Sir James Scrymgeour, Constable and Provost

Extracted from Maxwell's History of Old Dundee

The writ of Sir William Wallace appointing Alexander Scrymgeour to be Constable of the castle of Dundee, and investing him with certain lands on the hill above the town, also the west field and the royal meadow, for his fidelity in bearing the royal standard of Scotland, established his family in a good territorial position and in an important relationship towards the burgesses.

The office of Constable was subsequently confirmed to the Scrymgeours by royal charter, and they built a place of strength upon the commanding slopes of Dudhope, which enabled them to exercise protecting influence over the burgh. As they then identified themselves with its interests, this was recognised as salutary, and several of them in succession were elected to fill the Provost's place.

But, with the lapse of time, jealousies and contentions arose between them and the burgesses, and then their claim of feudal superiority began to be called in question, and the near neighbourhood of their stronghold on the hill became an occasion of frequent quarrels.

Some disputes had been temporarily settled by compromise, but the still recurring assertion of a right to exercise the Constable's authority – which, by grant, was limited to the castle and its liberties - over the burgh itself and its government, could not be admitted, and was constantly resisted.

The Scrymgeours appear to have been of a race of overbearing men, firm in will and strong of hand, as the barons in that rude age usually were, and their relations toward the inhabitants grew to be more strained as civil liberty began to be recognised and burghal order became developed.

James, who held the estates of Dudhope at the end of the sixteenth century, was a man both unscrupulous and daring, who, when he could, laid his hand upon his neighbours with little regard either to law or justice. In 1577, his namesake James Scrymgeour, "sometime of Athebetoun, now dweller in Dundee, having acquired in heritage the lands of Clappintoun and Cladernes Green, was passing with ane officer and ane notar to have tane possession in quiet and sober manner, hoping na evil nor injury to have been done to him, yet, nevertheless, the Constable of Dundee," who had probably been holding the lands masterfully, "with syndrie uthers his complices, efter they had boistit [James], put violent hands on him in his hame coming be the Hie Gait, and perforce carried him as prisoner to the place of Dudhope," and "keepit him captive, and on na ways would put him to liberty again without being compellit."

The Lords of Council charged the Constable to let James "pass furth of the place at his pleasure, as our Soverane Lord's free liege," but he did not obey, and was denounced the King's rebel and put to the horn. He had, however, been soon relieved of his disability, as we find him next year in trouble for setting a man too readily at liberty; for, having got charge of Willie Elliot, son to Martin Elliot, of Braidley, as one of "the pledges retenit for the gude rule and quietness of the Border," he suffered him to depairt, and was declared to have incurrit the pain of twa thousand pounds." Shortly thereafter, "Walter Ramsay, burgess of Dundee, having made faith that he dreaded bodily harm to be done to him by James Scrymgeour," he was ordered "to find surety of ane thousand merks that Walter shall be harmless and scaithless of him;" and the following year he had to give caution, "that he shall not disturb Robert Bruce of Pitlethie in the peaceable possession of the lands of Wallace Craigie," and also, that he shall "fulfil the King's pleasure and will anent the quarrelsome speech usit be him to Bruce in presence of his Highness."

The right, which the Constables claimed, of exercising jurisdiction over the burgh during the time of the annual fair, was frequently questioned, and its maintenance caused much irritation. In August, 1580, the four sons of Alexander Maxwell of Tealing, were attending the market at Dundee "when they saw an uncle of James Scrymgeour, together with certain [of his] servants, set upon Walter Arnot, a near cousin of theirs, as he was alane ganging upon the Hie Street of the burgh, and cruelly wounded him in the head; and fearing that the fury of the people and the force of Scrymgeour's servants suld have disponit upon his life, the thocht it maist convenient that Walter should retire, quhair he might be in surety, till he war curit of his wound, and convoyit him to the water, and so be boat sent him to the uther side, that he might be harmless and skaithless.

Quhairupon James Scrymgeour, as Constable and Sheriff for four days afore and efter the fair, challenged the Maxwell's to present Walter again to his court." In consequence,

a dispute arose regarding his jurisdiction which was referred to the Lords of the Council, and they decided in favour of his right, and ordained that "two of the Constable's deputies sit in the tolbuith of Edinburgh and do justice in the matter. [1]

James Scrymgeour joined himself to the Earl of Gowrie and the faction that, after the raid of Ruthven, in 1582, successfully maintained an influence over the King, but when a revolution took place, and the leaders were proscribed, some of his unlawful doings were called in question. "Caution was given by John, Earl of Mar, and Campbell of Ardkinglas, in two thousand pounds" for him, "and two hundred pounds for each of his household men, that George Creichton of Canmay, and his men, shall be harmless of them."

Subsequently, he and several others of the Raiders were ordered "to depart furth of Scotland, England, and Ireland within ane month, and refrain in the meantime from coming within ten miles of the King." He, however joined the Earl of Angus, the Master of Glammis, and those that seized the Castle of Stirling to the enterteanment of a plain rebellion and public war within the realm, as gif there were neither King, law, nor justice;" but the capture of Gowrie in Dundee, and the failure of support upon which they counted, defeated the schemes of the rebels, and they fled to England, where they remained for some time.

In 1586, on the demission of James Haliburton, James Scrymgeour was elected Provost of Dundee, and he filled that office for several successive years. Before long he recovered the royal favour, and was appointed colleague to the Earl Marischal and Lord Dingwall in an embassy to Denmark for concluding upon the King's marriage. The ambassadors sailed from Leith in June, 1589, accompanied by a noble retinue of knights and gentlemen. The Earl Marischal was well able to bear the charges of such bravery, but Scrymgeour appears to have been straitened in his means. They obtained much credit for the manner in which they "dischargit the wechtie errand committit unto them," wherein, it was declared, they had "done his Majesty and his realm maist memorable and worthy service deserving favourable remembrance." The autumnal storms prevented the Princess from leaving the north, and Scrymgeour returned to Scotland, probably in the vessel which brought the intelligence. When he reached Dundee, he found that the Council, having also kept him in favour, had during his absence contained him at their head, and "James Scrymgeour of Dudhope, Constable, electit Provost of the burgh at the feast of Michaelmas last by past, gave his aith for the faithful dischairge of the office according to his conscience and knowledge."

Apparently in connection with this embassy, there is a matter in which he does not appear to much advantage. In January 1590-91, William Hopringle, tailor burgess of Edinburgh, who had probably provided the brave clothes for him and his followers, represented to the Privy Council that James Scrymgeour of Dudhope, Constable of Dundee, being indebted to him in the sum of fourteen hundred pounds, had given an obligation for payment to Andro Kynnaird, burgess of that town – a man with whom, through his, "Williams easy credit," he held "bands of mutual faith and truth" – in virtue of an arrangement "usit and devisit betwixt him and Andro," to the effect that the latter, "dwelling in thai pairts beside the said James Scrymgeour, might get the readier execution – always to William's behoof and profit." But, by Andro's "fraudful dealing" in "not suiting for payment" of the obligation when it became due, no payment was made; and when he took legal measures for enforcing his claim in Andro's name, the latter prevented the execution thereof. By this device, to which we

[1] David Maxwell, one of these brothers, then laird of Tealing, complained to the Lords of Council that he, having been "in the burgh of Dundee, accompanied only with his son, doing lefull business," was "passing hame, with certain grite soums of money, about aucht hours at even," when Walter Rollock, James Flesher, and others, armed with jacks, spears, hagbuts, and pistols, "lay at await for him at the wellgait Port, quhilk the knew it behuiffit him to pass, and maist shamefully and cruelly pursued him of set purpose to have slain him, under cloud of nicht, and to have mellit with his silver; likeas they hurt and wounded him in diverse pairts, especially in his rich arm be striking away the knap of his elbock, and had not failit to have murdered him, wer nocht but the providence of God and his own better defence, he escaped;" and that thereafter, "they followed him to his house of Wallace Craigy, quhair they searchit and socht him. And typit the houses and stoggit the beds." He declared that he had given his assailants no occasion of offence, and alleged that murder and robbery had been their object, "they being for the maist pairt deboshit vagabonds, wanting moyan to intertean themselves." There had no doubt been some occasion of quarrel to account for this outrage. Maxwell's brothers afterwards joined him in a standing feud against Rollok and Flesher, and during a number of years, each party was at different times bound under heavy penalties not to harm the other,

may surmise that Scrymgeour was privy, the poor tailor complained that he "is debarrit fra that soum quhilk is his haill credit, being of griter avail nor his haill substance and [that of] his wyffe, quha is ane person that uses her traffic," and that Andro "hes maist untruly, by the duty of an honest man, decevit him." The Lords of Council having heard the parties, ordained Andro to pay William the fourteen hundred pounds, or else to execute letters against the Constable for the amount. But it is likely enough that the two succeeded in defrauding the tailor out of the money.

On the King's return to Scotland after his marriage, he bestowed on Scrymgeour the honour of knighthood; and gave him a charter which Parliament confirmed, "uniting his lands in ane free barony to be callit the barony of Dundee – granting the tower and fortalice of Dudhope to be the principal messauge" – with the "richt of the patronage of the Kirk and parochine of Dundee," and also "of the fees custome grantit be his Highness' maist noble progenitors to Sir James' predecessors, aither as Constable of Dundee for using of the office thereof, or for the bearing of his Highness's banner." In 1594, he was for a time superseded in using this latter heritable office, for the King, being then in Dundee on his way to attack the Gordons, appointed one of his pages "to bear ane cornet blanche" before him. But upon Sir James "claiming to have the place of bearing his Highness's banner," his Majesty declared that the cornet shall not "be usit efter the standard beis displayed," but shall be "rollit up," and that Sir James shall be sustained in his right.

In 1600, the office was confirmed to him, "and it was declared that he had the only undoubtit richt of bearing his Majesty's banners, standards, cornets, pinsails, handseigne, and other signs and takins of battle and weir, of quhatsomever colour, shape, or fashion, baith on horse and foot, that sall happen to be displayit before his Highness and his successors at ony time heirefter."

After King James was established upon the English throne, and had realized "the oft wished but hardly expected conjunction of twa sa ancient but lang discordant kingdoms," he much desired "that as they are ane in head, sa in the body they may be inseparably conjoined," and that, "as the present age is ravished in admiration with ane sa fortunate beginning, posterity may rejoice in the fruition of ane effectual Union of twa sa famous and ancient kingdoms." So, in 1604, commissioners were appointed, Sir James Scrymgeour, being one, "to meet with others from England, to treat upon a perfect Union of the two realms." The Convention of Burghs agreed "that ane taxation of sixteen thousand merks be grantit be the haill burrows to outred the persons appointit to pass to England for treating of the Union;" and the Dundee Council "concludit that a taxation be upliftit for payment of the burgh's pairt for outreiking the commissioners to England, quhilk extends to seventeen hundred and twenty merks." Sir James, who was held in considerable favour by the King, took an active part in the deliberations of this commission, which, however, did not produce any practical result.

For some time he retired from the municipal government of the town, but, in 1601. He was again elected Provost, and filled the office for eight years in succession, a period during which, his arbitrary and unpopular rule was the occasion of much disorder.