes ('taking mair betuix the boll of malt and the boll of beir nor is contenit in the

1. APS, iii, 225, c.28.
2. APS, ii, 351, c.42.
3. Dundee council minutes, i, Dundee District Archive & Record Centre, pp.83, 126.
5. TA, xiii, appendix 2.
saidis actis') and forestalling of markets. Some were repledged by nearby regalities, while the Edinburgh offenders were ordered by the privy council to be tried by the burgh magistrates.'

Mention of forestalling of markets leads to a further problem with maltsters: their craft status was unclear, for they did not just make malt, which would have confined them to the guild ideal of a single production process. When so much grain was converted to malt, it was natural that some maltsters should also have been grain traders: when the Dunfermline magistrates were concerned in August 1573 to prevent grain exports from the burgh, they summoned the maltsters to see if any of them were breaking the recent order. They may even have traded their malt overseas. They brewed and sold ale: the Dundee magistrates obtained a justiciary commission to try maltsters who were overcharging for ale in 1588.

Maltsters had to be burgesses, of course; two who were not were fined by the Edinburgh magistrates in 1580. But the result of their untidily diverse economic activity was that they were merchant burgesses in Edinburgh and Glasgow, and crafts in Dundee and

1. Pitcairn, Trials, i, II, 139.
2. Extracts from the burgh records of Dunfermline, ed. A. Shearer (Dunfermline, 1951), 3.
4. Miscellaneous burgh papers, Dundee District Archive & Record Centre, no.70.
5. Edin. Recs., iv, 159-60.
A statute of 1587 ordered them not to have deacons, and 'to be repute na craft'. This was not expected to apply universally in practice: the craft privileges of the Stirling maltsters were confirmed under the privy seal in 1584. The convention of royal burghs seems to have been the force behind the attempt to prevent maltsters having a craft organization: it ordered Aberdeen to suppress a maltsters' guild in 1580. The convention of royal burghs attempted in 1602 to overturn the Stirling maltsters' privileges that had been ratified in 1584, so probably the ratification had been a defensive reaction to pressure at that time. The Stirling maltsters' case is the exception showing how rarely the government would lend a sympathetic ear to producers; usually the regulations offered less in the way of privilege. A visitor of maltsters (himself a maltster; but he was carefully not called a deacon) was appointed by a decreet-arbitral reorganizing the trade of Glasgow in 1605. Probably this arrangement, giving the maltsters fewer rights, allowed more restriction: the craft structure was always bursting out of its straitjacket.

A few producers did have substantial rights and few restrictions. They made paper, silk, starch and pumps, and painted coats of

2. *APS*, iii, 33-34, c.37.
4. *RCAB*, i, 104-05.
5. *RCAB*, ii, 129.
arms. They were monopolists. Their privileges, often statutory, need careful treatment: prominence in the records, and the historiographical emphasis on manufacturing, has made monopolists well known. It is not clear that they were all really manufacturers; in practice what their monopoly gave them was the exclusive right to market their commodity—or to extract a rake-off from others who did so. The crown's control of such rights was a potentially useful fiscal tool. But in practice monopolies were of marginal importance in the economy—and in the public revenue. Mary of Guise's opponents accused her in 1559 of 'the seeking of the whole coal and salt of this realm, to have been laid up in store and general, and she alone to have been merchant thereof'. This would indeed have had an economic impact. But both industries saw only non-controversial monopolies of technological innovations: new methods of making salt; and pumps for coal mines. There is no evidence of commercial salt production from any of these patents; and the design of one of the pumps survives to show that it would not have worked. Although crowds demonstrated outside the English parliament during the famous 1601 debate on


4. APS, ii, 530-39, c.7; iii, 494-95, c.101; iv, 156, c.69; 162-84; RPC, iv, 319-20. For pumps, see note 1 above.

5. E. Hughes, Studies in administration and finance, 1559-1825 (Manchester, 1934), 39-40 and passim.

monopolies, there was no need for this in Scotland - before the 1620s at any rate.¹ The convention of royal burghs lobbied regularly, and usually effectively, against non-technological monopolies.²

One of the basic rules of the medieval marketing system was that goods should be brought to the local market, and there exposed under public scrutiny for sale to all consumers.³ Grain is the central, vital case. The forestaller and regrater were the menaces, defined in an act of 1592: forestallers bought in bulk before the grain reached the market, while regraters hoarded to resell at another market within four miles, or bought the growing corn in the field.⁴ Had a free market system operated efficiently, such people's profit might merely have been a suitable reward for the service of distributing the fruits of the harvest evenly over the year: prices had to be higher in the spring, otherwise it would not have been in anyone's interest to retain grain until then. In practice, especially in years of poor harvest, the price rise could be so high, and the profits made from destitution so conspicuous, that appeals could be made to central government to step in.

Dearth was tackled as a problem of market failure. One example of central action comes from the winter of 1574-75, when forestallers from

¹ Neale, Elizabeth I and her parliaments, 11, 383.
² T. Keith, 'The influence of the convention of royal burghs of Scotland on the economic development of Scotland before 1707', SHR 10 (1913), 252-53.
³ For a useful recent discussion of market regulation, see H.W. Boote, 'Inland trade: a study of Aberdeen in the later middle ages', Scottish medieval town, eds. Lynch, Spearman & Stell.
⁴ APS, iii, 576-77, c.70.
several localities were summoned. Action against forestallers could perhaps be linked with enforcement of the royal burghs' monopoly - forestallers might be those operating outside the official market system. However, most grain did not pass through markets of any kind, so there was scope for efforts simply to force grain onto the market. This would also combat one of the prominent delinquencies of dearth years: hoarding. Probably the most important transactions took place in smaller towns, most of which would not have been royal burghs; a useful discussion of small towns in medieval England focuses on their role as local markets for grain and other surplus agrarian products. While this is indirect evidence only, it does seem that Scotland had not yet produced the specialized hierarchy of local markets seen in sixteenth-century England. What happened to the grain that passed as rent through the hands of landlords is not fully understood, but only a relatively small proportion would have been marketed in the larger towns - as a prelude to entering the international grain market. However, this market, as a means of disposing of surpluses in good years and alleviating dearth in bad ones, sometimes played a crucial role.

The problem was largely urban, partly because the rural economy had such a large subsistence element for which nothing could be done.

1. TH, xiii, 43, 47, 55, 59.
through the market (peasants with no grain and no money would starve), and partly because it was in towns that unrest was potentially most disruptive. Strict control of bread prices was normal in all towns. In 1588 the Dundee baxters went on strike when ordered to cut prices.¹ However, since the main customers for wheat bread were 'courtiers, gentlemen, and the best sort of citizens', this type of regulation, though politically important, was unlikely to interest social groups vulnerable to starvation.² For the poor, it was more important to regulate the open market to ensure that all had a fair opportunity to buy oatmeal and other grains, at reasonable prices and in small quantities. Henry Fergus in Arbroath was banned from selling oatmeal for a year, for 'nocht sellyng his meill to the nychtboris nor brynging the samin to the mercat'.³ In Montrose in the hungry 1620s, the burgh council stopped a non-burgess from exporting a shipload of bere; punished burgesses who had sent grain to Dundee; imported bere from Orkney and the Netherlands; forced forestallers to resell cheap to the council; and distributed pease (not bread) to the needy.⁴

In rural areas, grain market regulation was probably less strict, though allowance has to be made for the relative shortage of evidence. It was common for baron courts to fix prices up to the early sixteenth

1. Dundee council minutes, ii, Dundee District Archive & Record Centre, pp,19-20.
In the early seventeenth century, sheriffs were beginning to hold fairs courts to fix grain prices; the regularization of ministers' stipends encouraged their growth, for it became the practice to link stipends to the local price of grain. But grain supply regulations were never of central concern to landlords. Central intervention in the rural market usually took the form of proclamations requiring corn to be threshed by a certain date. In April 1578 all stacks of corn were ordered to be threshed by 10 June, an order that was 'mekill commendit be the commone pepill'. A justice ayre held in the north-east shires in July 1562, when the queen was due to set out for the region, cracked down on grain exporters and forestallers, raising £269 in fines.

There are faint indications of resistance to these regulations by landlords. When some Galloway regraters were due for trial in 1600, none of the 30 members of the assize turned up, to the privy council's fury. In Ayrshire, the sheriff tried to obstruct commissioners against forestallers and regraters in 1596 - though this could simply have been resistance to a rival, centrally-backed, jurisdiction. Small peasants with no surplus beyond their rent must have benefited

3. APS, ii, 538, c.6.
4. TA, xiii, 202-03; Moysie, Memoirs, 6.
5. TA, xi, 140-49.
6. TA, 1599-1600, SRO, E21/73, fo.143v.
7. APC, v, 281-82.
from stricter grain marketing laws: this might also have helped landlords, whose rent rolls would suffer from peasant insolvency. But producers for the market - whose numbers were growing - would have been hampered in taking advantage of shortages.

As a constraint on the profitability of agriculture, the policy was on the face of it against landlords' interests. However, it is hard to see how landlords could have taken advantage of any relaxation of marketing regulations. In a subsistence agricultural regime, the bulk of the harvest had to be devoted to local needs rather than being marketed. Official regulations were only the tip of an iceberg enforcing this; there were powerful social sanctions against sending grain away from any shortage region. There was a grain riot in Edinburgh in 1570, when a crowd blocked the export of a consignment of grain. The political circumstances of the time were unusual, with rival-governments, but the riot itself follows the classic pattern and it is hard to believe that the ideology of the moral economy could have emerged here for the first and last time; it was surely a recognized element of popular culture, probably in rural areas too. As a result, only a small and intermittent surplus would have been available for the market, and it was difficult to expand production beyond this under the traditional agricultural regime. Moreover, feudal landlords still used their lands as a source of social power and followers rather than money. Especially in an inflationary age, they were unable to raise rents to the level that would ensure that they, rather than tenants and feuars, reaped the benefits of higher prices and unrestricted marketing.

So landlords were willing to accept the regulations, though they took no active interest in enforcing them.

The overall impression is of growing intervention in the grain market by central government to cope with dearths. The policy offered some benefits to most classes. But it was never more than a crisis management mechanism, to be activated in response to threatened starvation. In good harvest years, the government left well alone in the countryside. As the frequency of dearth eventually declined in the seventeenth century, this was to become normal. The trend was away from controls, simply because the trend was away from dearth; and the laissez-faire of surplus years ushered in a policy which would benefit merchants and stimulate production for the market.

While local government regulated domestic markets, parliamentary initiative might be expected primarily in the field of overseas trade. As with most medieval nations, Scotland saw little need to regulate imports. These were considered to be a good thing as they provided the country with goods – especially the luxury goods demanded by the ruling class. There was little in practice that could be done to encourage merchants to import, however. One administrative tool that might have been used, but was not, was the grant of privileged importing rights to merchants in return for obligations to supply certain markets. The only such monopoly was the 1599 arms-importing

patent granted to Michael Balfour of Burleigh, which was necessary only because there was no market for the arms: people had to be compelled to buy them. Importers could be encouraged by freeing them from customs and other duties: in the famine year of 1596, certain burghs were ordered (probably under a statute of 1587) to refund the 'great exactions' that they had taken from foreign merchants who had arrived with 'aboundance of cornes'. But in the next year, the red carpet was pulled from under the importing merchant, with the imposition of the first-ever general customs duties on imports. The duties were calibrated to raise the maximum revenue in the modern way, rather than taking a discriminatiously moral view as had been suggested to parliament in 1587, with a proposal for customs on 'superfluous' imports.

The Regent Morton had tried to make wine importers buy licences. Apart from this, only English imports had been subject before 1597 to regulation, and to custom. Improvements in the collection of customs on English cloth were ordered by the privy council in 1590, and by parliament in 1592. There was nothing 'superfluous' about this cloth, but it was in competition with Scotland's own textile industry, a

2. Hist, KJVI, 378-79; APS, iii, 452, c.37.
3. APS, iv, 118; 135-36, c.22.
4. APS, iii, 455, c.51.
5. Hist, KJVI, 150.
7. RPC, iv, 461-62; APS, iii, 561, c.37.
leading vested interest in manufacturing. As early as 1579, the
convention of royal burghs demanded a ban on the import of English
cloth, using the fashionable argument (this was the year of the poor
law) that it would create jobs for unemployed women. Such a ban,
and also a more important ban on the export of Scottish wool, as
tacked onto a sumptuary law of 1581, but it seems to have been ignored
in practice. But when English cloth imports were banned by the same
convention of estates that imposed customs on imports, this had to be
taken seriously. As in 1579, it was assumed that the domestic
industry would meet demand by taking on unemployed workers: the cloth
importers were not slow to predict that this would fail.

However, before the industry had had a chance to demonstrate its
capacity, the customs revenue collapsed. This prompted a rapid double
somersault by an impecunious government. In September 1599 the privy
council suspended the statute for six months, over-ruling the
convention of royal burghs; this suspension was made permanent in
February 1600. But in December 1601 the law was revived as a weapon
in the crown's dispute with the burghs over the scheme to establish a
Flemish weavers' textile manufactory: the English cloth that some
Edinburgh merchants had imported was confiscated. The next

1. RCRB, i, 76.
2. APS, iii, 220-21, c.18.
3. APS, iv, 119; 136, c.23.
5. RAC, vi, 32-33, 77.
6. RAC, vi, 321.
February, a convention banned the import of cloth, stockings and hats. But at this point, harsh diplomatic realities began to intrude on these domestic bickerings: the English, so far patient, retaliated by seizing some Scottish cloth under a fifteenth-century statute. The king rapidly backtracked, claiming to the English ambassador that the 1597 act had been annulled (though it was patently still on the statute book), and that the more recent one of February 1602, having failed, would be cancelled at the next convention in July. It was not cancelled, however - largely because of pressure from the comptroller, who agreed that cloth imports should resume but hoped to benefit the crown by keeping the ban and selling licences to importers. This would have been a novel departure, though we shall see that licences to exporters were common. The cloth imports issue was overtaken next year by the king's accession to the English throne, though this was not the end of upheavals in the Scottish customs and overseas trading system.

The royal burghs' legal monopoly of overseas trade applied both to imports and exports, but attention focused in practice on the exports. These were a highly-visible and sensitive matter in a largely subsistence economy, where standard export commodities like grain, cattle and fish were basic to people's precarious subsistence at home, and others, like wool, hides, coal and salt, were also in demand by

1. Nicolson to Cecil, 6 February 1602, CSP Scot., xiii, 939-40.
domestic consumers who might have their ability to compete with the export trade weakened by poor harvests. The privileges granted to the merchants of the royal burghs were a means of canalizing and thus policing the export trade. What those privileges meant in practice might vary. They were clearly negligible in Shetland, for instance: a German merchant had his local monopoly of the export trade from Gluss confirmed by the sheriff court in 1602. It was up to the government to tighten or loosen the legislative framework that supported the royal burghs.

In Gilbert and Sullivan's The Gondoliers, the privileges of nobles were nullified by extending them to everyone. In the same way, if there were too many royal burghs, the institution would begin to lose its meaning. The convention of royal burghs usually opposed new creations. Seven of the nine effective creations of royal burghs between 1541 and 1610 (Pittenweem, Burntisland, Anstruther Easter and Wester, Culross, Kilrenny and Dysart) were Fife or Forth coastal towns that gained their status mostly through the coal, salt and fish industries. These gradual additions to the family of royal burghs, prompted by the growing export trade in these commodities, were, however, the fruit of a conservative policy. A more radical alternative was considered in 1567: excluding coal from the royal

1. Shaw, Northern and western islands, 180.
2. E.g., RCRB, ii, 69.
3. Pryde, Burghs of Scotland, nos. 56, 57, 60, 61, 65, 66 and 67. The other two were Rosemarkie/Fortrose (no. 64) and Sanquhar (no. 68). Other creations were either inoperative in this period (nos. 58, 59, 62 and 63) or ratified a long-standing situation (no. 69).
burghs' monopoly altogether.\textsuperscript{1} Once unprivileged merchants had begun to open up this export trade, exceptions of other commodities would surely have followed. However, it was also proposed to extend the burghs' monopoly powers by allowing them to seize illicit commerce, so this may not have been a deliberate attack on them.\textsuperscript{2}

The royal burghs all technically had equal privileges. In 1584, parliament tried to create a hierarchy of royal burghs, in fish. All fish had to be brought to Aberdeen, Elgin, Dundee, Perth, Leith or Crail, and in the west, Ayr or Dumbarton.\textsuperscript{3} Edinburgh was soon ordering punishment of those who landed herring at Burntisland, a royal burgh but not a designated port.\textsuperscript{4} The act was perhaps aimed at the other Forth burghs, to which it was 'werray prejudicall and hurtfull', and in December 1585 parliament nullified it for the Forth fisheries.\textsuperscript{5} On the other hand, there is evidence that Elgin had special eminence in the Moray Firth fisheries, where a higher proportion of the fish may have been destined for the national or international market. In general, most fish was consumed locally, never being brought to a royal burgh.\textsuperscript{6} Fish may thus have been a particularly sensitive commodity for the royal burghs, produced as it was in dispersed coastal villages far from the reach of the bailies. The government commission of

\begin{itemize}
\item 1. APS, iii, 42.
\item 2. APS, iii, 41-42.
\item 3. APS, iii, 302-03, c.19.
\item 4. Edin. Recs., iv, 385.
\item 5. APS, iii, 378-79, c.11.
\item 6. J.R. Coull, 'Fisheries in Scotland in the 16th, 17th and 18th centuries: the evidence in Macfarlane's Geographical Collections', SGW 93 (1977), 6, 11.
\end{itemize}
December 1567, including several burgh representatives, proposed that fishermen should not be fish merchants. Most of the fish trade was local, but local traders could also trade further afield: in 1571 the convention of royal burghs was wanting letters raised against non-burgess exporters of herring or white fish (cod). In 1573 and 1579 the burghs secured statutes requiring all exported fish to pass through their markets, and the convention of royal burghs called for this to be enforced in 1580.

The 1592 parliament seems to have been particularly amenable to lobbying by commercial vested interests. The royal burghs gained a handsome ratification of their monopoly, including a provision for escheat of non-burgess traders. The act even went so far as to specify that nobles and barons who resold goods would not be exempt. Escheat may not have been a novel sanction; one recent statute had clearly applied it to the staple trade, and another had actually imposed the death penalty for bringing foreign ships to unprivileged west coast ports. But at the time it was a welcome measure. The convention of royal burghs promptly raised a tax to fund legal action against interlopers. In 1595-96, the campaign having become 'elak

1. APS, iii, 42.
2. RCRB, i, 21.
3. APS, iii, 83, c.7; 146, c.24; RCRB, i, 102-03.
4. Chapter 1.
5. APS, iii, 578, c.74.
6. APS, iii, 152, c.35; 224-25, c.27.
7. RCRB, i, 371-72.
and negligent' (a conventional phrase), there were renewed efforts. By 1597, with an order that burgesses of royal burghs were not to live outside them, the campaign seems to have moved on to the question, already discussed, of craft workers in suburbs.

The moral element in economic relations surfaced in overseas trade in the early 1590s, with the church making export of grain to Spain the subject of a campaign. The convention of royal burghs issued an act banning this trade in 1596. However, the next year the act was renewed only until the next meeting of the convention. Parliament never countenanced this campaign; indeed the king in 1593 attempted to establish a conservator in Spain. He was not thinking of the material welfare of the merchants any more than the church was, however; he was more interested in obtaining good relations with the leading Catholic state.

Appointment of a conservator in Spain might have produced a duplicate of that notable institution shoring up the royal burghs' monopoly: Scotland's staple port at Veere, through which all Netherlands trade in many commodities was supposed to pass. The burghs' most common complaint in connection with the staple was its abuse by unprivileged

1. RCAS, i, 454, 462-63, 476.
2. RCAS, ii, 47-48.
3. RCAS, i, 485-86.
4. RCAS, ii, 5.
In this sense the staple functioned as an extension of the royal burghs' monopoly - they could police it at both ends of the voyage. A 1579 statute against trade by unprivileged merchants was directed at the Dutch trade in particular. A new agreement had been negotiated with the Dutch in 1578, ushering in a period of tighter regulation of the staple. New, detailed regulations in 1591 required merchants to swear that they had no unprivileged merchants' goods. The conservator's authority was expanded, and the opportunity was taken to extend the powers of central government: he was to be answerable only to the privy council, not the convention of royal burghs. The 1597 imposition of customs on imports increased the importance of the institution to the crown: a homeward-bound coquet (ship's lading certificate) was introduced, to be issued by the conservator.

Traditionally, customs duties fell only on exports. Until 1597, when the customs rates were freed from the shackles of inertia - and afterwards too - the greatest government effort went into adjusting and enforcing the laws banning the export of commodities of central importance to the economy. In 1559, an official report listed the most important 'forbidden goods' - the term usually used for those commodities subject to export bans - as grain, meat, tallow, and white

2. *APS*, iii, 152, c.35.
fish. Others were added in the ensuing decades. The chief export bans placed on the statute book in this period, some traditional and others new, were of grain (1555 and 1587), cattle and sheep (1581), wool (1597, in order to promote the domestic textile industry), coal (1563 and 1579), and salt (1573). An omnibus statute of 1573 banned export of linen, linseed, candles, tallow, butter, cheese, tanned hides and shoes. Finally, although herring exports were never banned completely, there were regular orders against exports in the summer months.

Regulation of the export market is too large a subject to be investigated here in detail, but it does need to be stressed that these statutes could be effective in achieving their purpose. This does not mean that cattle, sheep, grain, wool, salt, coal and so forth were never exported: most histories have dismissed the statutory bans on these exports because they were never fully implemented in the terms in which they were worded, but could it be seriously suggested that the government actually wanted to cut off most of the nation's basic export trade? Apart from anything else, the crown depended on this trade for

1. MacGill & Bellenden, Discours, 5.
2. APS, ii, 495, c.14; iii, 452, c.39.
3. APS, iii, 226, c.31.
4. APS, iv, 119, 135, c.21.
5. APS, ii, 543, c.22; iii, 147, c.28.
6. APS, iii, 82, c.3
7. APS, iii, 83, c.6.
8. E.g. APC, v, 308.
customs revenue. An explanation of why parliament placed so many export bans on the statute book has to start from the realization that these bans were never meant literally. They were intended to be a flexible means of intervention, when necessary, in the market system.

What the laws meant, quite simply, was that exporters had to obtain licences. There were no objections to exports of plentiful commodities; but nothing was plentiful all the time. In times of dearth, the licences could easily be revoked. There was no problem with this mechanism in theory; the main practical problem was that the fiscal component of the licensing system occasionally conflicted with its regulatory function. Thus, market circumstances might demand enforcement of an export ban, but the need for customs revenue always threatened to take priority. Meanwhile, much trade infuriated all sectors of opinion by ignoring statutory restraints and evading payment of customs. The periodic demands from parliament for enforcement of the export bans were signals that the government's two aims were in disharmony.

So were the regulations enforced? The most serious dearth was dearth in basic foodstuffs; if the export bans could not be made to work for grain, then they were indeed futile. One recent view is in fact that 'these acts were never effective. The machinery to enforce them did not exist'. But in that case, why did the big grain merchants bother

1. For some of the implications of this, see J. van Klaveren, 'Fiscalism, mercantilism and corruption', Revisions in mercantilism, ed. Coleman,

2. E.g. APS, iii, 426-27.

3. Wormald, Court, kirk and community, 44.
to pay good money for licences? There is plentiful evidence that they could suffer if they did not. In 1562, exporters of forbidden goods (probably grain), regraters, and forestallers of markets in the sheriffdoms of Perth and Kincardine were brought before a justice ayre. The central justiciary court was the venue to try the servants of George Ramsay of Dalhousie, accused of sending grain to Berwick in 1566. In 1573, merchants exporting grain were summoned from Edinburgh, Leith, Anstruther, St Andrews and Montrose. The church could when it chose be an effective agent: in 1594, the Edinburgh kirk session initiated a joint campaign with Haddington presbytery against grain exports from East Lothian. Burgh councils were also involved, as when the bailies of Edinburgh in 1595 arrested a ship at Cockenzie loaded with forbidden goods including wheat. In Dundee in 1565 the guilds pressured the magistrates to have an export consignment offered for local sale. The Edinburgh guilds even sent their own expedition to Leith to prevent some grain being exported in 1569. In this last instance, the guilds were clearly having to take the law into their own hands; but the law was far from being a dead letter, and it stood unequivocally on the side of the domestic consumer.

1. _TA_, xi, 148-49.
2. Pitcairn, _Trials_, i, ii, 2476.
3. _TA_, xii, 364.
4. MacQueen, 'General assembly', 186.
5. _Edin. Recs._, v, 127.
6. Dundee council minutes, 1, Dundee District Archive & Record Centre, pp.50, 91.
What the merchants did not export, they sold at home. There was relatively little regulation of the domestic consumer—far less than of the producer or of the exporting merchant. But there were some laws regulating what it was lawful to buy: the sumptuary laws. Consumption of wine and silk, and 'ryott of apparrell', were discussed by a 1564 convention. A pair of statutes in 1581 banned the purchase of luxury textiles and of 'droggis, confectouris and spiceis' by those under the rank of nobles or lairds with 2,000 merks' rent. There was no action against sellers of these commodities, in contrast to the English sumptuary law of 1563 which relied on preventing merchants from collecting payment for unauthorized goods. The first of the 1581 acts included economically-significant (if inoperative) bans on the export of wool and the import of woollen cloth, but the main thrust of the acts was towards consumers. What was parliament about?

Focusing on the economic impact of restricting the right to buy cloth of gold to those who could afford it, or speculating on the consumption of 'droggis, confectouris and spiceis' at the banquets of the not-quite-so-privileged, can only induce terminal myopia in the economic historian. Perhaps a wider view should be taken of what these acts were trying to achieve. The 1581 parliament passed a number of other statutes on related themes, the most striking being that 'aganis the

3. APS, iii, 220-21, cc.18-19.
abuse of sum landit gentlemen and uthere forbeiring to kelp houes at their awin duelling places', by which they were forsaking the 'honest frugalitie of their foirbearis' and 'defrauding the puir of thair almos'. An act on hospital reform, probably innocent of any practical effect, delivered a peroration against corrupt appropriations 'that in na part of Christindome, ye not amangis the verie Turkis, wald be sufferit'.

A trivial statute imposing a fine for absence from the convention of royal burghs provided the peg on which to hang a pretty speech on the ideal aims of that assembly, 'to treat upoun the weillfair of merchandis, merchandice, guid rewle and statutis for the commone profite of burrowis'. An act was passed against slaughter or mutilation of oxen, horses and cattle, since 'specials respect is had to the lawboring of the ground in dew seasoun'. Parliament was in fact paying 'special respect' to all the estates of society, and providing homiletic laws exhorting them all to know their place and stay in it.

It was luxury, of course, that gave people ideas above their station. In an age of social dislocation, nobles perhaps felt under pressure from prosperous lairds below them. But the sumptuary laws have an obvious root in directly official concerns: the 1581 statutes were reissued, for instance, during the famine year 1595.

1. APS, iii, 222, c.21.
2. APS, iii, 219-20, c.17.
3. APS, iii, 224, c.26.
4. APS, iii, 217, c.14.
6. RPC, v, 243-45.
banqueting and apparel must then have seemed particularly inappropriate, but it was seen as immoral at any time.\(^1\) In an age which saw social and moral decline at every turn, and which witnessed unmistakable growth in poverty and vagrancy, the spectacle of those in parliament urging one another to return to the 'honest frugalitie of their foirbearis' must have provided reassurance that society's leaders at least recognized the problem.\(^2\)

A ban on consumption of meat in Lent had its origins in the need to rebuild cattle stocks after the winter. It was proclaimed, usually just in Edinburgh, in at least 16 years between 1581 and 1602.\(^3\) Traditionally the authority for it had been canon law, but in 1555 a statute was passed for fasting in Lent and other days designated by the church (Fridays).\(^4\) In November 1570 there was a proclamation against eating meat on Fridays and Saturdays, on pain of a £20 fine;\(^5\) Wednesdays were added temporarily in 1578.\(^6\) It was said that Norton enforced Lent to raise money from licences, but the February proclamations seem to have become more common after 1580.\(^7\) Parliament in 1584 and 1587 passed acts against meat-eating in Lent and on Wednesdays, Fridays and Saturdays; exemption licences for

2. Chapter 8.
fleshers were to cost £100. However, little is known about the purchase of licences by consumers. A 1591 suggestion that the consumers' licence fee should be increased to £20 suggests that Norton could hardly have made his fortune from Lent.\(^2\) Indeed, it is only in a limited sense that the laws were aimed at consumers: the only evidence of their enforcement comes from the trial of 14 Dundee and Perth fleshers - one was convicted - for selling meat during Lent of the dearth year 1596.\(^3\) This followed an unusual double proclamation in March and April.\(^4\) None of the enactments mentioned the fishing industry, in contrast to 'Cecil's fast' in England. The proclamations faded away after 1612, suggesting that the restored bishops were less enthusiastic about Lent than the presbyterians.\(^5\)

Traditional regulations for the open market emphasized protection of the poor. It was the small consumer who was entitled, if not to priority, at least to a fair chance against the forestallers and regraters with whom the markets swarmed. But there was one such law which specified, in effect, what people could not buy, and it focused on wine, a commodity of direct interest largely to the upper classes. The government would have liked to curb wine imports, which often had to be paid for in bullion; but the policy-makers were reluctant to go short of wine themselves. The solution to this dilemma was a species

1. APS, iii, 353, c.12; 453, c.42.
2. 'Advises concerning public affaires', c.1591, BL, Add. MS 33,531, fos,265r.-266v,
3. Pitcairn, Trials, i, II, 370,
5. Shaw, 'Sumptuary legislation', 93.
of rationing: by an act of 1541, burgh councils were to set maximum prices on wine, also on salt and timber. The crown was to have first chance to buy, followed by landlords; only after they had been served were others free to buy.¹

There is no evidence that the law was enforced for salt and timber, but it clearly was for wine. In 1579, a number of Dundee and Edinburgh wine merchants mounted a concerted attack on the regulations, refusing to supply the royal household at the price offered by the comptroller. The burgh councils refused to intervene, so a convention did so, setting prices centrally.² This law continued to be inflicted on wine merchants whenever the royal thirst overtook the capacity of the royal cellars.³ 1587 may have been a good year for wine, but it was a crisis year for the royal household supplies. A statute laid down an elaborate mechanism for fixing wine prices, requiring a series of locally-elected town and country commissions.⁴ It reads like a prime candidate for instant oblivion. But in fact it was implemented — at least in Edinburgh, which was where it counted.⁵ It probably did not last long, but many laws of this kind were only intended to solve a temporary problem.

1. APS, ii, 373-74, c.18.
2. RPC, iii, 116-18.
3. E.g. RPC, iv, 495-96.
4. APS, iii, 451-52, c.36.
So far we have been looking at market regulation in well-defined areas: the regulation of producers' sales, of merchants' purchases and sales, and of consumers' purchases. Government also intervened in a number of policy areas that would have a more general impact on buying and selling, principally diplomacy and commercial law. The fallout from fiscal expedients also had an economic impact.

The nation state had potential to use its unique status in diplomacy to further its ends in regulation of markets. But the diplomatic exertions of the Scottish crown in favour of commerce were meagre. There were only two official embassies in this period on mercantile matters: one in 1563 to attempt to persuade the Danes to reduce the recently-increased Sound tolls; and one in 1597 on French export dues, sent with a poor grace when the royal burghs refused to pay for it. On the whole the royal burghs had to look after their own interests abroad. They sent their own embassies to France on several occasions. Similarly with piracy, the burghs were often frustrated at state inaction.

The bulk of economic activity was not international, but highly localized. What distinguished the market economy most sharply from the subsistence and gift economy in the localities was the use of standard economic units. As well as issuing coinage, it was the

1. APS, ii, 544-45, c.27; Diurnal, 76-77.
2. APS, iv, 112-13.
4. E.g. Calderwood, History, iii, 486; Lynch, Edinburgh, 166.
crown’s duty to regulate weights and measures. This task was shared with local jurisdictions, and crown interference in domestic marketing methods could lead to conflict, as with the commission to inspect fish barrels, surrendered in 1596 after pressure from the burghs.¹

Much discussion of weights and measures has been innocent of economic analysis, assuming that the local nature of so many measurement systems (especially for grain) was a ‘problem’ and that this could have been ‘solved’ simply by more effective central administration.² But why were measurement systems local? — surely because the market was itself local. A unified market area could even be defined as one in which buyers and sellers recognize a common system of measurement. If a strong central government had been able to enforce the statutes on weights and measures, maybe trade would have gained the confidence to expand into pastures new; but this needs to be proved, not just assumed. This period does seem to have seen moves towards standardization, but the initiative came from the merchants themselves and was channelled, not through parliament (there was no shortage of enabling statutes, after all), but through the convention of royal burghs.³ Central government could not force the pace. If traders operated only within a small region, they would have greater confidence in measures recognized by the other traders in that region; nationally-legislated weights and measures were, literally, unknown quantities.

1. RCRB, 1, 467.
3. Lythe, Economy of Scotland, 92.
Until the traders themselves came to demand standardization, the main service that the government could render was the punishment of those whose measures were not merely local, but fraudulent. This was a chronic problem when economic relationships depended so much on political power. There was a moral element to the question, too: the First Book of Discipline asserted that it was the church's task to promote honesty in weights and measures.

Events in that bastion of the Reformation, St Andrews, lend some irony to this claim. In 1601, some Fife inhabitants complained that in 1560, the burgh had introduced two new firlot measures: a large one for buying and a smaller one for selling. The privy council had ordered them to destroy these measures; however, they had lately introduced an even more disadvantageous range of firlots. The town was once again ordered to accept the standard firlot.

The convention of royal burghs had recently been campaigning for firlot uniformity based on the Linlithgow firlot, an ancient measure dating back to the court of the four burghs. In 1596 there had been an order specifically mentioning that the same measures were to be used for buying and selling; a similar order had been issued in Perth in 1588.

This St Andrews incident was not an isolated one, but part of a protracted local power struggle. The crown tenants in Fife, and other

1. First Book of Discipline, 167.
2. RSC, vi, 217-19.
3. T. Pagan, The convention of the royal burghs of Scotland (Glasgow, 1926), 229.
4. RCRB, 1, 476-77.
lairds near St Andrews, complained in 1579 that the burgh had recently increased the size of its firlot by a peck or more per boll, also demanding 'ane pect of cheritie to everie boll', which was 'ane greit hurt and dampnage to his hienes liegis selland thair cornis within the said citie'. Two pecks per boll would make the firlot extortionate to the tune of some 12 per cent. Moreover there were also

foure small firlottiis quhilkis ar les nor the said new firlote ane pect or thairby, quhairwith the gentilmen and utheris duelland about the said citie, that settis thair landis for fermes to thair tenentis, ar compellit to ressave the same fermes fra thame be the said small firlote,, and thay mon sell thame in the said marcatt with the said greit firlote.

The council ordered the offending measures destroyed. For was the firlot the only issue, as in 1597 the convention of royal burghs singled out St Andrews as the chief place where its rules on 'land mesour and watter mettis' were being disobeyed. A St Andrews merchant, John Carstairs, was acquitted in the justiciary court in 1599 of using 'grit wechtis and lang elvand' for buying and 'les measouris and echorter elvand' for selling. The acquittal may have been a response to a series of confused royal interventions in the trial; he had a previous conviction in the burgh's dean of guild court. St Andrews was still being pursued by the convention of royal burghs in 1604.

1. RPC, iii, 151-52.
2. RCR8, t 1, S,
3. Pitcairn, Trials, ii, i, 88-91,
4. Pagan, Convention of the royal burghs, 230,
As well as weights and measures, markets needed currency. Some of the fiscal implications of coinage debasement have already been considered; here it remains to consider the effect on the people in the marketplace. What was the attitude of merchants, whose livelihoods depended on a currency which commanded public confidence, to coinage manipulation? The surprising thing is that they showed little open opposition. For some of the most spectacular debasement operations, such as the civil war issue of half-merk coins which were only two-thirds silver, this can be explained. The other burghs looked for a lead to the Edinburgh merchant community, which was itself disrupted by the war. The convention of royal burghs refused to supply bullion to the mint in 1574. Another recoinage, in 1581, from which the crown hoped to make 100,000 merks profit, was launched by co-opting leading Edinburgh merchants, including the provost, as tacksmen. Under these difficult circumstances, the burgh council still made no bones about its disapproval... literally. Bones had to be burned for the mint's operations, and the council ordered that this should not be done within the city limits. But this can hardly have been the decisive factor leading to the scheme's collapse within six months; possibly there was opposition to the lessees of the mint using the finest silver coins as bullion in preference to the old, unpopular alloyed coinage. For the next recoinage, in 1583, the

1. Chapter 4.
2. ACRE, i, 28.
3. TA, xiii, p.xxx.
4. APS, iii, 215-16, c.10.
Edinburgh council was more united, and lobbied vigorously to protect the standard of the currency.¹ In 1594, the burgh council itself was co-opted by the government, being granted a tack of the mint.² At the height of the operation, the mint was said to be making £1,000 per week profit - while the poor suffered in consequence.³ Merchants, who incurred much of the odium of inflation, may have been able to escape its worst effects. Their incomes were not fixed, and they carried on much of their business in overseas currencies. Plentiful coinage may even have lubricated commerce. The real story for the burghs, perhaps, is that they were unable or unwilling to provide proper funds for the government to be carried on without the short-term expedient of currency debasement.

The ordinary people were indeed the real sufferers. Even the lowest-denomination coins had large face values: they were the only ones that the poor would normally use; and, with by far the lowest silver content, they were the most profitable for the government - and for counterfeiters. They were not even fully legal tender: an issue of copper coins came with a rule that not more than 12d in the pound need be accepted in copper.⁴ So with the economy awash with base money, much of it false, the poor could be left with coins which they could not pass for their full value. Mary of Guise's base placks and hardheads, for instance, were excluded from a 1587 payment contract in

2. *APS*, iv, 85-86; for more on this transaction, see chapter 4.
Contemporaries bore abundant testimony to popular hardship - and popular protest. Morton's "sophisticat coyne" of 1572 was soon largely held by the poor, who "outcryit sa odiously aganis the Regent and his counsellors, with execrations and maledictions, as is odious to rehearse". In 1575, Morton ordered placks and hardheads to be current at reduced face value, "which procured great invy and hatred of the commons against the erle of Horton, for the people's hands were full of that money". 'The pure veriit and band the regent and haiill lords oppenlie in their presentis, quhen ever thai past or repast... quhilk wes havie and lamentable to heir'. In 1578, overstamping of older coins at a higher rate began - a highly lucrative operation. Moysie thought it was 'altogether mislykit be the commone pepill'. The death penalty was threatened for refusing stamped coins. One coinage of 'allayit' 4d pieces, nicknamed 'achesouns' after the master of the mint Thomas Acheson, had to be abandoned in 1587 because of counterfeiting. So the government turned its discomfiture to public relations advantage by issuing a nationwide proclamation on the coins' demise: all knew

1. Aberdeen council letters, i, 30.
5. TA, xiii, pp.xxii-xxiv, appendix 3.
that this would be popular.¹

Linked to the coinage was the question of the bullion from which it was struck. One long-standing law banned the export of bullion.² It was rarely enforced, as indeed the most spectacular attempt to enforce it suggests. In October 1574, the Regent Morton issued a proclamation against bullion export.³ Then in February 1575, eight leading Edinburgh merchants were arrested (the original summons had named over forty) for this crime. They passed several months in jail, and it was said cynically that Morton did it "to the end he mycht... be anoynted with sum superplus of thair gold".⁴ Morton was initially unrepentant, for a further proclamation against bullion export was issued in 1577; but no arrests followed.⁵ The arrests became a cause célèbre. The Edinburgh ministers took up the issue, with the result that Morton literally never heard the last of it: they were still badgering him about it on the day of his execution in 1581.⁶ It was not until 1600 that any other merchants got into trouble for exporting bullion.⁷

If merchants could not be prevented from taking coin out of the

1. TA, 1587-88, 5RQ, E21/66, fo.77r.
2. APS, ii, 539, c.4.
3. TA, xiii, 36.
5. TA, xiii, 170.
6. Calderwood, History, iii, 569.
7. RPC, vi, 102; for legislation at this time, see APS, iv, 121-22; 134-35, c.20; 230, c.18.
country - and indeed trade would have ground to halt if they had been - perhaps they could be required to bring some back? Efforts to achieve this had a long history, and at least six attempts were made between 1561 and 1594.\textsuperscript{1} Usually these required merchants exporting certain goods to bring back bullion to the value of those goods. This too would have hamstrung commerce. The only positive evidence of it being complied with comes again from the Norton regency, when £10,000 was extracted from the royal burghs and other sums later as composition for the requirement to import bullion.\textsuperscript{2}

In 1597, however, the burghs agreed to co-operate with a 'moderatit and mitigatit' law asking only for a small proportion of their exports to be returned in bullion: for, as they pointed out respectfully, the export of bullion was forbidden by their trading partners. The goods involved were wool, woolfells, salmon, cloth and hides.\textsuperscript{3} Probably the measure attracted little opposition because other measures, particularly customs increases, upset the burghs more.\textsuperscript{4} Subsequent government activity seems to have concentrated on the details of the scheme's implementation, such as the duties of custumars and coquet clerks, and it gives the impression of vitality; from 1610, separate bullion accounts were presented in the exchequer.\textsuperscript{5} Taking the coinage and

\begin{itemize}
  \item \textit{TA}, xi, 57, 74, 428; \textit{TA}, xiii, 100; \textit{APS}, iii, 216, c.11; 517, c.125; iv, 86, c.75.
  \item \textit{RCAB}, i, 37, 91-95.
  \item \textit{RCAB}, ii, 14-15, 19-22; \textit{Aberdeen council letters}, i, 66-69.
  \item Robert Bowes and William Bowes to Burghley, 31 May 1597, \textit{CSP Scot.}, xii, 566.
\end{itemize}
coinage—and bullion questions together, it seems that the government could interfere freely in the market economy using the few levers, such as the mint, which lay directly under its hand. But it was less effective in coercing the merchants to observe any statutes which damaged their interests; it had to seek their co-operation, and often this was not forthcoming.

The law on debt was of perennial interest in the marketplace: how easy was it to compel purchasers to pay for their goods? This was still an age when recovery of debts, especially from landed property, was slow and cumbersome—and perhaps made more so by the diligence act of 1469. This famous law, still partially in force, enacted that tenants could not be distrained for their landlords' debts beyond their normal liability for rent. The evident justice of this nevertheless made things no easier for the creditor. Apart from forbidding distraint of the goods that had earlier been almost the first target of the standard process by brieve of distress, the act effectively killed off the brieve itself, without providing a replacement. If parliament took steps to make debt collection easier, it would be favouring producers and merchants against consumers. We have seen that most economic policy continued to give priority to the consumer, but that a tendency to grant concessions to mercantile interests had begun; the statute law on debt was no exception.

Debt process by the old laws was slow. If, for instance, the debt of

1. APS, ii, 96, c.12.
2. Quoniam, 342-45, c.49.
a burgess could not be recovered from goods, his or her lands had to be seized, held for a year and a day and then offered to the nearest heir for sale; only after this failed could the lands be sold and applied to the debt. There was also a rudimentary bankruptcy procedure:

If the debtor confesses his liability but alleges that he has not the wherewithal to pay, he shall acquit himself by his own oath that he does not possess goods in excess of the value of five shillings and fourpence. Therefore he shall swear that he will repay the debt as and when he can, reserving only to himself a bare living.

But this was somewhat extreme and unlikely to solve most creditors' problems. It was not mentioned by Balfour, though Skene cited it.

Most legislation tipped the scales towards the creditor. But one act favouring the debtor was passed in 1579. The old laws allowed probation of a debt by witnesses; a three-year time limit was imposed on this for many debts. This seems still to have been a significant law a century later. In 1583 there was a proclamation to remind creditors that horning had to precede poining in the enforcement of decreets for 'liquidat sowmes'.

1. APS, i, 351, c.90 (Leges burgorum).
2. Quonias, 316, c.7.
3. Skene, DVS, s.v. dyour.
4. APS, iii, 145, c.21; cf. Quonias, 370, c.81.
6. TA, 1582-83, SRO, E21/63, fo.126v,
Parliament passed some laws making collection of debts from traders easier. Burgesses were 'becumin sa wilfull, obstinat and malicious' that they were not paying their debts without being taken to court, said an act of 1579: such debtors should pay 12d in the £ to the poor.1 A similar penalty of 12d in the £ was decreed in 1587 for losers in debt cases before the court of session (payable to the lords of session this time, not to the poor).2 The courts clearly perceived debt cases to be increasing, which is quite likely but would need to be verified. Another statute lubricating debt process between merchant and merchant was that of 1592 'that compensatioun de liquido ad liquidum be admittit in all jugementis', allowing one debt to be set off against another before a decreet was granted.3

The question of landlords' debts was treated in some detail by a 1581 statute. The problem for the creditor was fraudulent alienation of the debtor's goods and lands. Actions of deforcement and breaking of arrestment (obstructing a court order arresting property while the case was heard) were thus to be heard in the court of session by summary process; until then they had been 'swa tedious, sumpteus and langsum that verie few of thame ar brocht to ane guid end'. On a conviction being obtained, creditors and not the crown were to have first claim on the debtor's escheat - a significant provision at a time when a debtor was first and foremost a rebel at the horn. Finally, those accused of receiving fraudulent alienations should not be heard in their defence.

1. APS, iii, 147, c.29.
2. APS, iii, 447, c.24.
3. APS, iii, 571, c.61.
until they had consigned a sum equal to the sum alienated with the clerk register.¹ A companion statute ordered the registration of inhibitions (orders to prevent debtors selling land) with sheriff clerks; this was professedly to avoid the subsequent misuse of inhibitions, but if it increased inhibitions' effectiveness it perhaps was an improvement in debt collection as well.² Registration was extended to stewartries and regalities in 1597, and the court of session gained powers to oversee the system.³ A different problem was dealt with in 1587 with a statute against private supersederes, orders preventing creditors from bringing cases to court.⁴ Such orders were being issued more and more to protect the crown's increasingly insolvent financial officers, and it seems that the idea was catching on.⁵ A 1592 act regulated disposal of the property of those escheated for debt: the treasurer was to find caution to relieve the creditor if the escheat was granted to someone else.⁶

Many of these acts clearly originated with the court of session. One of the court's acts of sederunt, in 1597, dealt with the problem of debtors who claimed that they had already paid. If the sum was over £100, probation of this had to be by writ or by oaths of

1. APS, iii, 223, c.23.
2. APS, iii, 223-24, c.24.
3. APS, iv, 139-40, cc.35-36; cf. APS, iv, 230-31, c.22.
4. APS, iii, 450, c.31.
5. Chapter 4.
6. APS, iii, 574-75, c.66; for some notes on the proposal that originated this act, see 'Clerk register's opinion anent acts passed in June 1592', SRO, PA7/1/42.
The most significant act on debt also originated in an act of sederunt, but it came only after the end of this period: this was the 1621 bankruptcy act. Continuing the process begun in 1581, this was the most effective attempt yet to tackle the problem of fraudulent alienations. It gave the first detailed definition of what these were, and delineated the liabilities of third parties. The advance, from creditors' point of view, showed even in the preamble announcing that fraud by 'dyvoures and bankruptis' was 'liklie to dissolve trust, commorses and faythefull dealing': this was the first act said to be in favour of 'commerces'. Alienations to third parties 'without trew, just and nececessarie caussis and without a just pryce realie payit', after the debt was contracted, were invalid - the debt could still be collected from these lands or other property; if they had paid a smaller amount this would be taken into account when allowing creditors to collect. Priority went to the creditor who first took legal action, who could recover sums paid to 'posteriour' creditors.

Stair in 1681 thought that 'there is no nation hath been more favourable to creditors'. Such hyperbole would hardly have been justified before 1621, when the legal situation was still much what it had been in 1469 - it was still difficult to make an earl pay his debts. The main difference, indeed, was that in 1469 there had not

1. Acts of sederunt, 28,
2. APS, iv, 615, c.18; cf. Stair, Institutions, 181-84,
3. Stair, Institutions, 732,
been so many earls with such large debts.1 In 1607, the earl of Atholl was actually warded for debt (in the custody of another earl, Mar); the privy council felt that failure to make him pay up would damage 'an infinit nowmber of creditouris of all rankis', and pointed out that he was unable to find cautioners to answer for him if he were freed. But the king insisted that they let him go.2

If parliament's grudging concessions on debt law favoured producers and merchants, its policy on limiting interest rates was likely to help consumers - including industrial producers, who needed raw materiales as well as investment capital. It has been suggested, in connection with the 1661 reduction of the maximum rate to six per cent, that low interest rates would have harmed borrowers' prospects by reducing the availability of credit.3 This is plausible, if not proven, but it depended on alternative outlets for investment capital being available; such outlets were clearly limited in the sixteenth century. Historians have paid little attention to the usury laws, beyond noting correctly that they were not systematically enforced.4 The question arises: did no-one ever try? After all, the last thirteen years of the sixteenth century saw no less than ten laws passed relating to usury.5 Why all this activity?

2. Privy council to James, 26 June 1607, Melros papers, i, 30-31.
3. Mitchison, Lordship to patronage, 95.
5. APS, iii, 451, c.35; 570, c.53; 571, c.56; iv, 70, c.32; 119-21; 133-34, c.18; 138, c.30; 182-84; 167; 228-29, c.15,
The law against usury was still unclear, even in theory, until 1587: Regiam majestatem regarded it as a sin which could only be punished after the usurer's unrepentant death. In 1587, interest up to 10 per cent was legalized. There had been occasional prosecutions for taking interest before then; but a law of 1592 implied that there had been no prohibition on usury before the 10 per cent limit.

The truth was that usury took several forms, not all of which caused problems. Firstly, the mercantile classes borrowed and lent blamelessly among themselves. In 1573, when all interest was still illegal, the magistrates of Arbroath could record without qualms that they had borrowed money at 10 per cent for harbour repair; Ayr borrowed at 12 per cent in 1578. In Dundee in 1592, they could threaten debtors with comprising of land and annual rents, even for default on interest payments, 'nochtwithstanding any act of parliament maid in the contrair'. And if the burghs ignored the letter of the law, how much less likely was the government to prosecute its own financial officers or their creditors? The treasurer's accounts for 1582 put in an undisguised claim for interest payments on his wadset

1. Regiam, 163-64.
2. AFS, iii, 451, c.35.
3. TA, xiii, appendix 2.
4. AFS, iii, 570, c.53.
6. Dundee council minutes, ii, Dundee District Archive & Record Centre, p.74. For more on urban moneylending, see the chapter on Janet Fockart in Sanderson, Mary Stewart's people, 91-102.
lands. More worrying was the widening sea of debt on which many of the nobility were embarking: a law of 1592 tried to tackle the "exorbitant and immoderate entry and profite [which] hee bene and is the cause of the wrack and decay of many auncient lewingis". But the most serious problem was the most familiar: the ubiquitous small-scale country moneylender, who extracted exorbitant rates of interest from people on the brink of ruin. Here was a challenge for a government which aspired to extend central control over an increasing range of local economic activity.

Sheriffs lacked both the power and the inclination to do much about usury, though recognition of the crime is shown by the occasional prosecution. The government had to rely on commissions of justiciary. In 1599-1600, some efforts were made, and a small crop of usury cases did indeed result. One of the usurers, Margaret Tyndall, had lent 700 merks to a saddler at 20 per cent. The prosecutions ended in fiasco, there were no convictions, and in 1601 all commissions against usury were discharged. The stumbling block seems to have been the technical difficulty of proving a contract usurious in the courts: in practice the case had to rest on the oath of the defender,

1. TA, 1581-82, SRO, E21/62, fo.67r.; for the background to this, see chapter 4.
2. APS, iii, 570, c.53.
5. RAC, vi, 20-22; TA, 1599-1600, SRO, E21/73, fos.91r., 100r., 101v., 107v., 108r., 119r., 121v.; TA, 1600-01, SRO, E21/74, fo.41v.; Pitcairn, Trials, ii, 1, 101.
6. RAC, vi, 291.
and in 1600 a law abandoned this 'for eschewing of all occasioun of perjurie'.

To have tackled rural usury seriously, the government would have had to enlist the support of the kirk sessions. Sessions and presbyteries saw themselves as implementing a biblical law which included a prohibition on usury; like sheriff courts, they dealt with occasional cases, but they conspicuously failed to take up the problem on any scale. The central government, so often locked in combat with the general assembly, was in no position to compel kirk sessions to take action. The lairds and embryonic middle class from whom the eldership was drawn were the least likely groups to support the usury laws, and the kirk sessions were the least feudal institutions. In St Andrews, the session punished a usurer, Katherine Nish, in 1568; but by 1596 it was removing one of its members from office for being an 'evill payer of his dettie'. When the privy council next tried a trawl against usury, they netted eight usurious ministers. After that, although usury as an economic fact was alive and well, usury as a crime was dead.

Focusing on the market has meant omitting much from this chapter. Agrarian tenure, for instance, has not been touched on; the peasants themselves have received little notice. They were low in parliament's

1. APS, iv, 228-29, c.15.
2. St Andrews kirk session register, i, 309; ii, 622.
3. RPC, ix, pp.lxiv-lxv.
own priorities, appearing mainly in matters such as evictions and feuing, the effects of which did not manifest themselves directly through the market. Another unavoidable omission is any fully-integrated discussion of the economic repercussions of fiscal policy. All fiscal policy had an economic impact, sometimes spectacularly so, as when merchants were loaded with new customs in 1597. The rise in overall direct taxation harmed the competitiveness of royal burghs, which had to bear the entire burden of this. Coinage debasement harmed those selling at fixed prices. The crown's ever-growing demand for loans surely diverted capital away from investment in production. Thomas Foulis, one of the most notable capitalists of the late sixteenth century, gained the tack of the lead mines of Leadhills in 1594; had he not been drawn into providing financial services to the crown, could he have done more with the mines? As it was, he was 'wracked and undone' by 1600; though he does seem to have been a born survivor.

There are a few signs in this period that the government was prepared to favour production and commerce - usually by default, as when coal and salt exports burst through the confines of 1570s legislation. It would be hard to say that government actively favoured the unfettered growth of production. It did a reasonable job of care and maintenance on much of the traditional open market system; but in this period that

1. For some discussion of these, see chapter 9.
2. RPC, v, 117-18.
3. Nicolson to Cecil, 6 February 1600, CSP Scot., xiii, 622-23.
4. Thomas Hamilton to John Murray of Lochssan, n.d. [c.1613], Melros papers, i, 105-06.
was no longer enough. Production for the market - large-scale production, whether in new industries like coal or traditional areas like grain production - was growing, and there were only two alternative responses to this. One was to grant selective favours to producers and merchants, while leaving most of the market to its own devices - as, ultimately, in England; the other was to provide a secure regulatory framework for large-scale marketing - as in France. No doubt the Scottish legislators thought of themselves as following the French path: particularly in the regulation of exports, by far the matter of greatest concern to central government. But even here, the use of indiscriminate statutory export bans, intended merely as a means of selective and flexible intervention, could lead to intervention being abandoned in practice. By the later seventeenth century, the policy of restricting exports had not just been abandoned but reversed. And in some areas parliament clearly did stand aside completely: the ignoring of apprenticeship regulations tacitly allowed the silent reconstruction of guild production from within. An absolutist framework for the market was never fully within parliament's grasp.

Chapter 7

SOCIAL CONTROL

Ye Highlands and ye Lawlands
   Oh where have you been?
They have slain the earl of Murray
   And they laid him on the green,

He was a braw gallant
   And he rid at the ring;
And the bonny earl of Murray
   He might have been a king.

The earl of Moray, murdered in 1592, was hardly likely to have become a king; and even if he was, his relatives who started the propaganda campaign on his behalf would have kept quiet about it — they wanted royal justice against his killer, Huntly. But this ballad was the result. The threnody of lamentation and outrage which arose from the Stewarts of Doune was eventually transmuted into the picture of a popular, heroic figure, lover of the queen and rival to the king.

Moray met his death at the end of a feud in which he had tried, and failed, to shake Huntly's regional domination. This was a conflict decided not by the persuasiveness of propaganda campaigns, but by force of arms; Moray lost his life because he failed to raise a large enough armed force from his dependants to defeat Huntly, even with the help of defections from the latter's allies. The crown failed too. There was no official attempt to separate the two parties, for that in


the end could have been done only by armed force - which Moray and Huntly possessed, and the crown did not.

Little of this appears in the ballad, which is very much a piece of popular culture despite links with elite propaganda. Not all propagandists managed to touch a popular chord; indeed, not all of them wanted to, for being popular had its drawbacks. Those who did were at least assured that their ideas would not be obliterated, for the censors could not follow them into alehouses and cottages. As Fletcher of Saltoun said: 'If a man were permitted to make all the ballads, he need not care who should make the laws'.

Those who made the laws had to ensure that they were obeyed, and that political dissent of whatever kind did not threaten their position in the state. If persuasion was enough, well and good; if some critics, like the Stewarts of Doune, remained unpersuaded, their criticism could be silenced through the law. It would surely be right to give precedence to peaceful means of social control; this chapter accordingly begins with a look at the media of political debate, and the means that were used to control it.

But if persuasion failed, and it was finally necessary to resort to force against the likes of Huntly or Moray, that too could be done. It was axiomatic among sixteenth-century thinkers and statesmen that political power rested ultimately on violence.' It was equally

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commonplace that 'money is nervus belli'. Foreign mercenary troops played a key role in the political violence of European states: employing them, the large centralized absolutist monarchies had more aggressive territorial ambitions, heavier taxes, and (because the lower orders were not expected to bear arms) a more strongly-developed class system, than the peripheral regions which exported cannon-fodder. The development of Scottish absolutism was hampered by its failure to develop a professional fighting force; indeed in the late sixteenth and early seventeenth centuries, Scots increasingly went overseas to fight:

\[
\text{Want we weir heir I will ga pass in France,}
\]\n
\[
\text{Quhair I will get ane lordly governance.}^2
\]

In the meantime, the Scottish domestic military scene continued in a traditional, backward-looking mould. But there were many attempts to modernize it, and much administrative ingenuity was expended on trying to create a more centralized, professional fighting force without having to pay for a standing army.

The regulation of ideas was at times closely connected with military policy: one of the earliest printed proclamations, for musters against the fugitive earl of Bothwell in 1567, must have been at least as concerned to foster ideological support for the government as to elicit

1. James VI, Basilicon doron, i, 100-01.
3. Lindsay, 'Thrie estaltis', 26.
Words come before deeds. And if social control begins with censorship, censorship itself begins with the medium of print rather than folk ballads. Able to broadcast and multiply a message quickly, to sow its seed in the fertile ground of the literate elite, to arise hydra-headed after any setback, print acquired a glamour which was decidedly disagreeable to adherents of the status quo. As books proliferated, readers were able to choose between a variety of views; the very act of individual choice was subversive to a social order which depended on an all-embracing unwritten consensus. The impact that books could make on immediate events was limited: just to set up a single page of type took seven hours of labour. But the printers also turned out short printed tracts and rhymes which kept up a regular popular commentary on events. It was 'in print' that James Melville first heard the news of the defeat of the Armada. At school, years earlier, he had 'lernit sum thing... of the esteat of the countrey' from Robert Sempill's political rhymes.

Printers were few, and restricted by their costs and vulnerability. Much propaganda was still written. There were tracts and rhymes like the printed ones, passing from hand to copyist's hand; there were placards and notices fixed to doors in the night, or left in the appropriate pew in church. Even the most determined authority could


4. For costs, see the inventories of equipment in the testaments of some printers: *Bannatyne Miscellany*, ii, 202-08.
do little against these 'schaddowes and howlatis that dare not abyde the lycht', as Knox exclaimed in frustration at a series of libels on his door in 1571. In Edinburgh at least, any propagandist who really wanted to remain anonymous had no difficulty in doing so. Anonymity, however, had limited persuasive value; writers of many tracts thought it worthwhile to take the risk of letting their authorship be known. Clearly they were aiming at a limited audience that knew their reputation.

With a largely non-literate population, the spoken word remained the most important means of reaching the masses; and not surprisingly, it was the church that made most of the running. Insisting on the importance of preaching, and knowing the pulpit's potential as a fountainhead of ideas, the church poured a growing and well-directed cascade of views on current issues into every parish. Ministers were told not to quote Latin, but to aim for a mass audience. The first nationwide public fast was decided in December 1565 and took place the next May, with the order for it printed by Lekprevik. These became frequent and solemn events, always linked to topical concerns, and were soon reinforced by preaching on centrally-directed texts. In the crisis of May 1567, the text 'they made an end with all the men that had taken strange wives' echoed from the pulpits as Bothwell married

1. Bannatyne, Memoriais, 103.
the queen.' In 1582, the Edinburgh kirk session proclaimed a public fast to dampen appetites at a banquet for the French ambassador. 2

As views like these flowed downwards, together with foreign news of all kinds brought by merchants, they tapped into vast, ramified popular channels which passed on news, rumours, prophecies, ballads and other ideas of all kinds, most no doubt independent of the concerns of the elite and of no interest to censors. 3 But when the people of Arbuthnott in Kincardine were celebrating Robin Hood in May 1570 - and that itself was bad enough - a treasonable 'ragment and ryme in name of John the Commoun-wele' was found circulating. 4 More often, the propagandists came from the ruling class: during Huntly's rebellion in 1562, Archbishop Hamilton and Quintin Kennedy, commendator of Crossraguel, were accused of spreading rumours that Moray had been killed and the queen captured by Huntly. 5

Then as now, the arts and learning could be media for propaganda. Plays with a Protestant message were written by John Davidson and performed in 1568 and 1572 - Knox was in the audience for the second, though by 1575 a ban by the assembly on scripture-based plays

3. Cf. 'Brutis in Edinburgh presentlie going', August 1569, BL, Egerton MSS, 2,698, fo.49r.
4. Pitcairn, Trials, i, ii, 15-16.
foreshadowed a more comprehensive anti-drama campaign. A statute of 1584 ordered owners of Buchanan’s *History* and *De jure regni* to hand them in for amendment. No censored copies are known, so the statute’s success may have been small; *De jure regni* continued to be printed in Germany, and one of the bishops, Adam Bothwell, is known to have kept his copy. The need to check radical constitutional ideas is illustrated by a 1567 popular rhyme, inviting hearers to

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con sider
How forst began all dominationis
Quhen raid papit a assemblit thame to gider;
And said thair Kings be creatounis.
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Censorship of academic teaching was rarely so specific as to name individual works. The state’s usual response was to play the man, not the ball – to attack teachers and authors rather than their views. Censorship here shades off into the general history of politics. Aberdeen university was purged of Catholics in 1569, and Andrew Melville was removed from the rectorship of St Andrews in 1597.

2. APS, iii, 296, c.8.
Printing, writing and oral propaganda are only useful distinctions so long as the links between them are remembered. The most important role of printing was to amplify the spoken word, as when sermons or government proclamations were printed for better distribution, or printed broadside rhymes were read out.\(^1\) Written propaganda could aim directly at a non-literate audience – in 1583, a paquilt against the Ruthven Raiders was found in the provost of Edinburgh’s seat, showing a cartoon of a gibbet with caricatures of Ruthven leaders Angus, Mar and the commendator of Dunfermline.\(^2\)

Discordant ideas were universally seen as harmful. All agreed that it was necessary to eliminate them by surgery on the body politic. Before the Reformation, the instruments with which this was accomplished were blunt and rarely used. But the medieval consensus of ideas gradually broke down – except that everybody still thought there should be a consensus of ideas. In their efforts to retrieve the lost unanimity, governments were obliged to reach for more – and more precise – censorship statutes.\(^3\)

The sharpest legal concept at the Reformation was ‘lesing-making’, or spreading harmful lies ‘quhilk may ingender discords betuix the king and his pepill’, in the words of an oft-renewed statute of 1425.\(^4\)

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4. *APS*, ii, 8, c.22.
similar but distinct concept was *lesse-majesté*: this was an offence against the sovereign’s dignity which had less statutory definition, and in practice was equated with treason. Lying-making was not focused on the person of the sovereign: in 1540, ‘gif any maner of person makis any evil informacion of his hienes to his baronis and liegis’, they were to be punished ‘as thai that makis lesingis to his grace of his lordis, baronis and liegis’.

One aspect of the medieval harmony was the partnership between church and state in dealing with religious ideas. The church had clear definitions of heresy which were unquestioned by the government, if not by the heretics. The 1549 provincial council of the Scottish church ordered a search for books of rhyme (either Lindsay’s or the *Gude and godlie ballatis*, or both). In 1552, a major censorship statute designated bishops as the censors.

The general assembly naturally expected to succeed to this role. In 1563 an act of assembly claimed jurisdiction over printing and other publishing of works ‘tuiching religioun’. At first all seemed to go smoothly: in 1566 a committee was delegated to inspect a book on the English vestiarian controversy, and there were periodic commissions thereafter to look at other such works of leading

1. APS, II, 360, c.10.
3. APS, II, 488-89, c.26; for the background to this act, see R. Dickson & J. Edmond, *Annals of Scottish printing* (Cambridge, 1890), 154.
Perhaps they themselves did not fully realize it, but the divines deputed to police the church's own doctrinal uniformity were in fact retreating from the task of disciplining the wider world. Some of the publications they supervised were explicitly answers to Catholic or heterodox works, but the assembly seems to have had no thought of suppressing the latter. Only once did it look beyond works by its own authors: in 1568, Thomas Bassandyne was ordered to withdraw a work describing the king as supreme head of the church, and a 'baudie' song which he had added to his edition of the Gude and godlie ballatis was destroyed. However, the assembly's enthusiasm for this role was limited, and it told Bassandyne to seek the 'licence of the supreme magistrate' in future.

As it began to clash with the government, the general assembly also began to be an active protector of censorship victims. In 1581, it defended as 'solide, good and true doctrine' a sermon which the council claimed was seditious — and then coolly offered to save the council's time by taking over the job of policing sermons! The brief restoration of church-state harmony under the radical Ruthven regime saw the assembly once more as a censor: the advocate David MacGill of Nisbet was attacked for 'penning of [a] sklanderus and wicked

2. Dickson & Edmond, Scottish printing, 273-74; The gude and godlie ballatis, ed. A.F. Mitchell (STS, 1897), 222. For more on this, see A.A. MacDonald, 'Poetry, politics and Reformation censorship in sixteenth-century Scotland', English Studies, 64 (1983), 410-21, which also deals with the subject of 'self-censorship'.
proclamation' against the church.'

'The interest of some governments requiring that men should know little of public affairs, the art of government has been looked upon as a kind of knowledge dangerous to be learned', said Fletcher of Saltoun. But the government did not confine itself to repression. It resorted to most forms of propaganda itself at times. In its messengers and proclamations, it had a rudimentary national propaganda machine. Many proclamations argued the rightness of the government's policy, rather than simply announcing the policy's existence. As a popular opinion-former, proclamations were more limited than sermons: there were fewer market crosses than parish churches. Only the major burghs saw much of the royal heralds, and their most common journey was merely to the market cross of Edinburgh and back. More important was the stream of 'cloise lettres' which poured from the signet at times of crisis: this, unlike proclamations or sermons, could reach members of the elite individually. There was little official printed propaganda as such, but the government could use printing to amplify other media. In 1575, some acts were first printed as individual broadsheets in order to circulate them more widely. King James himself was increasingly keen to communicate his ideas.

The government's efforts to silence pulpit criticism illustrate the remarkable degree to which it had lost ideological control over the

1. Melville, Diary, 135.
2. TA, TA, passim.
3. TA, xiii, 60.
church. English pulpits were regarded by Elizabeth as channels for regular government propaganda; James had to content himself with prayers for the sovereign, which was not much good when their form could not be controlled and when even Andrew Melville was always fulsome in his protestations of loyalty. However the English Book of homilies, including the famous homily on obedience, could be used by the church's readers. The Ruthven Raiders, pioneers in propaganda, asked the ministers as they left the general assembly to take a letter with them, 'to publis the same to ther paroischonere, and to get the principall gentilmens subscriptions to mentean the same'. This was exceptional; but after the Gowrie affair in 1600, it became normal. Annual official thanksgivings were ordered in every church for the king's deliverance. The more radical ministers tried to refuse, no doubt because they were honestly unconvinced by the king's version of events at Gowrie House; but the tenacity of their resistance must have sprung from the realization that they would henceforth be expected to share their pulpits with a royal speech-writer.

As an opinion-former, we should not forget state, royal and judicial ceremonial. Much of this merely promoted a general, non-controversial reverence for authority; though there was a cutting edge to Edinburgh's Protestant welcome for the queen in 1561, and the ostentatious Catholic baptism of her son in 1566. The political

3. Cf, appendix E. For a specialized aspect of this kind of propaganda, see I.F. Stewart, 'Coinage and propaganda: an interpretation of the coin-types of James VI', *From the stone age to the forty-five*, eds, A. O'Connor & D.V. Clarke (Edinburgh, 1983).
execution usually made a still sharper point. 1

Different regimes had different critics. Before 1560, government and church were supposed to work together to suppress Protestantism. In Lindsay's 'Kitteis confessioun', the priest asks a servant about her views, and her master's:

Quod he, ken ye na heresie?
I wait nocht quhat that is, quod sche.
Quod he, hard ye na Inglis bukis?
Quod scho, my saister on thame lukis,
Quod he, the bishop that sall knaw,
For I am sworne that for to schaw.

Quod he, quhat said he of the king?
Quod scho, of gude he spak na thing,
Quod he, his grace of that sall wit,
And he sall lose his lyfe for it.2

With the coming of the Reformation, it was the Catholics who were a threat to the regime; but the regime also had a Catholic queen, which restrained the privy council from playing a leading censorship role. The semi-official nature of anti-Catholic censorship is illustrated by the fate of the first complete printed edition of the acts of parliament. It was prepared in 1566 by a commission for which the new clerk register, James Balfour, took responsibility. Though he had rowed in the galleys with Knox, he may by this date have been a secret Catholic.3 Or he may simply have been a pedantic lawyer. At any rate, he included all the anti-Protestant statutes of 1532-40. This

was strictly legal, for their repeal by the Reformation parliament had never been ratified, and the latter's acts themselves could not be printed; but it was excruciatingly embarrassing for the Protestant party. James MacGill, Balfour's predecessor, probably backed by the earl of Moray, visited Robert Lekprevik, the printer: 'and the saidis actis imprentted be the said Lekprevick war cost fra him in albis [sheets], unbund,... and for the maist pairt war distroyed.' A few weeks later, a revised version was rushed out, with the offending acts removed.²

In the civil war, there was an urgent need for propaganda, and a corresponding desire to suppress the views of the other side. But much of the machinery of government, from parliament downwards, was not functioning normally, and extra-legal methods were sometimes employed. In 1572, at the Leith headquarters of the king's party, Morton had a minister tortured and hanged for saying his cause was unjust.³ The queen's party in Edinburgh dealt more mildly with the ministers, merely ordering them to pray for the queen; as a result, there were no prayers, and 'the maist pairt of the peopill grudgit' at Knox's refusal to pray for all.⁴ The king's party were still in control of Edinburgh in 1570, and could censor Robert Lekprevik: in June he had to find caution not to print without the magistrates' approval; but they also needed him, and he was granted a pension of

1. Bisset, Rulment of courtis, 1, 72-73.
2. Actis and constitutionis of the realme of Scotland, NLS, Ry,111,c,20(1-2).
150 out of the thirds of benefices." In April 1571 he was working on an edition of the Chamaeleon, Buchanan's denunciation of the defector Maitland: hearing of this, the queen's party issued from the castle in force to attack his print shop (as, it was said, they had done 'twyse of befoir'). He escaped, however, and in Stirling and St Andrews his press continued to fortify the king's cause. It may have been Lekprevik's feeling of indispensability which led to his later downfall.

If some of the queen's party's censorship was crude, at least its propaganda was aristocratic. A long newsletter was being 'caried from hand to hand' in 1570, claiming to relate a council meeting in which the Regent Moray was counselled to usurp the crown and to tyrannize over the nobility. Its wickedly precise characterization of individuals would have appealed most to members of the elite who knew them personally. The king's party had much the best of the pamphlet war. While James Melville was at school in Montrose, 'the comoun newes that I hard was of the great praises of the governaent'.

Yet less than a year had passed since the ending of the civil war, when the Lekprevik press which had done such good service was silenced. The occasion was Morton's reorganization of ministers' stipends. John Davidson's Dialog... betuix a clerk and ane courteour concerning foure

1. Edin. Recs., iii, 272; Dickson & Edmond, Scottish printing, 199-200.
2. Bannatyne, Memorials, 110.
5. Melville, Diary, 23.
parische kirkis till ane minister threw into sharp relief the financial harvest that the government was reaping from the shortage of ministers, also warning that crown control of ministers' stipends would give occasion

To mak princes injunctiounis geif
To speik nathing that may thase greif,¹

He was not entirely an isolated radical: there was an organized distribution network for the Dialog, some of whose members were ordered in January 1574 to hand over 'certane prentit rymes'. They included Margaret Stewart, Knox's widow; two diehard Protestant lairds, Robert Campbell of Kinyaneuncleuch and Robert Fairlie of Braid; and James Lawson and John Durie, ministers of Edinburgh.² Lord Boyd interceded on Davidson's behalf, and his cautioner (who 'payed the penaltie' when he fled) was Morton's secretary of state, Robert Pitcairn.³ Thanks to Davidson's connections, he got away with no more than a period of exile: he sacrificed Lekprevik, saying that he had printed the work without permission, and the hapless printer had to spend an unknown period, probably several years, in jail. Morton rounded off the episode with a privy council order that all printed works were to be licensed by the chancellor; but the plan, which included a register of all publications, was not implemented.⁴

2. TA, xii, 376.
4. Dickson & Edmond, Scottish printing, 205-06; APC, ii, 387.
It was five years before Morton had to get tough with critics again. In the meantime, censorship was confined to the consolidation of Protestant hegemony. A Catholic tract was publicly burned by the minister of Dundee in 1573; he 'schauit his auin ignorance, in place to tak the pen to mak an answeir, usit the fyre', sneered a later critic.\(^1\) With aristocratic dissent muted, with the ministers unwilling to rock the boat (the general assembly failed to rally to Davidson's support), and with Catholics as external targets which the Erastian regent and the theocratic Melvillians could agree on attacking, the climate of opinion enjoyed a sunny, if brief, unanimity.

The Lennox regime which displaced Morton at the end of 1580 alarmed its opponents with its apparent sympathy for France and Rome. There was a flurry of Protestant publishing — as many such works survive from 1581 as from the previous four years — but this did not provoke censorship.\(^2\) There was government counter-propaganda, such as the Negative Confession. The government borrowed some of the standard techniques of opposition groups: instead of a ponderous proclamation against the English ambassador, Thomas Randolph, he found a 'libell' on his door, pointing out the irony of his anti-French fulminations at a time when his own queen was negotiating for a French marriage.\(^3\)

The radical ministers were more severely treated. There are all the indications of a concerted pulpit campaign against Lennox, and they

were clear about the regime's repressive propensities in return: ministers were 'dung [beaten], banished, suspended from the ministrie, cast in prison, and removed from their flockes'. Probably only a few individuals suffered seriously - indeed, only one case of each type of repression was cited - but there is more to the seriousness of repression than numbers, and the threat to the liberty of political preaching for all ministers was plain.\(^1\) So when Lennox was overthrown by the Ruthven Raid in August 1582, there was rejoicing among the radical ministers and their supporters. John Durie, minister of Edinburgh, returned from banishment in state: he used the traditional route of a royal procession, surrounded by an enthusiastic crowd.\(^2\) The Ruthven Raiders had a unique opportunity to cash in on this popularity.

The Ruthven lords' reliance on their popularity was largely faute de mieux: they were no more than a clique who had seized the person of the king, and they were faced with widespread aristocratic hostility. There were indeed examples (in 1560, for instance) of dissident nobles being restrained by a flood of ideas undermining their support networks.\(^3\) But when all political leaders were nobles, it was a risky business encouraging such ideas.

Print was the key to the regime's propaganda efforts. The proclamation announcing their takeover would have taken half an hour to

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read out; as a printed manifesto, however, it made good sense. It was not aimed at every casual passer-by at the market cross, but at the widest possible educated audience. The regime fell down badly, however, in the field of censorship. When a 'famous lybell' was found in the burgh council's seat at St Giles' in January 1583, they over-reacted. A proclamation was sent all round central Scotland denouncing the libel, even going so far as to deny that it had been signed by leading nobles and councillors! No experienced propagandist would have scored such a gratuitous own-goal.

The next regime also resorted to statute. Led by the earl of Arran, the government for the next two years may have been Draconian, but it did have good public relations. Arran began as he meant to go on in July 1583, with a proclamation reiterating the last full-blown censorship statute, that of 1552. In May 1584, a parliament was held under conditions of unprecedented secrecy, the usual resort of an unpopular regime. The customary act against the disgraced Ruthven lords banned 'bukis' and 'ryme' in their favour. Then a sweeping general act was passed against 'calumneis', stirring up the people to sedition, or meddling in affairs of state. Private or public speeches against king, council or policy would be punished as lèse-majestés. Finally,

1. APS, iii, 326-28; Calderwood, History, iii, 661-65.
2. Calderwood, History, iii, 669; TA, 1582-83, SRO, E21/63, fo.113r.
3. APC, iii, 587.
4. Calderwood, History, iv, 62-63; for more on this parliament, see chapter 1.
5. APS, iii, 295, c.7.
Buchanan's works were censured.¹ It all makes a contrast with England, where parliament had robustly thrown out a censorship bill in March 1584.²

Like the Lennox regime of which Arran had been a leading member, the government incurred the wrath of the ministers. Forcing some of them into exile was easy, but both sides knew that it was only the beginning of the propaganda battle. The Edinburgh ministers' wives fought on, issuing a spirited tract against Archbishop Adamson, Arran's leading propagandist.³ Adamson produced a polemic defending the Black Acts, and organized a successful campaign to obtain ministers' signatures to them.⁴ He relied on the impossibility of questioning the legal authority of parliamentary statutes; in reply, the Edinburgh ministers could only make the feeble legalistic gesture of taking public instruments of disapproval at the market cross. Meanwhile Arran himself, a wily and resourceful intriguer, concocted a fake conspiracy and executed a couple of unfortunates to add public legitimacy to his rod of iron.⁵

But 1584 was not 1984. Even the most hard-boiled despotism lacked the machinery to suppress all dissent. Beyond silencing some of the ministers and intimidating critics in general, all Arran's efforts

1. APS, iii, 296, c.8.
2. Neale, Elizabeth I and her parliaments, ii, 94-95.
5. J.G.B. Young, 'Scottish political parties, 1573-1603' (Edinburgh PhD, 1976), 98,
achieved little in the way of practical tyranny. Libel and counter-libel dragged their venomous and predictable way unchecked across the political landscape. Arran’s rule, far from preventing public discussion of policy, actually encouraged it in the end.

Arran’s successors began by following in his footsteps. The first statute of their first parliament, in December 1585, tersely announced that any spoken or written criticism of king, government or statutes would be punished by death. But thereafter, pressure was reduced for a time. Political stability was gradually restored among the nobles, the instigators of the most dangerous propaganda. The government placated the church by accepting the gradual decline of bishops; the corresponding growth of the presbyterian system eventually received official recognition. Attention was transferred to the Catholic threat, thus allowing the church to return to the centre of the new climate of opinion by leading the Protestant counter-attack. In 1587, a statute asked burgh councils to co-operate with ministers in searching for imported Catholic propaganda. Whether or not they found any, the statute served its purpose: the Catholic bogey was firmly established, and stirrings of dissent were swept aside in Protestant ardour.

It was some years before active censorship was needed again. The king’s absence in Denmark in 1589–90 to fetch his wife was noted as a period of harmony, and his marriage itself helped to cement the

1. APS, iii, 375, c.1.
2. APS, iii, 430, c.4.
political consensus. But there was a slow propaganda revival. In 1590 the printer Robert Waldegrave arrived in Scotland to become king's printer; he was welcomed by the government for his abilities, but by the ministry for his religious sympathies — he had been forced to flee from England after printing the clandestine Marprelate tracts. As early as September 1590, the king was 'offended' with Waldegrave for printing a work by the irrepressible Davidson.

The king was not too pleased with the ministers either; he had demanded a statute to censor them in the 1592 parliament and 'chafed and railed' when told this was out of the question. He could not break with them; in the early 1590s he was faced with two groups of mutinous nobles, Bothwell in the south and the Catholic earls led by Huntly in the north. This was also the time of the Huntly-Moray feud with which this chapter began. Wishing to deal first with Bothwell, the government tried to damp down criticism of the Catholic earls, even when Huntly murdered Moray to howls of public execration. In 1594, as part of this process, the law on censorship was made tougher than ever. Five past statutes (but not that of 1552, because it gave authority to bishops) were ratified, and their penalties were extended not only to 'lesing makaris' themselves but to those who heard them without denouncing them. The same parliament forfeited the Catholic earls, and also confirmed Bothwell's forfeiture. If the Catholic earls issued

2. Calderwood, History, v, 112.
4. APS, iv, 65, c. 15,
any propaganda, it has not survived, but Bothwell certainly put out periodic manifestoes."

In 1596, the political kaleidoscope was shaken to reveal a new and starkly simple pattern. One the one hand, a backsliding king, surrounded by advisers who were secret Catholics, centre of a luxurious court which consumed church revenues that should have nourished the ministers. On the other hand, a proud and greedy pack of ministers who preached seditious and republican ideas from the pulpit, who roused the rabble and threatened to overturn the natural order of things.

At least, that was what propaganda claimed.

The reality, of course, was different; but we are not so concerned with reality just now. All that had really taken place was a small and rather coincidental realignment: the king had subdued aristocratic opposition just as the Melvillian party was consolidating its hold on the church. Yet this was enough to fracture the ideological consensus decisively; people now had to choose between competing ideologies of church and state. Ideology plays only a limited role in determining political practice, but it is much more significant when it comes to censorship. The government shelved the witch-hunt and anti-Jesuit programme which had done so much to promote unity (anti-Catholic commissions were revoked in March 1597, and witchcraft commissions in August), and turned to confront the radicals.²

2. APS, iv, 116; RPC, v, 409-10.
Tension had been growing for some time, but the conflict escalated in the autumn of 1596. David Black, minister in the radical stronghold of St Andrews, preached an inflammatory sermon said to have described all kings as the devil's children. Summoned before the privy council, he attracted a large body of support among ministers who had to be ordered to leave Edinburgh. He was silenced, not without difficulty, using the censorship statute of 1584, which was re-issued with the addition of a new attack on anti-government sermons.

Later the same month, there was a small but sensational riot at the Edinburgh tolbooth, while the king was present. Again, the reality of what happened that day is less important than the subsequent impact on public opinion. A propaganda war broke out immediately:

Some tooke the paines to write libells against [the ministers], speciallie Mr Hercules Rollock, some tymes maister of the grammar schoole of Edinburgh. But his verses were answered by others who favoured the truth. The ministers themselves were careful to vindicate their own innocencie by apologies, which were spread at that tyme, and went from hand to hand.

But the ministers had over-reached themselves: the king's claim that they had stirred up the crowd against his authority carried more weight with the elite. Within days, a convention at Linlithgow was condemning the riot as treason and ordering all ministers to subscribe acceptance of royal authority over the church. A more powerful

1. TA, 1596-97, SRO, E21/71, fo.91r.
2. APS, iv, 101-03.
4. APS, iv, 103-04.
attack was launched in Perth the following March. A chastened general assembly, weighted towards the less radical northern ministers, agreed to a series of royal propositions which drastically limited what ministers could say from the pulpit, and a convention met simultaneously to ratify the result.¹

After that, things quietened down for a time. Government propaganda included James's *Trew law of free monarchies* and then *Basilicon doron*—though the latter was published, in quite the modern fashion, only after it was leaked. In it, James was still fighting old battles against the works of Buchanan and Knox, 'if any of these infamous libels remaine'.² This remark suggests that the statute of 1584 against Buchanan may have had some effect after all. *Basilicon doron* provided a new target for radical propaganda: in 1599, while it was still an official secret, Andrew Melville secured the condemnation of 18 of its anti-presbyterian principles in the synod of Fife.³ But the government also carried the battle into enemy territory, in two visitations which removed Melville from the rectorship of St Andrews university and cowed his followers there.⁴ James's willingness to rush his rodomontades into print, though prompted (like many controversialists) by confidence in his own ability to persuade opponents of the error of their ways, marked one more step towards a pluralistic ideological culture. In the years after 1603, propaganda no longer threatened the state; the only

¹ *AFS*, iv, 110-12.
² *James VI*, Basilicon doron, i, 149-49.
³ *RPC*, vi, 34-35; *James VI*, Basilicon doron, ii, 9-13.
⁴ *Cant*, University of St Andrews, 56-57.
censorship statute merely banned criticism of the king's union schemes. Attention could be directed as far away as Danzig, where pressure from the Scottish ambassador, backed by humourless merchants, secured the execution of an anti-Scottish satirical writer in 1613.

As a coda to the story of censorship, a final law shows that the Scottish government had itself been the victim of similar diplomatic pressure in 1599. A convention issued an act, ostentatiously proclaimed, that all printed works, home productions or imports, were to be approved by the secretary before publication. To those familiar with the political code of 1590s Scotland, the act's homage to the 'lovable custume ressavit in all utheris civile nationis' speaks plainly of an English connection. What had happened was that the king had rashly sanctioned the publication of an explosive tract by Peter Wentworth on the English succession. Coming from the press of Waldegrave who was persona non grata with Elizabeth, the tract was doubly damned in the eyes of the English, as a chagrined James soon discovered. His only way back to favour was to disclaim knowledge of the publication - hence this law. The king was, in fact, slamming the stable door in an unconvincing effort to prove that he had not connived at the theft of the horse.

1. *APS*, iv, 436, c.16.
If King James could not afford to offend the English queen, this was partly because of his own aspiration to succeed her. But far more important was the commanding position that England had established in Scottish affairs as long ago as 1560. Partly this was the outcome of a propaganda war in which the influx of Protestant ideas played the key role; but partly it was due to the force of English arms. The religious and diplomatic revolution was to have a lasting effect on Scottish military policy: the 1560 treaty of Edinburgh, by which Scotland accepted a new position as a satellite of England, closed off the sole avenue of external war for the Scottish state. There were moments when a few English diplomatic feathers were ruffled (in 1565 and 1581, for instance), and James at one time (1598-1600) thought he might need an army to back up his claim to the English succession; but in the event, the verdict of 1560 proved irreversible, and Scotland had neither to fight nor to mobilize for external war for the rest of the century. Universal peace reigned.

Or did it? Despite the low-pressure military system made possible by the absence of external threats, there still remained a number of fields where Scots could kill and be killed to further the state's political ends. This was largely because they could also kill and be killed for many other reasons: the state, in fact, was still struggling to achieve monopoly control of political violence. At times the government even found it hard to preserve the idea that violence in its service carried any superior legitimacy to the manifold forms of private violence that still proliferated - sometimes against the government, but more often (as with Huntly and Moray) merely ignoring it. We saw in chapter 1
that there was a continuum between rebellions and private feuds: the government's response reflected this, being determined largely by the scale of the violence in each case rather than by questions of legality. The only military operations distinguished in type rather than in scale were those carried out in theatres where the special legitimacy of state violence was not recognized - in the Highlands, in fact. The lack of local nerve-ends of government there meant that the crown was relatively insensitive to private violence; when it did respond, as we shall see, it could not do so in its usual ways. By contrast, the government's many agents in the Borders made for a marked touchiness towards Border violence; it used to be assumed that this indicated a higher level of actual violence there, but recent research has cast doubt on this. ¹

The government would resort to violence only if it was provoked, of course. Depending on the level of provocation, there were three possible levels of response. The most basic was a simple response in kind to opposition violence: use the armed following of a friendly magnate to batter the armed following of a dissident magnate. This kind of thing had been going on for centuries; it could amount to little more than the crown betting on the winner in a regional conflict. Crown backing for such magnates was unreliable and carried little advantage. The government was still sanctioning private warfare as late as 1594, when the earl of Argyll was sent against the rebel Catholic earls, meeting their forces at Glenlivet. Argyll

¹. Brown, Bloodfeud, 7; see also chapter 3.
Far from lengthening the list of crimes for which the rebels had to answer, the battle helped to ensure that they were leniently treated in the eventual settlement, while Argyll, the crown's loyal servant, languished in disfavour.

There is a sense in which almost all warfare in sixteenth-century Scotland was equally private. The crown, while it possessed the country's largest arsenals, did not expect to equip an army from its own resources, and relied on weapons routinely stockpiled by burghs and (especially) in the fortified houses of every magnate and laird. Still less could the crown raise men for its armies without the lords' co-operation: when in 1596 the 'haill gentilmen and frie halderis within the sherefdome of Edinburgh' and some other sheriffdoms were absent from the host, the absence of their tenants was taken for granted. Despite a statutory ban, the ability of lords to raise unauthorized private armies is manifest.

According to Lindsay, the 'husbandmen and commons' went into battle 'formest in the front'. Armies seem to have been composed of the more prosperous peasants, led by their feudal superiors. Poverty bred

1. Brown, Bloodfeud, 165-68.
4. TA, 1596-97, SRO, E21/71, fos.73v.-74r.
5. APS, ii, 539, c.11.
no warriors: a government commission in 1567 worried that evictions were making people 'unhable to serve in the kingie weris'. In the Highlands, 'thane that labours the ground are commandit to remane at hame'. A predominance of richer peasants was assumed by the legislation codifying weapons requirements: in 1540 the weapons of a 'landit man', a 'gentill man' and a 'yeman' were laid down. 'Na pur man' (under 20 merks in goods) was to serve on expeditions into England, while those liable for service should be ready to come at eight days' notice with 40 days' supplies, by a law of 1458. In 1600 it was complained that those who could be recruited were 'for the maist pairt puir' and unable to equip themselves.

This 'common army', a step up from the following of the individual lord, was summoned by the sheriff. It was a loose collection of lords' followings under crown authority, little changed since the fourteenth century, described in 1599 as 'ane unskilfull and unarmed multitude'. The order for a muster went out from privy council, convention, or on occasion parliament: there was no royal prerogative excluding parliament from a say in the details of warfare.

1. AFS, iii, 45.
2. Skene, Celtic Scotland, iii, 429.
3. AFS, ii, 362-63, c.23.
4. AFS, ii, 45, c.3.
5. RPC, vi, 130-31.
7. Grant, Independence and nationhood, 154-56; AFS, iv, 188.
8. E.g. AFS, iii, 70, c.26.
On paper, 'all maner of man betuix sexti and sextene' were liable for common army service. Clearly, only a few thousand - or a few hundred - would turn up. Even leaving aside the absence of the poorest peasants, how was it that some lords and richer peasants served and others did not? There has been little analysis of any actual royal army as a fighting force which might show (for instance) to whom the summons was issued in any given area, what proportion of the potential warriors turned up, how well lords were supported by their tenants, what motivated them to come, and what sanctions were applied to the absentees. The Marian force at Langside has been well studied, but it was not mustered through official channels. There is, however, one document which provides some insight: the roll of the wapinshawing of the sheriffdom of Moray, mustered at the cairn of Kilboyack on 2 February 1596.

The first point shown by the roll - unsurprising, perhaps, but nowhere specified in the statutes - is that men were mustered under their landlords' leadership. The 900-odd men present had come in 11 groups: eight headed by lairds, one by the bailie of the earldom of Moray, one by the bailie of the lordship of Urquhart, and one by the bailie of the barony of Kinloss which had been feued to a number of small men. Lairds came on horseback; they (and the Kinloss feuars on a smaller scale) brought followings typically described as their 'heill kynne, freindis and servandis' or as the 'men, tennentis and inhabitantis of

1. *APS*, ii, 45, r.3.
[their] landis'. A few of these followers were fully-armed horsemen, but most were footmen with various levels of equipment — and apparently socially graded too.

Thus, John Grant of Freuchie brought 500 men, more than half the total present, describing 300 of them as 'fensabill men according to the custowme of his landis to defend within the cuntray and the schyris heirabut'. The remainder were clearly not expected to fight at all. But of the 300 'fensabill men', only 80 were equipped 'to pas to the kingis wyris'; half of these were equipped with jack and two-handed sword, and half with bow, sword and target 'according to the hiland custowme'. The 'custowme of his landis' thus divided the remaining 420, seemingly with some precision, into 220 with few weapons (who were expected to fight for the laird locally, if not for the king elsewhere) and 200 with even fewer weapons (who did no fighting).

Similarly Archibald Douglas of Pendricht brought 21 scantily-equipped footmen (typically they had 'ane swirde, but armour') who would have been expected to fight, except that some were 'onabill of thair bodeis, and in extreame povartie'. This poverty seems to have been relative, since he brought a further 16 who were non-combatants of lower social status: 'cotteris... nocht meit to beir armur, being onabill of thair bodeis'. There are clear signs in all this of a social level below which men were neither expected nor encouraged to fight.

This lowest class was also the largest at the muster. Discounting the lairds themselves, the 900-odd men present were made up of five per cent horsemen, 18 per cent armed footmen, 34 per cent unarmed or
lightly-armed footmen, and 42 per cent non-combatants. It is hard to say why the latter were at a wapinshawing, but they were presumably included in the lairds' 'men, tennentis and inhabitantis'. However, not all lords had mobilized the maximum possible manpower. David Brodie of that Ilk must have had more adult male dependants than the six he came with, for three of these were horsemen. The bailie of the earldom of Moray brought 160 men: 20 were horsemen, but 'the rest bot powir nakit men for the meist pairt', and these can hardly have been all the men of the earldom.

The weapons of the earl's horsemen were not detailed, but there was no suggestion that they had firearms, which raises the question of what happened to the hagbuts ordered by Moray's agent during the bonny earl's feud with Huntly in 1591.1 (Many of those at the cairn had taken part in the feud on one side or another, and one wonders how they remembered it.) The weapons held by the best-equipped men, including the lairds themselves, were usually listed individually; they included only nine firearms.

What of those lords - perhaps the majority - who were not at the cairn of Kilboyack at all? The roll is silent on absenteeism. Sanctions may theoretically have been available; the roll survives because sheriffs were required to report to the government three months later, when a further muster was ordered.2 But it is hard to avoid the impression that the lords who came did so, not because they were

2. APC, v, 266-67; TA, 1593-96, SRO, E21/70, fo.194v.
obliged to, but because they wanted to. For their dependants, of course, it may have been different.

If the common army was a congeries of individuals who served for very uncommon reasons, it still had greater political legitimacy than the purely private army. It could gain still further in respectability - and thus presumably in recruits - if the monarch was personally present. The royal burghs objected to being summoned to war unless the whole country was called up or the king was present. There are examples in 1488 and 1567 of such armies being challenged successfully by rebels: the legitimacy of the Stewart crown was in some ways a fragile thing; but it did count for something in the field. Besides the monarch, there was the royal banner as a symbol of legitimacy; as late as 1600, James Scrymgeour of Dudhope was receiving parliamentary ratification of his hereditary right to carry it.

Parliament also offered more tangible rewards for common army service. Various concessions were granted by the king's party's parliament in 1571, including the promise that the heirs of benefice-holders killed in the king's service would inherit the benefice automatically, and that landlords would not be burdened with wardships or other feudal casualties. Similar provisions, including the one on benefices, had been enacted before Pinkie. In England and other countries, the late

1. RCRB, L, 68.
2. AFS, iv, 243-44, c.44.
3. AFS, iii, 63-64, cc.18-20.
4. AFS, ii, 599-600.
sixteenth century saw the beginnings of government propaganda aimed at
the ordinary soldiers - they would be paid regularly, their widows
would be cared for, and so on. Scotland shows no sign of this
development, and in fact it had regressed; in 1522 a law had been
passed in favour of tenants who fought.

What parliament was patently unable to promise, in this traditional,
decentralized, magnate-ridden army, was pay. The major European
states had long been helplessly addicted to professional war-making, in
which an ever-increasing dose was needed to gain the same result, and
the side-effects - waste, rapine, even mutiny if pay failed to arrive -
multiplied. The cost of the habit was capable of bankrupting the
greatest powers known. Fortunately, Scotland was not a great power,
and although Scots travelled to fight overseas there was little
possibility of setting up a standing army at home.

Inevitably, however, there were experiments with what some saw as a
wonder drug, capable of curing all the political ills they knew - such
as a potentially troublesome convention of estates at Holyrood in
February 1581. 'The utter gate of the Abbey Closes was kept by
Captain James Stewart, and some waged men... the nobilitie grudged to
be thus controlled by him'. Stewart, soon to become earl of Arran,
and the nearest thing to a Francesco Sforza that Scotland produced, was
the most successful of the mercenary captains who sometimes entered

121-22.

2. APS, ii, 284, c.2.

3. Calderwood, History, iii, 487.
politics after a career of Continental soldiering. They attracted followings with experience of (or aspirations to) the same life. Contemporaries regarded their outlandish ways with horrified fascination: when Colonel William Stewart, captain of the royal guard, was offered the bribe of a 'velvet purse, with threttie foure-pund peeces of gold in it' by the commendator of Dunfermline, Stewart 'gave the 30 peeces to thrittie of the guard. Everie man bowed his pheece, and caried it hanging at his knapskall or hatt all the way, as they came from Perth to Falkland; the purse was caried upon a speare point.' The dark side of this lust for booty was shown in October 1570, when Hamilton was sacked 'without commiseratioun or pitie' by mercenary troops - reputedly 'to pay the saidis horesmen and futemen thair wages with'.

Apart from booty, what were these wages? Legislation of 1481 had set the army's pay at 2s per day for archers, 2s 6d for spearmen. Firearms and inflation had made this seem small by 1594, when footmen were to be paid £8 per month and horsemen £24. The proposed force - 400 of each - would have bled the treasury white in no time. When a full-scale field army was required, such elite forces would only be a nucleus, and the majority would be lords' conscripted followings. Dundee in 1588 gave pay of 40s per month to 120 troops; this was only a quarter of the rate that the king proposed to pay, but it seems that

the troops actually received it— which the royal troops probably did not. Care had to be taken over soldiers' maintenance, whether paid or not. The one occasion when the Regent Morton was more keen than the Edinburgh magistrates on holding down city bread prices was when English troops were quartered there during the siege of the castle. The royal army, in Peebles in 1592, was no match for the 'indiscreet handling' it received from profiteering local burgesses. In February 1602, the annually-proclaimed Lenten fast was suspended in Dumfries, where the army was quartered: the doughty warriors (or at least their doughty leaders, who included the king) wanted meat.

With the possible exception of the royal guard (of which more shortly), Scotland's rulers were never allowed to become addicted to mercenary troops. They could use them when friendly lords and the common army were inadequate to the situation, but they did so sparingly, raising small forces to solve immediate problems and dispersing them when money ran out. Even this could be an effective means of social control: no private lord, for instance, could match the few dozen professional soldiers periodically deployed in the Borders in the later 1570s. By the 1590s, a few private lords, particularly Huntly, had entered the mercenary game. Bothwell in 1594 'tuk upe men of war, in

1. Dundee council minutes, ii, Dundee District Archive & Record Centre, p.15.
2. Morton to the council of Edinburgh, 2 May 1573, CSP Scot., iv, 556.
3. TA, 1590-92, E22/6 (Leven & Melville copy), fo.180v.
4. TA, 1601-04, E21/76, fo.115r.
secret, up and down the country, and gaff out that it was at the kirk's employment against the papists', prompting a proclamation against unauthorized recruitment 'howsoever the same be colourit'.

It was a game that the state could always win in the long run, even though its military presence was kept to a minimum - largely by parliament's failure to vote the necessary taxes. When mercenaries were needed, they were needed in a hurry; the result was a series of hand-to-mouth expedients of varying ineffectiveness. The coinage was debased in 1583 'to gett silver to Colonel Stewart to pay the waiged men of warre'. Edinburg protested. More often the burghs found themselves being milked directly. Glasgow had to provide 50 bagbutters in 1589; despite a tax of £500, some of their wages were still unpaid in 1596.

Once it had deployed friendly magnates, the common army, and mercenary troops against rebel forces, the Scottish government had played every card in its hand. It did, however, have a joker up its sleeve: English support. The English had been trying since at least the 1540s to establish a friendly regime in Scotland by force of arms; they had succeeded in 1560, and the potent arsenal at Berwick proclaimed that they were not resting on their laurels. On three later occasions an English force crossed the Border to prop up the 1560 settlement: twice

1. Melville, Diary, 315; TA, 1593-96, SRO, E21/70, fo.97r.
2. Chapter 5.
5. Glasgow Recs., 1, 131-32, 180.
in 1570 and once in 1573. In 1570 the English captured Hume and Fast
castles, which were occupied by English garrisons until the 1573
settlement.¹

As well as being prepared for various levels of military mobilization,
the crown had to maintain a permanent military establishment. Unlike
Continental countries, Scotland was able to escape the continual drive
to stockpile artillery:² no royal cannon were made after 1558, though
it is not impossible that some were imported. However, the gunners
were regularly paid — a small expense, but one considered vital.³

Royal castles abounded, and when they were as strong as Edinburgh,
Blackness, Stirling or Dumbarton they were a significant military
presence. These four had their revenues guaranteed by parliament
during the military-minded Arran regime in 1584.⁴ There were no new
castles being built, and the existing ones showed an inexorable
tendency to decline.⁵ In 1610–11 four 'decayit castellis', Rothesay,
Dunoon, Dunyveg and Duart, were axed.⁶

A higher priority was the royal guard. Scotland had nothing to match

1. R. Pollitt, 'The defeat of the Northern Rebellion and the shaping of Anglo-
Scottish relations', SHW 64 (1985), 9–12, 19.
2. Hale, War and society, 47.
3. O.H. Caldwell, 'The royal Scottish gun-foundry in the sixteenth century', From
the stone age to the 'forty-five, eds. O'Connor & Clarke, 430.
4. APS, 111, 352, c.9.
5. MMM, 4, 311.
the force of 2,550 French guardsmen, but its guard was generally comparable in relative strength to the 150 English yeomen of the guard.¹ The Scottish guard, however, had a uniquely evanescent quality: there were never adequate funds to ensure that it could actually be kept in being.

Mary had a guard throughout her personal reign. Buchanan, following Aristotle, regarded a guard of 'foreign mercenaries to overawe the citizens' as an acid test of a tyrant². Ironically, Mary's guard consisted of 19 archers, all Scots.³ The pretext on which Buchanan said they were introduced, a 'vain show of courtly magnificence, and the custom of foreign kings', was probably the real reason.⁴ There seems not to have been a guard again until the early 1580s. The English funded a guard in 1582, with at least one payment of £1,000 sterling, but abandoned it in June 1583.⁵

A statute of 1584 ordered the establishment of a force of 40 gentlemen, 'hable, honest and weill horesit and having sum reasounable levingis of their awin', to be paid £200 per year each.⁶ It was to be financed by raiding the church - in practice the monks' portions, though other

1. Hale, War and society, 137.
2. Buchanan, De jure regni, 58.
3. RSC, v, p.556.
benefices were also supposed to contribute. Monks' portions continued to be granted elsewhere under the privy seal. But a commission of £140 6s 8d was paid to the officials collecting the 1583-84 portions; if this commission was at the same rate (12d in the £) as was paid to tax collectors, they would have brought in £2,800, allowing the monks' portions alone to fund seven of the 40 planned guardsmen for two years. There was some kind of guard for most of the rest of the 1580s, usually in dire financial straits: £3,527 was found, a part payment of arrears of wages, in June 1586, and 20,000 merks was assigned to the guard from the small barons' taxation in April 1588. If the latter sum was the guard's pay for two years, it would have paid for about 33 guardsmen at the rate paid in 1584. But if the guardsmen were intended to be decorative as well as fighters, they might cost more. Mary in 1562 was paying her archers something like £474 per year.

By 1591 there was no guard, and the king's desire to re-establish it was being thwarted by lack of funds. In 1592 it had been reconstituted, but not paid - a mutiny over pay was quelled with difficulty by the captain, James Carmichael of that Ilk. In April

1. ASS, viii, p.x.
2. TA, 1585-86, SRO, E21/64, fo.127v.
3. Chapter 5.
4. TA, 1585-86, SRO, E21/64, fo.145r.; RNC, iv, 274.
5. Thirds, 99.
6. Bovens to Burghley, 26 May 1591, CSP Scot., x, 520.
1594 the guard was again reported as short of money and about to dissolve;¹ perhaps it was the guardsmen's desire to demonstrate their usefulness that led next month, during the riding of parliament, to swords being drawn when they disputed with a contingent of Edinburgh burgesses over the privilege of guarding the king.² In 1601, an English envoy reported that although the king had no guard 'he relies upon the love of his people which he calls the true guardian of princes'.³ James could always make a virtue of necessity.

If warfare was to become an exclusively public pursuit, the state needed to construct a more emphatic distinction in the localities between its forces and those of private lords. Short of creating a standing army, one of its best tools for this was the wapinshawing. Wapinshawings - practice musters - were a traditional feature of the common army. Their most important characteristic from the crown's point of view was that they could only be summoned by crown officials; no private examples are cited in Wormald's study of lords and their followings, for instance.⁴ Hultly's breakaway northern administration used them in 1569.⁵ Where there was no independent public authority, in the Highlands, there were no wapinshawings.⁶ But the Moray example in 1598, mentioned above, shows that they still depended on a

3. Willson, James VI and I, 137.
6. Ayr, vi, 343-44.
balance of public and private authority: landlords mustered their tenants and dependants. Even in the burghs, where no directly feudal hierarchy was involved, the wapinshawing attempted to reproduce the traditional forms of the social order, as the Glasgow merchants and artisans showed when they rioted over precedence in 1583.

Another form of central authority involved in wapinshawings was the church. Wapinshawings had been connected with saints' days before the Reformation. When the privy council in 1595 was worried about invasion from Catholic Spain, it appealed to the ministers to persuade people to take the threat seriously. What resulted was a joint church-state initiative with the national muster of 2 February 1596, preceded and followed by a day of fasting. Three reprints of the printed proclamation for it were issued. This was probably the most important muster of its kind in this period; the council, however, was disappointed at the turnout. The general assembly proposed to improve on it with a series of monthly parish-based musters, bypassing landlords by relying on captains chosen by kirk sessions. This would have been a radical restructuring of the common army, and it did not happen. Instead, orders for traditional wapinshawings grew more

1. *Glasgow Recs.* 1, 102.
3. *RPC*, v, 233-34.
frequent (though perhaps not better complied with), until in 1600 the king proposed to the burghs that they should be held monthly. The convention of royal burghs agreed, and in Glasgow at least the plan was actually put into practice.1

But it did not continue much longer. Embroiled in war with France in the 1620s, the Scots attempted to organize parish-based recruitment instead of relying on lords' followings; recognizable regiments emerged, under nobles' command but part of the state structure.2 In Glenorchy, recruitment in 1627 was integrated with the public tax assessment, and musters in 1638 were parish-based.3 Landlords never lost their role in recruitment ('Squire nagged and bullied till I went to fight...'), and commanders were still drawn from the landlord class, but they now required the legitimate authority and material infrastructure of a national army; no longer, in the Lowlands, would the sanction of the crown make little difference to the way lords led their tenants to war. The late promotion of the landlord-oriented wapinshawing was at best a transitional expedient.

The forces of John Grant of Freuchie were partly armed, we have seen, by the 'hiland custowme'. Highland warfare thus had some recognizable weaponry. Its techniques have also attracted attention: the use of small, mobile forces; the immediate attack against any odds, and the

1. RCRB, ii, 83; Glasgow Recs., i, 208-09.
2. Lee, Road to revolution, 80-81.
'Highland charge'; the emphasis on individual honour and aggressiveness rather than training and discipline. But are we sure that these were not used by lords' armed followings in Lowland feuds? In the sixteenth century, as firearms slowly made their way into both Highland and Lowland armies, and as the disciplined Lowland spear-formation declined after Flodden and Pinkie (and after Continental battles like Marignano2), there may even have been some convergence between the two military cultures. The attempt by Hugh O'Neill to reorganize the Ulster forces against the English was certainly animated by the same spirit as that displayed by the Scottish military reformers.3

Hill repeatedly describes Highland warfare as 'primitive'. It was certainly the heir to an ancient tradition, older than anything the Lowlands knew; but in view of its sophistication - and its remarkable effectiveness against non-Highland foes - it seems a little harsh thus to dismiss it at this early date. The most notable feature distinguishing Highland war-making from that of the Lowlands is the former's freedom from anything but the most rudimentary central control. The only clan chiefs that the crown could usually rely on were the earls of Argyll, who would provide an army of their own if it suited their interests - the crown hardly controlled them, and played no part in mustering, organizing or equipping these or any other Highland forces. This was not because these forces were 'primitive' -

3. Hill, Celtic warfare, ch.2.
Social control

on the contrary, the earls of Argyll disposed of an elaborate fighting machine which could conduct sieges or combined operations. It was simply that the crown was not recognized in the Highlands as having the right to intervene directly in military matters. There was no accepted common army structure; no wapinshawings were held. Highland chiefs served the crown on occasion, but not as a regular public duty. If there was 'primitive' war-making in the Highlands, it was that of the state.

In the long run, Highland warfare would indeed be overtaken by the state's failure to assume control of a process of reorganization. But in the meantime, the Highland charge had a long and bloodily successful future ahead of it. And if the state sought to intervene in Highland affairs by force, it had to do so by means of armies raised in the Lowlands - which happened only rarely. The records are full of references to expeditions to the Isles, particularly in the 1590s, but most of them never took place. Apart from royal expeditions, there was one further type of military intervention: the expedition of the Fife adventurers to colonize Lewis. This attempt to copy the Elizabethan pursuit of war by joint-stock company was not a success.

John Grant of Freuchie's 'fensabill men according to the custowme of his landis' show that military affairs were regulated by a species of

2. E.g. Gregory, Western Highlands, 267.
3. Chapter 4.
local customary law. The sixteenth century was a period of development and codification for military law, with armies beginning to have their own law codes or 'articles of war' enforced by courts martial. The tradition in Scotland was merely that parliament would legislate for more wapinshawings to be held, and weaponry to be imported. Could the legal system have been used in a more sophisticated way to increase central control over armies?

There were codified military laws of this kind in Scotland, but not easily recognized as such. Balfour's 'Practicks' had much material on Border law, mostly concerned with the peacetime administration of justice across a disputatious international frontier. But one set of 'lawis of bordouris' was quite different, for it regulated the conduct of Scottish national warfare - after all, the Borders were where external war took place. A set of 17 articles, last reissued in 1468, it amounted to a code for regulating an army. This army was clearly seen as a raiding party, for there was much regulation of plunder, and no less than six articles concerned the taking of prisoners 'quhen it sail happin us to win ony feild'. There was relatively little on military discipline, nothing on legal process, and little sign of the threefold division of the latest concepts of military law: the laws of nature (reasonable Christian conduct), the laws of war (customary international law), and specific articles on military discipline.

2. Balfour, Practicks, ii, 590-93.
After 1603, indeed perhaps after 1560, the concept of Border war was outmoded and the traditional laws disappeared. The result was to leave a clean slate for the early seventeenth century to import the latest laws.

As for the latest technology, this also was imported. The state tried hard to control the use and possession of firearms. In the early years of the sixteenth century, parliament had regularly encouraged people to equip themselves with guns, and merchants were required to import them. This was, perhaps, a late and unfortunate example of the reliance on private war-making, also exemplified in the lack of a comprehensive licensing system for fortress-building. Some of the later consequences of the policy can be seen in the frequent and doleful attempts to ban handguns. These attempts were not unique to Scotland, but few countries seem to have pursued them with such determination; the English government only issued one proclamation against guns, in 1559.

European thought offered many objections to firearms, religious, humanitarian and social. In Scotland there may have been a moral element; the key statute of 1567 charged that guns allowed the cowardly slaying of people 'quhilkis utherwyse war abill to mak defence

sufficientlie for thame selfis'. But the government concentrated on the practical effects: handguns, which were becoming status symbols for the landed classes, encouraged the private pursuit of vengeance and made it a far more bloody affair. Private hunting with guns was also blamed for the poor quality of royal sport.

The statutes placed a complete ban on carrying and using guns of all kinds, but accepted the legality of their possession. Full enforcement of this was unlikely, such laws being merely reserve weapons against blatant offenders. The law was not changed by parliament in the 1590s but there was a shift of emphasis in actual policy, singling out handguns for a more comprehensive ban. In 1591 the privy council on its own authority banned the possession or manufacture of guns less than 'three quarter tenth', and ordered lords' followings not to carry guns. In February 1596 the council announced another measure against 'dagis and pistolletts' which served only for murder, not national defence. 'It being fundin be pruiff and experience' that recent measures 'hes wrocht sum gude effect', none were to make or buy guns under half an ell long. The recent 'gude effect' had been a street battle in Edinburgh the month before, between the artisans and the followers of Lord Borthwick; Nicolson, the English ambassador,
reported that the ban on pistols had been effective in limiting the bloodshed.¹

There were further orders of this kind, notably in January 1598 when a proclamation was circulated nationwide that no artisans were to make or mend pistols on pain of death.² Since the law remained that of 1567 (reissued most recently in 1557) banning merely the carrying or using of all guns, the privy council had diverged further from the letter of the law; it is also interesting that the council was able to threaten the death penalty on its own authority.³ There were some prosecutions under the law.⁴ But it remained to the end a reserve weapon, and was certainly not enforced against the numerous artisans who openly described themselves as 'dagmakers' in Edinburgh, the Canongate and Dundee.⁵

These artisans were exceptional in one sense: few materials of war were produced in Scotland. Gunpowder, for instance, was mostly imported, though there are references in the early seventeenth century, and possibly before, to its manufacture;⁶ but the scale of the business was limited by its need for saltpetre, which could only be obtained in small quantities from private premises. In France and England,

1. Nicolson to Bowes, 7 January 1596, CSP Scot., xii, 115.
2. RPC, v, 437-38; TA, 1598-99, SRO, E21/72, fos.41r.-46r.
3. APS, iii, 29-30, c.23; iv, 134, c.19.
4. E.g. TA, 1598-99, SRO, E21/72, fos.107r.-107v.
gunpowder-makers had the legal right to enter premises to dig for it.¹
There was no such right in Scotland before 1630, when the earl of
Linlithgow obtained a gunpowder patent - which rapidly collapsed.²
The order for the major wapinshawing of February 1596, issued in the
previous November, required merchants to bring home gunpowder, bullets
and armour (but apparently not firearms).³ When the general assembly
later proposed its parish musters scheme, it envisaged importing
'picks, corslets, muskets, and other armour needfull'.⁴

But the government simply could not afford the latest armaments.
Cost had been the major factor in Scotland dropping out of the gun-
founding race in the mid-sixteenth century, for instance.⁵ The best
it could do was to revive the traditional requirement for the lieges to
be armed for the royal service - in a new, centrally-directed form.
In February 1598 Colonel William Stewart had a scheme to require all to
possess arms and armour, as a prelude to importing them. Sounded on
the idea, the burgh council of Edinburgh replied cautiously that the
burgesses would be content to be armed by the laws of the land.⁶
Undeterred, the privy council issued an order that every man was to be
'armit according to his rent', an order ratified at the next

2. Lee, Road to revolution, 101.
3. RPC, v, 235-36.
This convention rejected a more radical proposal—probably the grant of a monopoly of arms imports. In 1599, however, another convention accepted this: the burgesses, it stated, had refused to import arms (no doubt because they could not afford the odium of dragging reluctant customers before the courts), and a monopoly of supplying arms was granted to Michael Balfour of Burleigh, recently returned from a diplomatic mission to Florence. He undertook to import enough weapons for 2,000 horsemen and 8,000 footmen, and the privy council was to help him force people to buy them. Prices were set at £50 for a horseman’s arms and £18 for a footman’s, and all were to buy arms who had £500 in goods or 300 merks per year in rent.

In 1601, the egregious Balfour was using the buying of arms as a cover to negotiate with the pope on the king’s behalf. But the arms were real enough: Balfour’s attempts to make people buy led to regular protests. Aberdeen was forced to take 45 sets of weapons. Edinburgh, Dundee and St Andrews had been exempted at the start, and many individuals later managed to obtain official suspensions of their obligation to buy. The scheme, though far from completely

1. RPC, v, 446-47; APS, iv, 168-69.
2. Nicolson to Cecil, 1 July 1598, CSP Scot., xiii, 228.
3. APS, iv, 190.
4. APS, iv, 190-91; RPC, vi, 546, 549.
5. Willson, James VI and I, 147.
6. E.g. RPC, vi, 180-82.
8. APS, iv, 188; RPC, vi, 365.
successful - Balfour did not reach his target quantities, and he scarcely made his fortune - may well have achieved as much as could have been expected.

The king hoped that his claim to the English succession, which lay at the root of all these military preparations, would unite all sections of Scottish opinion behind him. This hope was probably justified, though it is just as well that his approaches to Rome remained secret for the time being. But by the end of the sixteenth century, we have seen that the most determined efforts to stamp out dissident opinions had merely underlined the fact that complete ideological uniformity among the political classes was a thing of the past; unity could only be achieved on short-term issues like the English succession. Partly because of the deepening religious split in western Europe, partly because of printing, dissident propaganda had come to stay.

Most propaganda was issued by excluded groups within the political elite, seeking a change of policy or a change of regime. To muster support, they appealed downwards to the wider ruling class - and occasionally beyond. Normal political activity, though, was conducted without propaganda. Many confrontations were purely about power, rather than policy, and had minimal ideological content. Others might be settled in the same way. For instance, there is no evidence that the members of the college of justice sought to appeal to a wide public in defence of their privileges in 1579 or 1592: they preferred to rely on lobbying behind the scenes.¹

¹ Chapter 1.
It was in the towns, often in Edinburgh alone, that most propaganda circulated. In the countryside, the older ties of clientage and kinship were still strong; and if people were led into political action by these ties, there was no need of rhymes or tracts to persuade them. The appeal of propaganda to the individual reader or hearer tended to undermine traditional ties, but only in the towns had the process gone far at this time.

Censorship policy depended on the degree of ideological consensus (not necessarily political consensus) within the political elite. The achievement of ideological consensus was marked by, and could be encouraged by, an attack on Catholics as the primary censorship target. From 1590, and occasionally before, the witch-hunt served a similar function. When, on the other hand, consensus broke down, Catholics were relatively safe and the censor's attention might switch to Protestant radicals. Examples of consensus periods are (taking rough dates) 1560-69, 1574-78 and 1585-96. All these periods were marked by anti-Catholic activity - less in 1574-78 because there was in fact relatively little Catholic activity to provide a target. In contrast, there was no ideological consensus in 1570-73 or in 1578-85. As for 1596-1600, the starkness of the church-state conflict makes the period untypical; there was also an element of class conflict which had largely been absent before.

The Reformation put an end to church-state co-operation in censorship. The church had virtually ceased to be a censor by the early 1570s,

except within its own ranks where it insisted on strict uniformity. As leadership of the church passed to a group with a divergent ideology from that of the state, the church became in effect a powerful interest group within the state. As the dust settled on the conflicts of the 1590s, the shadowy outline emerged of a pluralist state containing a variety of ideologies.

How much interest ordinary people took in all this is debatable. The ideology of the radical ministers had genuine popular appeal at times; this comforted the government in 1582, and worried it in the 1590s. But this was popular action in response to ideas from within the ruling class. There are occasional examples of independent, unorganized lower-class discontent. It would be interesting to know what the tailor had said who was imprisoned for criticizing the king in a drinking session in 1581; an English boatman, who was executed in 1596 for 'blasfeemus specche of his majestie', had called him a bastard when drunk. They were harshly dealt with; but this probably reflects only the punishment standards applied to the lower classes. Their remarks were hardly a serious threat to the government; the real need for censorship came when protests came from excluded elite groups linked to a wider but educated audience.

The radical ministers were a transitional element in the history of propaganda. Although they lost their battle, they survived to fight another day. As Andrew Melville had prophesied long before to the

Regent Morton: 'Let God be glorified, it will nocht ly in your power to hang nor exyll his treuth.' In practice this meant, for instance, that the Edinburgh kirk session continued to be dominated by radicals. Before them, those who appealed to the people did so only as a last resort, when normal political channels were closed; inevitably, this was often a sign of weakness. The bonny earl of Moray was typical: although his name was cherished in the popular memory, his death was never revenged at the time.

This entire period was a transitional one for Scottish warfare. As well as an influx of new and discordant ideologies from the Continent, the mid-sixteenth century saw sustained campaigns by English and French armies, many of which used the latest military techniques. The most dynamic element in forty years of Scottish military policy was the option that was never tried: the creation of a professional standing army. Such an army, so obviously beyond the country's means, would have been the only way to keep up with the trends in European absolutism. Anything else, from the government's point of view, was second best.

As well as its financial constraints, the government was also hampered by the antiquity of the military tradition that it inherited; it is said that most armies are well prepared to fight the last war, but the

1. Melville, Diary, 68.
armies of Mary and James VI harked back to the Wars of Independence. However, the late sixteenth century was the last period when Scotland's military set-up would have seemed familiar to Robert Bruce. Considering the small amount of actual fighting, or even of money spent on fighting, it was a remarkably active period for military policy; the state was casting around for alternatives to the standing army it could not have.

Domestic war-making was never professionalized under James VI as other branches of government were. Before there could be a standing army, the state had to establish a monopoly of violence. This was only gradually being achieved in this period. In the meantime the government was able to maintain a pre-eminence in war with the traditional methods - largely the common army and wapinshawings, in which the dominant forces were the ruling class and richer peasants. After warfare became a fully public matter, traditional military forms had reached the end of their useful life.

Wapinshawings display a tension in their evolution and growth, for it was there that the authority of the state over everyone intersected with that of landlords over their tenants. Central government hoped to restructure the traditional common army under central control; wapinshawings, if held nationally for patriotic reasons on crown authority, would bolster the idea that warfare was the business of the state. For local lords, wapinshawings were an opportunity to present themselves as war leaders in the traditional way. West European aristocracies were losing the military rationale with which they had
always justified their existence; their motives for fighting were merging into those of other classes. To the nobility, the failure to develop a standing army offered the chance to retain their independent military role.

In the event, the tension between crown and lords over the common army was never resolved— or rather, it was resolved in other ways, for the common army was neither recast in a centralized mould, nor reinforced in its traditional local patterns. It merely rusted away in the long Indian summer before the revolution, when quite new forms of warraking emerged. But perhaps wapinshawings, as a means of restructuring the common army, had to be tried one last time before they could be discarded.

The perceived failure of the major wapinshawing of February 1596 led to a proposal for an army based on parish quotas, cutting it free of the customary link between landlords and peasants. This, however, was premature. So was Scottish warfare of limited sophistication, and was that why Scots flocked to join Gustavus Adolphus? Perhaps, but the main reason for the increased outflow of mercenaries in the early seventeenth century was that Gustavus was fighting while James VI was not. As small-scale, endemic private war faded away, so did the common army that had ultimately depended on it. Nothing much in the way of recruiting structure was put in its place as yet, though perhaps more attention needs to be paid to the activities of Lord Spynie as

muster-master general - as when in 1633, for instance, he demanded what amounted to a poll tax of 16s on all those liable for military service. Meanwhile, the Scots in foreign service learned the latest techniques of waging war, and after 1637-38 the chickens came home to roost.

This chapter has concentrated on the legal resources, and ultimately the military force, that the state could bring to bear on political dissidents. But social control had other local purposes. During an outbreak of plague in Edinburgh in 1597, the privy council granted a commission of justiciary to the burgh magistrates, allowing them to enforce quarantine regulations, and to impose a stent for 'ane ordinar force' to instil popular respect for their authority. Violence was the ultimate basis, active or more often latent, of any action by the government.

1. Lee, Road to revolution, 133.
3. RAC, v, 411-12.
In 1531, the bishop of Aberdeen, Gavin Dunbar, founded a hospital for the poor. It housed aged paupers, all men, all unmarried, to the number of twelve - the apostolic number. Each had his own cell with a fireplace; there was also a common room and a chapel. Each received a pension of ten merks per year for food and clothing, plus a white neck-cloth every Whitsun and a white cloak every Michaelmas.

Their daily routine was laid down in some detail. It began at 7 am, with an hour of prayers for the souls of the king, the bishop, the bishop's predecessors and successors, and all the faithful in Christ. Then at 8 am there was mass at the cathedral nearby - this was optional. At 11 am, breakfast was followed by the repetition of ten paternosters and the Angelic Salutation for the souls of the king, the bishop, the bishop's predecessors and successors, and all the faithful in Christ. Then there was work, in the cells, garden or orchard of the hospital. At 5 pm, another hour of prayers for the souls of the king, the bishop, the bishop's predecessors and successors, and all the faithful in Christ, was followed by dinner. After reciting a psalm to the Virgin at 8 pm, the residents could go to bed - but they had to get up again at 3 am for another psalm to the Virgin.

All this is far removed from modern ideas of social security. It has a much closer resemblance to a monastery - and the resemblance was entirely intentional. What the good bishop in his foundation charter was trying to do, in fact, was to take the social deprivation which he saw around him and to bring it into line with the medieval ideal of monastic poverty. In the place of deprivation, he offered rejection of the world and its materialism. By modelling an idealized Christian community he could express his own devotion, and the grateful residents' prayers would do his soul good, too.

But then came the Reformation. One of the most striking of the Reformers' documents was the Beggars' Summons of 1559, which called on the friars to quit and to hand their possessions over to the poor. The friars' 'pretence of poverty... neverles possessing maist easelye all abundance' no longer carried conviction. 'Lat hym thersore that before hes stollin, steill na mare; but rather lat hym wyrk with his handes, that he may be helpefull to the pure.'

The Reformers, then, refused to idealize poverty. On the contrary, the Christian community was the whole congregation, and in it poverty could and should be eliminated. This ideal became a practical programme, at least in outline, in the First Book of Discipline.\(^2\) Recovery of the church's ancient revenues would allow the payment of pensions for the poor of each parish, concentrating on outdoor relief rather than hospitals. For a moment, an end to the need to beg was in sight.

1. 6, Donaldson (ed.), *Scottish historical documents* (Edinburgh, 1974), 117-18;

2. *First Book of Discipline*, 112-13,
But casting out the friars proved easier than obtaining their revenues, and despite the persistence of the Reformers, their vision languished.

The problem that the Reformers were tackling was essentially a new one. Of course we have the poor with us always; Dunbar had observed that

Through streittis nane may mak progres
For cry of cruikit, blind, and lame.¹

But by the mid-sixteenth century it was not just the disabled who were begging; whole swathes of the population were sinking into want.

The principal cause was probably the growth of the population itself. Scotland's population rose by about half in the sixteenth century, if later trends and contemporary European experience are anything to go by (though Scottish demography is notoriously imprecise in this early period).² Increased pressure on the land may have reduced the size of peasant holdings, with more families barely able to scratch a living from tiny or poor-quality holdings. It also contributed to the inflation which is still not fully understood, and which baffled contemporaries. With inflation came a collapse in real wages; there is little evidence for Scottish real wage-rates, obscured as they are by reckless currency debasement, but it would be a mistake to ignore a phenomenon which occurred across Europe, and which saw English real

1. William Dunbar, Poems, ii, ed. J. Small (STS, 1893), 262. This poem has been claimed as an unusually direct example of social comment; R.J. Lyall, 'Complaint, satire and invective in Middle Scots literature', Church, politics and society, ed. Macdougall, 47-48.

2. Dodgson, Land and society, 133-34.
wages more than halved between the late fifteenth and late sixteenth centuries.¹

We can rarely meet the poor face to face, and those we do encounter are unlikely to be typical. Janet Marshall, the daughter of an Edinburgh cordiner, was 'puir and neidy and presentlie vexet in her spreitt with desperation of her salvatioun'.² The town council piously gave her 2s a day in 1584 to prevent her worrying about this world as well as the next. But this substantial award, combined with the fact that she had connections on the council, warns us that she was a special case. And even with Janet Marshall, we never learn why she was 'puir and neidy'; for the rest of the poor, we are lucky if we get so much as a list of their names.³

What we can be sure of, though, is that there was a poverty cycle: people were more vulnerable at certain stages of their lives.⁴ A landholding that would support a married couple might be quite inadequate for maintaining a young family. A growing population is a young population, and the proportion of children might have been double what it is today. For those who lived to see it, old age was a second period of likely poverty. Of course, with higher death rates there were also many more widows and orphans. To the orphans can be added


3. There is a list from 1564 in *Bulik of the kirk of the Canagait, 1564-1567*, ed. A.B. Calderwood (SRS, 1961), 7.

the abandoned children of unmarried mothers, or of those parents who could not afford to keep them. We find the council of Edinburgh discussing the problem of children abandoned at bailies' doors in 1583, and in 1587 some cordiners' shops were taken over to shelter the 'puir littell ayne'.

Many more families, then, were being pushed to the brink of destitution. Disaster might strike at any time: an individual disaster like illness or disability, or a crisis affecting the poor in an entire community. Many who might have kept their heads above water in good times were plunged into hardship during the frequent harvest failures. To this scourge should be added plague, which left families without breadwinners and caused general economic dislocation. During Edinburgh's last plague in 1645, it was said that grass grew around the market cross.

From the authorities' point of view, both famine and plague were mainly urban problems. Plague struck most heavily in crowded urban areas by the sixteenth century. Rural crises regularly led to an influx of the destitute to the towns: the royal burghs were complaining of this in 1580. During the great famine of 1623, 500 people starved to death in Dumfries - a catastrophe in a population of some 3,000 - and among the dead there were 100 'extranier paupers'. If we can hope that

many more refugees survived, there must have been a considerable refugee presence in the town.

An influx of the destitute into Edinburgh in 1588 was blamed on human agency, not natural disaster. People were losing their lands because their lords were 'for gredynes setting the sam to all sorts of persons'. A government commission had said the same in 1567: evictions were causing families to be 'put to begarte', and there should be a moratorium on them until a poor relief system was organized. This had not been achieved by 1584: 'the pure, partlie for want of their awin patrimonie [i.e. poor relief from the teinds], and partlie for yeirly increasing of their number, be wrang and oppression, goes throw the countrey in swarmes'.

There was also unemployment. The textile industry was in difficulties, and the convention of royal burghs recommended a ban on cloth imports in 1579, to provide work for vagrant women in cloth manufacture. A sumptuary law of 1581 banned wool exports instead: thereby 'greet numberis of pure folkis now wandering in beging mycht be releiffit'. Admittedly this was not the primary aim of the act, and the commercial cloth-manufacturing sector was small by English standards; but as in England, employment in textiles was highly sensitive to trends in

2. *APS*, iii, 45.
4. *RCRE*, i, 76.
5. *APS*, iii, 220-21, c.18; for more on this, see chapter 6.
demand.\textsuperscript{1} A fall in domestic or overseas demand - caused, say, by harvest failure - would inevitably lead to unemployment.\textsuperscript{2} Even without this, we have seen that there was a downward trend in wages which would have affected both textile and agricultural workers. The beginnings of agricultural reorganization may also have contributed to unemployment. Young people might not find a landholding in their own community: as land became scarcer, they would have to travel further. Agricultural wage labour seems to have been increasing: larger farmers would discharge workers after bad harvests.\textsuperscript{3}

The authorities viewed all this with alarm. There was compassion too, as we shall see, but it is scarcely evident in this complaint on behalf of Governor Arran and the nobility: 'nane of thame may pas throw the streittis for razing and crying upone thame.'\textsuperscript{4} In this 1552 statute for the suppression of vagrancy, there is a note of paranoia.

It was vagrancy, not poverty, that inspired dismay.\textsuperscript{5} Poverty was nothing new; but when 'the multitude of the poore... daylie increases', spreading far enough to uproot people from their homes in large numbers, it became a threat.\textsuperscript{6} Morality was threatened: vagrants lived in 'filthie adulterie, incest, fornication, their bairnes

3. Whyte, Agriculture and society, 40.
4. APS, ii, 486-87, c.16.
6. BUK, ii, 417.
unbaptizit, and themselves never resorts to kirk'.¹  Property was threatened: armed bands of vagrants were 'compelling baith gentilmen and yiemen... to stand on thair feit all nicht for saulftie of thair awne geir'.²  Hierarchy was threatened: statute after statute cried out that the evil stemmed from people refusing to work for masters. Perhaps there was even a generation gap: most vagrants were young, and it was said in 1572 that the streets were 'replenischit with beggeris and unbridilit youth'.³  All in all, it was probably the sixteenth century's most severe social problem. At times, it seemed as though a rising tide of masterless men would sweep society away by the roots.

The vagrancy of the mid-sixteenth century was something new. Older statutes had inveighed against, for instance, 'sornaris ourlyaris and masterful beggaris with horsis hundis or uthir gudis': clearly not all these were poor.⁴ John the Commonweal had attacked 'sweir swyngeouris with lords and lairds', lords' retinues with their inordinate demands on the people, among other 'strong beggeris'.⁵ Such people were neither poor nor indeed masterless, merely grasping and violent. The new vagrancy, however, had its origins simply in severe poverty. Sheer destitution might force a man to leave his family: he was the most mobile, and the largest consumer of a

1. BUK, ii, 731.
2. APS, iv, 42-43.
4. APS, ii, 36, c.9.
5. Lindsay, 'Thrie estaitis', 251.
dwindling food supply. Unemployment would leave people no choice but to take to the roads. The vagrants developed their own sub-culture, supporting one another through begging, irregular work and petty crime, and thereby convincing the authorities of their wickedness. But the authorities' responses to crime must have added to vagrancy. Margaret Petersdochter was banished from Orkney in 1602, having stolen a sheep 'in plain hunger and necessity'. And vagrancy itself, once criminalized, tended to be punished by banishment.

What of the duty of charity? How did repression square with the teachings of the church, Protestant and Catholic alike? The Reformation had repudiated the belief that charity benefited the giver directly, thus avoiding a rich field for theological controversy about poor relief policy; but it was no less insistent about the need for relief. Contemporaries, even as they dealt out punishments to those they labelled vagrants, saw themselves as far from stony-hearted towards the poor in general. Suffering was readily visible, and found a ready response in a community-oriented society: after all, the sixteenth century's swarms of beggars were all begging from someone.

This led to a curious dual attitude to poverty: human impulses to repression and to compassion went hand in hand. Contemporaries rationalized this apparent contradiction by drawing a distinction between the deserving and undeserving poor. 'We are not patrons for stubborn and idle beggars, who running from place to place make a

1. G. Donaldson, Shetland life under earl Patrick (Edinburgh, 1958), 23.
craft of their begging', warned the Reformers sternly. 'But for the widow and fatherless, the aged, impotent or lame, who neither can nor may travel for their sustentation, we say that God commands his people to be careful, and therefore for such as also for persons of honestie fallen into decay and poverty, ought such provision to be made, that of our abundance their indigence might be relieved.' But who was to say which beggars were 'persons of honestie'? The fact is that the 'deserving/undeserving' distinction was constructed indirectly, from contemporaries' dual 'charitable/penal' impulses, and not from direct observation of social realities.

On the whole, the settled poor (the great majority) were deserving and the vagrants undeserving; but there was no clear boundary between these categories, and people could move readily between them - or be perceived in either category depending on whether the 'charitable' or 'penal' attitude was to the fore. The convention of royal burghs in 1580 wanted the privy council to make rural parishes provide for 'thair awin pure people and impotent personis' according to the law passed in 1579, 'without the quhilk impossibill it is to the burrowis to tak ordour thairanent, being oppressit with ane greit and infinit number of strang and extraordiner beggeris nocht born nor bred within the saidis burrowis'. The very same people were 'impotent' and deserving in the countryside, but 'strang' and undeserving when they arrived in the towns. Vagrancy and poverty were Siamese twins.

3. *ACRE*, 1, 102.
Part of the problem was that contemporaries were rarely willing to recognize the existence of unemployment. The able-bodied unemployed were assumed to be able to find work: in England, a colourful literature developed on the lifestyle of undeserving vagrants, strongly implying that all the unemployed were scroungers. Some of these works may have circulated in Scotland; the ideas they contained certainly did. Unemployment was understood, if at all, only as a limited, local phenomenon. An early exception is James Henryson's 'Godly and golden book', making the case for a pro-English policy in 1548. He admitted that there was much unemployment in Scottish towns, arguing that English investment in fishing and craft industries would cure it. Understanding of unemployment is seen more clearly in the seventeenth century, for by then the poor laws had been around for some time and efforts were occasionally made to provide work for the unemployed. Entrepreneurs began to claim that their efforts created jobs: a visitor to the famed Culross mine in 1618 was told that 'many poore people are there set an work, which otherwise through the want of employment would perish'. But the problem was more complicated than that: many vagrants, though they attracted much official hostility, were not actually unemployed at all. Pedlars, popular entertainers, folk healers, fortune-tellers: what they had in common was the lack of a master. As for the gypsies, they even had the temerity to live in

an entirely distinct community.' All these people suffered as vagrants because they had a lifestyle that threatened a static and hierarchical social order.

The problem was new, attitudes were complex; yet there was a good deal of consistency in the responses of various west European countries. There were grandiose welfare schemes (usually still-born); there were ferocious measures of repression (usually unenforceable); but the practical options were few. Legislators aimed to prohibit begging - though this to be at all practical had to be linked with relief measures. It was more usual merely to regulate and limit begging. Such a statute was passed in Scotland in 1535; there were similar measures in England and the Netherlands in 1531, in France in 1534, and in Spain in 1541. The earliest efforts to aid the poor were made by municipal authorities, as it was in the larger cities that the human flotsam was washed up after the worst economic storms. 60 European towns took such initiatives between 1522 and 1545. Commonly the existing network of poor hospitals was used as a basis. Scottish relief initiatives did not come until the 1550s, and for effective schemes the poor had to wait much longer.

At the time of the Reformation, Scotland's statutory position on

2. APS, ii, 347-48, c.29.
poverty was based on a law of 1425. This distinguished the deserving poor, who were to be issued with begging tokens by the magistrates; all unlicensed beggars were to be branded and banished. This law, though often re-enacted, was not substantially added to until the 1535 law enacted that beggars' tokens should be issued by parish headsmen, and that beggars should only beg in the parish of their birth. This devolution to parish level may have been an attempt to involve the church in the question of poverty.

The church, of course, would have insisted that it was already involved. Was not the foundation charter of Bishop Dunbar's hospital a model of open-handedness? 'Whatever of the church's revenues are left over to a priest after he has supplied the church's and his own needs, the priest himself is expected to set aside for the poor.' We may doubt whether these left-over revenues amounted to much in practice, though there certainly were distributions of alms in parish churches: typically the beggar would gather in the porch after the service to receive alms. Still, the principle was there - church revenues were for the poor; and this was identical to the programme of the First Book of Discipline. The Reformers' vision of an end to poverty may have been a novelty, and they may have pursued it with greater persistence than their predecessors - after all, the problem itself was growing. But the practical remedy that they proposed was entirely traditional. Church revenues, once recovered, would solve the problem.

1. APS, ii, 8, c.21; cf. an unprinted 1424 statute, O'Brien, 'Scottish parliament', Appendix A.
2. Cormack, Poor relief, 15.
The story of poor relief after 1560 begins with the rejection of the financial proposals of the First Book of Discipline, and the resulting failure of its poor relief programme.

There was another traditional remedy: the poor hospital. There were over a hundred hospitals in medieval Scotland, though since then there had been some decline; more came to grief at the Reformation. But others continued, and there were new foundations. They catered — more symbolically than comprehensively — for the aged, chronically ill and disabled. Many were specialized, particularly the leper hospitals with their rigid restrictions on their inmates' movements, and their gibbet displayed to deter transgressors. Hospitals seem to have experienced a cycle of continual decay and renewal, a cycle which cannot have been much disturbed by the periodic statutes ordering reforms. The problem with hospitals was that they could only deal with poverty which ran in limited channels. In this period, poverty had overflowed its banks and was inundating sections of society in which it had been rare. Hospitals could do nothing for the unemployed, or for families with young children. Were they to have a future? If so, it had to come from outdoor relief.

The burgh authorities knew this. They were used to crises such as plague, requiring temporary outdoor relief measures. Not that they

1. Durkan, 'Care of the poor', 127.
3. APS, iii, 98-99, c.7; 540-49, c.19; iv, 94, c.98.
always acted when they should. Crail in 1602 was following normal practice when plague victims and their families were 'putt upoun the mure'; but when nothing was done for their maintenance they not surprisingly 'wanderit away and scatterit', and the shire authorities had to be called in to round them up. As a rule the burghs did better than this; but they were reluctant to use their experience to set up permanent relief schemes. Aberdeen was issuing begging tokens in 1546, and a token survives from Dundee in 1549; but this was no more than the 1425 statute required. Evidence of municipal poor relief begins in the late 1550s: first Peebles and then Edinburgh - both burghs which had suffered in the recent wars - attempted to start up regular collections for the poor. The inhabitants of Edinburgh met in August 1559 to discuss 'sustening of our awin pure' and suppressing vagrants. After 1560, the new Protestant regime was chiefly concerned to pay for its expensive ministers, but the search for new sources of finance which this entailed might also benefit the poor. The burgh council tried unsuccessfully to introduce an element of compulsion into collections in 1561; a fully-fledged taxation scheme for the ministers and the poor in 1565 encountered organized resistance and also had to be abandoned.

3. Charters and documents relating to the burgh of Peebles, with extracts from the records of the burgh, ed. W. Chambers (SEBR, 1872), 239; Edin. Recs., ii, 246.
Even as the Reformers failed to revive the church's traditional role of alms-giver from its own property, a new role was being carved out for the church in the localities - a role which was to outlast all the Reformers' schemes and those of the legislators too. Kirk sessions were springing up everywhere, and they naturally took on the welfare role of the old church. But unlike the old church, they had no money; and so the age of the collecting can was inaugurated. Kirk sessions that had begun as 'privy kirks' had a tradition of maintaining their 'own' poor; these now became the poor of the parish. A regular income was actively sought: in the Canongate, 28 individuals promised to give a total of 20s 6d weekly in 1564. To this should be added the fines for ungodliness. Distribution of relief might also become less haphazard if visitations were made to establish which of the inhabitants required regular relief: the Canongate paid out £10 13s 2d to 49 people in 1564. But probably only a few kirk sessions did this in the sixteenth century, and of course many parishes still had no kirk sessions.

What the kirk sessions achieved, they achieved alone. The general assembly left them to their own devices. Its one early effort to interest itself in the sessions' poor relief was a decree of 1573 that there should be no collections during the communion service. This conjures up a picture of zealous elders and deacons attending to the poor's every need, even to the extent of neglecting their spiritual welfare: hardly likely. The assembly also demonstrated its own

2. *BuK*, i, 257.
ineffectiveness in 1563-64, when a visitation of Glasgow hospital had to be called off after the earl of Glencairn twice failed to turn up.\footnote{5}

In 1565 the assembly passed the buck, sending a plea to the government to do something about hospitals.\footnote{3} There seems to have been no parallel to the active take-over of such institutions by the Genevan church under Calvin.\footnote{5}

There was something perfunctory about the general assembly's petitions to the government on poor relief; usually the subject was tacked on to the end of a petition about something else. It was always linked with the demand for the old church's revenues and for reform of teinds.\footnote{4} In December 1562, a petition to the queen 'by word and writt' on the poor was decided on, and the assembly picked as its ambassador that soul of tact, John Knox, who had just had an argument with the queen about her dancing.\footnote{5} When Knox next saw Mary he told her about her subjects' right of resistance, but not about their poverty.\footnote{5} It is difficult to avoid the conclusion that the poor were being overlooked.

In the early 1570s this started to change. Was this because poverty was getting worse? - there is no direct way of telling. But 1571-73

1. \textit{SVK}, i, 44, 46.
2. \textit{SVK}, i, 60.
4. E.g., \textit{SVK}, i, 146.
were famine years, and plague struck in 1574. Then there was the civil war: even when soldiers are not burning and destroying, they cause hardship by living off the land. Fighting was most serious in and around Edinburgh in the later stages: the 1575 poor law specifically mentioned the problem of refugees from this fighting - but only to say that they should be punished as vagrants. Traditional church charity was still active in Arbroath in June 1570, when Thomas Lindsay, the burgh's reader and member of the abbey convent, was appointed almoner by the burgh council at the initiative (and expense) of the abbey's commendator, Lord John Hamilton.

Various authorities were exercising themselves about the problem of poverty in August 1574. The general assembly sent one of its petitions to the regent, this time demanding parliamentary action. However, the assembly had in mind such measures as teind remission for the poor, an end to feuing, and provision of alms from monastic revenues: none of these proposals bore any relation to the act that emerged. As if to underline its distance from the legislature's thinking, the assembly repeated the very same petition the following year, with no apparent recognition that a major law had just been passed on the subject. But if the origins of the 1575 act lie elsewhere, the assembly may at least have encouraged the government in

5. *BUK*, i, 339.
its resolve to take action.

The assembly had also ordered, in March 1574, a general visitation of all hospitals, to be undertaken by the commissioners present; abuses were to be reported to the regent. Since, a decade before, the assembly had found even a single hospital visitation to be beyond its powers, we may doubt whether much was achieved. Maybe some kind of message got through to the government on this subject too. But it was traditionally the duty of the church, and only the church, to take the poor under its wing; the assembly's failure to act decisively, or even to engage constructively with the policy the government was pursuing, is little to its credit. No doubt it was worried about appearing to compromise its policy of insisting that only the old church's revenues would solve the problem.

Meanwhile the Edinburgh authorities were beavering away as usual. The kirk session, with the help of the guildry, had managed to establish an effective thrice-weekly collection in St Giles. In April 1574, the council ordered the poor to give in their names: this was possibly intended as a prelude to a tax, but nothing came of it. The kirk session was keen to establish a poor relief system, and the council were at least not hostile to the idea, though they were only too well aware of the citizens' reluctance to dip into their pockets. An attack of plague in the autumn of 1574 forced them to do so when 40 bolles of

meal were bought for distribution to the 'puir and seik personis' in
quarantine on Leith Links.'

Morton himself was thinking about poverty. In the autumn of 1574 the
regent visited Aberdeen, and fined the burgh 4,000 merks for having
been on the wrong side during the civil war. 1,000 merks was
remitted from the fine on condition that the council used it to build a
hospital. In the previous autumn, there had been a major survey of
the friaries, by a privy council body described as the 'lordis
commissionaris deput for taiking ordour for the puir and visiting of
the infeftmentis gewin to burrowis and to tak compt of the dispositioun
of the rentis grantit to the pover be the saidis infeftmentis'. Since
the Beggars' Summons, the urban revenues of the friaries had been
associated with the idea of poor relief. The commissioners ordered
the burgh of Dundee to stop paying its minister from the friary, and
instead to raise a tax for that purpose, releasing the friary rents to
be 'haillelie applyit to the sustentatioun of the puir for the quhilk it
was foundad'. Nothing more is heard of this commission, and although
friary revenues continued gradually to be applied to poor relief, it may
be that this was recognized to be insufficient. At any rate, the
government soon turned to legislation.

2. Extracts from the council register of the burgh of Aberdeen, ii, ed. J. Stuart
(Spalding Club, 1848), 15-16.
3. Rentals of chaplainries etc pertaining to the Blackfriars and Greyfriars, 1573,
SRQ, CH8/31, fo.5bis.r.
4. Rentals of chaplainries etc, 1573, SRQ, CH8/31, fo.2v.
In March 1575, a well-attended convention passed the law which, in its essentials, continued to govern Scottish poor relief until 1845. Entitled 'Anent the punishment of strange and ydle beggaris and provisioun for sustentatioun of the puyr and impotent', it embodied the common distinction between the undeserving and the deserving poor. The former were to be punished by the magistrates, the latter relieved by parish authorities.

The first question was: who was a "maisterfull ydill beggar"? All those without land, master or trade - the able-bodied unemployed - formed the basis of this category. But there were many subcategories: all gypsies, all jugglers and fortune-tellers, all minstrels (unless in some lord's service), all students begging without university licence, all banished criminals (who thus faced the prospect of punishment twice over), all refugees from the Edinburgh fighting, and all discharged soldiers and seamen without licences. All such vagrants were to be punished by whipping and having a one-inch hole burned through their ears; a second offence would be punished by death. They would be excused punishment if someone was willing to take them into service for a year. All this was to be done by sheriffs and burgh councils; there was no mention of administrative machinery.

The deserving poor were the sick, the disabled, and those under 14 and over 70 who could not support themselves. Kirk sessions in the burghs and parish headsmen in rural areas were to appoint a deacon to

1. *APS, iii, 86-89.*
assess their weekly needs, and to raise local taxation to pay them. When taxation could not be raised either in cash or kind – and no definition was given of this, although it was clearly intended to apply to a minority of deprived parishes – the poor were instead to be issued with licences to beg within the parish. The poor were eligible for relief only in the parish of their birth or seven years' residence. Those who were not too 'diseased lame or impotent' could be given work to do, and children could be bound into service, but there was no provision for work for the able-bodied unemployed.

The act was a mixture of idealism and ruthlessness, of realism and naïveté. Like the First Book of Discipline, it held out a promise to the poor: 'they could not need heireftir to beg or wander about to the sklander of a Cristiane commoun welth that hes ressavit the evangell.' But those wandering beggars whom the authorities chose to label as vagrants faced a different prospect. 'Be ressoun of this present act and orduer, the commoun presonis irnis and stokkis... ar lyke tobe filled with a greittar nowmar of presonaris'. (Another act of the convention ordered the construction of prisons.) That comprehensive-looking catalogue of social undesirables could hardly be a realistic guide as to whether this or that destitute beggar was really a vagrant. The naïveté, however, appears most clearly in the lack of any criteria for deciding whether a parish could afford to tax itself. The act was not a dead letter – not quite. But we shall see that it failed to make the impact that it might have had on the development of poor relief in practice.

1. APS, iii, 86.
The substance of the act was copied from an English statute of 1572. Indeed it was almost a carbon copy in places: even the size of iron to burn the ear was the same. The main difference was a decision to divide responsibility for the act's twin elements. English justices of the peace were to implement the entire act, and to set up taxation machinery on their own authority. In Scotland, sheriffs and bailies were only responsible for suppressing vagrants; relief to the impotent poor was to be administered at parish level by urban kirk sessions and rural parish headsmen.

The act also followed the English one in being temporary; this was common practice for English statutes, but rare in Scotland. It was renewed at the next full parliament in 1579. The new version showed signs of church influence: the Erastian reference to a 'Cristiane commoun welth' was dropped, while the poor themselves were castigated as ungodly, drawing down the 'wraith and displesour of God' for not marrying or baptizing their children. Censuses of the poor were now to check up on this.

There were two substantive changes. Responsibility for the twin elements of vagrancy and relief was unified: in the burghs, this meant transferring poor relief from the sessions to burgh councils. The rural administrative problem was to be solved by introducing crown commissioners at parish level. These commissioners, with signet authority, were being promoted as the solution to various problems:

1. 14 Eliz. I c.5.
2. APS, iii, 139-42, c.12.
the 1579 parliament also gave them the job of enforcing the sabbath and of making sure that everyone had a Bible and prayer book.\textsuperscript{1} A 1588 act extended the commissioners to the towns, in conjunction with burgh councils;\textsuperscript{2} but when one such commissioner, Robert Binning, had been appointed to administer the poor law in Edinburgh in 1585, he had met only a frostily polite reception from the council.\textsuperscript{3} If there were commissioners in the rural areas, they would probably have been members of the session; if so, the sessions were gaining in rural parishes as they lost out in the towns. But on the whole these commissioners seem to have made little impact.

The 1579 act was more significant for what it did not change. In 1576 the English had decided that it was not enough just to punish the able-bodied unemployed: they had to be offered work as well. A second statute ordained the provision of county-based enterprises with supplies of 'woole hempe flaxe iron' or other materials, plus houses of correction for the recalcitrant, to be financed at least initially from taxation.\textsuperscript{4} England thereafter continued to refine its emphasis on work for the unemployed.\textsuperscript{5} The Scots turned a blind eye to this development, no doubt feeling that they had done enough.

What they had done, certainly, was to sketch out a programme that had

\begin{enumerate}
  \item APS, iii, 138, c.8; 139, c.10; for more on these commissioners, see chapter 3.
  \item RPC, iv, 302-03.
  \item Edin. Recs., iv, 421.
  \item 18 Eliz, 1 c.3.
  \item E.M. Leonard, The early history of English poor relief (Cambridge, 1900), 80-94.
\end{enumerate}
the potential to relieve much suffering. Was it implemented? This question can be answered most clearly for the towns, where local records are fuller and more accessible. But it was in the towns, with the most serious vagrancy problems, that the pressure for action was greatest. Indeed, the government's direct interest was perhaps limited to Edinburgh, where periodic orders were issued to clear beggars from the streets.

The capital was certainly quick off the mark: the burgh council produced an elaborate taxation scheme in May 1575, only two months after the act was passed; but they immediately fell flat on their faces when they found, once again, that 'the peple will na wayis liberallie nor willinglie deburse money for [the poor's] sustentatioun'. Threats of imprisonment were made, to no avail. By April 1576 the authorities had to admit defeat and hand out begging tokens; by 1578 it was the beggars themselves who were threatened with jail. The council and session came up with another taxation proposal in 1580, but this was sabotaged by the crafts, who were defensive about their status in the years before the 1583 decreet-arbitral. They promptly


2. E.g. TA, 1592-93, SRO, E21/69, fo.218v.


4. Edin. Recs., iv, 42.

announced that they would maintain their own poor, but refused to be responsible for anyone else's. Thereafter the council concentrated on repression. In 1583 they were axing payments for burial of the poor, and instead, harried by the privy council, hiring an officer to keep beggars off the streets.

If Edinburgh's experience was discouraging, its magistrates had at least tried. Few other burghs seem to have done so. In Aberdeen, they were concentrating on their new poor hospital, which was perhaps fair enough. But in May 1575, Glasgow's response to the act was to spend 2s 3d on brass for beggars' tokens.

All these burghs, and probably most others, had kirk sessions who were collecting for the poor. There is little to show how effective this was: the indications are that there were few efforts to match the supply of poor relief to the demand. One burgh where the church collections seem to have been quite effective was St Andrews. A start was made there in implementing the 1575 statute, when the kirk session made a survey of the poor. Such a survey, deliberately drawing attention to the problem of poverty, is probably a good indicator of a willingness to tackle it. It was not followed by the taxation that the statute demanded, but perhaps the church collections and fines really were meeting the need. At all events, the session was not

2. *Edin. Recs.*, iv, 264, 300; TA, 1583-83, SRO, E21/63, fo.120r.
4. *St Andrews kirk session records*, i, 408.
afraid to undertake another survey in 1582.¹

The government in rural areas was still groping for an effective institution, preferably under its own control. Older statutes had occasionally mentioned baron courts as agents for vagrancy, but there is little evidence that they took action.² In 1588, a list of questions to be asked at justice ayres shows that the advice of assizes was sought on both vagrancy and poor relief.³ With this document, however, is a list of unco-operative answers from one assize (apparently from the sheriffdom of Stirling): asked about vagrants, they replied that they 'knawis nocht thair names' but would mention it to the sheriff; asked about how to provide poor relief, they said that they would think about it if they had a copy of the act.

For the government nationally, it was the age of the futile gesture. When Morton visited Aberdeen, he ordered 'that the organis with all expeditioun be removed out of the kirk, and maid profite of to the use and support of the pure'.⁴ In 1579, fines for sabbath-breaking, and for non-possession of bibles and psalm books, were to go to the poor.⁵ There was a retreat from this liberality in 1581, when only half of the fines for pilgrimages and superstition were allocated to the poor.⁶

1. *St Andrews kirk session records*, ii, 489.
2. *APS*, ii, 36, c.9.
3. Questions at a justice court, 1588, BL, Add. MS 33,531, fos.215r.-218v.
5. *APS*, iii, 138, c.8; 139, c.10.
These gestures, while no use in themselves, might have helped to create a favourable climate for more decisive action — such as enforcing the poor law itself. The 1575 act was printed in quantity for national distribution (the earliest Scottish act to be publicized in this way); but it seems to have been thought sufficient to inform the localities of their new powers. There was no central follow-up; indeed none was envisaged in 1575. The 1579 act made the privy council responsible for the oversight of the system, but the council did nothing.

The medieval approach to poverty was alive and well: don't abolish it, redefine it. Monasticism was out, but there were secular alternatives. The king's bedemen were reorganized in 1579; these were privileged beggars (one for each year of his age) who received an annual dole on his birthday in return for their prayers. Sixteen gowns for them (in blue, the colour of fidelity) cost £108 in 1582. Then there was the example of John Nowatt, a blind beggar in Edinburgh, who was issued with the burgh's livery and a musical instrument in 1582. These were the authorities' ideal paupers: deferential, harmless, a relief after the threat of swarms of vagrants.

As for realistic poor relief, it was the kirk sessions that were making

1. Aldis, Books printed in Scotland, no.133.7.
2. St Andrews kirk session register, II, 503-04.
4. TA, 1582-63, SRO, E21/63, fo.53v.
5. Edin, Recs., iv, 563-64.
all the running. In the 1590s, a series of statutes at last tried to bring the law into line with this fact. Urban responsibility lay with burgh councils, and those that were acting at all were doing so in cooperation with the session; here, the legislators left well alone. In the rural areas there was a bigger problem, since kirk sessions lacked the judicial authority of burgh councils. An act of 1592 ordered sheriffs to appoint deputies with specific responsibility for poor relief (another act reminded them of their duty to suppress vagrancy), rather along the lines of the original English statute. But 'gif the saidis sheriffs or uther juges ordinair beis fund remiss or negligent', kirk sessions could nominate their own commissioners and receive the backing of crown authority. At that time, the general assembly had just appointed a local commission of its own, so its members were issued with additional signet letters allowing them to appoint crown commissioners on witchcraft, the poor, and deprivation of unworthy ministers.

In 1595 the parish commissioners scheme was further subsumed in the sessions: the privy council authorized ministers to appoint their own commissioners. After that, it was only a short step to the statute of 1597 which simply gave sessions direct authority, and to that of 1600 which ordered presbyteries to supervise their implementation of

1. APS, iii, 554, c.28.
2. APS, iii, 576, c.69.
3. RPC, iv, 753-54.
4. RPC, v, 200.
The latter statute complained that

the saidis actis hes ressavit litill or na effect or execution be ressome of
the oversicht and negligence of the persones quha wer nominat justices and
commissionaris,..., sua that the saidis strang and idill beggaris..., ar sufferit
to vaig and wander throwchout the haill cuntrey, and the pure and impotent
persones are neglegit, and na cair had nor provisioun said for their
intertenance and sustantatioun.

This may have been a little pessimistic, but not much.

There was one ray of hope: Edinburgh had at last got its act together.
The 1592 statute demanded that the law be implemented 'as it hes
alreddie tane effect within the partis of the burgh of Edinburgh'. It
had been a slow process, though. There had been a desperate flurry of
activity during the disastrous plague of 1584-88, but no permanent
relief scheme emerged. In 1588, a conference between the council,
college of justice and kirk session produced a plan for a semi-
voluntary collection (encouraging to the government, which within days
issued a supportive act2), but it had not yet been 'put to ane poyn't
two years later.3 In the interval the burgh council tried to deny
accommodation to the poor, making landlords responsible for their
tenants' maintenance if they fell into poverty.4 This was an old
trick and probably not very successful. In 1589, £5 6s was paid for
chains for vagrants.5 But in 1591, the council finally took the

1. *APS*, iv, 140, c.39; 232-33, c.28.
2. *RGC*, iv, 302-03.
plunge: it made a census of the poor, banned begging and ordered a monthly stent.¹

There were many complaints;² but this time the council, encouraged by the session, was able to make its decision stick. By 1595 it was successful enough for the general assembly to try to get in on the act: the council had to tell it that the money was only for Edinburgh's poor.³ And in 1596, with famine raging, the council was buying in grain (benefiting its own grain-importing merchants, no doubt) and smugly telling other burghs to follow its example.⁴

And this in fact happened: from the 1590s, most of the other major burghs were taking action. Perth had a tax by 1599.⁵ St Andrews kirk session by 1597 raised its money 'partlie by voluntar offer and partlie be stent upon the neychtbouris'; it also required its paupers to make over their goods to the session on death.⁶ This rudimentary means test became common in the seventeenth century. Dunfermline illustrated another growing practice when in 1612 it lent out 300 merks of the poor's money to a nearby laird.⁷ Any substantial sums tended to be invested rather than spent on current needs: thus the good

6. St Andrews kirk session register, ii, 859, 834.
citizens could reduce the likelihood of future taxation. Dundee in 1588 relied on banishing non-native beggars 'with all severities', and appointed officers to clear the streets of muck, stray pigs, and beggars. There was a tax there by 1637, when two of the stenters went to sea to avoid responsibility. In Glasgow the session and council discussed the 'ordour and lawis concerning the puir folkis' in 1597, apparently deciding against taxation; they relied on the burgh's four hospitals, on the session's funds from voluntary collections and a chaplainry or two, and on lodging restrictions for the poor. Only in 1638, when they had to host the general assembly, did they raise a tax to get their beggars off the streets. They found that it worked well, and the arrangement became permanent. Ayr had bought burning irons for the 1575 act, but otherwise relied on voluntary kirk session collections: the bare minimum. In Peebles, begging was banned, so there may well have been some poor relief. In Aberdeen, at a town meeting in 1598, they decided to do something for the orphans, foundlings, the disabled and aged, and the 'decayit persones,'

2. Dundee council minutes, i, Dundee District Archive & Record Centre, pp.6, 69.
5. Glasgow Recs., i, 155-56.
10. Charters and documents relating to the burgh of Peebles, 361.
housholdaris'. Some agreed to adopt 'ane baib', while most others agreed to a quarterly semi-voluntary tax. This was changed in 1619 to a compulsory tax of £1,000 per year; by 1621, 'praised be God the wark hes hed a gude and haiple succes'. There were even efforts to build a house of correction in Aberdeen in the 1630s, with advice from two Englishmen: a rare gesture towards the English example. Sad to say, in 1650 Aberdeen was reduced to issuing begging tokens: a reminder that progress was not continual. The early seventeenth century may well have been a high point for poor relief.

The 1590s trend towards more active urban poor relief was also a trend towards diverging levels of activity among the burghs. All burghs had voluntary kirk session charity, and threw out non-native beggars at least periodically. Some had gained some of the old church's revenues, such as Perth with its friary for the poor. Some had hospitals to accommodate a handful of disabled people. In a few of the larger burghs, this was now supplemented by semi-voluntary or compulsory taxation with the backing of the burgh council.

How adequate was it? In Banff, 20 local poor people were quartered on

1. Extracts from Aberdeen council register, ii, 124. This entry also appears in error under the date 1566, in vol. i, 358.

2. Extracts from Aberdeen council register, ii, 359-61, 372-73.


4. 'Index to Aberdeen council register', i, ed. Kennedy, Aberdeen City Archives, p.47.

5. APS, iii, 500-03, c.111.
the town in 1631, when begging was banned and an officer was employed for 'outhalding the poore' from outside the burgh. How many were below the poverty line we cannot tell; but English estimates of one-quarter to one-third of the population in poverty suggest that this small burgh may have barely scratched the surface of deprivation. Arbroath in 1607 gave regular relief to just one woman.

We should also ask whether those who did receive relief were always the most needy. Many criteria other than need were used: Aberdeen would only pay those who attended church daily, were catechised weekly, received no guests and never swore. Coercing the poor into godliness is perhaps the Calvinist, congregation-centred equivalent of the Catholic attempt, with which this chapter began, to create quasi-monastic communities for the poor. At the zenith of radical Calvinist penetration of the state, November 1596, the Edinburgh council set out its philosophy of relief eligibility: 'vagabonds, harlotts, huieres, theifis and all vitious persouns' were so common that 'the maist part of the contribution is consumet upoun thame quhilk suld be isployet for the sustentatioun of the faillet friemen, thair wyffes and bayrnis, and of sic as hes bene awld servants and bestowet thair yowth in the service of the inhabitants of this burgh'. In general, those most

3. Arbroath burgh accounts, 1605-14, Arbroath Library, fos.9v., 12r.
likely to get relief were probably widows, who were respectable and harmless, and artisans, who had their guilds to back them. The burghs were most generous towards well-connected individuals in temporary distress.

As for rural areas, probably most Lowland parishes had some kind of poor relief system by the end of the sixteenth century, and kirk session collections for the poor show a strong upward trend thereafter. But it was still usually mean and inflexible. The regular taxation required by statute was unheard of. Despite strong condemnation of begging in Calvinist thought, in practice begging was not discouraged: indeed, orphans and foundlings were actually brought up to beg. If funds ran out, payments would simply stop for a few months. These systems, run on the cheap, were no use in crises. Dearth always called for special ad hoc measures, often a semi-voluntary tax that came to be known as 'voluntary assessment'. There is evidence that the key institution for this was not the kirk session or even the parish, but the barony. It is hard to believe that such schemes were as effective in relieving distress as the ancient Shetland tradition of quartering the needy on all inhabitants of the parish in turn - though even this did not, in theory, recognize the able-bodied

1. Foster, Church before the Covenants, 81-82.
unemployed as needy. Scotland would have benefited from having as
many rural mutual-aid fraternities as England.

The vagrancy threat gradually receded, and in practice vagrancy became
decriminalized. This was not before attempts had been made, in
1603-09, to expel gypsies from the country altogether. But with the
establishment of poor relief nationally, wandering beggars were treated
less as criminals and more as someone else's paupers. There was no
direct parallel to the elaborate English settlement restrictions, though
the gradual enserfment of Scottish miners should not be
ignored. In 1617, justices of the peace took over responsibility for
repressing vagrancy, which kirk sessions (perhaps fortunately) had
never been well equipped to do.

The unemployed should be 'imployit in common workis': so said the
statute of 1597, which proposed a lifetime of state servitude for
them. Job creation was in the air at the time; a 1600 commission to

1. Shaw, Northern and western islands, 201; Court book of Orkney and Shetland,

the old poor law (London, 1927), 19-21.


4. MacRitchie, Scottish gypsies, 77-85.

5. P. Styles, 'The evolution of the law of settlement', University of Birmingham
Historical Journal, 9 (1966-64), 33-63.


7. APS, iv, 536, c.8, para 7.

8. APS, iv, 140, c.39.
promote manufactures led to the import of Flemish textile workers.\textsuperscript{1} The 1597 statute was far less specific than its English counterpart of 1576, however. In 1617 another statute encouraged the employment of pauper children.\textsuperscript{2} This may have been connected with the 1619 establishment in Edinburgh of a youth training scheme to employ sixty poor youths as weavers.\textsuperscript{3} Vagrants in 1620 were being recruited for the Bohemian war, not without problems of desertion.\textsuperscript{4}

It is a measure of the poor law's inadequacies that charity remained vital. St Andrews kirk session encouraged it imaginatively: it entreated a laird whose daughter was to be married elsewhere to 'remember the puir of this congregatioun with sum of his charitie', and asked notaries to remind people of the poor when drawing up testaments. In 1599 it tried to get legacies for the poor's fund instead of traditional doles.\textsuperscript{5} The Dundee council was surprised in 1592 when a merchant donated a regular supply of coal and oatmeal for the poor, but the 1590s in Aberdeen was the time when charitable mortifications began to be frequent.\textsuperscript{6} This contrasted with old-style, indiscriminate largesse which served primarily to reinforce the giver's status; thus the king in 1600 promised an annual dole of £1,000 as

2. APS, iv, 542-43, c.10.
4. RPC, xii, 259-61, 272-73.
6. Dundee council minutes, ii, Dundee District Archive & Record Centre, p.79; 'Index to Aberdeen council register', i, ed. Kennedy, Aberdeen City Archives, pp.439-40, 510-12.
thanksgiving for his delivery from the Gowrie affair, and some lords and wealthy lairds were 'every day relieving three or foure score poore people' at their gates. More study is needed of the different patterns of Scottish giving. In 1619 the privy council was condemning 'pernicious and wicket' generosity to the undeserving, but in 1623 special 1d and 2d coins to facilitate alms-giving were ordered.

1623 was the year in which famine struck disastrously. The 'fearfull miserie' that this caused was the poor law's most severe test yet. The privy council shook off its usual indifference, and volleyed out a series of orders - or rather, appeals - to local justices. They were to assess the poor's needs, and to raise taxation to purchase the grain that would be needed. Justices' reports on action taken provide a useful indicator of the extent of poor relief.

Five sheriffdoms were raising the taxation as ordered: Selkirk, Berwick, Roxburgh, Perth and Aberdeen. The sheriffdoms of Stirling and Edinburgh were raising money through voluntary assessment of landlords. Edinburgh, however, was sceptical about the poor law: the poor could not be returned to their home parishes because they were too weak to move; there was no point in trying to appoint local constables

1. RPC, vi, 147; John Taylor (1618), quoted in Brown, *Early travellers*, 128.
3. RPC, xii, 2-5; xiii, 329-31. The first such issue had been in 1597; *APS*, iv, 122-23; P.F. Purvey, *Coins and tokens of Scotland* (London, 1972), 81.
4. RPC, xiii, 238, 257-60, 287-90.
5. RPC, xiii, 789-91, 805-40.
because nobody would serve; and there were too few jails for all the beggars. Still, they were willing; more so perhaps than the sheriffdoms of Renfrew, Dumfries, Kincardine and Linlithgow which said merely that they were encouraging local kirk sessions to maintain their own poor.

The greatest generosity, then, was in the eastern Borders and parts of the north-east. None of the western or Highland sheriffdoms replied, so we can assume that little or nothing was done there. However, a special prize for meanness should go to the justices of East Lothian, who sent in a blunt refusal to do anything at all. They mentioned that they knew of the 1579 statute (which of course required taxation, even in a normal year), but this did not stop them doubting 'if ane simple proclamatioun be ane sufficient warrand unto us to sett doun stent upoun every man... every contributioun is odious and smellis of ane taxatioun'. Finally they grumbled of justices' burdensome duties, and threatened to resign.

East Lothian's unedifying complaints illustrate just how little attention was being paid to the letter of the law. The larger burghs were raising taxation, though usually on the authority of the council rather than the session as the law required. Everywhere else, the poor had to depend on church collections and traditional doles, neither of which were mentioned in the statutes. Clearly the law had had some effect in stimulating action, however inadequate; but what was being done was different from what the statutes actually said. The loose wording of the statutes made conflict rare; even the East
Lothian justices had a figleaf of justification for their defiance, had they cared to use it, in the argument that the 1579 act gave authority to tax to parish commissioners rather than justices, and that the 1617 act making justices responsible for the poor law had not specifically mentioned taxation. But the point is that they did not need to bother with such sophisticated legalism: a simple refusal to act would do. Unlike in England, the poor law never received determined backing from the central government.

As for the vision of the early Reformers, that had long since flickered and died. Partly it was their own fault: when the general assembly paid any attention to poor relief, which was rare, it insisted that it could only come from the lands of the old church. The assembly had ignored the kirk sessions' initiatives. The kirk sessions certainly took on responsibility for the poor, but they limited themselves to what they could raise by church collections and fines. At best, all this was parsimonious; and at worst it could be punitive. Thus we find the following entries in the Peebles burgh accounts for 1625:

'For careing away ane blind wyf', 4s.
'For taking away ane cripill boy callit Blackstockis tua severall tymes', 5s.'

1. Charters and documents relating to the burgh of Peebles, 414.
When I consider any social system that prevails in the modern world, I can't, so help me God, see it as anything but a conspiracy of the rich to advance their own interests under the pretext of organizing society. They think up all sorts of tricks and dodges, first for keeping safe their ill-gotten gains, and then for exploiting the poor by buying their labour as cheaply as possible. Once the rich have decided that these tricks and dodges shall be officially recognized by society - which includes the poor as well as the rich - they acquire the force of law.

Was More right?

Specifically, do his words apply to the laws passed by the Scottish parliament? The question is a vital one to any discussion of the place of parliament in society. Clearly, the rich did exploit the poor, and the law allowed them to do so. But perhaps the laws did not actually encourage exploitation? After all, Macfarlane has argued that Scottish peasants did not revolt in medieval times because parliament passed laws in their favour.

James Melville, like More, was aware of the sufferings of the poor, but he viewed the law differently. Many laws, he wrote, were 'weill maid' but 'wantes execution, lyke athercape [spider's] wobbes that take the


sillie flees, but the bumbarts brake throw tham'. He saw the laws, then, as potentially favouring the poor; the problem was in their partial implementation. Certainly it is clear that the rich could evade punishment for many crimes - they tended to have followers to commit crimes for them. The law was generally felt to be against 'oppression', even if this was a vague concept, and there were regular statutes claiming to favour the 'pure laboreris of the ground'.

More and Melville also differed in their view of the state; More saw it simply as a conspiracy of the rich, while Melville thought of it as somehow above social class. Most of the members of parliament were wealthy landlords. Did the laws they passed reflect this, as More would have predicted? The conventional view of society is of government at the top, somehow outside society, attempting to maintain a balance between other classes or status groups. It is also possible to focus on conflict between those classes rather than between government and society, and still see government, and government policy, as a prize to be fought for: a bureaucracy can serve a variety of masters.

In some ways the state was not yet an entity in its own right - but this was the period in which it became one. The civil wars of the early 1570s were a collection of local or inter-family struggles, but by the 1640s the issue was squarely about control of state power. Parliament would become the central political arena of the new national

1. Melville, Diary, 188.
state, not by any fundamental change in its own constitution or composition — though the arrival of the lairds should never be forgotten — but by the reorientation of the network of institutions that surrounded it.

No struggle could be confined to the localities after the 1580s and 1590s, when more and more political influence ultimately stemmed, not from traditional feudal jurisdictions, but from new institutions like the exchequer at the centre, or from new institutions like kirk sessions in the localities. For kirk sessions were not totally local — their ideology, for instance, was supplied ready-made from the presses favoured by the general assembly. If this ideology was often independent of government at the centre, still less was it controlled by the nobles and their clients in the localities. The struggle between parliament and general assembly — or rather, between government and opposition — was a conflict about the legitimacy of authority at a national level.

The Black Acts of 1584 highlighted this conflict. The 'great courteour' who drafted the act giving the crown sovereignty over the church was John Maitland of Thirlestane, then secretary of state and later to become chancellor. Whether the national matrix of central authority that emerged in his period of office was really his conscious creation is unimportant: the fact is that the central institutions of the Scottish state were reconstructed in the 1580s and 1590s. They

1. Chapter 3,
2. Chapter 7,
3. APS, iii, 292-92, c.2; Calderwood, History, v, 121.
had to be, for government could not stand still: it was on a rollercoaster of inflation, of population growth, and of changing social habits and structures. Sometimes enthusiastically, sometimes reluctantly, it was forced along the absolutist road being taken by contemporary states in western Europe. The programme of the Maitland regime often did not have the effect it was intended, or not immediately: the church leadership continued to resist the interference of the state; justice ayres declined rather than being revived; the exchequer did not take initiatives on a large scale until the mid-1590s; the crown's increasing bankruptcy severely limited the scope of what it could achieve. But for all that, the legislation of 1584 and 1587 can be read as an absolutist manifesto.

If neither church nor crown were prepared to respect the traditional sensitivities of Scottish society in the localities, and if parliament and general assembly played an increasing part in political life, this did not necessarily mean that absolutism would triumph. Nef's study of English and French administration led him to identify the continuing localism of English administrators as a key factor in England's failure to follow the French path.1 The French crown had a compliant national legislature and national officials, and was able to control the direction taken by its local courts and officials. In England, the national determination at the centre to enforce apprenticeship was no less; but the crown was powerless at a local level without a network of centrally-accountable local officials. In Scotland, the government's centralizing drive was often thwarted, as in England, by

local resistance. If Maitland had ever sat down to devise a Scottish blueprint for an absolutist network of central authority, he would not have been able to come up with any better local agents than kirk sessions and justices of the peace. But the kirk sessions would answer to none but the doggedly-independent general assembly - hence the importance of establishing bishops with effective power over kirk sessions. The justices of the peace, who were anyway no more accountable centrally than their English counterparts, bypassed the sheriffs to some extent but did not supplant them.

Government, nevertheless, was certainly a prize to be fought for, and the contest showed itself in a number of ways. One is that familiar phenomenon, the constant reiteration of statutes. This study should have cast doubt on the conventional wisdom that this is evidence that they were not being implemented. Repetition of statutes is a sign neither of failure nor of success: rather, it is a sign of conflict, of pressure, of demands to implement a policy and of active resistance. To decide which side was winning, we have first to find out what the conflict was about, and indeed who the protagonists were. Policy conflicts were not always between the government and the world outside; it is usually more useful to think of conflicts between social groups finding expression in legislation, as one side reaches for a statute as a weapon to smite the other. Whether or not that statute is implemented can tell us a lot, but each one has to be examined individually.

This insistence upon conflict does not mean that the life of a sixteenth-century administrator had nothing to offer but blood, toil, tears and sweat. Conflicts of interest were not all alike: they could be good-humoured dilemmas as well as debilitating battles, creative as well as destructive. Conflicts are at the heart of the matter because without conflicts there would have been no statutes to implement: laws are passed to oblige people to do something that they do not want to do. But it was rare for government to seek ruinous confrontation. When the emperor Ferdinand I exclaimed, 'Let justice be done, though the world perish!', he overestimated his own importance. Modern governments have the power to destroy the world, but sixteenth-century ones bore only lightly upon society. When they encountered resistance, they sought compromise. Permissive legislation and negotiated implementation were mechanisms for doing so. But, like all compromises, the partial implementation of statutes contained elements of tension. Conflict between social groups could be obscured all the more successfully if governments were unable to tackle it effectively enough to force it into the open; but to ignore a problem is not to solve it. Historians such as Elton, who lay fashionable stress upon the consensual and harmonious appearance of so much parliamentary activity, fail to notice that the cracks were only papered over.

Ultimately, policy conflict was not about institutions but about resources. Both central and local institutions were the playthings of wider social forces. Absolutism, as a way of restructuring the institutions of government, can be seen as a new way of reallocating resources between social classes through the medium of government.

Land was the basic source of resources. At the beginning of the sixteenth century, all the landed classes still obtained their sustenance in the traditional way, from the rents of peasants cultivating the land using traditional methods. The idea that land might yield greater returns if investment was made was not entirely absent, but so long as lords held their lands by feudal tenures, they could have no guarantee of a long-term return on any outlay: improvements could be eaten up during a wardship, for instance. The theory was that lands held by ward and relief were not available to the market. So the main way for lords to increase their resources was to acquire more land from other lords—a zero-sum game. This was the function of feuding, and of the medieval gravy-train politics referred to in chapter 1. Meanwhile the laws of succession ensured a sufficient concentration of land to maintain great estates and restrict entry to the elite: land was the prize in a genetic lottery on a vast scale.

To play the traditional game successfully, landlords needed to maximize the armed followers they could raise from their lands, thus creating a customary and partly non-economic relationship with their tenants.

1. MacGill & Bellenden, Discours, 8.
This did not help lords in the most fundamental conflict over resources in the late medieval period: the tension between peasants and landlords over rent.¹ The peasants had done well in the fifteenth century, when population had been low and demand for tenants high;² the rent rises on crown land at the end of the century were perhaps connected with the beginning of the end of the peasants' golden age. From at least the mid-sixteenth century, population was rising again, and the balance of economic bargaining-power shifted back towards the landlords - but with the inflation that accompanied population growth, landlords were faced with extinction unless they could raise their rents. To do this after a long period of stagnant rents, the 'tricks and dodges' described by More would have to change.

Parliament never intervened directly between landlords and tenants to provide these tricks and dodges in the form of laws, as More would have had it. Its influence was more indirect and indeed sometimes tangential. But once the possibility - indeed, the inevitability - of new landlord-tenant relationships was opened up, government policy could have a bearing on how these new relationships would develop. This had not been an issue in the days when the landed estates of crown, church, nobility or lairds had all been run on much the same principles; but now the crown and the church were unable to compete for resources in the traditional way, and fell victim to the need for reconstruction.

1. For some of the wider implications of this, see R.H. Hilton, 'Capitalism - what's in a name?' Class conflict and the crisis of feudalism, 271-79 and passim.
2. Grant, Independence and nationhood, 67.
The reconstruction came, of course, in the form of feuing, which was capable of shaking medieval tenures loose from their stagnant pattern, and making land pay by allowing rent rises. Large peasants were in a good position to get feus. Feus, because they were permanently secure, were potentially a dynamic force: they could become a source of profit from investment, and they could allow their holders to escape from feudal dependency. For that very reason, parliament was in principle against feuing. The right to a feu charter was always a reluctant concession: the statutes permitting the feuing of crown land were for the lifetime of the monarch only. But by mid-century the trickle of concessions had become a flood — mainly because of the vigorous demand for feus, and partly (what amounted to the same thing) because the crown was forced to shore up its shaky finances by feuing crown land and exploiting the church in such a way as to precipitate the feuing of church land.

The evaporation of the crown’s traditional landed income that followed was an event of vast social and economic significance. The late-medieval crown and nobility had maintained political stability by sharing out landed resources among themselves; there was constant jockeying for position, but the periodic reallocations signalled by royal revocations were largely accepted by the nobility. However,

4. Chapter 4.
once the crown lands were feuded, there was nothing left to reallocate. Furthermore, the expropriation of the medieval church, the property structure of which had been a vital adjunct to the feudal hierarchy, dried up the wells of patronage that the crown (at the centre) and the nobles and other landlords (in the localities) had always drawn on to reward followers, provide for younger sons and obtain educated administrators. No longer would bishops be territorial magnates. To the extent that the nobles themselves wished to continue as territorial magnates, they were in competition for diminishing resources to keep their client networks operational.

Once the crown had effectively ceased to be a feudal landlord, government would have to cease being the exclusive business of other feudal magnates - and parliament would have to change. The lairds' entry to parliament is the surface manifestation of these subterranean social shifts; it is no accident that it happened when it did. The construction of a national state, in which sovereign individuals participated in government directly rather than through the medium of kin or client groups, began in Scotland in the 1580s. Crown dependence on parliamentary taxation opened up government to influence from other classes; the nobles would have to develop a new relationship with government.

This was of vital concern to the nobility, because their status was already bound up with their relationship with the crown. They did not

have distinctive tenures or jurisdictions.\footnote{A. Grant, 'The development of the Scottish peerage', SHR 57 (1978), 16-19.} What the members of their charmed circle possessed, uniquely, was privileged access to the queen or king. Chapter 4 shows the central importance of the royal signature. The corollary of the nobles' privileged status was that non-nobles did not have the right to approach the crown directly - they had to go through a noble. Thus were maintained the three 'poyntis of iniquitie' for which James VI lambasted his nobility in a well-known passage of Basilicon doron: forcing less powerful neighbours to depend on them, protecting their criminal followers, and feuding. Much less quoted is his proposed remedy: as well as insisting that each individual should obey the law equally, he advised his son to 'aquente youre self sa with all the honest men of youre barronis and gentlemen as maye make thaine pert to makte thaire awin suitis to you thame selfis, without making a bogle of you in making the great lordis thaire intercessours'.\footnote{James VI, Basilicon doron, i, 84-85.} In other words, the time had come to break up the nobles' networks of local lordship.

The time had come, because of the lairds' pressure from below: pressure for feu charters, pressure to get into parliament, pressure to participate in government. As well as admitting the shire commissioners to parliament, new noble creations also widened the spectrum of those with independent access to the king somewhat. The nobles' pre-eminence was under strain when the lairds no longer needed them for protection or military leadership, and were instead turning to estate management - which, at this period, it seems that they could do
better. The nobles, who had neither feued their lands nor reconstructed their traditional relationship with their tenants, were seeing their revenues being eaten away: by the 1590s they had slithered into financial crisis.¹

The threat to the nobles of professional government was shown as early as 1583, when the king was urged to make sure all his advisers were godly - implying, among other things, that they should be educated. He dismissed the idea, saying that it would give him few or no noble counsellors.² When the king's marriage party returned from Denmark in 1590, it turned out that Maitland as chancellor had established his right to precedence over the Earl Marischal, Scotland's richest noble.³ This ushered in a period of unprecedented aristocratic paranoia about their privileges. The plan to levy a new royal guard, under the captaincy of a mere laird, was said to be the signal that a new form of government was planned, and 'thereby the wholl nobilitie shalbe prejudiced in their auncient priveledges for their free accesse to the king's person, and vote in counsell and matters of estate'.⁴ Maitland planned to reform the council, 'the nobilitie to be debarrit therfra'.⁵

Though these radical plans had to be shelved, the nobles' frayed nerves were not soothed: the issue went to the heart of their self-identity.

2. Calderwood, History, iii, 719.
They reacted to their perceived exclusion from government by staying away in order to prove their indispensability. Many nobles boycotted a convention in 1590 because they resented the exclusion of some of their number from the queen's coronation. That there were 'few erles' (only two) at the 1593 parliament was remarked on. It was in the 1590s that the participation of nobles in parliamentary commissions collapsed. The privy council had the same problem of noble absenteeism. The earl of Bothwell, despite his seemingly-inevitable trajectory into oblivion, was sensitive to the political climate and issued manifestoes strongly flavoured with aristocratic class-consciousness; his viewpoint gained enough sympathy from the duke of Lennox for the latter to admit him to Holyrood to capture the king in 1593.

As well as impeding the work of government by their absence, the nobles' insecurity also led to the virtual creation of the convention of the nobility. The 1590s saw far more frequent conventions of this kind: these were not legislative bodies of the kind that the government wanted, but symptoms of political instability, just as the frequent parliaments of the civil war years had been. The nobles at

3. Appendix C.
4. Chapter 3.
6. Chapter 1.
7. Appendix A.
a 1596 convention passively favoured the rebel Huntly, just as they had failed to take any decisive action against Bothwell. Some nobles were angry at not being consulted when Edward Bruce and John Elphinstone of Barnton drew up the agenda for a convention in December 1598. One of the proposals on that agenda was a plan to have regular twice-yearly conventions, including a system of fines for absent nobles. By this time it was clear that the crown was encouraging the nobles to stay at court: in 1598 there was a proposal for a permanently-resident council including 14 nobles. Louis XIV treated his nobles in much the same way.

Lee saw the embryonic 'Stewart despotism' as hostile to the nobles: he argued that the government led by Maitland of Thirlestane deliberately and successfully set out to curb the territorial magnates, excluding them from power and erecting a nationwide bureaucracy in which the crown was the only focus of authority. In fact, the Scottish absolutism was no more the deliberate creation of Maitland than its English counterpart was the deliberate creation of Thomas Cromwell; nor was either really hostile to the nobles, who were after all essential components of a hierarchical society; but both Maitland and

1. Bowes to Burghley, 19 August 1596, CSP Scot., xii, 304-06.
4. Nicolson to Cecil, 1 July 1598, CSP Scot., xiii, 228.
6. Worsdell, 'James VI: new men for old?'; for Cromwell, see Starkey, 'After the revolution'.
Cromwell are symbolic of their era. The road they marked out ends in 1789. Anderson's study of European absolutism stresses the continuing role of a reconstructed nobility that flourished more at court than on its estates, that had abandoned independent military pretensions, and was maintained with a share in central government revenue.¹

Anderson's last point is the crucial one. For at the end of an unhappy decade in which the nobles incoherently kicked against the pricks of centralization, there took place in June 1600 what would turn out to be a decisive confrontation over taxation. If the nobles' ancient position in the state was being usurped by parvenu lawyers like Maitland, and the demands of the royal treasury were eating into their shaky finances, surely they would lead the opposition to a tax that was more than double anything ever demanded before, and that proposed a new assessment system to make exorbitant taxation normal? As we have seen, they did not: there were a few outspoken opponents of the scheme, but on the whole the king was grateful for his nobles' solid support.²

If the government had weathered the storm of aristocratic disaffection, the turning-point was the fall of the Octavians in mid-1598. From then on, the charge side of the crown's financial accounts would have no self-imposed limits, and one of the highest priorities on the discharge side of those accounts would be the recycling of tax money into the pockets of the nobles through pensions. Co-operation with an

2. Chapter 5.
absolutist crown brought cash benefits. The Octavians had succeeded in making government professional; it would prove impossible to turn the clock back to the decentralized, unplanned fiscal system that Mary had had. The treasury in the early seventeenth century had an equally bureaucratic ethos, but did not threaten the nobles' gravy train.

So while the court had always been a clearing-house for patronage, and while the nobles had always received the lion's share of that patronage, it is possible to detect some differences after the Octavians had come and gone. Handouts from the crown now came, not in the traditional form of landed resources, but in pensions that had been extracted from other propertied classes by a central bureaucracy. The nobles' local client networks based on land were becoming less important than securing links with that bureaucracy. Thomas, master of Glamis, is a transitional example: he could raise a large local following when necessary, but his remarkably pervasive influence at court in the 1580s and 1590s depended more on his various positions as treasurer, as captain of the guard, as privy councillor, and as an extraordinary lord of session. He was also one of the few nobles willing to serve on a large number of parliamentary commissions. Perhaps symbolically, he was the collector of the 1588 tax by which the small barons paid for their place in parliament. Meanwhile, a new nobility was emerging: men like Maitland himself, who had risen in the bureaucracy and who owed their prominence not to entrenched territorial

1. Donaldson, Queen's men, 141.
2. APS, iii, 376, c.3; 437, c.9; 438-39, c.12; 444, c.18; 478-79, c.73; iv, 27, c.31; 33-34, c.45; RPC, v, 190-91.
3. RPC, iv, 245-46.
power but to their position in a national matrix of authority that they
had helped to create. By the 1630s, a great territorial lord like the
marquis of Huntly began to seem an anachronism. He had a ramified
network of kinfolk and dependants of the kind that every noble in an
earlier age had longed to create; but Huntly was bankrupt.

Thus the nobles' problems did not end with the beginning of the
pensions bonanza. For one thing, it was a fairly limited one, for
resistance to taxation meant that the crown, despite going ever deeper
into debt on behalf of its aristocrats, was ultimately unable to sustain
them. Growing centralization alienated and frustrated the nobles:
they openly resented the bishops, and suffered financially from having
to pursue their rivalries through costly law courts instead of local
feuds. The traditional rules for reallocation of landed resources
were being disregarded: this is a subject which has not yet been fully
investigated, but in the early and mid-seventeenth century, for
instance, there were brisk land sales, and control of land was more and
more determined by access to capital. Meanwhile, the nobles chafed
at being dependent on a crown that continued, all too often, to
disregard their wishes. Many of the nobles were to support a
revolution that would eventually dissolve their independent status and
leave them as big landowners who could, if they chose, be politicians

1. D. Mathew, Scotland under Charles I (London, 1955), ch.9; Stevenson, Scottish
   revolution, 99.


3. H.M. Conacher, 'Land tenure in Scotland in the seventeenth century', JR 50
   (1938), 19.

4. Lee, Road to revolution, ch.7.
The pensions bonanza, limited as it was, rested on the shaky foundation of the tax structure imposed in the 1580s. It is hardly surprising that, while the nobles were happy to support high taxation so long as they could feather their nests from the proceeds, other classes saw things differently - and were increasingly committed to campaigning against fiscal exactions. To do so, as we saw in chapter 5, the parliamentary opposition relied tacitly on the centuries of institutional inertia that lay behind old extent and Bagimond's Roll. But there was a danger. Uneven taxation would only keep tax levels down if the victims of the heaviest rates were politically influential. This was so with the traditional land tax in that the variations in rates were so often random, but the all-pervading ethos of unequal taxation and assessment based on status hierarchies could also benefit the government: it would surprise none if extra taxes were heaped on the social groups with least influence in the corridors of power - the burgesses, in fact.

So direct taxation on the burghs continued at higher rates than before, and they had to shoulder other burdens besides those that they shared with the landed class. In 1590 wine imports were taxed. In 1597 there were new customs on all imports, and the rates jumped to unprecedented levels; the very wording of the act dismissed the merchants' 'allegeit bipast immunitie' with a contempt never offered to the estates as a whole.' By the early seventeenth century, the

1. APS, iv, 118.
merchants were already reeling under their tax burden. In 1618 there was a new tax on grain imports, and in 1621 a major tax on annual rents. Although the contours of government finance are still largely uncharted, one clear landmark is the increasing proportion of taxation raised from trade and other business activity. If More was right that the laws allowed exploitation, one of the most prominent forms of that exploitation was of the commercial classes by the aristocracy.

If it is no wonder that already in the 1590s the burghs' parliamentary representatives were to the fore in opposing almost every tax, it is just as easy to see why they were joined by the small barons. Until we have studies of the lairds as a class, the question must be approached via the long debate on the English gentry. It is easy to see a rising gentry in the Scotland which admitted the small barons to parliament in 1587. Tawney's stress on parallels between the economic situation of merchants and commercially-minded gentry is particularly suggestive in view of the burghs-barons opposition alliance.

So the barons' precociously active use of their new constitutional position may herald the arrival of a new force in Scottish society: a group who perhaps were suffering disproportionately from the growing tax burden. For though there was no mechanism built into the assessment system to favour the nobles over the barons in their freehold lands, it is likely that the lairds held a larger proportion of

1. Lynch, 'The crown and the burghs', 73-75.
2. A recent perspective on this is Youings, Sixteenth-century England, 172.
those new types of landed property - feus of church and crown land, tacks of teinds - which were being taxed more heavily, and often taxed for the first time. There must also have been resentment against the way the nobles had exploited their position at court to batten on to the revenues. English envoys' reports began in the late 1590s to be cast in the framework of 'court' versus 'country': it was said in February 1600 that if a nobleman could be found to lead the country opposition, the government could not survive. In the lairds' resistance we may well be hearing the voice of the discontented country party that Trevor-Roper identified in England. The ramshackle tax structure, and the unwelcome uses to which it was put, may thus have symbolized a wide range of lairdly grievances.

While merchants and lairds objected to being exploited through taxation, the crown that was exploiting them was nevertheless becoming newly and directly dependent on them. The crown also began to exploit the embryo financial sector to stave off insolvency. At first this was often successful: financiers could be forced into bankruptcy, having been sucked dry; but the increasing reluctance of the financiers to stay in their subordinate position is evident in the career of Thomas Foulis. They also received a number of legislative concessions: the abandonment of the medieval prohibition on usury, and the beginnings of a reorientation of debt law to favour creditors.

1. Nicolson to Cecil, 6 February 1600, CSP Scot., xiii, 621.
2. Stone, Social change and revolution, 22-25.
3. Chapter 4.
In the seventeenth century some vast fortunes would be made by Foulis' successors. The crown was no longer exploiting the financial sector - it was the other way round.

All these conflicts among the rich for resources depended on the 'tricks and dodges' that they could deploy to obtain the surplus product of the peasants. Traditionally this was done through a directly tributary relationship, as the example of corn milling shows. Peasants were quite capable of grinding their corn themselves with hand querns, and did so when they could; but they were usually thirled to the local water mill, to which they had to pay dues even if they took their corn elsewhere - or even if the mill had burned down.1 The vertical-wheel water mills were, in fact, 'instruments of gross oppression' through legal and coercive rather than economic means.2 Established in medieval times, the lords' right to cream off a proportion of the crop through their mills was never the subject of a statute - the old laws and a series of judicial precedents were quite sufficient.3

Thirlage still had a long future ahead of it, but things were changing already in the sixteenth century. The beginning of the change was feuing, which was coming in, as we saw, because of its greater

2. Craig, Jus feudale, II,8,6.
profitability to landlords. There was, however, another side to the coin:

Thir pure commons daylie as ye may se,
Declynis doun till extreme poverty;
For sum ar hichtit sa into their maill,
Thair winning will nocht find them water kaill.
How prelats heichts their teinds it is well knawin,
That husband-men may not weil hald thair awin,
And now begins ane plague amang them new,
That gentill men thair steadings taks in few.
Thus man thay pay great fere or lay thair staid,
And sum ar plainlie harlit out be the heid,
And ar distroyit without God on tham rew.1

On the church estates investigated by Sanderson, about half the feuars seem to have been peasants, but they did not get half the land: in Kinloss, over half the feus went to occupants, but they obtained only 34 per cent of the land.2 Settlements dominated by bonnet lairds were insignificant in the seventeenth century, and most feuars were rent-collecting proprietors.3 Those who purchased feus faced increased outgoings in the short term - high capital outlay, and initially heavy feu duties; if these could not be met by economic growth, there would have to be a reallocation of resources at the expense of the peasants. Feuing of crown lands already under James IV caused hardship for tenants.4 If feuing led, as it surely did, to rent increases, this is strongly indicative of a more general rise in rent levels - peasants would only be able to avoid this if they had a secure customary tenure,

1. Lindsay, 'Thrie estaitis', 249,
2. Sanderson, Scottish rural society, 60, 85,
3. Whyte, Agriculture and society, 29-30; Sanderson, Scottish rural society, 124,
4. Macdougall, "The glory of all princely governing": the kingship of James IV", 34,
like English copyhold in its heyday. Some did, but most had minimal legal security, relying on favourable economic conditions (a high demand for tenants) which were now vanishing.

So Lindsay's description, though highly coloured, is also highly credible. What he says is that a minority were being evicted for inability to pay increased rents inflicted on the majority. Similarly, Vinzet castigated the 'depaupering the tennentis be your fewis, augmentaticonis, and utheris exactionis', and the 'schuiting of honeste men fra thair native roumes be tytle off youre newe quhirlie fewis'.

Other evidence confirms the impression given by the literary sources. From the mid-sixteenth century the peasants' standard of living, as reflected in the food they could afford to consume, declined measurably. Equally clear is the evidence of growing poverty and vagrancy. When we remember that inflation would normally have favoured peasants paying what tended to be static rents, their decline is all the more striking.

Parliament's ambivalence towards feuing could occasionally lead to a gesture against its unacceptable face. A 1563 act on feuing of church land banned the eviction of any 'kyndlie lauchfull possessour, tennent or occupyar' before Whitsun 1566. But this was professedly a

5. APS, 11, 540, c.13.
transitional measure, and the permanent act of 1564, which marked a
change from restricting feuing to profiting from it, said nothing about
evictions.\[^{1}\] The radical commission of December 1567 proposed a ban
on evictions;\[^{2}\] nothing was done by parliament, but no doubt it was the
willingness of the Regent Moray to make this kind of gesture that led
his memory to be sentimentalized as the 'defendar of the weidaw and
fatherles'.\[^{3}\]

Only once did parliament have to confront the issue of feuing and
eviction squarely. In 1578, the 'native tenants and kyndlie
possessouris' of the bishopric of Dunblane managed to petition
parliament against the prospect of eviction: the earl of Montrose,
having obtained the appointment of Andrew Graham as bishop, had
received a feu charter of much of the bishopric. Parliament's decision
was that the charter should not be confirmed until the tenants were
'satisfeit for their kyndnes'.\[^{4}\] But in the parliament of October 1579,
a furious Montrose claimed that the requirement to give guarantees to
tenants should only be imposed as 'ane universall law', and that he
would accept it 'gif the remanent nobilmen within this reality havand
sic infeftmentis will consent to sic conditionis'. The tenants'
counter-petition was dismissed, and the issue had in fact been decided
beforehand.\[^{5}\] Montrose had already made an 'act of cautioum' in

\[^{1}\] AFS, ii, 545, c.2; R.K. Hannay, 'On the church lands at the Reformation', SHR
16 (1919), 58-60.

\[^{2}\] \[Diurnal\], 156.

\[^{3}\] APS, iii, 111-12, c.32.

\[^{4}\] APS, iii, 165-66, c.48.
January 1579, when he had received a precept for confirming his feu charter, and the tenants 'neidis na confirmatioun' of the 1578 act. Parliament was bound to favour landlords in any fundamental conflict of interest with their tenants. In 1582, evictions of the Dunblane tenants had already begun.

Of course, feuing had been taking place before the Reformation, with not a flicker of concern from the legislators. A statute of 1546, indeed, stipulated that evictions should take place only by due legal process, but it was equally concerned to punish tenants who resisted eviction. 'Reform', whether Protestant or Catholic, whether by Knox or Winzet, might have stirred up some official concern for the peasants; there were moments when the progress of the Reformation might indeed have been seen as social-revolutionary. The First Book of Discipline, it is true, contained nothing but a conventional aside against 'oppressing of the poore by exactions', but radical ministers like James Kelville came to sympathize with the common people, as his view of attitudes to studying for the ministry showed. The 'childring of the grait and riche' were 'noch desyrus of divinitie', the 'mid rank' thought it an 'unthrift' since ministers did not have secure stipends, and 'as for the pure, quilk ar comounlie best giffen to that studie, and wharof comes

1. RSC, vii, no. 1795.
2. Worsald's suggestion that this case favoured the tenants is untenable: Worsald, Court, kirk and community, 54.
3. Stirling presbytery records, 71.
4. APS, ii, 476, c.13.
5. Lynch, 'From privy kirk to burgh church', 86.
maist fruit', there were no bursaries available for them. These were subversive ideas, which probably contributed to the ideological closing of ranks among the ruling class which marked the church-state confrontation of 1596-1600. A parallel might be the aristocratic reaction that followed the contemporary populism of the Catholic League in France. Meanwhile, as the ministers sought an established place in a hierarchical society, there was something of a trahison des clers. As a Catholic propagandist pertinently asked: 'Quhy punish ye onlie the pure be your still of repentance?'

So the parallel progress of the Reformation and of social change did not lead to effective action on behalf of the poor. Social change had come a long way already by 1621, and an act of that year opens a window into a new world. It was designed to aid the 'pure laboreris of the ground', husbandmen, who, it said, were suffering from the 'fraude and malice of servandis', men and women, who demanded high wages and agreed to be hired only from Martinmas to Whitsun, at which time they cast thame lowse of purpos and intentioun to mak thair gayne and advantage by the extraordinarie warkis whiche befall in that seasonone betuix Vitsonday and Martimes, for doing quairoff they knaw the saidis husband men... wilbe forced to hyre them at daylie and oulkie wages, and [at] such heigh raite as they pleis.

1. Melville, Diary, 189.
2. Chapter 7.
4. Nor did it in England: Tawney, Religion and the rise of capitalisa, ch.9.
To prevent this, it was made illegal for wage labourers hired from Martinmas to Whitsun to leave at Whitsun, unless they had a contract with another employer from Whitsun to Martinmas. JPs were given power to compel them to continue in service with the previous master at the same wages. This was exactly the kind of law that led, rigorously interpreted by the judges, to the enserfment of the colliers, lead-miners and salt workers. It is not too difficult to imagine what More would have said about it.

The act casts a new light on all the sixteenth-century acts in favour of the 'pure laboreris of the ground'; the farmers on whose behalf the 1621 statute was passed were obviously prosperous employers. A typical example is the act of 1579 - adjacent to the poor law in the statute book - passed 'for releiff of the laboraris of the ground' who were suffering oppression from tacksmen of teinds: the latter were required to teind the corn within eight days of the harvest. The long-term policy on teinds aimed to merge them with rent, while securing stipends from a designated part of the rent. What we have, in fact, is the beginning of a system of landed estates, based on large tenant farmers employing labour and needing settled economic conditions. Eventually it would be possible for them to obtain

3. *APS*, iii, 139, c.11.
labour without coercion: the 1621 statute was transitional. But when a local 1613 statute in Shetland ordered that none were to set up households until they were worth £72, so as to ensure a labour supply, it was a sign of the times. Subsistence farming would fade out; in its place would come wage labour.

A social history like this, taking parliament as its starting point, is inevitably top-down history. It has tried to link up with what was going on at the bottom, but many of the connections are still only sketchily understood. Our ignorance of the common people is such that one of the best-known of the 'pure laboreris of the ground' is in fact a fictional character. John the Commonweal, the working-class hero, denounced the iniquities of the rich with robust confidence, and launched a vigorous one-man campaign against the hidebound three estates who have been the subject of this study. Clearly Lindsay saw John as someone to be reckoned with – a man of the future, even, for though he stood alone against the assembled estates he turned out to have God on his side. But Lindsay distinguished him carefully from the downtrodden Poor Man. Not only that, but he ended up winning a place in parliament – as the lairds did in 1587. It is worth reflecting on the possibility that John was not a proletarian, but a petit bourgeois.

2. Lindsay, 'Thrie estaitis', 344-45.
Appendix A

RECORDS OF PARLIAMENTS AND CONVENTIONS, 1560-1603

An entire book has been devoted to explaining how the English parliamentary archives for this period were created. The volume of the Scottish records would scarcely justify such an enterprise, but the need to establish a basic chronological frame of reference is all the greater. This is what this appendix sets out to do. We are perhaps fortunate that the parliamentary rolls, giving the sederunts and the acts of parliament, survive with reasonable completeness to form the basis of the printed Acts of the parliaments of Scotland. The position in our period is far less unclear than it is before the rolls begin in 1466, but there are still many problems to be resolved.

This was the age of printing; the first acts of parliament were published in 1540. The acts of the 1563 parliament were printed, and this was followed in 1566 by two editions (of which the first was suppressed) of all the statutes back to 1424. Each parliament thereafter had its acts printed, and this could be a greater priority for the clerk register than the parliamentary rolls. In 1597, when a new compilation of statutes back to 1424 was being published, the clerks failed to enter the acts of that year's parliament in the

3. Dickson & Edmond, Scottish printing, 105; for lists of subsequent publications see also APS, i, 31-32, n.3, and Sources and literature of Scots law, 15.
rolls. Thomson's edition of the acts of parliament, otherwise based on the rolls, here had to fall back on the published statutes - with the result that 22 private acts are known to us only by the titles, since it was not contemporary practice to print these in full. A different light falls on the importance of printing in the following year, with an act of 14 December 1598 setting the exchange rates for foreign coins. This was issued as a printed proclamation on 18 December, exactly as in the act - except that all the rates were different.

There are many gaps in the parliamentary record: seederunt lists are often missing, for instance. The records of conventions are even more incomplete. These were kept in the privy council register - an indication that a convention, even a convention of estates, was something of a misfit from the bureaucrats' point of view. A scheme for regular twice-yearly conventions of estates (in June and December) was devised in 1598, but rejected at a convention of December of that year. In June 1598, as part of the scheme, a separate register of conventions had been set up. December's decision seems to have blighted this register, for it was kept only haphazardly until December 1599, and not at all thereafter (the book was left half-empty until conventions again began to be recorded in it in 1643). Perhaps

2. APS, lv, 178-79.
5. Register of acts of conventions of estates, 1598-1678, SRO, PA8/1.
instead of having regular conventions, a new privy council was appointed with more formal regulations;¹ this was marked by the opening of a new branch of the privy council register, the sederunts book.² Although some conventions were later recorded in both the register and others in the sederunts book, the immediate result of the 1598 decision was that the records of conventions partly disappeared from the privy council records for a while, and we know less about the conventions of the next few years than we might have done.

Whatever the system adopted for recording decisions after 1599, access to the minutes was not easy during conventions: the quarrel in the crucial convention of June 1600 was embittered by the two sides' inability to agree on what had been decided at the previous convention in April.³ The "buikis of parliament and rollis thairof" were normally kept by the clerks of the court of session;⁴ neither parliaments nor conventions seem to have established control over their own records.

Scotland lacks the rich variety of subsidiary English official records: the Lords' and Commons' Journals (the bureaucratic record of the daily progress of bills), and the 'original acts' (the bills themselves complete with amendments). We have just a few fragments from the parliament of 1592: memoranda discussing the merits of various

1. *APS*, iv, 177-78.
3. Nicolson to Cecil, 29 June 1600, *CSP Scot.*, xiii, 661-64.
proposed measures, and a single 'original act'. Nor do we have any comparable parliamentary diaries or unofficial records.

There are, however, a number of sources which can fill some of the gaps in the official records. Some were used in APS: the much-studied sederunt of the Reformation parliament is an unofficial list from an English source. The English government demanded copious intelligence reports on Scottish politics. Particularly during the civil war of 1570-73, the vicissitudes of the rival parties could usefully be traced by collecting lists of those attending the rival parliaments and conventions, and it is fortunate that such lists are so common for this period, when the official parliamentary records are scanty. English ambassadors' reports on the measures passed in a parliament, also common, can supplement the official list of acts when (as, again, with the Reformation parliament) the latter is incomplete.

There is no source which brings together all the available information about the parliaments and conventions that took place in this period. Most are recorded in APS or RFC, but there is a good deal of information which has to be sought elsewhere. Below is given a list of parliaments and conventions, with date, place, numbers attending, and the numbers of acts passed.

1. 'Clerk register's opinion anent acts passed in June 1592' (the opinions, however, seem to be those on acts proposed, SRO, PA7/1/42; act ratifying king's revocation, 3 June 1592, SRO, PA7/1/43 (the final version of this act is APS, iii, 559, c.32).

2. For a typical example of their use see Neale, Elizabeth I and her parliaments, 1, 277, n.2.
The date, particularly of a parliament, is not always straightforward. The starting date often differs by a day or two in different accounts, depending on the writers' perception of the elaborate opening ceremonies. The closing date, when the acts were usually voted on, would be shortly afterwards. The date I have given is either that of the first opening, or of the beginning of significant business if that is more than about a month later. Many parliaments were continued from one date to another. The parliaments of May and August 1584, for instance, were really just one body: it was summoned for October 1583, continued to November when it transacted a minor item of business, then continued once more until May and then August 1584, on both of which occasions it passed a large number of acts. I have tried to adopt a common-sense approach to all this; it is rarely important. Thomson's edition of the parliamentary proceedings, though vastly scrupulous as a transcript, tries to give everything in chronological order and may not show the shape of the archives. With the parliament of 1568, there were two parallel sets of minutes, one of which may have been for the lords of the articles; in APS, these are silently conflated into one chronological series with the aid of some tell-tale rows of dots.¹

Parliaments held at Holyrood are sometimes described as being held in Edinburgh; for the sake of simplicity I have adopted this description for all Holyrood parliaments. Civil war parliaments are those of the king's party unless otherwise stated.

What is a convention? I have included any important assembly which

was not a privy council meeting and which was described at the time as
a convention. However, convention was merely the contemporary word
for meeting, and it is not always clear how technical the English
ambassadors (for instance) were being when they referred to
conventions. A convention of estates should have had a similar
composition to a parliament: prelates, nobles and burgesses in
reasonable quantity. I have described any such meeting as a
convention of estates, particularly if it took decisions on matters like
taxation. However, while all conventions represent the nobility, many
do not represent the other estates fully (or at all). I have described
these, as contemporaries did, simply as conventions.

The attendance list is a breakdown of who was stated to have been
there; it does not attempt to assess who was entitled to be there.
It is common to find different, overlapping lists, because people
arrived late, left early, and so on. If someone is recorded as present
in one list but not in another, this is probably because he was present
on only one of the two days on which the lists were compiled; I have
thus counted everyone whom any source mentions as present. The
burghs usually sent only one representative, but there are several
examples of burghs sending three or more. This was probably more
common than the sederunts suggest; clerks might demand the name only
of the leader of the delegation. Only one commissioner is recorded
from Ayr in 1579, but the burgh paid expenses to at least three.'

1. APS, iii, 128; Ayr accounts, 145. Dickinson noted several cases in which
burghs designated more commissioners than were recorded in the sederunts,
assuming that the unrecorded ones must have been absent, but if they were paid
expenses this seems unlikely; W. C. Dickinson, 'Burgh commissioners to
parliament', SHR 34 (1955), 93.
The breakdown by estates includes all those listed by name; a list sometimes adds that 'divers utheris' were present, and I have indicated this. The categories I have adopted are mostly straightforward, but 'earls' include regents, marquises and dukes; 'lairds' include all lairds (after 1587 these were often shire commissioners) except those who appear to have been there as officers of state; and 'officers etc' are mainly officers of state and sons of nobles. It is very likely that some sederunts failed to record the presence of officers of state, so this category is particularly incomplete. None of the others should be regarded as necessarily complete either.

In giving the number of acts passed, for parliaments I have relied on the number of statutes with APS chapter numbers (while recognizing that these numbers are the responsibility of Thomson and not of contemporaries) unless this is clearly incomplete. I have ignored the judicial business, mainly forfeitures, unless it predominated. For conventions, I have counted up what appear to be their decisions. All acts not given in APS or RPC are briefly described. It may be that some of the acts reported by English ambassadors but not otherwise recorded were not in fact passed, though we are often told if a proposal was rejected.

The main reference for each entry, at the end of the first line, contains all the information for which no other source is cited.
1. 1 August 1560: parliament in Edinburgh (APS, ii, 525).

Attendance: 184. 6 bishops, 21 commendators, 14 earls, 19 lords, 23 burgesses, 101 lairds, 0 officers etc. The sederunt in APS is not part of the parliamentary record. Another sederunt, incomplete but listing lords of the articles, is in Diurnal, 61-62. A more complete list of the articles (10 from each of three estates, plus 6 lairds) is in CSP Scot., i, 458.

Acts: 17. 4 in APS, plus: act of oblivion (CSP Scot., i, 461; Leslie, Historie, ii, 448; Keith, History, i, 325); ratification of Châtelherault as heir to the throne (CSP Scot., i, 465); ratification of act on barons' representation (CSP Scot., i, 467); no fees of church land valid since 6 March 1558 (Keith, History, i, 324-25; CSP Scot., i, 474); possessors of teinds to retain them for the time being (Keith, History, i, 325); no churchmen's grievances against these acts to be heard in future (Keith, History, i, 325); consistorial courts' jurisdiction to be transferred to secular alternative (Keith, History, i, 325); specified pensions from benefices to be valid without papal confirmation (Keith, History, i, 325); burgesses to be present at all conventions deciding war, peace or taxation (Keith, History, i, 325); Torphichen to be a heritable lordship (Keith, History, i, 325-26); commission of 24 to form provisional government (Keith, History, i, 326); six at least of the former council to continue until the queen's commission arrived for the 24 (Keith, History, i, 326).

Remarks: on the constitutional status of this parliament, see Rait, Parliaments, 48, and Donaldson, Scotland: James V - James VII, 102.

2. 22 December 1561: convention in Edinburgh (APS, ii, 606).

Attendance: 30. 0 bishops, 2 commendators, 12 earls, 11 lords, 0 burgesses, 1 laird, 4 officers etc.

Acts: 3.
3. 4 June 1563: parliament in Edinburgh (APS, ii, 535).
   Attendance: 15 (Articles only). 4 bishops, 4 commendators, 4 earls, 0 lords, 3 burgesses, 0 lairds, 0 officers etc (Diurnal, 76).
   Acts: 31. 27 in APS, plus: ban on export of victual, hides and wool; wine price regulated; sumptuary law on clothing; act on beggars (CSP Scot., i, 677).

4. 28 September 1564: convention in Edinburgh (CSP Scot., ii, 76).
   Attendance: 13. 0 bishops, 0 commendators, 8 earls, 5 lords, 0 burgesses, 0 lairds, 0 officers etc.
   Acts: none, though various matters discussed; the main business was to introduce the newly-returned Lennox.

5. 15 December 1564: parliament in Edinburgh (APS, ii, 545).
   Attendance: not known.
   Acts: 10 and more. 2 in APS, plus: restoration of Lennox; ratifications to Moray, William Kirkcaldy of Grange, John Cockburn of Ormonston, Robert Melville of Murdochairny, and others; against the mass (penalty death in the prince's will, and forfeiture); against adultery; against fornication (CSP Scot., ii, 99-100, and for the last two acts, Knox, History, ii, 138).

6. 15 May 1565: convention in Stirling (KFC, i, 334).
   Attendance: 38. 0 bishops, 5 commendators, 10 earls, 16 lords, 0 burgesses, 0 lairds, 7 officers etc.
   Acts: not known.

7. 9 July 1565: convention in Edinburgh (KFC, i, 341).
   Attendance: 30. 0 bishops, 6 commendators, 2 earls, 8 lords, 0 burgesses, 5 lairds, 9 officers etc.
   Acts: 2.
8. 7 March 1566: parliament in Edinburgh (Diurnal, 89).
   Attendance: 14 (Articles only). 5 bishops, 2 commendators, 7 earls, 0 lords, 0 burgesses, 0 lairds, 0 officers etc.
   Remarks: Dissolved by Darnley after murder of Riccio, 9 March, before any other acts could be passed.

9. 6 October 1566: convention of estates in Edinburgh (APS, ii, 607).
   Attendance: 25. 5 bishops, 0 commendators, 7 earls, 0 lords, 8 burgesses, 0 lairds, 5 officers etc.

10. 14 April 1567: parliament in Edinburgh (APS, ii, 545).
    Attendance: 59. 9 bishops, 10 commendators, 10 earls, 16 lords, 8 burgesses, 0 lairds, 6 officers etc. There is a list of the Articles which differs in some respects from that in APS (CSP Scot., ii, 321).
    Acts: 30.

11. 25 July 1567: convention of estates in Edinburgh (EPC, i, 531).
    Attendance: not known, but included 'the lordis of secreit counsall and utheris of the nobilitie, prelattis, baronis, and commissaris of burrowis'.

12. 29 July 1567: convention of estates in Stirling (EPC, i, 537).
    Attendance: 33 and more. 1 bishop, 6 commendators, 4 earls, 8 lords, 9 burgesses, some lairds, 5 officers etc; 'divers' of those convened for James's coronation.
    Acts: 3.
13. 22 August 1567: convention of estates in Edinburgh (EPC, i, 548).

   Attendance: 19 and more. 0 bishops, 1 commendator, 6 earls, 5 lords, some burgesses, some lairds, 6 officers etc.
   Acts: 2.

   Remarks: Berries refers to this convention, dating it correctly, and states that a parliament was then held on 25 August to ratify Moray's regency and Mary's imprisonment (Berries, Memoirs, 100); no other source mentions this.

14. 15 December 1567: parliament in Edinburgh (APS, iii, 3).

   Attendance: 83. 4 bishops, 14 commendators, 13 earls, 15 lords, 31 burgesses, 0 lairds, 6 officers etc.
   Acts: 40.

15. 18 August 1568: parliament in Edinburgh (APS, iii, 45).

   Attendance: 53. 2 bishops, 12 commendators, 6 earls, 10 lords, 16 burgesses, 0 lairds, 7 officers etc.
   Acts: 7. These are only recorded in note form (APS, iii, 56-57; for descriptions of them, see CSP Scot., ii, 479); most of the parliament's business was judicial (for a list of forfeitures, see CSP Scot., ii, 479).

   Remarks: This parliament was reconvened in November 1569 (see below).

16. 12 February 1569: convention of estates in Stirling (EPC, i, 644).

   Attendance: 38. 1 bishop, 6 commendators, 7 earls, 6 lords, 9 burgesses, 0 lairds, 9 officers etc.

17. 27 July 1569: convention of estates in Perth (EPC, ii, 2).

   Attendance: 71 and more. 5 bishops, 8 commendators, 10 earls, 16 lords, 20 burgesses, some lairds, 11 officers etc. With other 'ancient baronis', lords of session and 'utheris leirnit men'. (EPC list collated with slightly different one in CSP Scot., ii, 663-64.)
   Acts: 8.
18. 17 November 1569: parliament in Edinburgh (APS, iii, 57).
   Attendance: 16. 1 bishop, 7 commendators, 2 earls, 3 lords, 3
   burgesses, 0 lairs, 0 officers etc.
   Acts: 0. Some judicial business.
   Remarks: this was the reconvened parliament of August 1568.

19. 14 February 1570: convention of estates in Edinburgh (EPC, xiv,
   32).
   Attendance: 90 and more. 2 bishops, 6 commendators, 6 earls, 7
   lords, 4 burgesses, 58 lairs, 7 officers etc. With 'divers
   utheris' (probably lairs).
   Acts: 2.

20. 4 March 1570: convention of estates in Edinburgh (EPC, xiv, 42).
   Attendance: 25. 1 bishop, 7 commendators, 7 earls, 10 lords, 7
   burgesses, 0 lairs, 3 officers etc. (EPC list collated with
   slightly different one in Bannatyne, Memorials, 19.)
   Acts: 2.
   Remarks: no agreement reached on regency question (Bannatyne,
   Memorials, 19).

21. 10 April 1570: queen's party's convention in Linlithgow
   (Bannatyne, Memorials, 19).
   Attendance: 5 and more. 0 bishops, 0 commendators, 4 earls, 1
   lord, 0 burgesses, 0 lairs, 0 officers etc.

22. 17 July 1570: convention of estates in Edinburgh (CSP Scot., iii,
   267).
   Attendance: 78 and more. 2 bishops, 8 commendators, 7 earls, 9
   lords, 16 burgesses, 34 lairs, 2 officers etc. Also the 'hail
   ministeris and superintendentis' (Diurnal, 180).
23. 13 October 1570: parliament in Edinburgh (Diurnal, 190).
Attendance: 30 and more. 3 bishops, 7 commendators, 6 earls, 10 lords, 2 burgesses, 0 lairds, 2 officers etc.
Acts: 4. Regent's authority ratified; church liberties ratified; tax of £12,000 (RFC, xiv, 85-87, where it is incorrectly dated December 1570); two months' assurance granted to queen's party (Calderwood, History, iii, 18).
Remarks: parliament continued to January 1571. Elizabeth ordered Lennox to dissolve it, and he replied on 11 January that he had done so (CSP Scot., iii, 460, 463). However, Pitscottie says that the parliament dealt with military matters and Morton's embassy to England on 15-16 January (Pitscottie, Historie, ii, 244).

Attendance: 10. 0 bishops, 0 commendators, 7 earls, 2 lords, 0 burgesses, 0 lairds, 1 officer etc.
Acts: various forfeitures (listed in Calderwood, History, iii, 78).
Remarks: this was the 'creeping parliament'. Continued to August 1571.

Attendance: 23 and more. 3 bishops, 6 commendators, 3 earls, 4 lords, 6 burgesses, 1 laird, 0 officers etc, and others. This list is a collation of several (Diurnal, 220; CSP Scot., iii, 604-05; Calderwood, History, iii, 77-78, 91).
Acts: 3. Queen's abdication cancelled; church liberties (Protestant) ratified; ministers to pray daily for the queen. Also some forfeitures and summonses.
Remarks: this parliament was first held on 14 May, in the Edinburgh tolbooth where the king's party had hoped to hold theirs; then continued to 12 June. Continued again to August 1571.
   Attendance: 3 nobles.
   Acts: 200 forfeitures.
   Remarks: this and the following parliament held 'ilk ane till forfait uther' (Kelville, Memoirs, 240).

27. 28 August 1571: parliament in Stirling (APS, iii, 58).
   Attendance: 59. 3 bishops, 11 commendators, 12 earls, 8 lords, 18 burgesses, 4 lairds, 3 officers etc.
   Remarks: Lennox was killed during a raid on this parliament, and Mar was elected regent at a separate convention (not listed separately here) held while it was in session, 5 September (APS, iii, 65). The parliament continued after this, and ratified the election. The sederunt above is in fact that for the convention, but probably the same people were present at both.

   Attendance: not known.
   Remarks: forfeitures were planned, but abandoned at English request. The parliament was stated to have been continued, without transacting any business, on 1 March (CSP Scot., iv, 148). Probably this was the running parliament that Morton was thinking of reconvening in October 1572 (CSP Scot., iv, 418). Its one act is dated 31 March 1572; this is still in manuscript and perhaps should be quoted in full (SRO, PA7/1/27):

   Act concerning the cunyeing of half merk steikis, past in Leith, last Marche 1572.

   My lord regentis grace and thre estaitis of this realme in parliament, understanding that diverse tratouris and utheris malefactouris, eftir thair tressonabill dedis coaaittit not onlie in murthering of our soverane lordis derrest fader gudsyre and uncle, bot als doing that in thame lyis to pull the
crown royall of his graces held, hes erectit ane uther autoritie aganis their faith aucth and maid to his grace, and massit thame eallfis togidder within the town and castell of Edinburgh and divers utheris partis, south, north and west of this realme, kepand garnesonis of men of weir, murtherand and oppressand his hienes trew liegis, spulyand, revand and detenand fra him the patrimony, propirtie and casualiteis of his graces crown, in sik sort that his said regent, nobilitie and faithfull subjectis, to repress their tratorie and tirannye, ar forcit to hald and keip in garnesoun men of weir jonit with thame to the defence of oure soeverane lord and his just and lauchfull autoritie; and yit for falt of ingetting of the propirtie and casualiteis of his graces crown, reft and detenit as said is, ar not of habilitie and substance to interteny the saidis men of weir: Thairfore, and for remeid heirof, quhill thir civill seditionis may be pacifiit, it is statute and ordinit be my lord regentis grace and thre estatis foirsaidis in this present parliament that ane new pece of silver be cunyeit, of the fynes as aggreit upoun be my lord regent with the maister cunyeour, to be calkit the half merk pece, havand on the ane syde the kingis graces armes and without the armes on the ane part the figure of 6 and on the uther part the figure of 8 to signifie the price of the samyn to be vi s viii d, and the circumscriptioun of that syde tobe Iacobus sextus dei gratia rex scotorum, and on the uther side thairof ane croce havand within twa quarteris thairof foranent uther I and R and on the uther twa quarteris twa thrissellis and the circumscriptioun on that syde tobe Cl line blank. And als to cunye ane uther pece of the avale of the half of the said first pece of the samyn fynes and produc, ffour of the principale pecis with the half thairof weyand ane once, and the half pecis to aggre to the half of the samyn wecht, the hale pece to half passage within this realme for vi s viii d and the half for iii s iiiii d.

29. - March 1572: queen’s party’s parliament in Edinburgh (Pitscottie, Historie, ii, 276; CSP Scot., iv, 148).

Attendance: not known.
Acts: not known.

30. 24 November 1572: convention of estates in Edinburgh (APS, iii, 77).

Attendance: 132 and more. 3 bishops, 9 commendators, 7 earls, 13 lords, 16 burgesses, 81 and more lairds, 3 officers etc. The (incomplete) list of lairds in APS is headed 'Astiterunt'; it has been collated with two others (CSP Scot., iv, 433, 434).
Acts: 3.
31. 15 January 1573: parliament in Edinburgh (APS, iii, 71).

Attendance: 56. 2 bishops, 10 commendators, 8 earls, 16 lords, 17 burgesses, 0 lairds, 3 officers etc (CSP Scot., iv, 463-65).

Acts: 24. 15 in APS, plus: proposed alliance with England and other Protestant countries; divorce; reparation for destroyed Edinburgh houses; ratification to Glasgow university; advice to regent on suspension of pursuit of murderers of Darnley and Lennox; remission to Argyll and others of queen's party; exoneration of Glamis for intromitting with the house of John Carnegie of Kinnaird; ratification of earldom of Lennox to Charles Stewart; restoration of James Balfour and his brother (CSP Scot., iv, 464, 466, 489).

32. 30 April 1573: parliament in Edinburgh (APS, iii, 81).

Attendance: 45. 3 bishops, 7 commendators, 8 earls, 12 lords, 12 burgesses, 0 lairds, 3 officers etc (CSP Scot., iv, 553-55).

Acts: 14. 7 in APS, plus: ratification of king's authority; act on recovery of Edinburgh castle; restoration of Huntly, James Balfour, laird of Parbroath, and Alexander Stewart, captain of Blackness castle; 11 unspecified acts which presumably include the 7 in APS (CSP Scot., iv, 555).

Remarks: there is no mention of the pacification of Perth (23 February 1573) in this parliament; but the parliament was proclaimed on the same day that the pacification was entered in the privy council register, and the manifest incompleteness of the official record makes it possible that this parliament ratified the pacification. Other considerations add probability to this. The parliamentary forfeitures of the queen's party had to be revoked, and it is hard to see how this could have been done other than by parliament. It was parliament that admitted subsequent ex-Marians to the pacification in 1578 onwards. See RFC, ii, pp.xxviii-xxix, 201-04.
33. 5 March 1575: convention of estates in Edinburgh (APS, iii, 84).
   Attendance: 65. 7 bishops, 15 commendators, 12 earls, 17 lords,
   6 burgesses, 0 lairds, 8 officers etc.
   Acts: 15.

34. 28 October 1575: convention in Edinburgh (RFC, ii, 467).
   Attendance: 16. 3 bishops, 2 commendators, 4 earls, 7 lords, 0
   burgesses, 0 lairds, 0 officers etc.

35. 8 March 1578: convention in Stirling castle (APS, iii, 115).
   Attendance: 26. 5 bishops, 5 commendators, 10 earls, 11 lords,
   0 burgesses, 0 lairds, 5 officers etc.

36. 12 June 1578: convention of estates in Stirling castle (APS, iii,
   120).
   Attendance: 47. 8 bishops, 8 commendators, 9 earls, 11 lords, 9
   burgesses, 0 lairds, 2 officers etc.

37. 15 July 1578: parliament in Stirling castle (APS, iii, 94).
   Attendance: 32 and more. 4 bishops, 5 commendators, 7 earls, 6
   lords, 7 and more burgesses, 0 lairds, 3 officers etc. This is a
   list of the unusually large number at the privy council the
   following day (RFC, iii, 6-7), collated with another list of the
   lords of the articles (Moysie, Memoirs, 12).
   Acts: 34.
   Remarks: there were complaints about holding a parliament in a
   castle, and it had to be declared that it was a free parliament to
   which the lieges had free access.
38. 15 November 1578: convention in Stirling castle (RFC, iii, 45).
   Attendance: 13. 3 bishops, 0 commendators, 4 earls, 6 lords, 0
   burgesses, 0 lairds, 0 officers etc.
   Remarks: this convention voted a tax, giving rise to complaints
   of its unrepresentative nature (RFC, iii, 56-57).

   Attendance: 32. 4 bishops, 7 commendators, 8 earls, 10 lords, 0
   burgesses, 0 lairds, 3 officers etc.

40. 7 August 1579: convention in Stirling castle (AFS, iii, 187).
   Attendance: 29. 4 bishops, 7 commendators, 8 earls, 10 lords, 0
   burgesses, 0 lairds, 0 officers etc.
   Acts: 5. See RFC, iii, 198-201.

41. 20 October 1579: parliament in Edinburgh (AFS, iii, 127).
   Attendance: 72. 7 bishops, 17 commendators, 11 earls, 12 lords,
   35 burgesses, 0 lairds, 0 officers etc.
   Acts: 76.

42. 26 February 1581: convention of estates in Edinburgh (AFS, iii,
   189).
   Attendance: 31 and more. 0 bishops, 5 commendators, 9 earls, 13
   lords, many burgesses, 3 (and more) lairds, 1 officer etc (CSP
   Scot., v, 640).
   Acts: 3.

43. 3 April 1581: convention of estates in Edinburgh (AFS, iii, 192).
   Attendance: not known.
44. 28 November 1581: parliament in Edinburgh (APS, iii, 193).
   Attendance: 61. 3 bishops, 13 commendators, 13 earls, 12 lords,
   16 burgesses, 0 lairds, 4 officers etc.
   Remarks: parliament first assembled 24 October.

45. 19 October 1582: convention of estates in Edinburgh (APS, iii, 326).
   Attendance: 35 and more. 3 bishops, 9 commendators, 10 earls, 7
   lords, some burgesses, 0 lairds, 6 officers etc.
   Acts: 4. 3 in APS, 1 in RFC, iii, 519.

46. 19 April 1583: convention in Edinburgh (APS, iii, 328).
   Attendance: 16. 0 bishops, 3 commendators, 6 earls, 3 lords, 1
   burgess, 0 lairds, 3 officers etc.

47. 24 October 1583: parliament in Edinburgh (APS, iii, 289).
   Attendance: not known.
   Acts: none.
   Remarks: continued, without passing any acts, to 18 November, on
   which date one item of judicial business was transacted and it
   was continued once more; reconvened in May 1584.

48. 7 December 1583: convention in Edinburgh (APS, iii, 330).
   Attendance: 31. 1 bishop, 4 commendators, 12 earls, 7 lords, 0
   burgesses, 0 lairds, 7 officers etc.

49. 19 May 1584: parliament in Edinburgh (APS, iii, 290).
   Attendance: 75. 8 bishops, 13 commendators, 14 earls, 14 lords,
   22 burgesses, 0 lairds, 4 officers etc.
   Acts: 49.
   Remarks: the reconvened parliament of October-November 1583.
   Continued once more to August 1584.
50. 20 August 1584: parliament in Edinburgh (APS, iii, 331).
Attendance: 49. 5 bishops, 9 commendators, 9 earls, 10 lords, 16 burgesses, 0 lairds, 0 officers etc.
Acts: 38.
Remarks: the reconvened parliament of May 1584. It was decided that the same lords of the articles should act, but in fact the earl of Arran (who had surprisingly not been on the articles in May) was added.

51. 31 July 1585: convention of estates in St Andrews (APS, iii, 423).
Attendance: 43. 3 bishops, 8 commendators, 6 earls, 5 lords, 13 burgesses, 3 lairds, 5 officers etc.
Acts: 1. Other minor business (RFC, iii, 762).

52. 1 December 1585: parliament in Linlithgow (APS, iii, 373).
Attendance: 50. 4 bishops, 9 commendators, 6 earls, 11 lords, 20 burgesses, 0 lairds, 0 officers etc. (For a list of the lords of the articles, incomplete but differing from APS, see CSP Scot., viii, 161.)
Acts: 74.

53. 23 September 1586: convention of estates in Edinburgh (APS, iii, 424).
Attendance: 34 and more. 4 bishops, 2 and more commendators, 4 earls, 3 lords, 15 burgesses, 1 laird, 5 officers etc. Sederunt list damaged.
Acts: 4. 3 in APS, 1 in RFC, iv, 100.

54. 20 December 1586: convention in Edinburgh (RFC, iv, 129).
Attendance: 19. 1 bishop, 4 commendators, 4 earls, 3 lords, 0 burgesses, 0 lairds, 7 officers etc.
55. 10 May 1587: convention in Edinburgh (RFC, iv, 164).
   Attendance: not known.
   Remarks: 'banquet of reconciliation' held at this convention.

56. 8 July 1587: parliament in Edinburgh (APS, iii, 427).
   Attendance: 69.5 bishops, 13 commendators, 8 earls, 12 lords,
   31 burgesses, 0 lairds, 0 officers etc.

57. 4 April 1588: convention of estates in Edinburgh (APS, iii, 523).
   Attendance: 23.2 bishops, 1 commendator, 5 earls, 2 lords, 7
   burgesses, 0 lairds, 6 officers etc.
   Acts: 3.2 in APS 1 in RFC, iv, 269-70.

58. 20 May 1588: convention in Edinburgh (RFC, iv, 284).
   Attendance: not known.
   Acts: 2.

59. 27 July 1588: convention in Edinburgh (RFC, iv, 298).
   Attendance: 11.0 bishops, 1 commendator, 3 earls, 2 lords, 0
   burgesses, 1 laird, 4 officers etc.

60. 26 May 1589: convention in Edinburgh (CSF Scot., x, 85).
   Attendance: not known.
   Acts: decisions against Huntly, Bothwell and Crawford. Later
   stated not to be implemented (CSF Scot., x, 93).

61. 26 August 1589: convention of estates in Stirling (CSF Scot., x,
   148, 150).
   Attendance: not known.
   Acts: none.
   Remarks: to have voted a tax, but attendance insufficient.
   Attendance: not known.
   Acts: 1. Captain Arnott appointed to take a message to the king in Norway.

63. 12 June 1590: convention in Edinburgh (APPS, iii, 524).
   Attendance: 35. 0 bishops, 1 commendator, 3 earls, 8 lords, 8 burgesses, 8 lairds, 7 officers etc.
   Remarks: proposals on coinage, session, and teinds rejected (CSP Scot., x, 325).

64. 29 July 1590: convention in Edinburgh (RFC, iv, 513).
   Attendance: 24. 1 bishop, 4 commendators, 3 earls, 7 lords, 0 burgesses, 1 laird, 8 officers etc.
   Acts: 4; 2 in RFC, plus: coinage commission appointed; commission for subduing the Isles appointed (CSP Scot., x, 371).

65. 5 May 1591: convention in Edinburgh (CSP Scot., x, 511).
   Attendance: not known.
   Acts: none.
   Remarks: trial of Bothwell was to have been discussed, but too few turned up.

66. 6 August 1591: convention in Edinburgh (APPS, iii, 525).
   Attendance: 21. 0 bishops, 0 commendators, 3 earls, 7 lords, 0 burgesses, 4 lairds, 7 officers etc.
67. 24 May 1592: parliament in Edinburgh (APS, iii, 527).
   
   **Attendance:** 36 (Articles only). 2 bishops, 6 commendators, 5 earls, 3 lords, 7 burgesses, 8 lairds, 5 officers etc.
   
   **Acts:** 182. 181 in APS, plus ratification to William Keith of Delny (SRO, PA7/1/45; the charter which this act ratifies is ENS, v, no.1625). The existence of this act suggests that there may have been others.
   
   **Remarks:** originally summoned for 20 November 1591, continued several times (CSP Scot., x, 566, 570, 583, 619, 626, 674); assembled 3 April, continued to 24 May; most acts passed 5 June.

68. 21 July 1593: parliament in Edinburgh (APS, iv, 3).
   
   **Attendance:** 83 (Articles only, apart from burgesses and shire commissioners). 2 bishops, 6 commendators, 2 earls, 6 lords, 41 burgesses, 18 lairds, 7 officers etc.
   
   **Acts:** 59.
   
   **Remarks:** originally summoned for 10 January 1593 (CSP Scot., x, 794); assembled 3 April and 10 June when some judicial business was transacted; reassembled and acts passed 21 July.

69. 11 September 1593: convention in Stirling (APS, iv, 39).
   
   **Attendance:** 23. 0 bishops, 5 commendators, 5 earls, 3 lords, 5 burgesses, 1 laird, 4 officers etc.
   
   **Acts:** 12.

70. 31 October 1593: convention in Linlithgow (APS, iv, 43).
   
   **Attendance:** 26. 0 bishops, 2 commendators, 0 earls, 6 lords, 9 burgesses, 4 lairds, 5 officers etc.
   
   **Acts:** 1.

71. 23 November 1593: convention in Edinburgh (APS, iv, 44).
   
   **Attendance:** 27. 0 bishops, 0 commendators, 2 earls, 6 lords, 6 burgesses, 8 lairds, 5 officers etc.
   
   **Acts:** 2.
72. 27 December 1593: convention in Edinburgh (APS, iv, 48).
   Attendance: 15. 0 bishops, 0 commendators, 1 earl, 3 lords, 0
   burgesses, 3 lairds, 8 officers etc.

73. 17 January 1594: convention of estates in Edinburgh (APS, iv, 49).
   Attendance: 41. 1 bishop, 8 commendators, 2 earls, 8 lords, 22
   burgesses, 0 lairds, 0 officers etc.

74. 29 April 1594: convention in Edinburgh (APS, iv, 53).
   Attendance: 22. 1 bishop, 0 commendators, 2 earls, 3 lords, 5
   burgesses, 7 lairds, 4 officers etc.
   Acts: 2.
   Remarks: parliament had assembled a week before this convention,
   and been continued (see below).

75. 8 June 1594: parliament in Edinburgh (APS, iv, 55).
   Attendance: 30 (Articles only). 3 bishops, 5 commendators, 4
   earls, 4 lords, 8 burgesses, 6 lairds, 0 officers etc. There is
   also a list of those summoned to this parliament, with some notes
   on who came (CSP Scot., xi, 347-48).
   Acts: 100.
   Remarks: originally assembled 22 April, and reconvened briefly
   for some judicial business on 20 May and 30 May.

76. 10 September 1594: convention in Edinburgh (APS, iv, 95).
   Attendance: 26. 1 bishop, 2 commendators, 3 earls, 4 lords, 5
   burgesses, 7 lairds, 4 officers etc.
77. 28 November 1594: convention in Edinburgh (APC, v, 190).
   Attendance: 26. 0 bishops, 1 commendator, 4 earls, 3 lords, 8
   burgesses, 5 lairds, 5 officers etc.
   Acts: 2.
   Remarks: taxation proposal, and removal of Maitland, abandoned
   (CSP Scot., xi, 478, 483, 488).

78. 15 March 1595: convention in Edinburgh (APS, iv, 96).
   Attendance: not known.

79. 24 November 1595: convention in Edinburgh (CSP Scot., xii, 54,
   78-79).
   Attendance: not known.
   Acts: 5. Nobles' feuds to be resolved by the king; lesser feuds
   to be resolved by sheriffs; enemies of the realm to be imprisoned
   (Spanish invasion threat); presbyteries authorized to convene the
   people in arms to resist invasion; national wapinshawing ordered
   for 1 February 1596.

80. 22 May 1596: convention of estates in Edinburgh (APS, iv, 97).
   Attendance: 50. 3 bishops, 5 commendators, 4 earls, 6 lords, 8
   burgesses, 18 lairds, 6 officers etc.
   Acts: 5.

81. 29 September 1596: convention of estates in Dunfermline (APS, iv,
   100).
   Attendance: 29. 1 bishop, 4 commendators, 4 earls, 4 lords, 7
   burgesses, 5 lairds, 4 officers etc.
   Acts: 3.

82. 13 December 1596: convention in Edinburgh (APS, iv, 101).
   Attendance: not known.
83. 21 December 1596: convention in Linlithgow (APS, iv, 103).
Attendance: 10. 0 bishops, 2 commendators, 1 earl, 4 lords, 0 burgesses, 1 laird, 2 officers etc.
Acts: 2.

84. 1 January 1597: convention in Edinburgh (APS, iv, 104).
Attendance: 27. 1 bishop, 4 commendators, 4 earls, 6 lords, 0 burgesses, 8 lairds, 4 officers etc.

85. 6 January 1597: convention in Edinburgh (APS, iv, 106).
Attendance: 48. 1 bishop, 6 commendators, 5 earls, 10 lords, 0 burgesses, 19 lairds, 7 officers etc.

86. 3 March 1597: convention of estates in Perth (APS, iv, 109).
Attendance: 43. 2 bishops, 2 commendators, 3 earls, 5 lords, 18 burgesses, 7 lairds, 5 officers etc.
Acts: 11.

87. 13 May 1597: convention of estates in Dundee (APS, iv, 118).
Attendance: 35. 2 bishops, 0 commendators, 5 earls, 6 lords, 13 burgesses, 7 lairds, 2 officers etc.

88. 16 December 1597: parliament in Edinburgh (APS, iv, 123).
Attendance: not known.
Acts: 95; the titles only are known of the last 22 acts.
Remarks: the parliament first assembled on 1 November.
89. 29 June 1598: convention in Edinburgh (APS, iv, 158).
   Attendance: 56. 3 bishops, 5 commendators, 8 earls, 15 lords, 6
   burgesses, 7 lairds, 12 officers etc. (List collated with CSP
   Scot., xiii, 230.)
   Acts: 16.
   Remarks: the first convention to have its proceedings recorded in
   the new register of conventions. The following conventions' proceedings are based on this register until
   December 1599, unless otherwise stated.

90. 7 July 1598: convention (RFC, v, 467).
   Attendance: not known.

91. 17 August 1598: convention (RFC, v, 480).
   Attendance: not known.

92. 30 October 1598: convention (APS, iv, 173).
   Attendance: 31. 1 bishop, 3 commendators, 4 earls, 6 lords, 4
   burgesses, 5 lairds, 8 officers etc.
   Remarks: a privy council act (RFC, v, 490) was also recorded in
   the register of conventions.

93. 14 December 1598: convention in Edinburgh (APS, iv, 177).
   Attendance: 32. 1 bishop, 3 commendators, 6 earls, 6 lords, 4
   burgesses, 5 lairds, 7 officers etc.
94. 1 February 1599: convention in Edinburgh (APS, iv, 179).
   **Attendance:** not known; however, see sederunt of privy council
   meeting of the same date (RFC, v, 520).
   **Acts:** 1.
   **Remarks:** the act ratified a privy council act of the same date
   (RFC, v, 521). It was only entered in the register of
   conventions after the following entry.

95. 2 March 1599: convention in Edinburgh (APS, iv, 180)
   **Attendance:** 29. 1 bishop, 3 commendators, 6 earls, 5 lords, 4
   burgesses, 1 laird, 9 officers etc.
   **Acts:** 1.
   **Remarks:** the act is in the register of conventions, but the
   sederunt is in the privy council's sederunt book (RFC, v, 534).

96. - May 1599: convention in Edinburgh (APS, iv, 180).
   **Attendance:** not known.
   **Acts:** 1.

97. 31 July 1599: convention in Falkland (APS, iv, 181).
   **Attendance:** not known.
   **Acts:** 17.

98. 11 December 1599: convention in Edinburgh (APS, iv, 190).
   **Attendance:** 54. 1 bishop, 5 commendators, 5 earls, 6 lords, 8
   burgesses, 19 lairds, 10 officers etc (RFC, vi, 62).
   **Acts:** 1.
   **Remarks:** the meeting lasted four days, producing one minor act.
   Taxation proposal rejected.

   **Attendance:** not known.
   **Acts:** 1. Taxation on new assessment.
100. 20 June 1600: convention in Edinburgh (CSP Scot., xiii, 661).
Attendance: not known.
Remarks: taxation of 100,000 crowns, on new assessment, rejected.

101. 1 November 1600: parliament in Edinburgh (APS iv, 191).
Attendance: 38 (Articles only, except for nobles). 2 bishops, 6 commendators, 8 earls, 6 lords, 9 burgesses, 7 lairds, 0 officers etc. (List of nobles present, CSP Scot., xiii, 730.)
Acts: 57.
Remarks: there is also a MS act, possibly just a draft, in favour of the earl of Montrose (SRO, PA7/1/49).

102. 12 February 1601: convention of estates in Edinburgh (Birrel, 'Diary', 53; Ayr accounts, 204; RFC, vi, 205n.).
Attendance: not known.
Acts: 1. Taxation of 100,000 merks (CSP Scot., xiii, 773).

103. 11 September 1601: convention in Perth (APS iv, 257).
Attendance: not known.
Acts: 2.

104. 2 February 1602: convention in Edinburgh (CSP Scot., xiii, 939).
Attendance: 42. 2 bishops, 4 commendators, 7 earls, 6 lords, 9 burgesses, 5 lairds, 9 officers etc (RFC, vi, 344).
Acts: 1. Import of cloth, stockings and hats banned.
Remarks: the meeting lasted five days. Coinage proposal rejected.

105. 28 June 1602: convention in Perth (CSP Scot., xiii, 1014).
Attendance: not known.
Acts: 2. Feud reconciled; grievances against certain Highlanders dealt with.
Remarks: other matters deferred to convention to be held 15 July: Lewis expedition, cloth imports, taxation.
106. 8 July 1602: convention in St Andrews (CSP Scot., xiii, 1014).
   Attendance: not known.
   Acts: reconciling Huntly with Moray and Argyll.

   Attendance: not known.
   Acts: 1. Escheat of those transporting supporters of Irish rebels.
   Remarks: proposals for taxation, or issue of base coinage, to pay for Lewis expedition, rejected.
Appendix B
JUSTICE AYRES

The table shows five-yearly totals, from the treasurer's accounts, of fines and other payments collected at justice ayres.

These figures are incomplete: the treasurer's accounts are missing for several years (for which an allowance has been calculated in column 4); and other justice ayres certainly took place for which no accounts are recorded. Fines were often remitted; some but not all the figures take this into account. Inflation is ignored, but it would strengthen the case for decline in the 1590s. Finally, fines are only one criterion for measuring performance of justice ayres; another would be executions, but there are no figures for these.

<table>
<thead>
<tr>
<th>1. DATE</th>
<th>2. AMOUNT</th>
<th>3. YEARS A/CS</th>
<th>4. ADJUSTED</th>
<th>5. PER CENT</th>
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<tr>
<td>1560-64</td>
<td>£269</td>
<td>2¼</td>
<td>538</td>
<td>0.5</td>
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<tr>
<td>1565-69</td>
<td>£38,868</td>
<td>4¼</td>
<td>43,187</td>
<td>44.0</td>
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<td>5</td>
<td>23,656</td>
<td>24.0</td>
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<tr>
<td>1575-79</td>
<td>£15,378</td>
<td>5</td>
<td>15,378</td>
<td>15.5</td>
</tr>
<tr>
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<td>£4,351</td>
<td>2¼</td>
<td>8,702</td>
<td>8.5</td>
</tr>
<tr>
<td>1585-89</td>
<td>£4,672</td>
<td>4¼</td>
<td>5,191</td>
<td>5.5</td>
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<tr>
<td>1600-03</td>
<td>£207</td>
<td>4</td>
<td>259</td>
<td>0.5</td>
</tr>
<tr>
<td>TOTAL</td>
<td>£88,528</td>
<td>37¼</td>
<td>98,124</td>
<td>100.0</td>
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</table>
Appendix C
PARLIAMENTARY COMMISSIONS

1. Summary of commissions by decade

The table shows membership of parliamentary commissions by decade, numbers and percentages of class of member.

<table>
<thead>
<tr>
<th>TOTAL</th>
<th>NOBLES</th>
<th>BISHOPS</th>
<th>OFFICERS</th>
<th>BURGESSSES</th>
<th>OTHERS</th>
</tr>
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<td>(9 commissions):</td>
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<tr>
<td>119</td>
<td>32</td>
<td>7</td>
<td>27</td>
<td>16</td>
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<tr>
<td>100%</td>
<td>27%</td>
<td>6%</td>
<td>23%</td>
<td>13%</td>
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<tr>
<td></td>
<td>(13 commissions):</td>
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<tr>
<td>159</td>
<td>37</td>
<td>26</td>
<td>19</td>
<td>14</td>
<td>65</td>
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<tr>
<td>100%</td>
<td>23%</td>
<td>16%</td>
<td>12%</td>
<td>9%</td>
<td>41%</td>
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<tr>
<td></td>
<td>(18 commissions):</td>
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<tr>
<td>202</td>
<td>52</td>
<td>18</td>
<td>68</td>
<td>34</td>
<td>37</td>
</tr>
<tr>
<td>100%</td>
<td>26%</td>
<td>9%</td>
<td>34%</td>
<td>17%</td>
<td>18%</td>
</tr>
<tr>
<td></td>
<td>(15 commissions):</td>
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<td></td>
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<tr>
<td>165</td>
<td>21</td>
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<td>47</td>
<td>23</td>
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<td>28%</td>
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<td>47%</td>
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<tr>
<td>TOTALS 1560-99 (55 commissions):</td>
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<tr>
<td>645</td>
<td>142</td>
<td>52</td>
<td>161</td>
<td>87</td>
<td>219</td>
</tr>
<tr>
<td>100%</td>
<td>22%</td>
<td>8%</td>
<td>25%</td>
<td>13%</td>
<td>34%</td>
</tr>
</tbody>
</table>

The first column is not necessarily the total of all others - some people are counted twice, e.g. nobles who were also officers of state. Eldest sons of nobles are counted as nobles; commendators as 'others' unless they were officers. There is a tendency, not shown in these figures, for the 'others' to be made up less of commendators representing the spiritual estate, and more of lawyers and other working members.
2. All commissions, 1560-1603

The table lists the commissions appointed by parliament and conventions - the latter are designated thus: (C). The date, outline of purpose and breakdown of membership are given.

<table>
<thead>
<tr>
<th>Year</th>
<th>Commission</th>
<th>TOTAL</th>
<th>NOBLES</th>
<th>BISHOPS</th>
<th>OFFICERES</th>
<th>BURGESSHS</th>
<th>OTHERS</th>
</tr>
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<td>1563</td>
<td>Act of oblivion</td>
<td>20</td>
<td>8</td>
<td>1</td>
<td>6</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>1563</td>
<td>Weights and measures</td>
<td>6</td>
<td>1</td>
<td>-</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
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<td>St Andrews university finances</td>
<td>9</td>
<td>1</td>
<td>1</td>
<td>4</td>
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<tr>
<td>1567</td>
<td>Replacement act of oblivion commissioners</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1567</td>
<td>Church jurisdiction</td>
<td>11</td>
<td></td>
<td>-</td>
<td>4</td>
<td>-</td>
<td>7</td>
</tr>
<tr>
<td>1567</td>
<td>Consider articles (lords of session also members)</td>
<td>30</td>
<td>8</td>
<td>2</td>
<td>7</td>
<td>6</td>
<td>9*</td>
</tr>
<tr>
<td>1569</td>
<td>Military preparations (C)</td>
<td>10</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>3</td>
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<tr>
<td>1569</td>
<td>Negotiations with queen's party (C)</td>
<td>10</td>
<td>-</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>4</td>
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<tr>
<td>1569</td>
<td>Military action against Huntly (C)</td>
<td>19</td>
<td>8</td>
<td>-</td>
<td>-</td>
<td>1</td>
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<td>9</td>
<td>1</td>
<td>3</td>
<td>-</td>
<td>2</td>
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<tr>
<td>1575</td>
<td>Church government (C)</td>
<td>16</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>-</td>
<td>10</td>
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<tr>
<td>1575</td>
<td>Law reform (C)</td>
<td>9</td>
<td>4</td>
<td>-</td>
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<tr>
<td>1578</td>
<td>Universities (one commission for each university)</td>
<td>7</td>
<td>2</td>
<td>3</td>
<td>1</td>
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</tr>
<tr>
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<td>Hospitals</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>3</td>
</tr>
<tr>
<td>1578</td>
<td></td>
<td>6</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>3</td>
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<tr>
<td>Year</td>
<td>Commissioners</td>
<td>Nobles</td>
<td>Bishops</td>
<td>Officers</td>
<td>Burghesses</td>
<td>Others</td>
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<td>4</td>
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<td>3</td>
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<td>3</td>
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<tr>
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<td>Gordon-Forbes case</td>
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<td>Others</td>
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<td>-</td>
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<td>-</td>
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<td>-</td>
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<td>Negotiations with Catholic earls (officers also members) (C)</td>
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<td>-</td>
<td>6 6</td>
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<td>-</td>
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<td>Customs on imports (C)</td>
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<td>Bullion imports (C)</td>
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<td>-</td>
<td>2</td>
<td>6</td>
<td>-</td>
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<tr>
<td>1597</td>
<td>Taxation complaints</td>
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<td>1</td>
<td>-</td>
<td>4</td>
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<tr>
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<td>Aberdeen university</td>
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<td>-</td>
<td>1</td>
<td>2</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Year</td>
<td>Description</td>
<td>Nobles</td>
<td>Bishops</td>
<td>Officers</td>
<td>Burgesses</td>
<td>Others</td>
<td></td>
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<td>1598</td>
<td>Fraud by Lothian mealmakers (C)</td>
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<td></td>
<td>5</td>
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<td>1599</td>
<td>Coinage (C)</td>
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<tr>
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<td>Military matters (C)</td>
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<td></td>
<td>7</td>
<td></td>
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<tr>
<td>1600</td>
<td>Coldingham and Jedburgh abbey thirds</td>
<td>5</td>
<td>1</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

*6 has been conjecturally added to the figures in two commissions which included any lords of session (1567) or any officers of state (1593).*
Appendix D
DIRECT TAXES IMPOSED, 1560–1603

The problems with such a list as this begin with a decision on what to leave out. This list does not include:

- customs or other indirect taxes;
- taxes imposed by the burghs for their own purposes;
- local parliamentary taxes, such as that for a new tolbooth at Clackmannan, 40s in the £ old extent of all lands in the sheriffdom (APS, ii, 582–83, c.83);
- semi-voluntary taxes, such as those of 1586, 1590, and 1593, as it is too hard to discover what was due and whether anything was paid;
- any systematic analysis of the success of collection efforts, for which the evidence is fragmentary.

But it does include taxes in lieu of military service, even though they did not require parliamentary sanction, where an identifiable assessment system was used.

Most notes should be self-explanatory. The 'purpose' is the official one – revenues may have been directed elsewhere. Proportions payable by each estate are given in outline where possible, e.g. '3:2:1:0' indicates that half was due from benefice-holders, one third from barons and freeholders, one sixth from burghs, and nothing from crown lands. Any surviving archives (in the SRO unless otherwise stated) are noted.
1. £12,000 voted by convention, October 1568 (RFC, i, 342-43).
   **Purpose:** prince's baptism.
   **Liability:** 3:2:1:0; £6,000 benefice-holders, £4,000 barons and freeholders (4s in £ old extent), £2,000 burghs.
   **Collection:** Simon Preston of Craigmillar, collector.

2. £12,000 voted by regent's parliament, October 1570 (CSP Scot., iii, 437, 713), or imposed by 'ane guid nowmber of the prelattis, nobilitie, and commissioneris of burrowis laitlie convenit', probably October 1570 (RFC, xiv, 85-87).
   **Purpose:** embassy to England.
   **Liability:** 3:2:1:0 (thirds to pay, thus reducing liability of benefice-holders liable for thirds); £6,000 benefice-holders, £4,000 barons and freeholders (4s in £ old extent), £2,000 burghs.
   **Collection:** to be paid by 15 November (20 November if beyond the Dee); John Cunningham of Drumquhassill, collector; benefice-holders to pay to sheriffs; in practice paid only by king's party (Pitscottie, Historie, ii, 241).
   **Remarks:** tax in parliament said to have been 'haistilie' cancelled (Diurnal, 192), so the non-parliamentary tax may have been somewhat later (though the suggestion of December 1570 in RFC seems unlikely in view of collection dates); Pitscottie mentions hardship caused by collection.

3. £4,000 voted by convention, October 1575 (RFC, ii, 467-69).
   **Purpose:** expedition to Borders and 'sum ordiner force' there.
   **Liability:** 3:2:1:0; £2,000 benefice-holders, 2,000 merks barons and freeholders (16d in £ old extent), 1,000 merks burghs.
   **Collection:** Robert Colville of Cleish, collector.
4. c.£12,000 imposed in lieu of military service, September 1577 (TA, xiii, pp.xv-xvii).
   **Purpose:** expedition to Borders.
   **Liability:** 0:1:1:0; barons and freeholders £6,509 (amount collected; 16s in £ old extent), no details for burghs, but Edinburgh paid £1,000 (Edin. Recs., iv, 60).
   **Collection:** Alexander Lawson ( Morton's servant), collector.
   **Archives:** incomplete accounts (E65/1).

5. 10,000 merks voted by parliament, July 1578 (APS iii, 108, c.24).
   **Purpose:** repair of Tay bridge.
   **Liability:** 4:4:2:1; £2,424 4s 10d benefice-holders, £2,424 4s 10d barons and freeholders (2s 6d in £ old extent), £1,212 2s 5d burghs, £606 1s 4d crown lands.
   **Collection:** Ruthven, collector.
   **Remarks:** collection regulations only issued March 1579 (RFC, iii, 121-22); Perth disappointed with outcome (Perth guildry book, 449).

6. £12,000 voted by 'convention', November 1578 (RFC, iii, 46).
   **Purpose:** expedition to Borders and 'sum ordiner force' there.
   **Liability:** 4:4:2:1; benefice-holders £4,366 13s 4d, barons and freeholders £4,366 13s 4d (5s in £ old extent), £2,177 15s 6d burghs, £1,088 17s 9d crown lands.
   **Collection:** Ruthven, collector.
   **Remarks:** burgh protests (Edin. Recs., iv, 91-93); promise that the unrepresentative nature of this tax would not be a precedent, December 1578 (RFC, iii, 56-57).
7. **£40,000 voted by convention, February 1581 (APS, iii, 189-90).**

**Purpose:** countering threat of invasion (from 'sindrie partis of Ewrope', not from England, perish the thought).

**Liability:** 3:2:1:0 (thirds to pay, thus reducing liability of benefice-holders liable for thirds); £20,000 benefice-holders, £13,333 6s 8d barons and freeholders (10s in £ old extent), £6,666 13s 4d burghs; first mention of liability for benefice-holders' vassals.

**Collection:** in four instalments, 1 April, 1 May, 1 June and 1 July 1581; Ruthven, collector; however, 'the same tuke na executioun the first day appointit for payment being bipast', and a convention of 3 April ordered payment of £20,000 on 1 May (APS, iii, 192); privy council on 6 June ordered payment of second £20,000 on 1 July (RFC, iii, 392).

8. **£20,000 voted by convention, April 1583 (APS, iii, 328-30).**

**Purpose:** repayment of crown debts (to Ruthven) contracted during minority; king's marriage; 'utheris his mast neidfull and wechtie effairis'.

**Liability:** 3:2:1:0 (thirds to pay, thus reducing liability of benefice-holders liable for thirds, but thirds for ministers exempt); £10,000 benefice-holders, £6,666 13s 4d barons and freeholders (6s 8d in £ old extent), £3,333 6s 8d burghs.

**Collection:** Alexander Clark, collector.

**Remarks:** £100,000 asked for; postponed to a later parliament (CSP Scot., vi, 398-400, 404).

9. **£20,000 imposed by privy council, April 1585 (RFC, iii, 741-42).**

**Purpose:** dealing with Maxwell rebellion.

**Liability:** as April 1583, adding that any shortfall from exemption of ministers was to be made up by other estates.

**Collection:** Alexander Clark, collector.
Remarks: act refers to a recent convention (1583?) that agreed to the tax in principle.

10. £15,000 voted by convention, September 1586 (APS, iii, 424-26).

Purpose: 'ordinarie force of wageit men' on Borders.

Liability: 3:2:1:0; £7,500 benefice-holders, £5,000 barons and freeholders (5s in £ old extent), £2,500 burghs.

Collection: to be paid by 1 November; John Arnott, collector.

Archives: accounts (NLS, Adv. MS 34.2.17, fos.34r.-39r.).

Remarks: John Colville described as collector, 23 September: ordered not to pay anything out without a precept signed by king and 10 of each estate (RFC, xiv, 364). Arnott refused to pay £4,000 on 28 November, alleging that Archibald Primrose and George Douglas, bishop of Moray, refused to hand over tax rolls to him (RFC, iv, 119-20).

11. £40,000 promised at time of parliament, July 1587 (RFC, iv, 245-46).

Purpose: payment by small barons for parliamentary franchise.

Liability: small barons only (£3 in £ old extent).

Collection: one-third each on 1 February 1588, August? 1588, March 1589; master of Glamis, collector for first two instalments; Robert Melville of Nurdocairn, collector for third instalment; barons to elect their own sub-collectors (RFC, iv, 245-46, 311-13, 361-62).
12. £100,000 voted by convention, April 1588 (APS, iii, 523).

**Purpose:** king's marriage.

**Liability:** apportionment by estates to be decided by commission (appointed by APS, iii, 517, c.124); barons and freeholders to pay 30s in £ old extent (RFC, iv, 344-45), which in 1594 was expected to raise £33,333 6s 8d; burghs paid £20,000 (one fifth) August 1589 (RCRB, i, 309), though the act reduced their liability by £6,000 already advanced, and right to pay one sixth had been confirmed 1587 (APS, iii, 498-99, c.109); crown lands to be 'stentit with the estate of baronis' (RFC, iv, 396-97).

**Collection:** originally £50,000 by Martinmas 1588, £25,000 by Martinmas 1589, £25,000 by Martinmas 1590; in January 1589, deadline for first £50,000 moved to Whitsun 1589 (RFC, iv, 344-45); John Colville of Strarudy, collector; Colville to be replaced on departure for France, August 1590 (CSP Scot., x, 377), but back, lamenting collection failure, February 1591 (RFC, iv, 584-85).

**Remarks:** yield of Border sheriffdoms allocated to deal with Border troubles (to be collected by John Carmichael of that Ilk, warden of the west march), June 1589 (RFC, iv, 396-97), plus another £10,000 for the same purpose, November 1589 (RFC, iv, 437).
13. £100,000 voted by convention, January 1594 (ARS, iv, 50-52).

**Purpose:** prince's baptism.

**Liability:** 3:2:1:0; £50,000 benefice-holders, £33,333 6s 8d barons and freeholders (30s in £ old extent), £16,666 13s 4d burghs; privy council ordered taxation of crown lands, February 1594 (RFC, v, 131-32) but this was ignored (accounts, E65/2).

**Collection:** half by Easter, half by midsummer 1594; Thomas Erskine of Gogar, collector.

**Archives:** tax roll (E59/1), decreets (E62/1), accounts (E65/2). Another tax roll exists, apparently drawn up during the collection process, including notes on grouping of benefices, and - uniquely - the burghs (WLS, Adv. MS 34.2.17, fos.52r.-61v.).

**Remarks:** originally to have been accompanied by £50,000 for the queen's needs (CSP Scot., xi, 246).

14. £15,323 collected in lieu of military service, August 1596 (RFC, v, 306-08).

**Purpose:** expedition to Kintyre.

**Liability:** barons and freeholders liable for service apparently equal to £840 per sheriffdom; 3 sheriffdoms (Borders) exempt, 3 (Highlands) required to do personal service (which would leave 23, not counting bailiaries, or stewartries other than Kirkcudbright; notional total liability £19,320 but many sheriffdoms small, and 15 of the 23 retoured to less than £840); some paid 15s or 20s in £ old extent (RFC, v, 312-14); £6,000 plus 3 ships from burghs.

**Collection:** Walter Stewart (commendator of Blantyre), collector.

**Archives:** accounts (E65/3).

**Remarks:** in the absence of a reliable total for what was due, the total collected is given.
15. 200,000 merks voted by parliament, November 1597 (APS, iv, 142-46, c.48).

Purpose: embassies.

Liability: 6:4:2:1; 100,000 merks benefice-holders, 66,666 merks 8s 10d barons and freeholders (40s in £ old extent), 33,333 merks 4s 6d burghs, crown lands extra (not included in 200,000 merks), but to pay at 40s in £ old extent - £9,969 collected (accounts, E65/4).

Collection: by 15 March 1598; Newbattle, collector.

Archives: tax roll (E59/2), decreets (E62/2), accounts (E65/4)

Remarks: accounts show £66,801 and £58,112, greater than amounts due, collected from first two estates, to allow for exemptions; this also reduced by collection failure.


Purpose: expedition to Dumfries.

Liability: church and lay lands to pay 16s in £ old extent, in 5 groups of sheriffdoms - first group, and presumably others, due to pay £2,500.

Collection: about 1 group per month; Henry Stewart of Craigiehall, collector.

Remarks: 2 previous groups of sheriffdoms had done actual military service, November-December 1597; stated reason for the tax, in January (but not July), was that bad weather made this difficult.
17. 100,000 merks voted by convention, February 1601 (CSP Scot., xiii, 773).

**Purpose:** embassies.

**Liability:** 6:5:2:1; £33,400 8s 5d benefice-holders, £29,056 17s 6d barons and freeholders (20s in £ old extent), £11,111 burghs, £4,984 10s 8d crown lands (20s in £ old extent).

**Collection:** Lennox and Mar, collectors (RFC, vi, 359).

**Archives:** tax roll (E59/3).

**Remarks:** figure for burghs' liability conjectural, since they were not normally included in tax rolls (on this occasion the only source); the other three groups' liability comes noticeably close to 100,000 merks, but the burghs did have to pay (Ayr accounts, 50).
Why did people take notice of parliament? Part of the reason must be the social symbolism with which it was itself associated, and the ceremonial with which its statutes were enacted and proclaimed. The symbolism was centred on the idea of the three estates as embodiment of the lieges - an idea both ancient and feudal. The pomp and dignity of parliament was growing; the regulations for the ceremonial riding of parliament were revised in 1587, phrased as attempt to reverse the 'decay of the forme honour and majestie' of parliament. This assertion of decay need not be taken too seriously; it was a normal intellectual assumption that institutions declined from their pristine form. The ritual continued to become more elaborate into the seventeenth century. After parliament's close, however, the ceremony of formally proclaiming the acts at market crosses was made functionally irrelevant by printing. The cost of printing four acts of a convention of 1575 was 40s; but the acts were also proclaimed by messengers, to whom £44 6s 8d was paid. In 1581 it was enacted that proclamation in Edinburgh alone was sufficient. Parliamentary pomp still came to local market crosses, however; the summons to each

1. *APS*, iii, 443, c.16.
4. *APS*, iii, 228, c.37.
parliament still had to be proclaimed, and this was done in 27 burghs in 1581. £37 13s 4d was paid to the messengers who carried this proclamation around in 1587, and £61 6s 8d in 1589.

The importance of the ceremonies, and particularly of the highly-charged order of the riding procession, is illustrated by the lengths to which the participants were prepared to go to assert their dignity. It was proclaimed in 1578 that the members of parliament were to come 'in quyett maner without armour'. Those coming to the 1585 parliament (held in Linlithgow, as a refuge from plague) were ordered not to 'invoid persew truble or offer injurie to quhatsumevir persoun for ald feid or new'; and in 1600, 'ane touk' was to be punished as mutilation, and a 'straik' as treason. Keeping order among the assembled estates was the chief duty of the six macers plus serjeant-at-arms, under the Earl Marischal. That their function was not entirely decorative is shown by a brawl over precedence between the burgesses of Dundee and Perth in December 1587. Even the lords of the articles could be an inflammable lot: in 1593 John Murray of Tullibardine struck James Edmondstone of Duntreath in the face with a

1. APS, iii, 193.
3. TA, xiii, 209.
4. TA, 1585-86, SRO, E21/64, fo.107v.
5. TA, 1600-01, SRO, E21/74, fo.73v. (APC, vi, 167-68, gives the 'touk' incorrectly as 'ane lous'); cf. APS, lv, 22, c.22; TA, 1596-97, SRO, E21/71, fo.49v.; TA, 1598, SRO, E21/72, fo.77v.
7. APC, i, 604-05; for what followed, see below.
At least this internal rowdyism was less calculated than in the revolutionary parliament of 1639, when each commissioner came accompanied by six armed 'assessors'. That, however, was a response to the threat of violence from outside; such a response was also needed in the sixteenth century, particularly at times of political tension. In the summer of 1565, with rebellion brewing, the Edinburgh fencible men prepared to protect a planned parliament. Letters were issued four days before the opening of the 1581 parliament, charging all subjects not to cause trouble. The law banning firearms was reissued before the 1593 parliament, along with an order against 'lesingis' and 'famous libellis and rymes dispersit or affixt'.

Precedence disputes were not confined to parliament; people merely brought there the habits which they pursued at formal gatherings everywhere, and news of violence in parliament would not have detracted from the authority which its enactments carried. A Glasgow wapinshawing in 1583 dissolved into a riot when bands of merchants and artisans disputed their ranking. But in parliament the tensions were perhaps higher - at least among the nobles, who all knew each

2. Makey, Church of the Covenant, 47.
4. APS, iii, 192.
5. RFC, v, 91. For censorship of this type of propaganda, see chapter 7.
other and brought existing rivalries with them. The tightening-up of regulations in 1587 was partly connected with precedence disputes which had taken place during the riding of parliament. The privy council ruled that Crawford had precedence over Bothwell, Morton over Hamilton, and Fleming over other lords including Home; as a result, Bothwell, Hamilton and Home refused to attend parliament. Home even challenged Fleming to a duel, but this was not allowed, 'albeit they were both the well willing'. While the privy council bore the brunt of these nobles' squabbles, it is interesting that the parallel dispute between the burgesses of Dundee and Perth was referred by parliament not to the council but to the court of session. This delegation of responsibility seems inconsistent with another act, ordering that all quarrels were to be settled by parliament itself.

The struggle for second place between Dundee and Perth is a classic of buck-passing. After the brawl in the December 1567 parliament, the Regent Moray was 'much troubled' to reconcile these 'turbulent townes'. Perth, Dundee and Stirling were all disputing second place in 1579, and parliament referred the case to the convention of royal burghs. In February 1580 the three were still arguing, but the convention could

2. Earl of Mar to 3, 17 July 1587, CSP Scot., ix, 453.
5. APS, ili, 443-44, c.17.
7. APS, iii, 174, c.57.
reach no decision.\footnote{RCRB, i, 84-85.} In April 1581 the next convention recorded that the Dundee-Perth dispute (Stirling evidently having dropped out) was 'debaitabill and intricat' - and it decided to refer the question back to parliament.\footnote{RCRB, i, 112-13.} According to Dundee's later protest in the October 1581 parliament, however, the following day the meeting was forced to decide in favour of Perth 'for feir of lettres of horning direct aganis thame' - but (said Dundee) they still left the final decision to parliament; parliament referred it straight back to the next convention of royal burghs, ordering it to decide on the ranking of all burghs.\footnote{APS, iii, 232-33, c.47.} The April 1581 decision was seen by Perth in 1588 as a victory that should have been decisive, but it was not;\footnote{Perth guildry book, 1452-1631, Perth Museum & Art Gallery, p.449.} Perth was placed below Dundee, by royal command, in the May 1584 parliament.\footnote{APS, iii, 291.} Both sides were taking expensive legal action in 1602 - financed by taxation in Dundee, and by loans in Perth.\footnote{Dundee council minutes, ii, Dundee District Archive & Record Centre, pp.118-19; Perth council minutes, i, Sandeman Library, Perth, fo.42r.} There, perhaps, we should leave them.

The nobles' precedence was supposed to be defined by a commission appointed by the 1592 parliament, but this was clearly ineffective.\footnote{APS, iii, 554-55, c.29.} Angus, the senior earl, found himself in a difficult position once
higher ranks in the peerage began to come in: he clashed with the duke of Lennox in 1592, and with the newly-created marquis of Huntly in 1600.\(^1\) The latter dispute led to five earls boycotting the parliament, and there might have been bloodshed if Angus had been as keen on the dispute as his supporters.\(^2\) This parliament too demanded that the nobles' precedence should be defined, this time by the privy council.\(^3\) In 1606, a 'decreet of ranking' gained some acceptance, though there were still disputes after it.\(^4\) It is an indication of parliament's greater adherence to tradition that bishops still took precedence over nobles.\(^5\) In the sederunts of conventions, by contrast, nobles were always listed first. Unfortunately, sederunts cannot tell us about the order of precedence within each estate - they varied from one parliament to the next, and may have been compiled from notes in which people were recorded in the order they arrived.

A compulsive passion to maintain one's precedence vis-à-vis others of equal status indicates a society with predominantly vertical social ties. It has been argued that only after the sixteenth century was precedence replaced by an over-riding demand for deference from social inferiors.\(^6\) This is undeniably true, but the pomp and ceremony of

1. APS, iii, 588, c.91; Nicolson to Cecil, 12 November 1600, CSP Scot., xiii, 739-30.
3. APS, iv, 246, c.52.
parliament was surely not just intended to reaffirm the ranking of the participants: it was a spectacle for the benefit of the classes who were entitled only to be onlookers.

As well as the official pomp, parliament was very much an occasion for unofficial but conspicuous consumption by those who came. Edinburgh's two commissioners to the 1578 parliament in Stirling spent £72 6s 8d, and Ayr's commissioner to the two parliaments of 1584 spent £20 and £24 10s. When parliament was held in Edinburgh, the burgh collected double customs known as 'parliament feis', a practice banned in 1600. In 1633, shire commissioners were entitled to claim expenses of 300 merks each, plus the cost of a foot-mantle for the riding ceremony. The parliament of 1581 continued so long that many left, their purses unable to stand the strain. Some northern nobles asked for the 1600 parliament, called in the aftermath of the Gowrie affair, to be delayed till after Michaelmas, so that they would have money from their rents to spend in Edinburgh.

So the power and authority of parliament - which meant the power and authority of parliamentary statutes - was expressed through consumption and materialism. The ideological content of this was crude, if no doubt effective. The ideological solidarity of a

1. *Edin. Recs.*, iv, 82; *Ayr accounts*, 149.
5. Nicolson to Cecil, 19 October 1600, *CSP Scot.*, xiii, 713.
convention of estates was affirmed in a more sophisticated and sharply-focused way in 1569, when the close of the assembly was marked by the burning of a witch.¹ Much of the witch-hunt was about the demand for deference.² Some questions about the propaganda content of parliamentary enactments are considered in chapter 7, but it is clear that the manner of holding parliament itself was not unconnected with the impact it would have on those not entitled to participate. It was one way of getting wide acceptance for the statutes. Thus a hostile rhymer on the Regent Moray in 1569:

When he had wrought his wicked will
And had his false intent,
To blind the eyes of simple men
He called a parliament.³

2. Larner, Enemies of God, 97-98.
CONVENTIONS AND ABBREVIATIONS

Money: All sums are in £s Scots unless otherwise stated, often rounded to the nearest £. In 1560 the English £ (sterling) was equal to about £4 10s Scots and the French crown to £1 6s 8d Scots; by 1603 they were worth £12 Scots and £3 6s 8d Scots respectively.

Dates: These are given in old style (i.e. Julian calendar), but with the year beginning on 1 January. Unlike many authors, I make no exception to this convention when referring to parliamentary statutes.

Style: Contemporary documents are quoted in the original spelling, but the letters l/j and u/v/w are modernized where this clarifies the sense; yogh is given as y. Contractions are expanded, and modern capitalization and punctuation used. In the text, names are modernized if possible. Translations not otherwise attributed are my own.

The following abbreviations are used:

Add. MS Additional MS (BL).
Adv. MS Advocates' MS (WLS).

Ayr accounts Ayr burgh accounts, 1534-1624, ed. G.S. Pryde (SRS, 1937).


BL British Library, London.

BOEC Book of the Old Edinburgh Club.
<table>
<thead>
<tr>
<th>Author</th>
<th>Title</th>
<th>Edition/Notes</th>
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<tbody>
<tr>
<td>Buchanan</td>
<td>The history of Scotland, vols. i-ii, ed. J. Aikman (Edinburgh, 1830).</td>
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<tr>
<td>BUK</td>
<td>Booke of the universall kirk: acts and proceedings of the general assemblies of the kirk of Scotland, vols. i-iii, ed. T. Thomson (Bannatyne &amp; Maitland Clubs, 1839-45).</td>
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<tr>
<td>Diurnal</td>
<td>Diurnal of remarkable occurrents that have passed within the kingdom of Scotland since the death of King James the Fourth till the year 1575, ed. T. Thomson (Bannatyne Club, 1833).</td>
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<tr>
<td>Dumfriesshire Trans.</td>
<td>Transactions of the Dumfriesshire and Galloway Natural History and Antiquarian Society.</td>
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<tr>
<td>East Lothian Trans.</td>
<td>Transactions of the East Lothian Antiquarian and Field Naturalists' Society.</td>
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<td>EHR</td>
<td>English Historical Review.</td>
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<tr>
<td>Glasgow Recs.</td>
<td>Extracts from the records of the burgh of Glasgow, vol. i, ed. J.D. Warwick (SBRS, 1876).</td>
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<tr>
<td>Herries, Memoirs</td>
<td>Lord Herries, Historical memoirs, ed. R. Pitcairn (Abbotsford Club, 1836).</td>
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</table>
Hist. KJVI  Historie and life of King James the Sixth, 1566-1596, ed. T. Thomson (Bannatyne Club, 1825).


IR  Innes Review.

JR  Juridical Review.


Moyse, Memoirs  David Moyse, Memoirs of the affairs of Scotland, 1577-1603, ed. J. Dennistoun (Maitland Club, 1830).


Quoniam  Quoniam attachiments, ed. T.K. Cooper (Stair Society, 1947).
<table>
<thead>
<tr>
<th>Abbreviation</th>
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<tr>
<td>RCRB</td>
<td>Records of the convention of royal burghs of Scotland, vols. i-ii, ed. J.D. Warwick (Edinburgh, 1866-70).</td>
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<tr>
<td>Regiam</td>
<td>Regiam majestatem, ed. T.M. Cooper (Stair Society, 1947).</td>
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<tr>
<td>RSCHS</td>
<td>Records of the Scottish Church History Society.</td>
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<tr>
<td>ESS</td>
<td>Register of the privy seal of Scotland (Registrum secreti sigilli regum Scotorum), vols. v-viii, eds. J. Beveridge &amp; G. Donaldson (Edinburgh, 1957-82).</td>
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<tr>
<td>SBRS</td>
<td>Scottish Burgh Records Society.</td>
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<td>SGN</td>
<td>Scottish Geographical Magazine.</td>
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<tr>
<td>SHR</td>
<td>Scottish Historical Review.</td>
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<td>SHS</td>
<td>Scottish History Society.</td>
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<tr>
<td>Skene, DVS</td>
<td>John Skene, De verborum significatione: the exposition of the tarmes and difficill wordes contained in the foure buikes of Regiam majestatem and uthers... (Edinburgh, 1599).</td>
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<tr>
<td>SRO</td>
<td>Scottish Record Office, Edinburgh.</td>
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<td>SES</td>
<td>Scottish Record Society.</td>
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<td>STS</td>
<td>Scottish Text Society.</td>
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<td>TA</td>
<td>MS treasurer's accounts, 1581-1604 (SRO).</td>
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<tr>
<td>Thirds</td>
<td>Accounts of the collectors of thirds of benefices, 1561-1572, ed. G. Donaldson (SHS, 1949).</td>
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<tr>
<td>TRHS</td>
<td>Transactions of the Royal Historical Society.</td>
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</tbody>
</table>

Titles of other works may be shortened in footnotes after the first citation.
BIBLIOGRAPHY

The bibliography is arranged as follows:

1. MANUSCRIPT SOURCES, arranged by archive.
2. PRINTED PRIMARY SOURCES:
   a. Public and administrative records.
   b. Source collections.
   c. Narratives, tracts etc.
3. SECONDARY WORKS, in a single alphabetical listing.

1. MANUSCRIPT SOURCES

ABERDEEN CITY ARCHIVES

'An alphabetical index to the first 67 volumes of the council register of the city of Aberdeen, from 1398 to 1800', ed. W. Kennedy.

Kirk session accounts, 1602-22.

ABROATH LIBRARY

Burgh accounts, 1605-14.

Burgh court book, 1563-75.

BRITISH LIBRARY, LONDON

Additional, 24,275: copies of documents relating to the revenues of Scotland.


Additional, 33,517: coinage register, 1594-98.

Additional, 33,531: state papers.


Egerton, 2,598: state papers.

Royal, 18 B vi: state papers.

Stowe, 158: state papers.
Bibliography

DUNDEE DISTRICT ARCHIVE AND RECORD CENTRE

Burgh council minutes, vols. 1-11, 1558-1603.


Miscellaneous burgh papers.

MONTROSE TOWN HOUSE

Burgh council minutes, 1617-25.

NATIONAL LIBRARY OF SCOTLAND, EDINBURGH

Annotated contemporary editions of the statutes (see also section 2a): Ry.i1.a.7 (1540); Ry.i11.c.20(i-2) (November 1566, with reprints from October 1566 edition); H.33.c.21(i-7) (November 1566; Thomas Hamilton's copy); H.33.c.24 (November 1566; Alexander Guthrie's copy).

Adv. MS 22.2.16: copies of papers of a parliamentary commission for revising tax rolls, 1613.

Adv. MS 25.4.4: abridgement of the register of parliament, 1424-1621.

Adv. MS 34.2.17: 'Concernynge the chekker and the kingis rentis', c.1591.

PERTH MUSEUM AND ART GALLERY


SANDEMAN LIBRARY, PERTH

Burgh council minutes, vol. i, 1600-03.

Burgh court books, vols. i-ii, 1560-1603.

SCOTTISH RECORD OFFICE, EDINBURGH

CH8/31: rentals of chaplainries, 1573.


E21: treasurer's accounts.

E22: treasurer's accounts (Leven & Melville copies).

E30/14: accounts of Thomas Foulis, king's goldsmith, 1594-96.
E35/13: accounts of Robert Jowis of supplies to the royal household, 1590-1600.

E45: collector general's accounts of thirds of benefices.

E59: tax rolls.

E60: particular tax rolls.

E62: decreets in the taxations.

E65: accounts of the taxations.

GD/214: papers of Prof. R.H. Hannay.

NP2/1: register of admissions of notaries, 1563-67.

PA2: acts of parliament.

PA7: miscellaneous parliamentary papers.

PA8: acts of conventions of estates.

PA9/1: acts of the lords interpreters of the act of oblivion, 1563-69.

PC1: acts of privy council.


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Acts and proceedings of the general assemblies of the kirk of Scotland (Booke of the universall kirk), 3 vols., ed. T. Thomson (Bannatyne & Maitland Clubs, 1839-45).


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Ancient laws and customs of the burghs of Scotland, vol. i (1124-1424), ed. C. Innes (SBRS, 1868).

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