Women’s Networks of Family, Work, Support and Slander in Canongate, 1600-1660

by

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ABSTRACT

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This dissertation examines women’s lives and relationships in Canongate, a burgh (town) neighbouring but independent of Edinburgh, over the first sixty years of the seventeenth century. It explores women’s contributions to their families, local economy and community as captured in the rich social records of the Canongate kirk session (church court) records, burgh court records and individual wills and testaments. The dissertation focuses on the four interconnected areas of family, work, support and litigation, arguing that women played critical and complicated roles in these areas. Many women strove to provide for their families, honouring both close and extended relations. They engaged in a diverse spectrum of work both within and outside the household, actively contributing to their local economy. Women both gave and received charity in the kirk-sanctioned and -controlled poor relief system, but many others also participated in illicit networks of support at the margins of society. Women were also active quarrellers in the streets and the courts, using both arenas to police neighbours’ behaviours and defend their own. The study’s comparative approach of both records and relationships deepens and clarifies our understanding of women’s lives in an early modern town. It also fills an important
historiographical gap, placing the women of Canongate in their wider Scottish and
European contexts. The dissertation demonstrates the complexity of women’s lives and
relationships, the boundaries of their agency, and the variety of their contributions to their
families, economy and town.
Acknowledgements

In the process of studying these networks of seventeenth-century Canongate women, I feel incredibly grateful for the support I have received along the way from my own networks of work, friendship and family. My advisor, Elizabeth Ewan, supported me throughout the project with unfailing enthusiasm and thoughtful feedback. I cannot thank her enough for her guidance, encouragement and keen eye for detail, which kept me motivated through the long process of research and writing. I would also like to thank my committee members for their generosity of time and effort in this process. Peter Goddard helped keep me precise in my wording; Greta Kroeker pushed me to examine more closely the motivations beyond the records; and Susannah Ferreira, who generously agreed to join my examining committee, provided helpful and productive feedback at the defence. I am also deeply grateful to my external examiner Alexandra Shepard for her encouragement, her insights on the dissertation and her thoughtful and constructive suggestions for future directions.

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tricky transcription puzzles. I am very grateful to Rebecca Lenihan for her help with database design, and to Wayne Johnston at the University of Guelph Library for helping me turn scribbled notes and panic into a real database. The graduate student life is, like life in early modern Scotland, one chronically short of hard currency, and I am incredibly grateful for funding provided by the Social Sciences and Humanities Research Council, the Ontario Graduate Scholarship Program, the Strathmartine Trust, the University of Guelph’s College of Arts and the Guelph Centre for Scottish Studies during the course of this project, ensuring its completion.

Many thanks are due to my friends and fellow graduate students for their support over the years; I could not have done this without you. Special thanks to Heather Parker, Caitlin Holton and Marian Toledo Candelaria, who were superb Centre for Scottish Studies office-mates. Thanks as well to Cathryn Spence for her thoughtful answers to my pestering questions about women’s economic roles. Anne Vermeyden and Marjorie Hopkins were the best cohort a gal could ask for. Monica Deschner, Bre Woligroski, Samantha Booth, Becky Littlechilds and Stephanie Hill kept me grounded throughout the process; thank you. Sierra Dye, roommate extraordinaire, was sounding board, counsellor, colleague and true friend to boot, and I cannot thank her enough for all the discussions and brainstorms throughout the process, and for her cheerleading when I needed it most; this dissertation is better, clearer and finished because of her.

Finally, I would like to thank my family for starting me on this path and for supporting me so much on the way. My parents inspired me to think critically about gender from a young age; my father showed me how to find stories and how to tell them; my mother taught me by example through her own PhD that you build your house of
knowledge one brick of hard work at a time. My sister first introduced me to Scotland through her travels there, for which I am forever grateful. Andrew Garrod-Martin provided support, encouragement and much-needed distractions to dissertation work during the final and hardest years of the PhD; in exchange, he learned more about early modern Scottish history than he bargained for or probably ever wanted, for which I apologize.

This dissertation is dedicated to my grandmothers, Phyllis Glaze and Dorothy Gilmer, intelligent, strong and caring women, hubs of their own diverse networks of work, family and support.
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Glossary and Notes

Notes on Scottish Currency

The Scottish pound (£) was worth around 1:12 an English pound in the seventeenth century. There were 20 shillings (s) to a pound, and 12 pence (d) to a shilling. A Scottish merk was worth 13s 4d, 2/3 a Scottish pound. A rex dollar was worth £2 18s.

Glossary

annual rent: annual monetary interest accrued on a property or loan

brieve: a legal writ

cautioneer: a person who stands surety for another (usually a debtor or defendant) in a court (in this context, either the kirk session or burgh court)

jougs: a hinged iron collar attached around a person’s neck and chained to a post

maill: rent on a dwelling house or tenement

scourging: whipping

testament: a legal document written by or behalf of a person, relating to their moveable property and declaring an official executor to that property. A testament testamentar was written by the testator and included a will or ‘legacy’ stating how to divide their property; if the person died intestate, a testament dative might be written on their behalf and ratified by the court, legally appointing an executor for them.

testificate: a certificate of good behaviour written by a person’s home parish testifying to their good behaviour and reputation
Chapter One: Women in Canongate, 1600-1660

Introduction

In Italo Calvino’s *Invisible Cities*, a fictionalised Marco Polo describes, among other wonders of his travels, the abandoned city of Ersilia. He writes that

In Ersilia, to establish the relationships that sustain the city’s life, the inhabitants stretch strings from the corners of the houses, white or black or gray or black-and-white according to whether they mark a relationship of blood, of trade, authority, agency.

When the strings overwhelm the streets, the townspeople abandon the city, and the threads are all that remain, “spider-webs of intricate relationships seeking a form.”¹ Like Ersilia, the early modern burgh of Canongate no longer exists as it was. However, the intricate spider-web of networks remains, in the rich extant records of the people of the town. This dissertation will reconstruct some of these dense networks of family and trade and friendship, focusing on women’s lives, roles and relationships in the early modern town in the first sixty years of the seventeenth century.

This community-based study fills an important historiographical gap. The study of women’s lives in pre-modern Scotland is still a small, albeit quickly expanding field. While there are a growing number of detailed studies, there are few full-length examinations of women’s lives in early modern Scotland, and none that explore the full scope of daily life.² The research undertaken so far, however, reinforces within a Scottish context what has been well established elsewhere, that women in early modern Europe

were active if sometimes limited participants in civic life.² This dissertation places
women of Canongate in their wider Scottish and European contexts and contributes to
this ongoing discussion of women’s agency through a detailed examination of women’s
complicated and overlapping webs of relationships in seventeenth-century Canongate.
Canongate, neighbouring but independent of Edinburgh in the early modern period, was
at the forefront of political action during the slow disintegration of monarchical control,
the British Civil Wars and the Cromwellian republic that together marked the first sixty
years of the seventeenth century in Scotland. Women likely comprised the majority of
Canongate’s population of approximately five thousand and the turbulent mid-
seventeenth century severely jeopardized their social and economic security.³ These
women – wives, mothers, daughters, businesswomen, servants, and widows – were active
in their homes, the town markets, the streets and the courts, managing the household,
negotiating work and trade contracts, and forging and breaking ties of friendship and
support.

³ For further discussion of this, see Katie Barclay, Tanya Cheadle, and Eleanor Gordon, “The State of
Scottish History: Gender,” Scottish Historical Review 90, Supplement, no. 234 (2013): 83–107; Susan
Kingsley Kent, Gender and Power in Britain, 1640-1990 (London and New York: Routledge, 1999); Merry
E. Wiesner-Hanks, Women and Gender in Early Modern Europe, Third edition (Cambridge: Cambridge
University Press, 2008).
⁴ E. Patricia Dennison places the population of the Canongate at less than 4,000 while Leah Leneman and
Rosalind Mitchison approximate almost 5,000; Helen Dingwall marks the population of the Canongate in
the 1690s between 4,200 and 5,500. See E. Patricia Dennison, Holyrood and Canongate: A Thousand
Years of History (Edinburgh: Birlinn, 2005), 93; Leah Leneman and Rosalind Mitchison, Sin in the City:
Sexuality and Social Control in Urban Scotland 1660-1780 (Edinburgh: Scottish Cultural Press, 1998), 10;
and Helen Dingwall, Late Seventeenth-Century Edinburgh: A Demographic Study (Aldershot, UK:
Ashgate, 1994), 19-21. Many early modern towns held more women than men; the ratio for Edinburgh in
the 1690s was 76 men for every 100 women; in Aberdeen it was 71 men for every 100 women. See Helen
Dingwall, “The Power Behind the Merchant? Women and the Economy in Late Seventeenth-Century
Edinburgh,” in Women in Scotland c.1100-1750, ed. Elizabeth Ewan and Maureen M. Meikle (East Linton:
Tuckwell Press, 1999), 153; Gordon DesBrisay, “Wet Nurses and Unwed Mothers in Seventeenth-Century
Aberdeen,” in Women in Scotland c.1100-1750, ed. Elizabeth Ewan and Maureen M. Meikle (East Linton:
Tuckwell Press, 1999), 212.
Many of these actions were captured in various local records of Canongate, including the kirk session records, the burgh court records and individual wills and testaments. The Canongate kirk session, the local level of the Reformed Kirk of Scotland’s interlocking system of ecclesiastical courts, worked with and fed into the local presbytery, regional synod and national General Assembly. The session was composed of the parish’s ministers as well as a representative elder and deacon from each of the ten quarters, and a session clerk. The kirk session records documented disciplinary cases, the kirk session’s corrections of parishioners’ behaviour in the concerted push toward spiritual purification, as well as other aspects of church life, such as the management of charity and poor relief. The burgh court was composed of bailies of the court, as well as officers and magistrates. In the seventeenth century, Canongate was the sole burgh within the regality of Broughton, and the court largely dealt with the administration and trade of the town. The burgh court records mainly comprised debt court cases, but also included cases involving public fighting or slander, and brieves recognising legal next of kin. The two courts worked closely together, with kirk session elders often requesting that magistrates see to civil punishments as part of townspeoples’ religious disciplinary process. Women as well as men also left behind wills and testaments, drawn up on their behalf by a notary public, and documenting the details of their moveable estate and declaring a legal executor. This project cross-references these rich records in order to provide a more nuanced and dynamic view of women’s lives and relationships than can

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6 A regality was a territorial jurisdiction encompassing a powerful set of rights and privileges, both civil and criminal, granted by the monarch through a charter. See Peter McIntyre, “The Franchise Courts,” in An Introduction to Scottish Legal History, Stair Society 20 (Edinburgh: Stair Society, 1958), 377–78.
be ascertained in a single record. This comparative approach works to deepen and clarify our understanding of women’s lives in an early modern town.

The dissertation examines women’s lives in four interconnected areas. The first two chapters examine two significant areas of focus of women’s lives: family and work. Family ties were of central importance in early modern society, and the extant records, especially women’s testaments, capture those relationships women most prized and the people for whom they felt the most responsible. The records reveal that women provided not only for their close relations but also their extended family, in-laws and stepchildren. Unmarried women, although often with fewer ties of support available to them, also actively contributed to their family support networks. Court records provide complementary information on family ties, including cases of domestic abuse, and on people using family ties of support as the basis for economic relationships. This latter theme is brought to the forefront when discussing women’s varied contributions to economic life in the burgh. Much of women’s economic contributions, such as care work and the selling of ale and malt, extended from their household duties, and many women also worked as servants, undertaking domestic work in another home. Women also pursued profits outside these traditional arenas, however, by renting and managing properties, and lending money. Women’s work, whether inside or outside the household, supported and shaped the local economy.

The second two chapters examine women’s broader social relationships, whether positive or negative, and in these cases the concept of reputation comes to the fore. Chapter Four examines how women participated in both licit and illicit support networks in Canongate. Testaments and court records demonstrate that financially secure women
were pillars of support in the community, providing needed donations for the kirk’s poor relief system; the chapter also examines women’s lives among the ‘deserving poor’, working within this strictly controlled system of poor relief. Myriad unsanctioned networks of support also existed in the town, however, revealed in the kirk session’s prosecution of harbouring ‘infamous’ or ‘scandalous’ fugitives of kirk discipline. An examination of these cases reveals a dense, strong network of support for women at the economic and moral margins of society, working in contrast to the sanctioned support channels. The chapter also reveals the complicated power dynamics that took place within the neighbourhood and household, as male and female heads of households were held responsible for the behaviour and scandals of those within their homes. The final chapter explores women’s quarrelling, slander and scolding in the streets of the town. It examines the impact of slander on family and work relationships, revealing not just the tensions that could be exposed in court cases, but also bonds of support. Slander and witchcraft accusations were intricately connected, and the cases reveal the importance of maintaining and defending one’s good reputation when faced with these accusations. The chapter also explores the sometimes-tense relationships women developed with the local authorities and the courts that scrutinised their behaviour, demonstrating that women themselves were active in policing their neighbours’ behaviour, and defending their own. The discussion of women’s relationships with local authorities and legal systems is developed further in the conclusion, which explores women’s sometimes conflicting reputations as captured in the different records, underlining the importance of cross-referencing the records in order to attain a more complete picture of women’s lives. Similarly, the aspects of life studied, of family, work and community, were deeply
interconnected; while each chapter explores one primary topic, each by necessity touches on aspects of the other chapters. Together, the chapters demonstrate that women were engaged members of their community in all four areas of life. While unable to hold civic office or other official political power, and while (largely) working within cultural expectations to be subservient and obedient, women’s contributions to their families, local economy and community were substantial. In delving into the relationships that underpinned these contributions, this study exposes the critical and dynamic presence of women in their communities from different angles.

This introduction will first examine the general historical context of the town of Canongate in the seventeenth century, exploring the social and political forces that affected the town in the sixty years of study. The date parameters of 1600 and 1660 were chosen in part because of the complementary long runs of civil and church records, allowing for a study of multiple generations while still enabling in-depth analysis; the date range also showcases daily life during the many upheavals of the turbulent seventeenth century, examined in more detail below. Major historical forces such as the outbreaks of bubonic plague in 1605-6 and 1645, the witch-hunting panics of 1628-32, and the occupation of English soldiers in the town in the 1650s penetrated the otherwise remarkably stable rhythms of the everyday enough to be explicitly mentioned in specific records. Broader events also impacted life in the burgh, and together they provide an important context for the study and its date parameters. The introduction will then examine the historiographic contexts of the study itself. The field of Scottish history is well developed in some core areas, such as urban history and the study of women’s work,

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while other fields are still developing; focusing solely on Scottish sources would provide an uneven as well as fairly narrow foundation for this study. Therefore, while still consciously contributing to a specific Scottish field of study, this dissertation also embraces a comparative approach across north-western Europe, drawing on work on early modern England, France, Netherlands and Germany to better understand women’s lives in a broader context. The introduction will conclude with a detailed examination of the sources that provide the primary foundation for the work, and the methodology applied. Overall, this dissertation argues that women played critical and complicated roles in Canongate, negotiating their place as active if not always powerful agents within the bounds of early modern Scottish society. Many women strove to provide for their families, honouring both close and extended relations. They engaged in a diverse spectrum of work both within and outside the household, actively contributing to their local economy. Women both gave and received charity in the kirk-sanctioned and -controlled poor relief system, but many others also participated in illicit networks of support at the margins of society. Women were also active quarrellers in the streets and the courts, using both arenas to police neighbours’ behaviours and defend their own. This dissertation clarifies these contributions to urban life through the close examination of women’s often dense, complex networks of family, work and support. Examining these diverse but complementary aspects of daily life through multiple rich records provides a more nuanced and detailed picture of women’s lives, their primary relationships and their roles in their community of Canongate during the first six decades of the seventeenth century.
Canongate: Burgh and Parish

Human settlement in the area where Canongate now stands dates back to at least the early twelfth century. When David I founded the Augustinian abbey of Holyrood in what became the east end of Canongate in 1128, there was already an established church and resident lay community. David also granted the abbey the right to establish a burgh (a town which was granted a charter to establish a market and allow its inhabitants trading rights) between it and Edinburgh. This burgh became known as Canongate, after the gait, or walk, of the canons of the abbey. Scottish monarchs stayed at the abbey guesthouse from at least the fifteenth century, and James IV (r.1488-1513) established a ‘royal palace of Holyroodhouse’ there. The two burghs of Canongate and Edinburgh developed together, albeit unequally, and became closely knit in the medieval and early modern eras. This was in large part determined by their topography: they were hemmed in by the Nor’loch to the north, and by marshlands to the south and east, although the latter were drained in the sixteenth century. Their high streets ran in sequence along the narrow ridge of a volcanic plug, from Edinburgh Castle perched at the top of the ridge down to Holyrood Abbey and the Palace of Holyroodhouse in the marshy valley below, creating a ‘Royal Mile’ between the castle and palace. The imposing Netherbow Port

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8 E. Patricia Dennison and Michael Lynch, “Crown, Capital, and Metropolis: Edinburgh and Canongate: The Rise of a Capital and an Urban Court,” Journal of Urban History 32, no. 1 (2005): 23. According to legend, David saw a large white stag while out hunting, but the beast was chased off by a vision of the holy rood (cross) of Christ, inspiring the name of the abbey. This myth had local resonance and resurfaces in the Canongate records in the seventeenth century, for instance with a woman named Jean Bruce, discussed in Chapter Four, nicknamed ‘the White Hind’, likely named after a local tavern. See, for instance, National Records of Scotland, CH2/122 Canongate Kirk Session Records (hereafter NRS, CH2/122), volume 1, 26 February 1614.


10 Dennison, Holyrood and Canongate, 5.


(gate) marked the burghs’ border along this conduit.\textsuperscript{13} This physical proximity complemented an economic and social closeness between the burghs: Canongate’s burgesses benefitted from the significant and unique privilege of being able to trade in Edinburgh’s markets as well as their own without fee or penalty, and in 1639 the relationship became more intertwined when the superiority of the burgh of Canongate was transferred to the city of Edinburgh as part of a debt payment.\textsuperscript{14} This close relationship with Edinburgh, and Canongate’s place within the region generally, shaped the growth and nature of the burgh and parish.

Its unique political and geographic placement made Canongate home to a diverse social spectrum of residents, and the burgh developed a multifaceted reputation. The royal court had established itself around the Palace of Holyroodhouse by the early sixteenth century, and hosting the court and its followers became the burgh’s economic mainstay; the palace alone kept a core household staff of nearly six hundred workers in a burgh of perhaps five thousand.\textsuperscript{15} Many noble families and wealthy burgesses lived in the town, and the burgh supported various luxury trades that catered to the palace.\textsuperscript{16} However, Canongate was also home to many labourers and servants; many women as

\textsuperscript{13} The border was not this precise, however. The Cowgate parish, immediately west of the southern half of Canongate, was under Edinburgh’s jurisdiction, but Potterrow, further to the west and south, was under Canongate’s domain, as indicated in the 1687 parish list.

\textsuperscript{14} Dennison and Lynch, “Crown, Capital, and Metropolis,” 24. After the Reformation the superiority had been transferred from the Abbey of Holyrood to the local Bellenden family, who then sold it to the city council of Edinburgh in 1639. Canongate remained an independent burgh after this 1639 transfer, albeit with Edinburgh input into its governance. It was officially subsumed into Edinburgh in 1856. Pryde, \textit{The Burghs of Scotland, A Critical List}, 60; Dennison and Lynch, “Crown, Capital, and Metropolis,” 40; Dennison, \textit{Holyrood and Canongate}, 50.

\textsuperscript{15} Dennison and Lynch, “Crown, Capital, and Metropolis,” 25, 36.

well as men living in the town likely moved from the surrounding rural parishes.\textsuperscript{17}

Canongate also remained a red-light district of the capital region throughout the early modern period.\textsuperscript{18} Despite (or perhaps because of) this latter fact, the parish’s kirk session, established in 1560, was also known as one of the nation’s most rigorous in its disciplining.\textsuperscript{19} This discipline was a key pillar of the Reformed Kirk; the push toward spiritual purification was commanded by Scripture and was seen as crucial to both the penitent and the community as a whole.\textsuperscript{20}

The social, economic and political stresses of the turbulent seventeenth century disrupted and shaped burgh life. With the uniting of the crowns in 1603 under James VI of Scotland (now also James I of England), the royal court moved to London. With this, Canongate lost its economic and logistical centre, although the Privy Council still sometimes met at the palace in the king’s absence.\textsuperscript{21} James ruled from England until his death in 1625, trying unsuccessfully to unite the three culturally distinct Stewart kingdoms of England, Scotland and Ireland into one British nation.\textsuperscript{22} His son, Charles I, in his brash attempts to further this policy, inspired a growing sense of alienation and

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\textsuperscript{18} Michael F. Graham, The Uses of Reform: “godly Discipline” and Popular Behavior in Scotland and Beyond, 1560-1610 (Leiden: Brill, 1996), 288–89.
\textsuperscript{20} Parker, “The ‘Kirk By Law Established’ and the Origins of ‘The Taming of Scotland’: St Andrews 1559-1600,” 1; Graham, The Uses of Reform, 4; McCallum, Reforming the Scottish Parish the Reformation in Fife, 1560-1640, 37–38.
\end{flushright}
mistrust among all three kingdoms by the late 1630s.\textsuperscript{23} For many Scottish subjects, James and Charles’ attempts at replacing the Scottish presbyterian kirk system with an anglicised episcopacy were especially difficult to swallow. This alienation spurred on the Covenanting movement in Scotland, first established in Edinburgh, in which a “moderate majority” of nobles and burgesses joined forces with more radical members of the kirk to retain the form of the Scottish kirk and the local power structures it supported.\textsuperscript{24} Political tensions across the Isles spiralled into the British Civil Wars, a series of battles and shifting negotiations from 1638 to 1649 among various political and military parties, including the Royalists under Charles, Oliver Cromwell’s Parliamentarian New Model Army, and the Scottish Covenanting army. The Wars culminated with Charles I’s execution in January 1649, by which point the Covenanting movement had largely collapsed, with its members, disillusioned by a soured alliance with the English Parliament, having fractured off en masse to join the less radical Engagers or the Royalists.\textsuperscript{25} Cromwell’s army invaded Scotland in 1650, and occupied the country for the next decade, forcibly replacing the cultural monopoly of Presbyterianism with a policy of religious toleration.\textsuperscript{26}

These increasing political tensions in the early decades of the century were matched with a severe economic downturn and poor crop yields, which developed into a famine that devastated the capital region in the 1620s.\textsuperscript{27} The bubonic plague also hit

\textsuperscript{23} David Stevenson, \textit{The Scottish Revolution, 1637-1644; the Triumph of the Covenanters}. (Newton Abbot: David & Charles, 1973), 313.
\textsuperscript{24} Stevenson, \textit{The Scottish Revolution, 1637-1644}, 300–301, 305.
\textsuperscript{27} Michael Flinn, \textit{Scottish Population History} (Cambridge: Cambridge University Press, 1977), 117; Rosalind Mitchison, \textit{The Old Poor Law in Scotland: The Experience of Poverty, 1574-1845} (Edinburgh:
Canongate frequently, with kirk session and testamentary evidence marking 1605-6, 1636 and 1645 as particularly significant years.\(^{28}\) The 1645 visitation marked the final major occurrence of the plague in the area, claiming two thousand lives in less than one year.\(^{29}\) Troops were quartered in the burgh frequently in the latter half of the 1640s.\(^{30}\) Cromwell’s invasion of Scotland also struck Canongate keenly: he and his troops wintered in the burgh in 1650 immediately after crushing the Scottish army at nearby Dunbar, and stabled their horses in the abandoned royal palace.\(^{31}\) The recording of church life ground to a halt for the first year of the Cromwellian occupation, and English soldiers frequent the kirk session records, not often positively, for the next decade.\(^{32}\) With the Restoration in 1660, however, the Palace of Holyroodhouse became once again a royal residence under Charles II, and the Scottish royal court began to return to the town, creating both a local as well as national restoration. The events of the first six decades of

\(^{28}\) See Charles F. Mullett, “Plague Policy in Scotland, 16th-17th Centuries,” *Osiris* 9 (1950): 445–53 passim. See also National Records of Scotland, Edinburgh commissary court records, register of testaments (hereafter NRS, Edinburgh testaments), CC8/8/39 (Margaret Forrest, 1605); CC8/8/42 (Bessie Nimble, 1605); CC8/8/43 (Isobel Lyon, 1607); NRS, CH2/122, Canongate Kirk Session Records (hereafter NRS, CH2/122 CKSR), volume 3, 5 June 1636. In 1625, the kirk session records noted a fast in celebration in part of the end of a plague visitation in England; see NRS, CH2/122, CKSR, volume 2, 23 October 1625. Margaret Sanderson and Charles Mullet have noted that in 1585 there was a “particularly severe visitation” of the plague in Edinburgh, and so likely also Canongate. See Margaret H.B. Sanderson, *A Kindly Place? Living in Sixteenth-Century Scotland* (East Linton: Tuckwell Press, 2002), 59; Mullett, “Plague Policy in Scotland, 16th-17th Centuries,” 443–44. For further context of the plague in Scotland, see Richard Oram, “‘The Worst Disaster Suffered by the People of Scotland in Recorded History’; Climate Change, Death and Pathogens in the Long Fourteenth Century,” *Proceedings of the Society of Antiquaries of Scotland* 114 (2015): 223–44.


\(^{31}\) Dennison, *Holyrood and Canongate*, 91.

\(^{32}\) NRS, CH2/122. CKSR, volume 4, 3 September 1650; 4 July 1651; for an example of the English soldiers as a social disruption, see volume 4, 20 September 1653.
the century left an indelible mark on the burgh. Canongate in 1660 was navigating a
decidedly different political, religious and cultural landscape than it had faced in 1600,
and this study will trace that sixty-year journey through the examination of the everyday.

**Historiography**
This dissertation works at the crossroads of multiple historiographic fields in various
stages of maturity within the realm of Scottish history. Some areas of study, such as
urban history, are well developed, while others, notably the study of friendship and
support, are still in their nascent stages. The examination of these latter areas therefore
draws more deeply on studies from English or broader European contexts, in order to
counteract the otherwise uneven ground on which this foundation is laid. The two main
historiographic pillars on which this dissertation stands are on firm footing: both urban
history and gender history are strong fields in the study of pre-modern Scotland. The
overlap between the two areas deserves more attention, however, and so this project also
engages with the study of gender and power, largely drawing on English sources; it will
also examine of one of the primary social prisms through which women and men were
viewed, reputation. These areas of study overlay the entire project, but each chapter of
the dissertation also focuses on a distinct area of women’s lives, whether family, work,
support or slander, and each in turn contributes to those specific historiographies. The
study of family ties and networks in Scotland is developing, but uneven, requiring
contextual support from England and elsewhere; more comparative work, especially with
an eye to gender, needs to be done. In contrast, the study of women and work has become
a fairly robust field in Scotland as well as abroad, as has the study of women’s roles in
local courts for litigation of slander and violence, which provides the base for the
examination on quarrelling and grudges. The least developed area is that of friendship and support networks, including the surprisingly scant body of work on poor relief and poverty in early modern Scotland. In drawing together these diverse threads, this project will contribute to various fields of study in early modern Scotland, and Europe more broadly.

This study of Canongate builds upon and contributes to the historiographic field of urban history in Scotland, an area of study that is of generally broad reach, although still fairly shallow in some areas. The field first gained strength in the first half of the twentieth century, as historians began questioning the function and origin of Scotland’s medieval burghs: why were burghs created, and what needs did they fulfil? These historians’ studies, based on detailed readings of medieval burgh charters, yielded diverse and sometimes conflicting theories of burgh origins. However, since the historians involved were preoccupied with the legal and primary functions of the burgh, their work largely disregarded the impact of human activity on urban Scotland. Their studies, although crucial, provided few useful channels for growth in the area, and different perspectives were needed. In the 1960s, one unanticipated correction to this problem surfaced, when postwar infrastructure development and urban redesign threatened or destroyed many Scottish medieval town centres, and with them, important archaeological evidence. Grant G. Simpson’s 1972 report on the fragile status of the remains of Scotland’s medieval burghs proved a watershed document and a call to arms in the

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preservation of Scotland’s medieval built heritage; it also helped to enliven the field of urban history.  

By the 1980s, Michael Lynch, Ian D. Whyte and others were shifting the focus of the field from function to relationships, further opening the field to new approaches. Historians such as Lynch, Dennison and Elizabeth Ewan began to unpack the relationship between the burghs and the Crown, burghs and their hinterland, and burghs in relation to each other. Others focused on the power relationships within the burghs, inspiring a brief but fruitful debate on the potential antagonism between merchants and craftsmen in urban society. Laura Stewart, Patricia Dennison, Margo Todd and others have examined

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the role of identity formation in community history more generally.\textsuperscript{38} The study of Canongate has undeniably benefited by this trend, if only tangentially, as part of the capital region, where some of these studies have focused.\textsuperscript{39} Some spaces for new growth remain. One recent area of development in the field is the application of gender as a lens of analysis, blending urban history with the newer field of gender history.

The study of gender in pre-modern Scotland is a more recent historiographical focus than urban history, but is quickly expanding into a robust discipline.\textsuperscript{40} Historiographical assessments as late as the 1990s argued that women’s and gender history in Scotland remained a marginal field of study.\textsuperscript{41} Historians have worked hard to rectify this. Traditional studies of women, such as biographies of female rulers and early assessments of women’s official status in society have laid important groundwork, albeit generally focused on a minority of elite women.\textsuperscript{42} The examination of women’s economic roles, especially in urban environments, has been particularly robust, as will be


\textsuperscript{39} See especially Dennison, Holyrood and Canongate; Holyrood Archaeology Project Team and Society of Antiquaries of Scotland, Scotland’s Parliament Site and the Canongate; Lynch, Edinburgh and the Reformation; Stewart, Urban Politics and the British Civil Wars.

\textsuperscript{40} For a recent survey of the field, see Barclay, Cheadle, and Gordon, “The State of Scottish History: Gender.”


discussed in more detail below. Historians have also studied women’s activities among the deviant or criminal elements of society in detail, from flying and slander to the ever-popular study of witch-hunting in Scotland.43 Surprisingly little has been written on women’s experiences in the Reformation church, although historians have begun to explore their roles as defendants before the kirk session, as well as women’s religious experiences as told through life-writing.44 Historians have also begun to examine how marital status affected women’s lives and experiences in society, a topic that has garnered much more attention in England.45 These women-focused studies are well complemented by a growing body of work by historians such as Margaret Sanderson who have made


concerted efforts to integrate women’s stories alongside those of men. While the field is generally healthy with important new growth, lacunae remain.

The study of power, gender and reputation is one area where Scottish work lags behind. Only a few Scottish gender scholars, notably Katie Barclay, Rosalind Carr and Janay Nugent, have engaged with post-modern analysis and methodology in examining questions of power relationships, patriarchy and the porous boundaries between public and private spaces. Comparison with more developed fields in England and elsewhere in Europe must therefore be made in order to understand women’s lives more clearly. Gender historians studying early modern England have, for instance, already developed the general consensus that patriarchy was a powerful but contested system in the early modern world, with both women and men policing, reinforcing and contesting its structure and limits. Anthony Fletcher, Laura Gowing and Bernard Capp’s works on gender relations and patriarchy in early modern England set the discussion on the limits and agency of men and women within society. Related to this is the historiographic debate on the centrality of sexual conduct in the formation of women’s reputation. Lyndal Roper and Laura Gowing have both argued that female honour and reputation were based predominantly on sexual chastity, whereas male honour was based upon a broader field

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48 Although some historians, notably Bernard Capp, deny a patriarchal ‘system’ per se, they agree that women’s agency and power were limited and subordinated under men. See Bernard Capp, *When Gossips Meet: Women, Family, and Neighbourhood in Early Modern England* (Oxford: Oxford University Press, 2003), 1.

of factors, including commercial and corporate identity.\textsuperscript{50} Other historians have begun to contest this argument, however. Garthine Walker has countered that women’s reputations could be and were dependent on a variety of factors, not simply sexual conduct, and David Pennington, among others, has argued that trade women’s economic reputations were crucial in their public dealings, perhaps more so in some contexts than their sexual ones.\textsuperscript{51} These debates on power, gender and reputation give a new direction to both urban and gender history by providing a prism through which to see women’s roles, places and statuses in the early modern town. Few comparable debates exist in Scottish historiography; one point of contention arose around whether kirk sessions were truly gender blind when disciplining their parishioners, although this difference was largely a matter of emphasis.\textsuperscript{52} More Scottish-specific studies are needed to apply these debates locally, in order to better understand women’s experiences in Scottish society and their roles in their communities. This dissertation as a whole will contribute to these interrelated historiographies of urban history, gender history and power through its examination of women’s limitations and agency in the town.

Within the general study of women’s lives in the early modern town lie more specific fields of interest, of family, work, charity and litigation in different stages of


maturity. The study of the family in Scotland is generally well developed. Historians have tended to focus on certain clusters of interest, however, such as Highland clanship, or family ties among the nobility. More recently, historians have tied the study of the family more closely to the emerging field of the history of emotions. This Scottish-specific scholarship of the family complements other European studies of the early modern family in the Holy Roman Empire, France and the Netherlands. Similarly, the debate around the strength of kinship relations and networks in early modern England provides much useful context for Scottish works. Recent English scholarship, for example, argues that kinship networks were more diverse, far-reaching and complex than

previously recognised. 58 Historians both of Scotland and elsewhere have also critically examined the issue of domestic violence and marital abuse. 59 There is a growing realization that comparative context, both geographical and situational, is essential for understanding kinship support. Because of this, historians have begun to fit Scotland more conclusively into broader northwest European contexts. 60 Historians, whether of Scotland or elsewhere, have only recently begun to look at kinship relationships with a critical eye toward gender, and examine women’s roles within family networks. 61

Chapter Two, on family networks and relationships, pushes this analysis further, demonstrating the active role women took as providers for their families.

The study of women’s contributions to the economy in early modern Scotland is generally robust, although more work is still needed to fully clarify women’s economic roles and experiences. Historians have begun to examine in detail women’s contributions


60 R.A. Houston has, for instance, started to place Scotland within the northwest European pattern of family formation; see Houston, “Age at Marriage of Scottish Women, circa 1660-1770,” Local Population Studies 43 (Autumn 1989): 63–66; and The Population History of Britain and Ireland 1550-1750 (Cambridge: Cambridge University Press, 1992), 21. For examples of Scotland being placed within other northwest European contexts, see Maria Ågren and Amy Louise Erickson, The Marital Economy in Scandinavia and Britain 1400-1900 (Aldershot, UK: Ashgate, 2005); Steve Murdoch, Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe 1603-1746 (Leiden: Brill, 2006).

to their local economies, especially in Edinburgh, as well as their role in overseas trade.\textsuperscript{62}

Some areas of occupation, such as brewing, book commerce and domestic service, have garnered special attention, as have women’s important roles in debt and credit networks.\textsuperscript{63} Other areas require more research. Women’s care work in wet-nursing and fostering has gained only minor attention, while their work in fostering and healing has gone effectively unstudied.\textsuperscript{64} Work on women’s economic contributions outside the household, such as in moneylending and property management, is similarly limited for Scotland.\textsuperscript{65} In tackling many of these areas, Chapter Three contributes to a better understanding of life in early modern Scotland; it also engages with similar work done on England. A central question in this latter field has been centred on medieval and early


\textsuperscript{65} Sanderson, \textit{Women and Work in Eighteenth-Century Edinburgh}; Spence, \textit{Women, Credit and Debt in Early Modern Scotland}.

modern women’s economic agency, a question established by Alice Clark’s formative study that posed the idea of a pre-industrial ‘golden age’ for women. Historians such as Barbara Hanawalt, Marjorie McIntosh and others have further enriched the field by engaging with this question, complicating and nuancing Clark’s ideas. Others, such as Bridget Hill and Judith Bennett, have explored more broadly the frameworks of continuity and change as applied to women’s work lives in the pre-modern era. Beverly Lemire’s work on women’s changing roles in England’s credit systems brings important context and nuance to the discussion, as does Alexandra Shepard’s study of ordinary early modern men and women’s assessments of worth and status. David Pennington’s recent work on trading women’s central and active role in local English markets provides new strength to the discussion of their economic agency. Other work on women’s identity with their occupations and their economic roles in early modern towns help to fill out the field as well. These studies of the British Isles also complement work being

70 Pennington, Going to Market.
done elsewhere in northwestern Europe on women’s economic participation.\textsuperscript{72} This is one area in which Scottish women’s historians have done substantial work, contributing greatly to the understanding of economic life in medieval and early modern Scotland, but more work remains to be done in filling in the gaps that still remain.

While examinations of family networks and women’s economic roles have been well-developed, the pre-modern study of friendship in Europe has been a fairly recent historiographic trend, and one explored very little if at all in Scotland.\textsuperscript{73} The relative newness of the field is in part due to the difficulty of categorising ‘friendship’ among the interrelated support systems of the early modern world.\textsuperscript{74} This is especially true for the study of women’s friendships, which were often hidden from the public record.\textsuperscript{75} The first wave of research on women’s friendships and communities in the late twentieth century emphasised, somewhat naively, the strength of support and affection within pre-modern female communities; a second wave of historians, including Linda Pollock and Laura Gowing, has in response emphasised the narrowness and limitations of female


friendships. More recently, the historiographical pendulum has swung back towards a middle ground, with historians such as Amanda Herbert and Ilana Ben-Amos arguing that early modern women’s friendship networks could be significant sources of support, but should be examined within the context of broader networks. Chapter Four contributes to this trend of acknowledging context and nuance, not trying to force an artificial separation between ties of friendship and other bonds of support, but instead highlighting relationships that were not explicitly labeled as part of kinship or trade networks. The chapter also contributes to the small but growing field of charity and poor relief history in early modern Scotland. In this case, given the different ecclesiastical and legal poor relief systems, comparisons to England or elsewhere in Europe are of limited use. Rosalind Mitchison has provided the sole monograph overview of the subject for Scotland, examining early modern poor relief legislation and its impact, and argues that the process of poor relief in the sixteenth and early seventeenth centuries was uneven, largely ineffective, and inadequate in times of crisis. More recent local studies by Laura Stewart and John McCallum have begun to counter this pessimistic view. Their studies


78 John McCallum argues in his 2016 article that the study is still “in its infancy”; see John McCallum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee,” Scottish Historical Review 95, no. 1, No. 240 (2016): 30.

79 For recent English scholarship, see Claire S. Schen, Charity and Lay Piety in Reformation London, 1500-1620 (Aldershot, UK: Ashgate, 2002); Ben-Amos, The Culture of Giving; Anne M. Scott, ed., Experiences of Poverty in Late Medieval and Early Modern England and France (Farnham, Surrey: Ashgate, 2012).

80 Mitchison, The Old Poor Law in Scotland: The Experience of Poverty, 1574-1845, 12, 13, 16, 18.

81 Stewart, “Poor Relief in Edinburgh and the Famine of 1621-24”; McCallum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee.”
help to redirect the field towards a new framework of understanding charity in the early modern town, to which Chapter Four will contribute a new and nuanced perspective.

The final chapter of this dissertation examines women’s engagement in the early modern court system in Scotland, both ecclesiastical and civil, which as a field of study is gaining strength. Many historians have, for instance, explored the Reformed kirk’s role in arbitrating disputes between parishioners, although the field has only recently included explorations of the power dynamics inherent in the system. Leah Leneman has provided an overview examination of gender in eighteenth-century defamation cases, and situated Scottish litigation culture in context with England. Elizabeth Ewan has examined both the general culture of defamation in the late medieval period, and slander penance rituals more specifically, while John Harrison’s work has studied women’s punishments for loose tongues in detail, most noticeably the branks. Scholars of the early modern witch-hunts in Scotland have also provided important context in understanding the connections between slander and witchcraft. This Scottish work on litigation and slander complements English and Continental work, where the connection between gender and litigation is made more explicitly: for instance, Laura Gowing emphasises women’s

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readiness to engage with the ecclesiastical courts, and Alexandra Shepard has used litigation testimonies to tease out nuanced analyses of men and women’s understandings of status, and self-worth.\textsuperscript{86} Chapter Five contributes to these discussions by examining both the support and tensions revealed in the records, exploring traits of quarrelsome women, and placing slander litigation within a broader context.

This dissertation contributes to these various fields of study concerning women in pre-modern Scotland. It builds upon important work being done on urban life in Scotland, especially with an eye toward women’s experiences in urban centres. It also uncovers more detail on the relationship between gender and reputation, whether sexual, social or economic, in early modern Scotland. The project contributes to the study of family relationships, centring the focus on women’s roles in their family support systems, and provides added detail on women’s working lives to the growing field of women’s economic history. The examination of poor relief recipients and harbouring networks also adds important information to the nascent study of charity, friendship and support. The countering chapter on quarrelling and litigation builds upon previous studies of women’s roles in the courts. These various networks are also placed in context with one another, as women in this compact urban community can be traced across multiple networks, providing the needed nuance that previous studies in various fields have recommended. This project, at the nexus of gender, urban, economic and legal histories, and the history of emotions, provides important new insight to each field.

Sources, Methodology and Structure

Sources
Canongate is one of the few Scottish burghs to have consistent extant records for the seventeenth century, and its church and civic records provide a high level of detail for their type. This dissertation is based on a close reading of three social records of Canongate. The Canongate kirk session records (1613-50, 1651-60), was the minute-book of the kirk session of the Scottish Reformed Kirk. It documented ecclesiastical disciplinary cases (for fornication, Sabbath breach, marital discord and fugitive-harbouring, among other issues) as well as recording marriage banns, notes on donations and poor relief, and church business issues such as treasury reports and the annual election of elders and deacons to the session. The Canongate burgh court records (intermittent between 1600 and 1657) was the equivalent record for the town’s burgh court, noted debt court proceedings, inheritance briefs, notes on apprenticeships and roupings (public auctions of debtors’ goods), and disciplinary cases for public violence. Given the level of detail and length of the burgh court records, this dissertation is based on nine sample years in roughly five-year increments as available in the extant records (1600, 1605, 1611, 1620, 1625, 1630, 1635, 1640 and 1646).

These corporate court records are cross-referenced with individual legal records, balancing breadth of scope with personal detail. This latter work is based on 134 testaments drawn up by the 128 female residents of Canongate who died between 1600

87 National Records of Scotland, Canongate Kirk Session Records, CH2/122, volumes 1-4.
88 The exact run of extant volumes is: 1600-8, 1610-11, 1619-42, and 1646-7, with an added fragment from December 1656 to January 1657.
89 Edinburgh City Archives, Records of the Burgh of Canongate, SL149 and SL150/1, volumes 8-19.
and 1685. These are supplemented with the testaments of nine male relatives of the female testators and of three local officials. Of the 128 women, sixty-one (47%) were married, forty-eight (38%) widowed and nineteen (15%) unmarried; fifty-six drew up their testaments themselves while the rest died intestate. These women represented a broad social spectrum of Canongate inhabitants, as can be deduced from their connections, their credit relationships and the inventories of their property upon their deaths. For instance, inventory valuations in their testaments ranged from 10 merks to almost £4000 Scots. Historians agree that testaments should be used with caution, as they only provide a snapshot of a person’s relationships at the end of their life, but testaments are also rich records that detail men and women’s business and family connections, wealth and legal agency. Both men and women from across the social spectrum drew up legal wills, although they formed only a minority of the population as a

90 National Records of Scotland, Edinburgh commissary court records, register of testaments, CC8/8. Six women drew up two testaments each, often with the second testament detailing debts owing to or by the testator that had been forgotten or otherwise omitted from the original testament. This extended end date for the testaments allows me to study the women who lived during my primary study period as young women but wrote their testaments after the official end of that period.

91 The men’s testaments were from seven husbands of female testators, one father and one son.

92 A Scottish merk was worth 2/3 of a Scottish pound, i.e. 13 shillings 4 pence.

93 All pounds in this study are pounds Scots; in the seventeenth century, £12 Scots was worth £1 sterling. See Dingwall, Late Seventeenth-Century Edinburgh. xi. For testamente examples of these incomes, see NRS, Edinburgh testaments, CC8/8/38 Margaret Watson; CC8/8/39 Margaret Forrest; CC8/8/44 Marian Scott; CC8/8/55 Bessie Moddrell. While some inventories are itemised and detailed, others seem to be approximate; some married women’s inventories included their husband’s property and debt accounts.

whole. In these cases, their testament was known as a testament testamentar, and their will or ‘legacy’ was included in that document, stating how they wanted their property divided. The testament was drawn up by a notary public and signed by the testator and witnesses, and the executor was later ratified in court. If a person died intestate, without naming an executor, the court might draw up a testament dative in order to legally appoint an executor. Testaments, whether testamentar or dative, also included an inventory of the deceased’s possessions, or at least a valuation of their moveable goods, and a list of debts owing to and by the dead. Often the executor was a family member, although in rare cases if the deceased had died in debt and intestate, the court might appoint one of the creditors as executor. Even if the deceased did not leave a will, therefore, their testament can reveal important information about them and their connections.

**Testaments and Women’s Legal Rights**

Drawing up a will was not necessarily a straightforward process for Scottish women; their legal rights were part of a complex balance between protection and agency. They did not have as many legal rights as Scottish men; for instance, women were only allowed as legal witnesses in civil or criminal trials under certain circumstances, such as testifying that a child had been born alive. However, historians agree that on the whole

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96 The extant documents forming the basis of this study are the registered versions rather than the originals, which do not survive.
97 Testaments did not include heritable property such as land.
98 See for instance NRS, Edinburgh testaments, CC8/8/73 Katherine Kendall; CC8/8/76 Marian Dick; CC8/8/77 Margaret Cunningham.
they enjoyed more legal freedom than English women. Widows and unmarried women over the age of twenty-one could hold property, trade, sue and be sued in their own right, as well as draw up wills without external permission. Upon marriage, however, a woman’s legal personhood was subsumed under that of her husband. This meant that technically, she could not conduct business or write up a will without her husband’s consent, and her moveable estate was transferred to her husband, except for her personal effects such as clothing and jewellery. Married women also gained important legal provisions and protection, as well as social status and greater economic stability. For instance, widows were legally entitled to one third of their husband’s moveable estate upon his death (after the settling of debts), with a further third, the ‘bairn’s part’, being divided among their children, and the final third or ‘dead’s part’ bequeathed as he pleased. If the couple did not have any children, the widow’s and


103 Coutts, “Wife and Widow,” 179; women’s social status and economic stability will be discussed at more length elsewhere in the dissertation.

dead’s parts were split equally.\textsuperscript{105} If a married woman did draw up a will, she could, like unmarried women and widows, bequeath what she wanted, albeit only from her personal effects and what would have become her widow’s part.\textsuperscript{106} She did not have to divide up her property into halves or thirds, but given that it was the legal custom for men to do so, some women did as well.\textsuperscript{107} These legal parameters were, however, only a framework; in practice, women often enjoyed legal freedoms and support explicitly given by their fathers and husbands, who worked around the laws of primogeniture or added to the basic legal provisions.\textsuperscript{108} Women’s legal status, while seemingly limited, could therefore actually be fairly flexible.

**Methodology and Thesis Structure**

Previous historians have tended to focus on either kirk or burgh court records, or testamentary evidence; cross-referencing the records in an ‘all-courts’ approach provides both contextual overlap and data coverage where gaps in records do occur between the records and testaments.\textsuperscript{109} Combined in a database,\textsuperscript{110} these record sets illuminate a broad

\textsuperscript{105} Coutts, “Wife and Widow,” 177. Most of the husband’s heritable property, such as land, went to his heir by law of primogeniture, but the widow was entitled to her terce, one third of her husband’s heritable estate during her lifetime and contributed by the husband at the time of marriage explicitly in order to provide for his widow; see Coutts, “Wife and Widow,” 179; Spence, “Women and Business in Sixteenth-Century Edinburgh,” 3.


\textsuperscript{107} Coutts, “Wife and Widow,” 177. NRS, Edinburgh testaments, CC8/8/40 Margaret Mitchell and CC8/8/49 Marian Christison, both married without children, divided their estates into two parts; CC8/8/49 Isobel Lyon, married with children, divided her estate into three equal parts; CC8/8/37 Geillis Malcolm divided her estate into two even though she had children; CC8/8/50 Margaret Robson and CC8/8/54 Mary Hamilton did not divide their estates at all although they were both married with children; widows such as CC8/8/49 Agnes Young often had “no division” written in their wills and could bequeath their entire estate.

\textsuperscript{108} Coutts, “Wife and Widow,” 184; Sanderson, *A Kindly Place*, 49. These negotiations are sometimes made explicit in marriage contracts; see Ewan, “To the Longer Liver,” 192–94.

\textsuperscript{109} For another example of this, see Harriet J. Cornell, “Gender, Sex and Social Control: East Lothian, 1610-1640” (Ph.D. diss., University of Edinburgh, 2012).

\textsuperscript{110} Names have been standardized as part of this data entry process, using the *Survey of Scottish Witchcraft* and *People of Medieval Scotland* databases as guides where necessary. See “Survey of Scottish Witchcraft,” accessed 25 April 2016, www.shca.ed.ac.uk/Research/witches/; “People of Medieval Scotland,” accessed 25 April 2016, www.poms.ac.uk/.
spectrum of women’s lives. In conjunction with its multilayered approach, this dissertation’s explicit focus is on the everyday interactions rather than forming a strictly top-down assessment. Although acknowledging that the records were mediated through local authorities and clerks with their own agendas, as much as is possible this dissertation has allowed space for the voices of men and women to come through. The framework, then, is focused on the meeting points: the interactions between women and the records.

The dissertation chapters, although each incorporating information from multiple record types, reflect and showcase the strengths of each record. The second chapter, on family ties, focuses largely on women’s testaments. Chapter Three, on women’s work and trade networks, delves deeply into the debt court and other cases from the Canongate burgh court records. The fourth chapter, on friendship and support networks, uses as its foundation the fugitive harbouring cases and poor relief records of the Canongate kirk session records. The final chapter on quarrels and litigation makes use of slander and violence disciplinary cases from both the burgh court and kirk session records. In this way, the dissertation draws from each record set’s strength, while providing important contextual cases and cross-references from the other records. Together, the chapters demonstrate how women engaged with different court and legal records in different ways.

Each chapter of the dissertation focuses on a separate aspect of women’s lives. Chapter Two examines family roles and relationships. The chapter begins with an examination of the marital partnership at the heart of family life. It explores within that the importance of trust, support and affection in the partnership as seen in its absence,
through cases of neglectful and abusive relationships scrutinised by the Canongate kirk session. These cases made explicit the need for a strong and positive centre to the family network. Much of the chapter focuses on the positive ties of support and obligation evinced in women’s testaments, and the focus for most women when writing those documents was the provisioning of their children. Many women also took care to provide for their birth families, their living parents and siblings, demonstrating strong lateral and backwards-reaching ties of support. This support could also be extended to cousins, nephews, nieces and grandchildren, as well as across marital links to in-laws and stepchildren. The burgh court records also reveal how family members could work together in economic pursuits, although this could also cause tension that erupted in the courts. Unmarried women, while not benefiting from the densely connected and wider family ties their married and widowed counterparts enjoyed, still actively participated in family, business and broader support networks, as seen in their testaments. The chapter argues that while some women’s abilities to support their families were limited, many proactively provided for their families within sometimes dense and complicated networks.

Women also participated in a wide spectrum of economic pursuits in the burgh. Many of women’s economic activities were centred on their domestic duties. They supported their husbands in their trades, and shared the management of the household economy. Women also sold ale, malt and tobacco, and some worked in wet-nursing, fostering, education and healing work as an extension of their domestic duties. Many women spent some time in domestic service, a vulnerable and low-paying sector of the local economy, but one which afforded women some surprising flexibility in potentially
lucrative by-employments, such as ale sales, moneylending and pawn-broking. This economic multitasking extended beyond those employed in domestic service as well. Women could also pursue profit through work not associated with their domestic tasks, such as property management, work as landlords, and moneylending. Although much of women’s work was humble and low-paying, some women could wield considerable economic and social power, as creditors, lenders and as cautioners. Finally, women’s work took place within a specific religious as well as cultural context, and some women chose to violate religious protocol by working on the Sabbath. Case studies of these incidents provide a detailed examination of the full context, agency and limitations of women’s work in the towns.

Chapter Four examines women’s broader support networks in Canongate. Women’s testaments reveal that they could be substantial patrons in their social and business networks through their personal bequests, and their donations to charity through the local kirk session. These women participated in the sanctioned and kirk-controlled process of community support, in which members of the ‘deserving’ poor, of which women also comprised the majority, received weekly donations through the kirk session. The chapter examines the experience of poverty and poor relief as well, for both temporary and long-term recipients of charity, and the importance of maintaining a good reputation in order to receive continued support. This process was contested by the many illicit support networks at work at the margins of society, caught on record in the kirk session’s prosecution of parishioners harbouring ‘scandalous’ or ‘infamous’ persons. A closer examination of female harbourers and fugitives reveals dense, vibrant networks of support among those without the good reputation to receive sanctioned support. The
study therefore contests the notion that only one’s official reputation, as determined by the kirk session, mattered; women were able to rely on their friends and neighbours despite their shaky reputations with local officials.

This theme of reputation is examined under a different lens in Chapter Five. The chapter focuses on slander, quarrels and litigation in the town, and the relationships, both positive and negative, that emerge in the related records. It argues that women’s slander, although often seemingly focused on sexuality, could in fact speak to broader themes of status and inclusion, and that although slander and quarrels were often fleeting incidents, some could have significant and lasting consequences for women’s lives and reputations. Slander could deeply and negatively affect women’s family and working relationships, and in times of crisis, such as during the witch-hunt panics, slander accusations of witchcraft could irreparably damage a woman’s good name. The records also reveal, however, the support between husbands and wives, and parents and children, contested and made explicit when someone was brought before the court to defend their behaviour. Women also sometimes had difficult relationships with the kirk session as well, and could choose to reform or defend their behaviour within the court itself. The cases reveal that women used both the streets and the courts to actively police and monitor each other’s behaviour in the town, and were quick to defend their own actions and words to each other and to the court officials.

These connected facets of life, taken together, demonstrate women’s dynamic engagement within their families, homes and community, despite the economic, legal, religious and social limitations placed upon them. Women’s relationships were formed, were put under strain, developed and dissolved; their reputations shifted and evolved, and
contrasted in different areas of their lives. Cross-referencing foundational sources with different mandates and emphases provides this clearer, more intricate view of women’s lives, demonstrating the complexity of their relationships, the boundaries of their agency, and the variety of their contributions to their families, economy and town.
Chapter Two: Providing for the Family: Women’s Family Networks

Introduction
The heart of early modern society was the family. This chapter examines women’s roles within their families, and the strength and diversity of family ties in seventeenth-century Canongate generally. Family support networks did not stop at the door of the household or the edge of the nuclear family; instead they were often deep, wide and complex networks of support, and women played important roles within them. As is perhaps appropriate for an examination of networks, branches and intersections, this study lies at the nexus of various historiographic methodologies and trends. It draws on both Scottish and other European studies of early modern families, while also contributing to the growing study of gender history in Scotland. This chapter will draw primarily from Canongate women’s testaments, the legal documents relating to a person’s moveable property and declaring the official executor of that property after the testator’s death. These testamentary records are supplemented where appropriate with church and civil court records in order to provide a fuller picture of family-based bonds of obligation and support at work. Many women used testaments and the local court systems to support those closest to them: their husbands and children. At the heart of the family was the marital partnership, a relationship based on mutual obligation, support and affection. This chapter will also examine this partnership through evidence of its absence, in cases of domestic neglect and violence, underlining the importance of this lynchpin to family and society. Women strove to provide for any children they had, and many also extended financial support beyond the nuclear family, providing for parents, siblings and their extended families and in-laws. Widowhood and remarriage could complicate family structures, but ties between step- and half-relations generally proved to be just as strong.
and supportive as those formed by blood or marriage. These familial bonds provided more than just emotional support; they also often formed the basis of the household economy. This chapter will explore how this blending of familial and economic roles could either strengthen or sour the working relationship. Finally, the testaments of unmarried women demonstrate that marital ties, although important, were not women’s sole potential source of support; the testaments highlight both the fragility of those women’s networks without dense family ties, but also the other networks in which women participated, such as those of work and friendship. Whether single, married or widowed, however, all the Canongate women studied here were active members of their family networks. They took responsibility for their estates and proactively provided for their families, both close and extended, as they were able. The records showcase both the diversity of women’s roles and their strong engagement within their families’ networks.

The field of kinship studies in Scotland has developed as a constellation of related topics and methodologies, with a few central tenets. Most historians agree, for instance, that kinship ties in early modern Scotland were strong.¹ Well-studied areas of development in the field include Highland clanship and family structures, family ties among the Scottish nobility, and kinship ties as part of broader studies of male networks of alliance and business.² More recently, historians have also examined the medieval and

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² For recent contributions on Highland family structures and ties, see Macinnes, *Clanship, Commerce, and the House of Stuart, 1603-1788*; Dodgshon, *From Chiefs to Landlords Social and Economic Change in the Western Highlands and Islands, c1493-1820*; Cathcart, *Kinship and Clientage*. For examples of studies of
early modern Scottish family with a critical eye toward gender, while others have tied the study of the family more closely to the emerging field of the history of emotions. This Scottish scholarship provides a useful, if uneven, general context for this study, augmented by other European studies of the early modern family. Historians of the Holy Roman Empire, for instance, have examined the impact of the Reformation period on both family ties and more generally on women’s roles within their families and their society. Research on medieval and early modern France and the Netherlands also provides important examples of how men and women used and understood their kinship networks. Similarly, the debate around the strength of kinship relations and networks in early modern England provides much useful context for this study. Recent English scholarship, for example, argues that kinship networks were more diverse, far-reaching and complex than previously recognised. Many of these European studies also place kinship networks in context with other networks, such as those of friendship and

the Scottish nobility, see Keith M. Brown, Noble Society in Scotland: Wealth, Family and Culture, from Reformation to Revolution (Edinburgh: Edinburgh University Press, 2003); Downie, She Is but a Woman; Robertson, Lordship and Power in the North of Scotland. For examples of kinship ties as part of other networks, see Wormald, Lords and Men in Scotland; Keith M. Brown, Bloodfeud in Scotland, 1573-1625: Violence, Justice, and Politics in an Early Modern Society (Edinburgh: John Donald, 1986); Murdoch, Network North.


4 Ozment, When Fathers Ruled; Roper, The Holy Household; Wunder, He Is the Sun, She Is the Moon: Women in Early Modern Germany.


neighbourhood, in order to understand people’s support systems more fully. Historians have begun to fit Scotland more conclusively into these broader European or northwest European contexts. Historians like Elizabeth Foyster and Margaret Hunt for England and Leah Leneman and Katie Barclay for Scotland have brought to the fore the important issue of domestic violence and abuse within the marital partnership. This chapter contributes to these fields by demonstrating Canongate women’s active and complex roles within their families.

This chapter focuses especially on women’s testaments as a useful historical record. Testaments are perhaps particularly important for gender historians, since they are among the few social records from early modern Scotland that place a woman’s life and connections front and centre. Margaret Sanderson has made the most extensive use of women’s testaments in her various studies and social histories; other historians, such as Winifred Coutts and Cathryn Spence, have also examined women’s testaments through various gendered, legal and economic lenses, proving their multi-layered value. This chapter aims especially to reinforce and complement Sanderson’s thesis of cooperative

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8 Howell, The Marriage Exchange; Tadmor, Family and Friends; Hardwick, Family Business. See also Capp, When Gossips Meet; Herbert, Female Alliances. This comparative approach will be the one I take in my dissertation as a whole.
9 R.A. Houston has, for instance, started to place Scotland within the northwest European pattern of family formation; see Houston, “Age at Marriage of Scottish Women, circa 1660-1770,” Local Population Studies 43 (Autumn 1989): 63–66; and The Population History of Britain and Ireland 1550-1750 (Cambridge: Cambridge University Press, 1992), 21. For examples of Scotland being placed within other northwest European contexts, see Ågren and Erickson, The Marital Economy in Scandinavia and Britain; Murdoch, Network North.
11 Another record type being, unfortunately, the witchcraft trial.
kinship ties in sixteenth-century Scotland with data from seventeenth-century Canongate.  

**The Marital Partnership**

The marital partnership was the relational cornerstone of society. The hierarchies and relationships of the married couple, and the ideals of the benevolent husband and obedient wife, reflected and supported the relationships of society at large. Katie Barclay has argued that the marital relationship was the “epitome of patriarchy,” providing a blueprint for all other relationships, including that of king and subject. The relationship was intentionally unequal in power, but beneficial to both parties, built on mutual affection, trust, obligation and support. Both partners were constrained: the duties of the wife were to obey and serve her husband; the duties of the husband were to provide for, protect and love his wife. The husband also had legal and socially sanctioned control over his wife’s body, and this included the right to discipline her with physical punishment. Love was intended to temper this power, and the kirk as well as society in general considered affection a foundational, if not the exclusive, factor in marital partnerships. Many couples were indeed affectionate: a variety of historical records have revealed that husbands and wives referred to each other by nicknames and terms of endearment.

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20 Capp, *When Gossips Meet*, 69–70.
This combination of affection, obligation and support is also evident in the Canongate sources. For instance, women often made their husbands the executors or co-executors of their estates; in Canongate, thirty-nine of the married women (64%) did so. It was also customary for husbands to name their wives as their executors or co-executors; Sanderson has found that around 78% of husbands named their wives as executors.\textsuperscript{21} Affection was also present: many married women, when granting their husbands executorship, refer to them explicitly as “my weill believed spowse”.\textsuperscript{22} Many of the families discussed in this chapter were likely founded on these affectionate and supportive bonds. However, it is important to recognise that this foundational relationship was not always positive and strong. The next section will examine abusive relationships between husbands and wives in order to clarify and underline the importance of a supportive marital partnership.

**Domestic Abuse and Alternate Sources of Support**

The Canongate Kirk Session disciplinary records, specifically their cases of domestic abuse and violence, demonstrate that relationships between husbands and wives could be neglectful and abusive, and that external support could be difficult to find. While spouses were normally expected to work together and support each other for the economic viability of the family,\textsuperscript{23} some husbands were found negligent in providing for their wives financially, or could hamper their wives’ ability to pursue their livelihood.\textsuperscript{24} For instance,

\textsuperscript{21} Sanderson, *A Kindly Place*, 114-115. See also Ewan, “To the longer liver,” 199; Coutts, “Wife and Widow,” 177. For an example of a married woman not making her husband her executor, see National Records of Scotland, Edinburgh commissary court records, register of testaments (hereafter NRS, Edinburgh testaments), CC8/8/68 Margaret Suttie.

\textsuperscript{22} See for instance NRS, Edinburgh testaments, CC8/8/68 Isobel Boyd; CC8/8/72 Helen McIlroy; CC8/8/73 Helen Fortune.

\textsuperscript{23} This theme is explored at more length in Chapter Three.

\textsuperscript{24} See also Capp, *When Gossips Meet*, 88–92.
in 1613, the kirk session accused John Picken of “misbehaviour to his wyfe in that he levis [lives] nevir in peace with hir bot takis hir geir [possessions] qlk [which] she winis qron [whereon] she and her bairnis soulis levis and drinks and in his drunkinnes abuses and strykes hir.” The elders sharply admonished John for this behaviour.\textsuperscript{25} In 1618, Cuthbert Pinkerton was accused of ‘shutting his wife out of doors’, and was told to “put not violent hands into hir bot th[a]t he do his dewtie unto hir as becometh him”; John Perch was also accused of striking his wife, and absconding with and wantonly spending the goods and money belonging to both him and his wife.\textsuperscript{26} The kirk session was normally generally sympathetic to neglected or deserted wives in these cases, but in some instances, women’s attempts at gaining external support backfired. When Margaret Guthrie complained to the kirk session in 1630 that her husband John Taylor had abandoned her, the elders discovered in the course of their investigation that it was she who had in fact deserted him, and that she “was resorting with the egypionis”; she was reprimanded for her misbehaviour.\textsuperscript{27}

Some men were caught neglecting their wives in favour of pursuing an adulterous relationship. In 1614, the elders reprimanded David Cant for ‘putting his wife out of his house’ and keeping scandalous company with another woman; they threatened him with the cuckstool and a fine of £10.\textsuperscript{28} When Margaret Murray publicly accused her husband

\textsuperscript{25} National Records of Scotland, CH2/122 Canongate Kirk Session Records (hereafter NRS, CH2/122), volume 1, 10 September 1613.
\textsuperscript{26} NRS, CH2/122, volume 1, 20 November 1618; 5 June 1618.
\textsuperscript{28} NRS, CH2/122, volume 1, 4 March 1614; 18 March 1614. This seems to have been a rare threat in Canongate, especially for men; no other man was threatened with the cuckstool during the study period, although some women were. The woman David was found with, Margaret Brown, was banished from the congregation under pain of carting as a possible charmer.
William Murray, a burgh officer, of ‘haunting’ the company of their servant Bessie Ewing in 1650, William reluctantly confessed that he and Bessie had indeed recently been in the same house in Edinburgh, albeit briefly. The kirk session elders warned him that if it happened again, he would be prosecuted as an adulterer.29 The kirk session similarly accused William Lauder of putting his wife out of his house in 1658, and frequenting the company of a married woman instead.30 The kirk session took these accusations of abuse and neglect seriously in their goal of restoring marital harmony.31 In 1615, John Fulton was challenged by the session “for abusing his wyff putting hir away and nocht intertaining hir as becomes ane faithfull and christiane husband.” His wife had, under his neglect, turned to begging on the streets. The kirk session admonished him to welcome her back into his home, but agreed that if she refused to join him, they would take away her begging licence.32 These cases of abuse and neglect reveal how the bonds between husbands and wives could be weak and destructive rather than strong and supportive.

Husbands might also be explicitly violent to their wives. The cases brought before the kirk session in these instances likely represented more extreme or severe examples of domestic violence experienced in the town.33 In 1614, the kirk session elders accused John Stirling of throwing a knife at his wife; he attested that he had meant to throw the knife at a dog but missed and struck his wife instead, but the elders, not the least bit convinced by this argument, rebuked the couple and ordered them to live more quietly.

29 NRS, CH2/122, volume 4, 25 June 1650.
30 NRS, CH2/122, volume 4, 30 November 1658.
31 Graham, The Uses of Reform, 290; Todd, The Culture of Protestantism in Early Modern Scotland, 231–32.
32 NRS, CH2/122, volume 1, 29 September 1615.
and soberly together.\textsuperscript{34} This quietness was a key consideration; while husbands were allowed to physically discipline their wives, public displays of domestic violence that disturbed neighbours or the community were seen as crossing a line from sober, private disciplining into social disorder.\textsuperscript{35} In 1615, the kirk session therefore rebuked Thomas Spalding for striking his wife on the high street, and in 1632, Gilbert Kennedy was also rebuked for striking his wife with a belt ‘in the open streets’.\textsuperscript{36} Husbands and wives alike could be punished or rebuked for disturbing this public order: when Janet Flabairn came before the kirk session in 1617 complaining that her husband put “violent hands” on her and called her “vyld huire” and other insults, the kirk session admonished both of them to live in peace, considering them equally responsible.\textsuperscript{37} Patrick Gladstone and his wife Janet Miller were brought before the kirk session repeatedly over the course of almost fifteen years, and were both admonished; the elders ordered him “to keip societie w[i]t[h] his wyfe and love her according to Gods ordinance,” and to provide for her and their family, as was his duty, while she duly promised to be dutiful to him “as ane good houswife,” each under the threat of £20.\textsuperscript{38} The kirk session similarly admonished Alexander Smith and his wife Isobel Pringle repeatedly for not living peacefully together in the 1650s, he for “abuseing and strikeing his wife to the effusion of her blood,” and she for scolding and fighting with him.\textsuperscript{39} By 1658, the kirk session found that Alexander had not reformed his ways as he had promised to do, and so “finding no amendement of

\textsuperscript{34} NRS, CH2/122, volume 1, 18 November 1614.
\textsuperscript{35} Nugent, “‘None Must Meddle Betueene Man and Wife’”; Capp, \textit{When Gossips Meet}, 108.
\textsuperscript{36} NRS, CH2/122, volume 1, 30 June 1615; volume 3, 17 July 1632.
\textsuperscript{37} NRS, CH2/122, volume 1, 2 May 1617.
\textsuperscript{38} NRS, CH2/122, volume 1, 3 April 1618; 14 May 1619; volume 3, 8 October 1633.
\textsuperscript{39} NRS, CH2/122, volume 4, 15 August 1654; 22 August 1654; 16 May 1658; 1 June 1658.
his leud cariage” they referred him to the civil magistrates, “desireing earnestlie he may be removed from the parish.”

As seen in some of the cases above, the kirk session could also punish women for being abusive to their husbands; this was considered a serious violation of social and gender hierarchies as well as a disruption of marital harmony. In 1614, Isobel Anderson confessed to striking her husband Mungo Munro, and was ordered to crave pardon on her knees from God, the session and her husband. The same year, James Burlands came before the kirk session and accused his wife Jean MacMurray of spitting on him and striking him, for which she was punished with time spent in the jougs (a hinged iron collar). A few months later, James accused her of receiving a man in their house in the middle of the night, stating that when he had gone downstairs to investigate, Jean had blocked him from the door while the man escaped; for this the kirk session ordered the magistrates to imprison Jean. In 1617, Marian Brewster confessed to putting “violent hands” on her husband; the kirk session threatened her that if she ever did the same again, she would be banished from the town. Even women’s malevolent or violent speech against their husbands was severely punished. In 1618, Jean Cluny, wife of Patrick Allan, a drummer, confessed that she had slandered her husband in gossiping with John Taylor’s wife. She and her husband had reconciled of their own accord before her confession, but the elders still threatened her with a £5 fine if she was found doing the same again.

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40 NRS, CH2/122, volume 4, 8 June 1658.
41 See Elizabeth Ewan, “Disorderly Damsels? Women and Interpersonal Violence in Pre-Reformation Scotland,” Scottish Historical Review 89, no. 2 (2010): 162–63. Cases of women found abusing their husbands were far more rare than the reverse; see Capp, When Gossips Meet, 84.
42 NRS, CH2/122, volume 1, 12 February 1614; 26 February 1614.
43 NRS, CH2/122, volume 1, 30 December 1614.
44 NRS, CH2/122, volume 1, 10 March 1615.
45 NRS, CH2/122, volume 1, 28 March 1617.
46 NRS, CH2/122, volume 1, 20 March 1618.
1631, the kirk session accused Bessie Paterson of having a “devilische toung and leud conversation” and abusing her husband while drunk, threatening her with highest censure and banishment. Women could therefore be treated severely for disrupting social order and disrespecting the precept of marital support and affection.

Those who found themselves in abusive, violent relationships could look to formal institutions like the kirk session for support. However, the kirk session prized marital reconciliation and social order more than protection from abuse, and this preference could hamper the elders’ abilities to provide meaningful support to women. The kirk session’s primary strategy was to threaten couples into living in peace. In 1614, Alexander Thompson confessed to abusing his wife; the kirk session rebuked him to “chirreis and love hir in all tyme cuming . . . under the pane of more scharp censor.” The same year, the elders found John Peacock to be “continuallie in stryffe and debait with his wyfe” and he was ordered to live in peace with her; in order to help this process along, the kirk session directed the minister and two bailies to visit the couple and help them live harmoniously.

Similarly, in 1626, five men, likely elders, deacons and bailies, were ordered to “reconceile” John Forsyth and his wife and to report back. Sometimes these court-mandated meetings did not help to resolve broken relationships or inspire or rekindle marital affection, and a separation or even divorce, although not desirable to the

47 NRS, CH2/122, volume 3, 8 August 1631.
48 Contemporary conduct books advised women to only pursue outside help in dire circumstances, as an intervention would undermine a husband’s authority. See Capp, _When Gossips Meet_, 85. Michael Graham argues that the kirk sessions’ interventions into domestic issues curbed husbands’ potential violence; see Graham, “Women and the Church Courts in Reformation-Era Scotland,” 191–92.
49 Margo Todd notes that the kirk sessions often took pains to use face-saving rituals to help along marital reconciliation. See Todd, _The Culture of Protestantism in Early Modern Scotland_, 256.
50 NRS, CH2/122, volume 1, 18 March 1614.
51 NRS, CH2/122, volume 1, 15 April 1614; 29 April 1614.
52 NRS, CH2/122, volume 2, 7 August 1626.
kirk session elders, was considered necessary. In 1632, the parish minister asked James Neische if he was content to separate from his wife for a short period of time, which he was willing to do; three officials were called to negotiate the terms between the couple. The kirk session could also call on external help in difficult cases. In 1660, Margaret Fleming brought a bill of complaint against her husband James Mure for striking and abusing her and for putting her out of the house for the previous five weeks. The minister and the elder and deacon of her quarter were ordered to visit her house and try to reconcile the couple. The next week, however, the issue was declared too difficult for the kirk session to handle: the minister and elders had “met annent [about] their agreement but could in no ways prevaii”, and the couple were ordered to go before Edinburgh presbytery for further consultations. The kirk session certainly attempted to resolve marital disputes and end domestic strife and violence, but its method of forceful reconciliation did not always prove successful.

Abused wives might therefore also look to other sources of support, such as their birth families. Such was the case with Agnes Whitehead, wife of William Wilson, who received support, albeit support not condoned by the church or civil authorities, from her mother, when her husband was violent towards her. In 1611, William was brought before the Canongate burgh court baillies and the kirk minister, accused of “misuseing and

54 NRS, CH2/122, volume 3, 21 August 1632.
55 NRS, CH2/122, volume 4, 10 July 1660.
56 NRS, CH2/122, volume 4, 17 July 1660; 24 July 1660. Edinburgh presbytery records do not survive for the study period, so it is impossible to confirm the resolution of this case.
stryking” Agnes, his wife, and of “casting of certaine cloythis in the fyre and over the stair”, which he confessed to doing. He promised not to strike his wife any more, but instead to “do his honest dewtie as ane husband to hir according to his power” under threat of two weeks’ imprisonment in the tolbooth, and public repentance in the kirk.  

The next entry in the burgh court records, tellingly, is of Agnes’ mother, Marian Curry, who was brought before the court to promise not to slander, blaspheme or misuse her son-in-law William under the threat of £5. She had evidently taken matters into her own hands, and shown her displeasure publicly enough to attract the attention of the court officials. This type of vigilante support from one’s parents was not uncommon. In 1626, William Allan came before the kirk session complaining that his wife and mother-in-law had abused him and shut him out of his house. The women in turn accused William of being drunk and abusing them, forcing them to lock him out for their own protection. The kirk session reprimanded all parties, asking each to pardon the other for their “unnaturall and unchristian cariage,” and ordering them to live “in peace and love as becomes p[er]sones so nairlie tyed.” This rebuke neatly underlines the themes present in cases of domestic violence: the courts reinforced the social importance and expectation of affectionate, supportive marital bonds, which cases of domestic abuse showcase in their stark absence, leaving women vulnerable and having to look to other sources of support for help. Most married women, however, could rely on the support and trust of their husbands, and from this firm foundation could look to supporting other members of their family, such as their children.

58 Edinburgh City Archives, SL150, Records of the Canongate Burgh Court Court books (hereafter ECA, SL150, CBCR Court books), volume 10, 20 April 1611.  
59 ECA, SL150, CBCR Court books, volume 10, 20 April 1611.  
60 NRS, CH2/122, volume 2, 20 January 1626.
**Close Relations**

**Providing for Children**

The Canongate records reveal many women’s active interest in and preoccupation with providing for their children, both within and beyond the scope of their wills and testaments.\(^{61}\) Much of this support took place while women were still alive; although most instances of parental support were private and unrecorded, it does appear in the official records in certain circumstances, such as when parents made arrangements for their children’s boarding and education. In 1605, for instance, Isobel Calder personally signed a record acknowledging her debt of £30 to Robert Guidlat for “nurshing” her young child; it is unclear given the language if Robert was arranging a wet-nursing contract, possibly on behalf of his wife, or if the arrangement was one of more general rearing and boarding.\(^{62}\) Janet Wauchop was similarly brought before the court in 1625 by William Anderson, a schoolmaster, and ordered to pay 30s remaining from her debt for a payment “for leirneing tua bairnes to reid wrytt & lay comptis be the space of half ane yeir.”\(^{63}\) Other contemporary records reveal that women took an active and direct interest in shaping children’s education. Extant documents written by the seventeenth-century poet Barbara MacKay include a primer of religious poetry for children with an ABC of descriptions of God to help children learn the alphabet.\(^{64}\) These women were actively engaged in, and considered financially responsible for, their children’s wellbeing and education.

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\(^{61}\) This is indicative of most testaments by both men and women; see Sanderson, *A Kindly Place*, 48-9.

\(^{62}\) ECA, SL150, CBCR Court books volume 8, 13 April 1605; see *Dictionary of the Scots Language*, “Nuris(c)hing, vbl. n.” Women’s work in wet-nursing, boarding and educating children is discussed in more detail in Chapter Three.

\(^{63}\) ECA, SL150, CBCR Court books volume 13, 12 November 1625.

\(^{64}\) Pamela Giles, “Scottish Literary Women, 1560-1700” (Ph.D. diss., University of Saskatchewan, 2004), 144, 147.
The primary document that showcases women providing for their children, however, is women’s testaments. One way in which women could provide for their children was to make one or more of their children their executors, sometimes naming their husbands as administrators if the children had not reached the age of majority of twenty-one. Twenty married women in Canongate made their children executors (33%), as well as fourteen widows (29%). Many women also took particular care to provide for their children in the content of their wills. Mary Hamilton, spouse of John Taylor, when settling her estate in 1625, ensured that her daughters Katherine and Elizabeth were well cared for after her death. They each were to inherit one hundred merks upon reaching the age of sixteen, and Mary nominated James Wilkie, a bailie of Canongate, and John Hamilton, a merchant of Edinburgh, as overseers of her daughters’ affairs, requesting “thame to have ane speciall caire of my said bairnis and to se thame trainit up hounestlie in the feir of God.” She also requested that her husband, as her executor, sell her clothing and that the profits be divided between her daughters, again once they reached sixteen years of age.

It was not uncommon for women to nominate overseers and supporters beyond their nuclear family, perhaps especially when they could not rely on spouses for support; the widow Margaret Forrest made John Cumming and George White co-executors of her estate in 1605 specifically in order “to help hir bairnes,” which George and his unnamed wife consented to do. This provisioning for children could begin before the child was

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66 NRS, Edinburgh testaments, CC8/8/54 Mary Hamilton.
67 NRS, Edinburgh testaments, CC8/8/54 Mary Hamilton.
68 NRS, Edinburgh testaments, CC8/8/39 Margaret Forrest.
born, given the perils of childbirth. In 1604, Margaret Mitchell made her spouse Nicholas Cook her executor, but left both her part of their estate and her inheritance from her parents, John Mitchell and Christine Purves, to “the bairne in hir wombe qr wt [wherewith] sche is p[resen]ntlie to be delyverit God willing”; in the case of the child’s death, her estate would default back to her husband. If a woman died intestate, she might lose the power to allow her children to inherit her moveable estate; her creditors might gain control over her property instead. When the widow Katherine Kendall died intestate in 1667, her daughter Margaret Young was unable to claim the right to her extensive property, including many beds, carpets, mirrors and a Bible and book of sermons, since Katherine had owed £88 to William Hepburn, and so the commissioners declared him to have the better “intres in hir moveabill estate.” Drawing up a testament could help women protect their children against this outcome, and as the above examples attest, providing for future generations was a common concern.

Providing for Parents and Siblings

Women’s provisioning arrangements for their families could also extend backwards to parents and laterally to siblings, especially if the woman in question did not have children. In 1616, Agnes Young, a widow without children, bequeathed one hundred merks to her mother Elspeth Mayne, as well as two hundred merks each to her brother William and sister Isobel. Agnes made her other sister Christine her executor, and left her most of the rest of her estate; since Agnes owed her sister nine hundred merks at the time

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69 Linda Pollock notes that maternal mortality was one percent per childbirth in the seventeenth century. See Pollock, “Childbearing and Female Bonding in Early Modern England,” 291n.
70 NRS, Edinburgh testaments, CC8/8/40 Margaret Mitchell. This is the only example of an explicitly pregnant woman’s testament in the sample.
71 NRS, Edinburgh testaments, CC8/8/73 Katherine Kendall.
of her death, Christine would likely have to try to recoup these funds from Agnes’
debtors before distributing the bequests to her family. In 1619, Margaret Robson, a
married woman without children, “being weill myndit to sattill . . . hir effairs warldlie
and to avoyde all contraversie questioune and debait qlk [which] may aryse” took great
care to provide for her entire family, including her father and siblings. She left her eldest
brother John Robson one hundred merks; the annual rent from this money, ten merks
per year, was to be paid to their father, David. Their sister, Janet Robson, was also to
inherit three hundred merks from Margaret, with the annual rent from that investment
going to support David as well; Margaret’s husband Robert Murray was to administer the
inheritance to Janet, possibly in order to legally circumvent Janet’s husband inheriting the
money through her. This arrangement was likely agreed upon by all parties beforehand,
and only written down in Margaret’s will to legally formalize that agreement. The
financial obligations between parents and children could be significant. When Dame
Elizabeth Carmichael died intestate in 1641, she left a debt of 1660 merks to her son
William Home. For William to lend his mother such a large sum in the first place
underlines the trust and obligation inherent in their relationship. Women with children
did not necessarily neglect their birth families either; Isobel Lyon, discussed at more
length below, had many children, but still bequeathed a gown and cloak of gorgam (a
fabric of mixed silk and wool) to her sister Sara, and a fur cloak and loose gown to her

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73 NRS, Edinburgh testaments, CC8/8/49 Agnes Young.
74 The annual payment or interest derived from property or a loan.
75 NRS, Edinburgh testaments, CC8/8/50 Margaret Robson.
76 See Sanderson, A Kindly Place, 49; inheritors such as the heir were often considered the “steward of the
family’s resources.”
77 NRS, Edinburgh testaments, CC8/8/60 Elizabeth Carmichael. For ties of support from children to
parents, see also Ewan, “To the longer liver,” 201-2.
sister Janet. These cases demonstrate the active role women could take in providing not just for future generations but also for their birth families.

**Extending Support**

*Support for the Extended Family*

Support also extended beyond women’s immediate family circles, and again this was true for both women with children and those without. Geillis Malcolm, spouse of John Smith, a bailie of Canongate, bequeathed most of her sizeable estate to her husband, but also left eight bequests to other inheritors: a grandson and seven female relatives. Her daughter Maisie and five granddaughters and nieces received one hundred merks each and items of clothing, while a daughter-in-law received a dress and paitlet (a rectangular cloth with a collar for covering a woman’s neck and shoulders). Similarly, in 1665, Isobel Parker, who like Geillis was married with children, bequeathed two hundred merks to her niece Margaret Craig, to be given when she reached the age of twenty-one “or soner in caice of her mariage”; upon Margaret’s death the money was to be divided equally among her younger siblings. Bequests to nephews, nieces and other extended kin were, perhaps fittingly, more common among women without children of their own. In 1617, Marian Christison, a married woman, left one hundred merks to her niece of the same name in her will. In 1652, Helen Lockie, a widow, bequeathed five hundred merks to her nephew Hugh Lowes, while also forgiving his debt to her of £20; his sister Agnes

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78 NRS, Edinburgh testaments, CC8/8/43 Isobel Lyon.
79 Geillis Malcolm and Maisie Smith are discussed in more detail in Chapter Three, in relation to their economic activities in the burgh.
80 NRS, Edinburgh testaments, CC8/8/37 Geillis Malcolm. One of these inheritors, one of three likely named after Geillis, later took John Smith to debt court in order to receive her inheritance of one hundred merks, having received the rest of her inheritance, a pair of plaids and a black paitlet, after Geillis’ death. See ECA, SL150, CBCR Court books, volume 8, 8 June 1603.
81 NRS, Edinburgh testaments, CC8/8/72 Isobel Parker.
82 NRS, Edinburgh testaments, CC8/8/49 Marian Christison.
inherited £40.\textsuperscript{83} Janet Cunningham, a widow without children, when drawing up her will in 1680, left two hundred merks to her nephew John Cunningham and one hundred merks apiece to two nieces, Janet and Margaret, and to another nephew, George.\textsuperscript{84} Although nieces and nephews were more common inheritors, women could also bequeath items further afield: when Margaret Williamson made her will in 1645, she left three hundred merks to “the bairnes of wmqll [deceased] Robert Malcolm younger my last husbands oyes [grandchildren],” perhaps honouring a commitment from her late husband’s will.\textsuperscript{85} These women extended their bonds of support and obligation beyond their immediate families.

These obligations could be important sources of financial support for women’s extended families, as the testaments of two widowed sisters exemplify. Margaret and Marian Herring had their wills drawn up in 1657 and 1658, respectively (see Figure 1). Margaret bequeathed Marian, widow of Hugh Shand, the annual rent on the sum of one thousand merks; after Marian’s death, her son George Shand was to inherit five hundred merks, which was to be further divided in case of his death between Margaret’s executor James Danes, and the three children of Janet Herring, Margaret and Marian’s “naturall sister”\textsuperscript{86}. Robert Watson, Margaret Watson and William Wilson, a son by Janet’s first marriage. Janet and her husband, Robert Watson senior, were bequeathed a further one hundred merks, as was another niece, Jean Herring. Margaret Watson, as Margaret’s servant as well as niece, inherited a further two hundred merks immediately upon

\textsuperscript{83} NRS, Edinburgh testaments, CC8/8/68 Helen Lockie.
\textsuperscript{84} NRS, Edinburgh testaments, CC8/8/76 Janet Cunningham.
\textsuperscript{85} NRS, Edinburgh testaments, CC8/8/62 Margaret Williamson.
\textsuperscript{86} The Dictionary of the Scots Language (www.dsl.ac.uk) defines the adjective “natural” as denoting either legitimacy or illegitimacy, depending on context, which in this testament is unclear; in either case, theirs was apparently a close emotional connection.
Margaret’s death.\textsuperscript{87} The next year, after Margaret’s death, when Marian Herring drew up her will, it seems likely that her son George had indeed died, since he is not mentioned in her will; Marian instead made her nephew William Wilson her executor.\textsuperscript{88} The financial support from Margaret would therefore now go to her niece and nephews as promised in her testament, and they were further supported by their other aunt, since Marian’s bequests, like those of her sister’s will, were largely to her extended family. Marian bequeathed goods and clothing rather than money, including eight pairs of sheets, ranked from “best and strongest” downwards.\textsuperscript{89} Her niece Margaret, now married, inherited a bed covering, a pair of blankets, the third-best pair of sheets, a gown and a petticoat. William’s (unnamed) wife inherited house linens: napkins, a tablecloth, towels, sheets and pillowcases. Robert Watson younger, now a weaver and burgess, inherited an iron pot and pot clips, a linen tablecloth and a dozen napkins, as well as a pair of sheets, albeit the worst-ranked pair. Janet Herring and her husband were to inherit the rest of Marian’s estate, beyond some furniture and clothing bequeathed to friends.\textsuperscript{90} These complementary testaments from the Herring sisters reveal the significant practical support women could provide for their extended families through their testaments.

\textsuperscript{87} NRS, Edinburgh testaments, CC8/8/69 Margaret Herring. This also demonstrates the kinship ties often present in domestic service, an issue that will be covered in Chapter 3.
\textsuperscript{88} Margaret died before November 1657; Marian’s will was written in November of 1658.
\textsuperscript{89} NRS, Edinburgh testaments, CC8/8/69 Marian Herring. This practicality in ranking the quality of bequests can also be seen when Agnes Young, mentioned above, bequeathed to Agnes Mayne, likely her aunt or other relative on her mother’s side, “ten punds with my worst gowne”; see CC8/8/49 Agnes Young.
\textsuperscript{90} NRS, Edinburgh testaments, CC8/8/69 Marian Herring.
The family ties described in women’s testaments held calculable legal value. The Canongate burgh records reveal that women and men often came before the court with a legal brieve, or claim, asking to be legally recognised as the next of kin to their family members; in this way they could formally establish both close and extended family ties in order to seek legal privileges such as executorship. In some cases the nearest legal kin were indeed close family connections. In 1630, Anna Heriot’s procurator produced a brieve on her behalf staking her claim as the legal nearest relation to her sister, the deceased Barbara Heriot. In 1635, four sisters, Margaret, Susanna, Isobel and Agnes Gardner, submitted a brieve together as the nearest living family of their father, David Gardner. Similarly, in 1646, three sisters, Isobel, Janet and Sarah Herring, produced a brieve together stating their claim as nearest kin to their deceased sister Helen. In other cases, the next of kin could be more distantly related. In 1646, James Ross brought in a

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91 Brieve s of inquest dealt mainly with real property.
92 ECA, SL150, CBCR Court books, volume 14, 14 July 1630.
93 ECA, SL150, CBCR Court books, volume 16, 4 November 1635.
94 ECA, SL150, CBCR Court books, volume 19, 6 May 1646.
brieve claiming to be the nearest relative of his father’s brother’s daughter (i.e. his
cousin), Maisie Ross.95 In 1630, Helen Ramsay submitted her claim as the closest living
family member to the deceased John Cairns, her maternal grandmother’s brother, and
similarly, in 1635, Isobel Govan, wife of Robert Kae, brought in her claim as nearest kin
of the deceased George Govan, her “gudsirs [grandfather’s] brother on the fatheris syd.”96
In 1640, Geilis Robson’s procurator produced a brieve on her behalf, claiming her to be
the nearest relative of the deceased John Dunlop, her maternal grandfather.97 These court
procedures showcased one basic way in which family relationships were exposed,
examined and acknowledged in the court system.

**In-laws and Blended Families**

Women also included bequests to their in-laws in their wills, demonstrating how the
marital partnership could bridge and strengthen two kinship networks and extend support
laterally. Historians have debated the relative strength of the marriage link in early
modern Scotland, and the significance of women keeping their own names as
undermining or reinforcing that strength, but agree that links between families were
likely often close.98 Testaments reveal that bonds of support and affection between in-
laws could also be strong and significant, and that these connections could hold firm even
after the death of the connecting spouse. For instance, Helen Lockie, mentioned above,

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95 ECA, SL150, CBCR Court books, volume 19, 31 December 1646.
96 ECA, SL150, CBCR Court books, volume 14, 9 June 1630; volume 16, 29 September 1635.
97 ECA, SL150, CBCR Court books, volume 18, 26 September 1640.
176; Elizabeth Ewan and Janay Nugent, “Where Is the Family in Medieval and Early Modern Scotland?,”
in *Finding the Family in Medieval and Early Modern Scotland* (Aldershot, UK: Ashgate, 2008), 7; Meikle,
The Scottish People 1490-1625, 83. In a Highland context, Cathcart has argued that marital kinship
provided critical support and stability to clans. See Cathcart, Kinship and Clientage, 99–112. See also
Ågren and Erickson, *The Marital Economy in Scandinavia and Britain*; Barclay, “And Four Years Space,
Being Man and Wife, They Loveingly Agreed”; Barclay, *Love, Intimacy and Power*; Parker, “In All Gudly
Haste.”
bequeathed one hundred merks to her sister-in-law Isobel Nicholson in thanks (and possibly in repayment) for her help in paying the executors when Helen’s husband, Isobel’s brother, died, “becaus her brother my umqll husband had no frie guidys the tyme of his deceis and no uth[e]r wayes” to pay. 99 Similarly, Agnes Deans bequeathed clothing to her widowed in-laws in her will in 1645: a “suitt of gray cloathis and ane cloak” to her late brother’s wife and two waistcoats to her deceased husband’s brother’s wife. 100 Katherine Anderson also placed her trust in her sister-in-law when she and her husband Edward Anderson drew up their wills in 1645; although they nominated “the langest leivar of ws twa” as the other’s executor, “being [both] visit & infectit with the plague of pestilence,” they made Edward’s sister Marian their executor if both of them should die. 101 These ties of support and obligation between in-laws could come with significant responsibilities: in 1636, Sir John Murray gained custody of the widow Bathea Guthrie’s six children, all minors, because he was the “neirest of kin of the faither syd.” 102 The marital partnerships could therefore be not only a source of comfort and stability in itself, but also a potentially rich source of support from women’s in-law kinship networks.

Testaments also reveal ties of support in the step- and half-relationships of blended families, a family type studied to some extent in early modern England, but very little in Scotland. 103 Widow(er)hood, remarriage and blended families were fairly common in medieval and early modern Europe, creating “a surprising variety of

99 NRS, Edinburgh testaments, CC8/8/68 Helen Lockie. This interaction also reveals the active support present between adult siblings.
100 NRS, Edinburgh testaments, CC8/8/61 Agnes Deans.
102 NRS, Edinburgh testaments, CC8/8/58 Bathea Guthrie.
complicated family patterns." Many households, like that of Janet Herring and Robert Watson above, had step- and half-relations within the same family group, and the Canongate testaments reveal that these ties within blended families could be just as strong as those within nuclear families. Women were sometimes the lynchpin connecting different sets of children in need of support, a complicated legal situation possibly necessitating the testament in the first place. When Isobel Lyon wrote her will in 1606, she had biological children from at least three different marriages to consider and provide for: John and Alexander Thompson, Janet and Christine Hart, and Margaret Barclay, her daughter with her third and current husband John Barclay. Janet, as Isobel’s eldest daughter, inherited her best gown and cloak, while Christine, her “uther docther” received the next best; Margaret, possibly too young to wear adult clothing, inherited a small chain and locket. Walter Somerwell, listed as “hir sone” but likely a son-in-law, received £20. Isobel’s eldest son John Thompson received “for his airshipe” goods for his household: a dozen silver spoons, a mazer (an ornamental drinking bowl), a dozen napkins and a “furneishit fether bed”; these almost certainly belonged to his late father, with Isobel having legal use of them for her lifetime, or until John came of age. John Barclay also agreed to pay his stepson the annual rent on one thousand merks as a further part of his heirship. Although less common in extant testaments, women could also be anchors between their illegitimate and legitimate children. Margaret Wright, when writing her will in 1627, made as her executor James Blaikie “my eldest lau[fu]ll sone

105 For instance, see Collins, “British Stepfamily Relationships, 1500-1800,” 331.
106 See also Kermode, “Sentiment and Survival,” 8.
107 NRS, Edinburgh testaments, CC8/8/43 Isobel Lyon.
108 This conflation of son and son-in-law was fairly common; see Tadmor, Family and Friends, 140.
109 This also may have belonged to John’s late father, again with Isobel having life use of it. NRS, Edinburgh testaments, CC8/8/43 Isobel Lyon.
gottin betuix me and the said umqle Robert Blaikie” her husband, but also bequeathed one hundred merks to Frances Falconer “my sone naturale.” James inherited the rest of her estate, and Margaret specified that if he died without heirs, her estate was to be “equallie devydit betuix the narrest freinds\(^{110}\) of me and my umqle husband,” explicitly excluding Frances.\(^{111}\) These women took legal precautions to provide for all of their family, even or especially when their blended family ties necessitated complicated rules of inheritance.

Some women also provided for their stepchildren in their testaments.\(^{112}\) In 1627, Helen Turnbull bequeathed most of her estate jointly to her husband and his daughter, her stepdaughter; she bequeathed to her own daughter Bessie Purves some household items which were to be delivered to her after Helen’s death, indicating perhaps that Bessie had already established her own household.\(^{113}\) Isobel Parker was explicit in her equal treatment of her son and stepson in her will in 1665. She ordained that “Robert Paterson my only child now only s[ai]d pr[ocr]eat betuixt the s[ai]d James Paterson and me & John Paterson only son and child . . . to the s[ai]d James Paterson procreat lau[fu]llie betwixt him and Mary Pursell his spous of the first marriage to be equally . . . my exe[cuto]rs and wniversall legattors,” and then refers to them collectively as “my sones” in the rest of her will.\(^{114}\) The half-siblings from blended families also provided for each other in their testaments. Marian Christison bequeathed to Agnes Christison, her sister, a

\(^{110}\) This term in this context likely meant family; see Sanderson, *A Kindly Place*, 119.

\(^{111}\) NRS, Edinburgh testaments, CC8/8/54 Margaret Wright. Illegitimate children were legally allowed to bequeath property, although not to their own illegitimate children, and they could likely also inherit, but parents of illegitimate children were to provide for them but only “in the most modest way.” See Walker, *A Legal History of Scotland*, 1996, IV: The Seventeenth Century, 790.

\(^{112}\) See also Kermode, “Sentiment and Survival,” 12-13; Tadmor, *Family and Friends*, 187.

\(^{113}\) If Bessie was married, she likely received goods or money from her mother at that time. NRS, Edinburgh testaments, CC8/8/54 Helen Turnbull.

\(^{114}\) NRS, Edinburgh testaments, CC8/8/T113 Isobel Parker. Much like with in-laws, the conflation of stepson and son was not uncommon; see Tadmor, *Family and Friends*, 140, 143.
gown, two petticoats, a satin paitlet and two cloaks, and bequeathed to Jean Pender, “hir halff sister,” fittingly, about half as much. Support and obligation were therefore not just inherent in blood ties and marital partnerships, but also in the more complex relationships brought about through blended families. Together, these cases demonstrate how these family bonds and obligations could be multilayered, drawn across diverse family networks and structures.

**Families Working Together**

The previous sections have demonstrated that family bonds and obligations provided certain financial gains to women’s relatives through bequests. These family relationships, however, also often formed the basis of ongoing economic partnerships. Family members often worked closely on economic projects together. First, parents could provide important financial support to their minor children by formally approving their financial undertakings. In 1640, when Margaret Neilson was ordered to deliver unreturned items to John Swinton, her father, William Neilson, was listed as ‘for his interest’, indicating his economic responsibility for her. Similarly, when the procurator for Archibald Campbell produced a brieve on his behalf to put forward his claim as nearest kin of his deceased father, Archibald’s mother Janet Fraser was referenced as giving her formal consent. Family members might also share financial responsibilities. In 1635, Bessie Wilson and her son James Brown were listed as co-debtors in a claim

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115 NRS, Edinburgh testaments, CC8/8/49 Marian Christison.
116 Julie Hardwick has examined this interconnection in detail in early modern France; see Hardwick, *Family Business*, 133.
117 ECA, SL150, CBCR Court books, volume 18, 18 April 1640. Husbands were also sometimes listed as being present ‘for his interest’ in their wives’ legal and economic contracts; the term indicates that while he was legally responsible for this wife, he was not actively involved in the case. See DesBrisay and Sander Thomson, “Crediting Wives,” 90.
118 ECA, SL150, CBCR Court books, volume 19, 2 December 1646.
brought forward by Isobel Lawson, a widow, for £18 for maill (rent) of a house.\textsuperscript{119} The same year, Agnes Lawson and her brother John Lawson were listed as co-debtors in a case, promising to deliver an iron chimney brace to Thomas Creighton.\textsuperscript{120} These close connections could also extend across marriage ties. In 1610, James Matheson was ordered to pay a debt of £5 8s as cautioner for his mother-in-law; James tried to deny his responsibility to her, but it was upheld by the courts.\textsuperscript{121} The next year, Katherine Slater and her husband John Marshall were brought before the court and ordered to pay four merks money for ale as cautioners for John’s sister, Katherine Marshall.\textsuperscript{122} In 1640, Janet Merling and her son-in-law John Brown were named as co-debtors in a claim by Helen Ferguson for £5 of unpaid firewood.\textsuperscript{123} These court cases reveal that family ties could form the foundation to a variety of economic pursuits.

In some cases, however, and as seen above, economic support and financial relationships between family members were only revealed once the relationship had soured, when the case came up before the court. In these cases, the familial relationship was put under stress by financial obligations.\textsuperscript{124} In 1600, for instance, Thomas Hutchison and his wife Isobel Baxter pursued their son, Thomas Hutchison younger, for an unpaid debt of £25 10s for ale and lent money.\textsuperscript{125} In 1611, Walter Logan, who would later become the clerk of the burgh of Canongate, brought in a claim against his father’s widow, Marian Reid, either Walter’s mother or step-mother; she owed him twenty merks

\textsuperscript{119} ECA, SL150, CBCR Court books, volume 16, 8 July 1635.
\textsuperscript{120} ECA, SL150, CBCR Court books, volume 16, 8 October 1635.
\textsuperscript{121} ECA, SL150, CBCR Court books, volume 10, 19 December 1610.
\textsuperscript{122} ECA, SL150, CBCR Court books, volume 10, 13 March 1611.
\textsuperscript{123} ECA, SL150, CBCR Court books, volume 18, 21 March 1640.
\textsuperscript{124} Family tensions are also discussed in Chapter Five.
\textsuperscript{125} ECA, SL150, CBCR Court books, volume 8, 30 July 1600.
for the maill and duty of a great hall and chamber. Similarly, in 1611, Robert Witherspoon younger, as heir to the lands of his deceased father, Robert Witherspoon elder, became embroiled in a claim against his father’s widow, Katherine Brown, and her rights to the land. In 1646, Thomas Fortune, son and heir of the deceased Charles Fortune, cordwainer burgess, took Charles’ widow (who was also his executor) to court for not providing Thomas with his promised heirship, an extensive list of furniture, goods, and cordwaining equipment. This animosity or tension could also take place between other family members: in 1630, Agnes Blair was formally absolved of the debt of a twenty-four-gallon copper cauldron worth one hundred merks that she had bought from her brother, Gabriel Blair. In 1646, Agnes Mosman, widow of Peter Bichet, brought in a claim against Peter’s brother and heir, John Bichet, for not providing for Peter and Agnes’ daughter Margaret. Agnes had raised Margaret alone for the twelve years since Peter’s death, and pursued a claim of the associated costs for John to pay, at two hundred merks per year, or 2400 merks in total. These cases demonstrate, like those of domestic abuse, that family ties were not always close and supportive; they also reveal that the relationship between familial trust and economic obligation could be complicated and at times tense.

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126 ECA, SL150, CBCR Court books, volume 10, 1 June 1611.
127 ECA, SL150, CBCR Court books, volume 10, 28 August 1611.
128 ECA, SL150, CBCR Court books, volume 19, 12 December 1646. Charles is also discussed in Chapter Four as a temporary recipient of poor relief and as a harbourer of fugitives.
129 ECA, SL150, CBCR Court books, volume 14, 20 March 1630.
130 ECA, SL150, CBCR Court books, volume 19, 16 August 1646. This may have been a condition of Peter’s testament that had been left unpaid.
131 Family support and tensions is also evident in litigation cases; this theme is explored in more detail in Chapter 5.
Unmarried Women

Family networks could be extensive and complex, as is evident in cases above, but for many women in Canongate, family lines of support were fairly sparse and static. This final section examines unmarried women’s testaments in order to understand Canongate women’s full range of potential support outside of marriage. Unmarried women are not typically highlighted in studies of the family as their kinship networks were by definition more limited than those of their married or widowed family and neighbours. They also present further challenges to social and gender historians, since they left fewer testaments and fewer legal records generally, perhaps because it was daunting to do so, but also because long-term unmarried women comprised a minority of the general population. As well, most unmarried women died intestate; only two of the nineteen unmarried Canongate female testators drew up a testament themselves. Despite these limitations, unmarried women’s testaments can and should be studied: first to showcase the importance of kinship support as seen in its comparative absence, but also to examine where women could find support when many of the kinship ties discussed above were unavailable.

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132 For a discussion of this term, see Chapter One.
133 See Coutts, “Wife and Widow,” 181. The number of Canongate female testators who died unmarried (15%) roughly fits within R.A. Houston’s calculations of the unmarried female population in early modern Scotland generally, with a minimum of 11%; see Houston, “Age at Marriage of Scottish Women, circa 1660-1770,” 65.
134 These nineteen were women who were either explicitly described as unmarried, or not explicitly described as a wife or widow. Four are described as servants, five are described as daughters of someone, one is described as a “goodwife” or housekeeper, and the rest simply described as “indweller.” Given the practice in early modern Scottish official records to define women by their male relations, especially as ‘spouse of’ or ‘widow of,’ an absence of this explicit connection likely means they were unmarried.
135 Amy Froide argues that focusing family history “through the prism of singleness” allows historians to see new, important dimensions to the early modern family, such as the significance of sibling and other kinship ties, and the unmarried person’s place in the family. See Froide, Never Married, 44.
First, the testaments reinforce the argument that a scarcity of kinship support could leave unmarried women vulnerable. A comparison between unmarried women’s testaments and those of married and widowed women highlights this discrepancy. The number of people named in married and widowed Canongate women’s testaments ranged from three to seventy-three, with an average of nineteen; in unmarried women’s testaments this number of connections ranged from three to fifteen, with an average of only eight. The sparseness of unmarried women’s kinship networks is further highlighted in the nomination of the executor of their wills, usually the next of kin; although the brothers of many unmarried women were named as their executors, other testaments drew from further afield, on nephews, nieces, creditors or other members of the community. Sometimes these distant connections were literally far away: Agnes Brown made her nephew Patrick Robson the executor of her estate, although Patrick lived in Bo’ness, over twenty miles from Canongate. Others seem to have had no close living family at all: Margaret Scott left the kirk session of the College Kirk of Edinburgh as her executor, represented by the kirk treasurer and an elder. Unmarried women’s vulnerability is summed up in the end of Agnes’ will, which states “in respect that the said Agnes hes no lau[ful]l bairnes nor uther freindis nor kinfolke qtsumewer [whosoever] that hes supportit nor helpit hir in hir p[rese]ntt saknes nor hes nor wald.

137 These numbers do not include the testator herself but do include the executor, notary public and commissary court official, who in some cases comprised the entirety of the connections in a testament.
138 Seven of the nineteen unmarried women’s executors were identified as their brother, three were identified as nephews and nieces, and two were identified as creditors, with six executors having no explicit connection.
139 NRS, Edinburgh testaments, CC8/8/52 Agnes Brown.
140 NRS, Edinburgh testaments, CC8/8/62 Margaret Scott.
support nor helpe hir w[i]t[h] anie chairgs nor expensses in hir p[res]nt necessitie."\textsuperscript{141}

This phrasing is not found in any other of the other 145 testaments studied, and it encapsulates the fragility of many unmarried women’s support networks due to their more limited family ties.

However, unmarried women were not necessarily guaranteed the lonely life in destitution that Agnes’ will describes. It is important to recognise that these women were still the recipients of kinship support as sisters, daughters and nieces, and they could in turn often provide support to their families. As well, the testaments of unmarried women demonstrate their active involvement in their community and its trade and other networks.\textsuperscript{142} For instance, many unmarried women lent money, and some enjoyed significant success in the area.\textsuperscript{143} Agnes Brown had almost £200 in debts owing to her at the time of her death, and Griselda and Janet White, two unmarried sisters who seem to have lent money collectively, had 2300 merks, over £1500, out in loans at the time of their deaths in 1645.\textsuperscript{144} Margaret Scott, mentioned above, who left her estate to the kirk session of the College Kirk of Edinburgh, was a landowner with credit of over £800 owing to her who bequeathed four hundred merks in her will, including one hundred merks to Isaac Hamilton, notary public, whom she had hired as her business scribe during her lifetime.\textsuperscript{145} She left the other three hundred merks along with three chests full of her possessions to a woman not listed among her creditors or debtors, indicating perhaps a bond of friendship or other close relationship. The prevalence of business and friendship

\textsuperscript{141} NRS, Edinburgh testaments, CC8/8/52 Agnes Brown.
\textsuperscript{142} Froide argues that women’s testaments prove their full social networks. See Froide, \textit{Never Married}, 46.
\textsuperscript{143} See Froide, \textit{Never Married}, 128–41; Spicksley, “Fly with a Duck in Thy Mouth”: Single Women as Sources of Credit in Seventeenth-Century England.” Female moneylenders are explored in more detail in Chapter Three.
\textsuperscript{144} NRS, Edinburgh testaments, CC8/8/52 Agnes Brown; CC8/8/62 Griselda White; CC8/8/62 Janet White.
\textsuperscript{145} NRS, Edinburgh testaments, CC8/8/62 Margaret Scott.
ties among unmarried women indicates that while women without husbands, in-laws or children may have been more vulnerable to economic risk, they were not necessarily without recourse. The testaments of unmarried women can therefore both highlight the importance of kinship support and demonstrate that Canongate women were not just active members of their family networks, but of their neighbourhoods, social circles and trade networks as well.

**Conclusion**

This chapter has examined some of the many ways in which women provided for their families, as reconstructed from their testaments and other extant records. Women were active members of their family networks, and used their testaments as well as the local court system to honour familial obligations to both close-knit and extended family relations. The focal point of most women’s provisions was close to home: their husbands and children. While court records reveal that relationships between husbands and wives, and between parents, children and other family members, were not always positive, for the most part close family ties were ones of mutual support, trust and obligation. Ties of support also often stretched beyond the door of the household, to living parents, siblings, nieces and nephews. Both women with and without children of their own felt responsible for supporting members of their extended family. Bonds forged between families through marriages also became conduits of support, with in-laws exchanging money and goods, favours and responsibilities. Step-relationships, an understudied aspect of the early modern Scottish family, seem to have enjoyed largely the same strength in affection and obligation as bonds formed by blood or marriage. Unmarried women had to look for support from different sources; their relative scarcity of kinship relationships and
connections overall made them vulnerable, but not necessarily without recourse. The family ties that women formally recognised and fostered carried with them concrete responsibilities and privileges, including legal rights. These relationships were complicated further when family members used that familial bond as a foundation for economic pursuits; these economic pursuits are explored further in the next chapter. The Canongate records demonstrate that women were actively involved in providing for and supporting both their near and extended family, across many strong, sometimes complicated, family ties.
Chapter Three: A Working Relationship: Women’s Economic Life in the Burgh

Introduction
In May of 1640, Agnes Robson, wife of Adam Peter, a mariner, brought a claim before the Canongate burgh court demanding that Margaret Robson, widow of Alexander Anderson, pay Agnes £34 16s on Alexander’s behalf. Agnes had previously hired Alexander for that sum to ship a barrel of tallow to a business contact of hers in Dieppe earlier that year. Alexander had fallen ill and died en route, in Yarmouth, and Margaret, as his executor, had sold the barrel to pay for his funeral expenses. Recent death or no, business was business, and Agnes demanded to be repaid for her sold barrel, plus 30s in expenses.1 Agnes’ business acumen, and her impressive business contacts, were not uncommon in Canongate: Marian Thompson’s testament, for instance, drawn up in 1646, indicates unpaid debts from over fifty debtors, many of them members of the gentry and aristocracy, for debts ranging from a few pounds to over £90.2 These two cases, while dramatic in their degree, illustrate some of the underlying themes of women’s economic lives in the burgh. First, women were active in the debt and credit networks and markets of Canongate, and were held responsible as such by their neighbours and the local authorities. They also engaged in business outside those related to their traditional domestic duties, and their business networks and relationships could be dense and extensive. The case between Margaret and Agnes also reveals the significant economic responsibilities inherent in the marital partnership.

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1 Edinburgh City Archives, SL150, Records of the Canongate Burgh Court, Court books (hereafter ECA, SL150, CBCR Court books) volume 18, 23 May 1640.
This chapter will explore these themes in more detail. It is based primarily on the Canongate burgh court records, which, due to their depth of detail, have been sampled in five-year intervals where extant. The burgh court records have been supplemented with cases drawn from women’s testaments and the kirk session records. The chapter first explores market regulations in Canongate and their impact on women’s economic lives, as well as how women’s roles in market life have been framed through various historiographic trends. It then studies women’s economic contributions in four arenas. First, married women held important economic roles within the marital partnership, managing the household and sometimes working with their husbands either directly or indirectly in their vocations. Women also, regardless of marital status, engaged in types of work that extended from their domestic duties; this could include care work, such as childcare or health care, or brewing and selling ale and malt, among other duties. Third, many women also worked as servants, undertaking domestic work in a household not their own. These women often engaged in by-employments, sometimes lucrative ones, and were actively involved in the economic life of the burgh. Finally, while work based around the household was a central theme in women’s economic contributions, women also often did business and pursued profits in areas not as closely connected with their domestic duties, such as renting properties, managing properties for others, and lending money. These were never exclusive arenas, of course; a woman might work in many or all of them over the course of her lifetime. The chapter closes with an examination of women’s work through the lens of Sabbath breach cases, which indicates how women’s pursuit of profit could clash with religious prescripts of moral behaviour.

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3 The sampled years are: 1600, 1605, 1610-11, 1620, 1625, 1630, 1635, 1640 and 1646.
This chapter demonstrates that Canongate women were fully engaged in the economic life of the burgh. While their individual contributions were often humble, and their work low-status, women’s work, through marital partnerships, domestic service and individual pursuits, critically supported and shaped the local economy. Women could at times also wield surprising agency, independence and power in their market transactions. Moreover, the records reveal that it was not these discrete transactions that formed the basis of women’s economic lives in Canongate, but rather their ongoing relationships with friends, neighbours and others in the community that formed the burgh’s economic bedrock.

Market Life
Women’s economic lives were determined by the strictly regulated economic culture of early modern Scotland. Like elsewhere in Europe, Scotland was chronically short on specie, and few economic interactions were a straightforward exchange of cash for goods. Instead, people participated in a complex web of exchange; goods for sale might be purchased using pawned goods, loans, credit, promises, transferred debts, or cash, or a combination thereof. Trust and reputation were therefore foundational to all economic transactions, with a good reputation being intrinsically linked to creditworthiness. These cultural economic regulations complemented more formal, legal checks; the Canongate burgh council tightly monitored and organised the economic life of the burgh. It strove to ensure that goods for sale were of good quality and a reasonable price, and that the proper tolls to the town were paid. The council restricted buying and selling to designated

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market days, times and places, and only after a price had been publicly established. Forestalling, or selling goods before they reached the market, was banned, as was selling goods privately during the market or afterward. Similarly, regrating, buying goods in bulk to then sell them in smaller quantities, was tightly restricted by town officials. These regulations governed economic life in the burgh as the burgh council sought to ensure the fairness of the market.

The policies affected all townspeople, but they had specific negative impacts on women’s working lives. Women often sold goods door-to-door or from their homes, and as consumers they often bought more of a certain product than they needed for the household in order to resell the surplus later. These practices allowed women to pursue a profit in a flexible schedule centred around the home, but were often in direct violation of market practices. Women also garnered heightened suspicion from the council as they dominated the informal and marginal second-hand trade market. This market was an essential component of the burgh economy that enabled the lower strata of society to make ends meet, but one which the council, with some justification, feared to be a potential locus for stolen goods. Women as well as men were adept at avoiding, undermining and ignoring restrictive market policies in order to pursue their best advantage as sellers and buyers, and those found disobedient of these regulations might

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7 Ewan, “Mons Meg and Merchant Meg,” 140.
8 Ewan, “Mons Meg and Merchant Meg,” 140. In times of dearth, married women specifically were also not legally allowed to purchase goods not strictly for household consumption and use. See Ewan, “For Whatever Ales Ye,” 126.
9 Lemire, The Business of Everyday Life, 29, 32; Ewan, “Mons Meg and Merchant Meg,” 139, 140. Women were indeed sometimes caught stealing or fencing stolen goods, although this was uncommon in the Canongate records. See for instance ECA, SL150, CBCR Court books volume 11, 24 May 1620; volume 12, 4 October 1620; volume 13, 10 September 1625.
be prosecuted or “grudgingly tolerated” depending on the council and the economic
stability of the time.\textsuperscript{10}

\textbf{Historiography}

Historians of medieval and early modern women’s work have framed this dynamic
between the town council and its townswomen, and women’s place in market life, in
dramatically different lights since the early twentieth century. Alice Clark, in her
pioneering study of early modern women’s work, posited a kind of pre-industrial ‘golden
age’ for women.\textsuperscript{11} Subsequent historians have critiqued and reshaped this optimism. For
instance, Olwen Hufton, studying women’s working lives in France, argued that while
women’s work provided the “bedrock of industrial production,” it was also often
precarious, with women “making shift as best they could.”\textsuperscript{12} By the 1990s, a consensus
emerged of a medieval relative golden age for women’s work that declined in the early
modern period.\textsuperscript{13} Judith Bennett usefully countered this “paradigm” of a “great negative
transition,” arguing that women’s work between the fourteenth and eighteenth centuries
was fairly consistently low-status, low paying, low skilled and a patchwork of various

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\textsuperscript{10} Pennington, \textit{Going to Market}, 9; Elizabeth Ewan, “Crime or Culture? Women and Daily Life in Late-Medieval Scotland,” in \textit{Twisted Sisters: Women, Crime and Deviance in Scotland Since 1400}, ed. Yvonne Galloway Brown and Rona Ferguson (East Linton: Tuckwell, 2002), 117, 121. This adeptness was despite
townspeople’s, especially townswomen’s, likely limited levels of numeracy in the early modern period.
Keith Thomas, “Numeracy in Early Modern England: The Prothero Lecture,” \textit{Transactions of the Royal
Historical Society} 37 (1987): 113, 128. Numeracy was encouraged for genteel women starting in the late
seventeenth century; see Lemire, \textit{The Business of Everyday Life}, 193–94.
\textsuperscript{11} Clark, \textit{Working Life of Women in the Seventeenth Century}.
\textsuperscript{12} Olwen Hufton, “Women and the Family Economy in Eighteenth-Century France,” \textit{French Historical
Studies} 9, no. 1 (Spring 1975): 22; Hufton, “Women Without Men: Widows and Spinsters in Britain and
France in the Eighteenth Century,” 264.
\textsuperscript{13} Hanawalt, \textit{Women and Work in Preindustrial Europe}; Wiesner, \textit{Working Women in Renaissance
Germany}; Cahn, \textit{Industry of Devotion: The Transformation of Women’s Work in England, 1500-1660};
Goldberg, \textit{Women, Work, and Life Cycle in a Medieval Economy Women in York and Yorkshire c.1300-
1520}.
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More recent examinations have corroborated this view, while providing nuance and context. Historians in this trend, such as Margaret Sanderson, Elizabeth Ewan, Cathryn Spence and, for England, David Pennington and Beverly Lemire, recognize that women’s work was often piecemeal, low-paying and centred on the home and domestic skills, while also arguing for its importance in local economies, and its continued study. As Pennington argues, while much of women’s work could be marginal and an extension of household duties, it was never exclusively so, as demonstrated in women’s significant engagement with, for instance, moneylending and trade. He and Garthine Walker have also argued that women’s economic labours comprised a significant and understudied aspect of their reputations. This chapter will contribute to this historiography by exploring in detail this piecemeal and varied nature of women’s work, which, while it was often low-status, also comprised a significant contribution to the local economy.

**Women’s Roles**

**Within the Marital Partnership**

The basic economic as well as social unit in early modern Scotland was the marital partnership, the lynchpin of the household, and so our first examination of women’s work begins with their economic roles within this partnership. Married women were active

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17 Pennington, *Going to Market*, 164.
partners in the economic wellbeing of their household, managing domestic duties and sometimes working with their husbands in their trade. At times, this latter role in trade work was explicitly acknowledged in the public record of the court. Such was the case in the service contract for John Bell in 1620, when William Smith and his wife Gard Flesh are listed equally as his employers for him to “faithfullie and trewlie serve . . . in thair vocation and calling in the litster craft.” More often, this marital economic partnership and sharing of household management was referenced more indirectly, such as in 1620, when William Jameson took Thomas Marshall to court for 55s for ale, collecting on behalf of his wife Christine Duncan, who had sold the ale to Thomas. Both husbands and wives made contributions to the economic viability of the household. In 1625, Alexander Whitehead, a tailor, and his wife Marie Currie, pursued two claims against Elizabeth Stewart, first for £13 3s for ale Marie had sold her, and also 25s for tailor work done by Alexander. As will be discussed in more detail below, women’s contributions to the household income could be significant: in 1630, for instance, Bessie Livingston, wife of David Scougall, brought a claim against Alexander Marshall for £54 18s for meat and drink she had sold to him. Couples might also take on significant debts as a consequence of their economic pursuits. In 1630, James Wallace, a merchant in Edinburgh, took both Thomas Ramsay and his wife Katherine Brown to court for a debt of £42 6s, remaining from £50 owed by them for six ells of Yorkshire cloth, silk, lace and

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20 Sanderson, A Kindly Place, 61, 106–9; Capp, When Gossips Meet, 73.
21 ECA, SL150, CBCR Court books volume 12, 2 December 1620.
22 ECA, SL150, CBCR Court books volume 12, 13 December 1620.
23 In fact, the entire family could be active in contributing to the household’s finances. In 1640, Katherine Maxwell, a widow, took Quentin Mure to court for non-payment of £20 6s, for wine and ale which she, her children and her servants had furnished for him. See ECA, SL150, CBCR Court books volume 18, 26 August 1640.
24 ECA, SL150, CBCR Court books volume 13, 12 October 1625.
25 ECA, SL150, CBCR Court books volume 14, 23 October 1630.
basting thread. Since Thomas was listed as a clockmaker, the cloth was likely bought by and for Katherine for home use or as part of a by-employment. In 1640, William Stirling, a bonnet-maker, brought a claim against John Ker, another bonnet maker, and his wife Janet Rannell, for £4 3s 4d for a quarter barrel of whale oil, again likely for household use. These transactions show how husbands and wives worked together to manage their household’s financial responsibilities.

This partnership, as mentioned above, could also extend to the husband’s trade, with women selling and collecting goods as part of their husband’s vocation. In 1635, for instance, Janet Brown, wife of James Dempster, a butcher, brought claims against two men and one married woman for unpaid debts for meat, ranging from 32s to £7 2s. Her husband was listed as ‘for his interest’, an indication that he was, while legally responsible, not actively involved in the debt. Similarly, the testament of Agnes Pearson, wife of Robert Henderson, also a butcher, included multiple outstanding debts owed to her and her husband for lambs and sheep. Wives could also be actively involved in the local, long-distance and international import and trade of goods in partnership with their husbands or as widows, as Martin Rorke has argued. In 1635, Christine Nesbit, wife of John Small, brought forward a claim against James Edzer, calling on him to deliver to her seven pounds of tobacco and a “Spanische vyoll [violin]” that her husband had delivered to him in London ten days earlier to transport to her, and to also deliver nine pounds of tobacco from a previous claim. In 1646, John Taylor and

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26 ECA, SL150, CBCR Court books volume 16, 28 January 1635.
27 ECA, SL150, CBCR Court books volume 18, 19 December 1640.
31 ECA, SL150, CBCR Court books volume 16, 1 July 1635.
his wife Margaret Herring were ordered by the court to accept a barrel of French wine
that they had purchased from Archibald Todd, provost of Edinburgh, for £100, which
they had at first sent back “in respect of the alleadgit not sufficiencie” of the wine’s
quality. The wine had been tested and found to be good “both in taist and collour”, and
the court ruled that the couple had to receive the barrel and pay the £100 that Margaret
specifically had promised to Archibald, and which, appearing before the court, she agreed
to do.\textsuperscript{32} This type of work in wine import was likely an important part of Margaret’s
economic pursuits; her testament in 1657 noted a debt of £358 to Lawrence Mercer for
French wine and sack.\textsuperscript{33} Women proved themselves to be active economic players in
international as well as local markets.\textsuperscript{34}

The strength of the marital economic partnership is especially evident when a
husband traveled outside of Scotland and left his wife in charge of their accounts, acting
as \textit{preposita negotiis sui mariti}, being able to negotiate in place of her husband.\textsuperscript{35} In
1630, the court found that Margaret Main, wife of Robert Cranston, “being preposita
negotiis sui mariti in his absence furthe of this countrie” was to pay £5 12s to John Fairlie
for ale on her husband’s behalf.\textsuperscript{36} Similarly, in May of 1630, Margaret Ross, wife of John
Roxburgh, was held accountable for his debt of £30 borrowed money from Matthew
Mitchell and his wife Christine Brown, while John was out of the country.\textsuperscript{37} Katherine
Kells, wife of William Cuthbertson, also took John Hutchison and Alexander Thompson
to court for 24s each for ale on behalf of her husband in 1635 under the same legal

\textsuperscript{32} ECA, SL150, CBCR Court books volume 19, 14 October 1646.
\textsuperscript{33} Edinburgh testaments, CC8/8/69 Margaret Herring.
\textsuperscript{34} See also Rorke, “Women Overseas Traders in Sixteenth-Century Scotland,” 96.
\textsuperscript{35} See also Spence, \textit{Women, Credit and Debt in Early Modern Scotland}, 59.
\textsuperscript{36} ECA, SL150, CBCR Court books volume 14, 6 February 1630.
\textsuperscript{37} ECA, SL150, CBCR Court books volume 14, 29 May 1630.
agency. These cases demonstrate the close working relationship that formed an important part of the early modern marital partnership; they also reveal that women’s economic contributions could be more than just piecemeal and low-status work.

**Outside the Marital Partnership**

*Care work*

Women, regardless of marital status, performed important and varied work that, as historians have noted, was often an extension of their domestic duties. These duties might have included purchasing or making food and drink for household consumption, caring for children and the family’s health and wellbeing, and otherwise managing the needs of the household; women were able to use their skills in these necessary tasks to turn a profit for themselves and their families. One example of this was laundering, washing clothes for a fee for neighbours and other contacts. Another way was through care work, such as childcare and healthcare. Childcare could have entailed wet-nursing, dry-nursing, fostering, boarding and training other people’s children, although the divisions between these types of work were not always clear. Wet-nursing was common in early modern Scotland, as elsewhere in Europe. Wet-nurses were often employed by wealthy families, and in cases where the infant’s mother was dead, absent, or unable to

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38 ECA, SL150, CBCR Court books volume 16, 25 July 1635.
39 Ewan, “Mons Meg and Merchant Meg,” 132. This, and other married women’s work, was often done with their husband’s active consent. Pennington, *Going to Market*, 7.
produce milk, among other reasons.\textsuperscript{42} Wet-nurses were intended to be secured through the kirk session, who could verify a wet-nurse’s good character and moral standing.\textsuperscript{43} However, many families hired wet-nurses semi-illicitly through women in the community.\textsuperscript{44} Wet-nursing contracts were often straight-forward, but some of women’s care work agreements were less clear, as they were situated on the border between wet-nursing and other work, such as fostering. In 1630, for example, Janet Issop brought forward a claim against Patrick Morton and his wife Christine Jameson for £6 8s remaining from their debt to her “for fostering and nurseing of Alexander Morton thair sone dureing the space of halff ane yeire and ten oulks [weeks].”\textsuperscript{45}

Women could also take up more formal boarding work for other people’s children; although this work entailed increased responsibilities compared to wet-nursing, it was often still couched in the language of domestic service. In 1625, Jean Borthwick claimed £8 from Margaret Young, a widow, as Jean’s “parenteis fie and bounteth” for boarding Margaret’s daughter Margaret Liberton for two years, language that calls to mind servants’ ‘fee and bounteth’, examined in more detail below, and indicating perhaps a servant-like role.\textsuperscript{46} Margaret Bryson in Leith similarly ordered that Robert Dawson deliver to her the ells of bombazine and hardine that he had promised her as bounteth for fostering his daughter Bessie.\textsuperscript{47} Women might also take in children and young adults as part of the latter’s formal training and education. In 1610, Elizabeth Logan, a widow of a

\textsuperscript{43} Graham, \textit{The Uses of Reform}, 228.
\textsuperscript{45} ECA, SL150, CBCR Court books volume 14, 7 August 1630.
\textsuperscript{46} ECA, SL150, CBCR Court books volume 13, 2 April 1625.
\textsuperscript{47} ECA, SL150, CBCR Court books volume 14, 22 December 1630.
tailor, pursued a claim against John Esplene as cautioner for James Baillie and his wife Marian, on behalf of their daughter Elizabeth Baillie. Marian had promised to pay Elizabeth £16 for the “lerning teicheing and instructing of the said Elizabeth Baillie to sew for the space of thrie yeirs” as well as to provide food, drink and bedding for the girl, indicating perhaps an apprenticeship. These cases indicate the breadth of women’s care work in the town, from wet-nurse servants to formal educators.

Women also worked as caregivers and healers for others in their community. This work, being often marginal, informal, temporary and relatively cheap, rarely appears in the extant Canongate records. In one exception, Margaret Gilpatrick, a widow in North Leith, lodged a claim against William Peacock in Canongate as intromettor for the deceased Isobel Fries. The claim stated that at the time of her death, Isobel had owed Margaret £10 lent money, and 40s for helping her in “the tymes of her sicknes in the links [joints]”. This agreement suggests a complicated relationship between Margaret and Isobel, involving both moneylending and repeated caregiving. In other cases, women provided relief for ailing neighbours and contacts. In 1645, when dying of the plague, Agnes Deans bequeathed in her testament two gowns “to the woman that keipit me callit Janet Brown.” Isobel Lyon similarly left £10 in her will to Katherine Taylor, for keeping her in “the tyme of her seiknes,” and Helen Young left £8 to Anna Gillies in her

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48 ECA, SL150, CBCR Court books volume 10, 19 December 1610. Women might also formally fund education, including specifically girls’ education. In 1642 in Aberdeen, Catherine Forbes, Lady Rothiemay, bequeathed £1000 to fund a schoolmistress to educate young women in writing, sewing and “any other art or science whairof they are capable.” Catherine Rolland similarly bequeathed funds for the education of young Aberdonian women in sewing and reading “by a suitable spinster or widow.” See Shona Vance, “Schooling the People,” in Aberdeen Before 1800: A New History, ed. E. Patricia Dennison, David Ditchburn, and Michael Lynch (East Linton: Tuckwell Press, 2002), 319. For Canongate examples, see Chapter Two.
49 For healthcare as an extension of women’s domestic skills, see Ewan, “Crime or Culture,” 124–25; Sanderson, A Kindly Place, 127.
50 An intromettor took legal possession of and managed property or goods on behalf of another person.
51 ECA, SL150, CBCR Court books volume 19, 21 November 1646.
52 Edinburgh testaments, CC8/8/61 Agnes Deans.
In 1646, Janet Fisher pursued a claim against Andrew Robson for £8 for “her attendance upon him, his wyfe & familie” for two weeks while they were infected with the plague. He was also ordered to return to her a kist (chest) of her belongings, worth £100, indicating that she likely stayed with the family in the contaminated household. These contracts speak to women’s important care roles in their community, but also to the marginal and sometimes risky nature of their work, given the increased possibility of contagion.

**Ale, malt and tobacco**

Many women in Canongate also sold ale and malt as a contribution, sometimes a significant one, to their household or personal income. Ale was ubiquitous in early modern Scottish life and an essential foodstuff, and as such it was controlled by assize, regularly taste-tested for quality and priced accordingly. Those found not obeying town ordinances could be punished: Elizabeth Ewan and Nicholas Mayhew note cases of brewsters’ cauldrons being struck out as punishment for evading regulations, and in 1620, Agnes Brady was censured by the Canongate burgh court to not “use the liberties of this burgh w[i][h]out the licence of the baillies and counsale of the burgh in selling of aill nor beir or vyne” under threat of paying a £5 fine. While not exclusively women’s work, brewing ale was considered an essential part of a woman’s expected domestic skills; the equipment needed was also manageable to amass, and brewing could be done around women’s other domestic work commitments.

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53 Edinburgh testaments, CC8/8/43 Isobel Lyon; CC8/8/74 Helen Young.
54 ECA, SL150, CBCR Court books volume 19, 18 March 1646.
56 Mayhew, “The Status of Women,” 18; Ewan, “‘For Whatever Ales Ye,’” 126; ECA, SL150, CBCR Court books volume 12, 23 December 1620.
57 Mayhew, “The Status of Women,” 17; Ewan, “‘For Whatever Ales Ye,’” 128.
therefore did not stay preserved as long as beer, women tended to brew it frequently in smaller quantities, and in rotation, purchasing ale from others and then selling any surplus from their own batches.\textsuperscript{58} Women might also purchase larger quantities of ale and malt to be either used or resold in smaller quantities.\textsuperscript{59} There were therefore usually many sellers and buyers of ale and malt at any one time.

Malt, although more often sold by men, could be a significant purchase for women who were intending to produce and sell a large amount of ale, or to re-sell the malt in smaller quantities.\textsuperscript{60} For instance, in 1600, Margaret Donaldson and her husband Robert Donaldson were brought to court for a debt of £202 for malt by William Bellenden, maltman; in 1611, Janet Cunningham and her husband David Clerk were similarly called to pay their debt of £202 for malt bought from James Henry, and Bessie Paterson and her husband Arthur Barry were brought in for non-payment of ten masks\textsuperscript{61} of malt totalling £100 by John Thompson.\textsuperscript{62} These purchases would have been significant investments for the household, denoting a committed brewing or resale venture. But women might also choose to purchase smaller quantities, either from a maltman or a reseller: in 1600, Katherine Pook, wife of Donald Strang, was brought to court twice, first for a debt of £10 for malt sold by Marian Walker, a widow, in November, and again in December for a debt of £15 for two masks of malt bought from David Baillie.\textsuperscript{63} Women could also sell malt themselves, sometimes in partnership with their husbands. Jean Kells, widow of William Bellenden, a maltman mentioned above, was brought to court by

\textsuperscript{58} Mayhew, “The Status of Women,” 17; Ewan, “‘For Whatever Ales Ye,’” 125.
\textsuperscript{59} Ewan, “‘For Whatever Ales Ye,’” 128.
\textsuperscript{60} Ewan, “‘For Whatever Ales Ye,’” 128.
\textsuperscript{61} \textit{The Dictionary of Scots Language} defines a mask as “That quantity of malt which can be mashed at one time.” See \textit{DSL} “mask, n.1.” www.dsl.ac.uk, accessed 26 September 2016.
\textsuperscript{62} ECA, SL150, CBCR Court books volume 8, 20 December 1600; volume 10, 14 August 1611; volume 10, 2 February 1611.
\textsuperscript{63} ECA, SL150, CBCR Court books volume 8, 19 November 1600, 13 December 1600.
David Baillie, also listed above, in February 1605 for non-payment of a mask of malt worth £10 10s purchased by her servant on her behalf, but she also appears as a creditor in her own name for £76 of malt sold to William Grey, the same year. ⁶⁴ These malt sales comprised an important component in the cyclical process of ale production and sales in the burgh.

Women also frequently appeared in the Canongate burgh court records collecting or paying debts for ale sales large and small, both as a by-employment and as part of official work running taverns and ale-houses. ⁶⁵ In 1635, for instance, Agnes Low, wife of William Cooper, brought forward multiple small claims, against two men and four women, all for ale and beer. The debts ranged from 9s 4d to 44s 6d, indicating likely smaller, frequent purchases in pints and gallons. ⁶⁶ At the other end of the spectrum, in 1620, Agnes Granton, wife of John Douglas, was brought to court for owing £117, remaining from a total debt of £129, for ale she purchased in bulk from Duncan Neische, maltman, likely for resale. ⁶⁷ Women might sell ale both wholesale and retail; in 1630, Jean Nesbit, servant of Patrick Hart, brought two claims against Henry Livingston, the first for ten merks for ten gallons of twenty-pence ale sold to him “in pyntis and chopenes,” and the second for £30 12d for thirty-seven gallons and four pints of two-shilling ale he had purchased wholesale. ⁶⁸ Women’s testaments also reveal their purchasing and resale patterns and relationships. ⁶⁹ For instance, Janet Burn’s testament from 1602 lists a debt of £40 to James Nesbit for three barrels of ale, and also lists

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⁶⁴ ECA, SL150, CBCR Court books volume 8, 11 February 1605; 24 April 1605.
⁶⁵ Although beer became more popular after the late sixteenth century, references to it in the records remained few; see below for some examples.
⁶⁶ ECA, SL150, CBCR Court books volume 16, 12 December 1635.
⁶⁷ ECA, SL150, CBCR Court books volume 12, 25 October 1620.
⁶⁸ ECA, SL150, CBCR Court books volume 14, 20 November 1630.
outstanding debts from ten debtors for smaller amounts of money for pints and gallons of ale that she sold to them. Agnes Deans sold ale by the barrel to multiple debtors listed in her testament, and also owed 26s 8d to the unnamed wife of William Craig for alcoholic spirits and beer, suggesting a varied resale operation or possibly that she ran a tavern or ale house. Ale could also account for significant debts for women. Margaret Dunmore left a debt of £92 for ale in her testament in 1634, Bessie Nimble similarly left an outstanding debt for £250 for ale in 1605, and Mary Hamilton left a debt of £410 for ale, as well as a further £210 for French wine, in her testament in 1625, likely indicating that she ran a tavern. Whether part of a tavern business or as temporary supplemental work to their household and individual livelihood, women’s work in ale production and sales provided Canongate with a staple both of the local diet and the local economy.

Women’s active role in malt and ale sales is clearly demonstrated in the cases of Geilis Malcolm, wife of Canongate bailie John Smith, and their daughter Maisie Smith. Geilis’ testament in 1602 reveals her comfortable economic status, listing goods totalling almost £2000 Scots, including £490 worth of malt both old and new, £480 of barley, £144 of oats, and almost £100 each of wheat and peas, as well as one thousand merks ready money. This wealth enabled and reflected her involvement in substantial economic transactions, especially in the sale of malt. In 1600, for instance, she took Margaret Grey, wife of Ninian Steel, to court for an unpaid debt of £84 for malt.

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70 Edinburgh testaments, CC8/8/66 Janet Burn.
71 Edinburgh testaments, CC8/8/61 Agnes Deans.
72 Edinburgh testaments, CC8/8/57 Margaret Dunmore; CC8/8/42 Bessie Nimble; CC8/8/54 Mary Hamilton.
73 The estate valuations of the Canongate women’s testaments studied ranged from 10 merks to almost £4000, and Geilis’ estate would be higher than the average. For more detailed discussion of this, see Chapter 2.
accumulated over multiple sales. Geilis’ testament two years later also listed outstanding debts by Margaret Grey and her husband for £80, possibly the bulk of the earlier debt, along with a further £40 for three masks of malt. She kept ongoing accounts with other debtors as well; James Marshall was listed as owing her £8 10s 8d for ale in 1600, and a further £25 in her testament “conforme to ane decreit.” This active engagement continued with Geilis’ daughter Maisie Smith. Maisie was first married to John Ahannay, a maltman, and they had at least one child at the time of her mother’s death in 1602; she was widowed in 1604 and remarried in 1605 to Patrick Hart, another maltman. Between 1600 and 1640 she appeared in eighteen debt cases, exclusively as creditor; except for two exceptions noted below, she was the sole creditor, with her husband, if mentioned, listed only as ‘for his interest’. The majority of Maisie’s debt cases were for ale, fitting for the wife of a maltman, and between 1600 and 1630 she brought forward claims for ale sales valued between £3 17s and £31. Like her mother, she also sold malt, sometimes in significant amounts: in 1605, she took Margaret Creighton, wife of John Bateman and active in ale sales and litigation herself, to court for a debt of £105 13s 4d for malt furnished by Maisie and her (now deceased) first husband. Malt and ale provided a strong financial foundation for these women’s lives (See Figure 2).

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75 ECA, SL150, CBCR Court books volume 8, 11 October 1600
77 ECA, SL150, CBCR Court books volume 8, 22 Nov 1600; Edinburgh testaments, CC8/8/37 Geilis Malcolm.
78 Edinburgh testaments, CC8/8/43 John Ahannay. The first reference to Maisie as Patrick Hart’s wife in the Canongate Burch Court Records is ECA, SL150, CBCR Court books volume 8, 18 Feb 1605.
79 ECA, SL150, CBCR Court books volume 8, 9 October 1605; 22 November 1600.
80 ECA, SL150, CBCR Court books volume 8, 18 February 1605.
Women also actively participated in selling a new staple of the early modern period, tobacco. In mid seventeenth-century Britain the import was transformed from an expensive luxury to a commonplace commodity as colonial production swiftly expanded and prices fell from £1 sterling per pound in 1620 to a penny sterling per pound in the
This colonial boom echoed loudly in the local Canongate economy: while references to tobacco sales appear as early as 1611 in the burgh court records, the number of cases rose dramatically in the 1630s, when the commodity caught the attention of both royal and local governments. In 1635, the Canongate burgh court began enforcing the royal decree from the previous year that stated that tobacco sellers must now be formally licensed; the court fined twenty-five people, including wealthy and active creditors such as Patrick Hart, Euphemia Wilson and John Menteith, one hundred merks each for contravening the order. Women appear to have quickly incorporated tobacco sales into their side-work in ale and drink sales businesses. In 1635, Bessie Edzer, servant of Alexander Peirs, brought forward a claim against Claude Masterton, glasswright, for £8 13s 4d for wine and tobacco. Katherine Rowan, wife of John Donaldson, tailor and burgess, brought Thomas Law and his wife Barbara Bennet to court for a debt of 48s, also for ale and tobacco. The same year, Bessie Whippo pursued a claim against John Neilson, hatmaker, for beer, ale and tobacco, for 18s 8d, and Katherine Dara, wife of John Cockburn, similarly took Thomas Robson, gardener, to court for £3 6s, for ale, beer and tobacco. Tobacco became one more product women could sell in their economic pursuits. These sales of tobacco were one way (along with ale and malt sales, child care and health care work, and other work that extended from women’s domestic duties) that

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82 ECA, SL150, CBCR Court books volume 10, 28 August 1611. James VI and I (r.1578-1625) was an adamant critic of tobacco; writing in 1604, he states that tobacco was not only stinky and unhealthy but morally base. See James VI, “A Counterblaste to Tobacco,” 1604 (accessed via Google Books, 26 September 2016).

83 ECA, SL150, CBCR Court books volume 16, 18 December 1635. Patrick Hart was the husband of Maisie Smith, mentioned above; John Menteith’s wife, Janet Wauchop, is mentioned at more length below.

84 ECA, SL150, CBCR Court books volume 16, 28 January 1635; 28 February 1635.

85 ECA, SL150, CBCR Court books volume 16, 25 July 1635; 28 October 1635.
women could use to achieve financial gain for themselves and their families, capitalizing on the new commodity’s popularity.

**Domestic Service**

Another way in which women contributed to the local economy was as domestic servants. This type of work comprised a sort of bridge between domestic-based work and women’s pursuits of profits that were fully separated from their domestic duties, discussed below. The work that servants performed was certainly of the household, although female servants were also in a way outsiders in that household and possibly the town; many would be migrants from the area’s hinterland. Their work also usefully highlights this chapter’s themes. For instance, while female domestic servants were one of the more economically and socially vulnerable demographics, the Canongate burgh court records reveal that they could, at times, exercise surprising agency and were often able to garner profit as independent creditors. The records, moreover, offer historians a glimpse of the complex relationships, economic or otherwise, that developed within the household between servants and their employers.

Female domestic servants made up a significant proportion of the urban population, with many women working in what historians term ‘life-cycle’ service, undertaken during their adolescence as training for adult life. Servants often lived with their employers, and they were paid a wage or ‘fee’, as well as a ‘bounteth’ (gratiuity or bonus); the latter might include clothing, or cloth from which to make clothing, and

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87 See also Spence, *Women, Credit and Debt in Early Modern Scotland*, 178.
shoes. Service contracts were generally for six months or a year, usually beginning and ending at Whitsunday (in May or June) and Martinmas (in November), and servants were to be paid at the end of the yearly or half-yearly term. It is difficult to calculate servants’ wages in Canongate, since they varied widely based on the specific position’s skill level and the employer’s income, including other factors, such as the servant’s gender. Employers also did not consistently specify the contract’s duration. Some estimates can be made, however, where such details were given. There were sixty-two servants’ wages listed with an associated length of contract in the testaments of Canongate women, and those of their husbands and sons, written between 1600 and 1660. Of these, the average annual pay for servants was £10 12s. Twenty-nine of these servants were women, with an annual yearly wage between them of £7 6s. Wages in total ranged from 40s to £32 annually for men, and 40s to £20 for women. Female servants with skilled training could earn significantly higher than average wages: Margaret Robson paid her servant Bessie £8 annually, but listed the unpaid wages of her nurse Agnes Brown and sewster (seamstress) Janet Lumsdale at £12 each for their yearly fee and bounteth.

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89 Ewan, “Mistresses of Themselves,” 423; Spence, Women, Credit and Debt in Early Modern Scotland, 164.
90 Spence, Women, Credit and Debt in Early Modern Scotland, 164.
91 Another source of this information are the claims for unpaid wages that servants brought forward against their employers in the burgh court, or for incomplete service that employers brought forward against their servants; these are both discussed below, but do not consistently provide a length of service, making it difficult to calculate wages.
92 A further five were of unknown gender, as the name had been left blank.
93 This is somewhat higher than the calculations for a slightly earlier period in Edinburgh; see Cathryn Spence, “‘To Content and Pay’: Women’s Economic Roles in Edinburgh, Haddington and Linlithgow, 1560-1640.” (Ph.D. diss., University of Edinburgh, 2010), 258.
94 This last may be an error; it was given to a female servant of Mary Hamilton’s, when the male servants all received £20 and the other female servants received 20 merks. If so, then the range for female servants was between 40s and 20 merks (£13 6s 8d). See Edinburgh testaments, CC8/8/54 Mary Hamilton.
95 Edinburgh testaments, CC8/8/50 Margaret Robson.
A service contract between servant and employer was not just an economic contract but a social one. Employers were responsible for disciplining and controlling their servants.96 Servants might attempt to avoid this control by abandoning their service contract early in order to work for another employer; local legislation in other Scottish towns against hiring these servants indicates that contract breaches may have been common practice.97 Employers could try to regain control over this relationship by taking their servants to court. Interestingly, women appear as the primary employer in the majority of these cases involving female servants.98 The contract breach cases show the original contract conditions between employer and servant. In June of 1611, for instance, Katherine Ray was ordered to “enter hame and serve” Janet Wylie from the current date until Martinmas, or else pay Janet £4 for her fee and deliver back to Janet a pair of new shoes worth 20s and three ells of hardine worth 20s that Janet had given her as her bounteth.99 In 1620, Katherine Durwart was ordered to return to the service of Margaret Chalmers until Whitsunday next, or else pay back £3 as her fee, and 40s for the price of an ell of linen, an ell of hardine, and a pair of shoes as provided by Margaret for her bounteth.100 Sometimes employers required an added surety in their original service contracts so that their servant would complete their term of work: Margaret Chalmers had Thomas Kae, Katherine Durwart’s previous employer, stand as Katherine’s cautioner, agreeing to have his goods pawned to pay for her potential debt if she reneged.101

96 Ewan, “Mistresses of Themselves,” 411.
98 Of thirteen service contracts, four involved sole female employers, and six involved married couples with the wife’s name listed first; one contract involved a married couple with the husband’s name listed first, and the remaining two were for sole male employers.
99 ECA, SL150, CBCR Court books volume 10, 5 June 1611.
100 ECA, SL150, CBCR Court books volume 12, 13 December 1620.
101 ECA, SL150, CBCR Court books volume 12, 13 December 1620. See also the contract between Katherine Ker and Katherine Brown; volume 10, 8 June 1611.
Similarly, when Janet Morrison entered into service for Thomas Cunningham, her mother Florence Morrison stood as her cautioner. Through litigation and sureties, employers could attempt to ensure a level of social control over their servants.

Female servants were, however, also often able to assert themselves and pursue their employers and former employers in court. For instance, in 1635 Agnes Potter agreed to continue to work for her employers Hugh Bell and his wife Janet Cunningham only if they paid her the £3 wages they already owed her, along with 16s 4d as interest on their late payment of wages from three years previously. Similarly, in December of 1610, Janet Wilson filed a claim against Euphemia Seaton and James Matheson for 4 merks, a pair of new shoes worth 13s, three ells of hardine for a sark (worth 6s the ell), and an ell of linen worth 8s, comprising her unpaid fee and bounteth from Martinmas. In 1620, John Sanderson was ordered to pay Marian Stoddart £4 for her servant’s fee, and to deliver to her a new sark of hardine, an ell of cloth and a pair of new shoes, as he had promised, and in 1640, James Kinton was ordered to pay £4 as servant’s fee, along with 34s for a pair of shoes, to Margaret Fala, now servant to Alexander Malloch. These servants were clearly unafraid to be litigious against their employers if necessary, to recoup their promised wages and bonuses. Although employers held significant control over their servants, the records reveal that servants could in turn demonstrate some social and economic independence.

Female servants also asserted this independence in their day-to-day work. One common task of female domestic service was ale brewing and sales, perhaps unsurprising

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102 ECA, SL150, CBCR Court books volume 10, 29 May 1611.
103 ECA, SL150, CBCR Court books volume 16, 13 June 1635.
104 ECA, SL150, CBCR Court books volume 10, 15 December 1610.
105 ECA, SL150, CBCR Court books volume 11, 10 May 1620; volume 18, 26 December 1640.
given its ubiquity. This could be done semi-independently of their employment contract. A servant might rent the household brewing equipment from her employer to brew ale independently, or purchase some of the ale made in the household to sell herself, under the agreement that she would pay back her initial rental fee or the wholesale purchase. It was therefore not uncommon for employers to make claims against their servants or former servants for profits from ale that the servants had sold, or ‘run and vented’, while in their service. The amount of ale debt a servant could take on might be substantial, especially considering female servants’ low wages. In 1600, Isobel Gullan, wife of Philip Rewell, was ordered to pay £57 13s 11d for ale sold while in service to Duncan Neische and his wife Isobel Cunningham; in 1611, Barbara Chancellor was ordered to pay £124 12s to James Haldane, bailie of Canongate, for ale sold while in his service; and in 1635, Helen Halliday was similarly ordered to pay £172 10d to George Chalmers for ale and wine she had sold as his servant. These debts were significant, but the servants could also expect to make a profit by pursuing this line of by-employment. One way female servants could secure this profit was by taking debtors to court for unpaid ale sales. In 1620, Margaret Crawford, servant of Euphemia Wilson, took Robert Menteith and William Corsvie to court for their debts of 46s and 52s for ale, respectively. In 1625, Isobel Dickson, servant of Patrick Hart, brought in a claim against William Durwart for £5 for ale, and another claim later that year for almost £16 against Thomas Marshall for

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106 Ewan, “Crime or Culture,” 127; Spence, Women, Credit and Debt in Early Modern Scotland, 172–73.
107 Servants could also sell ale in the service of a separate employer from their primary mistress or master. For an example of this, see ECA, SL150, CBCR Court books volume 18, 14 February 1640; see also Spence, Women, Credit and Debt in Early Modern Scotland, 171.
108 ECA, SL150, CBCR Court books volume 13, 19 February 1625; volume 8, 1 November 1600; volume 10, 6 March 1611; volume 16, 19 December 1635.
109 ECA, SL150, CBCR Court books volume 12, 2 December 1620; volume 12, 13 December 1620.
ale and drinking beer, giving her a profit of over £20 (minus expenses).\textsuperscript{110} In late 1635, Janet Wilson, a servant of John Hamilton, pursued claims against ten people in three separate court appearances for debts ranging from 37s to £10, and collectively totalling £31, for ale, wine and beer.\textsuperscript{111} This by-employment, with the initial economic support of their employers, could give servants some significant financial independence and stability.

This economic independence could also extend beyond ale selling, with servants playing an important role as general pawnbrokers and moneylenders. As Cathryn Spence argues, the servants’ lifestyle of paid room and board, and wages paid in large sums annually or twice a year, lent itself easily to this type of by-employment.\textsuperscript{112} Servants might, for instance, pawn out clothing or other household linens.\textsuperscript{113} In 1611, Helen Gillies, servant of Mungo Hunter, brought in a claim against Alexander Smith, a tailor, to either deliver to her a velvet paitlet, two and a half ells of braid satin and two drop weight of black silk, or else pay her £8 as their collective value.\textsuperscript{114} In 1630, Marian Cockburn, another servant, took three women to court to force them to return to her a pair of sheets, a sark, two aprons and other clothes and linens she had loaned to them, or else pay each piece’s individual costs, ranging from 10s to £4.\textsuperscript{115} Some of these clothes and linens may have been purchased or made from the servants’ bounteths. However, servants might also pawn other items, or give out loans of money at interest. In 1625, Christine Frost, servant of George Dickson, brought in a claim against Patrick White for £5 18s for ale and

\textsuperscript{110} ECA, SL150, CBCR Court books volume 13, 26 March 1625; 15 October 1625. 
\textsuperscript{111} ECA, SL150, CBCR Court books volume 16, 18 November 1635; 5 December 1635; 16 December 1635. 
\textsuperscript{112} Spence, \textit{Women, Credit and Debt in Early Modern Scotland}, 172. 
\textsuperscript{113} Spence, “To Content and Pay,” 263. 
\textsuperscript{114} ECA, SL150, CBCR Court books volume 10, 27 February 1611. 
\textsuperscript{115} ECA, SL150, CBCR Court books volume 14, 20 February 1630.
borrowed money, and a second claim against Euphemia Black, spouse of Robert Maling, for a stoup borrowed from her, or else 40s.\textsuperscript{116} In 1646, Agnes Ramsay, servant of Alexander Peirs, brought in a claim for 4 dollars, worth £11 12s, against John MacFarlane, remaining from an original loan of 100 merks (£66).\textsuperscript{117} This work in pawnbroking and moneylending could help servants save money for their dowries or their future economic comfort.\textsuperscript{118}

Why might these servants have been so active in the courts? One possible clue lies in the repetition of certain employers in the records: Patrick Hart, John Hamilton, Alexander Peirs and Euphemia Wilson each had multiple servants appear before the courts as litigious creditors against other townspeople. There are various possible reasons for this. These employers may have encouraged their servants in their moneylending and sales by lending them some initial capital, and they may have also encouraged them to litigate against debtors tardy with their payments. These employers were also comfortable using the court system themselves: Alexander Peirs was a baillie of the burgh court; as mentioned above, Patrick Hart and his spouse Maisie Smith were both active in the court; and Euphemia Wilson appeared as a prosecutor, debtor and cautioner in the court as well as employer.\textsuperscript{119} These employers, as frequent litigators themselves, may have also been more rigid in demanding their servants repay their debts, motivating their servants to call in their own debts in court.

\textsuperscript{116} ECA, SL150, CBCR Court books volume 13, 4 November 1625.
\textsuperscript{117} ECA, SL150, CBCR Court books volume 19, 25 April 1646.
\textsuperscript{119} For Alexander Peirs as baillie, see Edinburgh testaments, CC8/8/65 Margaret Kilpatrick, and CC8/8/69 Marjorie Buchanan; for Euphemia Wilson, see ECA, SL150, CBCR Court books volume 13, 10 Sept 1625; volume 16, 27 June 1635; volume 18, 4 March 1640.
Overall, the Canongate records demonstrate that the servant-employer relationship was often more complicated than a simple economic contract. With servants, employers and their families all living under the same roof, relations sometimes deepened into ties of lasting support.\textsuperscript{120} For instance, in 1620, George Baxter noted in his will that he and his recently deceased wife Rebecca Baxter had agreed to each leave one hundred merks to their servant Bessie Houston.\textsuperscript{121} Bessie was to receive these two hundred merks once she was married and had “bairnes gottin lau[ful]lie of her awin bodie”; in the interim she was to receive the interest from the capital from George’s executors.\textsuperscript{122} These ties of support and trust can also be seen in the Canongate burgh court records, albeit after those ties had been severed. In 1630, Janet McNath, daughter of Andrew McNath, was ordered to pay to Andrew Lindsay not only £13 5s 4d for ale that she sold in his service, but also 36s for a psalm book that she had borrowed from him, and a further £1 6s for a pitcher, pan and platter that she had borrowed and not returned while in his service.\textsuperscript{123} These items denote a significant initial level of trust between Andrew and Janet, especially with the psalm book, which was almost certainly for personal use rather than part of her work for him. This trust extended both ways, as can be seen in cases of servants lending their employers money, often separate from their wages. In 1600, Katherine Jardane lodged a claim against Rebecca Brown, wife of Alexander Hunter, for £3 18s for half a year plus six weeks’ service, and a separate claim for £3 lent money.\textsuperscript{124} In 1611, Janet Anderson similarly brought forward a claim against Hagar Douglas and

\textsuperscript{120} Ben-Amos, \textit{The Culture of Giving}, 58–59, 62.
\textsuperscript{121} While Rebecca Baxter did draw up a testament in 1616, three years before her death, her promise of 100 merks was not listed, although Bessie’s unpaid wages of £10 were. Edinburgh testaments, CC8/8/50 Rebecca Baxter.
\textsuperscript{122} Edinburgh testaments, CC8/8/51 George Baxter.
\textsuperscript{123} ECA, SL150, CBCR Court books volume 14, 20 February 1630.
\textsuperscript{124} ECA, SL150, CBCR Court books volume 8, 15 October 1600.
her husband Robert Moodie for £7 14s, for her “fie and bounteth and lent silver.” The relationship between servant and employer, although primarily economic and straightforward, was certainly multifaceted. Although low-status, servants’ domestic labour was an essential and substantial component of the local economy, and female servants were also often independent economic agents, pursuing potentially lucrative by-employments both as part of and beyond their domestic duties.

**Beyond Domestic Duties**

*Rental properties*

Women’s work was not exclusively tied to their domestic skills, however. As Pennington has argued for England, and Spence has examined in detail for elsewhere in Scotland, women also worked in areas, such as moneylending and renting property, that were completely detached from their domestic duties, and it is to these pursuits that this chapter now turns. Women were active in Canongate’s housing rental market. They rented rooms and tenements, generally called ‘dwelling houses’, as well as yards and cellars, and collected maill. Some women managed multiple rentals as a way to earn their income. Christine Lin, likely unmarried, seems to have rented out at least five rooms, or possibly separate properties, in 1600. One woman controlling a high number of rental properties was not uncommon; in 1630, Janet Dawson, a widow, made claims against six debtors, one widow and five men, for maill ranging between 40s and £4. Female landlords did not shy from using the powers of the court against their renters if

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125 ECA, SL150, CBCR Court books volume 10, 23 January 1611.
127 She is never listed as the wife or widow of any man in any of her numerous court record appearances.
128 ECA, SL150, CBCR Court books volume 8, 9 July 1600; 29 October 1600; 22 November 1600; 26 November 1600.
129 ECA, SL150, CBCR Court books volume 14, 28 February 1630.
necessary. In June 1620, Isobel Brown took Alexander Brown and his cautioner Ninian Pedene to court for £18 of unpaid house maill, and then immediately sought to evict him.\textsuperscript{130} She also brought forward a claim against Thomas Duncan in 1625, for £33 12s 8d for unpaid maill of a low house.\textsuperscript{131} Similarly, in June of 1625, Janet Howeson, a widow, successfully ordered that Alexander Glen “flit and remove himself” from the high dwelling house he rented from her, and a month later she took him to court for £56 in unpaid maill.\textsuperscript{132} Some Canongate women managed property included as part of their liferent, sometimes stipulated in their marriage contract or as an inheritance from their parents; this could contribute significantly to the woman’s income during marriage and widowhood.\textsuperscript{133} For instance, in 1635, Elizabeth Richardson, wife of James Durwart, collected debts from three couples and two independent renters for maill totalling £33 as the liferenter of her lands.\textsuperscript{134} In 1630, Jean Kincaid, a widow and liferenter, brought in a claim against Robert Wilkie, an embroiderer, for £48 for maill, and in 1640, Maisie Abernathy, wife of William Wallace, brought forward a claim against William Stewart, a mealmaker, for £9 for maill of a dwelling house on her liferenter lands.\textsuperscript{135} These women pursued profit outside of domestic work through the maintenance of rental properties.

Women could also work as land managers and proprietors as well as land owners, as demonstrated in the case of Janet Galbraith, a widow. Janet owned land as a liferenter in Canongate, although she also leased a portion of her lands to Robert Greg to manage; when Elizabeth Stevenson, a widow, was evicted from Janet’s property in 1630, the land

\textsuperscript{130} ECA, SL150, CBCR Court books volume 11, 13 June 1620.
\textsuperscript{131} ECA, SL150, CBCR Court books volume 13, 14 April 1625.
\textsuperscript{132} ECA, SL150, CBCR Court books volume 13, 13 June 1625; 23 July 1625.
\textsuperscript{133} See also Spence, \textit{Women, Credit and Debt in Early Modern Scotland}, 134.
\textsuperscript{134} ECA, SL150, CBCR Court books volume 16, 22 April 1635.
\textsuperscript{135} ECA, SL150, CBCR Court books volume 14, 20 March 1630; CBCR 18, 19 December 1640.
was noted as owned by Janet but ‘sett’ (rented) by Robert.\textsuperscript{136} Janet, in turn, also acted as a factor and procurator for William Sergeant, managing his land and tenants while he was out of the country.\textsuperscript{137} In 1640, she was brought into court by John Paterson, treasurer and collector of the rents of the kirk session of Holyroodhouse, and ordered to pay £24 15s annual rent on her lands, which she owed to the kirk session.\textsuperscript{138} The next week, two renters, Patrick Guthrie and Robert Grant, were ordered to pay maill to John Paterson; Janet Galbraith was listed “for her interest” since their houses were on her liferent lands, and she was again formally ordered to pay her annual rent to the kirk.\textsuperscript{139} Her properties therefore provided her with an income, but also significant economic responsibilities. Similarly, Katherine Hart worked in Canongate as a procurator and middleman, or rather middlewoman. In 1630, William Turnbull and Thomas Eason were evicted from lands “perteyning to William Hart and set be Katherine Hart as assignay be the said William”, and the two renters were ordered to each pay Katherine £6 for maill.\textsuperscript{140} Katherine also appeared in the Canongate burgh court records as a procurator ‘for her interest’ for John Mowat in 1635, paying rent on his behalf, and again collecting rents for him.\textsuperscript{141} These women held a complicated role as rental managers, negotiating between renters and landowners.

However, in some ways, landlord work could be closely associated with women’s domestic work, as female landlords provided their tenants with food and other provisions, fulfilling various economic needs.\textsuperscript{142} In 1611, Alison Sleitch brought a claim against

\textsuperscript{136} ECA, SL150, CBCR Court books volume 14, 29 May 1630.
\textsuperscript{137} ECA, SL150, CBCR Court books volume 18, 25 January 1640.
\textsuperscript{138} ECA, SL150, CBCR Court books volume 18, 12 December 1640.
\textsuperscript{139} ECA, SL150, CBCR Court books volume 18, 19 December 1640.
\textsuperscript{140} ECA, SL150, CBCR Court books volume 14, 26 May 1630.
\textsuperscript{141} ECA, SL150, CBCR Court books volume 16, 11 December 1635; 23 December 1635.
\textsuperscript{142} See also Spence, “‘To Content and Pay,’” 168.
James Eviot for £13 for maill of a high dwelling house, and a second claim of 58s 4d for bread and ale that she had provided for him during his rental. The same day, she brought a similar claim against Henry Livingston for £10 6s 8d for maill of a chamber, and 13s for candles and bread. The same year, Agnes Baxter, wife of Thomas Jackson, brought forward a claim against William Beaton for £4 13s 4d, remaining from an original debt of £16 for maill of a furnished high mid house (a dwelling at the top middle section of a house). Female landlords might also fill other roles; for example, they could act as creditors. Katherine Caldwell, in her 1645 testament, noted a loan she had provided her renter Anna Drummond for £220 13s 4d as principal, with an added £26 for interest and £40 for expenses; Anna also owed Katherine £24 for maill. In 1645, Agnes Deans even bequeathed free house maill for the year to two renters, Alexander Gray, a cordwainer, and Alexander Mitchell, a tailor. The economic relationship between landlord and renter could also be more reciprocal. In 1646, Isobel Frater, wife of John Law, a cutler, was ordered to pay her landlord Robert Reid £12 for maill of a house, but countered with her own claims against Robert: 56s for casked beer and candles she had sold to Robert’s father; 40s for cleaning Robert’s house; two merks for yard work and fixing windows; 2s borrowed money; and 4s 2d for five chopins of ale she had sold to him. Similarly, in 1630, Janet Killbowie, wife of James Clerk, was ordered to pay Geilis Stewart, a widow, £8 for maill of a high dwelling house that was part of Geilis’ liferent lands. Again, Janet countered with her own claim, ordering Geilis to pay Janet and James 40s for unpaid

143 ECA, SL150, CBCR Court books volume 10, 6 March 1611.
144 ECA, SL150, CBCR Court books volume 10, 17 April 1611.
145 Edinburgh testaments, CC8/8/62 Katherine Caldwell. She also listed another loan from George Wood, who owed her the interest on the principle sum of 2400 merks, totaling £264 13s 4d.
146 Edinburgh testaments, CC8/8/61 Agnes Deans. She stated that this was “conforme to my s[ai]d umqle housbands promeis.”
147 ECA, SL150, CBCR Court books volume 19, 31 December 1646.
maill she owed them on a yard. These transactions reveal both women’s important work as property owners and managers, and the broader relationships taking place between female landlords and their renters.

**Moneylending**

Many women were active moneylenders in their community, lending a portion of their cash surplus as they were able, and according to their lenders’ needs. These women provided an essential economic service, as Scotland, as elsewhere in the early modern period, was chronically short on specie. Some claims could nonetheless be fairly humble: in 1620, Bessie Alexander claimed 56s borrowed money against Margaret Young, and 44s against Anna Kae. The same year, Margaret Robson brought in a claim against William Johnson for an outstanding debt of 36s borrowed money. Others were able to lend larger amounts: in 1625, Agnes Trinch and her husband Thomas Borthwick were absolved of their debt to Agnes Brady of £36, and Christine Walwood, wife of Mungo Hunter, pursued a claim against James Thompson, hatmaker, for £24 6s borrowed money. Evidence of significant moneylending is also apparent in women’s testaments. For instance, Bessie Nimble, wife of an apothecary to the king, left in her testament in 1605 records of outstanding loans owed to her ranging from £40 to £1200, including £1000 she had lent to the king’s comptroller. In 1607, Isobel Lyon’s testament included a debt owed by Walter Adamson and his wife for £266 13s 4d, and Marian Boyes’ testament from 1621 notes £100 borrowed money owed to her by Marian

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148 ECA, SL150, CBCR Court books volume 14, 7 April 1630.
150 ECA, SL150, CBCR Court books volume 11, 24 May 1620.
151 ECA, SL150, CBCR Court books volume 11, 30 May 1620.
152 ECA, SL150, CBCR Court books volume 13, 26 March 1625; 26 November 1625.
153 Edinburgh testaments, CC8/8/42 Bessie Nimble.
Carmichael, a widow.\footnote{Edinburgh testaments, CC8/8/43 Isobel Lyon; CC8/8/51 Marian Boyes.} Helen Smith’s testament from 1622 indicates that Maisie Weir, a widow, owed her five hundred merks, although Helen owed Maisie twenty-five merks in turn.\footnote{Edinburgh testaments, CC8/8/51 Helen Smith.} These women, with their ability to lend large sums of money at a time when cash was scarce and credit needed, wielded substantial social and economic power in their community.

However, women could also turn to moneylending out of economic need.\footnote{For a discussion of women’s motivations in participating in moneylending, see Spence, Women, Credit and Debt in Early Modern Scotland, 142–43.} Such was likely the case with Christine Sleitch, a widow whose frequent use of litigation reveals a web of piecemeal pawn-broking, sales and moneylending. Between 1620 and 1630, she brought forward multiple claims against neighbours for ale, cloth and borrowed cloth-making equipment.\footnote{ECA, SL150, CBCR Court books volume 11, 3 May 1620; 15 July 1620; 19 July 1620; volume 13, 16 February 1625; 19 February 1625; 13 April 1625; volume 14, 31 July 1630; 23 October 1630. She also may have run a tavern; in 1617, the Canongate kirk session elders admonished her for ‘keeping an open house’ and selling ale after ten at night. See National Records of Scotland, CH2/122 Canongate Kirk Session Records (hereafter NRS, CH2/122), volume 1, 7 February 1617.} In 1630, for example, she brought a claim against Bessie Robson, who was ordered to deliver back to Christine a tun quart stoup worth £3 4s, and to repay Christine 35s for ale. Christine also demanded that Bessie return a silver ring worth 42s that Christine had laid in pledge for 30s borrowed from Bessie a year previously, a debt that Christine had since paid off.\footnote{ECA, SL150, CBCR Court books volume 13, 16 November 1630.} Christine also lodged a claim against James Watson for £3 4s, including borrowed money and the cost for oak timber that she had delivered to him to be made into a chair, which he had not done.\footnote{ECA, SL150, CBCR Court books volume 14, 31 July 1625.} She had a further claim against Robert Weir and his wife Bessie Binkie for £4 3s 4d for a caff
(chaff-stuffed) bed and a chimney that they had borrowed and not returned.\textsuperscript{160} Some of Christine’s claims were substantial, including for £29 10s borrowed money lent to Anna Stewart, wife of John Kennedy, or against Elizabeth Stewart for £45 for ale and linen cloth.\textsuperscript{161} Christine’s litigiousness and the intensity of her lending practices could indicate either her well-connectedness and status in her neighbourhood, or conversely, her economic vulnerability. In either case her active engagement with the courts reveals the complex web of supply and demand that she managed in the community.

Further examples demonstrate the ongoing complicated relationship between moneylenders and their debtors. Agnes Baxter, a widow,\textsuperscript{162} lent money to numerous people between 1630 and 1640, ranging from 50s to £14 11s. Some of these cases indicated long-term credit relationships, such as with Bessie Robson, wife of John Lawson, to whom Agnes lent multiple sums of money during this time. In 1635, she made one claim against Bessie for £8 in January, and another for £7 3s in December, possibly the remaining sum from the original loan.\textsuperscript{163} In 1640, she pursued a claim for a further £14 11s owed by Bessie, which she had apparently loaned despite Bessie’s delay in paying back earlier loans.\textsuperscript{164} Moneylenders might often engage in these types of dense, ongoing relationships with their debtors. In 1640, Griselda Stewart brought forward three separate claims against John Gray: first, for £8 2s, money that he had borrowed on the pledge of a pair of shoes two years before, as well as 12d as interest on that loan; second, for £3 12d that John and his wife had borrowed at the same time as the previous debt, pledging a brass pot and four feather beds, with 36s as interest; and finally for £5

\textsuperscript{160}ECA, SL150, CBCR Court books volume 13, 16 November 1630.  
\textsuperscript{161}ECA, SL150, CBCR Court books volume 13, 16 November 1630; 13 April 1625.  
\textsuperscript{162}She is likely the same woman listed as the wife of Thomas Jackson in the case above.  
\textsuperscript{163}ECA, SL150, CBCR Court books volume 16, 31 January 1635, 19 December 1635.  
\textsuperscript{164}ECA, SL150, CBCR Court books volume 18, 25 July 1640.
borrowed money from a third claim.\textsuperscript{165} This work performed by female moneylenders provided concrete help for their friends, neighbours and business contacts.

\textit{Cautioners, Roles and Relationships}

These previous cases have demonstrated how women could be active as creditors (and debtors) in the burgh, but they could also at times perform another important economic role as cautioners, standing surety for debtors in court.\textsuperscript{166} Twenty-three women are listed as cautioners during the sample years between 1600 and 1646, for twenty-four debtors.\textsuperscript{167} Standing as cautioner was an important social and economic role, and one with inherent risk involved, as the cautioner was liable for both the debtor and their debts, and so staked their reputation as well as their money on the debtor’s ability to pay.\textsuperscript{168} The inherent trust involved in the cautioner-debtor partnership meant that the relationship was often closer than purely business; for example, women, like men, might stand as cautioners for family members.\textsuperscript{169} In 1620, Marian Johnson was ordered to pay £6 4s 8d as cautioner for Ninian Johnson, and in 1635 Isobel Nicholson promised to pay the debts owed by William Nicholson, and Alison Tofts was formally absolved as cautioner for Richard Tofts.\textsuperscript{170} Female employers might also stand caution for their servants, as Elizabeth Grey did for Margaret Ker in 1625, for a debt of £4 that Margaret owed to Isobel Branch along with an unreturned chopin stoup worth 15s.\textsuperscript{171} The connection

\textsuperscript{165} ECA, SL150, CBCR Court books volume 18, 22 February 1640.
\textsuperscript{166} Married women technically required their husbands’ consent in order to become a cautioner; widows, and unmarried women over the age of twenty-one, could become cautioners freely. See Spence, \textit{Women, Credit and Debt in Early Modern Scotland}, 12, 13, 14.
\textsuperscript{167} In four cases, women were co-cautioners with their husbands.
\textsuperscript{168} Muldrew, \textit{The Economy of Obligation}, 160.
\textsuperscript{169} For examples of a man standing caution for a female relative, see Thomas and Euphemia Glen, ECA, SL150, CBCR Court books volume 8, 29 June 1605, and Robert and Agnes Baxter, volume 10, 10 April 1611.
\textsuperscript{170} ECA, SL150, CBCR Court books volume 11, 29 March 1620; volume 16, 2 May 1635; 27 May 1635.
\textsuperscript{171} ECA, SL150, CBCR Court books volume 13, 12 February 1625.
between debtor and causer was sometimes less clear, however, and may have been simply between trusted friends and neighbours. Beverley Lemire notes that in early modern England, women disproportionately relied on and partnered with other women in debtor-surety relationships.\(^{172}\) This was not the case in Canongate, with female causers partnering with both men and women equally, denoting strong ties across gender lines.\(^{173}\) These female causers were sometimes liable for significant amounts of money, denoting their creditworthiness and economic status. In 1625, Janet Grey, a widow, was called on to pay £25 10s for merchandise on behalf of Helen Graham, owed to William Donaldson, and in 1635, Euphemia Wilson, also a widow, was ordered to pay £35 14s for ale and beer on behalf of Margaret Weir, owed to William Hunter.\(^{174}\) Janet Herring, yet another widow, was similarly called on by William Hunter in 1630 to pay £16 for maill as causer for Robert Porteous; when she tried to deny the claim, William was able to prove her role as causer “as was clerlie knawin to the said Judge.”\(^{175}\) Female causers formed the lynchpin of these economic transactions, vouching for debtors and lending, in a sense, their good reputation to neighbours and friends, and wielding potentially significant economic power.

Women therefore shaped the Canongate economy in different ways, as debtors, creditors and causers; an examination of the density of their transactions reveals the underlying evolving credit relationships that were the foundation of economic life in the

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\(^{173}\) Twelve women and twelve men.

\(^{174}\) ECA, SL150, CBCR Court books volume 13, 19 December 1625; volume 16, 27 June 1635.

\(^{175}\) ECA, SL150, CBCR Court books volume 14, 21 January 1630. Women might also act as co-causers with their husbands. In 1635, the same William Hunter and his wife Margaret Hunter were called to pay 10 merks for maill to James Aytin on behalf of Gilbert Stirling, and in 1640, Janet Watson and her husband John Cook were absolved of their role as causers to pay 37s borrowed money to Euphemia Lawson, wife of James Mungall, on behalf of Margaret Watson, possibly a relative of Janet’s. ECA, SL150, CBCR Court books volume 16, 29 July 1635; volume 18, 16 December 1640.
burgh. Women could, for example, play multiple economic roles for their neighbours. In 1635, Beatrice Burn, a widow, took David Ness to court for not only £6 for unpaid maill owed to her, but for a further £7 that she had paid on his behalf as his cautioner to Patrick Hart, for ale furnished by Patrick, and Maisie Smith noted above.¹⁷⁶ In October 1600, Christine Lin was ordered to deliver back to Margaret Penmound a board and furme (table and bench) worth £5 and an iron chimney worth 10 merks, but the next month, Christine stood as cautioner for Margaret for the latter’s debt of 30s to Jean Cockie, wife of John Thompson.¹⁷⁷ Debt records might also reveal repeated transactions between the same parties. In 1640, Janet MacGee pursued a claim against Christine Wilson, wife of Robert Garrett, for the following debts: £3 for half a year’s wages; 19s that Janet had lent to John Cowan “at hir [Christine’s] directioun”; and 5s for a chopin of wine, speaking to a complex, multi-dimensional credit relationship between mistress and servant, in which domestic service was supplemented with moneylending and sales.¹⁷⁸ These examples help demonstrate the different ways in which women interacted with their family, friends, neighbours and fellow townspeople, connected through webs of not just debts and credits, but social relationships that developed, matured and shifted.

**Women’s Work in Cultural Context: Sabbath Breach**

It is important to recognize that women’s work took place within a broader social context, not just within the marketplace, and that women’s economic activities could be judged on factors beyond their own economic merits. One way to examine this is through the Canongate kirk session records’ cases of Sabbath breach, which recorded instances

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¹⁷⁶ ECA, SL150, CBCR Court books volume 16, 21 November 1635.
¹⁷⁷ ECA, SL150, CBCR Court books volume 8, 25 October 1600; 19 November 1600.
¹⁷⁸ ECA, SL150, CBCR Court books volume 18, 23 May 1640; for a similar example of multiple debts, see volume 18, 22 February 1640; and 20 May 1640.
when women were caught working on Sunday, violating the religious protocol of the
Reformed Kirk. 179 Sabbath breach was a serious concern for the kirk: while absences
from church service were excused for serious illness, childbirth or some travel, the elders
excused work on the Sabbath only in rare circumstances, such as when shepherds were
unable to leave their flocks. 180 Women who chose to work on the Sabbath and absent
themselves from the church service therefore risked being caught by kirk session
searchers, who would ensure the women’s punishment before the session. For instance, in
1659, the elders rebuked Agnes Clark, wife of a poultryman, for selling rabbits on the
Sabbath, despite her excuse that although a man tried to buy some rabbits from her on
Sunday, she had none to sell. 181 The kirk session elders similarly rebuked both Janet
Wilson and Margaret Elliot for selling milk on the Sabbath. Milk selling seems to have
been an occupation for young women, as both Janet’s mother and Margaret’s father were
brought forward and rebuked for directing their daughters to sell the milk on the
Sabbath. 182 However, Isobel Henryson, a married woman, was also repeatedly rebuked
for selling milk on Sundays, and the elders eventually demanded that she face public
repentance for profaning the Lord’s day with her work. 183 In so doing, the elders were
perhaps aiming to also rebuke by extension Isobel’s customers for buying from her on the
Sabbath. Women were indeed caught purchasing food on the Sabbath: in 1624, Katherine

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179 Work was not the only type of Sabbath breach. Others included simply not attending church, idling, or
bad behaviour such as drinking or quarreling that was made worse by taking place on the Sabbath. Leah
180 Todd, The Culture of Protestantism in Early Modern Scotland, 35–37; Graham, The Uses of Reform, 47.
181 NRS, CH2/122, CKSR volume 4, 29 November 1659. Bargaining could be considered enough of an
offence to warrant punishment. See Leneman, “‘Prophaning’ The Lord’s Day: Sabbath Breach in Early
Modern Scotland,” 225.
182 NRS, CH2/122, CKSR volume 2, 8 February 1628; volume 4, 23 September 1656; 16 August 1657.
Margaret’s parents were admonished on a separate occasion for carrying straw and selling milk on the
Sabbath; see NRS, CH2/122, CKSR volume 4, 17 November 1657.
183 NRS, CH2/122, CKSR volume 4, 15 April 1656; 27 May 1656; 11 August 1657; 16 August 1657.
Paterson, a servant, confessed to buying puddings for some strangers “in thair necessitie”,
for which the elders threatened her with banishment; in 1659, Janet Leirmonth admitted
to buying meat in the time of the Sunday service and was threatened with public
repentance.\textsuperscript{184} Other tasks were similarly forbidden, including drying clothes and fetching
water.\textsuperscript{185} Bessie Brown, a midwife, was rebuked for breaking the Sabbath, although it is
unclear that her breach was related to her work.\textsuperscript{186} These women’s pursuit of their
economic livelihoods clashed sharply with their religious duty as parishioners of the
Reformed church.

One common theme of Sabbath breach for women involved running taverns,
brewing, and selling ale on the Sabbath or on holy days. Although some kirk sessions
forgave men casting malt on the Sabbath, given the careful timing required, women’s
brewing was not afforded the same leniency.\textsuperscript{187} In 1614, the elders accused Isobel
Mowtray of brewing ale on the Sabbath, and sharply rebuked her. The next year, Helen
Year was found selling ale during a holy fast and was fined 20s.\textsuperscript{188} In 1634, Janet
Chisholm, wife of James Robson, admitted she broke the Sabbath by selling a chopin of
ale to two men, for which she was fined 20s, and in 1653, Margaret Lauder, wife of
Andrew Wood, was formally admonished for selling drink during the time of divine
service.\textsuperscript{189} The kirk session also admonished women for running taverns during the
Sabbath.\textsuperscript{190} Employers were held responsible for their servants’ work on Sundays. In
1615, the elders rebuked Helen Hamilton and her husband Robert Erskine for having

\begin{thebibliography}{190}
\bibitem{184} NRS, CH2/122, CKSR volume 2, 14 May 1624; 28 May 1624; volume 4, 6 December 1659.
\bibitem{185} NRS, CH2/122, CKSR volume 2, 7 August 1626; 28 June 1659.
\bibitem{186} NRS, CH2/122, CKSR volume 2, 7 July 1629.
\bibitem{187} Todd, \textit{The Culture of Protestantism in Early Modern Scotland}, 37.
\bibitem{188} NRS, CH2/122, CKSR volume 1, 14 October 1614; 31 March 1615.
\bibitem{189} NRS, CH2/122, CKSR volume 3, 7 October 1634; volume 4, 14 June 1653.
\bibitem{190} See for instance, NRS, CH2/122, CKSR volume 4, 6 March 1655; 29 June 1658; 16 August 1659.
\end{thebibliography}
people drinking in their house during the sermon: the couple argued that they themselves
had been at church, and that any “oversicht . . . committit” was done by their servant
woman, but they were still held responsible. Similarly, in 1626, William Duncan came
forward and, “taking the burding upon him for his vyfe” Agnes Meek, confessed that she
had served several people milk and ale at their house during the Sabbath. He agreed to
remain responsible for her and the rest of his household in the future. These women
and their families, however, chose to risk these censures and punishments for their work,
underlining the importance they placed on this work even within the strict religious
confines of early modern Scotland.

This interplay between economic and religious reputation is further revealed in
the case of Janet Wauchop, a taverner and frequent defendant in both Canongate’s kirk
session and burgh courts for her economic and moral activities. In 1611, she was listed
as owing £160 to the deceased Isaac Morrison for wine, £50 8s to Alexander Anderson in
Musselburgh for ale, £15 6s 8d to David Young in Leith remaining from an original debt
of £22 for two barrels of English drinking beer, and £70 to Adam Gibson in Edinburgh,
remaining from a debt of £86 for a barrel of wine. She also owed twenty-five merks for
maill of a hall, two chambers and a cellar; this space may have included her tavern. Her work as a taverner was likely profitable: by 1630, she and her husband John Menteith
had moved to a new dwelling house paying forty merks of maill, and Janet began

191 NRS, CH2/122, CKSR volume 1, 31 March 1615.
192 NRS, CH2/122, CKSR volume 2, 8 September 1626. For a further discussion of household head
responsibility, see Chapter 4.
193 ECA, SL150, CBCR Court books volume 10, 20 February 1611.
194 ECA, SL150, CBCR Court books volume 10, 20 February 1611; 8 May 1611; 14 August 1611; 31
August 1611.
195 ECA, SL150, CBCR Court books volume 10, 18 May 1611; 22 May 1611.
bringing in her own debts as a creditor, including against John Waterston for £6 for ale.\textsuperscript{196}

Janet’s success in business, however, was coupled with an increased notoriety with the local church officials. Her frequent altercations reveal that good business acumen sometimes conflicted with a good religious reputation. In 1613 and 1614, she was accused of harbouring scandalous or infamous people, including an adulterous couple.\textsuperscript{197} In February 1615, the elders accused her of profaning the Sabbath by preparing food for her customers, and of keeping ‘ane common inn’, likely an extension of her tavern, where she allegedly received scandalous people who ‘haunted’ her house and ‘menaced’ her neighbours.\textsuperscript{198} The kirk session fined her £10 and told her to make public repentance.\textsuperscript{199} Janet’s work in the following years continued to attract the suspicion of the kirk session. In 1624, she was again accused of harbouring ‘scandillous lounes’ in her house, and in 1625, she was punished for starching clothes and reckoning her ale accounts with her servants on the Sabbath instead of attending church; for the latter she was fined 12s.\textsuperscript{200}

Her temper further tarnished her reputation with the kirk session: in 1625 Katherine Lemmon pursued a slander claim against Janet and her husband, saying they had struck her, called her a drunken harlot and other insults, and dumped a full chamber pot on her head.\textsuperscript{201} In 1632, Janet and her female servant were similarly accused of abusing a fellow townswoman, and in a separate case a man accused Janet of calling him

\textsuperscript{196} ECA, SL150, CBCR Court books volume 14, 2 January 1630; 10 March 1630.
\textsuperscript{197} NRS, CH2/122, CKSR volume 1, 15 June 1613; 12 August 1614; 19 August 1614. For a further discussion of harbouring, see Chapter Four.
\textsuperscript{198} NRS, CH2/122, CKSR volume 1, 17 February 1615.
\textsuperscript{199} NRS, CH2/122, CKSR volume 1, 10 March 1615.
\textsuperscript{200} NRS, CH2/122, CKSR volume 2, 5 March 1624; 14 January 1625; 30 September 1625.
\textsuperscript{201} NRS, CH2/122, CKSR volume 2, 11 March 1625; 18 March 1625.
a ‘leper-footed loun’, among other insults. Janet’s work also continued to harm her reputation with the kirk session: in 1636, the elders ordered her to pay 40s for entertaining a woman in her house on the Sabbath, and in 1640, after twenty-seven years of fines and warnings, she was threatened with imprisonment for continuing to sell drink in the time of divine service. She was indeed temporarily imprisoned later that year for scolding the kirk session elders. Despite her spiralling infamy with the kirk session, Janet was punished fairly leniently for her many misdemeanours. The fact that she was often fined rather than imprisoned, despite repeated offences, indicates that she likely held some social status or good connections in the town, and was fairly wealthy; the elders knew she could pay. These altercations therefore help to reveal, in a paradoxical way, Janet’s success in her business life, while also illustrating that a good reputation with the church was not necessary for good business. Janet, like the other women who chose to work on the Sabbath, believed that the risk of kirk censure was one worth taking, and their successes as noted in the records (their taverns had customers, and their sales had willing buyers) reinforce that decision. Women’s work was considered important enough to justify these risks within the broader cultural context of the town.

**Conclusion**

This chapter has explored some of the many ways in which women contributed to the Canongate economy. Some of these work experiences were widely shared. Many women worked as domestic servants during their adolescence, for instance, and could choose to pursue potentially lucrative by-employments while under a service contract, such as

202 NRS, CH2/122, CKSR volume 3, 20 November 1632; 4 December 1632; 11 December 1632.
203 NRS, CH2/122, CKSR volume 3, 31 May 1636; 17 March 1640.
204 NRS, CH2/122, CKSR volume 3, 2 November 1640.
205 For a further discussion of gender, social status and punishment types, see Chapter Four.
moneymooning or ale sales. Many married women, similarly, managed and contributed to their household income alongside their husbands, sometimes negotiating or managing sales on their behalf, while also pursuing their own profits. Women of all walks of life and marital status engaged in a wide variety of work, pursuing multiple avenues of profit at once in order to contribute to their own and their household’s income. This work might be largely an extension of their traditional domestic duties, such as childcare, health care or ale brewing, but women also worked in sectors not associated with women’s domestic work, such as moneylending and property rentals. In all of these areas the Canongate records prove that women were active contributors to their local economy. The records also demonstrate that while women’s work was often piecemeal and sometimes marginal, some women could at times wield significant power, as creditors calling in hundreds of pounds of debt, landlords responsible for multiple properties, and cautioners staking their reputations and money on behalf of others. This work was also considered valuable enough to pursue on the Sabbath, risking fines and public repentance. Furthermore, the cases examined here reveal a deeper truth about the nature of economic life in the burgh: that it was based not on individual debts and credits, but on relationships, built on trust and reputation, that could grow complex, dense and multifaceted, with debtors becoming cautioners, and servants becoming creditors to their employers. These networks of relationships between women and men spread across Canongate, sustaining the economic life of the burgh. These networks could also be found outside the economic sphere, in support networks across the social spectrum, as the next chapter explores.
Chapter Four: Women’s Support Networks in Canongate

Introduction
The topic of friendship can be a difficult one to identify conclusively using early modern records. Extant formal documents were more likely to describe kinship and work-related relationships than bonds of friendship and other ties of support. Early modern women’s friendships could be especially invisible.¹ This did not mean that they were insignificant, however. In the early modern world, friendship networks blended easily with other ties of support, such as those of family and trade, for both men and women. Historians of early modern friendship such as Naomi Tadmor and Ilana Krausman Ben-Amos argue that ‘friendship’ encompassed a spectrum of relationships, including family, business and wider social connections.² This chapter will therefore not try to force an artificial separation between ties of friendship and other bonds of support. It will instead aim to highlight relationships that were not explicitly labeled as part of family or trade networks in order to examine support systems otherwise often hidden from view when examining support through those more common frameworks. These relationships can be gleaned from Canongate kirk session records and wills and testaments, providing insight into ties of support between women and their broader community as an essential component of the densely woven social fabric of early modern Scottish society.

This chapter will examine licit and illicit support networks in Canongate between 1600 and 1660, especially highlighting women’s illicit support networks at the margins of society. It will first examine approved, authorised channels of support, as revealed in

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women’s wills and testaments, demonstrating the ways in which women could be pillars of support and patronage in their community. It will examine specifically the system of poor relief as a sanctioned conduit of community support, provided by financially secure women and men, controlled by the minister and kirk session, and received by the ‘deserving’ poor, to the exclusion of the ‘undeserving’. This legitimate and official channel of support stands in contrast to the myriad unofficial and unsanctioned networks of support that were uncovered by the kirk session in their prosecution of harbouring cases. Through these harbouring cases we can glean a clearer picture of parishioners’ motivations and contexts in harbouring; the important role of neighbours and witnesses; and the responsibility of heads of households in maintaining and monitoring the good reputations of all who entered their houses, whether lodgers, servants or guests. Next, the chapter will examine the important role that gender played in harbouring cases, moving to a tighter focus on women in the lower strata of society. These women’s economic instability, and kirk session elders’ heightened suspicions given women’s association with unbridled sexuality, ensured that they often faced harsher scrutiny, and sometimes stiffer penalties, than men. The chapter will examine these links between harbouring, marginality and reputation in more detail in a series of case studies examining the lives of both harbourers and fugitives. Female harbourers were often morally suspect for reasons beyond their unsanctioned household guests, and female fugitives also suffered severely tarnished reputations, largely, but not exclusively, for illicit sexuality. However, both these groups could and did rely on a strong support base to help them. Overall, the records reveal a dense, vibrant network of support among women living at the economic
and moral margins of Canongate, with illicit channels of support overlaying and
contesting sanctioned support channels.

This chapter contributes to the interconnected fields of charity, patronage and
friendship in early modern Scotland and Europe. The study of friendship in early modern
Europe is newly emerging, part of the growing field of the history of emotions. While
eyearly assessments of women’s friendships were perhaps overly optimistic and
sentimental, more recent studies have focused, as this chapter will do, on critiquing and
contextualizing women’s social networks as part of broader networks of support.

Historians have also examined women’s sanctioned support networks through studies of
patronage and charity both in Scotland and elsewhere. Rosalind Mitchison, Laura
Stewart and John McCallum have all contributed important studies of Scottish charity
and poor relief, but the focus has largely remained on assessing the administration of
poor relief rather than the experience of poverty, and the recipients of poor relief, or those
who lived and worked outside its bounds. In moving beyond this realm of sanctioned
support networks and focusing on illicit networks at the margins, this chapter will
contribute new work to the study of women’s friendships and support in Scotland and in
Europe.

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3 See McGuire, Friendship & Community: The Monastic Experience 350-1250; Laura Gowing, Michael
Hunter, and Miri Rubin, eds., Love, Friendship and Faith in Europe, 1300-1800 (Houndmills, Basingstoke,

4 For the latter, see Gowing, “The Politics of Women’s Friendship in Early Modern England”; Pollock,
“Childbearing and Female Bonding in Early Modern England”; Ben-Amos, The Culture of Giving; Herbert,
Female Alliances.

5 See for example, Herbert, Female Alliances; Shona Vance, “Mortifications (Bursaries and Endowments)
for Education in Aberdeen, 1593-1660 and Their Implementation in the Seventeenth Century” (Ph.D. diss.,
University of Aberdeen, 2000).

6 Mitchison, The Old Poor Law in Scotland: The Experience of Poverty, 1574-1845; Stewart, “Poor Relief
in Edinburgh and the Famine of 1621-24”; McCallum, “Charity and Conflict: Poor Relief in Mid-
Seventeenth-Century Dundee.” One exceptions of this is Rosalind Mitchison, “Who Were the Poor in
Scotland, 1690-1830?,” in Economy and Society in Scotland and Ireland 1500-1939, ed. Rosalind
Mitchison and Peter Roebuck (Edinburgh: John Donald, 1988). For elsewhere in Europe, see Scott,
Experiences of Poverty in Late Medieval and Early Modern England and France.
Gender and Reputation

Women’s reputations were especially fragile in early modern society. Women’s bodies and behaviour were culturally associated with disorder and pollution, and the kirk session elders, as the social and religious referees of early modern Scotland, saw it as their duty to monitor and rebuke women if their reputation was perceived to be at risk. For instance, the elders admonished Margaret King, the daughter of a schoolmaster, in 1614 for simply keeping company with an infamous woman. The kirk session also warned Elizabeth Lindsay more severely in 1646 not to keep company with two infamous women or else she would face time in the correction house. Women could attempt to defend their honour when questioned, although this was challenging. In 1649, the kirk session accused Agnes Milne of being an infamous person, since she had been found in the same house as George Blair “in ane scandalous maner and apprehendit be the watch.” She defended her reputation by first declaring that while she was not from Canongate, she was employed in respectable service, and that George was her fiance, who had simply been saying goodbye before leaving town. The kirk session elders, unmoved, demanded that she bring in a testificate proving the same or face punishment.

Reputation, once tainted, could be quickly destroyed. In 1619, Margaret Fisher, aged fourteen or fifteen, came before the kirk to answer rumours that she was a common

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7 For a detailed discussion of reputation in society, see Gowing, Domestic Dangers; Thelma S. Fenster and Smail, Daniel Lord, eds., Fama: The Politics of Talk and Reputation in Medieval Europe (Ithaca: Cornell University Press, 2003).
9 National Records of Scotland, CH2/122 Canongate Kirk Session Records (hereafter NRS, CH2/122), volume 1, 9 November 1614
10 NRS, CH2/122, volume 3, 22 December 1646.
11 NRS, CH2/122, volume 3, 30 January 1649. Given that there was no further censure noted in the later records, she seems to have done so. Testificates are discussed in more detail below.
‘loun’ (a knave or harlot, depending on gender\textsuperscript{12}). Under verbal examination, she declared herself to be “innocent of ony man as tuiching carnall copulation” but admitted that two women had once dressed her up and taken her to the Lord of Bass’ house, where the cook gave them a pint of ale, and where one of the women tried to entice Margaret to “let the cuik haif the use of hir body,” which Margaret refused.\textsuperscript{13} This confession alone was enough to severely taint her reputation. She was declared to be a scandalous loun who kept company with men in “a verrie suspicious manner,” and the session, “fore restraining of [her] wickednes” ordered her to go to the jougs, and then to be imprisoned until she found sufficient caution, under pain of perpetual banishment.\textsuperscript{14}

A woman’s reputation affected more than just herself, and family members could attempt to reverse the process of a bad reputation, although this was often difficult.\textsuperscript{15} Marie Hamilton was known by the kirk session to be an alleged bawd and a scandalous person and appeared before the elders as such, or was implicated in cases, multiple times between 1615 and 1617.\textsuperscript{16} In October 1617, Robert Hamilton, her father and a lawyer in Canongate, came before the kirk session and entreated them on behalf of Marie, described by the court as “ane debochtit lowne” who had already been ordered under the threat of carting, scourging and official banishment not to be found in Canongate again, asking that the kirk session “put hir to no further schame.”\textsuperscript{17} He promised to keep her from further scandal and put her in honest service within a month, or else place her in the Tolbooth himself. The session, “upone pitie of the said Robert being ane aidgit man,”

\textsuperscript{13}NRS, CH2/122, volume 1, 22 January 1619.
\textsuperscript{14}NRS, CH2/122, volume 1, 26 January 1619.
\textsuperscript{15}The concept of shared reputations is also discussed in Chapter Five.
\textsuperscript{16}NRS, CH2/122, volume 1, 17 February 1615; 12 May 1615; 18 July 1617.
\textsuperscript{17}NRS, CH2/122, volume 1, 10 October 1617.
agreed. However, Robert was unable to keep his promise to find employment for Marie “or utherwayis mak the Cannogait frie and quyt of hir” and so was fined £10. Marie continued to haunt Canongate as a “vyld notorious loune” for the next two years, despite being repeatedly reprimanded and banished.

One way in which a woman could prove her good reputation was with a testificate (certificate of good behaviour) from her local kirk session. Testificates were crucial documents for women and men moving between parishes, and were supposed to be required by all employers and heads of household from their potential servants and lodgers as well as by local kirk sessions. Without them, women were immediately suspect. When Katherine Ruthven was unable to produce a lawful testificate for the kirk session in 1628, the session declared her to be “a stranger here and a vagabond passing to and fra,” to be removed within the month. The kirk session also admonished Beatrice Tennant in 1630 for not being able to produce a testificate of her good reputation from her home parish of Aberlady fast enough, after moving to Canongate as a new bride. Although rare, the kirk session could also issue parishioners with testificates of good behaviour when demonstrated; Margaret Leslie received one in 1633 for proving that she was no longer harbouring Janet Ross. These testificates were important enough that some parishioners went as far as to use forgeries; Janet Mure was caught using at least one false testimonial from Hamilton in 1654, “having caused counterfeit the subscription

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18 NRS, CH2/122, volume 1, 10 October 1617.
19 NRS, CH2/122, volume 1, 5 December 1617.
20 NRS, CH2/122, volume 1, 13 February 1618; 20 March 1618; 20 November 1618; 15 January 1619.
22 NRS, CH2/122, volume 2, 6 May 1628.
23 NRS, CH2/122, volume 3, 23 February 1630; 9 March 1630; 23 March 1630.
24 NRS, CH2/122, volume 3, 29 October 1633.
of Mr James Nasmith minister there” and was ordered to be removed from Canongate.\(^{25}\) Testificates were kirk-sanctioned and -controlled anchors of reputation that were supposed to be the currency and proof of a good reputation among parishioners, especially new parishioners, in the town.

However, as the cases that follow demonstrate, not having a testificate was no real barrier to being welcomed at least temporarily into the homes of others. In the spring of 1622, Elizabeth McNair admitted to the kirk session that she did not have a testificate of good behaviour, and they rebuked her as “orra [unengaged] and out of service”, but that summer and over the next year four separate people admitted to harbouring her.\(^{26}\) The first was Robert Erskine, an elder of the kirk session himself, who was ordered to pay a £5 fine.\(^{27}\) In March of 1623, William Cuthbertson and his wife Katherine Kells, Elizabeth Pool, and John Scobie, the last an officer of Canongate, were also all caught harbouring Elizabeth, still labeled “orra and out off service.” William and Katherine admitted that Elizabeth had stayed with them for two nights and were fined £5.\(^{28}\) Elizabeth Pool, since it was her first offence and since she demonstrated sufficient penitence, was forgiven without penalty.\(^{29}\) John Scobie admitted that Elizabeth had stayed in his house for eight days and so had to pay £10.\(^{30}\) As other examples below will reinforce, the kirk session may have attempted to control the process of hospitality and good reputation, but the people of Canongate often decided for themselves whether or not someone was worth

\(^{25}\) NRS, CH2/122, volume 4, 27 June 1654; 20 February 1655.
\(^{26}\) NRS, CH2/122, volume 2, 12 April 1622; 12 July 1622.
\(^{27}\) NRS, CH2/122, volume 2, 12 July 1622.
\(^{28}\) NRS, CH2/122, volume 2, 16 March 1623.
\(^{29}\) NRS, CH2/122, volume 2, 28 March 1623; 4 April 1623.
\(^{30}\) NRS, CH2/122, volume 2, 28 March 1623; 4 April 1623.
entering their home without requiring kirk-approved documentation. Reputation was a broader and more nebulous idea, decided upon different criteria by different parishioners.

**Sanctioned Support Networks: Patronage and Charity**

*Friendship and Patronage*

This chapter now turns to examining women’s social support networks, both licit and illicit, beginning with the conduits of support sanctioned by society, such as ties of respectable friendship, patronage and charity. Women’s wills and testaments reveal the diverse and dense social support networks in which women participated.¹¹ Executors, for instance, could be close friends of testators, although this was more common among widows and unmarried women, as spouses were the more common choice for married women. In 1645, the widow Agnes Deans made James Allan, a weaver and burgess, her executor, “for the good lov and favour I carie and bear” towards him.³² Helen Lockie, also a widow, made a married couple, Gilbert Somerwell and Marian Weir, her co-executors in 1654; people with their last names also appear as a witness and a debtor in her will, speaking to potentially rich social and business ties with the family.³³ Women’s bequests also give glimpses of ties of friendship and support, although the exact nature of these bequest relationships is not always described in detail. For instance, in 1646, Margaret Scott bequeathed three hundred merks as well as clothing to a Janet Glover, a woman living in Livingston, and Janet’s daughter in case of the former’s death, possibly

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¹¹ Other important sources include women’s letters and other writing, where available. See Herbert, *Female Alliances*, 6–8. The early modern neighbourhood would be home to myriad dense networks of support left unrecorded. Ben-Amos, *The Culture of Giving*, 64–65.

³² National Records of Scotland, Edinburgh commissary court records, register of testaments (hereafter NRS, Edinburgh testaments), CC8/8/61 Agnes Deans. This wording was not a common inclusion in testaments for non-spouse executors. Margaret Williamson, a widow, may have had the same motivation in making Robert Jack her executor in 1646; see NRS, Edinburgh testaments, CC8/8/62 Margaret Williamson.

³³ NRS, Edinburgh testaments, CC8/8/68 Helen Lockie.
honouring a bond of friendship.\textsuperscript{34} Other women’s testaments also included inheritors with no clear kinship or business relationships.\textsuperscript{35} These bonds of friendship could extend well beyond Canongate and Scotland. Janet Cunningham, in her will written in 1681, bequeathed three hundred merks to Helen Brown, “to be payed to hir immediatlie efter hir returne from Portugall”; if Helen did not return to Scotland within four years of Janet’s death, the money was to be redistributed among other inheritors in Haddington and Edinburgh.\textsuperscript{36} These examples provide glimpses to ties of friendship and support in and beyond Canongate and Scotland.

Wills and testaments also reveal how women provided tangible and significant patronage and support to the young people in their social and business networks.\textsuperscript{37} For instance, in 1662, Agnes Somerwell bequeathed one hundred merks to William Watson, son of another William Watson, “for helping him to buy bookes for making of him ane good scholar.” She also bequeathed large amounts of money, between one hundred and one thousand merks, to fourteen other young people, none of whom had any explicit family connection to her.\textsuperscript{38} Katherine Tweedie, when formalising her will and testament in 1669, bequeathed three hundred merks to William Cunningham, son of James Cunningham. This money was to be held by her executor, with William receiving the annual rent in order to aid his maintenance and pay his apprentice fee; the rest of the

\textsuperscript{34} NRS, Edinburgh testaments, CC8/8/62 Margaret Scott.
\textsuperscript{35} NRS, Edinburgh testaments, CC8/8/61 Agnes Brown; CC8/8/74 Marjorie Brown.
\textsuperscript{36} NRS, Edinburgh testaments, CC8/8/76 Janet Cunningham.
\textsuperscript{37} For an English comparison, see Ben-Amos, \textit{The Culture of Giving}, 73–76.
\textsuperscript{38} NRS, Edinburgh testaments CC8/8/71 Agnes Somerwell. Each inheritor was described as the son or daughter of someone, and so was likely a minor. Agnes may have been involved in funding or establishing a school, as some wealthy women did; for instance, in Aberdeen in 1649, Jean Guild bequeathed funds for the education of ten children, both boys and girls, although in her case they were all orphans. See Vance, “Schooling the People,” 319.
funds were to be given to William upon his reaching the age of twenty-one.\textsuperscript{39} Helen Lockie, mentioned above, aided Jane and Agnes Blair by bequeathing to each of them half the debt of £100 their deceased father had owed her, explicitly forgiving his debt in the process.\textsuperscript{40} These bequests provided concrete support for people close to these Canongate women.

\textit{Channels of Charity: Bequeathing, controlling and receiving poor relief}

Women could also be important support pillars in their wider communities, as is demonstrated in the charity donations recorded in their testaments.\textsuperscript{41} Eleven women, all married or widowed, bequeathed donations to charity in Canongate. All of them were relatively wealthy, with at least £1000 Scots recorded in their inventory and outstanding credit. A few of these women were especially generous in their donations, bequeathing a significant percentage of their estate to the poor.\textsuperscript{42} Margaret Herring, who had a combined inventory valuation and outstanding credit of £1604, gave £100 to the kirk session for the burgh’s poor in 1657.\textsuperscript{43} Others gave less: Isobel Lyon, with a combined valued inventory and credit of £3290, gave only fourteen merks to the poor in 1607; Agnes Young’s testament from 1617 noted first an allocation of £100 to the poor of Canongate which was later crossed out by the same hand and rewritten as £20.\textsuperscript{44} Other donations fell in between, from £20, to £4 sterling (£48 Scots), to twenty rex dollars.

\textsuperscript{39} NRS, Edinburgh testaments, CC8/8/73 Katherine Tweedie.
\textsuperscript{40} NRS, Edinburgh testaments, CC8/8/68 Helen Lockie.
\textsuperscript{41} See also McCullum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee,” 38.
\textsuperscript{42} Women’s exact motivations for bequeathing donations to charity are unfortunately rarely made explicit, although some testaments did include preambles that revealed women’s motivations, whether out of illness or worry, or a sense of Christian duty. Edinburgh testaments, CC8/8/61 Agnes Deans; CC8/8/62 Margaret Williamson; CC8/8/72 Helen McIlroy; CC8/8/73 Katherine Tweedie. See also Sanderson, \textit{A Kindly Place}, 155–73; Lewis, “Women, Testamentary Discourse and Life-Writing in Later Medieval England.”
\textsuperscript{43} NRS, Edinburgh testaments, CC8/8/69 Margaret Herring.
\textsuperscript{44} NRS, Edinburgh testaments, CC8/8/43 Isobel Lyon; CC8/8/49 Agnes Young.
(£58), to one hundred merks (£66). Sometimes women left specific instructions for their charitable bequests: Janet Wilson donated one hundred merks specifically to the Hospital of Canongate, and Elizabeth Rollock gave five merks to the Hospital of St. Thomas Chapel. Charity donations could also extend beyond the parish boundary, perhaps reflecting strong emotional ties to childhood or family homes: Helen Lockie donated £100 to the poor of Carnwath in South Lanarkshire in her testament, to be distributed by the kirk session there, but only forty merks to the poor of Canongate. These women supported the legitimised channels of support in Canongate and beyond by providing bequests to the poor.

The channel of charity of poor relief was controlled by the kirk session and minister. Unsurprisingly, given their economic and social vulnerability, women made up a significant percentage of the ‘ordinary poor’; over half of the women on the recorded Canongate poor roll were women. Competition was fierce, and the kirk maintained a list of those waiting to enter the roll. The amounts given to the ordinary poor, based on both bequests like those above, and on weekly collections from congregants, ranged from a groat to 16s per recipient, with the standard being 6s 8d a

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46 NRS, Edinburgh testaments CC8/8/46 Janet Wilson; CC8/8/52 Elizabeth Rollock. This was carrying on a long tradition of such pious bequests by women. For women’s bequests for education, see Schen, Charity and Lay Piety in Reformation London, 1500-1620; Vance, “Mortifications for Education in Aberdeen.”
47 NRS, Edinburgh testaments, CC8/8/68 Helen Lockie.
48 For an examination of the process of poor relief in another Scottish town, see Dennison, DesBrisay, and Diack, “Life in the Two Towns,” 58–60.
49 57 of 106 names recorded across the study period.
50 A groat was worth 4 pennies according to the Dictionary of the Scots Language, but the exact value fluctuated in the medieval and early modern period; in the reign of James V the value of a groat was approximately 18 pennies. See Elizabeth Gemmill and Nicholas Mayhew, Changing Values in Medieval Scotland: A Study of Prices, Money, and Weights and Measures (Cambridge: Cambridge University Press, 1995), 134.
week. Some people received more for having dependent children, although others did not: John Osnall was given 30s weekly “for supplementing and maintenance of himself and his family,” but Janet Moore, a widow with two “fatherless bairns” received only 6s weekly. Parishioners could petition the kirk session in hopes of getting on the roll, or to increase the amount they were allocated; although petitioning was no guarantee of success, some women were able to improve their lot. For instance, in 1628, Isobel Oliphant presented a bill to the kirk session “desyring augmenta[ti]oun of hir weiklie pensioune” which the session found reasonable and so increased her alms to 12s weekly. Euphemia Auldcorn was able to increase her weekly amount from 4s to 12s in 1627. This poor relief system was the conduit for legitimised support in the lower strata of society.

Poor relief records reveal the fragility and instability of many parishioners’ economic foundations; illness or injury could cause significant financial stress and bring people to seek temporary relief with the kirk session. This can be seen, for instance, in the quick turnover of parishioners’ names on the poor roll waiting list, as recipients died. Even those who seemed fairly economically stable could end up seeking relief:

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51 For an example of groats, see NRS, CH2/122, volume 3, 24 January 1637, and 11 August 1640; for 3s 4d see volume 2, 4 April 1623; for 4s see volume 2, 2 April 1624, and volume 4, 13 December 1653; for 6s 8d see volume 3, 18 May 1630, and volume 4, 12 September 1651; for 6s see volume 4, 26 September 1651; for 10s see volume 4, 31 October 1652; for 16s, see volume 2, 13 July 1627. In Dundee, the average weekly payment was between 8s and 10s. McCallum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee,” 49–50.

52 NRS, CH2/122, volume 3, 12 April 1631; volume 4, 10 October 1651.

53 For an example of an unsuccessful petition, see NRS, CH2/122, volume 3, 7 January 1634.

54 NRS, CH2/122, volume 2, 4 January 1628.

55 NRS, CH2/122, volume 2, 7 May 1624; 9 November 1627.

56 For examples from Dundee, see McCallum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee,” 51–52.

57 See, for instance, how Marian Brown replaced Margaret Wishart in 1629, and was replaced herself by Katherine Barron in 1632, and who was then replaced with Barbara Cuthbertson a few months later; in 1632, Elizabeth Aytton was placed on the waiting list, and she received poor relief regularly starting in
Christine Lin, a landlady of multiple properties, and Charles Fortune, a former deacon of the cordwainers, each sought temporary support from the kirk session. Christine received eleven merks in 1613 “in respect of her sickness,” and Charles received ten merks in 1623 for his “great extremity and mister [necessity],” albeit with the caveat that he never burden the session with a petition for aid again. Others, including an officer and a burgess, as well as those from lower social strata, received temporary weekly funds “during the time he lies bedfast” or “til she recover of her sickness”; Patrick Wilson, dagmaker, received 8s weekly “during the time of his sickness, he having four young children and not able to work for their livelihood.” Mothers of young children could also be given special consideration for temporary relief: Elizabeth Murray, mother of four children, received 16s weekly for seven months in 1653. In 1627, the kirk session elders gave Bathea Guthrie, widow of Robert Lawson, 30s weekly “during the sickness of her daughter,” but within a few months she entered the roll of the ordinary poor, receiving 16s a week. Old age could also be a factor. In 1624, the kirk session elders agreed that Margaret Poag, widow of an elder of the kirk, could receive 6s 8d weekly during her lifetime “in respect sche is ane auld decrripit destitut widow”; similarly, William Mathie, an “old poor weak man” was ordered to take the next vacant place on the poor rolls in

1633, until 1635 when she was succeeded by Janet Black. NRS, CH2/122, volume 3, 25 August 1629; 18 May 1630; 7 February 1632; 3 April 1632; 10 July 1632; 8 January 1633; 7 January 1635.  58 NRS, CH2/122, volume 1, 16 April 1613; volume 2, 30 May 1623. Christine Lin’s economic roles are discussed in more detail in Chapter Three. For Charles Fortune as a creditor and deacon of the cordwainers, see Edinburgh City Archives, SL150, Records of the Canongate Burgh Court, Court books, volume 8, 13 April 1605.  59 NRS, CH2/122, volume 2, 6 May 1625; 19 August 1628; volume 4, 26 October 1652; 1 June 1658; 9 November 1658.  60 NRS, CH2/122, volume 4, 22 March 1653; volume 2, 4 May 1627; 13 July 1627. Bathea’s testament from 1636 reveals that she remarried and was widowed once more, with six young children from that marriage; her will does not include mention of a daughter from her marriage with Robert Lawson. See Chapter Two.
1640. Some were unable to rise above dependency on poor relief: Barbara Easton, widow of William Arthur, was first put on the waiting list in 1633, and was still found receiving weekly donations from the kirk session in 1652. These people were all dependent on the formal, legitimate conduit of support from the kirk.

The kirk session took its role as poor relief funder seriously, and provided significant support to the people the elders determined to be both in need and deserving, while also remaining vigilant about identifying and pursuing the undeserving poor. First, the Canongate kirk provided substantial support by funding rooms, possibly in the Canongate hospital, for those in need of long-term support. The kirk session and minister also provided relief for other social and medical issues. In 1631, Alison Brown petitioned the kirk session for support in mending her broken leg, to which the session agreed, negotiating with the surgeon, John Forsyth, to pay for the setting of her leg. Katherine Cunningham, a woman described as “trublit in sp[i]reit,” possibly indicating mental illness, was allocated 6s weekly in 1624. The kirk session also aided those in need of financial support by hiring them, albeit not always with complete confidence in their abilities. In 1616, the kirk session ordered that Katherine Skeddows was to be given as much worsted yarn as would make three pairs of woven shanks, as well as 6s 8d weekly for two weeks. She was told to knit the shanks, under the strict conditions that she present “the schankis befoir the sessioune that thai may sie hir diligence” and that “sche

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61 NRS, CH2/122, volume 2, 20 February 1624; volume 3, 16 June 1640. See also Henry Johnson and Henry Cunningham, each admitted to the roll of the ordinary poor in 1617 “in respect of his old age”: NRS, CH2/122, volume 1, 7 February 1617.
62 NRS, CH2/122, volume 3, 8 January 1633; volume 4, 28 May 1652.
63 See Mitchison, The Old Poor Law in Scotland: The Experience of Poverty, 1574-1845, 6; Stewart, “Poor Relief in Edinburgh and the Famine of 1621-24,” 7–8, 12.
64 See NRS, CH2/122, volume 1, 12 April 1616; volume 3, 3 May 1636; 12 Dec 1637; 16 June 1640.
65 NRS, CH2/122, volume 3, 1 February 1631; 10 July 1632.
66 NRS, CH2/122, volume 2, 2 April 1624.
be diligent in hir occupatioun and nocht fund idill nor drinking under the pain of publicit banisment.” She was also told to not ask the session for any further financial aid afterwards. The kirk session also helped those parishioners who fostered or otherwise helped those in need. A woman who cared for a “leprose boy” in 1653 was given 12s per week from the kirk session for his maintenance; Robert Kay, a weaver, received 10s a week for caring for “a poore child found at the craig well.”

However, the kirk session was also strict in its policing of the deserving and undeserving poor. The elders were vigilant about the spectre of ‘sturdy beggars’, for instance by readying a pair of jougs to be set up at the head of the “flesche stokyard to inhibit be sound of drum all beggars.” Similarly, in August of 1660, the elders ordered that the poor roll be revised, and that “those who are able to worke in the tyme of harvest” either “able to sheir or gather” were to be removed from the poor list. The kirk session, by policing this line between deserving and undeserving poor, held great power in determining the level and quality of support received by parishioners living at the margins.

Success in this competitive process for poor relief hinged on reputation and the following of proper procedures. Those who the session found begging within the parish without a special licence from the kirk session, trying to find economic relief outside the kirk’s process, were treated harshly. Barbara Wallace and Janet Scott were brought before the kirk session for begging without a licence in 1616 and 1617 respectively, and

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67 NRS, CH2/122, volume 1, 22 March 1616. The kirk session kept to this, rebuking her two years later for begging under pain of imprisonment. NRS, CH2/122, volume 1, 13 March 1618. John Osnall, mentioned above, also worked for the kirk before receiving poor relief: see NRS, CH2/122, volume 2, 27 July 1627.
68 NRS, CH2/122, volume 4, 28 June 1653; 3 July 1653; see also John Allan, orphan: James Wallace was given twenty merks to help put him into a craft or apprenticeship. NRS, CH2/122, volume 2, 3 January 1623.
69 NRS, CH2/122, volume 3, 18 August 1629.
70 NRS, CH2/122, volume 4, 28 August 1660.
were each ordered to stop begging within the parish or they would be put in the thieves’ hole.\footnote{NRS, CH2/122, volume 1, 22 March 1616; 28 February 1617.} In 1618, Janet was one of five beggars who were again found begging around the church and who were told to leave Canongate, with any poor relief funds they had been receiving revoked.\footnote{NRS, CH2/122, volume 1, 5 June 1618.} In contrast, Elizabeth Johnston, widow of John Abell, received an ample £10 from the kirk session in 1620 to buy a pair of plaids “Because sche is and behavis hir selff [as] ane honest puire wyffe,” thus reinforcing the benefits of a good reputation across the social spectrum.\footnote{NRS, CH2/122, volume 2, 25 August 1620.} One could move from being undesirable to the respectable poor: John Cumming, a blind man, was rebuked in March and June of 1618 to stop begging or else risk losing his weekly alms, but in 1619 he was able to join the list of ordinary poor and receive 6s 8d weekly.\footnote{NRS, CH2/122, volume 1, 13 March 1618; 5 June 1618; volume 2, 15 October 1619.} Reputation was therefore an important factor in the poor relief process.

**Illicit Support Networks: Harbouring**  

*Harbouring: Process, Motivations and Defences*

There also existed a separate set of networks of support in Canongate, one not condoned by the kirk session, but instead often condemned, organized among people otherwise usually understudied: vagabonds, migrants, the poor, and those of suspect morality in the eyes of the kirk. The Canongate Kirk Session Record disciplinary cases on harbouring bring these networks to light. Harbouring, or ‘resetting’, was the act of sheltering in one’s home a person currently under the suspicion or censure of the kirk or burgh officials, or someone otherwise deemed unwelcome or banished from Canongate or another town.

This included fornication penitents who had not completed their public repentance,
strangers to the town or those without testificates of good behaviour, or, more seriously, louns, thieves and others with scandalous reputations known to the kirk session. Under some circumstances, simply keeping company with a person of ill repute would be enough to garner suspicion of harbouring, and those people brought before the kirk session for resetting scandalous or infamous persons were often admonished to keep them from their company as well as their houses.  

Most of those harboured and most of those found harbouring lived in or near the economic and moral margins of society, although not exclusively; Canongate fugitives included a Lady Weir in 1648, and even court officers and kirk elders could be rebuked for harbouring, albeit rarely, as seen in the Elizabeth McNair case above.

Although harbouring remained a disciplinary offence across the study period, the recording policy and disciplinary attentions of the kirk session shifted throughout. Cases from the 1610s and 1620s were detailed, revealing a tangled web of harbourers and those harboured, and clear descriptions of punishments and threatened next steps. This rigour declined in the 1630s and 1640s, although the kirk session still largely controlled the punishment process: fines for harbouring were implicitly and sometimes explicitly earmarked for the collection to the poor. By the 1650s, however, fines and other punishments were dealt with by the civic rather than religious authorities, and so those accused of harbouring were directed to the magistrates, often without comment, for

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75 NRS, CH2/122, volume 1, 15 March 1616; volume 2, 12 October 1621; 26 May 1626; volume 3, 2 March 1630; volume 4, 23 May 1654.
76 NRS, CH2/122, volume 3, 4 July 1648; 22 August 1648; 26 September 1648; 24 October 1648; 31 October 1648.
77 NRS, CH2/122, volume 3, 2 January 1638; 12 November 1638; 29 March 1642; 20 December 1642; 23 March 1647; 6 March 1649. This provides a fitting meeting point between the licit and illicit support networks in the burgh, with those found in illicit support networks supporting the deserving poor through their fines. John McCallum notes that in Dundee, fines for fornication repentance provided a “regular income stream” for poor relief: McCallum, “Charity and Conflict: Poor Relief in Mid-Seventeenth-Century Dundee,” 39. See also Stewart, “Poor Relief in Edinburgh and the Famine of 1621-24,” 9–10.
further action.\textsuperscript{78} By necessity, therefore this analysis presents a bias toward cases from the earlier decades of the study period. Throughout, however, the cases reveal the tension and negotiation for control between kirk session elders and their parishioners.

The disciplinary policy for harbouring was generally straightforward, although dependent upon factors such as the reputations and past offences of the harbourer and the person harboured, and the harbourer’s level of demonstrated remorse. A fairly typical punishment for a first offence included formal rebuking from the kirk session, and the threat or actual penalty fine of £5 or, less often, £10, with the threat of more severe punishment for repeated offences.\textsuperscript{79} Barbara Blackadder received a fairly standard punishment in 1618 when she was caught receiving Henry Milne and Katherine Burgh, suspect adulterers, in her house. She was

\begin{quote}
ordainit off session to remove tham fra hir hous and companie under the pane of fyve pund and public repentance and is actit be hir awin consent that giff she admit tham or ony utheris sklanderous persones within hir hous or companie she sall pay ten pund and repentance in Sackcloith and for the thrid fault banischment of this congregation.\textsuperscript{80}
\end{quote}

Fines might be lessened or waived if the harbourer was poor; Katherine Thompson paid only 40s for her penalty in 1641, and the next year Helen Williamson was “committed to ward to remain during the pleassure of the sess[jon], being poor.”\textsuperscript{81} If deemed appropriate, kirk session elders might bar harbourers from upcoming celebrations of

\begin{footnotesize}
\textsuperscript{78} See, for example, NRS, CH2/122, volume 4, 29 July 1656; 23 August 1659; 25 September 1660; and 18 December 1660. This stricter division of civic and ecclesiastical responsibilities may have been a consequence of the Cromwellian occupation, although the magistrates meted out punishments throughout the study period, so this trend may simply be a change in record-keeping policy.

\textsuperscript{79} For example, Harry Top was fined £10 in 1646; see NRS, CH2/122, volume 3, 29 December 1646. Other denominations of money were less common, but for instance Agnes Craig was fined one dollar (£2 18s) in 1646 for her second offence; NRS, CH2/122, volume 3, 27 October 1646; first offence. This order of procedure put harbouring on par with offences like Sabbath breach and public drunkenness; it was less severe than, for example, fornication repentance.

\textsuperscript{80} NRS, CH2/122, volume 1, 17 April 1618.

\textsuperscript{81} NRS, CH2/122, volume 3, 13 April 1641; 24 May 1642.
\end{footnotesize}
communion as part of their punishment.\textsuperscript{82} The threat of banishment, and possibly scourging, was common for more serious or repeat harbouring offences.\textsuperscript{83} Harbourers might be kept in ward or at least threatened with the same, until they could pay their fine or find caution.\textsuperscript{84} Harbouring could therefore range significantly in severity, depending on context, from a minor offence to a major issue.

Despite this potentially significant risk, some parishioners still chose to harbour fugitives and outsiders. Harbouring could be long-term, or casual and temporary; it could be intentional, accidental, or even involuntary. Some harbourers were related to those they harboured.\textsuperscript{85} Others sheltered friends, neighbours and acquaintances out of compassion for those in need.\textsuperscript{86} Disciplinary records seldom include an explanation of the harbourer’s motivation, but excuses and justifications emerge in a very few, often serious cases of harbouring. For instance, in May of 1616, when Marian Forsyth and her son George Lockhart were brought before the kirk session for sheltering Jean and Nicholas Hamilton, two suspected ‘papists’ (Catholics), they answered that “pitie of the saidis persones necessitie movit tham moir to ressave tham nor ony suspicioune of religion th[a]t thay knew [of] tham.”\textsuperscript{87} In September of the same year, when William Christie was accused of harbouring Agnes Anstruther, a suspected witch, over the course of twenty

\textsuperscript{82} See for instance NRS, CH2/122, volume 4, 9 April 1650; 23 April 1650.\textsuperscript{83} See for example NRS, CH2/122, volume 1, 31 December 1613; volume 2, 12 October 1621.\textsuperscript{84} For example, see NRS, CH2/122, volume 3, 15 October 1639.\textsuperscript{85} For examples of harbouring family members, see NRS, CH2/122, volume 1, 16 September 1614; 7 February 1617; 28 February 1617; 16 November 1614; 24 February 1615; volume 2, 20 December 1622; 19 January 1627; volume 4, 14 February 1660.\textsuperscript{86} This can be seen in people allowing unwed mothers to give birth in their homes. See for example NRS, CH2/122, volume 1, 10 November 1615; 29 December 1615; volume 2, 30 May 1623; volume 3, 19 January 1647. This was an especially significant risk given that, as Linda Pollock argues, it was a heavy financial as well as moral burden at a time of extreme scarcity. See Pollock, “Childbearing and Female Bonding in Early Modern England,” 302.\textsuperscript{87} NRS, CH2/122, volume 1, 17 May 1616. The fact that Marian and George were also rebuked for not attending the most recent communion might indicate their religious sympathies with Jean Hamilton, or may have just been a coincidence that increased the elders’ suspicion of them. Jean Hamilton was officially excommunicated from the kirk in August of 1616. See NRS, CH2/122, volume 1, 4 August 1616.
days, he defended himself, saying that “sum of his bairnis wes sick qlk [which] wes the onlie caus that movit him to accept of hir in his familie.”

Neither of these excuses afforded the harbourers any leniency; Marian was fined £10 and ordered to undergo public repentance, and was forbidden to receive Jean “in hir house company or fallowschip” under the pain of £40, and the elders rebuked William, who was ordered not to harbour any other scandalous persons under the threat of £20. Their answers do, however, help us understand harbourers’ reasons for sheltering morally dangerous fugitives, such as pity, compassion, and the hope of support or service.

Parishioners used various strategies when faced with kirk discipline for harbouring, which also provides a better picture of their social context and inner thought processes, or perhaps advice received from others. One common strategy was denial, which could be effective so long as it was bolstered by a good reputation and corroboration. For instance, in 1616, James Bunkle and his wife Janet Herring each individually denied harbouring Bessie Mitchell, “ane common adulteress banischit lowne,” and by presenting a united front they were able to avoid punishment despite the kirk session’s suspicion. Persistent denial could also be effective; Margaret Powis, when accused of harbouring in 1620, repeatedly and emphatically denied it before the court between April and October, even enduring a court official’s search of her house in order to prove her innocence. Demonstrated remorse could also be an effective tool for

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89 NRS, CH2/122, volume 1, 28 June 1616; 5 July 1616; 20 September 1616.
90 NRS, CH2/122, volume 1, 23 February 1616; 1 March 1616.
91 NRS, CH2/122, volume 3, 28 April 1620; volume 2, 7 July 1620; 27 October 1620.
lessening one’s punishment.\textsuperscript{92} When Margaret Lyle was accused of harbouring a woman and her unbaptized baby in 1615, she confessed that she “regraitit the matt[er] heavilie that sche sould sua have done,” and was forgiven.\textsuperscript{93} Alison Brown, when accused of harbouring Katherine Porteous in 1615, placed herself in “humiliation upoun hir kneis and craveing God and his kirk mercie for hir falt,” and was sharply rebuked but not fined for her offence.\textsuperscript{94} Elizabeth Walker, brought before the kirk session in 1626, “testif[ied] hir greiff of heart w[i][t][h] money teires for hir resaitting of Infamous whores and banishit lounes”; the kirk session, “finding her to be peneten pass[ed] by all bygane offences at her earnest desyre.”\textsuperscript{95} These emotional reactions, while possibly very genuine, certainly also lessened the sting of harbouring punishments, and could be an effective defence, as could denial.

However, harbourers’ defences were not always successful. Christine Sleich, accused in 1628 of “having ane Inglyshe woman in hir hous drinking weiring ane hat and ane golden band and calling in men off the hich streitis efter ten ho’rs at even quha is an knewin loun,” denied that she had received any such woman, but she was still convicted and sharply rebuked.\textsuperscript{96} Marian Bain, when accused of harbouring Jean Strauchane in 1656, confessed to the offence but swore she did not know that Jean was infamous; this did not gain her any favour with the kirk session, and she was referred to the magistrates for her punishment.\textsuperscript{97} In 1616, William Donaldson, when accused, as William Christie

\textsuperscript{92} It was also effective in other disciplinary situations before the kirk session; see Todd, \textit{The Culture of Protestantism in Early Modern Scotland}, 127–82 passim.
\textsuperscript{93} NRS, CH2/122, volume 1, 18 November 1614.
\textsuperscript{94} NRS, CH2/122, volume 1, 21 April 1615.
\textsuperscript{95} NRS, CH2/122, volume 2, 29 December 1626. For similar cases of successful repentance, see volume 2, 9 February 1627; volume 3, 8 February 1648.
\textsuperscript{96} NRS, CH2/122, volume 2, 1 April 1628; 22 April 1628. This was a light punishment given that it was her second offence of harbouring, and since she had tried to deny it.
\textsuperscript{97} NRS, CH2/122, volume 4, 4 March 1656.
was, of harbouring the alleged witch Agnes Anstruther, claimed that “he knew nothing of
hir being thair sauff ane day com in and saw hir in hir bed and mervellit quhat sche wes.”
The kirk session ordered him to remove her from his house within forty-eight hours, and
to not do the same again under pain of £10.98 Others attempted unsuccessfully to justify
their harbouring to the kirk session elders. When Andrew Balfour was accused of
harbouring the allegedly scandalous person Margaret Brenton in 1621, he testified that,
first she had been in his house “ane longe tyme befoir he knew of it,” and more
importantly, that his wife had had her “under cure of the seiknes [wherewith] sche was
infectit.” He said that “he would say nothing to it because it was his wyfis custoume to
cure sundrie persones . . . as is notor knawin”. He argued that as soon as Margaret had
been cured “sche was no longer sufferit to remain in his house” but the kirk session was
unconvinced, and found the matter serious enough to be sent to presbytery.99 These
defences were unsuccessful, but they help to reveal more of the context surrounding
harbouring in Canongate.

Community surveillance could play a significant role in the prosecution of
harbourers.100 Neighbours often proved very willing to monitor each other for the good of
the community and the maintaining of the ‘godly community,’ and the kirk relied on
them to do so.101 Testimony from neighbour witnesses was enough to sway the kirk
session, despite the denials of those accused. In March 1613, when Elizabeth Craig was
accused of resetting Marian Donaldson, Elizabeth initially denied that she had ever
received Marian, and agreed that if such an allegation was proven, she would be

98 NRS, CH2/122, volume 1, 27 September 1616.
99 NRS, CH2/122, volume 2, 13 January 1621.
100 It was also at the heart of slander cases, as is discussed in more detail in Chapter Five.
101 Nugent, “‘None Must Meddle Betueene Man and Wife,’” 224–25.
banished.\textsuperscript{102} The next week, two neighbours, William Jameson and his servant, came forward and stated that they had seen “ane woman gang in to the said [Elizabeth’s] hous with ane plaid about her heid” who they believed to be Marian, having seen her around the house before; William, acting on this suspicion, confirmed with a servant woman living in the close that Marian was currently in Elizabeth’s house.\textsuperscript{103} For this offence, Elizabeth was ordered to leave the town within the week, and to keep her house honest in the meantime, under threat of carting.\textsuperscript{104} Similarly, when Janet Stewart was brought before the kirk session in 1630, accused of harbouring Margaret Hannay, she “absolutely denied” she had done so.\textsuperscript{105} However, three witnesses came forward admitting to seeing Margaret come and go from Janet’s house, and so Janet was convicted of harbouring Margaret “qlk was proven of before by the neighbours dwelling about her, notwithstanding her denial.”\textsuperscript{106} Janet was to be imprisoned until she paid the surprisingly modest sum of 40s, likely indicating her poverty.\textsuperscript{107} Neighbours and witnesses could therefore significantly affect the outcome of a harbouring case.

\textit{Harbouring and Household Heads’ Responsibility}

At the heart of the issue of harbouring cases was the responsibility of household heads, whether male or female, to uphold the good reputation of their houses and community.\textsuperscript{108} The kirk session expected landlords and heads of households to only provide lodging to respectable people with testificates of good behaviour, and punished those who allowed fugitives and outsiders to sleep in their homes or rent from them, as ‘keeping an evil

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102 NRS, CH2/122, volume 1, 19 March 1613.
103 NRS, CH2/122, volume 1, 26 March 1613.
104 NRS, CH2/122, volume 1, 2 April 1613.
105 NRS, CH2/122, volume 3, 6 April 1630.
106 NRS, CH2/122, volume 3, 20 April 1630; 4 May 1630.
107 NRS, CH2/122, volume 3, 4 May 1630.
108 See Nugent, “‘None Must Meddle Betueene Man and Wife,’” 220, 222.
\end{flushright}
house'. For instance, James Durwart was brought before the kirk session in 1618 for renting a house to Griselda Short and her mother Isobel Welch, women without lawful testificates. He was fined £5, and ordered to remove the women from his house under threat of paying a further £10. His excuse for delaying evicting them was that he was unable to remove renters’ property from his house without a warrant, and for this “frivolous ans[we]r” the kirk session admonished him. Similarly, in 1642, Katherine Sanderson was ordered to remove two “infamous tenents” from her house or else face censure, as were two male landlords later in the decade. The head of household did not have to be present in the house to be deemed responsible; when the kirk session accused Robert Liddell, piper, of receiving scandalous persons in his house, he tried to deny it by saying that he was out of the country at the time. The elders still gravely admonished him to have “moir speciall cair of his hous” and that if he was found harbouring suspicious people in the future, he would be banished from the congregation.

The responsibility that heads of households held for the reputation of their houses, including their lodgers, could become especially fraught in cases of female heads of houses and male lodgers. In 1614, Isobel Pollock, spouse of Robert Leirmonth, was admonished by the kirk session for receiving James Leirmonth, likely an in-law, who “lyis nichtlie in her house [when] he is in the toun qlk the session thinks very

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109 This concept seems to have been widespread in early modern Europe, prevalent across national and denominational boundaries, and was a charge punishable within, for instance, the early modern Mennonite churches of Amsterdam. I am grateful to Troy Osborne of Conrad Grebel University College for pointing out this connection.

110 NRS, CH2/122, volume 1, 3 July 1618.

111 NRS, CH2/122, volume 1, 10 July 1618. He was apparently resolute, however, and was reconvicted the next month for continuing to harbour the two women. Volume 1, 7 August 1618.

112 NRS, CH2/122, volume 3, 25 January 1642. She was found harbouring another woman later the same year and was fined £5; see volume 3, 9 August 1642. For the male cases, see volume 3, 20 May 1645; 8 February 1648.

113 NRS, CH2/122, volume 1, 29 December 1615.
scandalous.” She was repeatedly admonished to not allow him into her house alone (solus cum sola) or else face formal accusations of adultery. Katherine Windigate, a widow, was admonished by the kirk session elders under similar circumstances in 1653; the elders accused her of keeping scandalous company with an unmarried man who lodged in her house, and like Isobel, she was told that if she continued, she would be prosecuted as a fornicatrix. These women, as people in positions of power in the house, were expected to maintain and enforce a good reputation in their domain, and were punished by the kirk session for failing to do so.

Some female heads of households, when faced with accusations about the reputation of their homes, gave the specific defence of not being in control of their own house in order to try to evade punishment, but this was rarely successful. Janet Blair attempted such a defence in 1619 when the kirk session accused her of harbouring John Seaton and Michael Preston in her house. She argued that she had not known that they were in her house, but that she had come home to find them lying in her bed “extraordinarlie overcome w[i]th h] drink.” The kirk session, having determined from witnesses that the two men frequented her house, were unconvinced, even more so when Michael and James accused her of stealing from them. Janet was openly rebuked in front of the congregation the next Sunday for keeping an evil house. In 1653, an elder of the kirk session brought forward a similar complaint against Janet Johnston, accused of receiving infamous persons into her home. Janet argued first that they were not infamous,

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114 NRS, CH2/122, volume 1, 5 April 1614; 15 July 1614; 27 July 1614; 12 August 1614; 19 August 1614. Her husband, neither mentioned nor called forward, seems to have been absent.
115 NRS, CH2/122, volume 4, 8 March 1653. Similarly, in 1650, George Aiken was admonished for receiving women in his chamber, although he swore that they were only his servants. See volume 4, 9 April 1650.
116 NRS, CH2/122, volume 1, 22 January 1619.
117 NRS, CH2/122, volume 1, 22 January 1619; 29 January 1619.
118 NRS, CH2/122, volume 1, 7 February 1619.
but English soldiers, and second that they had brought a piper with them and danced in her house “qlk she declairs was against her will.”119 The elders sharply rebuked and then absolved her, but when she was again caught harbouring outsiders a few months later, she could not deny it with the same conviction, and the kirk session ordered her to be removed from the town.120 The kirk session viewed these women as responsible for their homes and the people within them.

Heads of households’ responsibility for the morality of their homes extended beyond lodgers to servants and guests as well. Masters and mistresses were responsible for only hiring servants with good reputations proven by testificates, and could be punished for ‘harbouring’ servants with bad reputations. Thus in 1627, Christine Sleich was rebuked for hiring Katherine Mason as her servant, since Katherine was unable to produce a testicate upon the kirk session’s request; Katherine had allegedly been “convoyed be the hangman throw Ed[i]n[burgh]” and was therefore infamous. Christine was forgiven by the session since it was her first offence “upon conditioun that sche carie hirsellf moir wyselie in tyme cumming.”121 Others were not treated as lightly. In 1640, Alexander Cumming was rebuked for having in his employ Euphemia Veatch, a suspected fornicatrix. He was told to “compt and reakin,” or pay out, his servant woman, “proved to be ane notorious strumpet,” and then remove her from his service under the threat of paying a £20 fine.122 As well, if servants were accused of harbouring people in their employer’s house, the master or mistress of the house was held accountable. In

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119 NRS, CH2/122, volume 4, 20 September 1653.
120 NRS, CH2/122, volume 4, 24 January 1654.
121 NRS, CH2/122, volume 2, 16 March 1627; 23 March 1627.
122 NRS, CH2/122, volume 3, 3 March 1640; 10 March 1640. John Harlaw was similarly fined £5 in 1648 for hiring Helen Ogilvie without a testificate, and in 1654, Margaret Gairnes admitted to having employed a servant named Anna Gordon without a testificate, and was referred to the magistrates for punishment, likely a fine of £5. NRS, CH2/122, volume 3, 20 June 1648; volume 4, 17 January 1654.
1615, Isobel Chalmers, servant to Alison Brown, was called before the kirk session for entertaining ‘louns’ in her mistress’ cellar late at night; the next week, Alison was “sherplie rebukit” for ‘harbouring’ Isobel as a servant, since Isobel too was apparently a “notorious and infamous lowne.”\(^{123}\) Alison was ordered to remove Isobel from her house under the pain of paying a £5 fine, and Isobel was to not be found in Canongate again, or she would face carting and banishment.\(^{124}\) A poor reputation of a servant could therefore negatively impact that of their employer.\(^{125}\)

Household heads were not simply responsible for policing the testificates of official lodgers and servants, but of anyone who stayed in their home. The kirk session’s note in 1636 that Katherine Ruthven needed to compeir the next session day “and caus the … persones that are in hir hous to produce thair testimoniallis” was typical.\(^{126}\) So was Marian Weir being referred to the magistrates in 1654 for her punishment for not being able to produce the testificates of the two women staying with her, or Thomas Hunter and his wife, who were admonished in 1644 for receiving ‘strangers’ into their home.\(^{127}\) Although some heads of household were simply rebuked, not policing the morality of one’s home properly could lead to more formal punishment as well; when Margaret Young admitted to receiving Helen Wood into her home without a testificate in 1645, she was ordered to pay her £5 fine and make public repentance.\(^{128}\) These examples demonstrate that both male and female heads of households were deemed deeply responsible for the behaviour, whether moral or immoral, that went on in their homes,

\(^{123}\) NRS, CH2/122, volume 1, 13 January 1615; 20 January 1615.
\(^{124}\) NRS, CH2/122, volume 1, 20 January 1615.
\(^{125}\) This sense of shared reputation is discussed at more length in Chapter Five.
\(^{126}\) NRS, CH2/122, volume 3, 12 January 1636.
\(^{127}\) NRS, CH2/122, volume 4, 2 January 1655; volume 3, 12 March 1644.
\(^{128}\) NRS, CH2/122, volume 1, 23 June 1615. There is no record of her actually undergoing public repentance.
and this was the central tenet of the reasoning behind harbouring prosecutions by the kirk session.

**Women, Reputation and Harbouring**

Women were especially vulnerable to accusations of harbouring, and could be punished more harshly than men, due to a number of factors. First, women were culturally considered the more disorderly gender, prone to spiritual weakness and therefore more deserving of close surveillance and reprimands. More specifically, and as discussed in the previous chapter, women often managed taverns and inns, and provided food and drink from their homes, which could place them in a grey area between hospitality and harbouring, garnering severe suspicion from the kirk. For instance, women providing drink to people in their cellars were sometimes accused of harbouring. Women harbouring outsiders, newcomers or fugitives could also be accused of running a brothel. This may have been a real concern, as Canongate was a red-light district for the capital region since at least the sixteenth century. Brothel-keeping was condemned by both the secular and ecclesiastical authorities, and as Gordon DesBrisay has argued for Aberdeen, kirk session elders and civil magistrates were far more vigilant concerning unsupervised single women than their male counterparts. Two or three women living together and unable to prove their respectability by reputation and testificates were almost by definition considered a bordello. In 1644, Janet Scott and Marian Johnson were “accused as scandalous persons living alon and both young women,” and were ordered to

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130 NRS, CH2/122, volume 3, 15 December 1646; 16 March 1647; 31 August 1647; 27 June 1648.
131 See Graham, *The Uses of Reform*, 288–89.
133 DesBrisay, “Twisted By Definition,” 139.
leave the town within two weeks.\textsuperscript{134} Sometimes merely being a woman living alone was enough to garner suspicion. In 1614, Katherine Rannie was accused of “being in a hous hir awane quhilk was haldin suspicious be the session and in spe[ci]all having w[i][t][h] hir in companie ane uther woman”. The next week she appeared again, described by the kirk as “ane brokin [i.e. impoverished] woman and keipper of ane hous hir awane.” She confessed that she had indeed received ‘sclanderous persons’ in her house, and was told to enter honest service before Candlemas or face banishment. Similarly, Margaret Henderson was brought before the kirk session in 1622 simply for “keiping ane hous hir alone schoe being ane orra woman and out of service.” She too was ordered to enter service or “sum honest societie or company” or else be removed from the town. Later that year, another woman was rebuked for receiving Margaret into her home.\textsuperscript{135}

The onus was on female householders to prove their innocence when found harbouring other people, especially other women.\textsuperscript{136} In 1613, the kirk session elders accused Agnes Young of being “ane infamous and scandalous person,” and she was ordered to leave the town within the week, or then to be drummed through the burgh by the officers “proclaimeing her ane commoun bordeller.”\textsuperscript{137} These accusations could follow a woman doggedly. The Canongate kirk session demanded repeatedly in late 1631 that Euphemia Rae hand in a testificate of good behaviour from Edinburgh, which she finally admitted in January of 1632 she could not produce. The kirk session then received word from the Edinburgh minister that the sheriff there had refused to write one for her

\textsuperscript{134} NRS, CH2/122, volume 3, 30 January 1644.
\textsuperscript{135} See NRS, CH2/122, volume 1, 16 December 1614; 23 December 1614; volume 2, 12 April 1622; volume 3, 18 October 1622.
\textsuperscript{136} Women harbouring other women could be seen as an example of ‘spinster clustering’. See Hufton, “Women Without Men: Widows and Spinsters in Britain and France in the Eighteenth Century.”
\textsuperscript{137} NRS, CH2/122, volume 1, 26 February 1613. Although ‘Agnes Young’ was likely a common name in the area, it is likely that she returned, or never left, as an Agnes Young continued to harbour fugitives into the early 1620s.
because “sche was put of his boundis for keipin of ane evill hous.” The session therefore
labelled her “an infamous woman and a keipar of ane bordell as was sufficientlie provin”
and gave her until Candlemaes (February 2) to leave the town, or else be put in the jougs
with a paper on her head, and then carted and publicly banished.\textsuperscript{138} When the kirk session
noticed in the spring that she had not yet left, they requested the bailies to remove her
“becaus sche hes contravenit the actis of sessioun and is knawin ane notorious pandrous
[bawd].”\textsuperscript{139} These women faced severe censure and suffered a significant blow to their
reputations, for their associations, however tenuous, with brothel-keeping and illicit
sexuality.

Women might also face severe punishments for harbouring, and although kirk
sessions determined punishments based on a variety of factors, including status and
reputation, it seems that in some cases women were punished more harshly than men for
the same type of harbouring.\textsuperscript{140} For instance, in 1648, Margaret Donaldson was accused
of harbouring Highland people in her house, and was warned that if she was found to
harbour infamous people again, she would be banished.\textsuperscript{141} John Middlemost, accused the
same day of harbouring Highland people on his land, was instead ordered to remove them
within the week or face a £10 penalty.\textsuperscript{142} Similarly, in 1649, Marian Douglas was fined
£5 for harbouring Elizabeth Clappen, and was told that a second offence would mean
removal from the town.\textsuperscript{143} The same month George Rollock was fined £5 for harbouring

\textsuperscript{138} NRS, CH2/122, volume 3, 10 January 1632.
\textsuperscript{139} NRS, CH2/122, volume 3, 1 May 1632.
\textsuperscript{140} For a historiographical discussion of gender discrimination or equality in the church courts, see Glaze,
\textsuperscript{141} NRS, CH2/122, volume 3, 18 July 1648.
\textsuperscript{142} NRS, CH2/122, volume 3, 18 July 1648. These cases also reveal the distrust Canongate officials held for
Highlanders, especially during the politically volatile 1640s.
\textsuperscript{143} NRS, CH2/122, volume 3, 3 April 1649.
two infamous persons, and was told that a second offence would mean a £10 fine.\textsuperscript{144} In both cases, the women were threatened with the permanent punishment of banishment rather than simply higher monetary fines, likely because these women, like many others, were less financially secure than men, and were unable to pay the higher fine.\textsuperscript{145} They might also face punishments that men did not, such as the shaming ritual of being branded.\textsuperscript{146} For instance, when Katherine Thompson was accused of harbouring Janet Oliphant in 1637, the elders ordered her to be burnt on the face and then banished, despite her not appearing for any previous misdemeanours before the session; she pleaded with them and promised “under pain not onlie of burning and Banishing but also under pain of dead” that she would leave the town of her own volition.\textsuperscript{147} Women’s reputation and their cultural association with illicit sexuality made them more vulnerable to suspicion; their higher economic vulnerability made them less able to pay fines, and they therefore more often faced more permanent punishments, and ones more harmful to their reputations.

\textit{Illicit Support Networks: Case studies}

This connection between economic and moral status and harbouring is demonstrated clearly in detailed case studies of harbourers and fugitives. Female harbourers often, although not exclusively, lived on the economic and moral margins of the community, gaining reputations for not just harbouring but also scolding and slander, emphasizing the looseness of their tongues, their house boundaries and their morals.\textsuperscript{148} For example, in

\begin{footnotesize}
\textsuperscript{\textit{144}} NRS, CH2/122, volume 3, 20 April 1649.
\textsuperscript{\textit{145}} DesBrisay, “Twisted By Definition,” 142.
\textsuperscript{\textit{146}} DesBrisay, “Twisted By Definition,” 142.
\textsuperscript{\textit{147}} NRS, CH2/122, volume 3, 29 August 1637. The elders later acknowledged that the punishment had been strict, but when she was accused the next year of harbouring an “adulterous whoore” named Margaret Herring, she was to be removed from the town “with assurance of extreme punishment and banishment” as they had threatened before. NRS, CH2/122, volume 3, 5 September 1637; 13 Feb 1638.
\end{footnotesize}
1642, the kirk session accused Margaret Graham, wife of Charles Scott, not only of keeping an evil house and harbouring, but also of “unreverand cariage” to another woman.\(^{149}\) Agnes Robertson was accused in 1649 of harbouring and scolding, and abusing William Scott, for which she was fined and imprisoned; when the elders found her to be harbouring someone again later that year, they ordered her to produce a testimonial of good behaviour or face banishment.\(^{150}\) Christine Condie, wife of Andrew Frater, when brought before the kirk session in 1649, was not only accused of receiving infamous persons in her house, but also of public drunkenness, profanation of the Sabbath, abusing an elder of the kirk, and slandering another woman, for which she was to make public repentance.\(^{151}\) In 1660, the kirk session accused Euphemia Dickie of harbouring Euphemia Hamilton, “who has born four bastards and cannot verify [any] one of their fathers.”\(^{152}\) Dickie had previously been embroiled in a scandal in 1655, when Edward McCure, a deacon, had accused her of cursing him after his child’s wet-nurse had called her a witch; she had also allegedly taken “a grip of [the wet-nurse’s] hand who thr’efer became distracted for the space of tuo hours.”\(^{153}\) These women’s reputations as harbourers, often of loose women, were reinforced by their own loose tongues and behaviour.

The harbouring discipline cases reveal a network of clusters of support at the margins of society (See Figure 3). These clusters, as the following case studies illustrate, demonstrate the intensity of support among parishioners even or especially at the margins

\(^{149}\) NRS, CH2/122, volume 3, 12 April 1642.  
\(^{150}\) NRS, CH2/122, volume 3, 6 March 1649; volume 4, 14 August 1649.  
\(^{151}\) NRS, CH2/122, volume 4, 14 August 1649.  
\(^{152}\) NRS, CH2/122, volume 4, 31 July 1660.  
of society, where reputations were tainted and under suspicion. The first case study examines Janet Bell, who was able to rely on both friends and extended family connections for support, even while banished. In April 1618, the kirk session accused Charles Fortune, mentioned above as a poor relief recipient, of harbouring Janet, suspected to be pregnant out of wedlock. Charles denied that he had sheltered her in his house officially, but confessed that she did visit the house since his wife’s son, John Bannatyne, was the father of Janet’s unborn child. Agnes Donaldson was also accused of harbouring Janet; she denied the accusation but since Janet had already confessed as much, Agnes was fined £5. The kirk session officially banished Janet from Canongate in October of that year, but she continued to find support. In December, Helen Wilson, a widow, and Katherine Clench were each accused of harbouring Janet; Helen was fined £5, while Katherine was forgiven, since she swore that Janet had told her she was free of the kirk’s censure before Katherine allowed her in her house. In December, the session accused Charles once again of harbouring Janet, an accusation that they repeated in January, when he was also accused of keeping scandalous company with Helen, under suspicion of adultery. At this point Janet disappears from the records, but this case reveals not only the kind of support banished women could find, but also the strong, sometimes illicit connections between not just harbourers and fugitives, but fellow harbourers.

154 NRS, CH2/122, volume 1, 21 August 1618. John Bannatyne confessed to the sin of fornication with Janet, and presented Charles, his stepfather, as his caution. NRS, CH2/122, volume 1, 13 November 1618.
155 NRS, CH2/122, volume 1, 21 August 1618.
156 NRS, CH2/122, volume 1, 2 October 1618.
157 NRS, CH2/122, volume 1, 4 December 1618; 11 December 1618. Katherine had apparently not required a testificate from Janet.
158 NRS, CH2/122, volume 1, 25 December 1618; 1 January 1619.
Figure 3: A Harbouring Support Network in Canongate

Griselda Short’s interactions with the kirk session reveal the fluctuations a woman’s reputation might endure at the margins of respectability. In 1617, she and Bessie Currie, “twa notorious lounes” banished from Edinburgh, were brought before the kirk session. They agreed, “under the pain of scourging and burning on the cheik and putting thame in the jogis” that they would never be found in Canongate again “except in
honest service. However, Griselda continued to show up in Canongate without evidence of being respectably employed, and two men were punished in 1618 for repeatedly harbouring her. In August 1618, the elders gave her the option to redeem her reputation, albeit under duress. They directed Griselda to enter into service or marry James Stirling, with whom she was engaged, under the threat of being put in the jougs and then banished, and she agreed to make her choice.

At this point, Griselda’s reputation, although not faultless, seemed far improved from her initial reputation as a banished loun. She confessed to fornication under the promise of marriage with James in February 1619, and James eventually confessed to the same in May, and underwent his public repentance process for the sin, although Griselda did not. In February of 1620, Griselda was again brought before the kirk session and rebuked for not yet marrying James, and at this point her reputation again began to slide, and the kirk session once more deemed her an infamous person. The elders accused a man named John Gibson of harbouring Griselda and James in January of 1621, and James, now “ane very scandilous person” himself, was ordered to remove himself from her company under pain of banishment. Griselda was ordered to leave the town within two weeks or else face the jougs, scourging, burning on the cheek, and formal banishment. By March she was back in Canongate and now labeled a notorious loon,

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159 NRS, CH2/122, volume 1, 19 April 1617.
160 This includes James Durwart, her landlord, mentioned above, who refused to remove Griselda and her mother from his land without a warrant. NRS, CH2/122, volume 1, 3 July 1618; 10 July 1618; 7 August 1618; 7 August 1618; 14 August 1618.
161 NRS, CH2/122, volume 1, 21 August 1618.
162 NRS, CH2/122, volume 1, 19 February 1619; 23 April 1619; 14 May 1619; 16 May 1619; 23 May 1619; 30 May 1619. In August, the kirk session ordered an elder and deacon to check on Griselda, possibly because she had not entered her repentance yet. NRS, CH2/122, volume 2, 27 August 1619.
163 NRS, CH2/122, volume 2, 4 February 1620.
164 NRS, CH2/122, volume 2, 13 January 1621; 13 January 1621; 19 January 1621.
165 NRS, CH2/122, volume 2, 13 January 1621; 26 January 1621.
common harlot, nightwalker and a stealer of purses, and was to be officially escorted out of the town by the bailies; an official notice was read from the pulpit warning parishioners not to harbour her.166 Her reputation continued to plummet for the rest of the year; in September, she was put in the jougs for five hours as a ‘notorious whore and thief’, and in October of 1621, when Alison Brown confessed to harbouring her, Griselda was labeled a “filthie scandalous lown”.167 Throughout, however, she was able to find support, as her status as a harboured fugitive demonstrates, whether considered redeemable and respectable or not by the kirk and wider community.

Marian Taylor was also able to rely on a network of support both inside and outside Canongate, even when abandoned by her husband. This rift with her husband, Thomas Wood, came to light in February and March of 1615, after Marian was accused of harbouring Hugh Maxwell, a scandalous person, as well as two women, and her husband publicly refused to stand as her cautioner.168 The situation became more fraught in late 1615 when it was revealed that Marian had given birth while a vagrant in the burgh. Turned away by her husband while pregnant, she had stayed first in the West Port of Edinburgh, before her husband had sent transport for her to go to the house of a friend, John Muckle, where she had stayed for six weeks. She had then had moved to Janet Brown’s house for two weeks, where she had given birth to a baby boy in November, until her husband sent a servant to fetch her back to John’s house.169 She had then “bene vaging up and doune pairtlie throw Edinburgh and pairtlie thow the Cannogait,” before

166 NRS, CH2/122, volume 2, 9 March 1621.
167 NRS, CH2/122, volume 2, 21 September 1621; volume 2, 12 October 1621.
168 NRS, CH2/122, volume 1, 17 February 1615; 24 February 1615; 10 March 1615; 24 March 1615.
169 It is unclear from the case entries whether or not John Muckle and Janet Brown’s houses were within the bounds of Canongate. John Muckle is described as living “beyond the oylie well”, possibly the name of a local tavern; Janet Brown’s house is described as “beside the house of the mure [Moor]”. NRS, CH2/122, volume 1, 15 December 1615; 9 February 1616.
being harboured by Alison Brown in Canongate, where she had been discovered by the kirk session.\textsuperscript{170} This nomadic journey while pregnant and newly delivered highlights her vulnerability but also demonstrates at least some wider community support for Marian. This is especially significant since the father of her child was widely believed to be Hugh Maxwell rather than Marian’s husband; even John Muckle confessed that Marian had told him she was planning on leaving the baby with Hugh’s sister.\textsuperscript{171} Marian resolutely denied any charge of adultery when she was so accused in the summer of 1616, although her husband just as resolutely denied the child was his; she ended up undergoing public repentance and paying a £20 fine for scandalous carriage with Hugh.\textsuperscript{172} For all of her scandalous behaviour, however, she was still forgiven by the kirk session elders when they once again found her harbouring fugitives in 1618.\textsuperscript{173} Marian Taylor’s case highlights the diffuse network of support women could sometimes turn to if that support was not available closer to home.

Even women with repeated convictions or severely tainted reputations could often rely on people to help them. Janet Stewart,\textsuperscript{174} a carted and banished woman without a lawful testificate, faced various punishments, including extended time in the cucking stool, and repeated banishments, for her presence in Canongate in 1615, but was still able to find people to shelter her.\textsuperscript{175} Jean Bruce, also known in the kirk session records by her

\textsuperscript{170} NRS, CH2/122, volume 1, 15 December 1615.
\textsuperscript{171} NRS, CH2/122, volume 1, 9 February 1616; 23 February 1616; 8 March 1616; 29 March 1616.
\textsuperscript{172} NRS, CH2/122, volume 1, 26 July 1616; 28 July 1616; 22 December 1616; 9 February 1616; 26 July 1616; 28 July 1618. Hugh does not appear to have been punished by the kirk session, but may have lived in the West Port of Edinburgh, outside the Canongate session’s jurisdiction.
\textsuperscript{173} NRS, CH2/122, volume 1, 18 September 1618.
\textsuperscript{174} This is likely not the same woman as the Janet Stewart mentioned above, accused of harbouring another woman in 1630.
\textsuperscript{175} NRS, CH2/122, volume 1, 16 September 1614; 12 May 1615; 29 May 1615; 29 December 1615; 5 January 1616.
alias ‘the White Hind,’ was able to rely on others for support despite her notoriety. She bore a child in March of 1614, while by her own acknowledgment she had been abandoned by her husband three years previously, thus marking her child as one born in adultery. In April the kirk session ordered the magistrates to remove her from the town, but the next month, Euphemia Leirmont and her husband Adam Brown were brought in for not only harbouring Jean and her children, but for baptizing her baby, and another man was accused of harbouring her the next year. Margaret Gray, a convicted adulteress, was sheltered along with her baby by Margaret Menteith in October of 1615, and by Isobel Scobie in December. Over the course of the next two years the kirk session convicted four more people for harbouring Margaret and her child, despite Margaret’s increased notoriety, having been scourged and banished and sent to the thieves’ hole for punishment in April 1617. In 1646, Janet Thompson, recently released from the correction house, was able to find shelter in Canongate, first with the widow Janet Archibald in March, and then with John Miller in August. These women posed significant risks to harbourers by tainting their honest reputations by association, but people in Canongate still chose to harbour and shelter them. The support networks for

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176 This alias makes reference to an origin story of Canongate, in which David I was startled by a large white hind, or stag, while hunting in the woods in the area, and was saved by the image of a holy rood, giving name to Holyrood Abbey. The name was likely given to a local tavern, with which Jean was possibly associated. See Dennison, Holyrood and Canongate, 4.
177 NRS, CH2/122, volume 1, 26 February 1614; 11 March 1614; 18 March 1614.
178 NRS, CH2/122, volume 1, 15 April 1614; 29 April 1614; 13 May 1614; 20 May 1614; 24 March 1615. This second man was Gilbert Stirling, father of James Stirling, co-fornicator with Griselda Short, above.
179 NRS, CH2/122, volume 1, 6 October 1615; 15 December 1615; 22 December 1615.
180 NRS, CH2/122, volume 1, 29 December 1615; 21 June 1616; 25 April 1617; 18 July 1617; 18 July 1617.
181 This was the parish workhouse, rebuilt in 1619 from the pre-Reformation hospital of St Mary and St Paul. See Dennison, Holyrood and Canongate, 87.
182 NRS, CH2/122, volume 3, 10 March 1646; 11 August 1646. Janet Archibald was brought back before the courts later that year for harbouring Bessie Salmon, “who buir a child on the hie streitis.” NRS, CH2/122, volume 3, 3 November 1646.
women even at the furthest edges of respectability were present, even strong, able to keep those most notorious, or most vulnerable, in shelter and relative safety.

**Conclusion**
This chapter has explored the nexus between reputation, hospitality and morality by examining women’s community support networks, both sanctioned and illicit. Women were active agents in providing official, licit support in their communities, whether through bequests of patronage or of charity. Women and men deemed to be of the deserving poor received the redistributed poor relief from these bequests, as controlled by the kirk session and minister, but had to maintain a good reputation in order to do so. Those unable to keep a good reputation were forced to rely on unofficial and unsanctioned support networks, as exposed in the kirk session harbouring discipline cases. In these cases, harbourers’ defences (or excuses) contrasted with witness testimony from neighbours, and both were analysed by kirk session elders to determine an appropriate verdict and punishment. The elders kept household heads, whether male or female, accountable for not just their own reputations, but for all those who entered their homes, whether lodgers, servants or guests. Women, whose reputations were more easily tainted by association with illicit sexuality, were more often accused of not just harbouring but of running brothels. As many women were not as financially secure as men, they more often faced more permanent or shame-based punishments rather than fines for repeat or even first offences. Underpinning much of the culture and process of harbouring is reputation, its fragility and its importance in both public and private interactions. The case studies of female harbourers and fugitives examined the links between reputation, marginality and harbouring, demonstrating that even on the fringes
of society, women could find support among other parishioners. This chapter highlights
the threads of support that ran through the burgh, both licit and illicit, between friends,
neighbours, acquaintances and patrons, creating dense and vibrant community networks.
These threads could, however, be broken, and the next chapter examines the
precariousness of women’s reputation, and their diverse sources of support, as seen
through the town’s slander cases.
Chapter Five: Slander, Quarrels and Litigation in Canongate

Introduction

Slander and quarrels were a common part of everyday life in seventeenth-century Canongate. While the disagreements themselves could be destructive to community harmony, the recorded examinations of those disagreements can also reveal more nuanced patterns and relationships. This chapter will use the Canongate burgh court records and kirk session records’ slander cases to examine these interactions in more detail. It will first explore the general nature of insults in Canongate, and the process of litigation and court-based resolution that townspeople underwent. It will then study the impact of slander in family and work-based relationships, revealing not only the tensions that could emerge in these close-knit relationships, but also the support that family members could provide to one another when faced with litigation. Two case studies provide further insight into the ways in which women used slander and interacted with their neighbours and the courts, helping to reconstruct some aspects of slander culture in general. The chapter will then examine the close connections between slander and witchcraft accusations in the burgh; these cases demonstrate some of the potentially serious consequences that women could face, and reveal that while an active use of litigation could help a woman maintain a good reputation, it could also at times leave her more vulnerable once a reputation for witchcraft had developed. These cases also open up a discussion of the relationship between women and the local authorities themselves, and the chapter closes with a study of the sometimes-contentious relationship between women and the bailies and elders who regulated their behaviour and morality. These cases demonstrate that women used the Canongate kirk session and burgh court to actively police their neighbours’ behaviour, and to assert their place in the community.
They also navigated the court system to defend their own reputations and to try to avoid the potentially serious consequences of words hurled in the streets.

The topic of slander and defamation is well studied for early modern Europe by gender historians, in part because defamation cases provide key information on contemporary ideas of honour, sexuality and reputation. Martha Howell, Anne McCants, Julie Hardwick and Susan McDonough have examined gendered aspects of litigation for family, work and community witnesses in medieval and early modern France and the Netherlands.¹ Recent scholarship in England has also provided a good foundation for studying both scolding and slander. Laura Gowing has examined in detail the intersection of gender, reputation and litigation, and the ways in which women and men negotiated and defined ideas of honour and morality in her study of women in defamation courts in early modern London.² Martin Ingram’s study of scolds and scolding has also provided a portrait of the women who ended up before the church courts for those offences.³ More recent contributions, such as Bernard Capp’s work on the uses of gossip, insults and disputes, Garthine Walker’s work on gender and violence, David Cressy’s study of seditious and dangerous speech, and Kirilka Stavreva’s study of violent female speech in litigation and literature, usefully broaden the scope of the field.⁴ In Scotland, Margo Todd

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² Gowing, *Domestic Dangers*, 111–38.
and Michael Graham have studied the role of kirk sessions in processing slander cases as part of their role as community peacekeepers, while Leah Leneman has examined defamation more generally in eighteenth-century courts, and John Harrison has studied the role of the branks as part of the punishment process for scolding and slander.\(^5\) Elizabeth Ewan has dealt with the topic the most closely, examining women’s roles in both defamation and interpersonal violence, and the place of ritual in the repentance process.\(^6\) Many of these studies focus on one specific aspect of negative relationships as recorded in the courts, such as violence, scolding, or the role of witnesses. This chapter will provide a more holistic view of slander and scolding in Canongate, examining the variety of women’s litigious relationships in Canongate.

**The Nature of Slander and the Process of Litigation**

Gossip, quarrels and slander were part of the fabric of life in seventeenth-century Canongate, as in other early modern towns. Quarrelling was even integrated into medieval and early modern Scottish literary culture, in a genre called ‘flyting’ where poets exchanged insults through the written word; this term was also used to describe public quarrels and insults.\(^7\) The culture of public insults and quarrelling could begin at a very young age: in 1641, the Canongate kirk session rounded up the burgh’s schoolmasters and admonished them for the schoolchildren in their charge who had “violat the Lords day by their abominable Bikkening.”\(^8\) For the adult women studied

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\(^7\) Ewan, “Many Injurious Words,” 164.

\(^8\) Although bickering in this instance meant physical assault, verbal assaults were undoubtedly part of the problem as well. National Records of Scotland, CH2/122 Canongate Kirk Session Records (hereafter NRS, CH2/122 CKSR), volume 3, 28 December 1641. It was eventually ruled that Edinburgh boys had provoked
here, as elsewhere, harsh words and public speech were used to police community morality and behaviour, enhance their own interests, and bluntly assess their neighbours’ reputations and good name. Public insults often preyed on women’s (and men’s) vulnerabilities, or perceived points of weakness by community standards. Defending one’s reputation through slander litigation was crucial. Neighbours, magistrates and kirk session elders might treat slanderous insults as true if the accusations were not properly and publicly renounced, and so taking slanderers to court was an important part of clearing a person’s name. Women could also use the court to pre-emptively protect their reputations from serious accusations such as witchcraft or sexual promiscuity by bringing the slander before the courts and having it publicly denounced: being called a whore or a witch demanded redress lest the label stick, as will be discussed at more length below.

Many of the insults exchanged between women were often tied, at least nominally, to sexual honour and reputation, since, as discussed in the previous chapter, reputation had strong links to sexuality, especially for women. These sex-based insults could be diverse and imaginative. In one notably vulgar case, Rachel Tock, wife of Arthur Crawford, complained to the kirk session that Helen Ure and her daughter Alison Stratton had not only called her a “vyld huire, vyld bitche, [and] caritit [carted] loun”, but that they had also said that they had taken “hir bairne to ane dog and causit the babe to suck his pintoll [penis],” thereby both attacking her role and reputation as mother and sullying her child’s virtue. However, many insults were more simple and direct:

the Canongate youths, and the matter was taken up with the Edinburgh presbytery. See NRS, CH2/122 CKSR volume 3, 4 January 1642; 18 January 1642.


10 Todd, The Culture of Protestantism in Early Modern Scotland, 244–45.

11 NRS, CH2/122 CKSR volume 3, 26 January 1630.
‘whore’ was the most common epithet hurled at women.\textsuperscript{12} As Gowing points out, there was no male equivalent to ‘whore’; common insults for men in England and Scotland were knave, rogue and thief, with connotations of dishonesty but not sexual immorality.\textsuperscript{13} Historians such as Ingram, Ewan and Faramerz Dabhoiwala have argued that this prevalence of sex-based insults was due to the fact that women’s reputation or ‘honesty’ was centred on their sexual reputation, whereas men’s reputation had a broader base: calling a woman ‘whore’ therefore struck at the most vulnerable part of her reputation.\textsuperscript{14} Other historians have complicated this link between sexuality and reputation, but scholars generally agree that in slander cases, ‘whore’ was likely more of a ‘catch-all’ term and the context behind the insult was not necessarily about the victim’s sexuality per se.\textsuperscript{15}

Social status, community inclusion and reputation were also points of contention commonly revealed in slander cases. Ewan notes that although Scottish law makers were especially concerned with lower-social strata and poor women scolding and flying, the women who came before the courts in slander and quarrelling cases represented the full social spectrum, with many women being wives and widows of burgesses.\textsuperscript{16} This is likely true for seventeenth-century Canongate, where many of the women were married, often to burgesses or men of middling social status. Such was the case, for instance, with

\textsuperscript{16} Ewan, “Many Injurious Words,” 177. John Harrison has found that this was also true for Stirling. Harrison, “Women and the Branks in Stirling, c.1600 to c.1730,” 119.
Bessie Whippo, wife of James Hardy, a surgeon in Canongate: in 1628, Elizabeth Richardson, wife of John Crombie, cordwainer burgess, complained that during a church service Bessie had pushed her twice and called her a false, bloody harlot; Bessie countered that Elizabeth had called her a scurvy loun.\textsuperscript{17} These women were certainly of middling social status, as indicated by the ranks of their husbands; Bessie also appears as an active creditor and debtor in the burgh court debt records for her ale sales, and her husband appears as a cautioner.\textsuperscript{18} Because social status and social inclusion were such important markers of reputation, women might also prey on this point of vulnerability. In 1630, Janet Fowler, wife of Thomas Duncan, policed the bounds of the Canongate community by publicly insulting Marie Campbell, wife of James Gordon; Janet allegedly called Marie “heyland [Highland] whore, heyland meane [common or lowly] vagabound harlot, [and] hors meidwyff” and called Marie’s children cast-off whelps. Witnesses to the allegation specified that Janet had told Marie “ye sould not duell amongst honest people bot gane to the heylands againe.”\textsuperscript{19} The kirk session elders ordered both Janet and Marie to “leave peaceble and cristianly togither lyk good nighboures”, reasserting, if indirectly, Marie’s included place within the community.\textsuperscript{20} These types of insults, while not as common as sex-based insults, also contributed to the diverse nature of slander in Canongate.

Serious accusations and insults were dealt with through the local church and burgh courts. These recorded slander cases, although common, represented only a small

\textsuperscript{17} NRS, CH2/122 CKSR volume 2, 6 May 1628.
\textsuperscript{18} Edinburgh City Archives, SL150, Records of the Canongate Burgh Court Court books (hereafter ECA, SL150, CBCR Court books) volume 16, 25 July 1635; 11 November 1635; 13 May 1628; volume 13, 5 March 1625; 13, 7 June 1625
\textsuperscript{19} NRS, CH2/122 CKSR volume 3, 20 July 1630.
\textsuperscript{20} NRS, CH2/122 CKSR volume 3, 27 July 1630.
minority of the total number of insults hurled and disputed in Canongate. Many quarrels were resolved outside the formal litigation or prosecution processes through friends and neighbours; the records reveal only those cases considered serious or damaging enough to bring to the courts.²¹ Both kirk sessions and burgh courts were responsible for resolving disputes and maintaining or restoring community harmony through reconciliation.²² The boundary of jurisdiction between the two courts was sometimes murky.²³ The kirk session dealt with defamation cases and general scolding as these were moral issues and fell under the church’s mandate of community peacekeeping and policing of morality. It also sometimes dealt with some cases normally heard within the burgh court, such as those involving physical violence and brawls, usually if the incident took place within the kirk or kirkyard, or involved a minister.²⁴ At times one court would refer a case or part of a case to the other. For instance, when Janet Steill and Margaret Brown gave in their bills of complaint against each other before the kirk session in 1653, the elders determined that, “the bill being most pairt civill”, it should be referred to the magistrates, although the women were also rebuked by the session.²⁵ Some cases prosecuted by kirk session elders were also remitted to the magistrates for ‘civill punishment’ as part of their verdict, much like with harbouring cases.²⁶ The majority of the cases that follow were drawn from the kirk session records, as the kirk session processed far more slander cases than the burgh court during the sample years, and recorded them in more detail, but a few, especially those dealing with physical violence, are from the burgh court records.

²¹ Capp, *When Gossips Meet*, 185.
²⁵ NRS, CH2/122 CKSR volume volume 4, 7 June 1653; 14 June 1653. See also Ewan, “Many Injurious Words,” 165–66; Capp, *When Gossips Meet*, 186.
²⁶ See for instance NRS, CH2/122 CKSR volume 4, 15 March 1653.
The kirk session meted out various punishments based on the severity of the incident. As with harbouring fugitives, the default first punishment for slandering one’s neighbour, or being convicted as a general scold, was normally a private rebuke with the threat of public repentance if the quarrelling continued; elders also threatened or charged slanderers and scolds with a fine of up to £5 or £10.\(^{27}\) As there were few recorded repeat offenders, most cases ended with a private rebuke. The goal of slander prosecution, for both kirk session and burgh court, remained reconciliation rather than punishment.\(^{28}\) Punishments were sometimes tailored to the crime; those who shamed someone publicly might be required to return to that location to publicly apologize and be forgiven. For instance, when the kirk session elders found Margaret Hunter, wife of George Marshell, guilty of calling James Thompson a whoremonger, she formally apologized, saying she was “sory that sche sould have bein so rasche in uttering sick vain speiches,” but she was still ordered to go to the place where she committed the scandal and ask for God’s mercy and James’ forgiveness there.\(^{29}\) Some punishments were also tailored to the slanderer’s specific circumstance: when Helen Houston, a woman receiving poor relief from the kirk session, was found fighting with a neighbour in 1660, the elders punished her by taking away her weekly pension.\(^{30}\) Christine Cunningham, accused of being “at variance

\(^{27}\) See for instance NRS, CH2/122 CKSR volume 1, 13 September 1616; volume 2, 26 August 1625; ECA, SL150, CBCR Court books volume 11, 10 May 1620.


\(^{29}\) NRS, CH2/122 CKSR volume 2, 28 January 1625.

\(^{30}\) NRS, CH2/122 CKSR volume 4, 21 August 1660. It is unclear in the record whether the fight was verbal or physical, or both.
w[i]t[h] hir neighbours” in 1649 was barred from communion, a celebration, in part, of the holy harmony of the community, until she reconciled with them.31

Threats from the kirk session could also be severe. When Bessie Munro and Margaret Yule were found profaning the Sabbath by “skalding flyting ruggeing out of [each] utheris hair and casting ilk ane utheris carchefis [kerchiefs],” the kirk session ordered them to undergo public repentance for their offence, and warned them that if they were caught doing the same again, they would have to perform renewed repentance, this time in sackcloth, and would also be put in the jougs.32 These threats were not idle: when Janet Wylie, wife of Thomas Johnston, and Janet Brotherstones, wife of Luke Heriot, were found flyting together in 1653, they were ordered to reconcile under the threat of performing public repentance. When they were brought back for the same offence two years later, the kirk session reminded them of this fact, and ordered the women to publicly repent for repeatedly breaching the community’s peace.33

Women brought before the court could attempt to defend themselves and their actions in various ways. Most women, it should be noted, when brought before the kirk session, immediately or at least eventually acknowledged their guilt, apologized, and agreed to be formally reconciled or undergo public repentance.34 Some, however, tried to excuse or justify their behaviour. Proving malicious intent could bolster an accuser’s argument, and some cases therefore included formulaic phrases about the slanderer being “of evill minde and purpose.”35 In the face of this, defendants could try to prove that their

31 NRS, CH2/122 CKSR volume 3, 27 April 1649.
32 NRS, CH2/122 CKSR volume 1, 16 August 1616; 18 August 1616; 20 September 1616.
33 NRS, CH2/122 CKSR volume 4, 15 March 1653; 1 May 1655; 13 May 1655.
34 See for example NRS, CH2/122 CKSR volume 4, 26 May 1657; 31 May 1657.
35 Gowing, Domestic Dangers, 123–24. See for instance NRS, CH2/122 CKSR volume 2, 23 September 1625. The opposite is also true, of women emphasizing their innocence in their statements; see for instance Janet Drummond, below.
words were innocuous or at least not said maliciously.\(^{36}\) In 1618, Agnes Robson, wife of Thomas Dougherty, accused Katherine Howison of “malicious sklandering” her, in saying that Henry Livingston was more beloved to Agnes than her own husband. Katherine argued that she had had “no evill intentioun” in saying it, but that her words had been spread in the community maliciously “be sum bussie bodyes in thair malice and Invy . . . to steir up stryiff betuix the said Agnes and hir”.\(^{37}\) Even if they had been spoken without malice, Katherine’s words had a severe impact on Agnes’ life: she reported that ever since the incident, her husband called her a “notorius huir” and upbraided her day and night, and so Katherine’s speech was taken seriously by the kirk session and she was still punished.\(^{38}\) Women were also criticised for passing along gossip, with or without malicious intent. In 1654, when the kirk session elders accused Agnes Leitch, wife of John Fiddes, of slandering Bessie Dunbar, wife of Robert Ker, Agnes declared that she “spake nothing but what was spoken to her be other people”; this was not considered an adequate defence or apology, and Agnes was made to return to the kirk session repeatedly until she formally apologized.\(^{39}\)

Other women responded to slander litigation by going on the offensive, assertively defending their behaviour and reputation. When the kirk session elders called forward Flourish Graham, servant of John Hart, to answer for her alleged slandering of Janet Gray in 1625, she declared that “she did the said Janet no wronge bot gif scho gave hir ane evill word scho ressavit tuo bak againe.”\(^{40}\) Some were even more aggressive in

\(^{36}\) Gowing, *Domestic Dangers*, 114.

\(^{37}\) NRS, CH2/122 CKSR volume 1, 3 April 1618; 10 April 1618.

\(^{38}\) NRS, CH2/122 CKSR volume 1, 10 April 1618. An Agnes Robson was married to a Henry Livingston by 1630, when the couple was implicated in other slander cases, discussed below; if these are the same people, it is possible the slander had some basis in reality.

\(^{39}\) NRS, CH2/122 CKSR volume 4, 28 February 1654.

\(^{40}\) NRS, CH2/122 CKSR volume 2, 29 April 1625.
their defence. In 1631, Agnes Fleming, when accused of cursing and blaspheming John Innes and his wife, and for “avowing that scho sould rip up his gutis with ane knyff” for him calling her an adulteress, was decidedly unrepentant, agreeing that “scho curssit him and wald curs him till hir deing day because of his sclandering of hir.” She defended herself by declaring that she had only ever committed fornication with an unmarried man, a less grave sin than adultery; neither claim could be substantiated so the elders dismissed both parties with a rebuke. Many others when faced with a slander accusation responded with their own slander suit, as insults spoken in the streets were often readily countered. In 1635, when Isobel Nicholson complained to the session that Helen Lockie called her a “brassit facit houre”, and was able to prove the slander with witnesses, Helen immediately responded with her own suit against Isobel for saying that Helen had been “ane loun qll [until] hir brother maid hir ane honest woman.” The elders accepted both complaints and rebuked both women for their words. These examples demonstrate some of the ways in which women defended, excused or attempted to elide the power of their words and actions.

Litigation defendants and prosecutors were not the only people actively involved in slander cases; witnesses also played an important role, much as they did in harbouring cases. Witnesses were usually involved because they bolstered a prosecutor’s case that the slander had taken place. Their presence also reflected the fact that several people had heard the insult, thus increasing the need for it to be publicly redressed through formal

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41 NRS, CH2/122 CKSR volume 3, 11 January 1631.
42 NRS, CH2/122 CKSR volume 3, 25 January 1631.
44 NRS, CH2/122 CKSR volume 3, 28 April 1635.
Susan McDonough and Julie Hardwick have argued that witnesses were “key actors” in trials, working as “arbiters of their community” by enforcing community standards through their voices and presence. Witnesses’ use in proving slander and clinching convictions is noted in various examples below. Witnesses, however, could also prove to be of less valuable use in a case. When Elizabeth Weir accused Elizabeth Knox of slandering her in 1617, she brought in John Alexander as a witness, but he “after examination deponit nathing”, or at least nothing of use to the session, and the case was dismissed. As Capp asserts, neighbours could be friendly to both parties; others might be called as witnesses for both sides, having seen or heard the entire quarrel, and therefore providing evidence both for and against a person. When Marie Campbell accused Janet Fowler of insulting her, as noted above, she proved the claim with the testimonies of five witnesses; two of these witnesses, however, also revealed in their testimony the insults she had hurled at Janet. When Janet responded with her own suit using five witnesses, including one used by Marie, three of the witnesses included testimony of Janet’s own insults, further aiding her pursuer’s case against her in the process. Gender of witnesses could also be a factor. When Katherine Lemmon accused Janet Wauchop and her husband John Menteith of striking her, insulting her and upending a chamber pot on her head, the kirk session asked for her witnesses to the abuse, to which she replied “schoe haid none to prove the sam bot wemen”; she had to use the male witnesses brought up in Janet and John’s counter suit against her to try to

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45 Ewan, “Many Injurious Words,” 172.  
46 Hardwick, Family Business, 97; McDonough, Witnesses, Neighbours, and Community in Late Medieval Marseille, 1. Alexandra Shepard has also used witness testimony as the basis of her work on credit and status. See Shepard, Accounting for Oneself.  
47 NRS, CH2/122 CKSR volume 1, 26 September 1617.  
48 Capp, When Gossips Meet, 185.  
49 NRS, CH2/122 CKSR volume 3, 20 July 1630.
prove her claim. Witnesses were therefore an important part of the process of litigation, although not always individually helpful to a specific claim.

There were other tools women could use in litigation; they could, for instance, bring to court a procurator to argue a case on their behalf, although this was rare in slander cases. In 1618, Agnes Bryson, servant of Edward Marshell, brought George Deins as her procurator to defend her against Katherine Strauchan’s charge of slander, but his presence does not seem to have improved her case. George first argued that if the alleged slander had indeed taken place, “the session war not judgis to it” and therefore unable to prosecute her; secondly, that the issue was outside the session’s jurisdiction as it had taken place in Restalrig; and thirdly that neither Agnes nor her employer were parishioners of the Canongate and so were immune to the charge. Henry Blyth, minister of the parish, countered that both Agnes and Edward were indeed listed in the parishioner rolls, and the session deemed her responsible for her words whether uttered within the bounds of the town or not. Agnes eventually apologized in person before the session for her speech and the two women were ordered to shake hands and reconcile.

Quarrelling in public could also involve physical violence as well as verbal assault, although cases detailing physical assault specifically were uncommon in the Canongate records which were examined for this study. Women who were victims of physical assaults, however, did not shy from prosecuting their assailants. These cases were usually tried in the burgh court. In 1600, Janet Lockhart, wife of John Dock,

\[50\] NRS, CH2/122 CKSR volume 2, 18 March 1625. Contemporaries debated the limitations and legality of women as witnesses. See Walker, “Evidence,” 306.
\[51\] NRS, CH2/122 CKSR volume 1, 11 September 1618.
\[52\] NRS, CH2/122 CKSR volume 1, 18 September 1618. This handshaking was a rare condition for women fighting, but not unknown; see for instance NRS, CH2/122 CKSR volume 3, 27 September 1631.
\[53\] As Elizabeth Ewan points out, court records only provide instances where violence was prosecuted, indicating times when “contemporaries considered unacceptable violence by women.” See Ewan, “Disorderly Damsels,” 155, 165.
successfully prosecuted William Inglis for striking her, “geiving hir mony bach and blastraiks [black and blue bruises] upon sindrie p[ar]ts of hir bodie.”\(^{54}\) In 1605, Janet Drummond initiated a case against Thomas Wright for striking her and casting her down the stairs “qr [where] sche wes sitting in ane quyet maner”, and beating her “to the effusion of hir blod.”\(^{55}\) Similarly, in 1630, Katherine Lawson, and her husband Alexander Thompson for his interest, brought forward a claim against Archibald Ahannay, alleging that he struck Katherine with his hands and feet on her back and breast; the bailie ordered him to pay her 43s as punishment.\(^{56}\) These women actively used the local courts to redress physical attacks on their person, as for speech-based attacks on their reputations, and in fact in the early modern courts this line between physical and verbal injury was often blurred.\(^{57}\) Women could also be the instigators of public violence. For instance in 1620, Marian Little, wife of Thomas Smith, was convicted of “the cruell hurting and wounding of Katherine Duncan to the effusioun of hir blwd in the heid.” Perhaps because of the degree of violence inflicted, having drawn blood, Marian was ordered to pay a steep fine of £5 to the court for keeping the peace, and a further £5 to Katherine.\(^{58}\) These cases represent one serious extreme of the community disorder caused by public fighting. Overall, these examples reveal how women used the courts as active litigators, and defenders of their own reputations.

\(^{54}\) ECA, SL150, CBCR Court books volume 8, 10 December 1600.  
\(^{55}\) ECA, SL150, CBCR Court books volume 8, 17 July 1605.  
\(^{56}\) ECA, SL150, CBCR Court books volume 14, 13 March 1630.  
\(^{57}\) Ewan, “Disorderly Damsels,” 156.  
\(^{58}\) ECA, SL150, CBCR Court books volume 12, 8 November 1620. Elizabeth Ewan notes that the punishment for physical violence enacted by women in pre-Reformation Scotland was usually a fine, which might be increased if the assault caused bloodshed. See Ewan, “Disorderly Damsels,” 155, 165.
**Slander Cases: Family, Household and Work**

While slander by its nature was a public affair, it could also affect ties within semi-private settings such as the family, household and workplace. Quarrelling could cause strife within these areas of life, as will be discussed below. However, slander cases are more complicated than the primarily negative relationships they deal with, and this section will first examine the positive ties of support that are uncovered between women and their families in Canongate slander cases. While women often quarrelled with their neighbours independently of their families, some cases reveal women quarrelling alongside their husbands or other family members.\(^{59}\) For instance, in 1620, William Steill and his wife Janet Smith promised the burgh court bailie on behalf of themselves, their children and their servants, that they would neither “troubill nor molest” James Durward, his wife Margaret Richardson, or members of their household “be word or deid” under the threat of paying a £40 fine.\(^{60}\) In 1625, when David Paterson, a boatman, and his wife Janet Scott were convicted of attacking Simon Ayr and his family, they had to secure an external cautioner, Robert Newlands, in order to assure the burgh court that they would “keip the kingis peace” and also appear before the bailie the next week.\(^{61}\) Prosecuting both husband and wife could complicate matters in the court. When Janet Ramsay, wife of Charles McCure, accused Alexander Paxton and his wife Elizabeth Watt of calling her a whore in 1657, Alexander confessed to the offence but Elizabeth denied it, although she eventually admitted to calling Janet a “drunken debosht woman.”\(^{62}\) Alexander also immediately countered with his own claim that Janet had called him a “dyver [bankrupt]

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\(^{60}\) ECA, SL150, CBCR Court books volume 12, 16 December 1620.

\(^{61}\) ECA, SL150, CBCR Court books volume 13, 15 January 1625.

\(^{62}\) ECA, SL150, CBCR Court books volume 4, 24 February 1657.
rascall dog and lousie rascall” which was confirmed by witnesses; the kirk session elders, finding them to be mutually responsible, had them all beg for pardon on their knees for their offences.63

Husbands and wives could often rely on one another for support before the courts.64 While this support likely drew in part from marital affection and obligation, husbands were also legally responsible for their wives, and so many of them came forward to represent them when they were implicated in slander cases.65 For example, in 1647, James Adamson, a mason, came forward and acted as cautioner for his wife, Margaret Stevenson, promising that she would undergo her public repentance for “scolding curseing and suearing and abusing her neighbours”, which she duly underwent the next week.66 Husbands could also be actively involved in defending their wives’ behaviour. In 1625, Christine Duff and her husband Thomas Allan accused Janet Cunningham, wife of Robert Miller, of calling Christine a ‘common debauched whore’. Despite the fact that the women’s words and reputations were at the heart of the case, Robert came forward with his wife to defend her, and it was Thomas who brought witnesses to prove the claim.67 Spouses were active in supporting one another in this way in part because their reputations were linked: an insult to one was in effect an insult to both.68 Sometimes this shared reputation was made explicit through a shared insult. In 1613, James Martin pursued a claim against George Black, George’s son Abraham Black, and Abraham’s unnamed wife, arguing that the three of them had slandered James and

63 ECA, SL150, CBCR Court books volume 4, 24 February 1657.
64 This could be the case even if the couple was also often found fighting together. Harrison, “Women and the Branks in Stirling, c.1600 to c.1730,” 121.
66 NRS, CH2/122 CKSR volume 3, 12 October 1647; 17 October 1647.
67 NRS, CH2/122 CKSR volume 2, 12 August 1625.
68 See also Walker, “Expanding the Boundaries of Female Honour in Early Modern England,” 273.
his family in saying that he kept a brothel and that his wife and daughters were “common huires.” This shared risk reinforced a supportive relationship in the courts.

Wives could also actively support and defend their husbands in the court system, defending their mutual reputations. In 1625, Marian Donaldson came before the kirk session claiming that James Dawson, an officer of the burgh, had called her husband Patrick Law, the kirk’s bellman, “ane adulterous knave and a mutilat suyngeour [idler]”. She presented witnesses to prove her claim and the kirk session ordered James to be rebuked before the pulpit the next Sunday for his offence. These defences by wives of their husbands lie in marked contrast to some of the early modern English insults discussed by Gowing, such as women accusing other women of being “my husband’s whore” in order to insult them; that type of insult is not found in the Canongate records.

Slandering a couple could have serious consequences for both the couple and the slanderer as well, if he or she was convicted. In 1630, Elizabeth Ferguson, wife of Andrew Muirhead, accused John Fulton of slander, alleging that John had told Andrew he “maid over meikle of the bairne qlk [which] was not his awin”, and that this slander of her unfaithfulness had caused Andrew to leave the country and abandon her. In order to prove her claim Elizabeth had to bring witnesses to not only prove the slander occurred, but also prove her good character. The slander deeply affected her life and reputation, and it required a significant effort on her part to clear her name. Once this was successfully done, however, John was convicted and was put in the jougs with a paper on his head for

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69 NRS, CH2/122 CKSR volume 1, 12 February 1613.
70 This implied, whether truly or not, that he had been branded or otherwise scarred by corporal punishment.
71 NRS, CH2/122 CKSR volume 2, 17 June 1625; 10 July 1625.
72 Gowing, Domestic Dangers, 1.
two hours, in consequence of his words. Although slander cases were sometimes superficial, they could, like in this instance, hold significant ramifications for all parties involved.

Support in slander cases could extend beyond the marital partnership; parents could, for instance, defend and support their children’s reputations when they were scrutinised by the kirk session. Again, this support likely drew from both affection and a sense of interconnected reputations. In 1618, Christine Unes, and her husband Dennis Walker for his interest, gave in a bill of complaint against George Oriston, a butcher, on behalf of Christine’s daughter Margaret Sanderson. George had allegedly boasted “in his comowne drunkennes” that he had had sex with Margaret four years earlier, when she was nine years old. George, when brought for questioning, alleged that he had committed fornication with Margaret twice within the past two years, with her consent and in her mother’s house, but Margaret, also present, swore that he had not done so. The elders sided with Margaret and Christine, and denounced George as a scandalous liar; for repeatedly slandering an innocent girl’s reputation, he was to be put in the stocks for three days, and then the jougs and branks for four hours, with a “paper upon his foirhead notting his infamy and sklander”, before being banished. This represents the most severe punishment for slander found in the records and it is also the only case involving the branks, an especially significant fact considering the branks’ common association with women in the seventeenth century. It would certainly have cleared Margaret’s reputation, and, by association, Christine’s. This was important, as the elders might also

73 NRS, CH2/122 CKSR volume 3, 11 May 1630.
74 NRS, CH2/122 CKSR volume 1, 15 May 1618; 22 May 1618.
75 NRS, CH2/122 CKSR volume 1, 22 May 1618.
76 Harrison, “Women and the Branks in Stirling, c.1600 to c.1730.”
hold parents responsible for the behaviour of their children. In 1615, Elizabeth Harvey was brought before the kirk session and rebuked by the elders for her lewd speech and for being caught in the company of various gentlemen at night; they threatened to banish her if she continued in her immoral behaviour. They also, however, sharply rebuked Elizabeth’s mother, Bessie Ramsay, to ‘‘have a motherlie cair of hir dochteris maneris and behaviour.’’\textsuperscript{77} Family ties of obligation, support and responsibility were tested and analysed before the courts in slander cases.

Slander and scolding cases could also expose the tensions simmering within family relationships. In 1625, Thomas Lowrie, a cordwainer, and his wife Bessie Purcell, pursued a slander claim against their daughter-in-law, Katherine Bryson, and Katherine’s mother Agnes Clark. They argued that Katherine had called Thomas a “blad cairle [dirty peasant]” and Bessie a witch and a carling (old woman).\textsuperscript{78} One witness, a servant of Alexander Lowrie and likely a relative of Thomas, supported their claim, but the second witness, Agnes’ husband Alexander Bryson, swore, perhaps unsurprisingly, that he had neither heard nor seen his daughter or wife abuse the couple. In fact, he immediately countered with his own claim against Thomas and Bessie, arguing that they had called Agnes a harlot and Katherine a “scabit harlot”, and that Thomas had threatened to break Katherine’s back, which the other original witness corroborated. Thomas and Bessie were deemed ultimately responsible for the incident, and a group of elders were sent to reconcile the entire extended family.\textsuperscript{79} Similarly, in 1617, James Ker, his wife Agnes Craik and her mother Katherine Stevenson were all sharply rebuked by the kirk session

\textsuperscript{77} NRS, CH2/122 CKSR volume 1, 17 March 1615.
\textsuperscript{78} NRS, CH2/122 CKSR volume 2, 18 February 1625. The latter insult is significant given Bessie’s later charges of witchcraft; see below.
\textsuperscript{79} NRS, CH2/122 CKSR volume 2, 18 February 1625.
elders for scolding and flyting with each other. The elders warned the family that if they were caught fighting again they would be put in the stocks, and publicly rebuked in church. In some cases, slander litigants were likely related, although this is not explicitly confirmed in the records. Such was the case in 1620, when John Liston and his wife Helen Young promised the bailie to not ‘trouble or molest’ Christine Young or her husband under the threat of a £20 fee. Similarly, in 1629, the kirk session elders reprimanded Isobel Galbraith for getting excessively drunk and falling down in front of Katherine Galbraith’s house, where she proceeded to scold and insult Katherine and her husband in front of multiple witnesses. Isobel begged for forgiveness and the kirk session admonished her not to do the same again. In these cases, close family ties could turn out to be the impetus for tension rather than support.

The Canongate slander cases also reveal the tensions that built up within working relationships; this seems to have been especially true in cases where families and servants worked out of the same household in close quarters. While women were expected to help support and manage their households, some cases demonstrate that they could get into trouble with local authorities for overstepping the bounds of their responsibilities. In February of 1626, Bessie Bruce complained to the kirk session about the ongoing strife between herself, her husband Charles Sturgeon, his son John Sturgeon and their apprentice Thomas Mather. The kirk session, after questioning the household and their neighbours, found that each person had been ‘undutiful’ towards the others, and they

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80 NRS, CH2/122 CKSR volume 1, 28 July 1617.
81 ECA, SL150, CBCR Court books volume 11, 15 March 1620.
82 NRS, CH2/122 CKSR volume 3, 25 August 1629.
83 While burgh court debt cases also describe work-related tensions, they focus on professional contracts that had grown tense or had broken for work reasons, largely unpaid debts; this examination of work-related slander cases reveals when those professional relationships soured due to personal insults or quarrels.
were reprimanded to pardon each other and to live in “peace and concord as becomes pairteis hirit togidder in sick strait bandis.”

Bessie was then singled out, however, for further admonishment, and was ordered to not “molest or truble hir husband in his wark hous” or else face the kirk session’s disapproval, indicating perhaps a perceived overstepping of her boundaries within the household’s work. Bessie’s perceived mismanagement continued to be an issue; the next month, the household’s apprentice, Thomas, complained to the session of the “hard usage” he endured under Bessie, and three elders were appointed to reconcile the two.

In other cases, women’s illegal actions were at the root of the tensions. In 1625, the bailies warned Patrick Bell, a cooper and servant of Henry Livingston, and Patrick’s wife Janet Mure, not to ‘trouble or molest’ Henry or anyone in his household, under the threat of a £40 fine. This would seem to be a straightforward, if uncommon, case of servants bothering their master, except that Janet specifically was ordered not to be found within the bounds of Henry’s house or booth. She was also prohibited explicitly from resetting any of Henry’s possessions, or else face a £10 fine and banishment, indicating that she had likely been caught illegally fencing goods from her husband’s master’s house. This type of behaviour would certainly cause issues with local authorities and the community.

Tensions could also arise in women’s working lives generally, for instance between servants working in the same household. In 1654, Janet Hood, a servant to Robert Ker, gave in a bill of complaint against Isobel Morrison, her fellow servant, for

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84 NRS, CH2/122 CKSR volume 2, 17 February 1626.
85 NRS, CH2/122 CKSR volume 2, 17 February 1626.
86 NRS, CH2/122 CKSR volume 2, 10 March 1626.
87 ECA, SL150, CBCR Court books volume 13, 23 July 1625. It is unclear whether she, too, was a servant of the household.
publicly claiming that Janet had been scourged through Leith, implying that she was a convicted criminal; the elders rebuked Isobel and ordered her to produce a testificate of good behaviour from her former parish, possibly Leith, to prove her own good standing.\textsuperscript{88}

Given the close overlap between work and home life, tensions might also originate not just within the workplace but also with the employer’s family: in 1613 Janet Scot, a wet-nurse employed by Patrick Cunningham, was brought before the kirk session for slandering Patrick’s sister Alison. Janet confessed her fault, and under examination also confessed that she had not yet undergone her public repentance for fornication committed in Edinburgh, and so was ordered to complete it.\textsuperscript{89}

These slander accusations could hold significant consequences for women’s working lives. In 1624, Margaret Anderson complained to the kirk session that Margaret Reid had called her a “cowmone theif and ane coumoune whore”, and, worse, had spread this slander to Anderson’s mistress, on which grounds Margaret Anderson had been dismissed from service. That mistress had then gone to Edinburgh and repeated the slander to the employer with whom Margaret Anderson had been trying to secure a new position, causing further damage. Margaret Reid, however, was unrepentant for her actions; she swore that Margaret had stolen three spindles of linen yarn right from her lap while they were at the Edinburgh market, justifying her label of ‘thief.’\textsuperscript{90} Their dispute reinforces the idea that women’s reputations did indeed hold a broader base than simply sexual behaviour: Margaret Anderson’s employment prospects were materially worsened

\textsuperscript{88} NRS, CH2/122 CKSR volume 4, 24 January 1654; 21 March 1654.
\textsuperscript{89} NRS, CH2/122 CKSR volume 1, 10 September 1613. For a discussion of the links between wet-nursing and fornication penitents, see DesBrisay, “Wet Nurses and Unwed Mothers in Seventeenth-Century Aberdeen”; Glaze, “Women and Kirk Discipline.”
\textsuperscript{90} NRS, CH2/122 CKSR volume 2, 19 November 1624. The theft of clothing or fabric was a fairly common accusation against women in defamation cases. See Leneman, “Defamation in Scotland, 1750-1800,” 220.
by Margaret Reid’s words. They also demonstrate more generally the potential severity of slander cases women could face in early modern Canongate, in defending their own reputation and policing others’.

**Case Studies: Quarrelling Women**

Quarrels within the wider community were common, although the motivations and context around these cases are rarely available to historians. This next section will examine the cases of two women who appeared frequently enough in the Canongate records for their quarrelsome behaviour to provide a glimpse of sustained negative relationships between women and their neighbours. The first example of a disorderly, grudge-bearing woman is Katherine Kells. In the sample years between 1620 and 1630, Katherine is recorded as disturbing the peace four separate times. In 1620, Katherine and her husband William Cuthbertson, a cordwainer burgess, were brought before the bailies for ‘troubling and molesting’ John Osnall and his family and household; the bailies made them promise to desist under the threat of a £40 fine. Their cautioner, William Lowrie, had to promise to have them appear for punishment under the threat of £10 himself.\(^{91}\)

In 1626, Katherine was again before the courts, this time of her own volition, complaining to the kirk session that Isobel Bairner, wife of Thomas Robertson, a jeweller, had called her a debauched bitch and a banished whore, and bringing witnesses to prove the slander. Isobel in turn submitted a complaint against Katherine, but her case was determined to be “moir civill [than] ecclesiasticall” in nature and so was referred to the bailies, and neither claim was recorded as resolved.\(^{92}\)

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\(^{91}\) ECA, SL150, CBCR Court books volume 12, 18 October 1620.

\(^{92}\) NRS, CH2/122 CKSR volume 2, 9 June 1626.
Katherine’s relationship with one of her neighbours, Alison Baillie, demonstrated a sustained combative relationship, extending over both economic and interpersonal arenas. In 1628, Alison, wife of John Grey, a litster burgess, complained to the kirk session that Katherine had called her a common whore, and had declared publicly that if Alison had lived any longer in Edinburgh she would have been whipped through the towns; she had also warned that Alison would turn out as poorly as her sisters had done. More seriously, perhaps, Katherine had also taken to standing outside Alison and John’s shop, warning prospective customers that the couple would cheat and steal from them.\textsuperscript{93} This had caused significant damage to Alison and John’s business and reputations, for which they sought restoration in the courts. The elders, in attempting to resolve this dispute, must have perceived an intensified rancour between the two women; fearing “dangereis likklie to ensue,” they ordered the women’s husbands to find external cautioners for their wives in order to ensure communal peace.\textsuperscript{94} This seems to have been warranted, as violence likely broke out between the two women two years later. In 1630, Alison and her husband were formally tried for the “cruell striking and dinging [beating]” of Katherine with their hands and feet, “upon sindrie pairtis of hir bodie and speciallie on the head to the effusion of hir bluid in grit quantitie.” The assize found the couple not guilty of wrongdoing, but the incident at the least demonstrates the sufficient enmity between the couples to draw suspicion and accusation.\textsuperscript{95} That the two women had once shared an economically profitable relationship was only revealed after the fact: two months after the assize, Katherine and her husband pursued a debt against John Grey for

\textsuperscript{93} NRS, CH2/122 CKSR volume 2, 18 March 1628.  
\textsuperscript{94} NRS, CH2/122 CKSR volume 2, 18 March 1628.  
\textsuperscript{95} ECA, SL150, CBCR Court books volume 14, 25 September 1630.
£21 15s for ale and borrowed money, a significant sum.\textsuperscript{96} Katherine’s litigious nature was not just directed at Alison and John. Throughout the period, Katherine also pursued a successful trade selling ale, and the 1625, 1630 and 1635 sample years record six cases she brought to trial as creditor, and a further two as co-creditor with her husband.\textsuperscript{97} Her recorded cases hint at a likely hot-tempered woman unafraid of pursuing cases in the courts, or damaging neighbours’ reputations if she saw the need.

A second example of a woman quick to defend herself in the streets and the courts was Susanna Paterson. Her assertiveness before the kirk session belied, or perhaps underscored, the fact that her reputation in the eyes of the court remained somewhat shaky. Her first appearance before the kirk session, in fact, was to confess to fornication with Ninian Barns in 1620, although both she and Ninian underwent public repentance for the offence, and they were married later that year.\textsuperscript{98} Susanna was actually one of Katherine Kells’ many debtors; she was brought to court to pay Katherine £8 12s for ale and a pair of shoes in 1625.\textsuperscript{99} The same year, she used the court to her own advantage to restore her reputation, bringing Janet Carridhouse before the kirk session under the allegation that Janet had called her a scourged and carted loun.\textsuperscript{100} Susanna may have been especially sensitive to this line of insult to her reputation as she and her husband Ninian had only the previous year come under kirk censure for keeping an evil house and harbouring scandalous persons, and the elders had labeled Susanna specifically as a

\textsuperscript{96} ECA, SL150, CBCR Court books volume 14, 13 November 1630.
\textsuperscript{97} ECA, SL150, CBCR Court books volume 13, 1 June 1625; 4 June 1625; 15 October 1625; 7 December 1625; volume 14, 14 July 1630; 13 November 1630; 21 March 1635; 25 July 1635.
\textsuperscript{98} NRS, CH2/122 CKSR volume 2, 3 March 1620; 26 March 1620; 9 April 1620; 3 September 1620; 30 December 1620.
\textsuperscript{99} ECA, SL150, CBCR Court books volume 13, 7 December 1625.
\textsuperscript{100} NRS, CH2/122 CKSR volume 2, 11 February 1625.
scolder and flyter, and ordered her to “have ane better cair of hir hous and familie.”

Against Janet, Susanna was successful; the elders ordered Janet to go to the place where she had insulted Susanna and crave her pardon there.

Susanna remained a litigious and highly defensive presence in the Canongate courts, rarely backing down from an accusation. In 1626, Margaret Jameson accused Susanna of slandering her by calling her an adulterous whore; Susanna declared that she could “mak good” on that insult, alleging that she had seen Thomas Burne, a servant of the earl of Roxburgh, leave Margaret’s house between two and three in the morning, and further declaring that Michael Preston had spent an entire night in Margaret’s house. When pressed, however, Susanna was unable to provide any witnesses for the allegations, and seems to have lashed out at the court; the elders rebuked Susanna for speaking disrespectfully to the kirk session. Susanna, undaunted, complained that Margaret had slandered her as well, by calling her a common whore, and these allegations she was able to prove through witnesses. This conflict was evidently not resolved effectively, as Margaret, Susanna and Ninian were caught scolding and flyting in the streets only a few weeks later. Susanna was entangled in a similar disagreement the next year. In 1627, Margaret Young complained to the kirk session that Susanna and her husband had alleged that Margaret had borne an illegitimate child; undaunted, Susanna set out to prove the allegation as true using multiple witnesses, and Margaret eventually confessed to committing fornication, although not with the man Susanna had claimed.

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101 NRS, CH2/122 CKSR volume 2, 13 February 1624; 20 February 1624.
102 NRS, CH2/122 CKSR volume 2, 11 February 1625.
103 NRS, CH2/122 CKSR volume 2, 4 August 1626.
104 NRS, CH2/122 CKSR volume 2, 4 August 1626.
105 NRS, CH2/122 CKSR volume 2, 7 August 1626.
106 NRS, CH2/122 CKSR volume 2, 25 August 1626.
107 NRS, CH2/122 CKSR volume 2, 13 July 1627; 20 July 1627.
rebuked both Susanna and Margaret to stop scolding, fighting and barbing one another in the streets, however, or else face banishment.\(^{108}\) Susanna had perhaps a tenuous reputation with her neighbours both socially and economically: in 1625 and 1630, she appears in the burgh court only once as a creditor, but four times as a debtor.\(^{109}\) Nonetheless, she was still able to use the courts fairly effectively in order to defend herself and her behaviour, as well as to police, or attempt to police, other women’s morality.

**Slander and Witchcraft**

Slander was considered destructive in its own right, but slander and scolding could also significantly damage a woman’s reputation over time, as can be seen with the close association between quarrelling, scolding and witchcraft. In early modern Scotland, as elsewhere, a common characteristic of women associated with witchcraft was their quarrelsome behaviour; as Christine Larner argued, for witches, “the essential individual personality trait does seem to have been that of a ready, sharp and angry tongue.”\(^{110}\) Women who fought often with their neighbours could build up a reputation for witchcraft, especially since, given the grassroots nature of many witchcraft trials, it was these neighbours who often brought in evidence against accused witches.\(^{111}\) Both scolds and witches felt ill will towards those they cursed or quarrelled with, and malice was an important trait of both witchcraft and scolding.\(^{112}\) The difference, in some respects, was

\(^{108}\) NRS, CH2/122 CKSR volume 2, 20 July 1627.

\(^{109}\) ECA, SL150, CBCR Court books volume 13, 7 June 1625; 6 August 1625; 23 November 1625; 7 December 1625; volume 14, 23 June 1630.


\(^{111}\) Dye, “Devilische Wordis,” 65.

the perceived efficacy of the insults or curses used.\textsuperscript{113} It should be noted, however, that as Anna Cordey has argued, while a reputation for witchcraft may have been a major factor in some witch trials, it was not a driving force for all; while some accused witches had histories of scolding, cursing and slander with their neighbours, others were implicated in witchcraft trials simply by being named by confessed witches, without any prior reputation being scrutinised by the courts.\textsuperscript{114} In any case, the line between scolding and witchcraft was often blurred. This section will examine cases in which women were accused of being witches purely as part of a slander case, with no perceived lasting effect, and then examine cases where quarrelsome women became associated with witchcraft, with serious consequences. The cases demonstrate that regardless of outcome, women actively used the court system to try to clear their names and reputations.

In some cases, women were slandered as witches much like they were slandered as whores or louns, as an insult seemingly without literal intent and often in combination with other insults. These witch-based insults seem to have been especially popular in Canongate in 1628, when Scotland was in the midst of a national witch-hunting craze.\textsuperscript{115} In January 1628, John Thompson and his wife Margaret Boyd complained to the kirk session that Bessie Mason, wife of John Caithness, had called Margaret a notorious witch ‘which she would prove’; she had apparently also called John a “lipat\textsuperscript{116} faced doig”.\textsuperscript{117} Bessie, in turn, and in her defence, complained that Margaret had called her a notorious whore and a syphilitic whore, and that Margaret had “prayit that God wald seine [send] hir ane blak wakining”; she had also threatened, more specifically, that her husband

\textsuperscript{114} Cordey, “Reputation and Witch-Hunting in Dalkeith,” 103, 104.
\textsuperscript{116} Possibly ‘leper’ or ‘leopard’.
\textsuperscript{117} NRS, CH2/122 CKSR volume 2, 18 January 1628.
would “put ane pair of bullettis” through Bessie’s husband and put him in irons as a debauched knave. Both suits were dropped, however, as neither woman could bring forward witnesses to prove the claims, but the case shows how implications of witchcraft could overlap with more general slander accusations.\(^{118}\) Similarly, the next month, Katherine Caldwell accused Rachel Craig, wife of Henry Fithie of “scandalizeng hir in calling hir ane witche . . . [and] ane harlot, and that sche won hir tocher [dowry] w[i][t][h] huirdome.” Witnesses corroborated this accusation, although one witness noted that in fact it was another woman, William Lowrie’s wife, who had said that Rachel had won her tocher “with hir hipis.”\(^{119}\) In 1634, Isobel Adamson accused Rachel Tock of saying that Isobel was not only a “comone hure” but that she had “bewitched a man to death”; for this slander the elders ordered Rachel to be put in ward until she pay a £10 fine, a notably steep penalty, and further, ordered that their threat of highest censure for a repeat offence be noted officially in the kirk session books.\(^{120}\) These insults blurred the boundaries between slander and witchcraft, adding implied witchcraft acts to otherwise common insults. In these cases, the spectre of witchcraft may have been more a useful insult at hand than an actual perceived threat.

In other cases, the accusation of witchcraft was more direct and specific. In 1624, the kirk session elders rebuked Janet Schorteous, wife of John Bell, for allegedly calling Christine Hunter a witch, and saying that “all that sche had was be witchcraft and from the divill,” even though Janet denied the slander.\(^{121}\) In March of 1628, Christine Stewart alleged that John Stirling and his wife Katherine Pratt had called her a witch; she

\(^{118}\) NRS, CH2/122 CKSR volume 2, 18 January 1628.  
\(^{119}\) NRS, CH2/122 CKSR volume 2, 9 December 1628.  
\(^{120}\) NRS, CH2/122 CKSR volume 3, 25 November 1634.  
\(^{121}\) NRS, CH2/122 CKSR volume 2, 28 May 1624.
produced witnesses who testified that Katherine and John had called her a witch and that they had said they had seen her “with hir stiltis and mutch [head covering] fleing above their heads coming from Leith.”\(^{122}\) This was determined to be purely slander and John and Katherine apologized to Christine and the session on their knees the next week.\(^{123}\) In 1632, Bessie Moderall brought a slander suit against Christine Unes, alleging that Christine had knelt down at Bessie’s door and called her a witch, although Bessie’s witnesses could not corroborate the slander.\(^{124}\) Christine brought her own complaint against Bessie the next week, alleging that Bessie had called her “glied [squint-eyed] witch” and “glied harlot and resaitter of whores and theives”, and also that Bessie’s daughter, Margaret Coull, had spit in her face and called her an “ill favoured glied witch.”\(^{125}\) Christine’s witnesses corroborated enough of the allegation to prove it, but both Christine and Bessie were ordered to pay 40s each.\(^{126}\) These cases, as with others, may be an example of what Margo Todd has argued was a way women used the courts for self-defence, pre-emptively suing neighbours for slander to prevent a more serious accusation, such as witchcraft, from being brought against them.\(^{127}\) The insults, although not formal witchcraft accusations, could damage a woman’s reputation, and women actively sought to clear their names using the courts as their conduit.

Once a woman developed a reputation as a witch, the association was very difficult to shake; this can be seen in the case of Bessie Purcell, wife of cordwainer

\(^{122}\) NRS, CH2/122 CKSR volume 2, 4 March 1628. It is unclear whether ‘fleing’ in this instance meant flying or simply attacking. Flying was certainly an accepted aspect of witchcraft belief in early modern Scotland; see Julian Goodare, “Flying Witches in Scotland,” in *Scottish Witches and Witch-Hunters*, ed. Julian Goodare (Houndmills, Basingstoke, Hampshire: Palgrave MacMillan UK, 2013).

\(^{123}\) NRS, CH2/122 CKSR volume 2, 11 March 1628.

\(^{124}\) NRS, CH2/122 CKSR volume 3, 25 May 1630.

\(^{125}\) NRS, CH2/122 CKSR volume 3, 1 June 1630.

\(^{126}\) NRS, CH2/122 CKSR volume 3, 1 June 1630; 8 June 1630.

\(^{127}\) Todd, *The Culture of Protestantism in Early Modern Scotland*, 244.
Thomas Lowrie. The first hint of her developing a reputation as noted in the kirk session records was when her daughter-in-law Katherine Bryson had, as mentioned above, called her a witch as part of a rancorous dispute between in-laws in 1625.\textsuperscript{128} This association may have already been made among her neighbours, but in any case it seems to have stuck. In 1628, Bessie was formally accused of witchcraft by three men, including William Cuthbertson, Katherine Kells’ husband; it is interesting to note that Bessie’s son, William Lowrie, had acted as cautioner for Katherine and her husband eight years previously, as noted above, indicating a previously supportive relationship between the two families. The kirk session accepted the men’s accusation and referred the case to the Edinburgh presbytery.\textsuperscript{129} Bessie’s husband and son were able to clear her name by 1630; the Privy Council recorded that under Thomas and William Lowrie’s insistence, the Council had requested a judgment on the case from the Bishop of St Andrews, who had dismissed the charges as “meere fantaseis,” and the council prohibited all investigations against her based on the evidence used in that case.\textsuperscript{130} This success was short-lived, however, as that same year, Bessie was once again accused of witchcraft under different circumstances. Bessie and her husband brought a slander complaint against Agnes Robson, wife of Henry Livingston, alleging that Agnes had, in the open streets and after the Sunday church service, called Bessie “auld notorious rank riddin witch[,] that the divill read [ride] upon qn [when] he lykit and that the said Bessie danced with him in ane bak chalmer . . . [and that] she had givin hir sauld [soul] to the divill.”\textsuperscript{131} Agnes had also

\textsuperscript{128} NRS, CH2/122 CKSR volume 2, 18 February 1625.
\textsuperscript{129} NRS, CH2/122 CKSR volume 2, 2 December 1628; 9 December 1628.
\textsuperscript{130} Register of the Privy Council of Scotland, second series, volume 4, 111-2.
\textsuperscript{131} NRS, CH2/122 CKSR volume 3, 19 October 1630; 26 October 1630.
apparently called Thomas an adulterous dog.\textsuperscript{132} Thomas was able to prove her insults through witnesses. The kirk session agreed that Agnes should be rebuked for her slander, if it were indeed slander, but decided that the accusation of witchcraft was serious enough that it should be resolved first in case it was found to be true. They therefore suspended their censuring until Thomas and Bessie could prove her innocence before a judge.\textsuperscript{133} Although no formal absolution was recorded, Agnes was eventually imprisoned for not paying her £3 fine associated with her slander against Bessie, implying that Bessie’s name had once again been cleared.\textsuperscript{134}

Bessie’s informal reputation as a witch held firm, however. In 1631, Bessie and Thomas complained to the kirk session that William Cuthbertson, one of the prosecutors in her 1628 accusation, had called Bessie a witch and her sons “witches whelpis.”\textsuperscript{135} Complicating matters, Henry Livingston brought forward his own complaint against Bessie in early 1632, for scandalizing him by making faces at him when he was sitting in church.\textsuperscript{136} For this offence, the kirk session elders rebuked Bessie and ordered her to return for further censure, but the case was not actively pursued; it was brought back up in the kirk session in the summer of 1633, but immediately suspended as Bessie was severely ill.\textsuperscript{137} By that point, Bessie seems to have finally disappeared from the records; in any case, it seems unlikely her reputation was fully cleared even if no further witchcraft accusations came forward. As Anna Cordey has argued, women like Bessie who used the courts too frequently to clear their names of witchcraft accusations risked

\textsuperscript{132} NRS, CH2/122 CKSR volume 3, 26 October 1630.
\textsuperscript{133} NRS, CH2/122 CKSR volume 3, 26 October 1630.
\textsuperscript{134} NRS, CH2/122 CKSR volume 3, 2 November 1630.
\textsuperscript{135} NRS, CH2/122 CKSR volume 3, 13 December 1631.
\textsuperscript{136} NRS, CH2/122 CKSR volume 3, 17 January 1632.
\textsuperscript{137} NRS, CH2/122 CKSR volume 3, 28 May 1633; 4 June 1633; 11 June 1633; 23 July 1633. It was apparently not resolved even by 1636, when the reader was ordered to warn Bessie and Henry to appear, to no avail. See volume 3, 9 February 1636.
strengthening those associations instead, and so even the active use of the courts for self-defence could backfire.138

A second case study, that of Margaret Cowan, reveals how a sharp tongue, quarrelsome behaviour and disrespect for local authorities could cement a woman’s reputation and undermine potential areas of support or sympathy when she was later accused of witchcraft. Margaret, wife of Henry Fenton, quickly developed a reputation as a disrespectful scold by the local authorities, which likely hindered her prospects in the courts later on. In July 1615, Margaret was “challengit for hir misbehaviour towards the magistratis and abussing of thame with hir vyld vickit and inordinat speiches”; the elders rebuked her and ordered her to reform her behaviour under the threat of public repentance and banishment, and she disappeared, at least temporarily, from the disciplinary records.139 Two years later, however, in October 1617, Margaret was back before the kirk session for cursing John Thompson, a bailie. She had allegedly knelt down in the high street in front of him and cursed him, calling upon God to bring down a “havie vengence” on him and his household, and praying that she might see a black fire in his house’s kiln, soon and suddenly.140 John was able to prove these allegations through witness testimony, and Margaret secured a cautioner to ensure she would appear the next week for her punishment.141

139 NRS, CH2/122 CKSR volume 1, 7 July 1615; 14 July 1615.
140 NRS, CH2/122 CKSR volume 1, 10 October 1617. This curse can be compared with a similar, although less prophetic-sounding, curse recorded a few years later. In 1625, Margaret Murray complained to the kirk session that Margaret Wood, “being of evill minde and purpose w[i][l]l out all feir of God called the said Margaret Murray an vyld servein swalled [seven-times swollen] sow and hang-manes whore and God nor hangman dance about hir braid schaulders and that the vengeance of God light upon heir and hir hull familie with ane sudden fyre”. See volume 2, 23 September 1625.
141 NRS, CH2/122 CKSR volume 1, 10 October 1617.
At this point, Margaret’s reputation with the kirk session, already on shaky ground, seems to have begun to truly crumble. When she appeared the next week, she was appropriately penitent for her offences against God and the church, and asked for pardon, but the kirk session elders believed that her repentance, while genuine, was “over[ly] generall”, and asked her to provide a more specific confession. This seems to have deeply insulted Margaret’s honour, as she then obstinately refused to repent under any circumstances, despite weekly forced appearances for the next month. Instead, she began to threaten the session with comments such as “The Lord reward yew as ye do justice to me and God recom pense yew in his great day as ye do me wrong” and “I am as honest ane woman as in Canongait for anything ye haif to lay to me chairge.” She also rebuked the elders, pointing out “ye call me a prophane harlat and my husband a comone theif qlk [which] moves me to be sa onpenitent as I am”, speaking to, as discussed above, a shared reputation with her husband. When repeatedly demanded if she was ready to repent for her growing list of offensive speeches, she argued that she would not only “abyd at tham [but] prove thame and mak tham guid also.” When the kirk session ordered her to be publicly rebuked in sackcloth in front of the congregation, she patently refused to appear despite being called for multiple weeks. The elders asked the bishop of St Andrews to deliberate on the matter, and the issue was also referred to Edinburgh presbytery. Margaret still refused to appear throughout February and March of 1618, but finally, either worn down or through a genuine change of heart, she confessed

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142 NRS, CH2/122 CKSR volume 1, 17 October 1617.
143 NRS, CH2/122 CKSR volume 1, 24 October 1617; 31 October 1617; 7 November 1617.
144 NRS, CH2/122 CKSR volume 1, 14 November 1617.
145 NRS, CH2/122 CKSR volume 1, 21 November 1617; 25 November 1617; 5 December 1617; 12 December 1617.
146 NRS, CH2/122 CKSR volume 1, 19 December 1617; 26 December 1617; 9 January 1618; 20 February 1618.
appropriately; the elders, despite their earlier threats, rebuked her privately and absolved her.\textsuperscript{147}

Margaret disappeared for a few years from the kirk session disciplinary records, but she began to appear frequently in the burgh courts, developing a reputation as a highly litigious creditor. In the 1620 and 1625 sample years, she appears seven times (twice in 1620 and five times in 1625), exclusively as creditor, mostly for ale sales. She was also implicated in two cases of public fighting, and she and her husband, who was now a burgess of the town, were rebuked by the bailies for harbouring scandalous persons.\textsuperscript{148} By the late 1620s, Margaret’s perhaps antagonistic reputation in the burgh courts brought her back before the kirk session. When George Marshall, one of Margaret’s debtors, called her a “vyld bich, gleid bich whoir and vyld bich whoir” in 1625, she not only extracted an apology from him before the kirk session but also pursued him in the debt court for £4 16s for ale.\textsuperscript{149} The same year, she also publicly insulted Sir William Bellenden, the man who owned the regality in which Canongate lay; for this serious offence she was referred to the magistrates for punishment.\textsuperscript{150} Margaret also brought complaints of her own against her neighbours, as her reputation worsened. Later in 1625, Margaret brought a complaint against Katherine Campbell, who had allegedly called Margaret a witch and an old harlot; Margaret was not able to prove the slander sufficiently, however, and the women were merely warned not to trouble one

\textsuperscript{147} NRS, CH2/122 CKSR volume 1, 13 March 1617; 20 March 1618; 10 April 1618; 17 April 1618.
\textsuperscript{148} ECA, SL150, CBCR Court books volume 12, 7 September 1620; 14 October 1620; 13 December 1620; volume 13, 23 March 1625; 29 April 1625; 30 April 1625; 13 August 1625; 20 August 1625; 12 October 1625; 13 October 1625; 23 November 1625.
\textsuperscript{149} NRS, CH2/122 CKSR volume 2, 25 March 1625; ECA, SL150, CBCR Court books volume 13, 13 August 1625.
\textsuperscript{150} NRS, CH2/122 CKSR volume 2, 30 April 1625.
another again. Margaret was also implicated in a public quarrel with Thomas Blair and Elizabeth Walker, although the local authorities seem to have quickly focused the blame on Thomas. Thomas tried to present a bill of complaint against Margaret for allegedly calling him a banished, carted, scourged thief, but he could not prove it; according to his statement, his witnesses were too afraid of Margaret to come forward, an implication which may have damaged her reputation even further. Her reputation as a quarrelsome woman, and possibly a witch, was beginning to take shape.

In 1627, Margaret began to face more concerted attacks on her reputation, including accusations of witchcraft. In August, she and her husband complained to the kirk session that Bessie Robertson and Bessie’s father James had called Margaret a whore and a witch; Margaret declared that in doing so they had “upbraidit hir honest maner with the wyl cryme of witchcraft,” and they were able to prove the slander with witnesses. The next year, Gabriel Blair, son of Thomas Blair, accused Margaret of being a “notorious witche” after his father fell ill, and she again tried to clear her name by bringing the slander before the court; Gabriel, far from repentant for his words, countered her slander suit by initiating a formal witchcraft investigation against her. The same summer, Ninian Barns, husband of Susanna Peterson mentioned above, also implicated Margaret in a witchcraft accusation. When challenged by the kirk session for harbouring infamous persons, Ninian put forward the weak defence that “there war utheris in the

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151 NRS, CH2/122 CKSR volume 2, 8 July 1625.
152 ECA, SL150, CBCR Court books volume 13, 13 October 1625; CKSR 2, 14 October 1625.
153 NRS, CH2/122 CKSR volume 2, 21 October 1625; 13 November 1625; 15 November 1625. This was sometimes the case with witchcraft accusations. See Cordey, “Reputation and Witch-Hunting in Dalkeith,” 117. Thomas, Margaret and Elizabeth were eventually reconciled the next year, spurred on by Thomas’ “heavy sickness” that motivated him to initiate peace-making with his neighbours. See NRS, CH2/122 CKSR volume 2, 24 February 1626.
154 NRS, CH2/122 CKSR volume 2, 17 August 1627; 24 August 1627.
155 NRS, CH2/122 CKSR volume 2, 25 July 1628; 5 August 1628.
Canongait resait hures and theves alswell as he”; when pressed by the elders, he named Margaret as one fellow harbourer, and called forward Gabriel Blair as one of his witnesses to prove that accusation. The next month, Ninian formally alleged to the session that Margaret had cursed him while he was on his way to church; she had apparently called him a condemned thief, and swore “the divill ryve the saull of the[e] out of thy bouke [body].” He was able to prove this curse through witness testimony, and this conviction certainly did not help Margaret’s case in her formal witchcraft trial. The kirk session officially ordered a temporary truce between Gabriel and Margaret, at least during the course of the trial, indicating that violence or further harsh words between them was deemed likely. The trial was formally commenced, as recorded by the Register of the Privy Council, in September 1628, although no outcome is recorded. In any case, this was the last recorded instance of Margaret Cowan in the burgh or kirk session records; the trial, even if it did not lead to a conviction, seems to have inspired her to finally reform her ways, as the elders had exhorted her to do thirteen years earlier, and behave herself “moir modderatlie and nyslie” with her neighbours. Her experiences with the kirk session and with her community at large also demonstrates the consequences of a quarrelsome reputation; Margaret, having repeatedly antagonized various local authorities including the kirk session elders, was unable to rely on the kirk session for support or sympathy when her quarrelsome relationships with her neighbours developed into a reputation for witchcraft. Margaret Cowan and Bessie Purcell’s active

156 NRS, CH2/122 CKSR volume 2, 22 July 1628.
157 NRS, CH2/122 CKSR volume 2, 19 August 1625. For an identical curse from another accused witch, living near Canongate in the Potterrow, see Dye, “Devilische Wordis,” 80. I am indebted to Sierra Dye for pointing out this similarity.
158 NRS, CH2/122 CKSR volume 2, 19 August 1628.
159 Register of the Privy Council, second series, volume 2, 470.
160 NRS, CH2/122 CKSR volume 1, 14 July 1615.
use of the court system to clear their names of witchcraft created a dense network of litigation and accusation with the two women at the centre (see Figure 4).

**Figure 4: A Network of Witchcraft and Slander Accusations in Canongate**

**Interactions with Local Authorities**

Women actively defended their reputations and asserted their place within their community, and this included defending themselves and rebuffing the censures of the
local authorities themselves, as well as outright attacks.\textsuperscript{161} As members of the burgh community and as parishioners, most women largely accepted and actively supported disciplinary processes and agents, even when those processes were brought against themselves. However, they also had varying opinions about those who judged and punished them, and some did lash out against officers, bailies, elders and deacons, as was seen with Margaret Cowan above. The officials might condone or encourage women using the courts to police others, but directing their ire against the session as a whole, or against elders or magistrates visiting and inspecting their homes, was seen as inappropriate and punishable. Women might then find themselves not just defending their behaviour in the courts, but defending their actions toward court officials in the court itself. In 1613, for instance, the elders challenged Beatrice Trotter, wife of Thomas Torie, for “uttering certane filthie unreverent and disdainfull speitches agains the session”; although the elders agreed that “she deserve[d] publict punishment” they eventually absolved her after she begged for pardon on her knees privately before them.\textsuperscript{162} Janet Taylor was similarly warned for “abussing the elders and deaconis in their visitatioun” of her home in 1627, and in 1646, Christine Fowler was rebuked for scolding the session as well as “keiping ane bad hous” and was ordered to pay one dollar (£2 18s) to the poor as her fine.\textsuperscript{163} These women’s sharp tongues were seen as pushing the boundaries of their assertive use of the courts too far.

Sometimes women’s attacks on local authorities were more personal and targeted towards specific elders and deacons. For instance, in 1613, Janet Blair, wife of John Brown, scolded William Sibbald, a deacon, when he reproached her for profaning the

\textsuperscript{161} See also Walker, “Expanding the Boundaries of Female Honour in Early Modern England,” 241. 
\textsuperscript{162} NRS, CH2/122 CKSR volume 1, 23 July 1613; 30 July 1613. 
\textsuperscript{163} NRS, CH2/122 CKSR volume 2, 6 July 1627; CKSR 3, 18 August 1646.
Sabbath; she told him he “was not worthie to sit in sessioun” and that “she keipit als honest ane hous as any in the session.”¹⁶⁴ No follow-up or punishment was recorded in response to Janet’s harsh words, but when Mary Melville, wife of Thomas Hunter, slandered the deacon Patrick Bryson in 1643, she was threatened with a £10 fine if she was caught doing the same again.¹⁶⁵ When Katherine Laird, wife of William McGall, confessed to abusing the kirk session elder Mungo Malloch and his wife in 1656, she was threatened with public repentance.¹⁶⁶ In some cases, however, women may have had good reason to rebuke the men who policed them. In 1626, Janet Veatch brought forward a formal complaint against Alexander Ramsay, a town officer, alleging that Alexander had, “w[i]t[h] out all fear of God or reverance to man . . . call[ed] hir comoune whore braissine faced whore ane commone resaiter of coumone whores and theiffes . . . and hangmanis good douchter”. The elders ordered Alexander to prove his allegations quickly or face “all heighest pain and censures of the kirk.”¹⁶⁷ These women still used the courts, and still to a large degree accepted the courts’ decisions, but these cases also demonstrate that women asserted their place as active members of the community, even against those who prosecuted them.

**Conclusion**

This chapter has examined some of the ways in which women used the local court system to defend themselves and their reputations, and to publicly examine and attack the reputations of others. Insults, quarrels and slander were part of everyday life in the burgh, and examining these relationships can prove as useful for historical study as studying

¹⁶⁴ NRS, CH2/122 CKSR volume 1, 10 September 1613.
¹⁶⁵ NRS, CH2/122 CKSR volume 3, 29 August 1643.
¹⁶⁶ NRS, CH2/122 CKSR volume 4, 2 December 1656.
¹⁶⁷ NRS, CH2/122 CKSR volume 2, 2 June 1626.
bonds of family, business and friendship. It reveals, first, the variety of the cases and quarrels involved. Accusations and public insults could attack any perceived vulnerability in a person’s reputation, and quarrelling could vary in severity from passing slights to violent attacks and irreparable damage to a person’s name. As well, examining slander cases reveals not just the primary negative relationships on display, but often the supporting positive relationships between parishioners. Spouses and parents came forward to defend litigants, and witnesses, as members of the wider community, provided or tried to provide crucial corroboration. However, slander cases could also reveal the cracks that formed in close family and working relationships. Closer studies of women caught repeatedly quarrelling and slandering their neighbours provide important insight into the disruptive, defensive personalities who breached the peace, and a study of the blurred relationship between slander and witchcraft demonstrates how in some cases, self-defence through litigation helped women’s reputations, although they also risked further associating themselves with the spectre of witchcraft. In all of this, the relationship women had with the court itself was crucial. The kirk session and burgh court were the sites of formal community arbitration and absolution, and women had to maintain a good relationship with the elders and bailies to help their case. Women also found themselves having to defend their behaviour toward the court before the court itself. Overall, these cases indicate that women in Canongate were active, assertive litigators. They adeptly navigated the court system to defend their behaviour, maintain or restore their reputation, assert their place in the community, and police and prosecute their neighbours’ behaviour and morality.
Chapter Six: Conclusion

This dissertation has explored some of the many ways in which women contributed to life in the early modern burgh of Canongate. In their families, their households and in the broader community, women were often active and critical providers, creditors, patrons, managers and litigators, central players in complex, dense networks of family, work or support. These contributions worked within the limitations, both formal and informal, placed upon women. These limitations are sometimes seen explicitly in the negotiations between women and their neighbours, and women and their local authorities, the kirk session and burgh court officials. In unpaid debts, defamatory speeches, or official rebukes, fines and public punishment, women were held accountable and had to work within the official and implicit regulations of early modern society. It is also true that many women’s contributions to their families, local economy and town life were humble, and many more were unrecorded; the extant records reveal only a small cross-section of the myriad ways women and men negotiated everyday life in the burgh. However, the interactions and relationships reconstructed from the extant records demonstrate the variety of women’s meaningful and complicated contributions to life in seventeenth-century Canongate.

In their families, women provided not only for their children but also for their parents, siblings, extended families and in-laws. The records also reveal the ties of support and obligation within blended families, relationships not often studied. Unmarried women, although an economically vulnerable demographic, could often contribute meaningfully to their families. Their testaments also provide a useful window onto other ties of support, such as friendship and business connections. Similarly, the cases of domestic abuse captured in the kirk session records, while showcasing women in
neglectful or violent relationships, also highlight the alternative ties of support women could turn to in times of crisis, such as friends, family and local authorities.

These themes are picked up in the other types of relationships studied, as no one aspect of women’s lives was truly removed from the others. Work life was founded on the home and the family, and many of women’s economic contributions were extensions of their domestic work. In managing the household and helping their husbands with their trade, in caring for children, brewing and selling ale, and working in domestic service, women helped sustain the local economy from a domestic base. While much of this work was low-status and piecemeal, women could also exert considerable economic agency and power as cautioners and creditors. The records reveal women’s contributions outside the home, as property managers and moneylenders, broadening the traditional scope of study of women’s work.

Women also provided support in their broader social networks. This dissertation provides the first in-depth examination of this area of early modern women’s lives in Scotland, particularly in its examination of women’s support networks at the margins. Women were both patrons and recipients of sanctioned channels of charity in the town, controlled and distributed by the kirk session. But many women also participated in illicit support networks, risking their reputations by harbouring fugitives from the kirk session. These networks bring into tighter focus the relationships between household heads and their family members, servants and lodgers, and the levels of responsibility for the morality and behaviour of people in their homes. The harbouring cases also bring to light the complicated connections between gender, reputation and support.
These themes are also examined closely in the many slander cases brought before the kirk session and burgh court. The insults women hurled in the streets spoke to wider concerns about not just sexuality, the most common category of insult, but also to social status and ideas of inclusion. These defamatory words could have a serious negative impact on women’s family and work relationships. They also often tied to broader cultural forces, like the witch-hunt panics. Indeed, women’s lives and actions throughout the study period took place within a specific and changing historical context in early modern Scotland, and were impacted by both local and broader forces at play. Within this context, in each of the four areas of family, work, support and litigation, women actively worked within close-knit, dense networks.

The cases explored in the dissertation reveal how active women were in the local legal system, and the complicated relationships they could maintain with local authorities. Women’s testaments capture the connections of family, trade and support of those who took an active interest in providing for their family, and leaving a clear account of their debts and credits. Women’s appearances in the local courts also reveal a different set of ties, between women and the kirk session elders and magistrates. This relationship, between women and the men whose role it was to monitor, support and punish them, comprises a fifth network type present in the town, examined across the four main dissertation chapters. Like with ties of family, work and friendship, the ties could be supportive or strained, but relied on mutual obligation. These interactions with local authorities also helped define the limits of women’s agency, as seen in their negotiations. The complicated and shifting nature of these relationships underlines the importance of cross-referencing different records. Despite the fact that kirk session and
burgh court membership drew from the same small pool of elite families, and sometimes the same men, women developed different reputations with different courts, or at least in different aspects of their lives. This is evident in the further examination of some of the women whose actions were preserved in more than one Canongate record.

Some women appear to have maintained a good relationship with various local authorities throughout their lifetimes. For instance, Maisie Smith, a creditor examined in Chapter Three, seems to have built and sustained good relations with both civic and church courts, and her fellow parishioners. Although she aggressively pursued the debts owed to her, she seems to have settled any of her own outstanding debts before they became an issue before the court, at least for the sample years studied. She is also noticeably absent from the kirk session disciplinary records, generally a positive indication of reputation. Her only reference in the disciplinary records is from 1614, when Margaret White, in confessing the sin of fornication with James Tait, declared that the act had taken place in Maisie’s back lands, although James insisted it had taken place in the abbey yards. ¹ This faint association with sin likely would not have tarnished Maisie’s reputation much in the eyes of the kirk session. Maisie’s husband, Patrick Hart, although a frequent creditor and cautioner in the burgh court, was similarly seldom found in the disciplinary records, besides being a litigant in a slander case against Katherine Caldwell, which he won. ² Similarly, Helen Lockie, discussed in Chapter Two for the ties of support she provided her sisters-in-law and extended family in her 1654 testament, and in Chapter Four for her bequests of charity and debt forgiveness, largely avoided the kirk session’s displeasure. She was implicated in a case of mutual slander discussed in

¹ NRS, CH2/122, volume 1, 4 February 1614.
² NRS, CH2/122, volume 3, 13 March 1630.
Chapter Five, but this likely did not harm her reputation substantially, and indeed, as discussed in the latter chapter, she likely used the courts to actively clear her name of wrongdoing. These women seem to have maintained a generally positive relationship with their neighbours and with the arbiters of their economic, social and religious reputations.

Other women navigated a more complex and contradictory reputation in the courts. Janet Wauchop was active as a creditor and pursued a living as a taverner, which was likely profitable, as discussed in Chapter Three. However, her pursuit of economic gain directly clashed with the mores of the kirk, and she was frequently rebuked for working on the Sabbath, whether for keeping an inn, serving food, or reckoning her ale accounts, during the time of the church services. Her reputation as recorded solely in the kirk session records was one of a recalcitrant parishioner facing frequent fines and censures, while in contrast, her presence in the debt court is one of either an active creditor or a debtor with ample access to cash and goods, demonstrating general trust and good relationships with her fellow townspeople. Taking one record’s account to the exclusion of the other would create a misleading portrait of Janet’s activities and relationships within the burgh. This is true for other women as well. Margaret Cowan’s entries in the burgh court records paint her as an active creditor, which she undoubtedly was, but those cases also provide important, complicating context to her concurrent accusations and trials of witchcraft, as discussed in Chapter Five. Katherine Kells, too, was an active creditor in the debt courts, while also entrenched in a years-long dispute with Alison Baillie and her husband. Christine Sleitch was active in moneylending and pawn-broking, as seen in Chapter Three, but was also prosecuted for harbouring, as noted
in Chapter Four. These women’s cases demonstrate that reputation was often more complicated than could be encapsulated in a single historical record. Women might develop different reputations in different court systems, even with such a significant overlap in the membership and mandate of the civil and church offices. This complexity of women’s reputations in different courts underlines the importance of cross-referencing historical records whenever possible. Each record provides only one perspective, no matter how broadly sweeping, and was created and maintained with a specific purpose and protocol. Only by cross-referencing records of different purposes can a fuller picture of life in the historical burgh be achieved.

This last point touches on the important issue of silence in the records. Even cross-referencing all extant records could not provide a complete picture. Silences remain in the court records, comprising informal verbal agreements and other withheld information not recorded. Many women did not leave testaments, whether testamentar or dative, thus erasing from the extant record many intricate connections, and the testaments themselves provide only a partial picture of an individual’s network, and that at the end of their life. As well, sampling the burgh court records, while necessary for the scope of this project, limits the level of detail available for study; the full extant record set would provide a strong foundation for future research into women’s relationships, especially their economic relationships. However, even with sampling, combining the known information strengthens our understanding of the past by exposing and contextualizing the complications of the records. In doing so, this work has clarified relationships between women and their family, friends, neighbours and local authorities. Bringing women to the forefront also enriches the study of the early modern town as a whole,
providing a fuller picture of what life was like for all townspeople. Together, the studies of women’s active work in their families, their work places and their community reveal women’s many contributions to early modern life in Canongate. They demonstrate women’s diverse, sometimes central roles in complicated networks of support, obligation, trust and tension in seventeenth-century Scotland.
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