

TOWN CLERKS

BY

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TOWN CLERKS

BY

JAMES MOIR WEBSTER

FROM

NOTES HE LEFT WHILE WORKING ON HIS
DUNFERMLINE ABBEY

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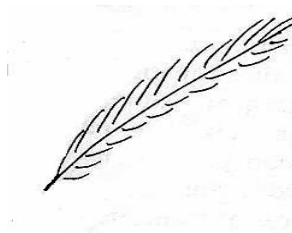
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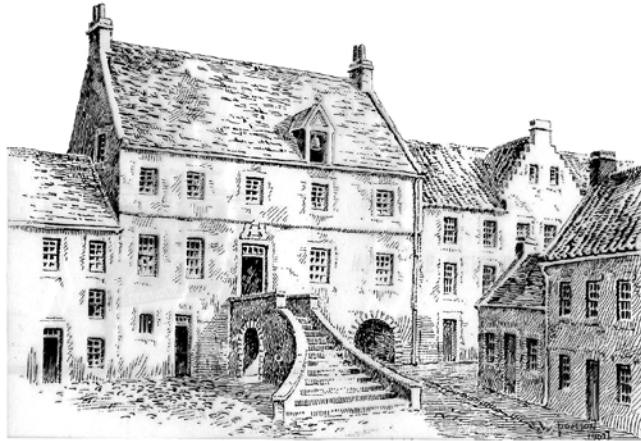
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TOWN CLERKS



The first Town House was removed in 1768
To allow the formation of Bridge Street.

Whether held in the open or within walls, a court required a clerk to keep a record of its proceedings; and one is safe in saying that the Burgh of Dunfermline had one from an early date.

One is also safe in assuming that, to begin with, the need was met by the monastery. There was no other source till the Grammar School came into being; and the earliest known reference to its existence is in 1496.

As was the case with the Masters of the Grammar School, no rigid rule as to the ecclesiastical status of the men seconded for this work was observed, - generally a notary, or a chaplain; sometimes, rather surprisingly, a monk.

Nor is there any reason to suppose that it was a full-time occupation. The principal need, as already indicated, was the keeping of a record. The monastery, with its widespread possessions and diverse interests, had always in its service men familiar with law and procedure, and it was a simple matter to release one for work of this kind.

If the man usually entrusted with the work happened to be ill or prevented by monastic duty from attending court, a protempore appointment would be made – as when on 30th July, 1493, Schir John Moffat acted ‘for this present court’. This accounts for a good deal of what seems to be over-lapping of appointments.

The fact that there is no more than a passing reference to a fee seems to bear this out: -

“9 Feb., 1551/2- Which day the provost, bailies and community have leased the field (feld) that the former Schir Thomas Malcum (Town Clerk) had for his fee to Schir John Couper (his successor) for his fee, the `rasyne and settyne` of the same to be at his own pleasure,

as he thinks expedient..... The outstanding rent of the same to be paid to Schir John.”

Later, we hear of a house being provided for the clerk; but that was after the Reformation.

“that day the sd. p. b. & c. all in ane voice Letts to Andrew Symson yr Clerk that dwelling house under the tolbuoth possest be unq^{ll} Henry Elder, clerk,..... Pay and yearlie yrfoir sixteen pounds Scots money.”

For many years after the Reformation there is nothing to suggest that the clerkship of the burgh was a full-time occupation, or the salary sufficient to live on; which leaves one with the definite impression that the holder of the office had to supplement his income from other sources.

The commonest, so far as one can gather, was to enter into general practice as a Notary Public.

Another possibility was to seek employment as clerk either in the other civil courts held in the Tolbooth, or in the church courts.

It was not, in these days, an invariable practice for a minister to be appointed Presbytery or Synod Clerk. John Achenwalls, Town Clerk of Dunfermline (1642-1650), was clerk to the Presbytery of Dunfermline in the year 1649, and might have continued so indefinitely had it not been discovered that, when there was at last some prospect of a minister being appointed to Beath – eighty years after the Reformation – there was no stipend available for his support. Till the Presbytery, with the help of the Synod, could raise a stipend for him, the new minister was given the clerkship of the Presbytery, Auchenwalls resigning with a honorarium of fifty merks `in consideration of his honest service in the past and his frie demission of the office`.

Walter Dalglish, a layman, who succeeded the minister of Beath as Presbytery Clerk, was also Synod Clerk and Clerk to the Regality of Dunfermline.

None of these offices was a full-time occupation, nor is there anything to indicate when the clerkship of the Burgh of Dunfermline became so.

According to a Parliamentary Report on Municipal Corporations dated 1836, the salary of the Town Clerk of Dunfermline for the year 1690 was £26:13:4. Scots.

At a meeting of Town Council held in April 1768 for the purpose, amongst others, of electing a clerk, the Provost, In reply to certain queries that were addressed to him, stated that 'it had been a pretty common practice for candidates, when they came to suspect that they might be rejected and a more proper person preferred, to have recourse to offering money. He had been informed that, on behalf of one of the present candidates, money had been offered in a very unconstitutional manner, not for behoof of the public, but for behoof of private persons – though the ground was now changed.

As, however, the clerkship was an Office of Trust and the public highly interested to have the most proper person chosen, he was of opinion that the same should not be disposed of venally or sold, but that the Council should proceed and indifferently choose that person whom they believe and judged most proper'.

Readers will naturally draw their own conclusions from the provost's disingenuous disclosures.

In April 1773 the Council unanimously agreed that the clerk' shall be paid Twelve Guineas yearly in full of salary, qualifying the Council; House Rent and Gratis Ticket'.

Scots money being by this time out of circulation, the twelve guineas would be payable in Sterling. The comparative value of the two coinages varies greatly. Till 1355, or thereby, the two were of equal value. From about 1390, Scots money was about half the value of sterling; and, by the beginning of the 17th century, was no more than a twelfth - £1 Scots, that is to say equalling 1/8d, sterling; though some estimates put it as low as 1/1-1/2

The twelve guineas sterling would be a considerable advance on £26:13:4d. Scots; but, even at that, it is not difficult to realise the clerk's need for some additional source of income.

To begin with, as was the case with the other officials of the burgh, the appointment of a clerk lay with the monastery.

But when the community acquired the right of appointing its other officials, the appointment of a clerk naturally followed.

"15 Jan. 1548/9 – which day compeared in judgment William Couper, head-deacon of the crafts, and desired of the neighbours and bailies the gift of clerkship of the town to one of his sons after the decease of Schir John Couper, his brother, for the service he has done the town. The neighbours caused, the said William to remove furth of the court and thereafter by a `vard` and interlocutor of the court gave the clerkship to the said William for one of his sons whenever it

happens to become vacant. This certified by Dom. Thomas Malcum, scribe.”

This, as it happens, was an anticipation that was not fulfilled but, at least, it is evidence that the appointment now lay with the representatives of the community.

As with the Provosts, it is undesirable to over-load an article like this with a long list of all the men who have held office as Town Clerk of Dunfermline, with the petty details of information available concerning them; and attention is again drawn to the lists to be made available in the City Chambers and Public Library.

There are, however, two names that may be of somewhat wider interest:-

The first is that of DAVID BRA (Bray), who was clerk from 1488 to 1493. He had a sister Katherine, who married John Wellwood, and, seemingly, the brother and sister fell out about certain lands, and annual rents which had belonged to a Bailie Thom of Brais – presumably their father. Katherine and her husband appealed to the burgh court, and the case, proving difficult of settlement, was remitted to a Love Court which was appointed to meet, as usual before St. Margaret’s altar in the Parochial Church, on Sunday, 11th November, 1493, at 9 a.m. – a decision to be reached before St. Margaret’s Day. Both brother and sister took the usual oath to abide by the decision of the arbiters, and both signed the written agreement to that effect. Katherine signed, not, as might have been expected, “with her hand on the pen”, but “manupropria” – with her own hand.

This is definitely unexpected. Where did she learn to write? Certainly not at the monastery; and, as a married woman in 1493, she cannot have been educated at the Grammar School – even if one can conceive of girls attending a school of the kind at so early a date.

Queen Margaret, it is true, could read and write long before this time: but Queen Margaret was of royal stock, brought up, both in Hungary and England, in a palace where facilities for education would be available. Long after Katherine Bray’s day, it was definitely unusual for women to have any education worth speaking of. For outstanding instances see Dunfermline Abbey pp.164-5.

Can it be that her brother taught her as he learned himself? It is by no means certain that young men in training as notaries actually resided within the precincts whilst attending the monastic school. In spite of later differences, one would fain believe that this is the explanation.

It is a matter not only of surprise but of regret that no indication whatsoever can be found as to when it became either permissible or customary for girls to attend the Grammar School. Nor is Dunfermline alone in this.

It may be assumed that, following the Reformation, there was a genuine attempt to educate the young. But it was attended with many difficulties. The church, which, in so many cases, was the only building available, without seats or heating and with only a scattering of rushes on the earthen floor, was definitely unsuited for the purpose.

As for secondary education, it is doubtful if, apart from private schools – which were few and far between in Scotland – there was very much secondary education for girls for many a day.

Even in England it was little better. In his English Social History G.M. Trevelyan, Master of Trinity College, Cambridge, writes: -

“In the middle years of the century (19th) the secondary education of girls was very ill provided for..... In that and in other matters affecting women, the great emancipation and improvement was postponed till the last thirty years of Victoria’s reign – the real period of the ‘emancipation of women’ in England.”

The other tenure of office of unusual interest is that of ANDREW SIMPSON (1669-) – the interest centring on the fact that, as Clerk of the Court, he had to deal with a serious charge in which he, personally was implicated. The situation was not only unusual but embarrassing to all concerned. The country, at the time, was involved in what was in some ways the saddest and bitterest experience in its history – the time of the Covenanters. The Burgh Court of Dunfermline, like so many others, had received instructions from the Privy Council to take drastic action against all within their bounds who were suspected of attendance at Conventicles, whether held in private houses or in the open. The gravity of this office in the eyes of those in power, can best be estimated in the light of the penalties attached by Act of Parliament: -

For a man or woman holding land.....one -quarter of yearly valued rent

For each tenant labouring land £25 Scots

For each cottar..... £12 Scots

For each serving man..... one quarter of his yearly fee.

These were the penalties for a single attendance at a house-Conventicle. For a Field-Conventicle the fine was doubled.

The first reference to trouble of a local nature is to found in the Burgh Records, under date 16th July, 1670.

“Considering yt the parliat is to sitt down the 28th instant apoynts the Provost as Comissioner for this toun to attend the same, also yr being severell nyghtbors sumond befor his majesties privie counsall for the conventikle at the Hill of Beath Thefor apovnts him to goe over the Monday the 28th instant to deall for the nyght-bors sua cited for bringing ym cler aff, haveing gon ignorantlie to the sd. qventikle.”

The first reference to the individuals concerned occurs in a minute of the Privy Council, 5th July, 1674, wherein Andrew Simpson, Town Clerk of Dunfermline, Col. Robert Halkett, Robert Ged of Baldrige, John Kinnaird, Schoolmaster at Dunfermline, Peter Kennedy, Doctor of the Grammar School, and Mr. George Walker, Chamberlain in Dunfermline, are charged with attendance at Conventicles.

According to this minute, Mr. Geo. Walker, Andrew Simpson, John Kinnaird and Peter Kennedy are *“alleged by some in their name”* to be prisoners in the tollbooth of Dunfermline, and the magistrates are given warrant to release them on caution being found for each of them, under penalty of 500 merks, to appear before the Privy Council on a specified date. But neither in the records of the Burgh nor in those of the Privy Council is there any indication as to whether or not they were found guilty, or what penalty was imposed.

Robert Ged of Baldrige did appear before the Privy Council on 5th July 1674, and acknowledged attendance at two conventicles in houses-one at Mr. Henderson of Fordell’s and one at Logie and at four field conventicles. He was fined one-half his yearly valued rent for each of these conventicles; to remain in prison until payment, or longer at the Council’s pleasure.

On the 21st inst. – having been in prison since the 9th – he is again heard. His valued rent is estimated by the County Clerk to be £766:13:4. He is therefore fined £1533:6:8.

There is no room for doubt as to the attitude of the Town Council towards the whole question. The members must have been aware of the story reported to the Privy Council that four of the accused were imprisoned in the tollbooth of Dunfermline; but neither confirmation nor denial of the report was ever offered by the court. Mr Simpson, to judge by the minutes, was present at every meeting of Town Council and nowhere in the records is there the slightest hint of either fine or disapproval.

In May, 1673, the Privy Council, alarmed at the possibility of a Dutch force effecting a landing, issued a Declaration to be signed by all persons holding offices of public trust, to the effect that the National Covenant and the Solemn League and Covenant were unlawful oaths, and that in no circumstances was it lawful for a subject to take up arms against the King.

The Burgh of South Queensferry, where religious disaffection was very prevalent, treated this Declaration very cavalierly. Not one of its magistrates would sign the Declaration.

In Dunfermline, Charles Wardlaw, who was then provost, reported that he was not “cleir to sign” and demitted office. Two of the Councillors did the same.

The Town Council’s choice of a successor is suggestive, Robert Wellwood of Touch, on whom their choice fell, had, on 30th June, 1670 admitted to the Privy Council attendance at the Hill of Beath Coventicle and was fined 500 merks, with a threat of 2,000 merks should he ever attend another.

Simpson, so far as the records show, was never questioned and never admitted attendance at Conventicles; but, from one or two personal facts known concerning him, his attitude may be inferred. On 9th December, 1675, he married Isabel, daughter of James Wardlaw of West Luscar. Her mother, Agnes Mitchell of Mitchell’s Beath, was a well-known Covenanter and suffered much for the cause. Further, when Robert Ged of Baldrige was in financial difficulties because of the huge fine imposed upon him, we find that Andrew Simpson acquired the Mason Lands – part of the Baldrige property - no doubt in security of sums advanced.

From the Kirk Session Records, 26th April, 1683, we learn that it was Andrew Simpson who brought from Holland *‘a new great byble’*, costing 50 merks, which was for long in use in the parish church of Dunfermline.

By his wife, Isabel Wardlaw, Andrew Simpson had at least two sons: - Thomas, who succeeded him, and who, in turn was succeeded by his younger brother, Andrew (afterwards of Broomhead).

The latter’s second daughter, Margaret, married Sir David Wardlaw of Pitreavie, who was admitted a guild-brother of Dunfermline, 4th April, 1747, as *‘son-in-law to the late Andrew Simson, Town Clerk.*

Kinnaird, the Master of the Grammar School, simply disappears and is never again heard of. Kennedy, though his post was vacant for a time, apparently returned, for, according to the Kirk Session records,

he was still Doctor of the Grammar Schools at Whitsunday, 1682. He died in 1704.

Note: - The value of the Merk so frequently referred to in these articles is estimated at $13/4$.

The frequent use of double dates for the first three months of the year is due to the fact that, at the period indicated, the Old Calendar was still in use, the New Year not beginning till 25th March.



A second Townhouse was erected a little to the south.
It stood from 1769 till 1875, when it in turn was removed
to give place to the existing Townhouse



REGALITY CLERK

Whether held in the open or within walls, a court, if it was to preserve a record of its proceedings, needed the services of a Clerk.

In all probability this need in the case of Dunfermline was met by the monastery, for many a day, no other source.

Unfortunately, no evidence seems to be available as to who served as clerk during the period covered by the present record.

The first man known to have served in this capacity was.....

As to terms and conditions, some light may be thrown by the practice in the burgh.

Till the burgh attained the right of appointing its own officials, the appointment, lay with the monastery, - the earliest appt. known being 1488. The man then appointed, was a monastic (David Bra (Bray)), who would appear simply to have been seconded for this duty when occasion called for it.

If, for any reason, the man who was usually entrusted with this duty was unable to attend the court, a pro tempore would be made as when, Schir John Moffat, on 30th July, 1493, was appd. T.C. `for this present court`. (Dunf. Burgh Records by Erskine.)

The Regality Court, however, had a much wider range of jurisdiction than the Burgh Court, and there is nothing to suggest to that the two offices were held by the same men.

On the other hand, it is doubtful if any of these clerical offices was of the nature of a full-time occupation.

Certainly, following the Reformation, we find numerous instances of several such offices being held by the same man.

John Auchenwalls -
Walter Dalglish -



COMMON CLERK

JOHN BLACK – COMMON CLERK

16 June, 1796 – John Black – Common Clerk. On the question of electing a delegate (or Commissioner) for the burgh, it was moved that no election take place `on account of Provost Moodie and other five of the Council being carried off by an illegal and improper warrant`.

The Act `for the more effectual preventing bribery and corruption in the election of members to serve in Parliament` was read and all present subscribed the Oath of Allegiance, and John Wemyss of Cuttlehill was elected.

Mr. John Black, Clerk of the Burgh having declined, though required, to officiate as Clerk, the Council unanimously appd. Mr. John Black, Junior writer in Dunfermline, to be Clerk.

17 June, 1796 - Provost Moodie stated to the Council that he, and five others, had been violently dragged out of the Council yesterday.

John Black died 28th Dec. 1796.

Robert Hutton appd. 3 Jun. 1797, by 16 to 3 in favour of David Black. James Hunt protested that Hutton not being a N.P., his appt. was invalid and that the only valid votes were those in favour of Black. Provost Moodie answered that Hutton was as well qualified for the office as David Black and that the fact of his not being a N.P. was no legal disqualification.

The original appt. was `during the Council's pleasure. On 11th Feb. he was appd. *`ad vitam aut culpam`*.

4 Dec. 1802 – The clerk (R.H.) that in virtue of the powers given him by the Council to appoint a depute, he had given a Mandate to David Stenhouse, Writer in Dunfermline, appointing him to that office – the Council approved his record as Deputy Clerk and formally appd. Him.

3 Oct. 1806 – Robert Hutton resigns as Town Clerk, having acquired right to the lease of Townhill Colliery.

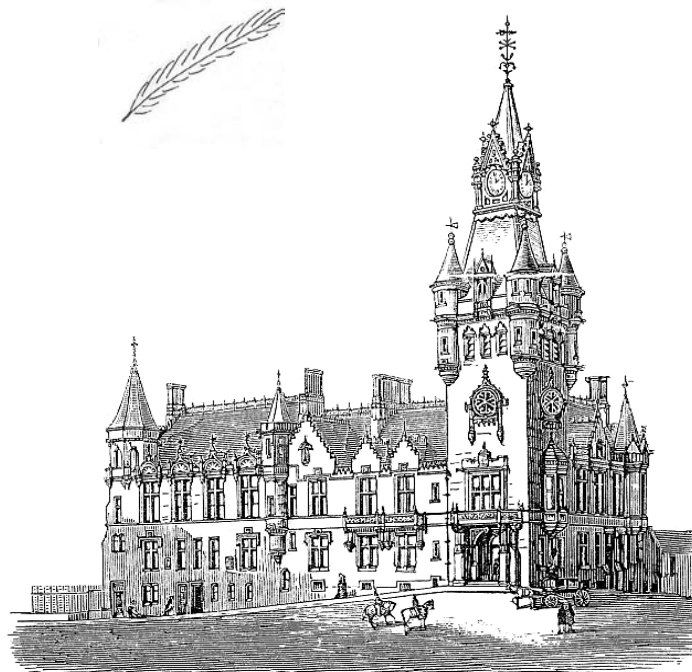
The Council appd. David Black – *ad vitam aut culpam*. He had been a Merchant Councillor, but resigned.

James Moodie – still Provost – 17 Jan. 1807.

PENCIL NOTES

(Difficult to read)

- 1433 John Wright Pres? (BR.xvi)
21 Dec 1448 John Wright Popos – (BR.xi.) – Clerk c.c. & Torm?
“ Thos de Bra (Bray) Bailie ”
“ David “ 3 times as Bailie, often as Common
Clerk
1433 - John Wright Pre? (BR. Xvi)
1464/5 John of Couper Ald?
Shir John “ Chaplain & Burgh Clk
David Couper – often as Alexr or ? (Ind?)
Wm Simpson ? & J.G. Tailor
- 1491 John of Monteith (Inden?)
- 30 March 1680 Adm Sch
William Hay
- 19 Nov 1597 Thomas Symson Appd Andrew S his brother
4 April depute



Ebenezer Henderson. Dunfermline Town House (Present City Chambers).
Ebenezer Henderson. Annals of Dunfermline. Glasgow, 1879.

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